



***MODIFICATION REQUEST:
Mixed Use Redevelopment
110 – 114 Herring Road, North Ryde
(MP10_0112 MOD 2 & MP10_0113 MOD 1)***



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2014

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EXECUTIVE SUMMARY

This report provides an assessment of a request to modify a Concept Approval and Stage 1 Project Approval for the use of 110-114 Herring Road, Macquarie Park for a mixed residential/commercial/retail development. The Concept Plan (MP10_0112) as modified (by Modification 1) allows for the following:

- residential, retail, commercial and public open space use of the site;
- indicative building envelopes for seven separate buildings with a maximum height of RL 144.650 (from 4 to 22 storeys);
- a maximum gross floor area (GFA) of 51,139 m² (2.28:1 floor space ratio);
- a minimum of 1,210 m² of non-residential gross floor space;
- residential apartments;
- basement level and at grade car parking;
- open space and landscaped areas; and
- internal and public roads.

The Stage 1 Project Approval (MP10_0113) provides for a mixed use development comprising

- demolition and excavation;
- four residential buildings with retail and commercial floor space;
- basement car parking;
- landscaping and public works around the buildings, including lift and stairs to Epping Road;
- publicly accessible open space and through site links; and
- road works.

The proposed modification to the Concept Plan seeks to:

- replace a number of approved architectural drawings to reflect proposed changes to the internal layout, external elevations, and previous errors;
- delete Modification B3 in relation to design treatment of the street to ground level facades of Building H;
- delete Modification B4 in relation to open space provision within the central park;
- a change in building names; and
- amend the statement of commitments.

In addition, the proposed modification to the Project Application seeks to:

- increase the GFA for Stage 1, consistent with the overall GFA increase approved by Modification 1 to the Concept Plan;
- reconfigure the open space to meet the requirements of the Concept Approval;
- reduce the height of Buildings C and W in accordance with the amended plans approved by Modification 1 to the Concept Plan;
- amend the ground-street level treatment to the north and west elevations of Building H to meet the requirements of the Concept and Project Approval;
- amended internal floor plans and external elevations of Stage 1 buildings to provide an increase in apartments from 291 to 340 (including a change in apartment mix and reduced apartments sizes);
- reconfiguration of and increase in parking for the additional apartments;
- amend the building names; and
- amend the statement of commitments.

The Department of Planning & Environment (the department) publicly exhibited the application for 30 days from 19 September to 18 October 2013. The department received 4 submissions from public authorities, including City of Ryde Council, and 2 submissions from the general public. Council objects to the proposal, specifically the change in apartment mix and removal of 3 bedroom apartments. Council also raised concern about the proposed

increase in car parking and requested that the affordable housing units to be dedicated to Council contain a minimum of 2 bedrooms, have a good level of amenity and are agreed to by Council.

The key assessment issues considered by the department relate to open space configuration, design modifications, dwelling yield, mix and apartment size, residential amenity, traffic and parking impacts, and affordable housing units.

The department is satisfied that the open space and external design meets the requirements and intent of the Concept Approval and results in a satisfactory outcome in terms of residential amenity and building appearance. The increase in dwelling yield, change in apartment mix and overall reduction in average apartment sizes are considered appropriate given the local demographic and the demand for smaller apartment types in the area. The department also considers that the proposal will still provide a good level of amenity for future residents.

The department considers that the additional parking (associated with the increase in dwelling yield) is consistent with the approved parking rate (subject to conditions) and will have minimal additional traffic impacts on the local road network during peak periods. The increase in smaller apartments and the proximity to public transport, employment, shops and services will aid in discouraging vehicle trips during peak hours.

The concerns raised by Council in relation to the dedication of affordable housing units are considered to be insufficient to justify imposing a requirement for 2 bedroom apartments to be dedicated. The department considers that the existing conditions within the Concept and Project Approvals adequately ensure that affordable housing units have a good level of amenity and are agreed to by Council.

The department has considered the proponent's request, response to submissions and the issues raised in public authority and public submissions. On balance, it is considered that the modification will have minor impacts, and it is recommended that the Planning Assessment Commission approve the applications, subject to conditions.

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1. BACKGROUND

1.1 Site Description

The site is located on the southern edge of Macquarie Park within the Ryde Local Government Area. It is legally described as Lot 1, D.P. 780314 and is known as 110-114 Herring Road, North Ryde (Macquarie Park). The site is located 13 kilometres north west of the Sydney central business district and 6 km north west of Chatswood.

The site has an area of 22,433 m² and is generally rectangular in shape, with a splayed southern corner, at the intersection of Epping and Herring Roads. The north eastern and south western boundaries are 230.8 metres and 100.5 metres in length, respectively. The site falls approximately 8 metres from its southern to its western corner and 2 metres from its southern to its eastern corner. The site location is shown in **Figure 1**.



Figure 1: Project Location (Base Image Source: Nearmap, 2014)

1.2 Previous Approvals

On 26 September 2012, the Planning Assessment Commission (PAC) approved a Concept Plan (MP10_0112) for:

- use of the site for residential, retail, commercial and public open space purposes;
- indicative building envelopes for seven buildings with a maximum height of RL138.45;
- a maximum gross floor area of 47,650 m²;
- a minimum of 1,210 m² of non-residential gross floor area;
- residential apartments;
- basement level and at grade car parking;
- open space and landscaped areas; and
- internal and public roads.

The PAC also issued Stage 1 Project Approval (MP10_0113) for a mixed use development comprising:

- demolition and excavation;
- four residential buildings, retail and commercial floor space;
- basement car parking;
- landscaping and public works around the buildings, including lift and stairs to Epping Road;
- publicly accessible open space and through site links; and
- road works.

1.3 Previous Modification

On 3 June 2013, the PAC approved a modification to the Concept Approval to:

- increase the height by two storeys and gross floor area by 3,489 m² to 51,139 m²;
- amend access and internal amenity;
- reorient building layouts;
- restrict the provision of on-site car parking, other than visitor parking, for residential apartments where the combined residential GFA exceeds 46,420 m²;
- reduce the rate of on-site car parking provision for commercial GFA;
- replace part of an internal road with a pedestrian/cycleway and landscaping; and
- specify the minimum amount of publicly accessible open space within the central park.

Refer to **Figure 2** for the approved modified project layout.

Construction of the project has not yet commenced.

