COUNCIL ASSESSMENT REPORT

SNPP No	PPSSNH-17
DA Number	LDA 2019/0264
Local Government Area	City of Ryde
Proposed Development	Concept master plan proposal for the redevelopment of 122-126 Herring Road, Macquarie Park comprising: • Building envelopes to accommodate a maximum gross floor area (GFA) of 60,633m^2; • Provision of basement car parking across the site and • Road infrastructure, a publicly accessible open space area and public domain layout / concept design.
Street Address	122 - 126 Herring Road, Macquarie Park (Morling College)
Applicant/owner	Morling College (Association of Baptist Churches of NSW & ACT) C/ Urbis P/L Owner: Baptist Churches of NSW & ACT
Date of Lodgement	9 August 2019
Number of Submissions	280 individual submissions & 3 separate petitions containing a total of 114 signatures were received objecting to the proposal. This includes a submission which was sent directly to the SNPP.
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	General Development over $30 Million – Cost of works: $239,461,099
List of All Relevant s4.15(1)(a) Matters	• Environmental Planning and Assessment Act 1979; • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; • State Environmental Planning (Vegetation in Non Rural Areas) 2017; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018; • Ryde Local Environmental Plan 2014; • Draft Remediation of Land State Environmental Planning Policy: • Draft Environment State Environmental Planning Policy; and • City of Ryde Development Control Plan 2014.

Clause 4.6 Request	No
Summary of Key submissions	• Need to provide a better pedestrian connectively from Epping Road through to the Metro Station. • Object to the proximity of the buildings, need more space between the buildings. • Building setbacks/separation between 1 Saunders Close and the adjacent Buildings 1 & 2 are insufficient. The proposed setbacks are too close and will damage the foundation of 1 Saunders Close. • Congestion – area already congested and gridlock. • Height of the buildings - too high, 14 storeys is too high for the neighbouring townhouses. • Lack of open space - need more playgrounds, parks and pedestrian pathways. • Privacy impacts. • Overshadowing to adjoining properties – reduced sunlight to many properties. • Too many parking spaces proposed. • Loss of wildlife in the area. • Insufficient infrastructure to cater for the increased density. • Construction noise and pollution. • Loss of quality of life by the reduced sunlight & airflow to the existing apartments, • Increase noise, pollution and traffic. • Pedestrian-traffic conflict, inequitable and incompliant floor space, reduction in natural light – not good planning. Opportunity to now provide good sustainable and desirable apartment living.
List all documents submitted with this report for the panel's consideration	Attachment 1: Draft Conditions of consent Attachment 2: Apartment Design Guideline Table.
Report prepared by	Sandra McCarry Senior Town Planner
Report date	26 October 2020

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development	N/A

standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
Special Infrastructure Contributions	No
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	
Conditions	Yes – the applicant has agreed to the conditions.
Have draft conditions been provided to the applicant for comment?	

1. EXECUTIVE SUMMARY

This report considers a concept development application ('concept DA') under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for Concept Development for the redevelopment of the Morling College site at 122 – 126 Herring Road, Macquarie Park. The concept development application does not seek consent for any construction, but rather is seeking consent for a Master Plan with building envelopes, site layout, total floor space and the provision of a future road corridor and public domain layout.

Proposed development

The application proposes a mixed-use commercial, retail and residential development across two distinct precincts, known as 'Site A – The College and Baptist Precinct' and 'Site B – The Residential Precinct', which are separated by an internal through-site road.

Specifically, the concept approval comprises:

- Three (3) 14-storey residential building envelopes;
- Two (2) mixed-use envelopes with a varied 3 to 5-storey activated podium and two (2) residential building envelopes above ranging in height from 13 to 14 storeys;
- A public plaza running north-south with opportunities for activation through provision of restaurants, cafes, childcare and retail uses;
- A new central landscaped publicly accessible open space area in the centre of the site;
- A new future road through the site as outlined in Council's future road network plan for the area; and
- Potential future expansion of underutilised GFA above the Morling College Ministry and Learning Centre (MALC) building (approved under LDA 2017/216).

The application does not seek approval for any demolition or construction works. Such approval will be sought via subsequent future detailed development applications seeking approval for detailed design for each of the buildings and the road.

Section 4.15 Assessment matters

The development application has been assessed in respect of the relevant planning instruments and the concept development application is generally consistent with the applicable planning controls including Ryde Local Environmental plan (RLEP 2014) and Ryde Development Control Plan (RDCP 2014).

Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires the consent authority to consider if the land is contaminated and if it is

contaminated, is it suitable for the proposed development. A Preliminary Stage 1 Environmental Site Assessment prepared by Environmental Investigation Services has been submitted with the proposal which concludes that the site can be made suitable for the proposed development. Appropriate conditions have been recommended on the draft consent as detailed in the report.

Public notification and submissions

The application was notified and advertised in accordance with Ryde Community Participation Plan 2019. The public exhibition included:

- Advertisement in The Weekly Times with adjoining properties owners notified of the proposal between the period of 21 August 2019 and 21 September 2019.

In response, a total of 280 individual submissions & 3 separate petitions containing a total of 114 signatures were received objecting to the proposal. This includes a submission which was sent directly to the Sydney North Planning Panel (SNPP). Key issues raised include:

- Need to provide a better pedestrian connectively from Epping Road through to the Metro Station.
- Object to the proximity of the buildings, need more space between the buildings.
- Building setbacks/separation between 1 Saunders Close and the adjacent Buildings 1 & 2 are insufficient. The proposed setbacks are too close and will damage the foundation of 1 Saunders Close
- Congestion – area already congested and gridlock.
- Height of the buildings - too high, 14 storeys is too high for the neighbouring townhouses.
- Lack of open space - need more playgrounds, parks and pedestrian pathways.
- Privacy impacts.
- Overshadowing to adjoining properties – reduced sunlight to many properties.
- Too many parking spaces proposed.
- Loss of wildlife in the area.
- Insufficient infrastructure to cater for the increased density.
- Construction noise and pollution.
- Loss of quality of life by the reduced sunlight & airflow to the existing apartments, increase noise, pollution and traffic.
- Pedestrian-traffic conflict, inequitable and incompliant floor space, reduction in natural light – not good planning.

Key issues & relevant background

The proposal has been subject to two amendments. The first set of amended plans were received on 10 February 2020 with the following amendments:

- The footprint and layout of all basement car parking levels have been updated to increase deep soil allowance. This included an increased setback (10 metres) from the adjacent Site B basement to the south-west property boundary.
- The basement car park entry for Building 5 (Site B) has been relocated from the rear of building envelope in the western corner to the new road corridor frontage adjacent the Ministry and Learning Centre (MALC). The loading dock remains unchanged.

- An additional basement floor level (Level 3) has been provided to Buildings 1 and 2 of Site A.
- Removal of the pedestrian path previously located to the south-east of Building 2 adjacent 1 Saunders Close.
- The building footprint of Building 4 has been amended to ensure appropriate separation distances with Buildings 3 & 5.
- The Herring Road and Ivanhoe Place intersection and how this integrates and aligns with the new road corridor has been updated to reference the latest concept design prepared by TfNSW.
- Increase in car parking spaces to facilitate parking required for indicative yield.

One of the key concerns was the lack of open space within the site to support the additional growth in Macquarie Park. Back in 2015 when the then Department of Planning and Environment established a site specific planning regime for the Precinct (Macquarie University Station Priority Precinct), The Herring Road, Macquarie Park Finalisation Report recommended a "*network of small local parks dispersed throughout the precinct".* This report recommended the provision of open space being provided in a central location on the site.

The original proposal had a single storey multi-purpose building located in the central location of the site. After discussions with the applicant concerning the lack of open space, further amendments were made plans (amended plans received on 20 August 2020) which removed the central multi-purpose hall to accommodate a new landscaped open space area, maximised the site's usable open space, provided a landscaped green corridor which enhances pedestrian access between Herring Road, the new road corridor and Saunders Close.

The amended 20 August 2020 proposal was not readvertised or renotified as there were no changes to the height, bulk or scale or siting of the buildings. The amendments were considered an improvement from the original proposal providing a positive outcome with increased basement setback to the adjoining southern property (enabling a large deep soil planting area), provision of publicly accessible open space and pedestrian connectivity.

The concept development application is generally consistent with the applicable planning controls, except for non compliant with setbacks for the lower basement levels which encroaches into the required setback zone. The variations are considered acceptable as sufficient soil volumes have been provided to support the establishment of mature tree species and deep root planting. Where possible basement ceiling heights have been stepped down to provide an increased depth of soil above the proposed structure.

Conclusion & recommendations

The revised concept DA is deemed consistent with the future character of the precinct as identified in the relevant planning instruments and policies. The concept proposal will contribute to significant economic growth and prosperity of Macquarie Park. The proposal has been amended to be consistent with the future character of the precinct as identified in the relevant planning instruments.

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application

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

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

2. APPLICATION DETAILS

Name of applicant: Morling College (Association of Baptist Churches of NSW & ACT Co/ Urbis

Owner of site: Baptist Churches NSW & ACT

Estimated value of works: $239,461,099

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

3. SITE DESCRIPTION

The subject site is known as 122 - 126 Herring Road, Macquarie Park and is legally described as Lot 182 in Deposited Plan 1209305. The site is currently occupied by Morling College, a Baptist theological college including a study campus and onsite accommodation.

The existing irregular shaped site is approximately 27,460m^2 in area. The site has a maximum depth of around 130m, extending from Herring Road back to Kikkiya Creek (also known as University Creek) at the rear of the property.

The site is located on the northwest side of Herring Road, Macquarie Park at the roundabout intersection of Herring Road and Ivanhoe Place. The site's frontage with Herring Road is of an irregular alignment and incorporates a curved section of boundary adjacent to the roundabout on Herring Road.

The site also has a frontage to Saunders Close, a cul-de-sac off Herring Road to the north which serves as vehicular entry to the site.

The site slopes from its southern corner on the Herring Road frontage gently down toward the north and the rear boundary with a fall of approximately 10m. Along the rear boundary and in the northern corner of the site, the land falls away more steeply down to Kikkiya Creek.

Figure 1: Aerial photo of the subject site outlined in orange.

Existing Development

Currently existing on site are a number of buildings including a residential college (Boarding House) in the northern corner, a mixed use teaching building, administrative and community service buildings (offices) in the southern and central sections, and various 1-2 storey College residences in the north-west portion. All buildings on site are serviced by an internal access road via Saunders Close. Refer site photos at **Figures 2 & 3** which shows the location of the existing buildings.

Residential College – north west of site.

Existing college buildings - front eastern section

South west corner of the site.

Recently constructed mixed use teaching building.

Figure 2: Existing buildings on the site.

4. BACKGROUND

Strategic background

Morling College is located within an area identified as a mixed-use precinct in Macquarie Park, with Macquarie University, Macquarie Centre shopping centre, residential development and Macquarie Park business park precinct located within the immediate vicinity.

In 2012, Ryde Council nominated the Macquarie University Station area as a Priority Precinct and the NSW Government endorsed Macquarie University Station (Herring Road) as a Priority Precinct in November 2012.

The precinct plan informed the rezoning of the priority precinct and amendments to the planning controls were gazetted on 2 October 2015 and incorporated into Ryde Local Environmental Plan 2014 (RLEP 2014). The amendments to RLEP 2014 resulted in increases to the height and density controls.

The subject site is within the Priority Precinct which also includes Macquarie University and Macquarie Shopping Centre and is in close proximity to the employment opportunities

offered by Macquarie Park. The precinct is well serviced by public transport including bus services, the Epping to Chatswood Rail Line, and in the future the North West Rail Link. Upgrades to the M2 have also been completed including new ramps at Christie Street, which improve access to the precinct.

Development approvals background

A summary of recent development applications approved on the subject site as part of the overall redevelopment of Morling College is as follows: (**Figure 3** illustrates the location of each of the approved applications, and recently constructed, on the site).

1. Morling Residential College (MRC) (LDA2014/0170) approved by Council on 17 November 2014 for construction of a new seven (7) storey building in the north-east corner of the site, which comprises 94 student accommodation rooms, multi-use lecture rooms, café, and associated car parking for 22 spaces and a loading bay.

2. Mixed Use Commercial/Residential Building (120 Herring Road) (LDA2016/0020) approved by the previous Sydney East Joint Regional Planning Panel on 12 September 2016 - Construction of a 23-storey mixed use development comprising of 192 residential apartments above an eight-level podium, including 3 and a half levels of basement parking (221 parking spaces).

3. Demolition and two lot subdivision of 120 Herring Road from the remainder of the Morling College site (LDA2016/0386) approved by Council on 19 September 2016. Condition 15 of this consent required a positive covenant to be created in respect to floor space to transfer 8,017m^2 space from the Morling College site to the newly created.

4. Morling Mixed Use Facility (LDA2017/0216) approved by Council on 23 March 2018. Demolition of some existing buildings and development of a new five (5) storey multi-purpose facility comprising education, office and retail uses, an undercroft car park for 22 vehicles and an at-grade car park for 49 vehicles adjacent to the south western boundary.

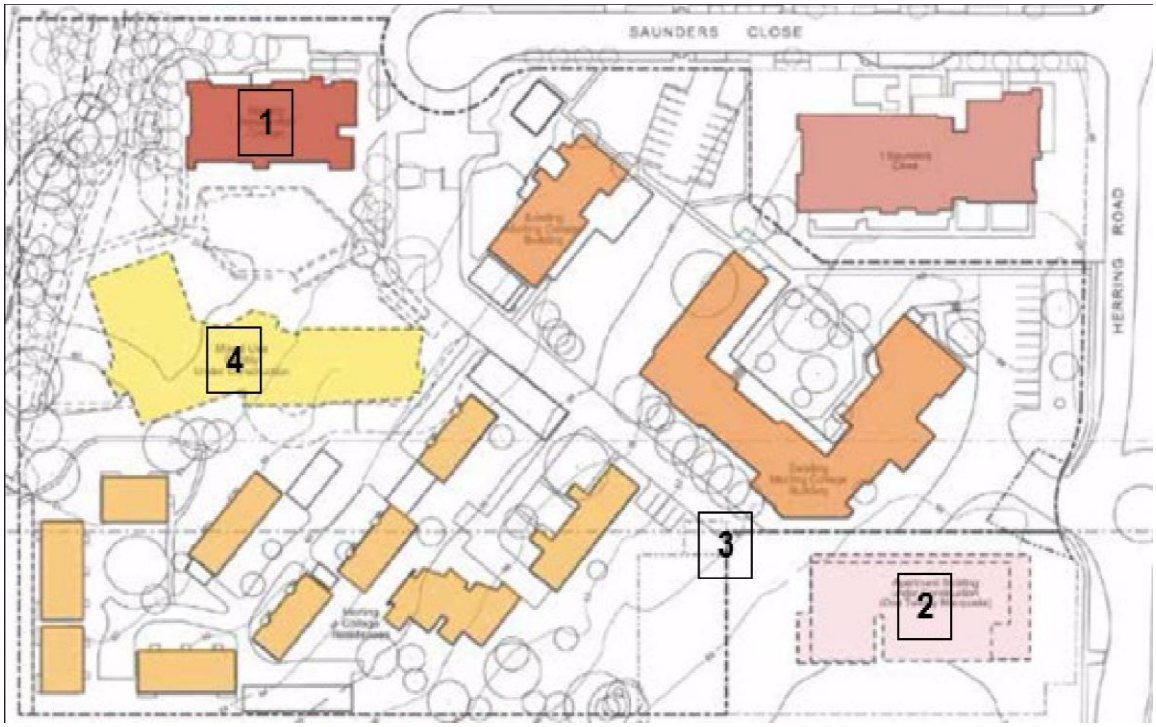


Figure 3: Previously approved developments on the site as numbered above.

5. SITE CONTEXT

As shown at **Figure 4,** the site is located approximately 250m from the intersection of Epping and Herring Roads and is located in the general vicinity of Macquarie University and Macquarie Shopping Centre.

The Macquarie Centre Shopping Complex is situated to the north-east of the site located on the north eastern corner of the intersection of Herring Road and Waterloo Road. The Macquarie University Train Station is also located to the north-east of the site.

Neighbouring the site on the northern border is Macquarie Central, (Toga Development at 120-128 Herring Road and now known as 2 – 8 Saunders Close), in accordance with a Part 3A approval (MP09_0195) which comprised of five residential buildings with 618 apartments. See **Figure 5**.

To the east of the site and on the opposite side of Herring Road are residential areas generally characterised by 3 and 4 storey walk-up apartment buildings and townhouses generally constructed in the last 20 to 30 years. See **Figure 6.**

Immediately south - east of the site is 120 Herring Road, a 23-storey mixed-use building which was originally part of the Morling College site (approved LDA 2016/0020) and recently subdivided into a separate lot. See **Figure 7.**

Immediately south, at 116-118 Herring Road is a low scale 4 storey residential strata apartment building located at the front of the site with two 2 storey townhouses behind, at the rear of the site. 116-118 Herring Road is adjacent to the south-western boundary. See **Figure 8**.

Adjoining part of the north-west boundary of the site, and on the other side of Kikkiya Creek is the Willandra Village Retirement Complex, which is operated by Baptist Care Services and includes a number of single and two storey buildings.

Further south of the site on the corner of Epping Road and Herring Road is the recently constructed Macquarie Park Village (previous Stamford Grand North Ryde hotel). The Macquarie Park Village is a residential mixed-use development comprising of seven buildings and mixed-use retail/commercial space. See **Figure 9.**

Further south of the site on the opposite corner of Epping Road and Herring Road, to the east, at 137 -143 Herring Road, construction is under way for recently approved 2 residential building towers up to 75m in height, comprising of 285 apartments. See **Figure 10.**

To the east at 137-143 Herring Road is the State Significant Development - Ivanhoe Estate which was recently approved by the Department of Planning, Industry and Environment (SSD 8707 & SSD 8903) for a mixed use development comprising of social, affordable, senior and market housing, community and retail uses, a primary school, child care centre, parks and landscaping. In total 3,300 dwellings including 950 social housing, 128 affordable housing and 273 seniors living dwellings are proposed Construction of this development has not commenced.

Figure 4: Site photo showing site context.

Figure 5: Saunders Close part of the Part 3A approval (MP09_0195) which comprised of five residential buildings.

Figure 6: Opposite side of Herring Road characterised by 3 and 4 storey walk-up apartment buildings.

Figure 7: 120 Herring Road – 23-storey mixed-use building which was originally part of the Morling College site.

Figure 8: 116-118 Herring Road is a low scale 4 storey residential strata apartment building adjacent to the south-western boundary.

Figure 9: Recently constructed Macquarie Park Village (previous Stamford Grand North Ryde Hotel). The Macquarie Park Village is a residential mixed-use development comprising of seven buildings and mixed-use retail/commercial space.

Figure 10: 137-143 Herring Road, construction is under way for the recently approved 2 residential building towers up to 75m in height, comprising of 285 apartments.

6. PROPOSAL

Pursuant to Section 4.22 of the Environmental Planning and Assessment Act, the proposal seeks concept approval for a total site GFA (60,633m^2), building envelopes, general site and building layouts, a new road (Road 3) and a central publicly accessible open space area on the Morling College site.

The proposal provides for a mixed-use commercial, retail and residential development across two development precincts recognised as 'Site A' and 'Site B', as illustrated in **Figures 11 and 12.**

Site A:

- Provision of two mixed-use envelopes inclusive of two 14-storey (up to 45m) residential building forms above a varied 3 to 5-storey activated mixed use podium to Herring Road extending to the rear of 1 Saunders Close, known as Buildings 1 & 2.
- A public plaza at the Herring Road frontage extending to publicly accessible open space with opportunities for activation through provision of café, dining hall, retail /mixed use on the mid ground and ground floor of the podium. Levels 1 and 2 will contain mixed uses and Level 3 will have a child care centre in one section of the building with residential above.
- Potential future expansion above the approved 5 storey Morling College MALC building (using the left-over floor space from the deletion of the single storey multi-purpose building) (known as Stage 3b).

Site B:

- Provision of three 14-storey (up to 45m) residential building envelopes (known as Buildings 3 to 5) along the south western boundary of the site.
- Provision to allow for a future new 20 metre road corridor through the site (east – west) from the intersection of Herring Road and Ivanhoe Place through to the eastern boundary to facilitate a connection to either the Baptist Care site or the Macquarie University site with a cul-de-sac arrangement until connection to either site is provided.

Figure 11: Photomontage of proposed development.

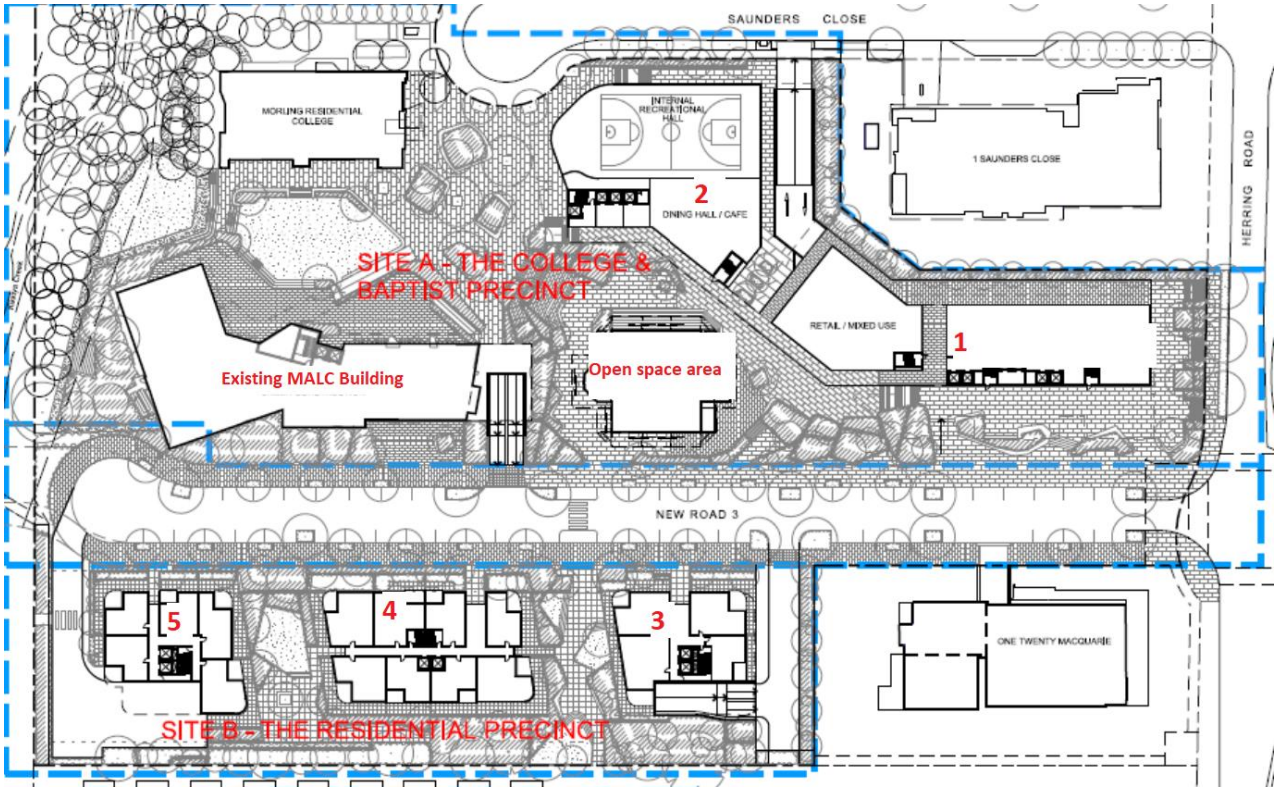


Figure 12: Plan showing location of proposed and existing buildings with open space throughout the site.

Table 1: Numeric overview of proposal

Site Area	27,460m^2
Building Maximum RLs & Gross Floor Areas	
• ***Total***	54,277m^2 With 6,356m^2 for future expansion to Stage 3b Learning Centre = 60,633m^2
• ***Building 1***	RL 113.4(14 storeys) – 12,805m^2
• ***Building 2***	RL 107.2 & RL 108.8 (13 storeys) – 12,805m^2
• ***Building 3***	RL 111.5 (14 storeys) – 6,850m^2
• ***Building 4***	RL109.6 (14 storeys) – 7,710m^2
• ***Building 5***	RL 106.8 (14 storeys) -6,345m^2
• ***Future expansion of Stage 3b (Learning Centre)***	4 storeys – 6356m^2
Total Site FSR	2.21:1

Access and Connectivity

New road and pedestrian connections are proposed as part of the concept development application:

- In accordance with RDCP 2014, a 20m wide road is to be constructed east to west from Herring Road to the western boundary (Road 3). Future connection from the western boundary through to either the Macquarie University site or Baptist Care will eventually connect with Balaclava Road.

- Pedestrian connection is not detailed in Council's DCP, however as illustrated in **Figure 13,** the proposal has provided pedestrian walkways throughout the site and has enhanced pedestrian accessibility, via:
    - An east west connection between Herring Road and the Kikkiya Creek riparian corridor, as marked "1"
    - North to south from east from Saunders Close to the southern boundary 116 Herring Road for possible future connection, as marked "2"
    - A new connection via the new road with pedestrian footpath between Morling College and the western property (either Macquarie University or Baptist Care), as marked "3".

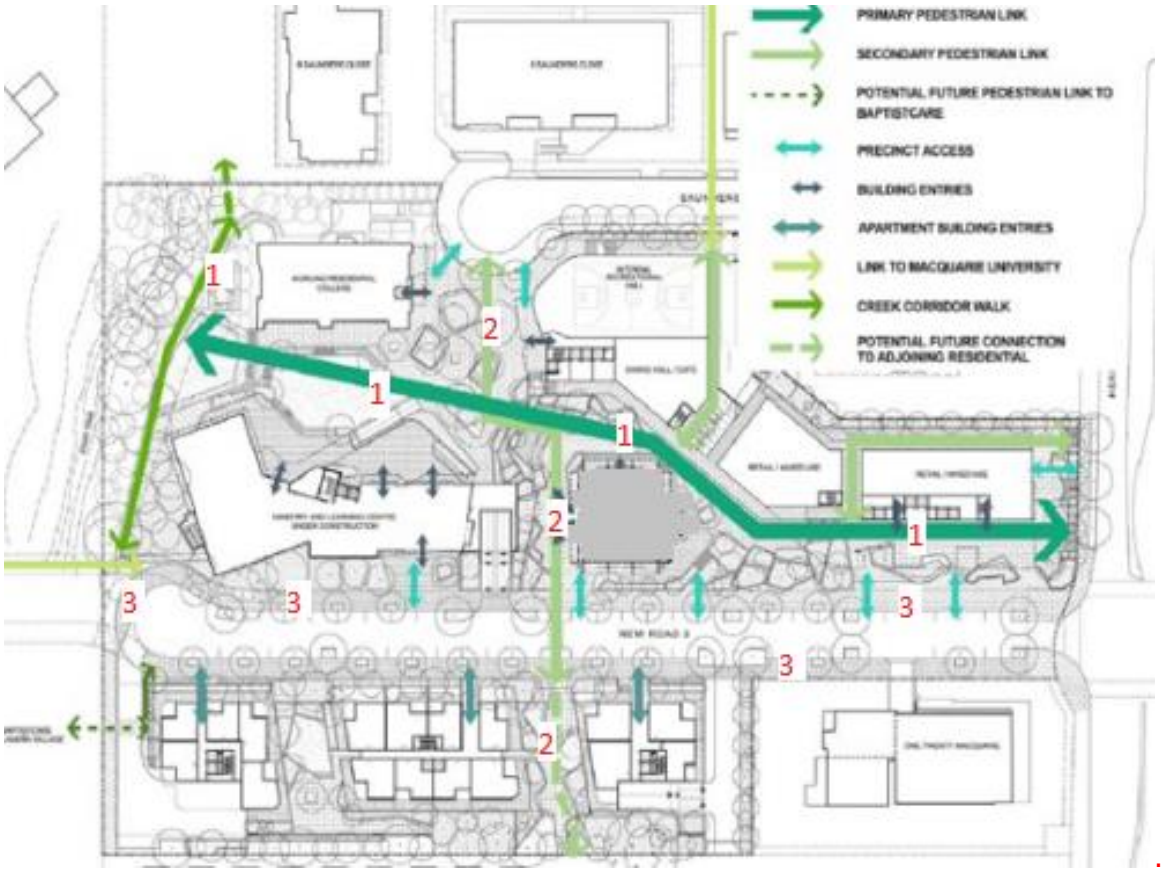


Figure 13: Pedestrian accessibility throughout the site.

Note: **Condition 40** has been imposed requiring public access via a Right of Way over the publicly accessible open space at the centre of the site and over the through site links. The new road when completed will be dedicated to Council.

<u>Proposed staging</u>
The applicant was requested to provide details on the delivery of the road and has provided an "indicative scheme" as to the staging of each of the buildings, as shown below in **Figures 14 to 18**. The applicant has advised however that the staging of the development is currently unknown and each of the 'scenarios' is indicative with regards to the time frame.

- <u>Scenario 1:</u>

Demolition of existing houses and the construction of the first of the residential building (Building 3) with part of the road constructed up to the end of the building, as shown below:

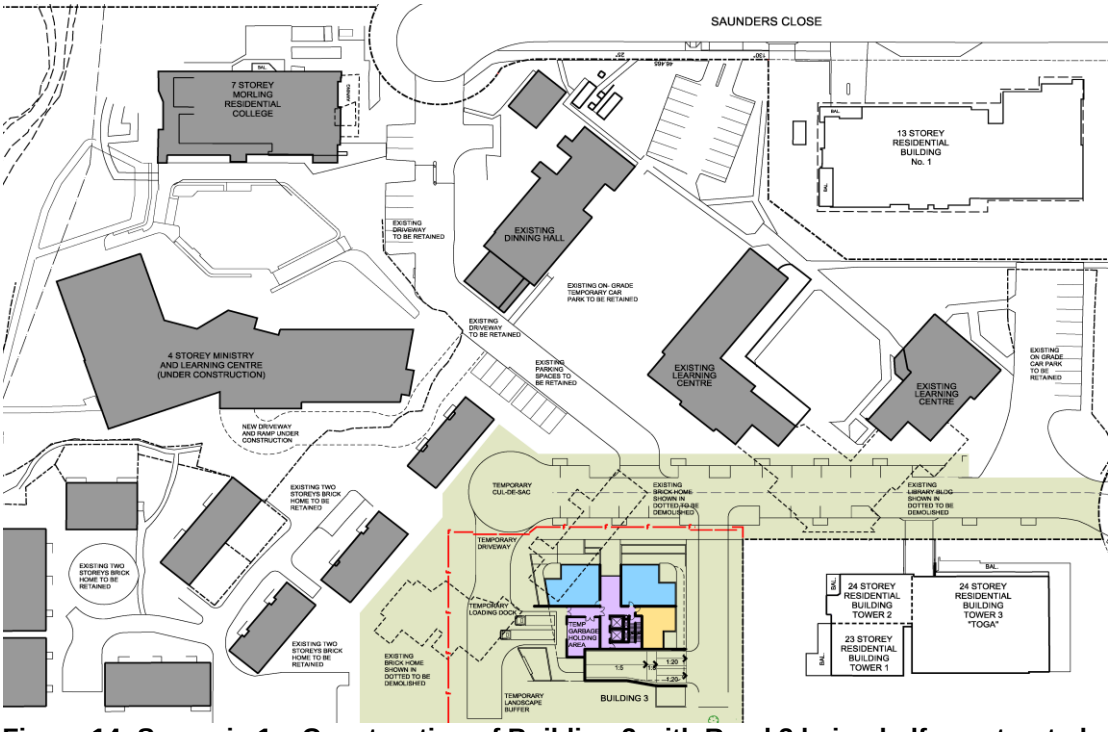


Figure 14: Scenario 1 – Construction of Building 3 with Road 3 being half constructed.

- Scenario 2:

Demolition of existing houses and the construction of the second residential building (Building 4) with further construction of the road (until the end of Building 4), as shown below:

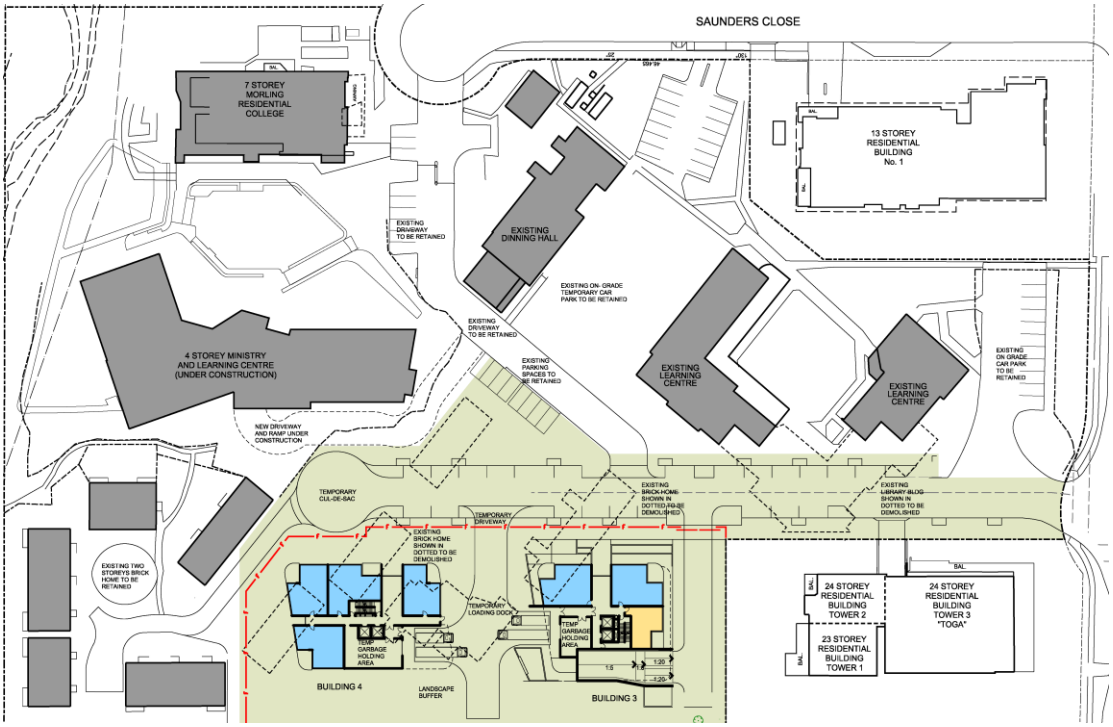


Figure 15: Scenario 2 – Construction of Building 3 & 4 with Road 3 three quarter completed.

- Scenario 3:
  Demolition of existing houses and the construction of the third residential building (Building 5) with the completion of the road (a cul-de-sac at the end of the road), as shown below:

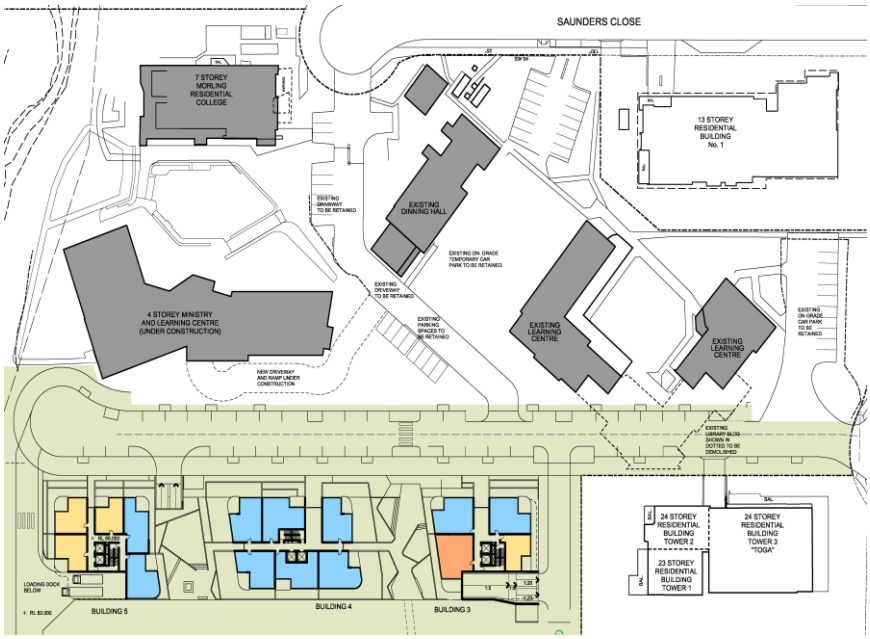


Figure 16: Scenario 3 – Construction of all three buildings in Precinct B (Buildings 3,4 & 5) with Road 3 fully completed.

- Scenario 4:
  Construction of the first mixed use building (Building 1). Partial construction of the new road corridor to extend from the Herring Road roundabout and connect to the existing internal accessway, together with the construction of the temporary truck manoeuvring area, as shown below:

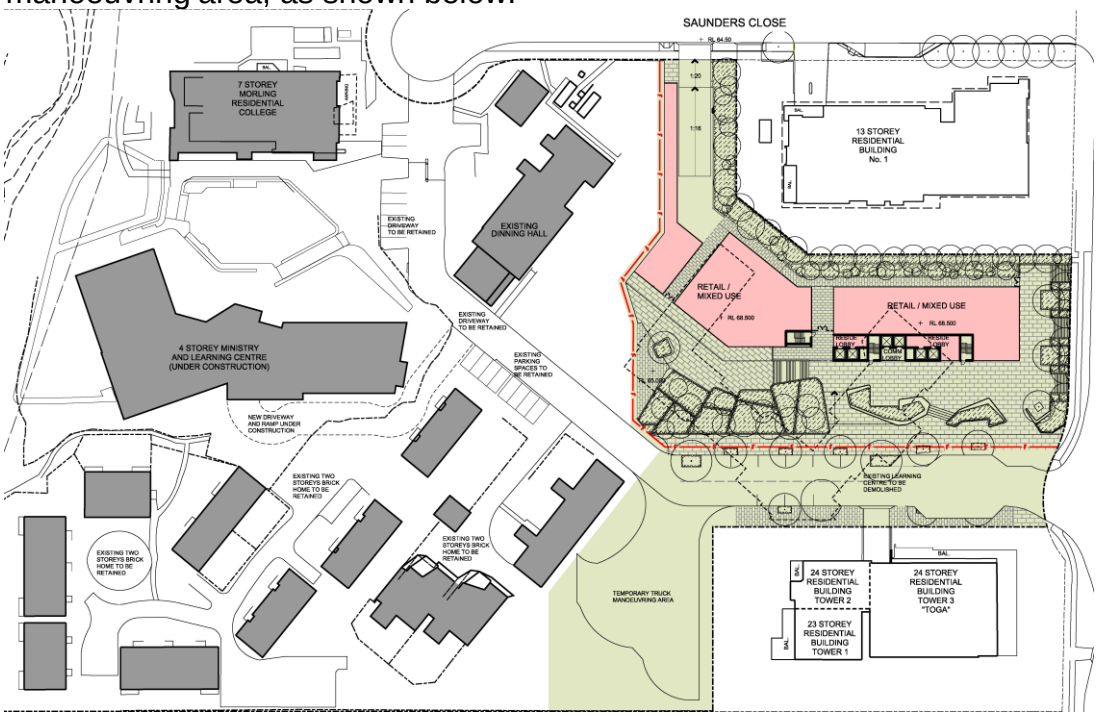


Figure 17: Scenario 4 – Construction of Building 1 with a quarter of the road constructed.

- Scenario 5:
  Construction of the two mixed use buildings (Buildings 1 & 2) with construction of the road 3/4 completed, as shown below:

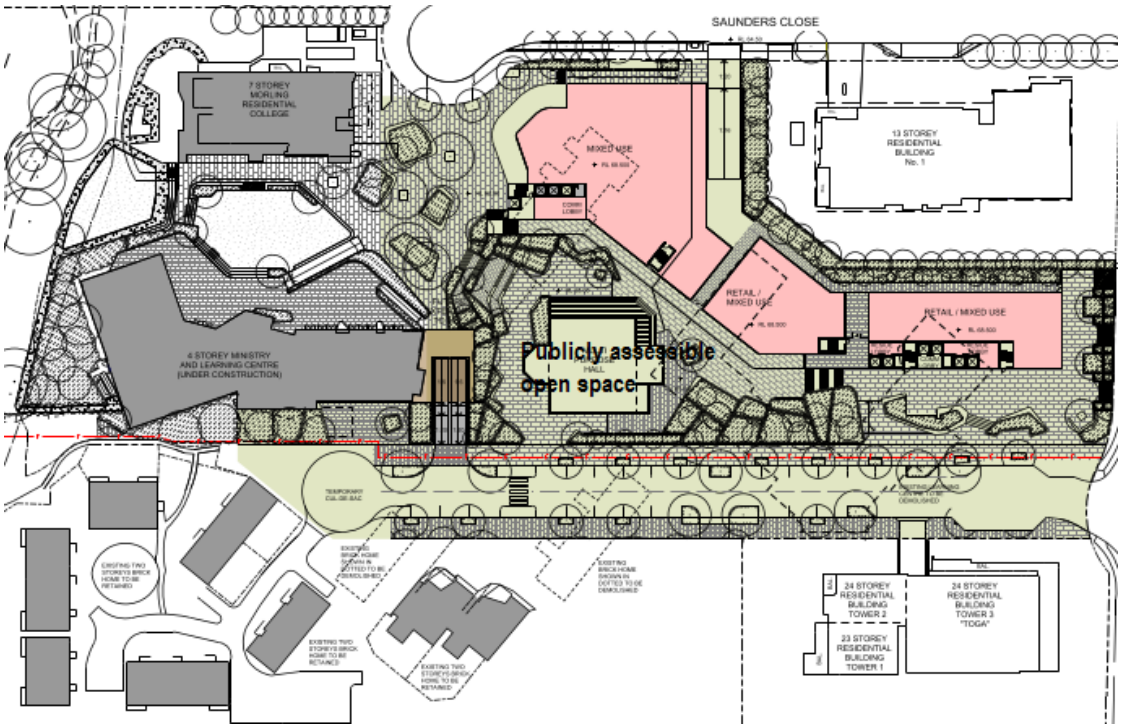


Figure 18: Scenario 5 – Construction of Buildings 1 & 2 with Road 3 three quarter completed.

The applicant has advised that the nature of the DA being a concept DA, the construction staging is currently unknown, however, partial construction of new Road 3 is required to service Buildings 1,3,4, & 5. The submitted development scenario drawings for Building 1,3,4 & 5 show construction of the buildings and Road 3 corridor. This is deemed acceptable as Council will have assurance that the road will be constructed as part of each of the subsequent DAs for each of the buildings. However, no scenario has been provided if Building 2 is to be built separately to Building 1. Building 2 access is from Saunders Close and does not require construction of the new road. Accordingly, to ensure that if Building 2 was to be constructed first, **Condition 32** has been imposed requiring the partial construction of the new road, as shown in Scenario 4 (**Figure 17**). This scenario will not require demolition of existing dwellings on site and displace existing residents.

In addition, **Condition 33** has been imposed requiring a Restrictive Covenant on the land, prior to first Occupation Certification to ensure the land identified for a road can only be developed for a public road in the future and ensure road dedication.

Tree Removal

The concept proposal has identified that eighty-eight (88) trees located on the subject site, neighbouring allotments and adjoining street verges may be impacted by the proposed development. It is identified at this concept proposal stage that thirty one (31) trees can be retained and protected and it is proposed to remove fifty-seven (57) site trees. Further details regarding the location and significance of these trees is included under Section 7.2 of this report. It is noted that this proposal is concept only, with any future development application for construction and tree removal to be subject to further assessment.

Open Space

The Herring Road, Macquarie Park Finalisation Report (May 2015) provides an overview of the Macquarie Station Precinct and the planning amendments approved as part of the Macquarie University Station Priority Precinct. The report recommended that the Morling College site provide some open space, at a central location on the northern side of Herring Road. This is also in accordance with the LSPS objectives for more open space within the Macquarie Park area.

Accordingly, the application has been amended to delete the single storey multi- purpose hall located in the middle of the site and provide this area as publicly accessible open space, creating an area that is suitable for social interaction and congregation. This central location reads as a communal shared space with views from the two mixed use buildings (Buildings 1 & 2) with retail and mixed use overlooking/fronting the space.

The park design improves the pedestrian permeability of the site and provides opportunities for outdoor seating, street furniture and overall amenity for users. A Public Art Strategy prepared by UAP Studio proposes a number of public art opportunities for the site with a focus on implementing appropriate works within the site.

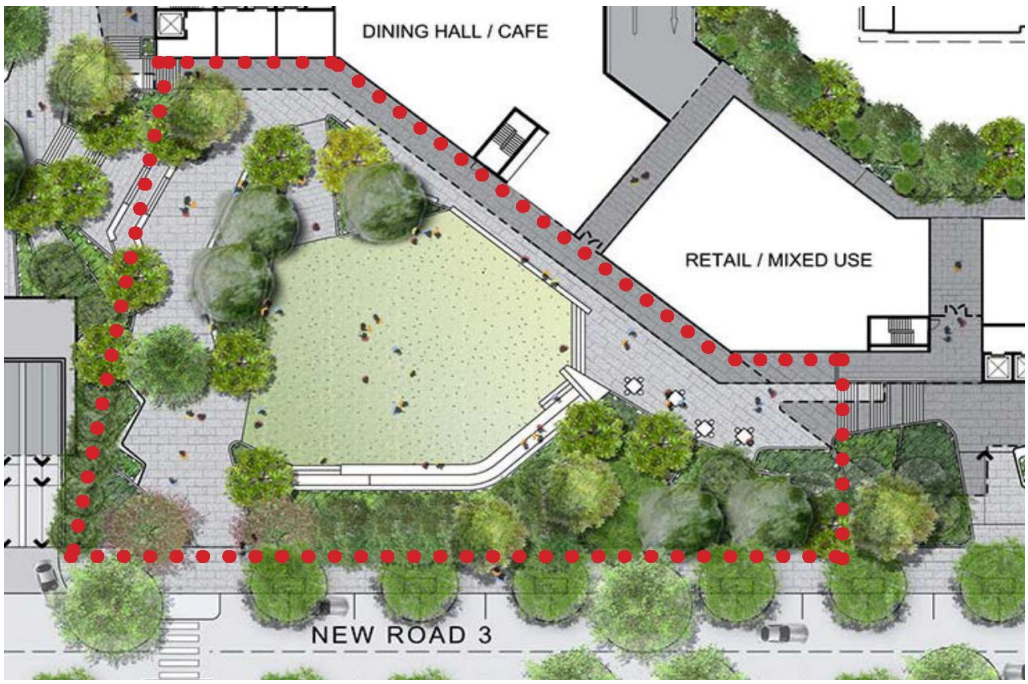


Figure 19: Amended proposal to delete the proposed single storey multi-purpose building to provide a central public space area.

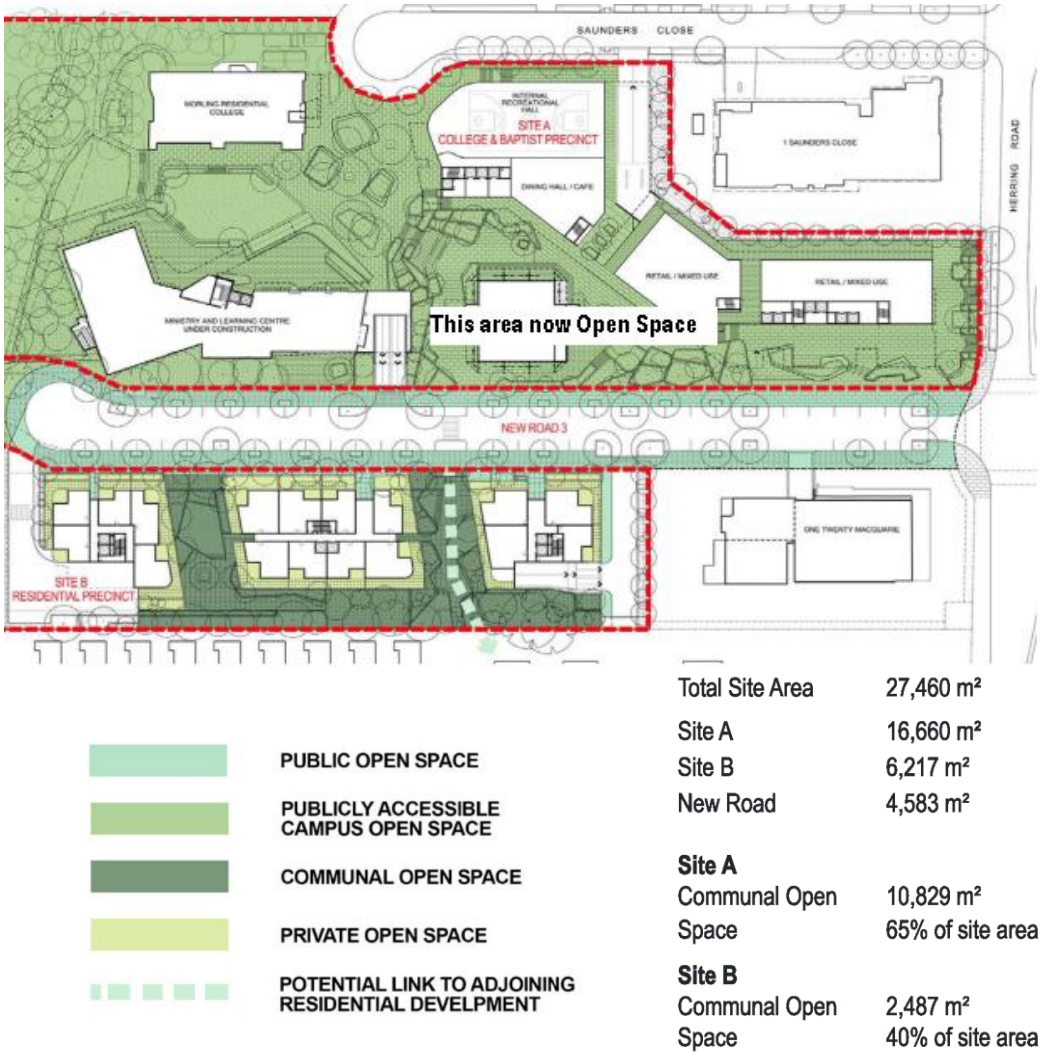


Figure 20: Public, communal and private open space on site.

7. PLANNING ASSESSMENT

7.1 Section 1.7 of the Environmental Planning and Assessment Act 1979

Section 1.7 of the EPA Act relates to 'Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994'. This section states:

> *This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.*
>
> ***Note—***
> *Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.*

The development application was submitted with an Ecology and Waterway Report prepared by Ecological Consultant Australia P/L. This report concluded the following:

> *"The proposal was assessed in relation to key biodiversity legislation and policy including:*

Environmental Planning and Assessment Act 1979 (EP&A Act).

The EPA Act requires that the assessing body, in this case local government, consider the impact of the development on the surroundings – with respect to this ecology report the impacts on the environment are assessed. The proposal indicates no significant impact on threatened species, populations or communities.

Biodiversity Conservation Act 2016 (BC Act).

Recently replacing the Threatened Species Conservation Act this includes the test of significance for impacts on threated species, communities. The test of significance has been conducted and the proposal was found to not have a significant impact on the current ecology of the site. The proposed development is complaint with the BC Act.

Cwlth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

A Protected Matters Search was conducted as part of EPBC Act considerations. All EECs and species were considered. Only the CEEC STIF is a direct concern and requires on-going action as has been occurring with the seed collection and replanting.*

*Note: The requirement for seed collection and replanting was a direct result of works being undertaken under Condition 58 of LDA2017/216 for the recently constructed five storey multi-purpose building.

The report concludes that the proposal would not have any significant impact on threatened species and is compliant with the relevant Acts.