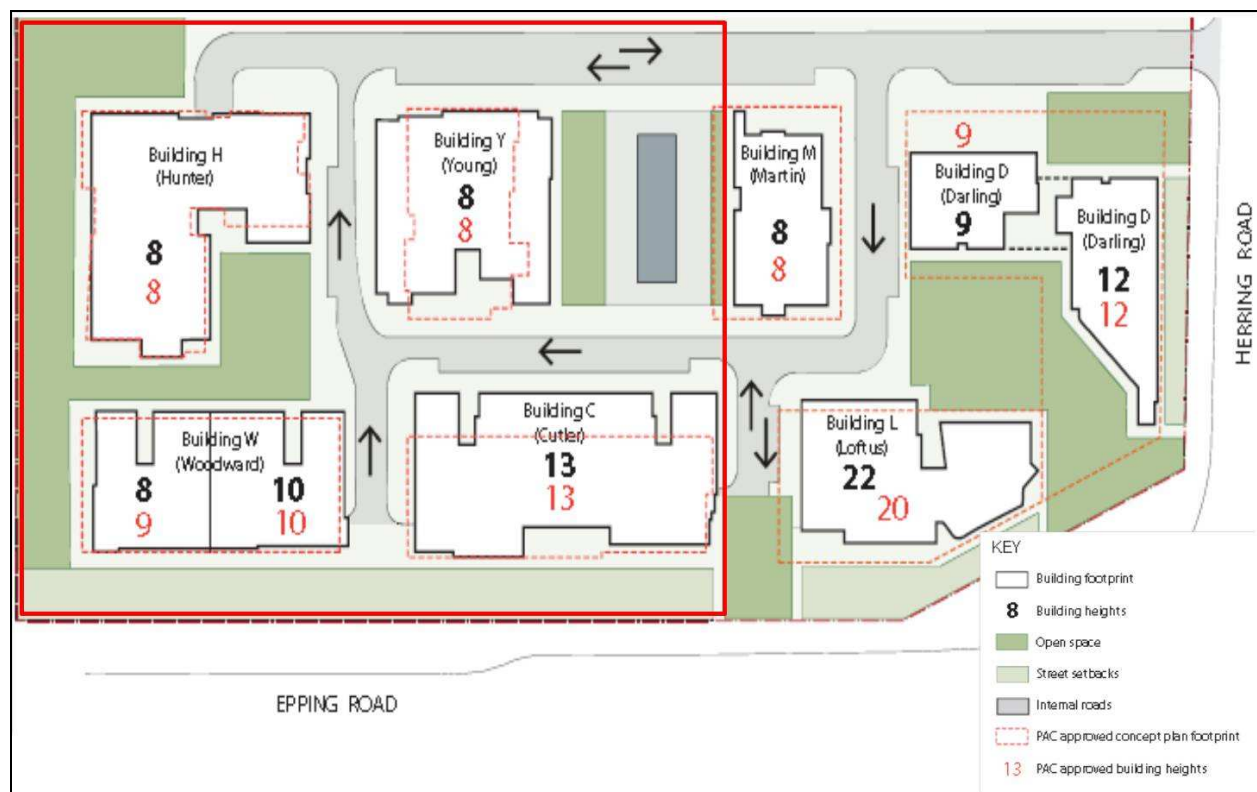


Figure 2: Approved modified layout (Stage 1 Project Approval shown in red outline)

2. PROPOSED MODIFICATION

2.1 Modification Description

The proponent (Stamford Property Services Pty Ltd) seeks to modify both the Concept Approval and Stage 1 Project Approval to address a number of the requirements of those approvals including:

- an increase in GFA within Stage 1 from 25,083m² to 26,160m² which is consistent with the overall GFA increase from 47,650m² to 51,139m² approved by Modification 1 to the Concept Plan;
- reconfigured open space to meet the requirements of Modification B4 of the Concept Approval and Condition B1 of the Project Approval;
- reduction in height of Buildings C and W in accordance with the amended plans approved by Modification 1 to the Concept Plan;
- amended ground-street level treatment to the north and west elevations of Building H to meet the requirements of Condition B1 of the Project Approval;
- amended internal floor plans and external elevations of Buildings H, W, Y and C to provide an increase in apartments from 291 to 340 (including a change in apartment mix and reduced apartments sizes);
- reconfiguration and increase in parking to 342 spaces (333 shown on plans);
- a change in building names; and
- amendment of the statement of commitments.

The application seeks to modify the conditions of the Concept and Project Approvals as outlined in **Table 1**.

Table 1: Proposed modifications to conditions of the Concept and Project Approvals

Schedule/conditions	Proposed Modification
Concept Approval MP 10_0112 MOD 2	
Term of Approval A2 - Development in Accordance with Plans and Documentation	Replace a number approved architectural drawings to reflect proposed changes to the internal layout, external elevations, and previous errors.
Term of Approval A8 – Heights of Buildings	A change in building names (from Buildings H, Y, C, W, M, D, L to Adelaide, Darwin, Brisbane, Perth, Hobart, Melbourne and Sydney).
Modification B3 - Design	Delete Modification B3, as amended plans to be inserted into Term of Approval A2 satisfy this requirement.
Modification B4 - Open space	Delete Modification B4, as amended plans to be inserted into Term of Approval A2 satisfy this requirement.
Schedule 3 - Revised Statement of Commitments	Replace the revised statement of commitments with a combined draft statement of commitments for the Stage 1 project approval and the future Stage 2 development application which reflects the proposed modification.
Stage 1 Project Approval MP10_0113 MOD 1	
Condition A2 - Development in Accordance with Plans and Documentation	Reference the proposed modified drawings. Replace a number approved architectural and landscape drawings to reflect proposed changes to the internal layout, external elevations, and previous errors. The amended plans provide for: <ul style="list-style-type: none"> • a 1,077 m² increase in gross floor area of Buildings H, W, C and Y (from 25,083 m² to 26,160 m²); • an increase in the number of apartments from 291 to 340 (165 x 1 bedroom and 175 x 2 bedroom); • reduction of the height of Building C to a maximum of 13 storeys (RL 116.25 m); • the 13 storey portion of Building W will be reduced to 11 storeys (RL 105.95 m); • reconfiguration of the Central Park to provide 1,665m² of publicly accessible open space and through-site links;

Schedule/conditions	Proposed Modification
	<ul style="list-style-type: none"> • amended car parking layout ; • changes to the facades of Buildings H, W, C and Y; • a change in building names (from Buildings H, Y, C, W, M, D, L to Adelaide, Darwin, Brisbane, Perth, Hobart, Melbourne and Sydney); and • reduction in the number of SOHOs from 33 to 30 and associated changes to the Sydney Building.
Condition B1 - Design Modifications	Delete the requirements in relation to height, open space and design, as the amended plans to be incorporated in Condition A2 satisfy these requirements.
Condition F10 - GFA Certification	Reference the proposed modified building names and the proposed increase in gross floor area from 25,083 m ² to 26,160 m ² .
Schedule 3 - Revised Statement of Commitments	Replace the revised statement of commitments with a combined draft statement of commitments for the stage 1 project approval and the future Stage 2 development application which reflects the proposed modification.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A of the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

The application has been lodged pursuant to section 75W of the EP&A Act. Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated Regulation, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the EP&A Act.

3.2 Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to section 75W(3) of the EP&A Act as sufficient information was provided to assess the application.

3.3 Delegated Authority

On 14 September 2011, the then Minister for Planning and Infrastructure delegated his functions under section 75W of the EP&A Act to modify Part 3A approvals to the PAC in cases where:

- the local council has made an objection to the modification;
- a reportable political donation has been made; or
- there are more than 25 submissions by way of objection by members of the public.

The application meets the delegation because the department received an objection from Ryde City Council, and is therefore referred to the PAC for determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

The modification application was publicly exhibited from 19 September 2013 to 18 October 2013.

The department received six submissions during the exhibition period: four submissions from public authorities and two submissions from the public. Of the agencies' submissions, none raised any objections. The two public submissions objected to the proposal.