Council engaged Lesryk Environmental Pty Ltd to do a peer review on the submitted Ecology Report. Lesryk Environmental identified some areas that needed further clarification in regard to the Biodiversity Conservation Act. Accordingly, Council's Consultant Landscape Architect has undertaken an additional site inspection and desktop investigations and has advised that the shortcomings raised by Lesryk Environmental with regards to further information can be addressed by conditions of consent (see **Conditions 35 & 36**). The desktop analysis included a comparison of the proposed vegetation removal compared to the Biodiversity Values Map.

Council's Consultant Landscape Architect advised: *Information obtained from the NSW Office of Environment and Heritage's Land Management and Biodiversity Conservation portal (refer **Figure 19** below) appears to show the portion of the site mapped as containing biodiversity value is restricted to the northernmost corner only and away from any vegetation removal as subject to this development application. It is considered reasonable to assume that no impact is likely to occur to any section of land included within the NSW Biodiversity Values Map given the offset distances from the proposed construction works.*

To ensure that Ecological implications associated with the development are fully represented within future DA documentation associated with the subject site, see **Condition 36.**

Figure 21: Biodiversity Values Map extract. Subject site outlined yellow. No construction works are proposed around the area highlighted in purple.

7.2 State Environmental Planning Policy

a. State Environmental Planning Policy (State and Regional Development) 2011

As the proposed development has a Capital Investment Value of $239,461,099 the development application is required to be determined by the Sydney North Planning Panel.

b. State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP55) apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A contamination report was prepared by Environmental Investigation Services (ESI) (Ref number E32167PHrpt-rev4). The report provides the following conclusions and recommendations*:*

> *"Based on the scope of work undertaken for the assessment, EIS are of the opinion that the historical land uses and potential sources of contamination identified would not preclude the proposed development. However, the following is recommended to better assess the risks associated with the Contaminant(s) of Potential Concern (CoPC):*
>
> - *An additional investigation should be undertaken to better characterise the contamination conditions of the site. This should include:*

- *an assessment of in-situ soil conditions across the entire site, with a higher density of sampling likely to be required in the central and south-east sections; and*

- *A hazardous materials assessment should be undertaken for existing buildings prior to any demolition works.*

Considering the findings of the assessment, EIS are of the opinion that the site can be made suitable for the proposed development subject to the appropriate implementation of the recommendations".

No approval for bulk earthworks or excavation is sought as part of this DA. Therefore, it is considered that the site is suitable for the proposal at this stage and a Detailed Site Investigation has been conditioned to be provided as part of future detailed DA's, thus, additional site investigation studies can be carried out accordingly as, and if, required.

c. State Environmental Planning Policy (Building Sustainability Index: BASIX)

Any future development application which proposes residential uses will be required to satisfy BASIX requirements. **Condition 11** has recommended for imposition that any future residential scheme must comply with SEPP (Building Sustainability Index: BASIX) and that a BASIX Certificate must be submitted with any future DA comprising residential component.

d. State Environmental Planning Policy (Infrastructure) 2007

Clause 104 – Traffic Generating Development

Pursuant to Clause 104 the clause applies to new premises of the relevant size or capacity. In this clause, 'relevant size or capacity' means: "*in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3*".

Schedule 3 of the SEPP requires that the following residential flat developments are referred to Transport for NSW (TfNSW) as Traffic Generating Development:

Purpose of Development	**Size or Capacity** Site with access to any road	**Size or Capacity** Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road
Residential flat building	300 or more dwellings	75 or more dwellings

The site is more than 90m from a classified road however has an indicative dwelling figure of approximately 418 dwellings. Accordingly, the application was referred to the TfNSW for comment as traffic generating development under Schedule 3 of the SEPP. TfNSW has reviewed the submitted documentation and no objection was raised subject to appropriate conditions.

The conditions provided by the TfNSW are included under **Condition 38.**

Clause 102 Impact of road noise or vibration on non-road development

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are no exceeded:

a) In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am
b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

An acoustic report was prepared by Acoustic Logic (REF20190004.1/2105A/ROIEC) dated 21 May 2019 which concludes:

A noise impact assessment associated with the proposed Master Plan development located at 122-126 Herring Road, Macquarie Park has been undertaken. Our findings are summarised below:

- *Traffic noise intrusion into project site will satisfy the requirements below:*
  - *City of Ryde Development Control Plan 2014;*
  - *NSW Department of Planning and Environment's Document-'Developments near Rail Corridors or Busy Roads -Interim Guideline';*
  - *Australian and New Zeal and AS/NZS 3671: 1989 'Acoustics- Road traffic noise intrusion – Building siting and construction';*
  - *Australian and New Zealand AS/NZS 2107:2016 'Recommended design sound levels and reverberation times for building interiors' and;*
  - *Noise emission from operation of project site will satisfy the requirements below:*
    - *NSW EPA Noise Pol icy for Industry 2017.*
    - *Association of Australian Acoustical Consultants "Technical Guideline Child Care Centre Noise Assessment"2013*
- *Construction noise emission management level have been setup based on requirements of NSW Interim Construction Noise Guideline and detailed noise controls will be determined at CC of each stage.*
- *Construction vibration limit has been setup in in Section 10 based on requirements of DIN 4150 and EPA document Assessing Vibration: A technical guideline. Detailed vibration safeguard system will be determined at CC of each stage.*

The subject application is considered to satisfy the provisions of Clause 102 subject to a condition to be included in the consent to implement the recommendations of the acoustic report in the design of the proposed development and to ensure that the applicant addresses this clause with any subsequent DA's. (See **Condition 12**).

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

The Vegetation SEPP provides approval pathways for the removal of vegetation in non-rural areas and matters for consideration in the assessment of applications to remove vegetation. This policy applies to land in the Ryde local government area on land within the B4 Mixed use zone.

The AIA Report has identified eighty-eight (88) trees located on the subject site, neighbouring allotments and adjoining street verges which may be impacted by the proposed development. The assessment recommends the retention of thirty one (31) trees and the removal of fifty-seven (57) site trees.

A synopsis of the species identified by the AIA, including proposed removal or retention recommendations, was reviewed by Council's Consultant Landscape Architect who generally agreed with the recommendations. Most of the trees to be removed are either within the proposed building or basement footprint, the proposed roadway and ancillary paving footprints. **Figures 22** to **24** below illustrate the location of the trees to be removed.

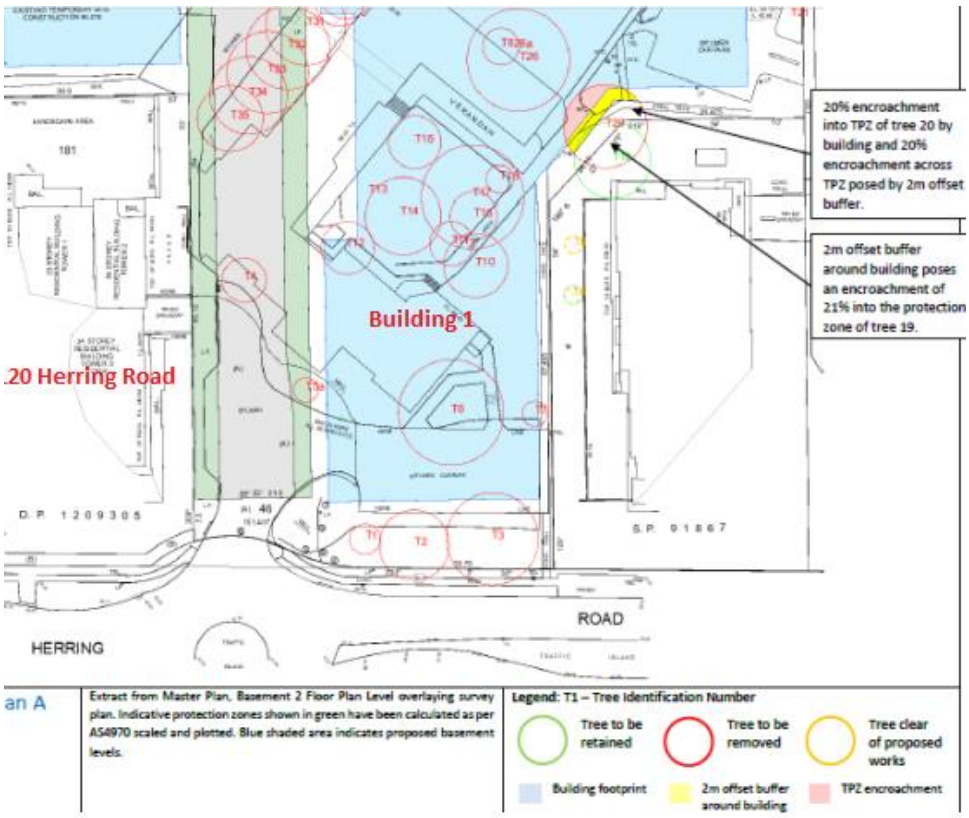


Figure 22: Extract from the AIA report showing location of the trees to be removed circled in red. The blue shaded area indicate basement. This map shows the frontage with start of the road and Building 1.

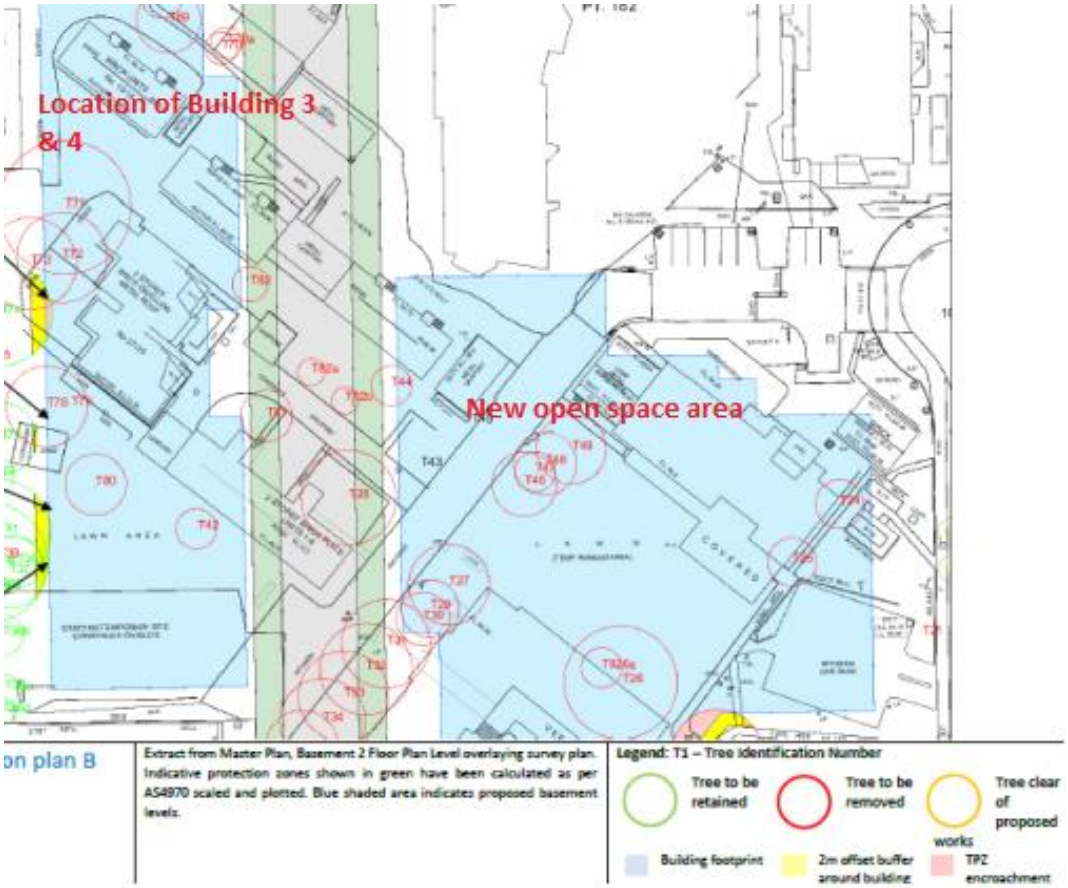


Figure 23: Extract from the AIA report showing location of the trees to be removed circled in red. The blue shaded area indicate basement. This map shows the middle of the site.

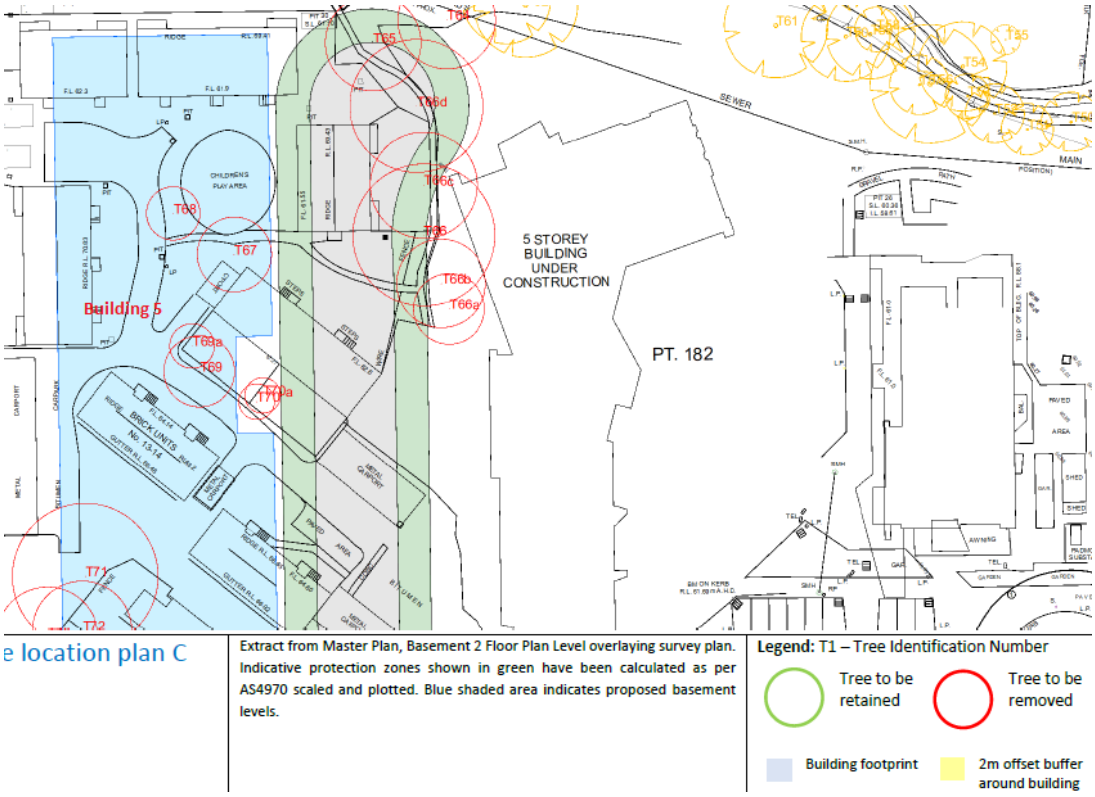


Figure 24: Extract from the AIA report showing location of the trees to be removed circled in red. The blue shaded area indicate basement. This map shows the rear of the site at the end of the proposed road.

It should be noted that none of the trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the *Biodiversity Conservation Act 2016.*

The portion of the site mapped as containing biodiversity value is restricted to the northernmost corner only and away from any vegetation removal as part of the concept approval. Accordingly, it is considered that no impact is likely to occur to any section of land included within the NSW Biodiversity Values Map given the offset distances from the proposed construction works.

Further to the above, it must also be acknowledged that given the site's current land use zoning, height and FSR permissibility, any development on site is likely to result in tree removal due to the location of the existing buildings, proposed buildings and the required roadwork.

As this proposal is a concept approval, **Condition 37** has been imposed to ensure that any subsequent DA for each of the buildings and associated roadworks, is to offset the proposed tree removal with a tree replacement strategy and landscape design to be prepared and submitted with each future detailed development applications.

Future tree planting would help to diversify the age structure of trees on site and help off-set the loss of canopy cover and amenity resultant from the tree removal.

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

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential apartment developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

As this proposal is for indicative residential land uses on the site, an overall master consideration has been given to the design principles of SEPP 65 in the table below. A more detailed assessment against these principles will occur with any detailed Development Applications for each of the buildings.

The SEPP also requires Council to take into consideration the requirements of the Apartment Design Guide with regard to any residential uses. As the development application is for concept approval only, a detailed assessment of each subsequent DA will be required. However, a preliminary assessment is provided in **Attachment 3** (Apartment Design Guidelines) and **Condition 10** has been imposed to ensure that any subsequent DA for each of the buildings considers the ADG.

<u>Urban Design Review Panel</u>

A Concept Masterplan design was presented to the UDRP on two occasions, one prior to lodgement, on 21 March 2019 and once again after lodgement of the DA. The comments provided in the most recent meeting, held on 16 October 2019, are reproduced in full in the table below.

The 16 October 2019 UDRP comments were provided to the applicant and amended plans were submitted on 10 February 2020 which generally addressed the matters raised by the UDRP.

Note: The amended plans of August 2020 with the deletion of the multi-purpose building and provision of the open space was reviewed by Council's Urban Designer who advised that the amendment was a positive outcome.

SEPP 65 – Design Quality of Residential Flat Buildings	**UDRP Comments**	**Council Comment**
Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	**New Street** - *The alignment of the planned future street, which straddles two boundaries, and how this can be configured to connect, given the University is unlikely to progress development to this area in the near future* (UDRP previous comments from 21 March 2019) *The Panel notes that the street has been redesigned at its north western end to facilitate connection to either the Baptist site or the University site using the same street design and that a cul de sac arrangement is provided as the short term outcome. The Panel is satisfied this provides sufficient flexibility for the future but is concerned about the proximity of the verge alignment and the Learning Centre building alignment. A greater buffer to provide landscape and ease that relationship is encouraged.* **Creek Corridor** - *Flood planning levels for the creek and the southern street and building interface required further analysis*. (UDRP previous comments from 21 March 2019) *It is noted that the creek trees are retained and a pathway is proposed but no further information was presented or discussed with the Panel in relation to flooding at the meeting.*	**New Street** Road connection drawing with the Baptist Care site has been submitted and Council's City Works – Public Domain has reviewed the drawing and **Conditions 24 & 32** has been imposed. A landscaping buffer has been provided for the verge alignment and the Learning Centre building alignment. A 5m setback from new road has been provided for the majority of the building with a small encroachment which was supported and approved via LDA 2017/216 for the multi purpose building. **Creek Corridor** Council's Senor Co-Ordinator – Development Engineer and City Works – Drainage has advised that: *with the majority of the buildings adjoining Kikkiya Creek having been completed, the only remaining area of concern with respect to flooding is the western side of Building 5. Fortunately the concept plans propose only a loading bay access ramp around this perimeter and there are only minor access entries located on the fringe of the anticipated flowpath.*

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
		Accordingly, **Conditions 29 & 30** have been imposed for a Flood Impact Statement prepared in accordance with Councils DCP Part 8.2 (*Stormwater and Floodplain Management*) must be submitted with any development application encompassing the construction of Building 5, located in the south western corner of the site, adjoining Kikkiya Creek.
	Interface with the adjacent properties - *Overshadowing impacts to 1 Saunders Close and 120 Herring Road and meeting ADG targets* - *Overshadowing and massing impacts to 116 – 118 Herring Road*. (UDRP previous comments from 21 *March 2019)* *Additional solar access information was provided in relation to impacts on 116 – 118 Herring Rd and potential solar compliance for the site's future buildings but it was not demonstrated whether the buildings at 1 Saunders Close and 120 Herring Rd would still achieve 70% of units having 2 hrs solar access as required by the ADG.* *To address the concerns in relation to 116 – 118 Herring Road a building massing has been adopted and a setback 3m greater than the minimum has been provided to assist in short term impacts to the existing dwellings. A future development massing for the neighbouring site was also provided and proposed road stubs have been shown in the master plan for future connection to this site from the future new roadway.*	**Interface with the adjacent properties.** Additional solar analysis studies for 1 Saunders Close, 120 Herring Road and Ivanhoe Estate Building A have been submitted. The shadow impacts on neighbouring properties from the proposal are considered acceptable as adjoining properties are able to achieve the required 2 hours solar access. Full discussion of the overshadowing is discussed further in the report. Whilst it is still proposed to have the loading dock facility in the north-west corner of the site adjacent to Building 5, the design has been revised to reduce the length of the loading bay adjacent to 116-118 Herring Road. **Figure 25** below illustrates the original proposal and **Figure 26** show the reduced length of the loading bay next to 116 – 118 Herring Road. To mitigate potential amenity impacts to 116-118 Herring Road, the revised design has provided an extended 10m setback to the common boundary for most of the interface length (south-west property boundary).

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
	The Panel considers that the additional setback and 3 building model provides a reasonable solution combined with the potential connection points but is concerned that the indicative plans then concentrate the loading docks and vehicle access points next to the boundary with this low scale property. *This impacts neighbours' amenity and is not a high quality solution. The Panel recommends that vehicle access is provided from the new road to the north east and that loading is set as far away from the side boundary as possible with a landscape buffer provided for the full depth of the setback to mitigate its impact to the neighbouring property.*	At subsequent detailed DA stages, additional acoustic mitigation measures can be considered and implemented as required to offset any noise concerns. See **Condition 12.**
	Vehicle Access - *The basement ramp from Saunders Close hard on the boundary with 1 Saunders Close* - *The ramp for the Learning Centre parallel to the new road and its visual impact. (UDRP previous comments from 21 March 2019)* *The Panel notes the change to the vehicle access for the Learning Centre and this is supported.* *The Panel also notes that the basement drive structure is still shown from Saunders Close but that a landscape buffer has now been provided to reduce its impacts as well as enclosing it within the podium structure of the future building.* *The Panel is satisfied that these amendments assist in reducing the impacts but does not support the through site link provided along the drive structure as discussed under safety and security.*	**Vehicle Access** The through-site link along the drive structure off Saunders Close (adjacent the south-east property boundary) has been removed to ameliorate safety concerns. See **Figure 27** below
	Herring Road frontage and retail	

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
	distribution *A retail or mixed use frontage is still shown to the ground level of the new college buildings north of the new road. An area for dining or other uses external to the building is shown to the north which is positive. However large areas for seating are also shown to the south which the Panel questions?* *During discussions in the meeting the applicant mentioned these uses may be commercial in which case this concern would no longer arise.* ***Staging*** - *Information on staging to ensure the new road is delivered early in the development of the site. (UDRP previous comments from 21 March 2019).* *Additional information was tabled which suggests that the 3 large residential towers to the south of the site would be delivered ahead of further buildings for the college. The new road is shown as being part of these works which is positive. However the Panel is concerned that this part of the site could be sold and developed separately to the remainder of the master plan, which could create awkward relationships to the other existing Morling buildings. Therefore, staging should consider how the campus will function if the southern part of the site is redeveloped independently.*	**Herring Road frontage and retail distribution** The applicant has advised that there are opportunities for the lower levels of Buildings 1 & 2 to potentially be used as commercial office spaces. These activated seating areas provide an outdoor "break out space" for future tenants and employees. **Staging** The applicant has advised that the exact sequencing of construction staging is currently unknown however in the submitted Statement of Environment Effects, it provided "Development Scenarios" where regardless of which Precinct is constructed first, the new road or sections of the road will be delivered as part of the development for each precinct. The construction of the road is required to service the respective buildings, with the exception of Building 2. Accordingly, if Building 2 was to be constructed first, independently of Building 1, **Condition 32** has been imposed requiring partial construction of the road (similar to scenario 4). This would not require demolition of existing dwellings on site and displace existing residents.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment

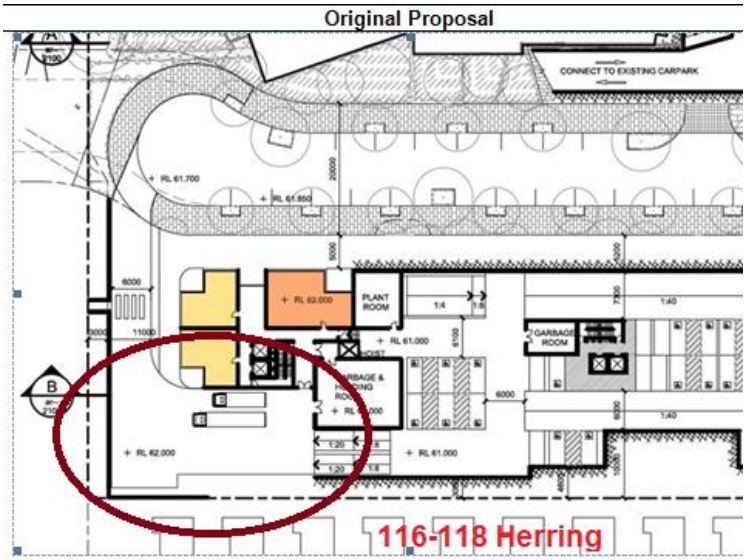


Figure 25: Original design with loading bay setback 3m

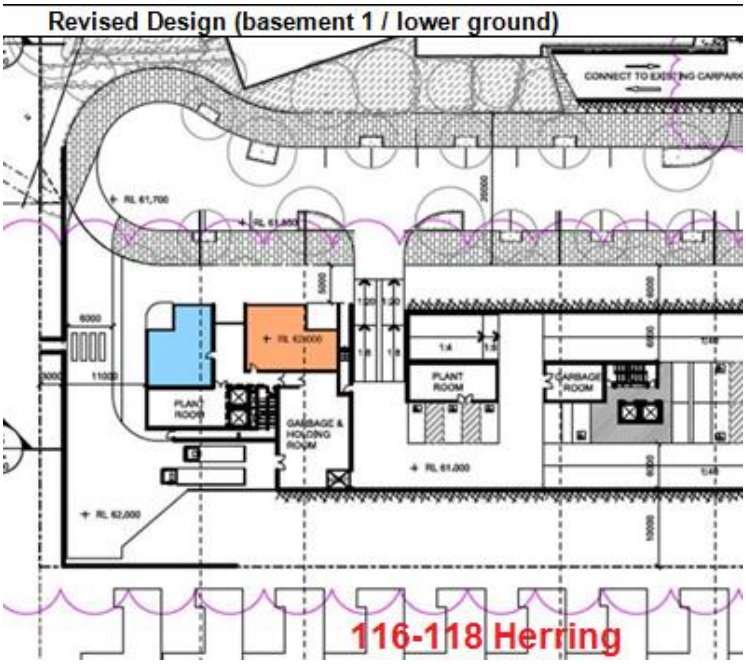
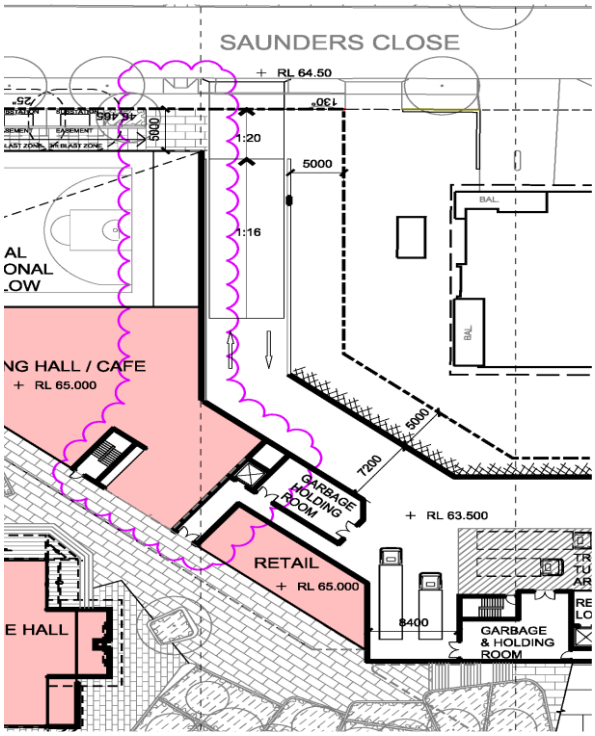


Figure 26: Amended design with increase setback of 10m with a small section adjacent to the southern boundary.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
 **Figure 27: The connection from mid Saunders Close behind Building 2 have been removed as recommended by the UDRP.**		
Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity	- *Diversity of height is needed across the master plan* - *Impact on adjacent properties (addressed in the previous principle)* - *Cantilevering of towers over the public domain not supported* - *Ground floor treatment on southern site (addressed in the previous principle)* - *Extent of underground basements relative to street and rear setbacks.* (UDRP previous comments from 21 March 2019) *The Panel notes the amended master plan has not achieved any further diversity of height across the proposed towers on the southern side of the site. This is not ideal.* *The cantilevered floors have been removed which is positive and the basements have generally been set*	The concept application complies with the height and FSR control for the site. The applicant has chosen to maximize the height and FSR permitted across the site and Council has advised that any variation to the height, and FSR will not be supported. The basement levels have been amended, specifically the layout of Basement 3 of Site B has been significantly redesigned to have an increased setback. This has enabled a greater deep soil area which facilitates additional landscaping and the planting of canopy tree vegetation. Council's Consultant Landscape Architect has reviewed the amended proposal and has raised no objections to the proposal. The proposal is a concept DA

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
and outlook.	*back further however there are a number of locations where the basements extend up to the proposed verge line. The applicant needs to ensure the relative levels of the verge and ground against the basement allow for a suitable depth and volume of soil to support landscaping and trees within the front setback without resorting to a full planter across this area.* *The Panel is also concerned about the indicative expression of the tower buildings and the ziggurat form for the central southern tower (Building 4). Ziggurat forms are not an ideal outcome and generally a maximum of one step in building form should be provided, unless it is to setback upper tower levels to give a defined top to the building.* *The Panel notes that none of the towers appear to resolve the top of the building and instead appear to have roof forms that are larger in footprint than the tower itself. This creates a very dominant massing that is not supported.*	and the built form of the proposed towers is indicative only. Architectural expression, roof form and details will be provided at separate DA for each building. Notwithstanding this, the proposal amended the building envelope for Building 4 with a single setback to the upper levels of the tower, thus reducing the ziggurat expression of the built form (refer **Figure 28**).

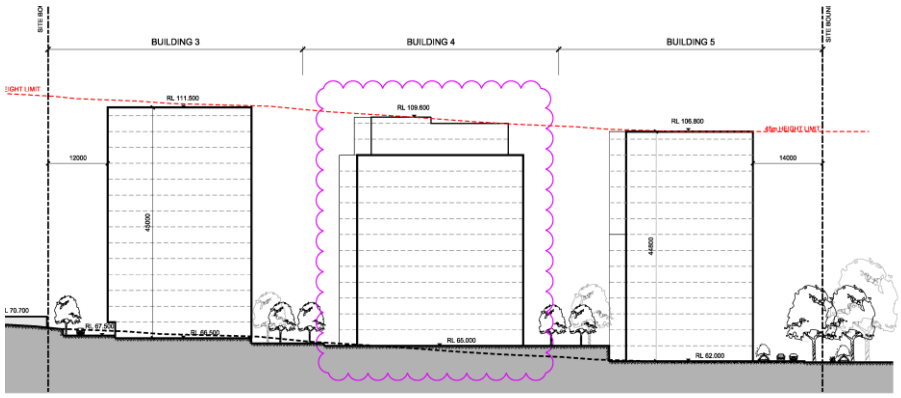


Figure 28: Amended Building 4 envelope.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	*The master plan complies with the permissible floor space. The Panel notes that refining the master plan in relation to heights and modelling may impact the quantum of development that can be achieved on the subject site*.	Noted.
Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	*Retention and embellishment of the creek corridor is positive. The landscape design should explain how stormwater flows across the site will be managed and how water quality will be maintained within the creek.* - *Indicate trees to be removed* - *Requires replacement strategy for trees* - *Trees required to the southern boundary* - *Demonstrate solar access achieved* *The new information has shown the intended tree retention. The Panel notes that a number of existing trees are shown to be removed but appear to be capable of retention based on the plans, for example, where they can be accommodated within a new street reserve or in a break between the proposed new buildings. This should be confirmed by the proponent.*	Council's Consultant Landscape Architect has reviewed the concept landscape plan stating, "*The assessment has identified eighty-eight (88) trees located on the subject site, neighbouring allotments and adjoining street verges which may be impacted by the proposed development. The assessment recommends the retention of thirty one (31) trees as well as the removal of fifty-seven (57) trees."* Council's Consultant Landscape Architect agrees with the recommendations contained in the report for the removal of the trees as most of the trees to be removed are either within the proposed building/basement footprint, the proposed roadway and ancillary paving. In addition, with each subsequent DA for the buildings further assessment will be undertaken with conditions for replacement planting. The applicant has provided

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
		further details to demonstrate solar access. This is discussed by the panel under the first principle – "Context and Neighbourhood Character – Interface with the adjacent properties".
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	- *More detail required than an indicative landscape plan* - *Refinement to site circulation is required to resolve issues with secondary circulation and vehicle access points.* - *Deep soil and COS to be quantified.* - *An illustrative landscape plan shows the broad design intent. On a site of this scale, more detail information on the landscape design is required at Master Plan stage, particularly for critical elements such as the creek regeneration, tree planting strategy, deep soil, and open space types and use*. (UDRP previous comments from 21 March 2019) *The Panel notes the additional landscape information which shows deep soil and COS is achievable. There are site circulation issues still evident in the amended plans and the Panel considers that the proposed pedestrian link that connects Saunders Close and the new Street by a footpath adjacent to the vehicle ramp and basketball courts under the building and cranking behind the commercial/retail uses should be omitted. The wayfinding is contorted and potentially creates safety concerns.* *Pedestrians should be encouraged to walk through the central plaza area.*	Council's Consultant Landscape Architect has advised a total deep soil area for Site A has been recalculated at approximately 21.5% (up from 18.5% as was previously proposed) and now exceeds the minimum 20% requirement. For Site B when applying the minimum 20m x 10m requirement as required by RDCP 2014, the amendments made to the basement footprint associated with Site B have facilitated a significant increase in site deep soil area to approximately 18.5%. Whilst falling short of the minimum 20% requirement, the revised arrangement is an improved scheme in terms of providing a suitable medium for the establishment of deep soil planting. Under the ADG, when applying the minimum deep soil dimension requirement of 6m x 6m as required by the ADG, the calculation increases to approximately 22.31% - exceeding the 7% minimum deep soil area required under SEPP 65. It should also be noted since the UDRP meeting of October 2019, the proposal has been revised by the deletion of the single storey multi-purpose building which frees up the space to open this central area up for publicly accessible recreational area and improving pedestrian circulation around

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
		this space. In addition, the pedestrian link adjacent to the vehicle ramp and basketball, adjacent to Building 2 has been deleted. The deletion of this pathway encourages pedestrian movements via the central plaza area. In addition, NSW Police has raised no objections to the proposal and **Condition 17** has been imposed for a Crime Prevention Through Environmental Design (CPTED) report being submitted with subsequent DA's for each building.
Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	*As noted above, the proposed through building link located next to 1 Saunders Close is not supported and should be deleted.*	The revised architectural drawings show the deletion of the above-mentioned pedestrian path.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	*Legibility of the pedestrian connections needs to be reviewed to eliminate opportunities for concealment - as discussed in the previous two principles.*	Opportunities for concealment have been eliminated (deletion of the above pathway) through design and it is noted future DA's will be required to submit a CPTED assessments to ensure passive surveillance and safety is maximised via detailed design. **Condition 17** has been imposed requiring this.
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing	The Master Plan's vision for an 'inclusive and integrated place' is positive.	Noted.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments	Council Comment
opportunities for social interaction among residents.		
Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The Panel appreciates the Master Plan architectural expression is notional. However, the expression of the building tops is concerning as they appear overly heavy due to their extension well beyond the building form below. To ensure a positive architectural outcome the master plan should include design guidelines that address preferred building form, setbacks and articulation techniques as well as architectural expression and landscape design supported by precedent images, e.g. a site specific DCP chapter.	Amendments have been made to the form of Building 4. The tower form and roof layout of Building 4 has been revised as this was raised as a concern during the UDRP meeting. As discussed previously, the 'ziggurat' building form have been deleted and further detailed design of built form elements will be assessed through future DA's which seek consent for construction.

g. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (deemed SEPP)

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

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

7.3 Greater Sydney Regional Plan - A Metropolis of Three Cities, 2018

A Metropolis of Three Cities ("the Plan") is the regional plan for managing Greater Sydney's growth. The Plan aims to ensure that planning and land use of the Greater Sydney Region is equitable and sustainable.

The Plan discusses Macquarie Park's role as part of the Eastern Economic Corridor, described as the State's greatest economic asset contributing to NSW's economic growth.

The Plan also refers to Macquarie Park as part of the Epping and Macquarie Park Urban Renewal Corridor. Within the Macquarie Park Urban Renewal Area, the Department of

Planning is undergoing strategic investigations into new community facilities, improved public space, and residential development in proximity to transport links as well as the generation of employment opportunities.

The Plan identifies the objective to provide more housing in the right locations. Opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure. In older more established parts of Greater Sydney, urban renewal opportunities may exist around regional transport and strategic centres where links for walking and cycling promote a healthy lifestyle and contribute to liveability. In the North District 92,000 dwellings will be required in the next 20 years. The proposal seeks to provide housing in a strategic centre close to transport and employment opportunities. Furthermore, the proposal will provide more publicly accessible open space in an area with significant demand.

The development is consistent with this plan.

7.4 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the RLEP 2014

Clause 2.2 - Zoning

The site is zoned B4 Mixed Use under the provisions of the RLEP 2014. The proposed development is permitted in this zoning.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use are as follows:

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing mixed use buildings consisting of residential and retail uses. The subject site is located within walking distance of bus and train services, retail and commercial services, Macquarie University and Macquarie Shopping Centre and is therefore considered to be a suitable location for this development.

The development proposes a mixed use development with the final mix of uses to be determined under separate DA’s. The indicative mix of land uses include retail premises,

commercial premises, childcare, possible student accommodation and multi-purpose space associated with Morling College educational learning and residential uses. All of these uses are permitted in the B4 zoning and will contribute to the development being a genuine mixed-use development.

The massing and scale of the development has been assessed by the UDRP as appropriate in terms of the future built environment. The built form contributes to the character and public domain of the area.

Clause 4.3 Height of Buildings

A maximum building height limit under the RLEP 2014 of 45m and 75m applies to the development site.

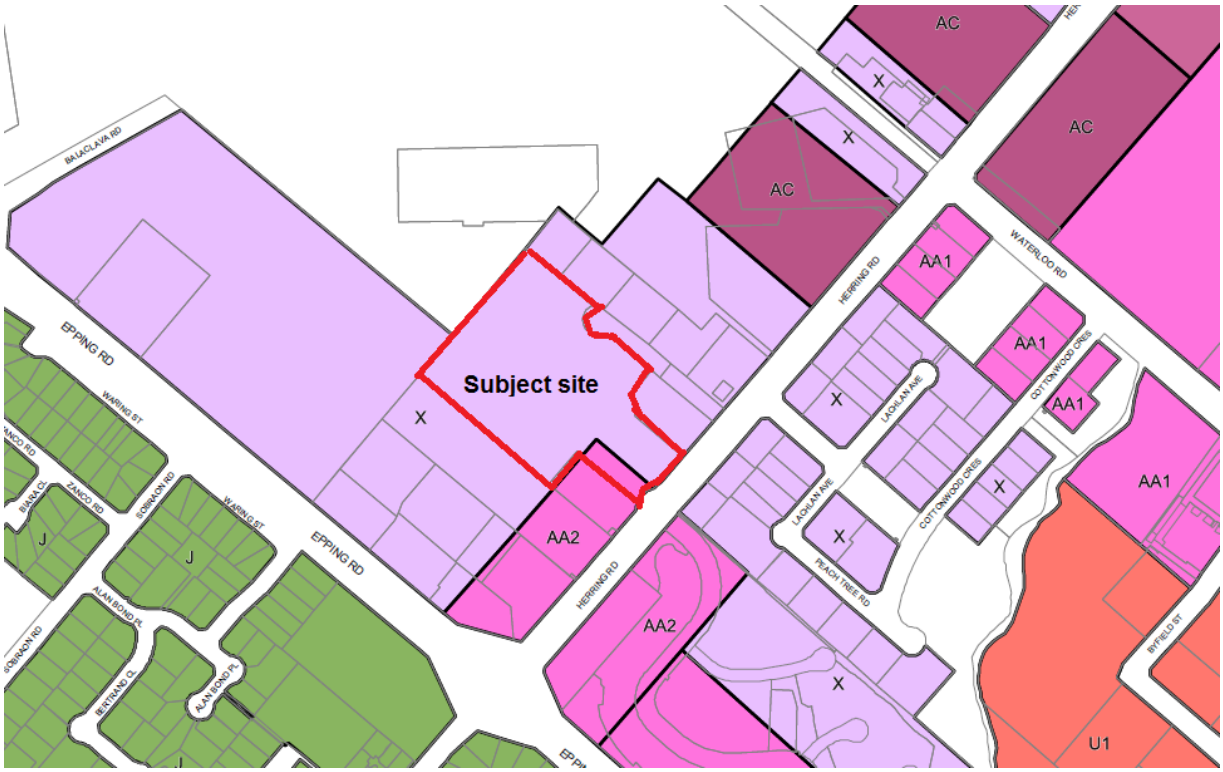


Figure 29: Extract from the Building Heights Map. The height control for the majority of the site is 45m with a small section at the front of the site (shown pink) being 75m.

The proposed buildings locations are all within the area where the maximum building height of 45m. The buildings are under the maximum height control of 45m as shown in the section drawings below, **Figures 30 to 31**. The application complies with the requirements of this clause.

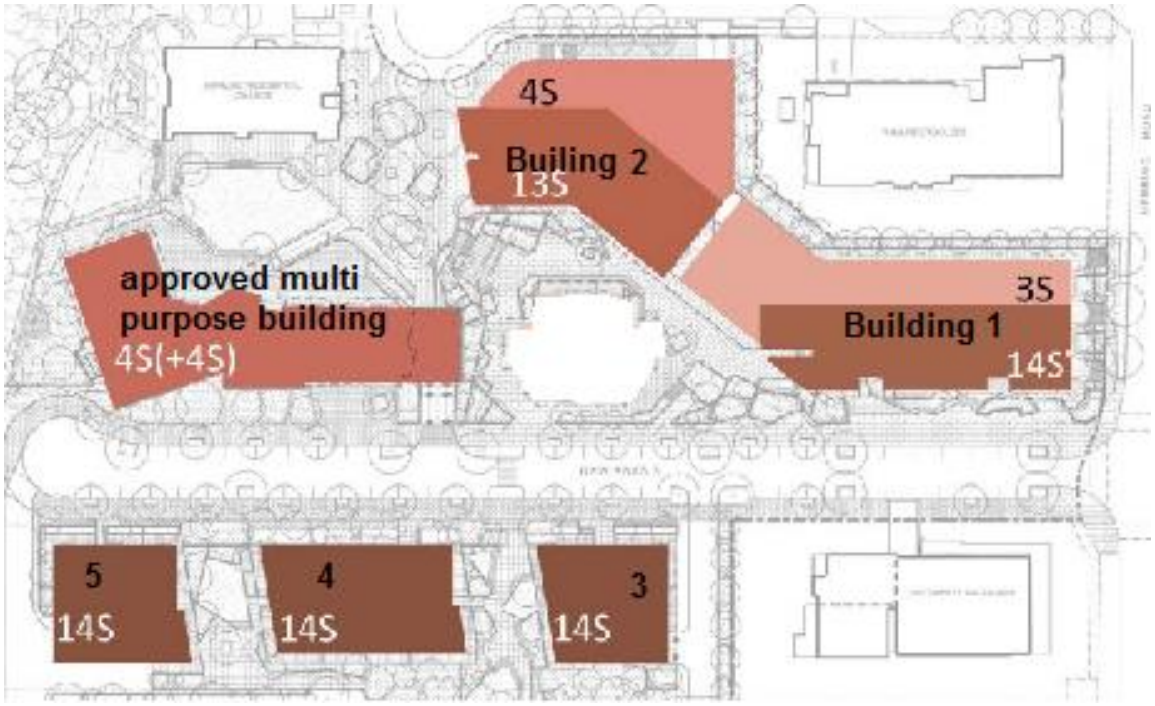


Figure 30: Proposed Building Height Plan

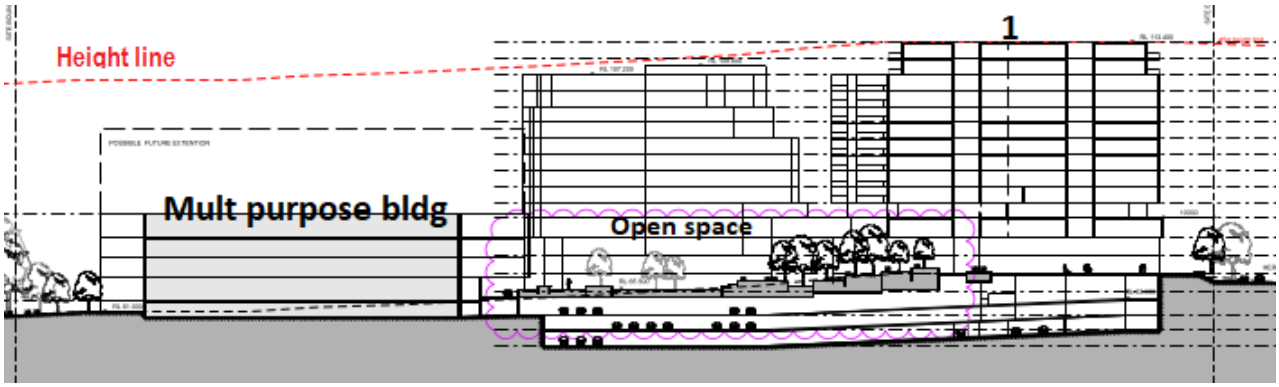


Figure 31: Section though east west illustrating Building 1 height limit.

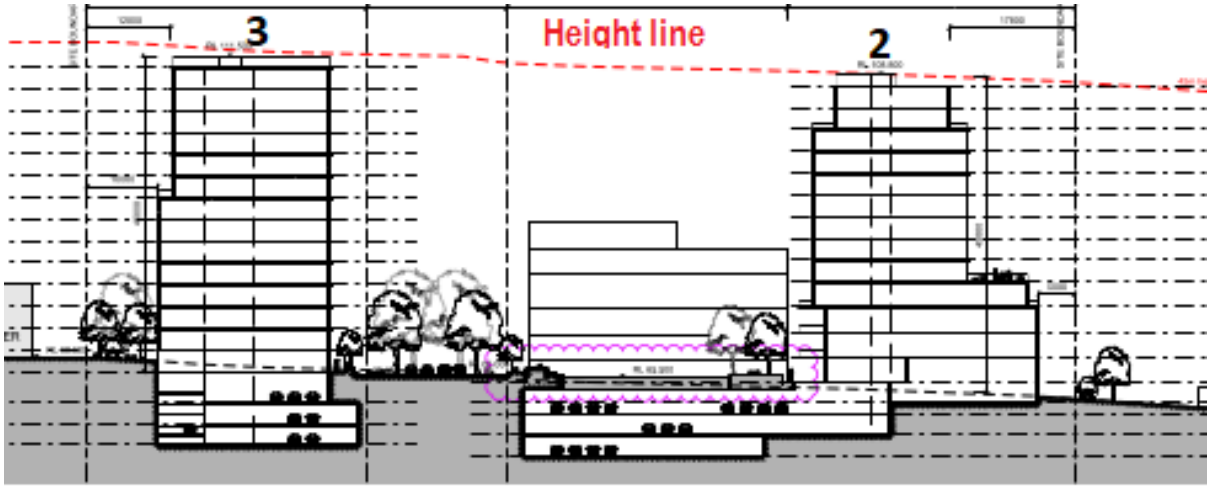


Figure 32: Section through north south illustrating Buildings 2 & 3 height limit.

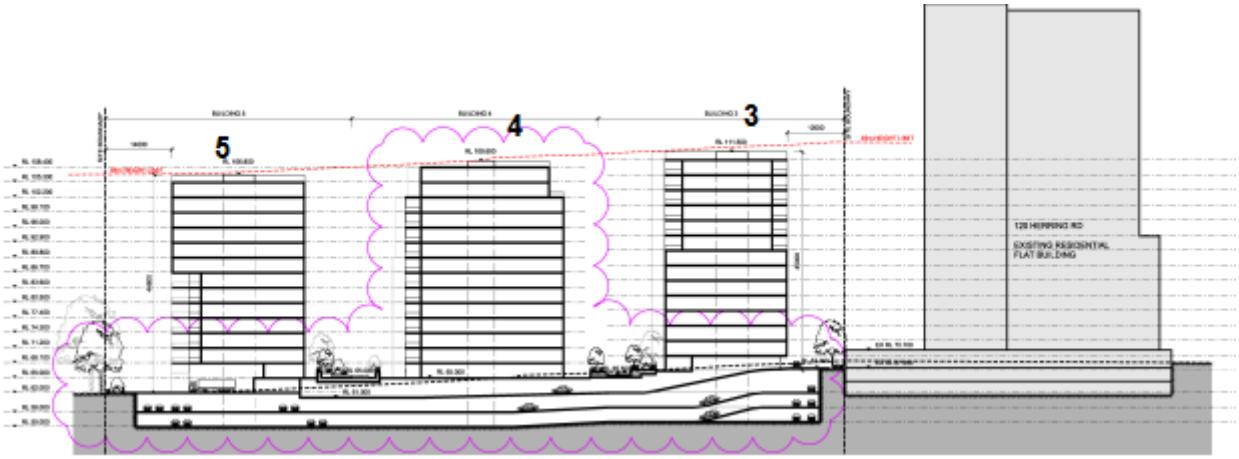


Figure 33: Section illustrating Buildings 3, 4 & 5 height limits.

As shown at **Figure 31,** the building envelope for Building 1 is right at the maximum 45m height limit, with no allowance for lift overruns. The applicant has indicated that Building 1 has the top 2 floors set in slightly from the typical floors below and can be designed as "up & over" double storey units with lift access terminated at unit entry level only (one floor below from the top floor), with the lift overrun (and stair cores) able to be contained with the built form envelope. **Condition 5** has been imposed requiring all building to comply with the height control.

Clause 4.4 Floor Space Ratio

Under the RLEP 2014, a floor space ratio (FSR) of 2.5:1 applies to the development site. The permissible gross floor area (GFA) based on a site area of 27,460m^2, is 68,650m^2.

Despite this however, under Condition 15 of LDA2016/386 which approved a two lot Torrens title subdivision on the Morling College site, a total of 8,017m^2 was transferred from the larger Morling College Site, to the site at 120 Herring Road. This was imposed via a positive covenant to apply to the site, transferring a total of 8,017m^2 floor space from the Morling College site to the created new lot (120 Herring Road). This means the subject site has a residual maximum GFA of 60,633m^2 (2.21:1)[1].

The applicant has provided the proposed floor area across the site for each of the proposed buildings as shown on the proposed plans and reproduced at **Figure 34**.

[1] LDA 2016/386 was approved by Council on 19 September 2016 for two lot Torrens title subdivision on the Morling College site. The applicant applied Clause 4.5 (9) of RLEP 2014 for the disbursement of floor space across the site, as such a covenant was placed on the residue lot (Morling College) to avoid double dipping of floor space. This was by way of an 88E Instrument, registered on the residue lot (Morling College).

A Positive Covenant has been registered on the title of Morling College which states, inter alia,

In calculating the floor space ratio where a building or building is or are erected or proposed to be erected on Lot 182 in Deposited Plan 1209305, an amount of 8,017 square metres is to be added to the floor area of such building or buildings (being the amount of excess floor area utilised on Lot 181 in Deposited Plan 1209305).