The proponent responded to all of the submissions in a response to submissions (see section 4.2 below). The department referred the response to submissions to Council and published it on the department's website. One submission was received to the response to submissions, from Council. A summary of the issues raised in the submissions is provided in sections 4.2 and 4.3 below.

4.2 Public Authority Submissions

Four submissions were received from public authorities. The then Office of Environment and Heritage, and Department of Primary Industries made no comments. Roads and Maritime Services and Ryde City Council provided comments, as follows:

Roads and Maritime Services: "No parking" restrictions should be implemented on both sides of Epping Road for a distance of approximately 300 m on either side of the Herring Road intersection to ensure the traffic capacity of Epping Road is maintained.

RMS did not previously raise this issue in its consideration of the Concept Plan or Project Application. It is therefore recommended that this issue be addressed by amending Future Assessment Requirement 18 of the Concept Approval and adding a new Condition F12 to the Project Approval to include this requirement.

City of Ryde Council:

Application as lodged:

The Council did not object but made the following comments:

- insufficient justification for the proposed increase in the approved unit yield or the deletion of all three bedroom apartments.
- the original social impact assessment should be revisited to assess the likely impacts of the proposed changes to unit size and mix particularly on housing choice and access to open space. A market-driven model is not the best approach to address future housing needs in the locality.
- the increase in unit numbers will increase the number of car parking spaces on the site and traffic movements from the development. The surrounding road network has reached capacity and the development's only access is via a dead-end road with a left in/left out turn close to a major intersection. The proponent's justification based on incremental increases in traffic is unsatisfactory.
- additional car parking should not be provided for any increase in unit numbers given the site's proximity to public transport and employment. This was noted by the PAC in its original assessment and is reflected in Condition C5 of the concept plan. The proponent should clarify the proposed amount of car parking: it appears the increase will range from 18 to 34 spaces. Therefore, the application's statements about "no change" to parking provision are incorrect.
- the proposed statement of commitments does not reflect the approved development regarding the dedication to Council of four affordable housing units (two in each of stages 1 and 2). The proposed commitment that the dedicated units will be appropriately sized and located is ambiguous. Any modification should be rigorously worded to specify a minimum of two bedrooms for the affordable housing units, identification of the units prior to the release of further Construction Certificate, and dedication to occur prior to the release of any interim or final Occupation Certificate.

Response to Submissions:

Council objected to the proposed deletion of the 26 three bedroom units on the following grounds:

- it will reduce housing mix and choice;
- it is inconsistent with best practice for unit mix under the Residential Flat Design Code;
- current market demand should not preclude provision of three-bedroom units;
- other residential developments in the locality provide three-bedroom units; and
- local demographics should not dictate a focus on one and two bedroom units.

4.3 Public Submissions

Two submissions (objections) were received from the public and the following key issues were raised:

- increased density;
- privacy, amenity and traffic impacts from the approved development; and
- Part 3A process undermines Council's authority, and application should be determined by the PAC not the Department.

The department has considered the issues raised in the submissions in its assessment of the application.

5. ASSESSMENT

The department considers the key issues for the assessment of the application to be:

- open space provision;
- design changes;
- gross floor area;
- dwelling yield and mix;
- apartment sizes;
- residential amenity
- traffic and parking;
- Soho apartments; and
- affordable housing.

5.1 Open Space Provision

Modification B4 of the Concept Plan states:

"The central park shall provide a minimum of 1,665m² open space and through site links. The swimming pool component, including associated decking, surrounds and safety fencing, of this open space shall be limited to 500m². The remaining 1,165m² of the open space within the central park shall have a minimum dimension of 3m and be publicly accessible and shall not include roadways or adjacent footpaths".

This requirement was imposed on the Concept Plan to ensure that the central open space was of a minimum area and dimension to ensure its function and amenity purpose was realised for future residents. The open space was considered an important community benefit, partially justifying the density and height of the development.

The proposal seeks to delete Modification B4 as the proposed modified landscape plan (sought to be listed in the approved plans in Term of Approval A2) complies with the requirement. On this basis, the proponent considers that the condition is no longer required.

The application proposes to meet the requirements of Modification B4 by removing four car parking spaces, relocating the southern footpath to increase the open space width between the footpath and the internal street to 3m, and adjusting the location of the pool by moving it approximately 800 mm to the east (**Figure 4**).

While the area technically complies with the requirements of Modification B4, the department has raised concern with the proponent that the primary area of open space was only 492m², and that the proposal was relying on landscaped verges to the north and south to achieve the minimum 1,165m² (excluding the pool space of 500m²).

In response, the proponent argues that in addition to the main communal open space, the development provides a series of other open spaces, including children's playground, lawn terraces, outdoor seating, gardens and general landscaped footpaths with a total area of 12,825m² to be available for residents (**Figure 5**).

The proponent also provided a comparative analysis of open space of six other similar developments to demonstrate that the area of primary open space and the total amount of open space was consistent with contemporary residential developments (see **Table 2**).

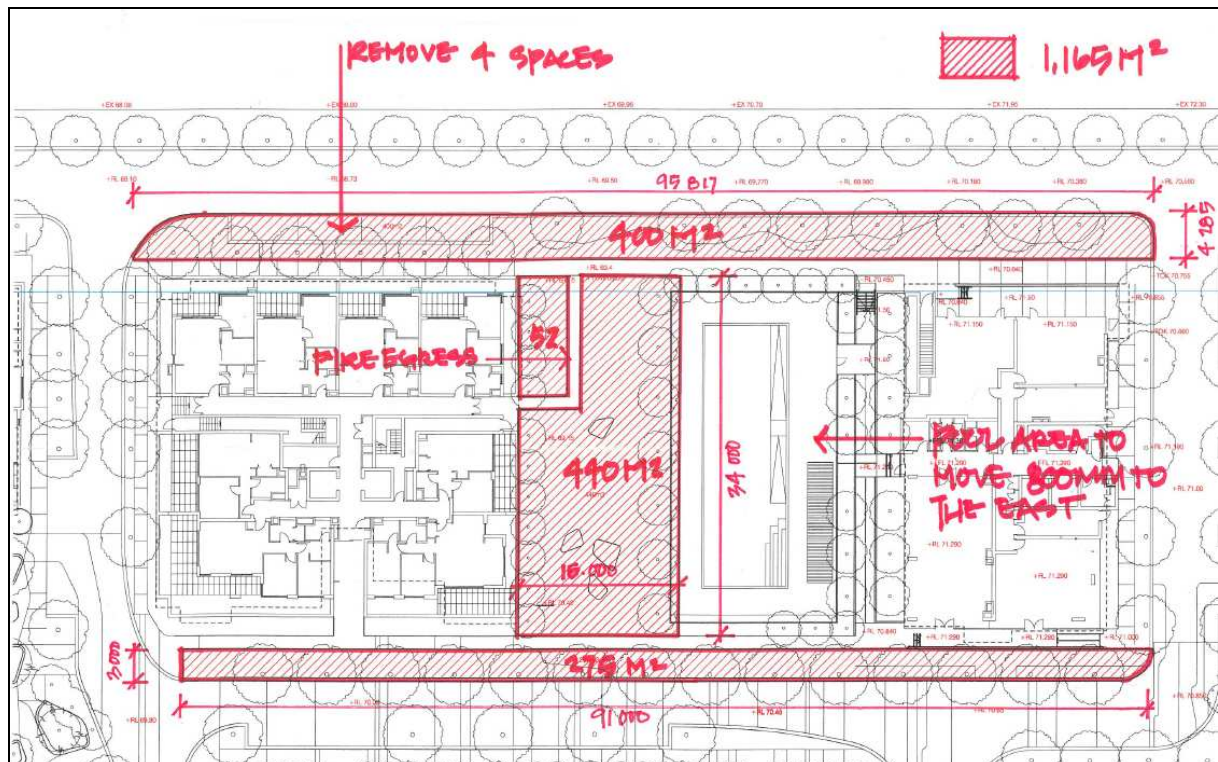


Figure 4: Proposed modified central park open space (red hatching) areas and dimensions

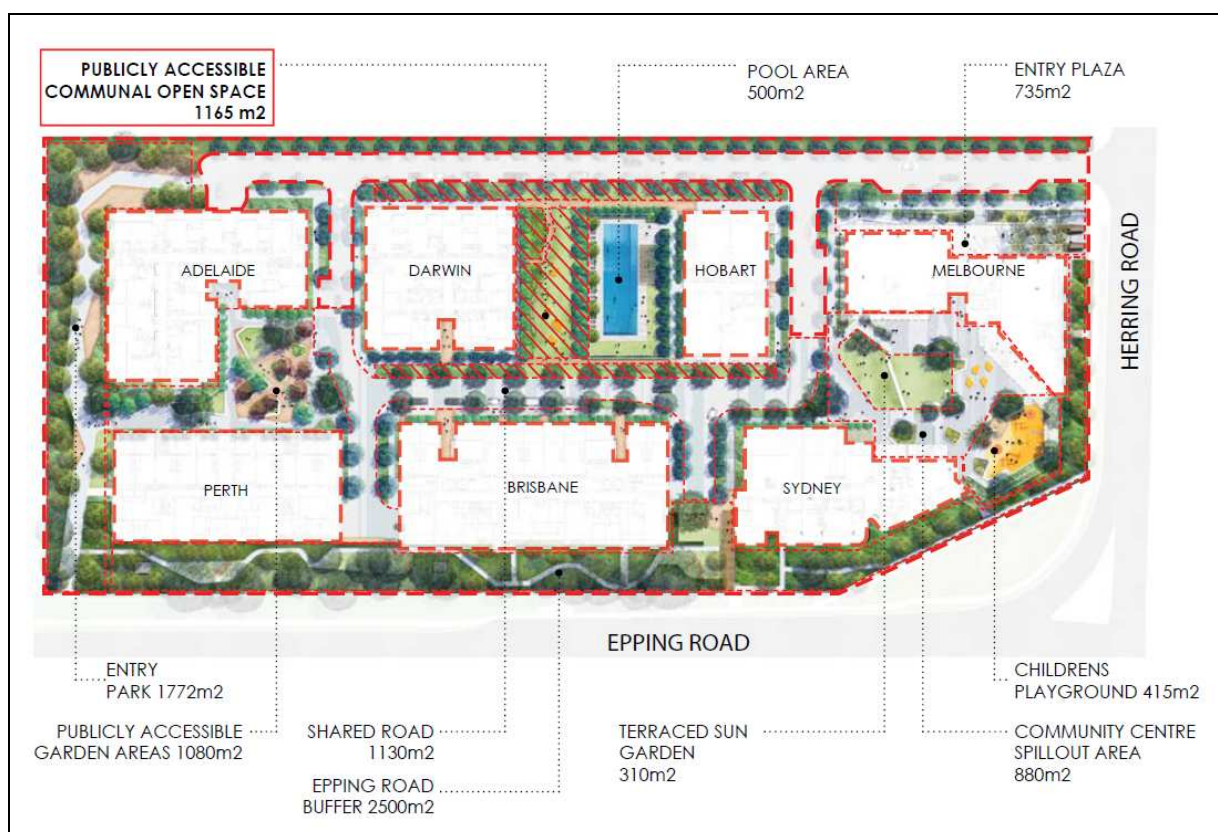


Figure 5: Landscape and open space components of the approved project

Table 2: The proponent's comparative analysis of open space provision in similar developments

	Site area	No of apartments	Central open space	Total open space	% of site area	Area (m ²) per apartment
Moore Park Gardens	23,500m ²	560	488m ²	13,570m ²	58%	24m ²
The Village, Balgowlah	18,917m ²	233	1,000m ²	9,096m ²	48%	39m ²
Trio, Camperdown	7,470m ²	397	252m ²	4,184m ²	56%	10m ²
The Hudson, Alexandria	12,138m ²	272	625m ²	5,160m ²	42%	19m ²
Allengrove Crescent, North Ryde	12,220m ²	269	645m ²	6,416m ²	52%	24m ²
120-128 Herring Road, North Ryde	14,750m ²	557	345m ²	9,388m ²	63%	17m ²
The proposal	22,400m²	636	1,165m²	12,825m²	57%	20m²

The comparative data provided by the proponent indicates that the development will provide a quantum of total open space comparable with similar contemporary higher density developments.

After considering the additional justification provided by the proponent, the department considers that the proposed area of open space meets both the numerical requirements and the intent of Modification B4. The series of open spaces (**Figure 5**) including the central park will provide good opportunities for passive and active recreation for residents, visitors and the public. The deletion of on-street car parking spaces allows for a wider landscaped area and also enhances the appearance of the development and an increased amenity for future residents. The department considers that sufficient parking is provided on the site as discussed in **Section 5.7**.

On this basis, the department considers that Modification B4 has been satisfied by the amended plans and recommends that this requirement is deleted.

5.2 Stage 1 Design Changes

Building C / Brisbane Building

The Concept Approval (as modified) approved amended plans for Building C (now known as the Brisbane Building) which included a reduction in height from RL 122.25 to RL 116.25 as outlined in **Figure 6** below.



Figure 6: The South elevation of Building C / the Brisbane Building as approved in the Concept Plan (subject to modification) (left) and as modified (right)

The currently proposed amended plans for the Brisbane Building include minor amendments to the building footprint and a revised internal layout to accommodate a revised apartment mix and reduced apartment sizes. This is shown in the proposed elevation in **Figure 7** and in the comparative internal layout plans in **Figure 8**. The overall building footprint is generally consistent with the Concept Plan and does not exceed a height of RL 116.25. The main changes are as a result of varied articulation/recessing, window and balcony placement.

The department has considered the internal and external amendments to Building C/ the Brisbane Building and notes that the amendments to the building footprint are within the original approved building footprint. The external elevations are considered acceptable and provide an improved level of variation, articulation and visual interest than the approved plans under Modification 1 to the Concept Plan.

It is considered that the amended plans satisfy the requirements of Condition B1 and it is recommended that this part of the condition be deleted.



Figure 7: The South elevation of Building C/ the Brisbane building as proposed within this application.