Site Area	27460	sqm
Recommended FSR	2.5 : 1	
Max. GFA	68,650	sqm
Less FSR Transfer	8,017	sqm
Adjusted Max. GFA	60,633	sqm

Proposed	GFA	FSR
Existing Stage 2	3,500	
Existing Stage 3b	4,217	
Site A		
Building 1	12,805	
Building 2	12,850	
Site B		
Building 3	6,850	
Building 4	7,710	
Building 5	6,345	
Total GFA	54,277	1.98

Future Expansion to Stage 3b	6,356	sqm

Figure 34: Proposed Gross floor area of each of the buildings

Overall, the concept master plan proposes a total GFA of 60,633m^2 which equates to a total FSR of 2.21:1. **Condition 4** is included on the draft consent requiring that future development applications comply with the nominated gross floor area.

Clause 5.10 Heritage Conservation

Under this Clause, the Consent Authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is not identified as a heritage item under the RLEP 2014 nor is it located within close proximity of a heritage item.

Clause 6.1 Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Under the RLEP 2014, the Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 to 5), Class 1 being most severe and Class 5 being least severely affected.

Development consent is required (and thus a soil management plan is required) if a site is located in *class 5 acid sulfate soil and works are within 500m of adjacent Class 1 to 4 and land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land*.

Council's Acid Sulfate Soils Map (Sheet ASS-006) identifies the site as not being located within a classified acid sulfate soils area.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. The proposal does not propose any excavation/earthworks. The impacts of any earthworks will be assessed in any future applications for excavation and earthworks.

7.5 City of Ryde Development Control Plan 2014

The following sections of RDCP 2014 are relevant to the proposed development:

- Part 4.5 – Macquarie Park Corridor;
- Part 7.1 – Energy Smart, Water Wise;
- Part 7.2 – Waste Minimisation and Management;
- Part 8.1 – Construction Activities;
- Part 8.2 – Stormwater Management;
- Part 8.3 – Driveways; and
- Part 9.2 – Access for People with Disabilities.
- Part 9.3 – Parking Controls

With regard to Parts 7.1 to 9.2, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters, and specific controls in relation to the future development application for Stage 2 will be considered at the time it is lodged.

Therefore, the following assessment addresses Parts 4.5 & 9.3 only.

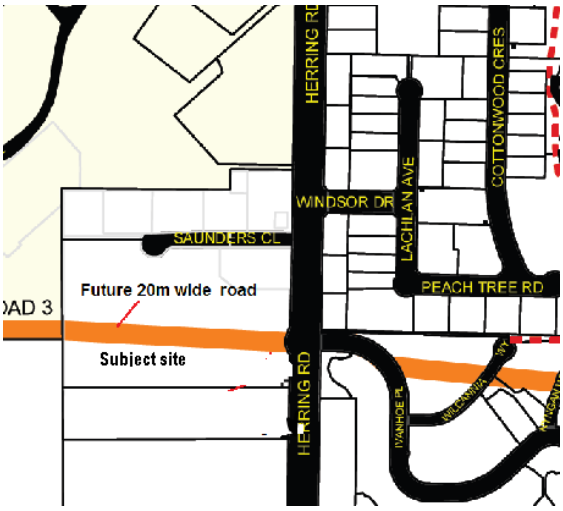
Part 4.5 Macquarie Park Corridor

This part of the RDCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The RDCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

The table below provides an assessment of the proposal against the relevant sections contained within the Ryde DCP 2014 – Part 4.5.

Note: The application is for a concept approval and subsequent detailed future applications will be submitted for each of the buildings.

Control	Comments	Comply
4.0 Access Network		
4.1 Streets Provide new public streets and pedestrian connections in accordance with Access Structure Plan New Streets are to be dedicated to the Council. New streets are to be maintained by the landowner until dedicated to Council.	The Access Network Map identifies a new 20m wide road to be provided on the southern portion of the site. The road is to run from east to west from Herring Road to rear of the site and eventually connect to Balaclava Road, as illustrated in **Figure 35** below. A 20m wide road is to be constructed east to west from Herring Road to the western boundary. Future	Yes – **Condition 32** has been imposed for the delivery and dedication of the road.

Control	Comments	Comply
	connection from the western boundary through to either the Macquarie University site or Baptist Care will eventually connect with Balaclava Road. To allow for a connection through the adjoining Baptist Care site, Council's Senior Co-ordinator Strategic Planning raised no objection to the road connection narrowing down to 14.5m  **Figure 35: Extract from DCP showing requirement for 20m wide road on site.** The site is not required to provide pedestrian connection, however as discussed earlier in the report the proposal facilitates pedestrian access throughout the site including: – An east west connection between Herring Road and the Kikkiya Creek riparian corridor, – North to south from Saunders Close to the southern boundary. – A new connection between Morling College and the western property (either Macquarie University or Baptist Care) along the new road. The Concept Proposal will have a floor space of 60,633m^2. A condition of consent will be included to require a Framework Travel Plan to be submitted for any subsequent Building DA that has a floor space exceeding 10,000m^2. Car parking will be discussed further in the report under Part 9.3 Car Parking. No details have been provided in respect of bicycle parking. The applicant has indicated that bicycle parking and end of trip facilities will be provided for the residential and commercial uses. Council also requires parking and facilities to be provided for the	Yes - Yes - **Condition 39** **Condition 8 -** to comply
<u>4.4 Sustainable Transport.</u> A Framework Travel Plan. (FTP) is required to be submitted to Council for approval for all development that exceeds 10,000sqm new floor space. <u>Parking Rates</u>		

Control	Comments	Comply
Bicycle parking and end of trip facilities and parking to be provided in accordance with Part 9.3 Parking.	retail uses. A condition of consent will be imposed to require further details to be provided with each DA's. **Condition 8.**	with subsequent DA for each of the building.
5.0 Public Domain		
5.1 Open Space Network Provide public open space as shown in Figure 5.1.1 Open Space Network.	Whilst the DCP does not indicate the provision of public open space, the Herring Road, Macquarie Park Finalisation Report and the LSPS both identified the need to provide additional open space within the immediate area. Accordingly, a revised scheme has been submitted providing a central open space area that will be publicly accessible. **Condition 40** has been imposed requiring a ROW for public access.	Yes
5.9 Community Facilities. Community facilities are to be provided in accordance with the relevant documentation prepared by Council, particularly the City of Ryde: Social and Cultural Infrastructure Framework. Based on population growth statistics (available 2011) within Macquarie Park Corridor the City of Ryde.	Section 7.11 contributions will be required to be provided at each subsequent DA applications involving additional floor space.	N/A
5.10 Art in Publicly Accessible Place. Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1% of the construction cost of the works capped at $1,500,000. Art must be located within the site so as to be publicly accessible i.e. viewed or experienced from publicly accessible places.	The applicant has provided a public art strategy. The applicant has intended that this document will establish a framework for the development of more detailed public art strategy. Each subsequent stage will require more information to be provided in respect of public art. A condition of consent has been imposed to reflect this and to include provision of public arts within the new central open space area. See **Condition 18.**	Yes – subject to **Condition 18.**
6.0 Infrastructure, facilities and public domain improvement.		
Floor space ratios and height are to comply with Ryde LEP 2014. Access Network and open space network being park are to be dedicated to Council, be design and constructed in accordance with the Macquarie Park Corridor Public Domain Technical Manual.	Refer to Clauses 4.3 and 4.4 of the Ryde LEP discussed previously in this report. The proposal complies. **Condition 32** has been imposed requiring the provision/construction of the new east-west road and upon satisfactory completion for it to be dedicated to Council.	Yes Yes – See **Conditions 32.**

Control	Comments	Comply
7.0 Built Form		
7.1 Site Planning and Staging. Sites are to be planned to allow for the future provision of new street and open spaces in accordance the Figure 4.1.1 Access Network.	The building has been sited to allow for the future provision of the 20m wide road. The proposed buildings located on the Concept Plan has been prepared with respect to the Access Network Structure Plan.	Yes
7.2 Activity Centres Macquarie Park Station Macquarie University Station North Ryde Station	Not within any Activity Centre (outside of Macquarie University Station Activity Centre).	N/A
7.3 Active Frontage Continuous ground level active uses must be provided where primary active frontages are shown in Figure 7.3.1	Not an active frontage.	N/A
7.4 Setbacks and Build to Lines 5m to all new and existing streets.	Proposed: 10m setback to Herring Road. 5m setback to the internal road (future road location). Whilst the front setback is greater than the required 5m (the proposal will have a 10m setback). The concept plans show the front setback area being predominantly paved with some seating area. As the basement levels are also setback 10m, deep soil planting should be provided within this front setback area. Deep soil planting will enhance the existing character of the street and increase pedestrian amenity. **Condition 9** has been imposed requiring this. UDRP has reviewed the proposal and no objections were raised with regards to the setbacks. No encroachment into the Herring Road front Herring Road 5m setback. **Condition 9** has been imposed requiring deep soil planting within the front setback.	Yes
Underground parking is not permitted to encroach into the front setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting. 60% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible.	Buildings 3,4 & 5 will have a frontage to Road 3 and require a 5m setback from this road. Buildings 3,4 & 5 are setback 5m from the road on the ground and basement 1 level however basement levels 2 & 3 have a1.3m setback to the road. The 1.3m setback can be supported as Council's Consultant Landscape Architect has advised that the applicant has *demonstrates that, despite these encroachments, sufficient soil volumes have been provided to support the establishment of mature tree species and deep root planting. Specifically,*	No – variation acceptable.

Control	Comments	Comply
Paved areas are to relate to the materials and finishes of the adjacent streetscape. At grade car parking must not be located within this setback. Figure 7.2.2 Parking is not permitted within required setbacks, allowing for deep soil landscaping along streets	*basement ceiling heights have been stepped down where possible to provide an increased depth of soil above the proposed structure. Where these ceiling heights could not be stepped down to a sufficient level, planter walls have been included above the existing grade to achieve the minimum required soil depth for deep soil planting*.	
<u>7.5 Awning and Canopies.</u> Awnings must be provided where Primary Active Frontages are shown in Figure 7.2.1Activity Centres Structure Plan and Active Frontage Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in the Corridor.	Not a primary active frontage.	N/A
<u>7.6 Rear and Side Setbacks</u> Buildings are to be set back 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site.	<u>Rear (western) boundary:</u> <u>Building 5:</u> Building setback minimum 11m on ground floor and 14m on Levels 1 and above. Basement levels encroach into the 10m setback having a setback of 6.2m. This variation is considered acceptable as a 1.9m landscaping strip is proposed along this section of the basement encroachment and as above, Council's Consultant Landscape Architect has supported the variation for the reasons stated above. Furthermore, once Road 3 is constructed, this rear setback will become Building 5's side setback, thereby complying with the side setback requirement of 5m. With the construction of Road 3, Buildings 3,4 & 5 will be required to have a rear setback of 10m to the common boundary with 116 -118 Herring Road. The proposal complies with this requirement, with the buildings and basement setback a minimum of 10m. <u>Side setback</u> Buildings 1 & 2 side setback to the north east side boundary (common with 1 Saunders Close) – setback of min 5m to 14m from ground floor and above. Basement levels setback of 2.1m adjacent to the north east boundary. As noted above, Council's Consultant Landscape Architect has advised that the applicant has demonstrated that sufficient soil volumes can be provided to support mature tree species. See comments above. Given the above information, it is considered that the basement	Yes No - for basement levels – variation acceptable. Yes No - for basement levels – variation acceptable
Buildings are not to be		

Control	Comments	Comply
constructed on the locations for proposed new roads. An allowance for a 5m setback from a proposed road should also be made.	encroachment is acceptable given that the intent of the required setback can be satisfied. A 5m setback from the proposed new road has been provided for the buildings for ground levels and above. The basement levels of the carpark encroach into the 5m setback. City Works - Public domain has reviewed the encroachment and raised no objections as the public domain works will not be impacted by this encroachment, the extent of the encroachment is below the pedestrian pathway only and as such, does not impact planting opportunities.	Yes
Basement car park structures should not encroach into the minimum required rear or side setback zone unless the structure can be designed to support mature trees and deep root planting.	Basement levels encroach into the setback zones – see discussion above.	No – variation acceptable.
<u>Building Separation</u> Provide building separation as recommended by the ADG.	The proposal can comply with the building separation as required by the ADG.	
<u>Up to four storeys (approximately 12m):</u> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms	The separation between Buildings 1 & 2 and 1 Saunders Close on Levels 4 to 7 is a minimum of 18.6m. On Levels 8 to 13 the minimum separation is 24m, which is compliant. The separation between Buildings 1 & 2 ranges from 18.6m to 32.7m, which is compliant.	Yes
<u>Five to eight storeys (approximately 25m</u>): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	Separation between Building 2 and the existing Boarding House is minimum 25m – which is compliant with the ADG. The separation between Buildings 3,4 & 5 are compliant. On the ground floor to L12, the separation between each of the building is 21m with 24m separation provided for levels 13 and 14 above.	
<u>Nine storeys and above (over 25m):</u> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	A 10m to 12m setback has been provided for the rear common boundary with 116-118 Herring which is half the required separation requirement with 116-118 Herring Road. All the proposed building envelopes will be the subject of future detailed DA's which will be assessed and approved by Council. **Condition 10** has also been imposed requiring all subsequent DA's for apartment buildings to comply	

Control	Comments	Comply
	with the ADG requirements.	
8.Site Planning & Staging		
<u>Site Planning & staging</u> Sites are to be planned to allow for the future provision of new streets, pedestrian connections and open spaces in accordance with Figure 4.1.1 Access Network and Figure 5.1.1 Proposed Open Space Network.	The Concept Plan features a future 20m wide road running from east to west. Council's Urban Planner and UDRP have reviewed the concept plan and it is considered satisfactory.	Yes
<u>Site coverage, DS areas & POS</u> A minimum 20% of a site must be provided as deep soil area. Deep soil areas must be at least 2 m deep. For the purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.	More than 20% of the site will be deep soil area. Sufficient landscaped area is provided for the whole site.	Yes
A minimum 20% of the site area is to be provided as Landscaped Area. Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June. Appropriate shading is to be provided so that communal spaces are useable during summer.	The communal public open space is to be located adjacent to the Building 1 and the communal open space would be largely overshadowed at 9am on the winter solstice. However, this area will receive sunlight from 12 noon to 3pm, as illustrated in **Figures 36** to **38** below. The location of the communal open space opens up the central area, provide connectively with the existing village green in front of the newly constructed Learning Building and the pedestrian pathway between Buildings 3 & 4. Overall, the buildings siting provides an appropriate balance between solar access, building separation, and responsiveness to the street network. In addition, this spatial arrangement ensures that the communal open space is well connected to all other buildings within the development. The overshadowing impacts are acceptable on this basis.	Yes

Control	Comments	Comply

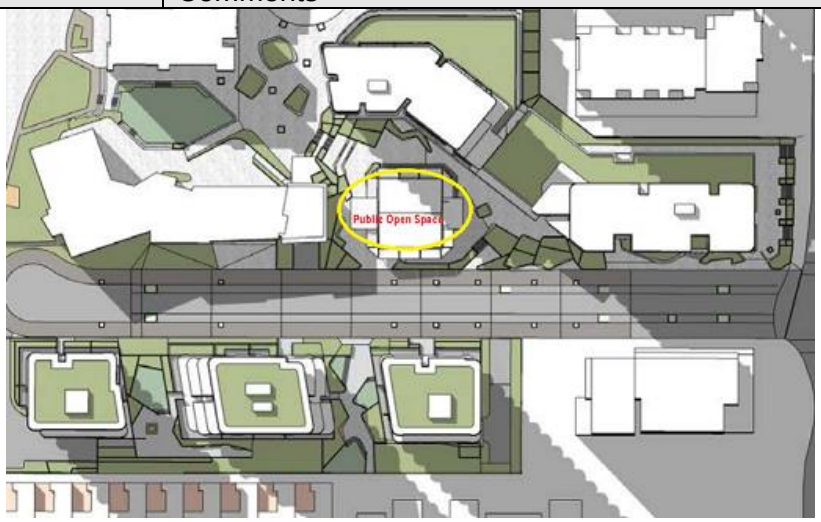


Figure 36: Sunlight access to the communal open space (circled in yellow) from 12 noon.

Figure 37: Sunlight access to the communal open space (circled in yellow) at 1pm.

Figure 38: Sunlight access to the communal open space (circled in yellow) at 3pm.

Control	Comments	Comply
<u>Topography and Building Interface</u> Level changes across sites are to be resolved within the building footprint. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible. An accessible path of travel is to be provided from the street through the main entry door of all buildings.	Level changes have been incorporated into the siting and design of the overall concept proposal and public domain elements. Detailed compliance for building interface will be confirmed at the detailed DA stage for all future stages.	Yes
<u>Site Facilities</u> <u>Commercial</u> Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible. Rubbish and recycling areas must be provided in accordance with Section 6.3 Waste Management. These areas must be integrated with the development;	Vehicular access and waste collection for Buildings 1 & 2 will be off Saunders Close. Vehicular access and Waste collection for Buildings 3,4 & 5 will be from off the new internal road off Herring Road. Council's Environmental Health Officers and Waste Officer have reviewed the proposal and raised no objections.	Yes. Yes.
<u>Vehicular Access</u> Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.2 Active Frontages). Where practicable, vehicle access is to be from secondary streets. Potential pedestrian/vehicle conflict is to be minimised by: limiting the width and number of vehicle access points ensuring clear site lines at pedestrian and vehicle crossings utilising traffic calming devices separating and clearly distinguishing between pedestrian and vehicular access-ways.	Saunders Close and this section of Herring Road is not identified as "Active Frontage" however vehicular access is provided from the internal road, off Herring Road. Council's Traffic & Development Engineer has reviewed the proposal and has not raised any objections to the proposal.	Yes Yes

Control	Comments	Comply
<u>On-site Parking</u> Safe and secure 24-hour access to car parking areas is to be provided for building users.	Details of access and security will be part of the detailed DAs for each subsequent building.	Subsequent Das for full details.
At-grade parking: Parking areas must not be located within the front, side, or rear setbacks. Provide safe and direct access from parking areas to building entry points.	No at grade parking is proposed as part of this concept application.	N/A
<u>Basement parking</u> Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.	As discussed earlier in the table under Section 7.6 – Rear and side setback, the basement level within Precinct A will encroach into the setback area – see full discussion. The proposed variation into the setback zone for the basement levels is considered acceptable as mature planting can be provided within the reduced setback zone.	No – variation acceptable.
Basement parking areas must not extend forward of the building line along a street.	The basement does not extend forward of the building line facing Herring Road.	Yes
Basement parking should be contained wholly beneath ground level along public streets.	On the southern side of Road 3, within Precinct B, basement levels 2 & 3 extend forward of the building line of Buildings 3, 4 & 5. Basement level 1 is setback in line with the buildings with all parking wholly beneath ground level. No objections are raised to basement levels 2 & 3 being forward of the building line as mature tree planting and deep soil planting can see be provided within this front area. Council's Consultant Landscape Architect has raised no objection for the reasons stated previously.	No – variation acceptable.
Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development	Details to be submitted as part of the subsequent DA for each building.	Subsequent DAs for full details.

Control	Comments	Comply
Environmental Performance		
<u>Wind Impact</u> Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report. Refer to Council for documentation and report requirements.	A preliminary wind assessment report has been submitted with the development application. This report has concluded that: "*With the inclusion of the considerations in the detailed design of the development, wind conditions within outdoor trafficable areas of the development are expected to be suitable for their intended uses.* *It is recommended that wind tunnel testing be undertaken at a more detailed design stage in order to quantitatively assess the wind conditions within and around the masterplan to ensure suitable pedestrian wind conditions are satisfied'* With the impositions of appropriate measures as detailed in the report, the development will provide appropriate wind conditions however a wind tunnel test is recommended to confirm the qualitative findings and quantify the wind conditions in and around the site during detailed design. A condition of consent will be imposed to ensure that all following DA's are accompanied with the appropriate wind report. (See **Condition 21**).	Yes – subject to condition.
<u>Noise & Vibration</u> An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. Development is to comply with all relevant statutory regulations.	As part of the development application a preliminary acoustic report has been submitted. A condition of consent has been included which will require the submission of a detailed acoustic report with any sequent DAs. (See **Condition 12**)**.**	Yes – subject to condition.

<u>Part 9.3 Car Parking.</u>

The applicant has advised that "*the proposal requires a total of 630 car parking spaces (combination of all scenarios) to support the Master Plan based on the indicative development yield. The Architectural Design Package indicates the proposal can facilitate 653 car parking spaces in the basement levels, and as such, is capable of satisfying the provisions of the RLEP 2014 and RDCP 2014."*

Council's Senior Development Engineer and Senior Traffic Engineer have reviewed the submitted Traffic Report, which include how the number of car parking spaces proposed by the applicant was calculated.

Council do not support the proposed 653 car spaces as there is an oversupply of car parking spaces. Council's Senior Traffic Engineer has provided the following comment:

'The traffic report submitted states that the recreational hall is proposed to primarily service members and will generate minimal external vehicle trips. Furthermore, the venue is proposed to held functions typically after weekday working hours and on weekends. Therefore, any potential parking demand generated by the Recreational Hall should be able to be accommodated by the commercial parking spaces. Therefore, the recreational hall does not require any parking spaces to be provided.

The childcare centre is not a destination facility and would not attract trips from a broader regional area, however, it would cause re-distribution of existing traffic volumes in the local area and its impact on the nearby intersections must be assessed. The recommended traffic generation rate adopted a 25% discount on the traffic generation rate as per TfNSW' Guide to Traffic Generating Developments, reflecting the excellent public transport services and high-density housing supply in Macquarie Park.

The parking provision for the retail component needs to be reduced to allow for staff parking only. A pool of visitor parking spaces should service both the retail and residential visitor parking demands".

It should also be noted that the amended plans of August 2020 have removed the multi-purpose hall, as such any parking associated with the hall is to be deleted.

Accordingly, no approval is given to the number of parking spaces, bicycle spaces, car share or loading spaces/area as part of this proposal. This will be detailed with each subsequent DAs having regard to the final mix of land uses and the apartment mix.

Condition 8 has been imposed for parking capacity and allocation, and that the provision of carparking must be staged relative to the level of development being undertaken such to ensure there will never be an oversupply of parking on the development site.

7.6 Section 7.11 - Development Contributions Plan

Council's Section 7.11 Development Contributions Plan 2020, effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density.

The application does not seek approval for any construction works, approval will be sought via subsequent future detailed development applications seeking approval for detailed design. Accordingly, Section 7.11 Development Contributions will be sought with each subsequent development applications.

8. LIKELY IMPACTS OF THE DEVELOPMENT

All relevant issues regarding environmental impacts of the development have been discussed in this report (see sections ADG, RLEP 2014 and RDCP 2014). However, the following issues require further specific comment:

8.1 Context and setting

The proposed development is considered appropriate with regard to context and setting. The subject site is located within the Macquarie University Station Precinct and will help provide for new shops, cafes, jobs, homes and open space. The development will enhance and transform the area into a vibrant centre that makes the most of the available transport infrastructure and the precinct's proximity to jobs, retail and education opportunities within the Macquarie Park corridor.

The proposal contributes towards improving connectivity within the locality and enhance the public realm through the provision of a new road, pedestrian through site link and publicly accessible open space. Council's UDRP are generally supportive of the concept DA in its current form.

The proposed development is considered appropriate with regards to context and setting.

8.2 Built Form

The development is consistent with Council's controls with respect to the height and scale envisaged for future redevelopment of the area.

The establishment of maximum building envelopes and allocation of gross floor area establishes the parameters for future applications for the site with respect to the built form.

Future development applications for the buildings will provide details regarding the appearance of the new developments. As previously discussed, the envelopes and footprints as proposed for these buildings are a suitable bulk and scale for a development of this size.

Council's UDRP has reviewed the proposal and the applicant has amended the proposal as recommended by the UDRP.

8.3 Natural Environment

The proposal does not result in any undue impacts to the natural environment, given the existing buildings on site and the DCP requirement for a new road through the site. The extent of tree removal is satisfactory for a development of this scale and the design allows for tree retention where appropriate, with a total of 31 trees to be retained.

No physical works or tree removal are proposed under this concept proposal. With each subsequent DA for each of the buildings, further details will be submitted with regards to the tree removal and tree replacement planting.

9. REFERRAL RESPONSES

External Referrals

Transport for NSW

No objections were raised subject to conditions of consent. **Condition 38.**

Natural Resources Access Regulator
No objections were raised to the proposed development. The proposed activity is exempt from Section 91 E (1) of the Water Management Act in relation to controlled activities.

NSW Police.
No objections were raised subject to conditions of consent. **Condition 17.**

Consultant Landscape Architect:
Council's Consultant Landscape Architect has advised that further information and clarity (updating the AIA & Ecology Reports) is required however these can be addressed as part of any subsequent future development application. **Conditions 35** to **37.**

Internal Referrals:

Senior Development Engineer
A referral was made to Council's Senior Development Engineer, who raised no issues with the concept proposal subject to conditions of consent in relation to any future development for each of the buildings. **Conditions 27** to **34.**

Environmental Health Officer
No objections were raised to the proposed development subject to conditions of consent. **Condition 15.**

Public Domain Engineer
From a Public Domain perspective, the most important element is the proposed new 20 metre wide road corridor through the site.

The development is subject to the standards and requirements of the City of Ryde Development Control Plan DCP 2014 Part 4.5 - Macquarie Park Corridor, and the City of Ryde Public Domain Technical Manual PDTM Section 6 – Macquarie Park.

The submitted information is sufficient as a concept design – there are no objections to approval of this application subject to conditions. **Conditions 24 & 25.**

Waste
Proponent does not seek at this stage, any approval for detailed works on site, rather just a 'concept' for the proposed future development. As such, further detailed development applications will be submitted specific to each stage of the development and should be conditioned accordingly, based on future submissions. **Condition 26.**

Traffic Engineer

Traffic Generation and Implication
The traffic report estimated the potential traffic generation of the proposed masterplan based on assumptions of the functions of individual land uses. Whilst Council's Transport Department does not agree on some of the assumptions for parking, the total amount of traffic generated by the proposed development is considered reasonable and reflective of the potential traffic generation. The removal of parking spaces can be conditioned without further RFIs.

The below table summarised the expected traffic generation based on the recommended rate above and it is found that the number of trips is lower than presented in the traffic report. Therefore, the traffic assessment carried out in the traffic report is considered valid and no further information is required.