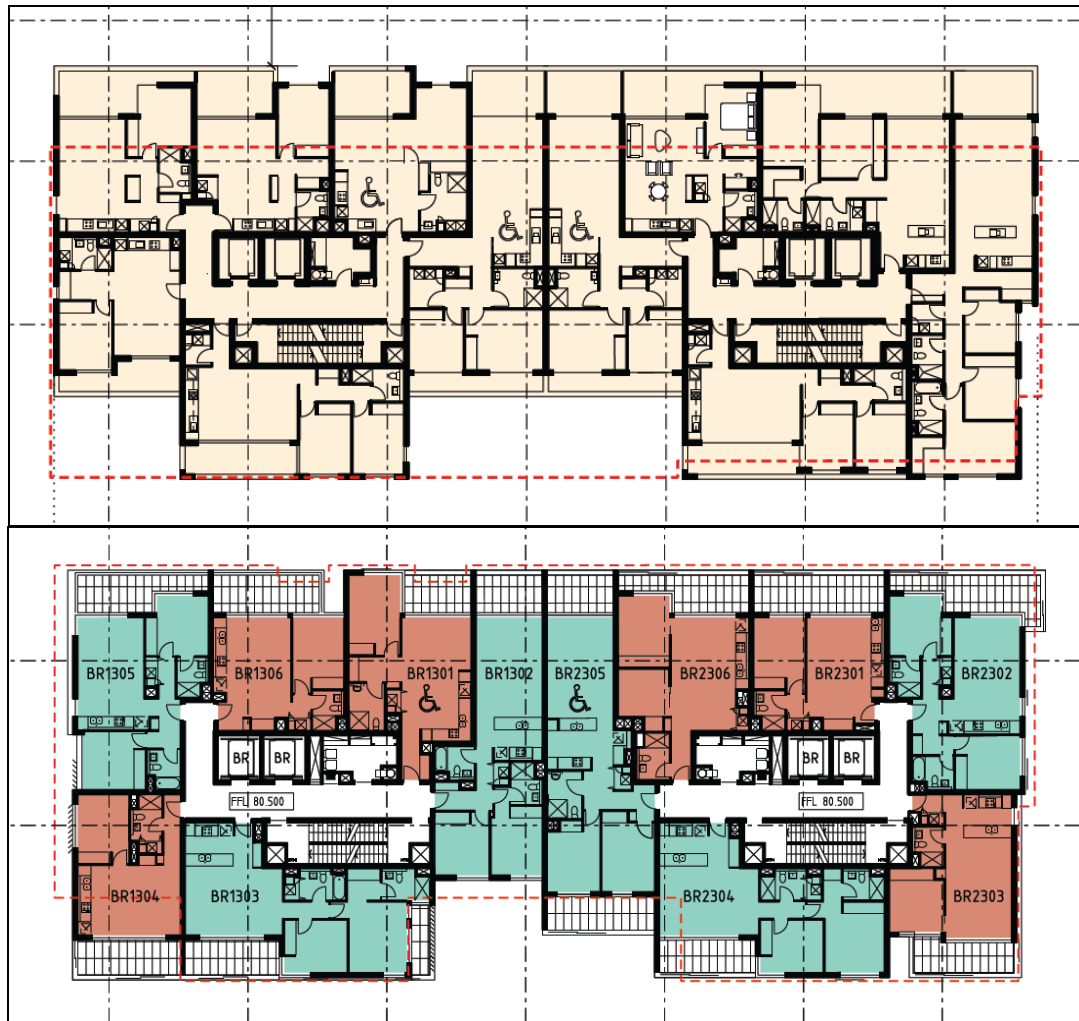


Figure 8: The Level 3 floor plan of Building C / the Brisbane Building as approved in Modification 1 to the Concept Plan (above) and proposed as part of this application (below)

Building W / Perth Building

The Concept Approval (as modified) approved amended plans for Building W (now known as the Perth Building) which included a reduction in height from RL 115.05 to RL 105.95 as outlined in **Figure 9** below.

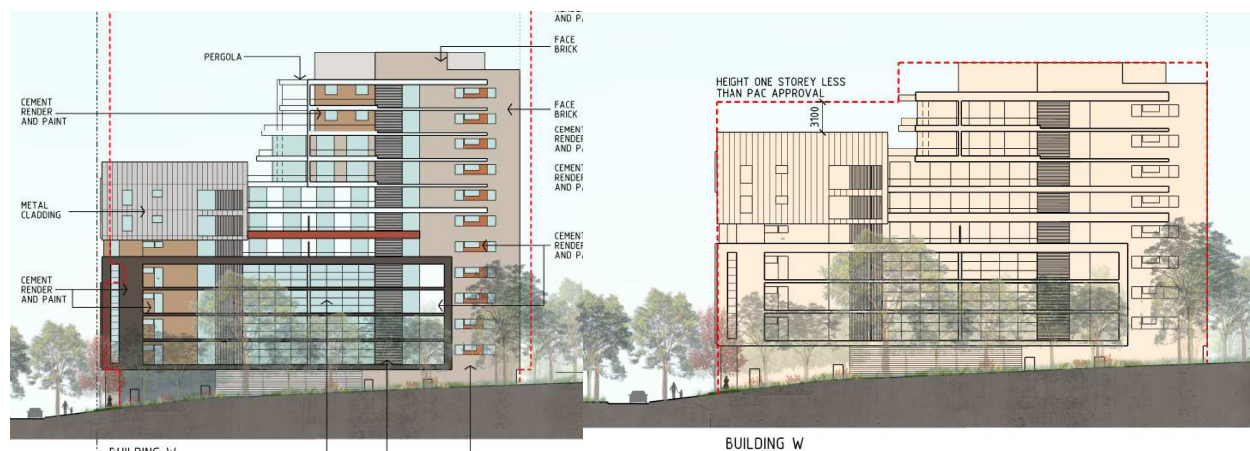


Figure 9: The South elevation of Building W / the Perth Building as approved in the Concept Plan (subject to modification) (above) and in Modification 1 (below)

This has resulted in changes to the external elevations by way of varied articulation/recessing, window and balcony placement. Further, the building envelope at the uppermost level has been increased in the north-western corner of the building as shown **Figure 10**.

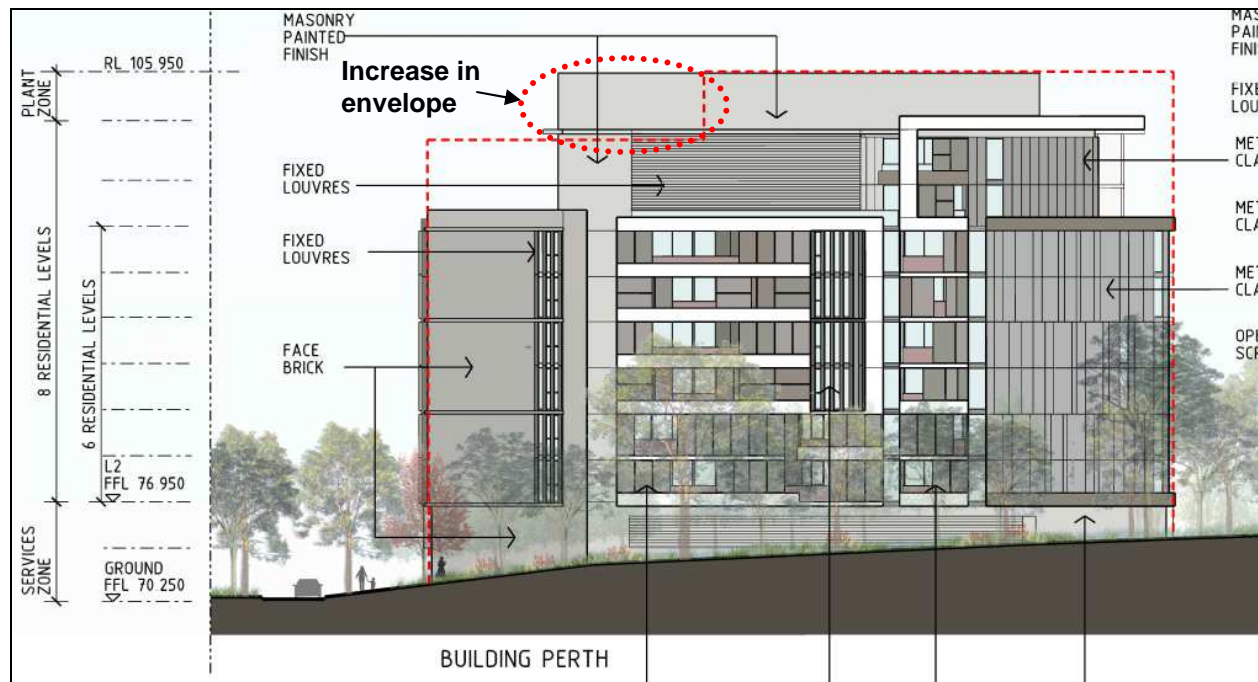


Figure 10: The South elevation of Building W as proposed within this application.

The proposed amended plans for the Perth Building include a revised internal layout to accommodate a revised apartment mix and reduced apartment sizes accessed off a single core (**Figure 11**).

The department has considered the internal and external amendments to Building W / the Perth Building and, notwithstanding the increase in the north-west corner, considers that the plans meet the requirements of Condition B1 of the Project Approval which requires that the 13 storey portion of Building W (RL 115.05) be reduced to 11 storeys (RL 105.95). The external elevations are considered acceptable and provide an appropriate level of variation, articulation and visual interest to break up the bulk of the building.

It is considered that the amended plans satisfy the requirements of Condition B1 of the Project Approval and it is recommended that this part of the condition be deleted.

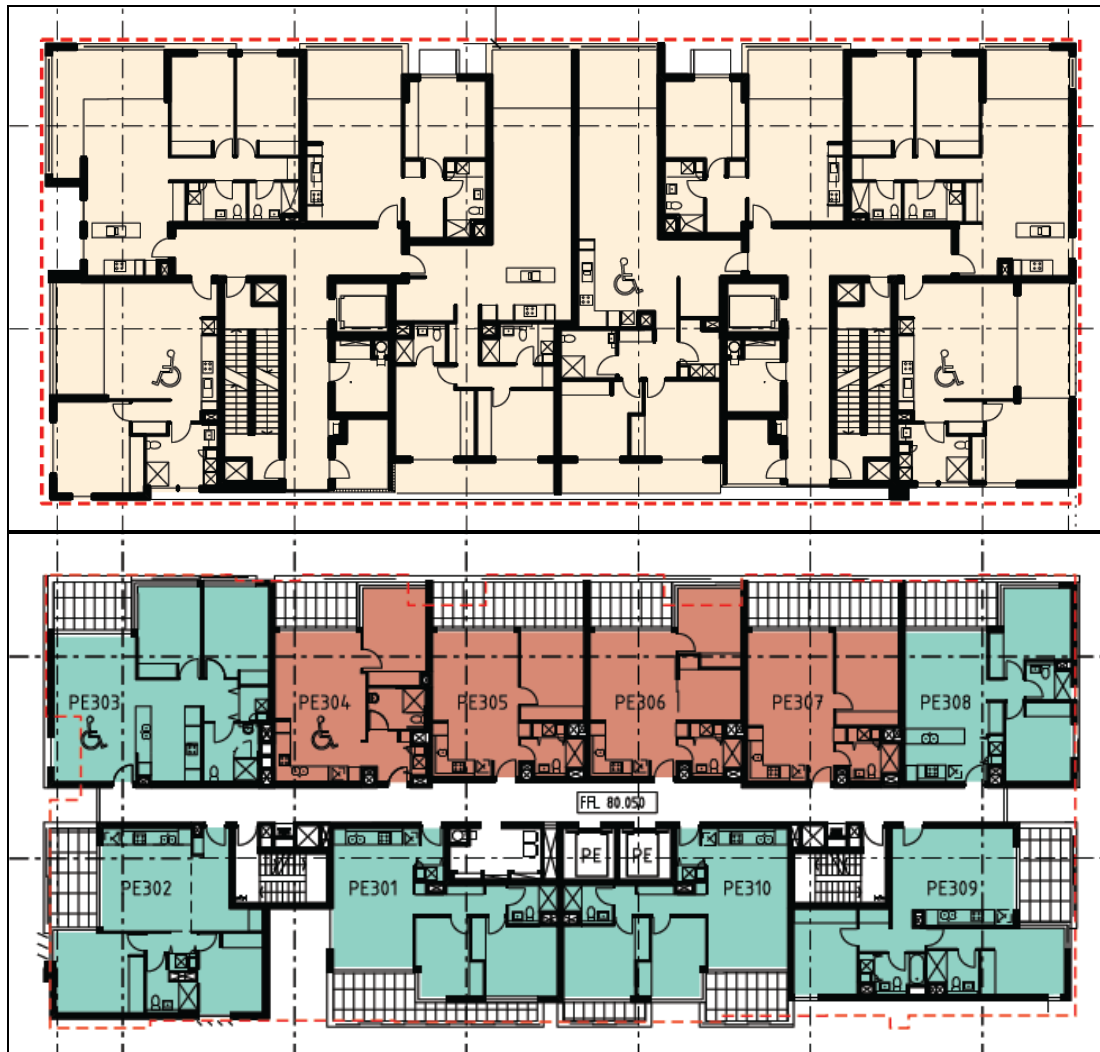


Figure 11: The Level 3 floor plan of Building W / the Perth Building as approved in Modification 1 to the Concept Plan (above) and proposed as part of this application (below)

Building H / Adelaide Building

The application seeks to delete Modification B3 of the Concept Plan and delete part of Condition B1 of the Project Application, which require:

- Modification B3 - *"The street to ground level wall of Building H, on both street frontages (north eastern and north western elevation) shall be amended to replace any rendered/painted walls with wall materials with an integral finish such as fair faced brickwork or stone"*.
- Condition B1 - *"The street to ground level wall of Building H, on both street frontages of the north eastern and north western elevations shall be amended to reduce the blank rendered/painted wall effect and to provide greater articulation and visual interest. Consideration should be given to changing balustrade material to reduce the height of the wall"*.

The proponent has replaced the rendered/painted walls at the street to ground level with face brick as outlined in the above requirements (**Figure 12 and 13**). The department notes that the alternate finish to the street to ground level lessens the apparent height of the wall, and this design modification is supported.