Land use		Residential	Commercial	Childcare Centre	MALC Expansion	Recreational Hall	Multi-Purpose Hall	Retail		
Unit (No. Parking Spaces/Children/GFA)		405	80	100	59	600 m2	400 m2	710 m2		
Recommended Trip Gen. Rate	AM	0.19	0.45	0.60	0.45	Minimum Traffic Generation during peak periods (subject to further parking restriction)			**Sum (Recommended Rate)**	**Sum (Traffic Report)**
	PM	0.12	0.39	0.53	0.39					
Trip Generation	AM	76.95	36	60	26.55				**200**	**262**
	PM	48.6	31.2	52.5	23.01				**155**	**183**

SIDRA models showed that with the traffic implication of the proposed masterplan is negligible, comparing to the impact of Ivanhoe Estate Development. The extended queuing on Herring Road is mainly due to the signalisation of the Herring Road/Ivanhoe Place intersection and the proposed development is not expected to have measurable impacts on the operation of the road network.

Service Vehicle Access Arrangement

The master plan proposed four loading bays across the subject site which can accommodate two 10.5-metre rigid vehicles and two medium rigid vehicles. The number of loading bays is considered sufficient for a development site of this size, however, it should be noted that Council's Waste Collection Vehicle is 11 metres long and requires 4.5 metres vertical clearance. Updated swept paths shall be submitted at subsequent DA stages to demonstrate that the loading bays are designed accordingly.

New Road 3

A concept drawing of the new Road 3 west of Herring Road has been provided, comprising of two travel lane and two kerb-side parking lane. An additional short lane is also provided on approach to the Herring Road/Ivanhoe Place intersection to facilitate the traffic demand.

Staging of the Masterplan and Temporary Access Arrangement

There is no set staging proposed for the subject site. Instead, five development scenarios have been presented with the southern site being divided into three scenarios and the northern site divided in two. Temporary cul-de-sac and loading area will be provided at each stage.

Council's Transport Department can provide in general support the temporary measures; however, swept path analysis demonstrating the manoeuvrability of the longest trucks needs to be submitted to Council for assessment with subsequent DA applications.
No objections subject to appropriate conditions of consent. **Conditions 22 & 23.**

10. PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with Ryde Community Participation Plan 2019, surrounding properties were given notice of the application. The application was advertised in The Weekly Times on 21 August 2019 to 21 September 2019. It is noted the proposal as notified is the originally lodged development application, with the amendments received on 20 August 2020 not renotified.

A total of 280 individual submissions & 3 separate petitions containing a total of 114 signatures were received objecting to the original proposal. This includes a submission which was sent directly to the SNPP and the issues raised in that submission have been included below. Council also received 15 letters from the Office of Hon. Victor Dominello MP, Member for Ryde on behalf of 15 constituents who wrote to the Member for Ryde. Additionally, on 19 February 2020, Council met with a main objector who requested a meeting with Council to further express community concerns.

The objections received to the proposal are addressed below.

10.1 Council meeting with Objector

One of the concerns raised by an objector was the lack of feedback being received by the community. Council responded by meeting directly with one of the main objectors on 19 February 2020 to hear the concerns of the community.

At the meeting, the objector raised the following concerns:

- *Poor pedestrian safety, the design overlooks the needs of the community to connect to local amenities, such as the local designated school (Kent Road School), and Metro station (Macquarie University Station).*

  To offset some of the effects of congestion, noise, limited public green space, the residents of the Herring Road precinct, request that the design of the current application be modified to introduce a solution to the precinct challenges - a green pedestrian corridor for the whole precinct, See ***Figure 39****. This pedestrian corridor must be integrated into the current plan, given the proposed plan concerns a block of land (Morling College block) that is both is both central and large within the precinct.*

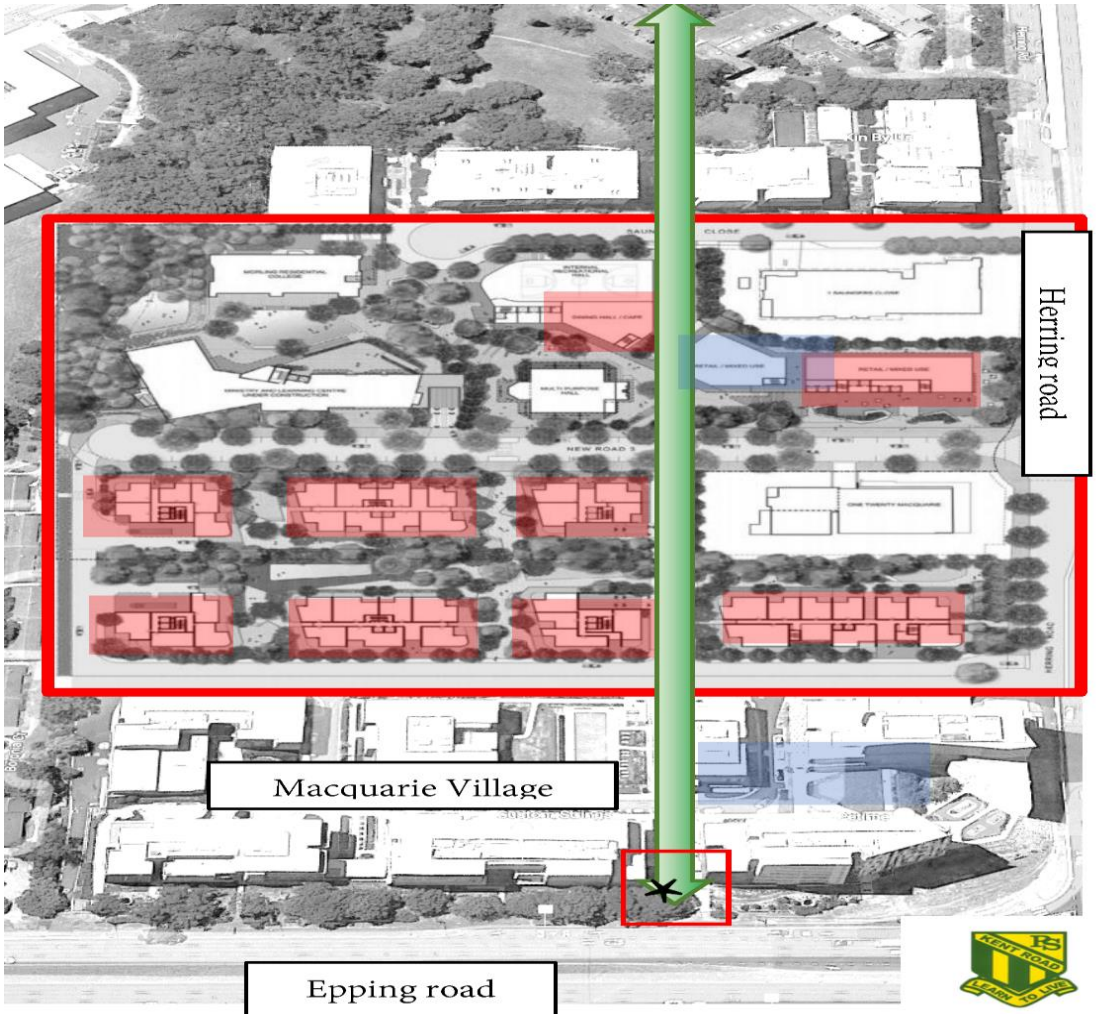


Figure 39: Suggested green pedestrian corridor off Herring Road, from Epping Road to eventually through to Macquarie University Metro Station at Waterloo Road.

Comment

The subject site is a large privately owned parcel of land which is to be redeveloped to take up the height and FSR uplift endorsed by the Macquarie University Station Priority Precinct. As part of the concept application, it is proposed to construct a new road and provide pedestrian pathways as follows:

- A 20m wide road (Road 3) is to be constructed east to west from Herring Road to the western boundary. Future connection from the western boundary through to either the Macquarie University site or Baptist Care will eventually connect with Balaclava Road. The road will also provide pedestrian footpath on either side of the road. **Figure 40** below outlines the pedestrian links throughout the site. The new road is numbered “3” on the plan;
- An east west connection between Herring Road and the Kikkiya Creek riparian corridor (numbered “1” on the plan); and
- South to north from the southern boundary of 116 - 118 Herring Road (numbered “2”) to end of Saunders Close (refer **Figure 41**).

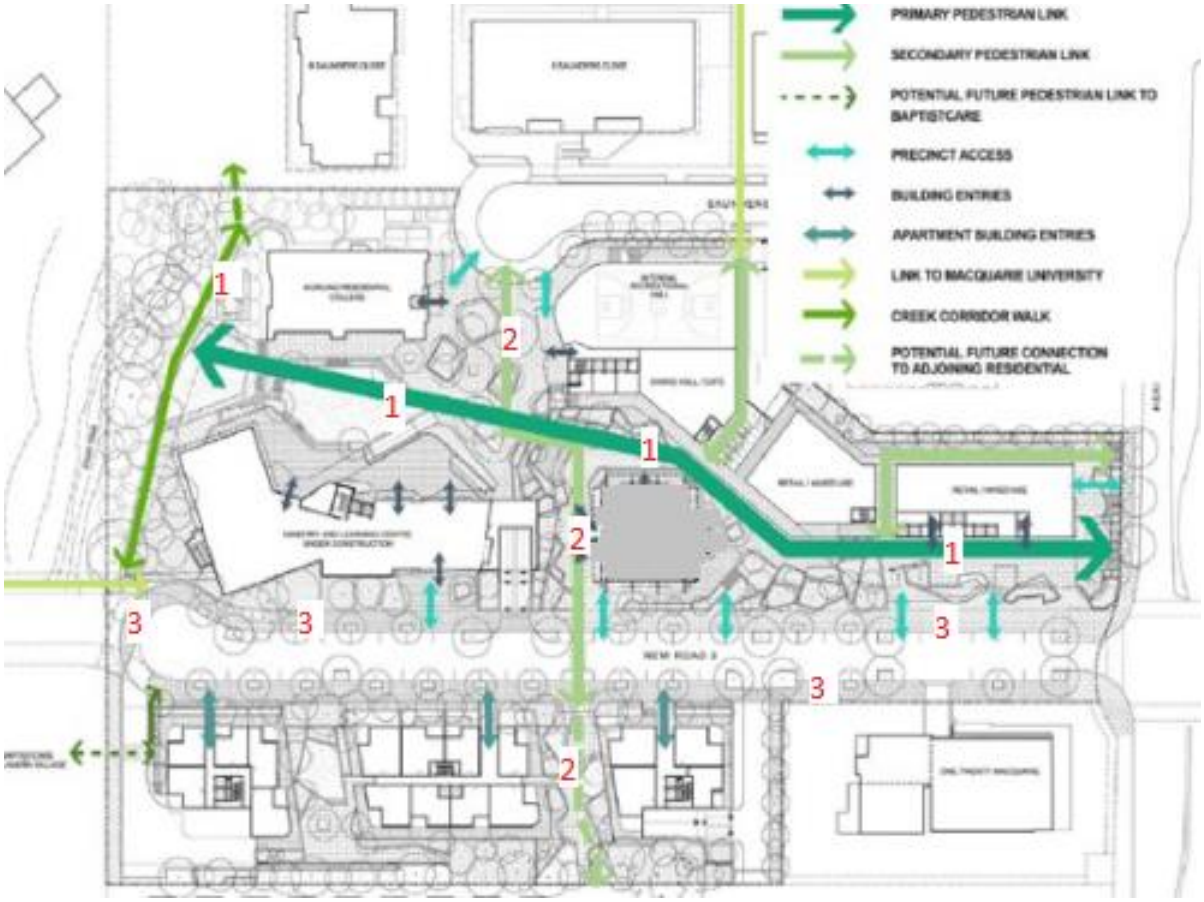


Figure 40: Pedestrian access throughout the site.

Figure 41: Pedestrian access from south to north to connect up with Saunders Close.

The new road is required to be constructed under Section 4 – Access Network Map of the DCP. The DCP does not stipulate a formal pedestrian through link pathway to be provided on the site however good urban design encourages walking, physical activity and social interaction. In this instance the applicant has provided primary and secondary pedestrian links throughout the site as illustrated in **Figures 40 & 41.**

Whilst the north-south pathway is not a 12m wide straight continuous pathway as suggested by the objectors in **Figure 39**, nonetheless a pedestrian access is provided which provide connectively from 116 – 118 Herring Road through to Saunders Close. This pathway is between Buildings 3 & 4, adjacent to the new proposed open space area and through the Village Green open space area through to Saunders Close. All publicly accessible areas throughout the site will need to comply with the relevant standards in accordance with AS 1428.1, BCA and Disability Discrimination Act.

To ensure that the pedestrian connectively is maintained, Council has recommended **Condition 40** for a Right of Way being provided over the publicly accessible areas.

The proposed pedestrian link suggested in **Figure 39**, starting from Epping Road to Macquarie University Metro Station at Waterloo Road cannot be easily achieved for the following reasons:

- The development at 110 Herring Road known as Macquarie Park Village (formerly Stamford Hotel) have already been redeveloped for residential, retail, commercial and public open space with 7 separate buildings via Concept Approval MP10_0112 dated 26 September 2012 and Project Application MP10_0113 for Stage 1 for 5 of the 7 buildings.

  The Macquarie Park Village has a street and road network throughout the site. The street network includes a road along the northern and western boundaries plus an internal street with shared pedestrian zone. The pedestrian access strategy throughout the site comprise of pedestrian access to and from the proposed new public street to Epping Road, and direct access for pedestrians through the use of lifts and stairs to the bus stop located footpaths along the road and walkways within the site. There is no requirement for a through site link to the adjoining property to the north at 116 -118 Herring Road and then to the subject site. Solid fencing has been erected along the common boundary with Macquarie Park Village and 116-118 Herring Road.

- The suggested pathway adjacent to the side of Building 2 was not supported by the UDRP and was deleted as recommended. Pedestrians should be encouraged to walk through the central plaza area and meander to the Village Green area (located in front the newly constructed multi-purpose building) through to Sanders Close.

10.2 <u>Baptist Care Submission: 159-165 Balaclava Rd, Macquarie Park</u>

A future road connection which runs through the Morling College Site (from Herring Road) will serve an important strategic purpose for activating this part of the Macquarie Park Corridor. Accordingly, we agree with Council's Urban Design Review Panel position at the Pre DA phase (PRL2019) that a new east-west street is supported and should be coordinated with adjacent sites, subject to further

master planning work (including determination of a suitable exit point onto the road network from the Baptist Care site). We wish to be further consulted regarding this connection.

We believe that accommodating the road connection through the Baptist Care site (rather than Macquarie University) would benefit planned future development on the Baptist Care site, provide a timely response to delivering the future road and still achieve the aims and objectives of the Macquarie Park Corridor component of the DCP. The exact alignment of the road through the Baptist Care site should be determined through a master planning process.

Comment

A meeting was held with Council, Baptist Care and Morling College on the 6th November 2019 to discuss future potential road alignment. At this meeting it was discussed that Morling College is responsible for designing the road corridor up to the north-west site property boundary and that it is possible for future connections can be made possible to either Macquarie University site or from the Baptist Care site.

A potential future connection option is provided on the respective civil engineering drawings. The revised Architectural Drawings and Civil Engineering Drawings illustrates that the road corridor provides adequate provisions for connection to either the Macquarie University site or the Baptist Care site.

10.3 Frasers Property Submission: Ivanhoe Estate

Provide revised shadow diagrams which consider the shadow cast of the proposed Concept DA on Building A1 proposed under Stage 1 of the Ivanhoe Estate. Revised shadow diagrams should include elevational shadow diagrams for Building A1 to determine the extent impact, if any. Should the revised shadow diagrams reveal that there is an unacceptable level of impact to the solar access of Building A1, the proponent should be requested to modify envelopes as much as practical to optimise solar access.

Comment

Additional shadow diagrams were submitted to determine overshadowing impacts from the proposal to Building A1 of the Ivanhoe Estate.

The shadow diagrams demonstrate that Building 1 of the Morling College, located at the south-east corner of the site adjacent Herring Road, causes minimal overshadowing to Building A1 at 12 pm and 1 pm on the 21 June. From 9am to 12pm and from 2pm to 3pm the proposal does not cast any additional shadow to Building A1. It is determined that the extent of shadow impact to Building A1 is minor, impacting upon the ground floor lobby area only, as illustrated in **Figures 42 & 43** below.

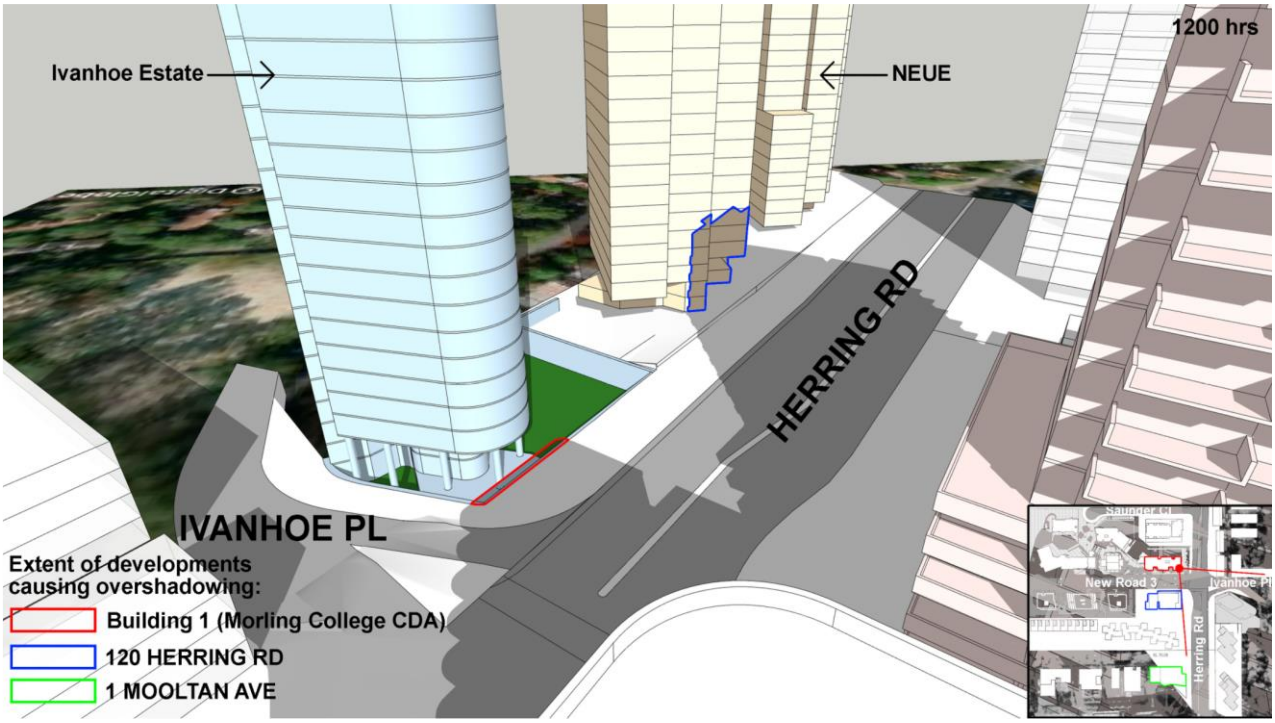


Figure 42: Extent of overshadowing at 12 noon by Building 1 of the Morling College to the Ivanhoe Estate outlined in red

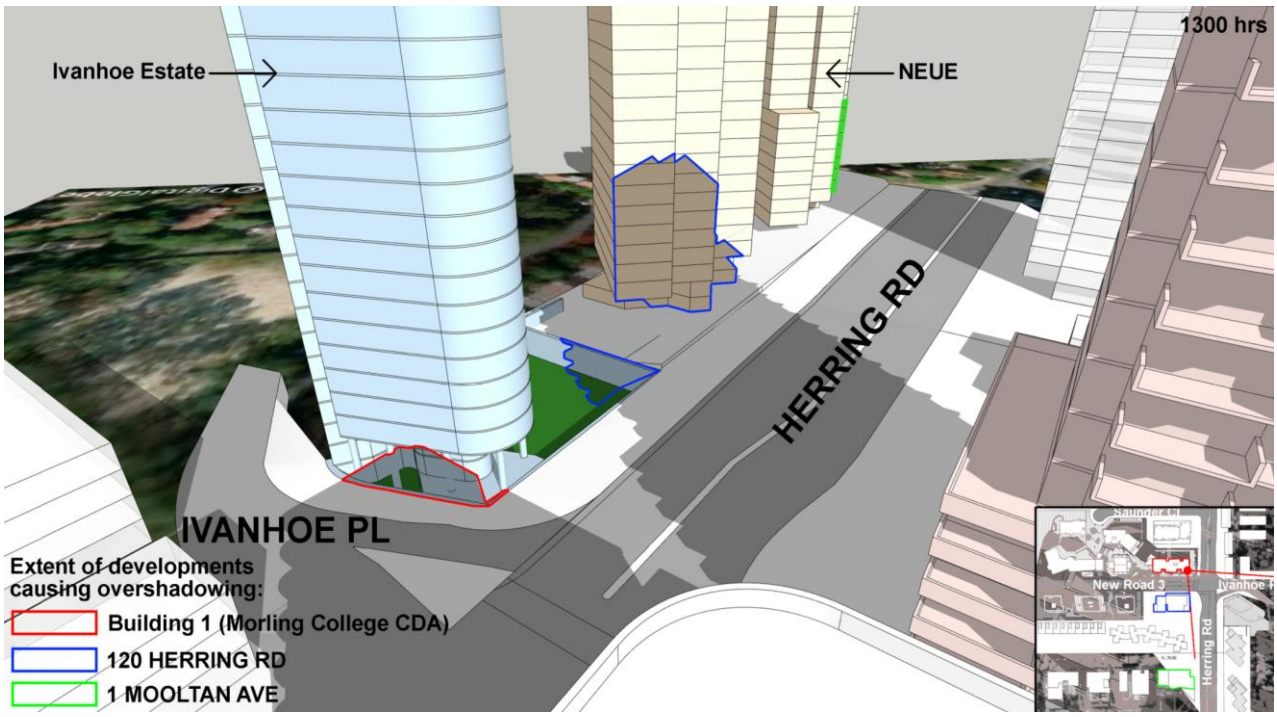


Figure 43: Extent of overshadowing at 1pm by Building 1 of the Morling College to the Ivanhoe Estate outlined in red. By 2pm there will no overshadowing from Morling College.

10.4 General issues raised in the submissions

- Built Form, Density and Design

  - *Less FSR due to required transfer from 120 Herring Rd - remaining GFA should be 52,616sqm.*

- *Concentration of density - residential and mixed-use buildings concentrated on the Morling College site close to existing built form resulting in "unequitable density".*
- *Greater separation between buildings on-site and increased setbacks to neighbouring property boundaries and buildings (particularly 1 Saunders Close). The proposed setbacks are too close and will damage the foundation of 1 Saunders Close (Mascot and Opal Tower are two examples);*
- *Too bulky and too high. Site B (14 storeys) is to tall and too close to 120 & 116 Herring Road*
- *Concern about rooftop gardens on top of buildings.*

Comment

The proposal complies with relevant density controls pertaining to height, FSR, building separation and setbacks. The matter of transfer of floor space has been discussed earlier in the report under Section 7.4. The proposal complies with the maximum FSR for the Morling College site. As previously discussed, the permissible GFA is currently 68,650m^2 minus the 8,017m^2 FSR transferred to 120 Herring Road. The residual GFA for the remainder of the site is therefore 60,633m^2.

The separation to 1 Saunders Close and 116-118 Herring Road complies with the ADG and Council's setback requirements (albeit noncompliance with the basement setback to 1 Saunders Close as discussed earlier in the report). A Geotechnical Assessment report has been submitted with this concept application. The report states: "*The recommendations presented in this report include specific issues to be addressed during the detailed design and construction phase of the project. As an example, a site specific geotechnical investigation of the site should be carried out."* This approval does not seek consent for any detailed design or construction. Future detailed DA's will be required to undertake detailed site investigations (including geotechnical) to determine soil properties as well as detailed structural design and integration required to support development.

Accordingly, **Condition 13** has been imposed requiring a Geotechnical Report to be submitted with each subsequent application for the construction of the buildings and basement. In addition, for the detailed applications for construction and building works, a condition is generally imposed for pre and post dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work.

The indicative scheme includes the provision of rooftop gardens for the various building envelopes. The design of any rooftop areas will be explored throughout the detailed design phase and the subject of subsequent DA's.

The site is required to provide a new 20-metre-wide road corridor in accordance with the location outlined in Council's DCP. The provision of the road effectively breaks the site into two portions with the remaining "undeveloped" portions of the site indicated in **Figure 44** below.

At a prelodgement UDRP meeting in March 2019, a number of options for the layout and location of building envelopes were explored and presented to the panel. The proposed option of 5 x buildings for the "undeveloped" portions of the site, as shown in **Figure 45** was the preferred option. This was considered satisfactory by the UDRP subject to

demonstration of overshadowing impacts to the adjoining southern property at 116-118 Herring Road, with a minimum 2 hours solar access required.