Figure 12: Northern elevation of Building H / the Adelaide Building – as approved (left) and proposed (right)

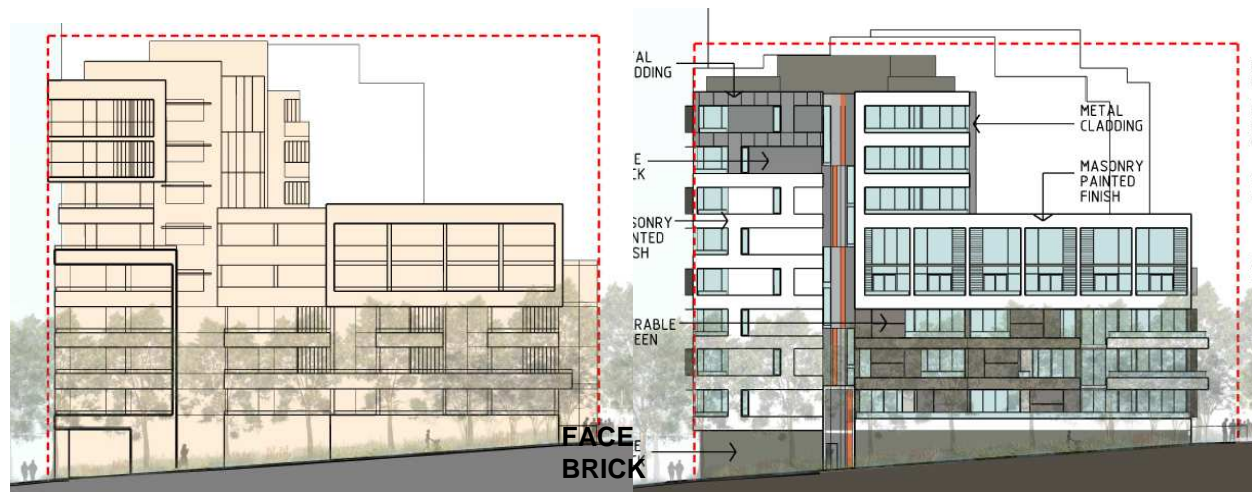


Figure 13: Western elevation of Building H / the Adelaide Building – as approved (left) and proposed (right)

The department also notes that the internal floor plan and footprint of Building H / the Adelaide Building has been amended, which includes varied articulation, balcony and window placement (**Figure 14**). Further the envelope of the upper levels in the northern corner of Building H / the Adelaide Building has been increased. However it is noted that the modifications are within the original approved building envelope and are therefore considered acceptable.

It is considered that the amended plans satisfy the requirements of Modification B3 of the Concept Plan and Condition B1 of the Project Approval and it is recommended these conditions be deleted.

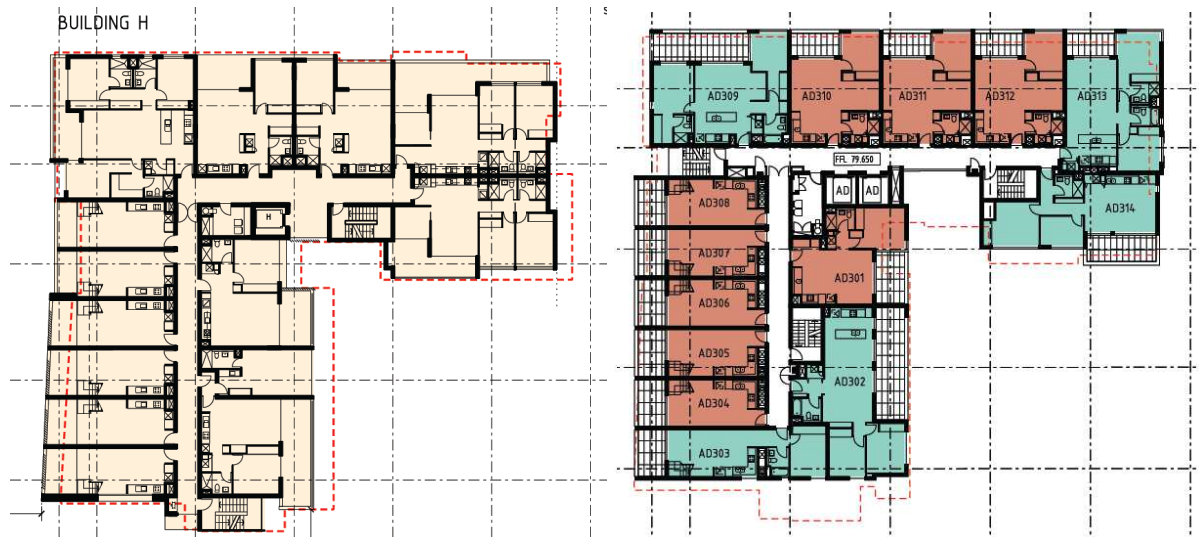


Figure 14: The Level 3 floor plan of Building H / the Adelaide Building as approved in Modification 1 to the Concept Plan (left) and proposed as part of this application (right)

Building Y / Darwin Building

Although no amendments were required to Building Y / the Darwin Building within the Concept and Project Approval, the proponent has made internal and external amendments to this building, as part of its overall configuration to accommodate a greater number of smaller apartments. This has resulted in minor amendments to the building footprint as outlined in **Figures 15 and 16**.

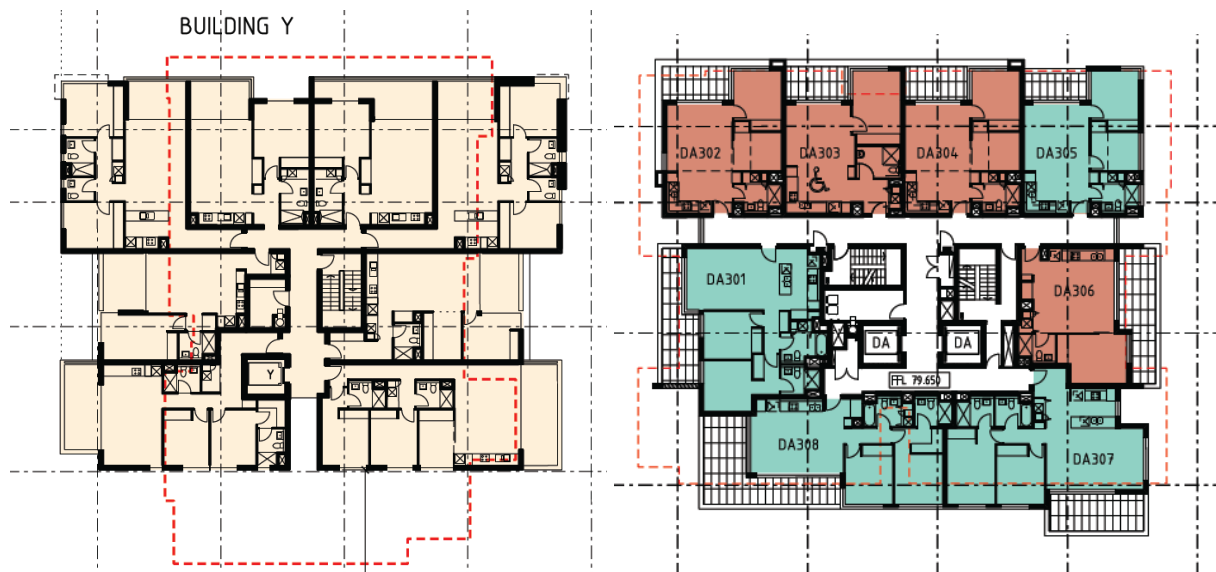


Figure 15: The Level 3 floor plan of Building Y / the Darwin Building as approved in Modification 1 to the Concept Plan (left) and proposed as part of this application (right)