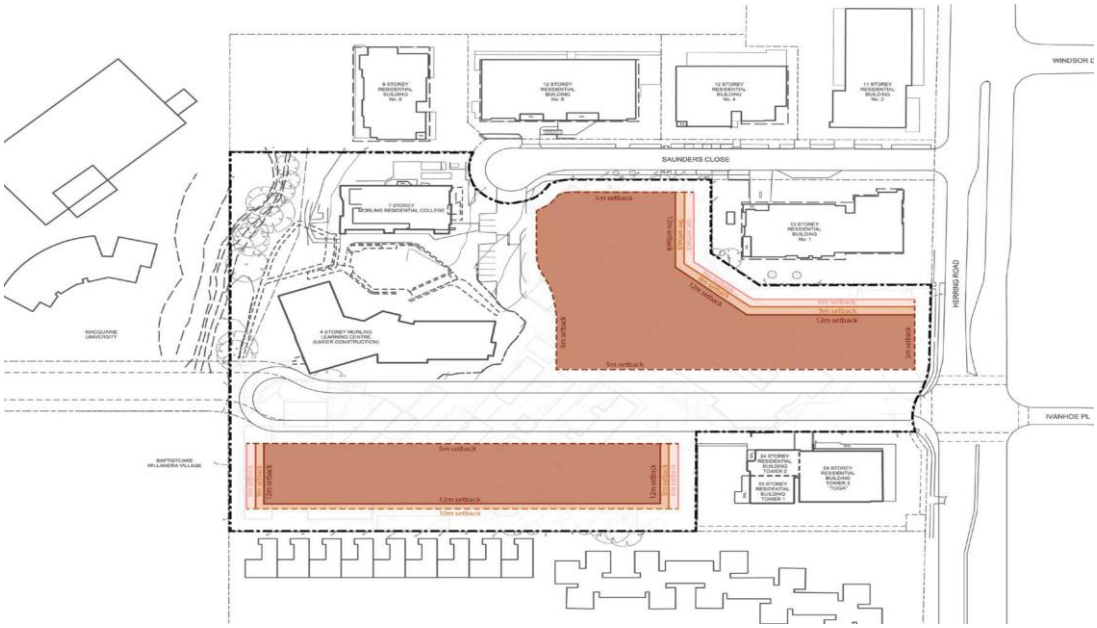


Figure 44: Subject site with location of the undeveloped area.

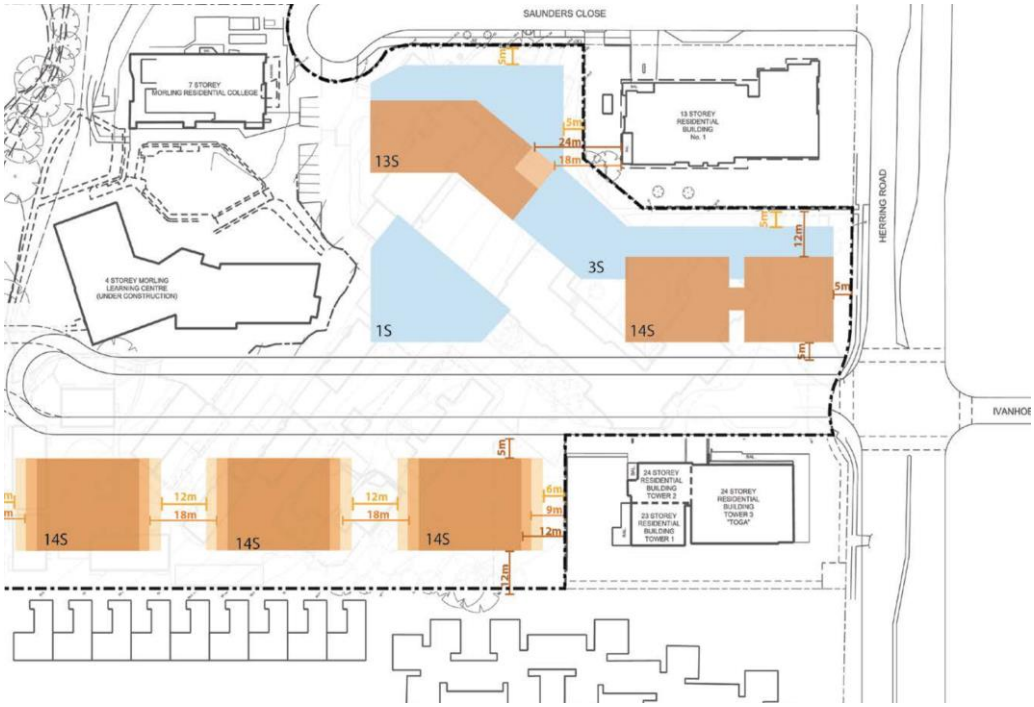


Figure 45: Option 11 as to location of the 5 buildings.

The proposed layout of built form elements, given the provision for the future road and the already recently approved buildings on the site, appropriately disperses density across the site.

- <u>Privacy and Overlooking</u>

  - *Loss of privacy and overlooking into 120 Herring Road apartments - Site B is too close to 120 Herring Road*

- *No respect for privacy - proximity of buildings is too close.*
- *The proposed 14 storey high construction will completely obstruct Buildings C & D in Saunders Close and provide no privacy for residents.*

Comment

The concept proposal is compliant with relevant ADG requirements pertaining to minimum building separation distances. More than 24 metres building separation is provided at all levels between proposed Building 3 and 120 Herring Road, as illustrated in **Figure 46** below.

The separation between Buildings C & D in Saunders Close ranges between minimum 38m to 45m, as illustrated in **Figure 47** below and is not considered to pose any overlooking concerns.

Future detailed DA's will be required to undertake further assessment and any direct overlooking can be addressed and mitigated as part of subsequent DA's through detailed architectural design (e.g. architectural fins, screens or louvres), as required.

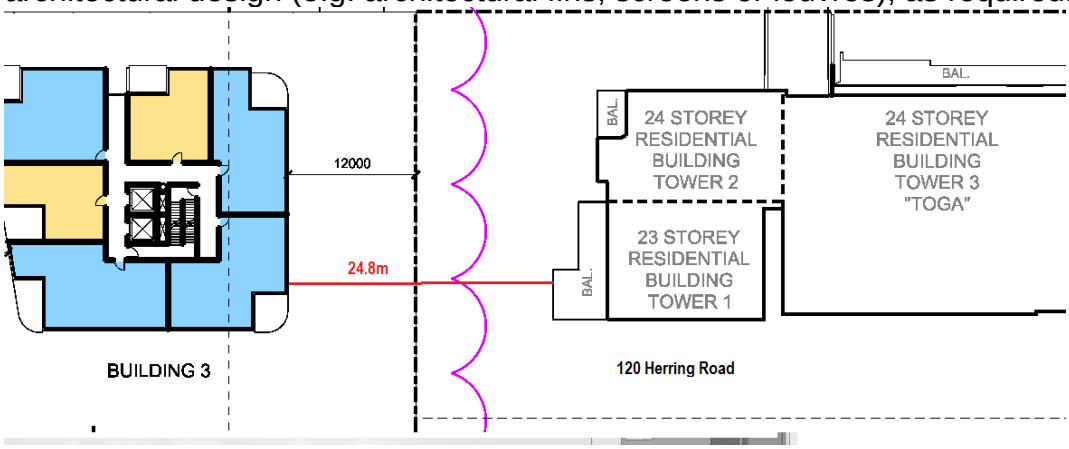


Figure 46: Separation distance between Building 3 and 120 Herring Road.

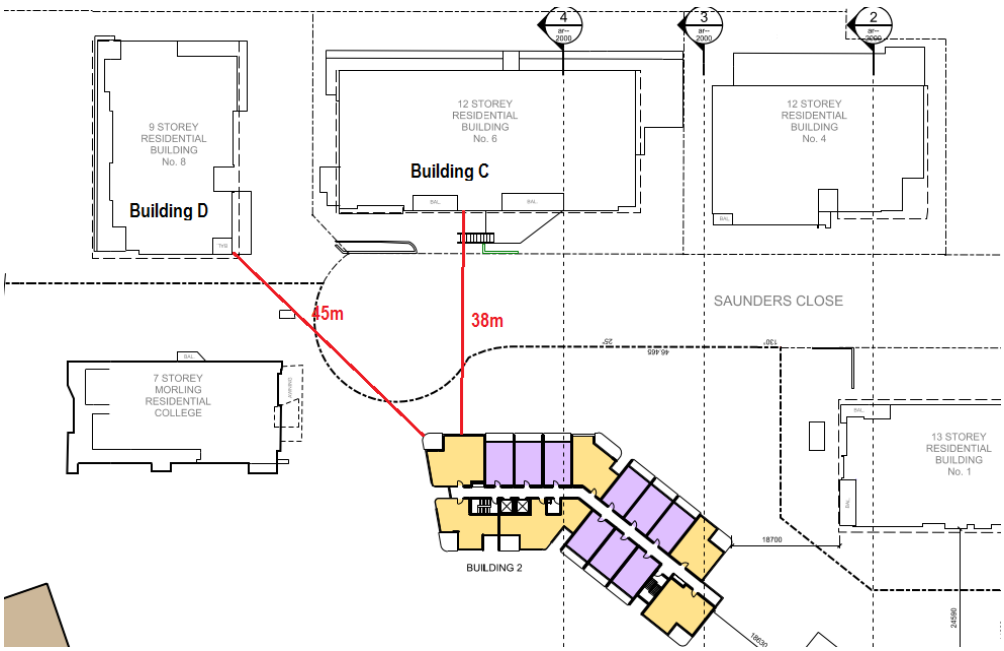


Figure 47: Separation distance between the two buildings in Saunders Close and the proposed development.

- Lack of Green Space and Community Areas

  - *Need for the community to access parks & green spaces - as opposed to communal open space areas.*
  - *More green space should be provided between built form elements.*
  - *We need amenities including more schools, clinics, greenery parks, childcare, missing Macquarie Park library and a playground to the neighbourhood of Herring Road.*

Comment

There are a number of accessible communal open space/landscaped area across the site. There is the communal open space area around the Kikkiya Creek riparian corridor which was upgraded as part of LDA2017/0216 for the construction of the five storey multi-purpose facility comprising education, chapel, office & cafe uses. As part of LDA2017/0216 an open space area, referred to as the "Village Green" has also been provided.

This proposal will also provide a public plaza which runs from Herring Road adjacent to the new road corridor (Road 3) towards a new open space area in the center of the site through to the village green space to end of Saunders Close.

Figure 48 below illustrates the landscaped and the open space area on the site. This illustrate that green spaces are proposed between the built forms. Detail landscaping will be provided with each of the subsequent Das for the buildings.

Further to this, **Condition 40** has been imposed requiring a ROW being created over pedestrian connection from north to south, the central open space area and the pedestrian area between Herring Road and adjacent to Buildings 1 & 2 that connects to Saunders Close as well between Buildings 3 & 4 to Road 3.

The provision of additional amenities such as schools, parks, playgrounds and childcare centre was taken into consideration at the time of The Government proposal for the expansion of the Herring Road, Macquarie park precinct (now known as The Macquarie Station Priority Precinct).

The Herring Road Finalisation Report dated May 2015 states:

> "*Department of Education and Communities (DEC) have been consulted on the proposal and have completed an education needs analysis for the area. DEC have advised that the existing schools in the area will have sufficient capacity in the short to mid-term. Within the next 10 years, additional classrooms may need to be provided at existing schools and DEC may need to provide a new primary school in the area. A number of redevelopment projects to increase existing school capacities have already been included within DEC's 10 year Total Asset Management Plan. DEC has commenced preliminary investigations into the redevelopment of a former school site. The timing for any upgrades to schools will depend on the rate of development as well as the demographic profile of the community, which will determine the number of school aged children living in the precinct. These factors will be monitored by the Department of Education and Communities and will inform their forward planning for school infrastructure."*

On 30 April 2020, the Minister for Planning and Public Spaces approved the concept proposal for Ivanhoe Estate (located opposite on the other side of Herring Road), which include, inter alia,

- 2.8 hectares of open space including new parks, a skatepark and a playground
- A new primary school for 430 children and two childcare centres.

This current proposal for Morling College also includes a childcare centre within Building 2 (this is subject to a separate development application).

Provision of a 5000m^2 library and creative hub will be provided as part of the redevelopment of Macquarie Shopping Centre.

The Finalisation Report also recommended that Morling College provide public open space on the site - a local open space area in a central location on the northern side of Herring Road. This has been provided as noted in the report.

Figure 48: Extent of landscaping and open space on the site.

- <u>Pedestrian Connectivity and Safety</u>

  - *Minimal pedestrian friendly features (one pedestrian crossing for the whole block).*
  - *Pedestrian-vehicle conflict is likely to increase.*
  - *Pedestrian links are located between car parks with single pedestrian crossing.*
  - *Consideration should be given to a road corridor that is a shared zone for pedestrians.*
  - *Reliance on Herring road for pedestrian flow is problematic.*
  - *Widening of footpaths and handicap / elderly equitable access.*
  - *Upgrading of Herring footpath will negate the need for an alternative pathway through Saunders Close.*
  - *The new buildings restrict pedestrian passage measures to either the Metro, Macquarie Centre or the Kent Road School.*

Comment:

As discussed throughout the report, the proposal provides pedestrian accessibility throughout the site. The delivery of pedestrian paths allows for pedestrian flow within the site and does not rely on Herring Road. It should be noted that there is no requirement to provide a pedestrian link throughout the site, however connectively throughout the site is proposed.

In accordance with Council's DCP requirements a new 20-metre-wide road corridor (inclusive of pedestrian footpaths) is provided and will be accordance with AS 1428.1, BCA and Disability Discrimination Act. The detailed design of the road corridor and pedestrian crossings will be undertaken in coordination with Council.

Herring Road public domain will be upgraded in accordance with Ryde Technical Public Domain Manual. The upgrade of Herring Road occurs when each site is redeveloped such as 112-114 Herring Road and 120 Herring Road where their frontages have been upgraded. The redevelopment of this site will allow the continuation of the upgrade of Herring Road up to Saunders Close.

- Traffic Concerns

  - *Traffic projection, reliance on obsolete and outdated data given recent developments in the area since 2016.*
  - *Traffic Congestion in Herring Road, Saunders Close and the surrounding area given increase in dwellings (i.e. increase in traffic generation).*
  - *Widening of Herring Rd with extra lanes on both sides. Widening on Epping Rd to ease congestion.*
  - *Address traffic issues and turning out from 120 Herring by installing traffic lights & widening of Herring Rd & footpath.*
  - *Morling College proposes to upgrade roundabout at Ivanhoe Place to signalised traffic lights - this will result in further traffic congestion throughout the surrounding road network.*
  - *Proposed cul-de-sac / 'no through road' will result in additional problems. Suggest link with Macquarie university.*
  - *Council to put a roundabout where Saunders Close joins Herring Rd.*
  - *Too many parking spaces proposed, Metro station is nearby;*

Comment:

An updated Traffic Impact Assessment (TIA) has been prepared by PTC and has been reviewed by Council's Traffic Engineer as noted earlier in this report. Council's Traffic Engineer has reviewed the expected traffic generation based on the recommended rates and found that the proposed trip generation is lower than presented in the traffic report. Accordingly, the traffic assessment carried out in the traffic report is considered valid and no further information was requested.

Additionally it was advised that, *the SIDRA models showed that with the traffic implication of the proposed masterplan is negligible, comparing to the impact of Ivanhoe Estate Development. The extended queuing on Herring Road is mainly due to the signalisation of the Herring Road/Ivanhoe Place intersection and the proposed development is not expected to have measurable impacts on the operation of the road network.*

Furthermore, with regards to the widening of Herring Road with extra lanes, *it is understood that an exclusive bus lane is proposed to be provided along the north-western side of Herring Road between Waterloo Road and Epping Road as part of the Stage 2 works for the Macquarie Park Bus Priority Capacity project (BPIP), which is expected to assist with mitigating the impact the through traffic flow within the through traffic lanes. Epping Road is a State Road, which is under the care and control of TfNSW. As such, any changes to Epping Road are subject to endorsement/approval by TfNSW.*

Traffic signals are to be installed at the site access intersection with Herring Road and Ivanhoe Place as part of the Stage 2 BPIP works, which is expected to assist with traffic exiting onto Herring Road from the internal access road.

The proposed cul-de-sac at the north-west extent of the new road corridor is a temporary arrangement which enables access and compliant vehicle manoeuvrability for future residents and site visitors in the short term. The design of the cul-de-sac enables future connection to Balaclava Road through either the Macquarie University or Baptist Care site which is subject to future consultation. In this regard, the proposal aligns with Council's DCP requirements.

Suggestion about a roundabout where Saunders Close joins Herring Road would affect the existing right turn bay, which is currently servicing right turning traffic into Windsor Drive from Herring Road.

Council's Senior Development Engineer has reviewed the Traffic report and **Condition 8** has been imposed requiring the parking in accordance with Council's parking DCP requirements which will ensure there is no oversupply of car parking spaces.

- Tree Removal and Loss of Greenery

  - *The arborist report identifies significant / mature trees to be removed -this is opposed.*
  - *Protection of fauna and flora (especially trees in Morling College).*

Comment:

Council's Consultant's Landscape Architect has reviewed the concept proposal together with the submitted documentation and has raised no objections to the proposed trees removal. The trees to be removed are either within the buildings' or basement footprint, or within the proposed roadway/ ancillary hard paving footprint. Replacement planting will be required as part of subsequent DA for construction works. The location of the trees to be removed is illustrated in **Figures 22 to 24** earlier in the report.

Accordingly, it was advised that the development footprint as proposed can be supported from an arboricultural perspective pending compliance with a number of conditions of consent. These conditions include the retention and protection of 31 trees on site and for an updated Arboricultural Information being submitted for each subsequent application.

It should be noted that the basement car park design has been modified to retain some additional mature trees located along property boundaries where possible (particularly the south-west boundary adjacent 116-118 Herring Road). This enables additional deep soil areas which can facilitate mature tree planting.

Furthermore, the concept proposal would not result in the removal of any native vegetation within the portion of the site which appears on the NSW Biodiversity Values Map. Council's Consultant Landscape Architects completed a desktop analysis of proposed vegetation removal as compared to the Biodiversity Values Map (restricted to the northernmost corner of the site, see discussion above under Section 7.1 of the report) and given the distance from proposed construction works from the BVM, no impact will occur to this area, which also includes the Kikkiya creek riparian corridor and surrounding vegetation.

- Noise and Vibration Impacts - Noise during operation and future use.

Comment:

Subsequent DA's will be required to undertake Acoustic Impact Assessments to determine the external, internal and construction noise and vibration impacts.

- Wind Impacts and Ventilation

  - *Wind drafts will be worsened - particularly areas near Herring Rd.*
  - *Sharp wind sounds - howling sound through the buildings.*
  - *Lower levels will get significantly low air exchange whilst higher levels will experience strong winds - unclear if architectural design has factored in window pressure, glass reinforcement. High probability of damage.*

Comment:

A Wind Report prepared by Windtech (dated March 2020) has been submitted. The report provides the following comments:

To address the potential for adverse wind effects impacting the comfort of pedestrians within and around the development, generalised wind mitigation treatments are discussed within the report and summarised as follows:

- *Proposed planting and vegetation throughout the site as shown in the concept landscape plans. Undergrowth such as shrubs or hedges are expected to further improve wind conditions. The trees and planting should be of a dense evergreen species.*
- *Recommendation to include dense evergreen trees and shrubs within the landscape areas adjacent to building corners.*
- *Inclusion of localised screening, planting or mobile screening where short or long duration activities are expected.*
- *Inclusion of 1.2m high impermeable perimeter balustrades along the Building 1 and 2 Podium Level.*
- *Recommendation for all private balconies to be a single aspect balcony, i.e. exposed to only one aspect.*
- *Recommended standard height impermeable balustrades on all Private Balconies.*
- *Recommended perimeter screens on roof levels that are proposed for communal seating/recreation areas (subject to confirmation in subsequent Development Applications).*

Note that for tree planting/landscaping to be effective as a wind mitigation device, the species should be of a densely foliating variety to ensure its effectiveness in wind mitigation. Evergreen trees should be considered for areas affected by the prevailing winds during winter. Trees should also be planted in clusters with interlocking canopies to more effectively absorb incident winds. The landscape plans should be further developed during the detailed design stage to assist in maintaining comfortable wind conditions.

With the inclusion of these considerations in the detailed design of the development, wind
conditions within outdoor trafficable areas of the development are expected to be suitable for their intended uses.

It is recommended that wind tunnel testing be undertaken at a more detailed design stage in order to quantitatively assess the wind conditions within and around the masterplan to ensure suitable pedestrian wind conditions are satisfied.

Condition 21 has been imposed requiring a further Environmental Wind Tunnel Studies and Modelling (wind impact assessments) to be carried out and provided as part of future detailed DA's for the specific building proposals and any detailed application to consider the recommendations contained in the WindTech Report.

- Overshadowing

  - *Overshadowing of daylight / sunlight to 120 Herring Rd & 116-118 Herring Road.*
  - *Reduction in the hours of sunlight experienced by residents at Saunders Close.*

Comment:

Shadows diagrams have been submitted to illustrate the impact to adjoining properties:

120 Herring Road:

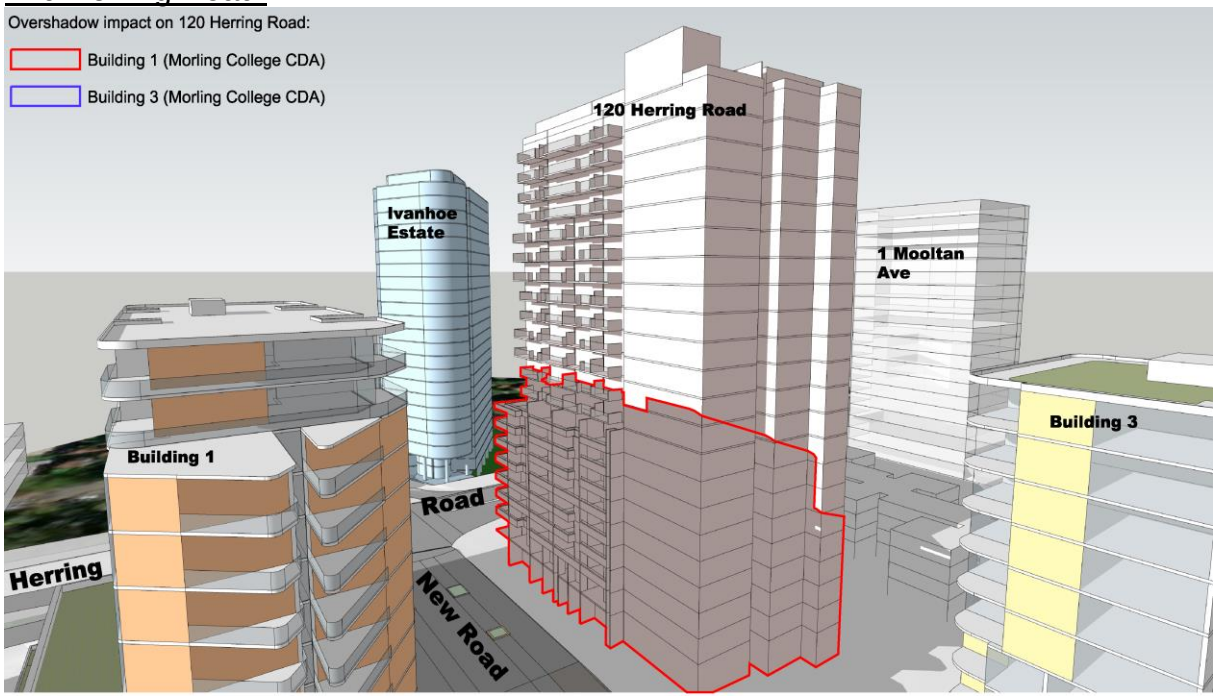


Figure 49: 9am overshadowing to 120 Herring Road.

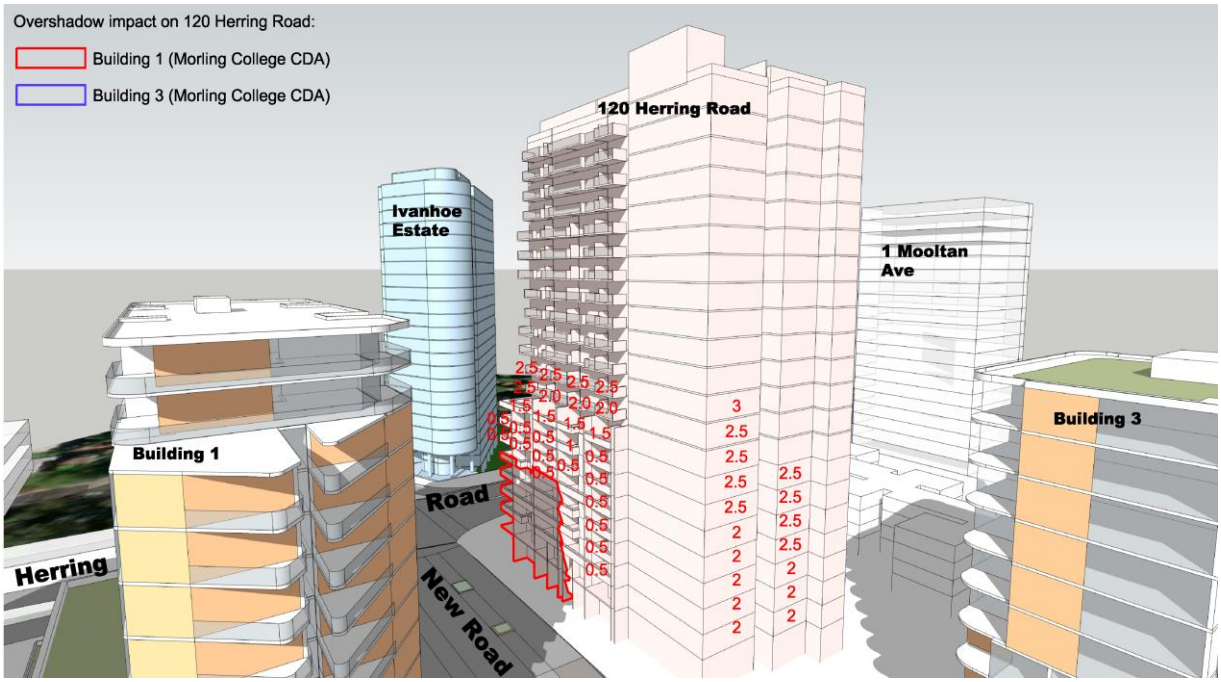


Figure 50: 12 noon overshadowing to 120 Herring Road. The red numbers mean the approximate hours of solar access to that particular apartment accumulated throughout the day from 9am to 3pm.

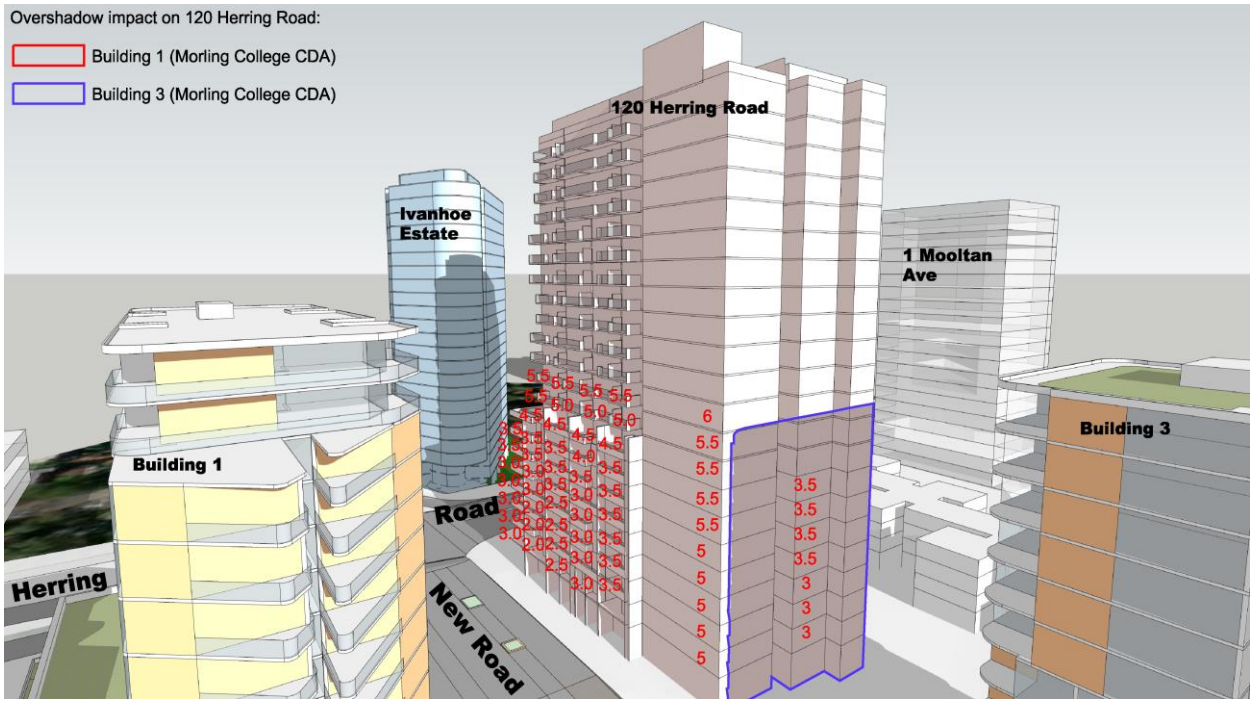


Figure 51: 3pm overshadowing to 120 Herring Road. The red numbers mean the approximate hours of solar access to that particular apartment accumulated throughout the day from 9am to 3pm.

120 Herring Road is located south of Building 1 therefore there will be some overshadowing impacts. The above diagrams illustrate during winter solstice, overshadowing will be limited to the lower level units orientated to the north-east facing the new road corridor. However,

the apartments impacted retain a minimum of 2 hours sunlight between 9am to 3pm (during winter solstice) in accordance with the ADG.

1 Saunders Close

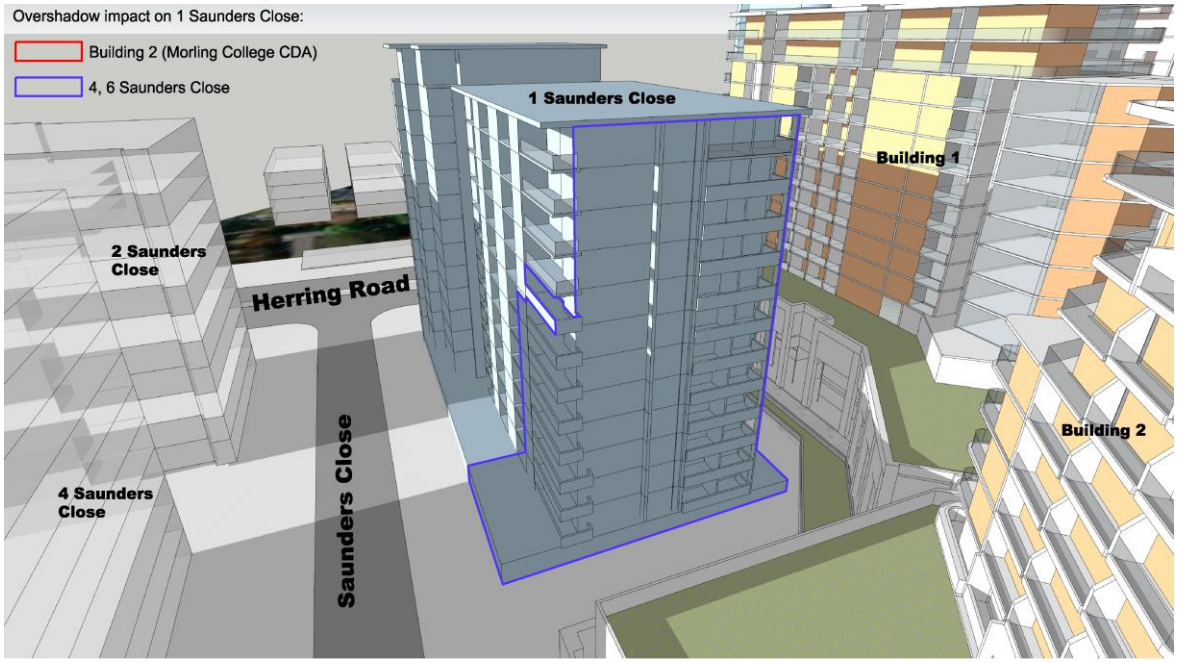


Figure 52: 9am overshadowing to 1 Saunders Close – not from the subject site, overshadowing from building opposite in Saunders Close.

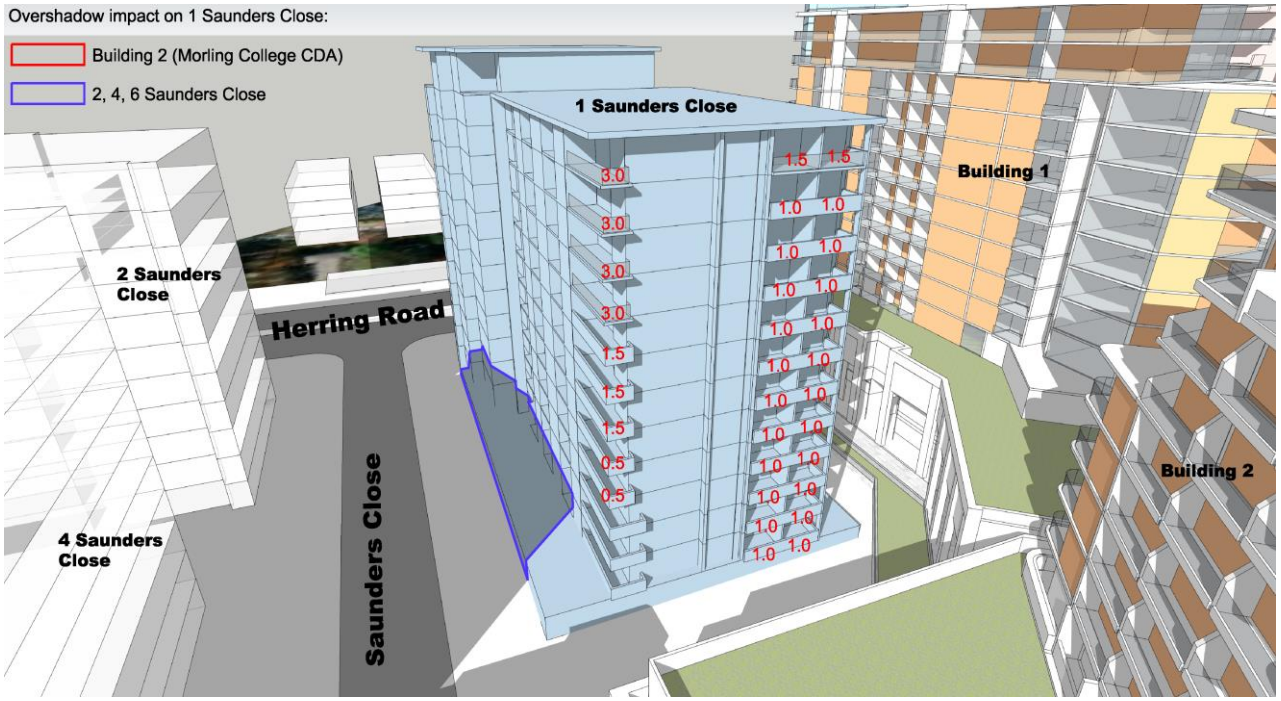


Figure 53: 12noon overshadowing to 1 Saunders Close – not from the subject site, overshadowing from building opposite in Saunders Close. The red numbers mean the approximate hours of solar access to that particular apartment accumulated throughout the day from 9am to 3pm.

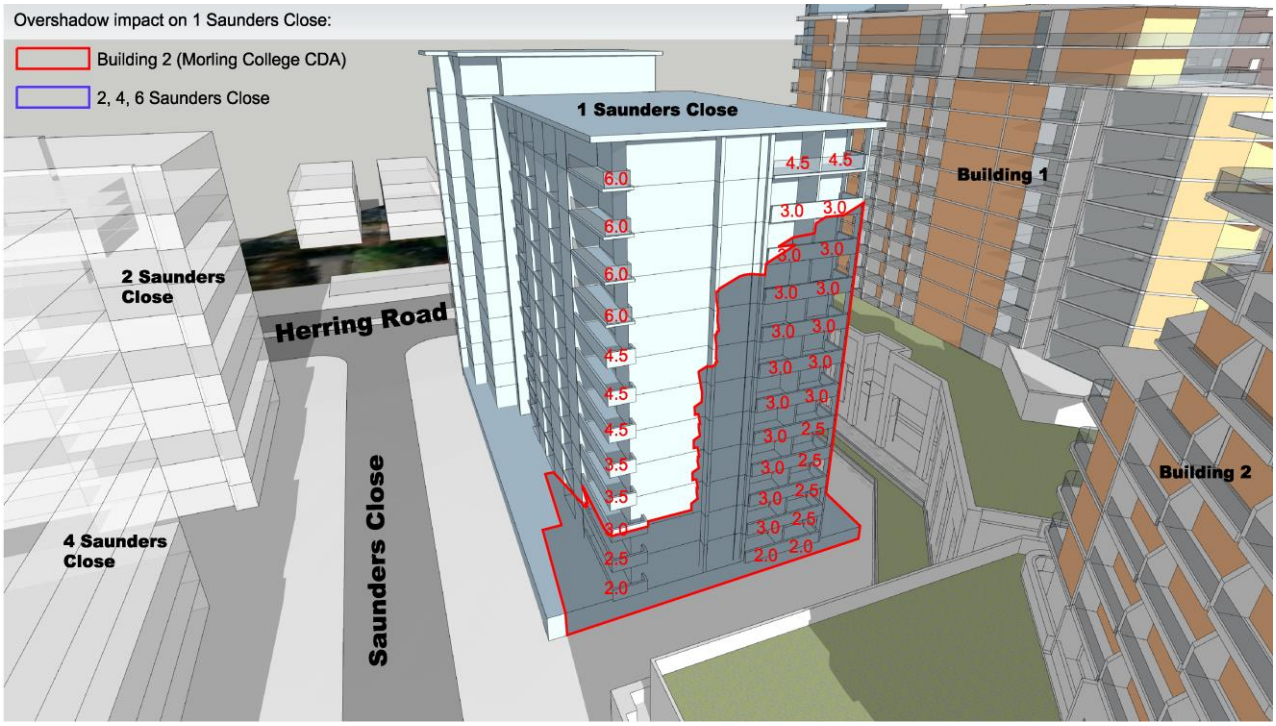


Figure 54: 3pm overshadowing to 1 Saunders Close – some overshadowing from Building 2 at 3pm. The red numbers mean the approximate hours of solar access to that particular apartment accumulated throughout the day from 9am to 3pm.

The extent of overshadowing to 1 Saunders Close (during winter solstice) from this development is limited to the afternoon only (2pm to 3pm).

<u>116 – 118 Herring Road</u>

116-118 Herring Road is a low scale 4 storey residential strata apartment building at the front with attached 2 storey townhouses at the rear of the site, as illustrated in **Figure 55** below.

Figure 55: 116-118 Herring Road with the residential apartment building at the front and 2 storey town houses at the rear. The site is outlined in orange.

The site is the adjacent southern property therefore overshadowing to this property is unavoidable. However, attempts have been made to minimise overshadowing by breaking the buildings into 3 forms with a 10m building setbacks from the common boundary. The diagrams below illustrate the overshadowing with portions of 116-118 Herring Road receiving the required sunlight from 12 noon. Given the position of the site and permissible heights and density planned for the site, plus the proposal complies with the ADG separation and RDCP setbacks controls, the proposed overshadowing is acceptable and does not warrant refusal of the application.

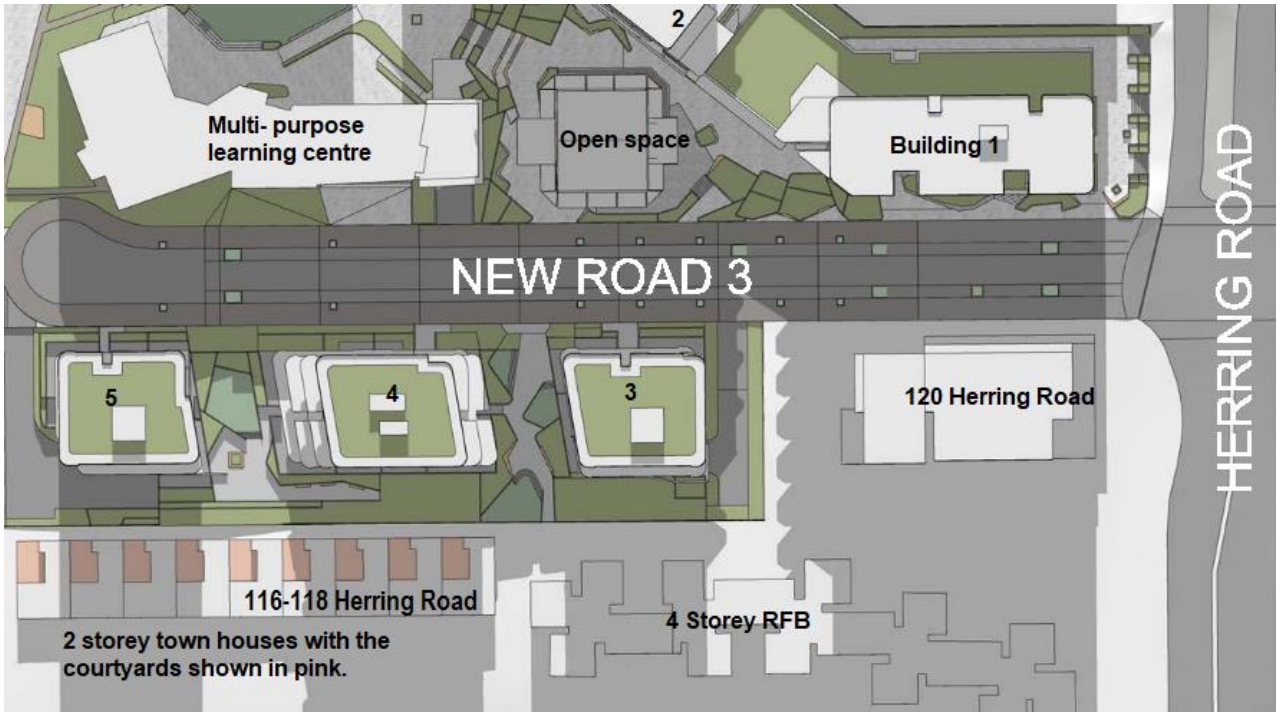


Figure 56: 9am overshadowing to 116 – 118 Herring Road.

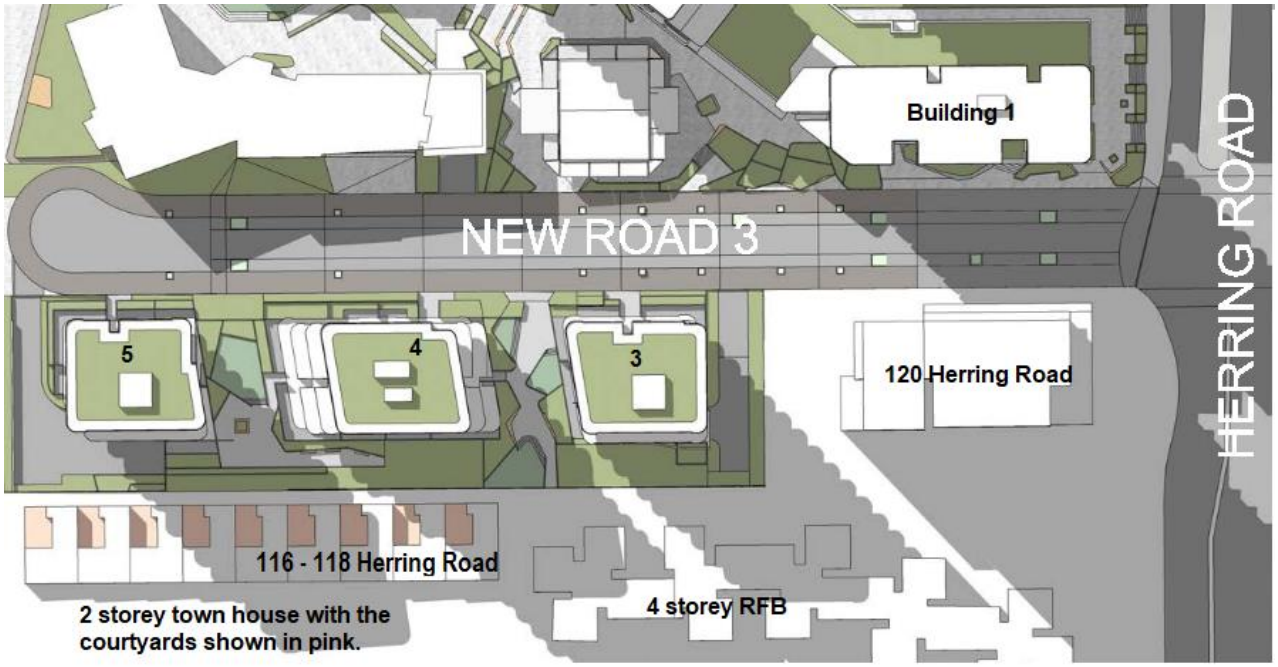


Figure 57: 12 noon overshadowing to 116 – 118 Herring Road.

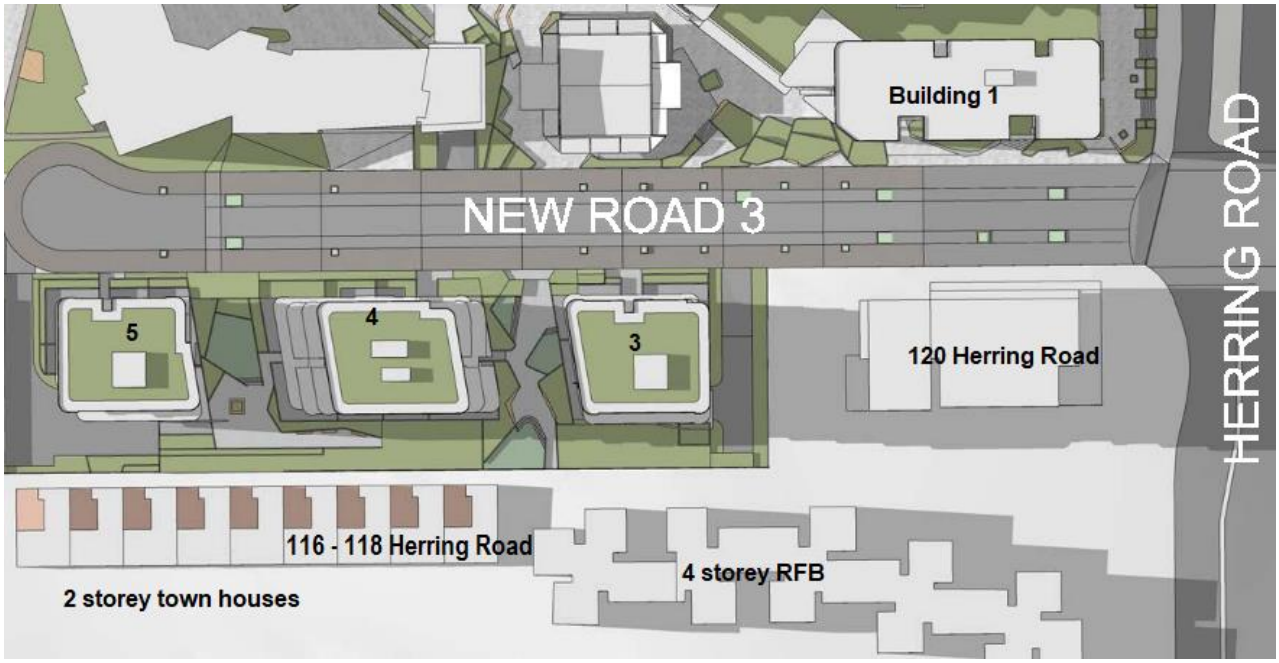


Figure 58: 3pm overshadowing to 116 – 118 Herring Road

- Construction Related Impacts (including excavation & engineering)

  - *Series of multiple and proximal excavations are planned next to existing buildings - question current building standards.*
  - *Reputable builder and council for this proposal - Opal Tower building saga. Concerns with close proximity of planned construction.*
  - *Construction noise and dust from proposal - strict environmental pollution control during construction required.*
  - *The foundation of the buildings are not able to bear the impulse of new development (structural risk).*
  - *No illegal combustible aluminium or other panels should be approved for this development.*
  - *Existing services in the area may not cope with the additional development proposed.*

Comment:

The proposal does not seek consent for any demolition, excavation or construction works as part of this application. All construction related issues will be addressed as part future detailed DA's which seek consent for any physical works. With each future DA, a geotechnical report will be required to be submitted and appropriate conditions imposed for the construction of the buildings and basement in addition a pre and post dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by construction works.

Service and utility provisions will be addressed as part of future detailed DA's. Existing services infrastructure can be augmented or replaced if required for the specific detailed design proposals.

- Health and Safety

  - *Pollution and health issues / hazards.*

- *Evacuation issues in case of fire.*

Comment:

There are no known hazards on the site. A contamination report has been submitted which states that the site can be made suitable for the proposed development subject to the appropriate implementation of recommendations contained in the report. See **Condition 15.**

A small section of the site is flood affected however flooding impacts have been reviewed and **Conditions 29 & 30** have been imposed for a Flood Impact Statement be submitted with any DA for Building 5 (where the flood impact is located).

Compliance with accessibility and the BCA will allow safe evacuation of buildings. An Accessibility Report has been submitted with the application which demonstrated that the proposal is capable of complying with relevant standards contained with the BCA, including disability access. Future detailed DA's will be required to submit detailed reports to demonstrate that the developments satisfy all requirements of the BCA and relevant Australian Standards.

- Neighbourhood Character

- *Macquarie Park is overcrowded with too many high-rise apartments.*
- *Shopping centres are overcrowded also due to increasing populations.*
- *Extreme dense in closeness in apartments - loss of Macquarie Park character.*
- *Oversupply of apartment / mixed use developments results in low occupancy rates and vacant ground floor commercial tenancies.*
- *Not a good planning outcome – opportunity to provide good sustainable and desirable apartment.*

Comment:

The site is zoned B4 Mixed Use with a permissible maximum height of 45m and FSR of 2.5:1 (have deducted the 8, 017m^2 transfer to 120 Herring Road) making the FSR 2.21:1. The proposal complies with these requirements.

The delivery of commercial and residential floor space is market driven and occupancy or oversupply is not a planning consideration.

As part of the Macquarie Station Precinct, the area is undergoing a transition to higher density mixed use multi-storeys developments in accordance with the amendments to the RLEP 2014.

The proposal has been reviewed by UDRP with the proposal complying with SEPP 65 and the Apartment Design Guideline which was introduced to ensure that high quality apartment buildings with good internal amenity are provided.

- Community Suggestion for improvement:

- *Create more space between buildings, increasing the green space.*
- *Lower the height of the buildings to 8 storeys.*
- *Add playground, parks, wider pedestrian pathways and crossings.*

Comment:

The proposal complies with the ADG requirements for building separation and Council's control for height. There is no requirement in Council's controls requiring a formal pedestrian link however to improve connectively within the site, it is proposed to provide pedestrian pathways including a north to south link which could eventually connect up with 116-118 Herring Road to Saunders Close. The pathways and pedestrian crossings will be detailed in subsequent DAs.

A new publicly accessible open space is now being provided along the northern half of the site which has opened the central portion of the site, providing a good publically accessible usable open area.

11. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The concept DA is considered responsive to the strategic intentions of the Macquarie Park and Council's RLEP 2014 that have been adopted for the locality. The proposed building envelopes are compliant with the relevant planning provisions and the proposal is consistent with the B4 Mixed Use zone objectives.

The proposal has been amended to provide additional open space within the centre of the site, opening up the space for enhance pedestrian access and social interaction. The proposal will also provide publicly accessible pathways from Herring Road to Saunders Close with a possible future connection from 116-118 Herring Road through to Saunders Close. The proposal provides improved pedestrian accessibility throughout the site to the benefit of the community.

The allocation of gross floor area, siting of buildings across the site and the construction of a new road allows for the redevelopment for residential/commercial uses in an orderly and coordinated manner.

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

12. RECOMMENDATION:

That LDA2019/0264 at 122 Herring Rd Macquarie Park be approved subject to the conditions in the attached draft consent.

1) That the Sydney North Planning Panel grant consent to development application LDA2019/0264 for a Concept Development Application for 5 buildings and associated road works, at 122 Herring Road, Macquarie Park, subject to conditions of consent in Attachment 1 of this report.

2) That TfNSW and Water NSW be advised of the decision.

3) That those persons who provided a submission be notified of the decision.

Report prepared by:

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