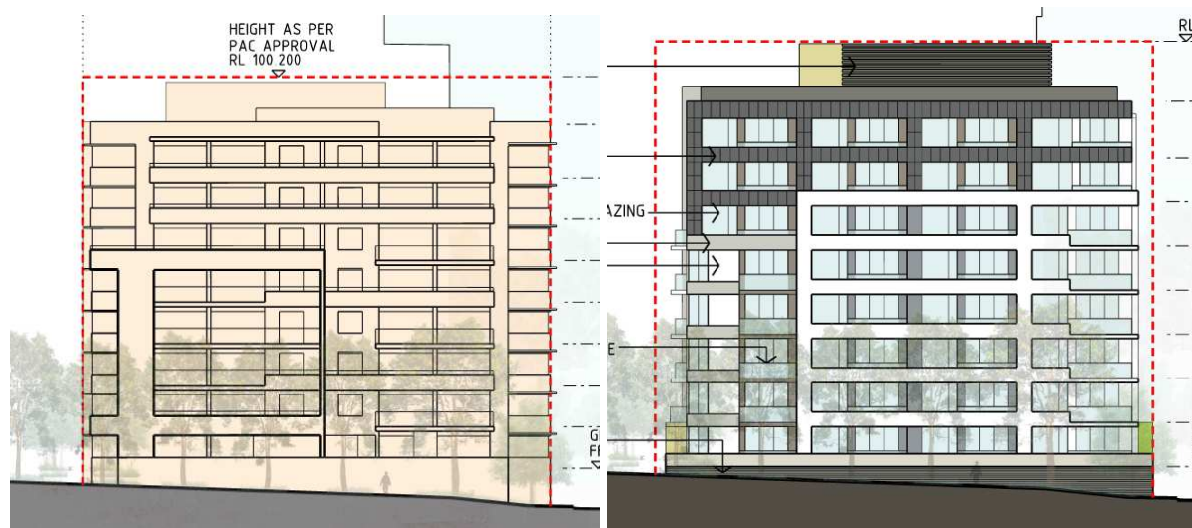


Figure 16: Northern elevation of Building Y / the Darwin Building – as approved (left) and proposed (right)

The department has considered the internal and external amendments to Building Y/ the Darwin Building and notes that the amendments to the building footprint are within the original approved building footprint. The external elevations are considered acceptable and the department considers that they provide an improved relationship with the ground level and greater variation, articulation and visual interest than the approved plans under Modification 1 to the Concept Plan.

5.3 Gross Floor Area

Modification 1 to the Concept Plan provided for an additional 3,489m² of gross floor area (GFA) across Stages 1 and 2. The proposal seeks to provide 1,077m² of this additional floor space within Stage 1, increasing the approved GFA from 25,083 m² to 26,160 m². It is proposed to modify Condition F10 accordingly.

The department notes that the increase in floor space has already been assessed in its consideration of the modification to the Concept Plan. It is noted that the overall GFA for the site will be retained at 51,139 m² which has been assessed by the department and the PAC as being appropriate for the site. The increase in the GFA distribution in Stage 1 is therefore an administrative matter to ensure that the Stage 1 Approval is consistent with the Concept Plan approval.

5.4 Dwelling Yield and Mix

The proposal seeks to increase the number of apartments provided within the Stage 1 development from 291 to 340. The increase is a result of a modified mix of apartments including an increase in the number of 1 and 2 bedroom apartments and deletion of 3 bedroom apartments as outlined in **Table 3**.

Table 3: Proposed increase in dwelling yield and modified mix of apartment types in Stage 1

Apartment type	Stage 1 Approval	Project	Proposed Modification	Difference
One bedroom	142 (49%)		165 (49%)	+ 23 (0%)
Two bedroom	123 (42%)		175 (51%)	+ 52 (+ 9%)
Three bedroom	26 (9%)		0 (0%)	- 26 (- 9%)
Total	291		340	+ 49 (+17%)

The proponent's justification for the change in apartment mix is primarily on the basis of local demographics and market demand for smaller apartments.

Council has objected to the proposed deletion of all of the three-bedroom units on the following grounds:

- reduced housing mix and choice;
- inconsistent with best practice for unit mix under the Residential Flat Design Code;
- current market demand and local demographics should not preclude provision of three-bedroom units; and
- other residential developments in the locality provide three-bedroom units.

Council has suggested that a minimum of 5 to 10% of apartments contain 3 bedrooms. This is consistent with the Project Approval which provided 26 (9%) 3 bedroom apartments.

The department notes that the proponent previously committed to providing a minimum of 9% of apartments with 3 or more bedrooms. Both the department and Council did not previously raise an issue with the proposed apartment mix.

The department has considered the proposal to delete 3 bedroom apartments in the context of the Residential Flat Design Code guidelines, the demographic profile of Macquarie Park and the proponent's information on sales data.

The RFDC provides guidance that recommends that new developments provide a variety of apartment types, including 1, 2 and 3 bedroom apartments. It goes further to state that the appropriate mix should be refined in relation to:

- the site location, including proximity to public transport, public facilities, employment areas, schools and universities and retail centres; and
- future population trends and present market demands.

The site is located within 400 metres walking distance of Macquarie University, Macquarie Shopping Centre, the Macquarie University train station and the Macquarie Park employment area.

The department considers that the site's location with very good access to a major university and employment precinct attracts a younger demographic including university students and professionals with a smaller household size wishing to capitalise on the good access to transport to work and services. This trend is further supported by census data which indicates that the population of Macquarie Park has:

- declined in size (no of persons) by 8.7% between 2001 and 2011;
- a high proportion residents (45.8% in 2011) aged 20-34; and
- an average household size of 2 persons, compared with 2.6 persons in the Ryde LGA and 2.7 persons in the Greater Sydney area.

The high proportion of residents in 20-34 age group, and a significantly smaller average household size of 2 persons supports the view that there is a high demand for 1 and 2 bedroom apartments. It is further noted that the university is likely to continue to attract high proportion of residents aged 20-34, including a high proportion of students, supporting the demand for small apartment sizes in the future.

The proponent also noted that recent sales data for two nearby residential flat developments has shown a very strong demand for smaller 1 and 2 bedroom apartments, and limited demand for 3 bedroom apartments.

It is important to note that the RFDC does not mandate a particular mix of apartment types. The department considers that the proposal for 1 and 2 bedroom apartments is consistent with the guidelines which allow for a flexible approach to apartment mix based on location, population trends and market demands.

The department notes that the Macquarie Park demographic is not typical of a suburban location and is unique within the Ryde LGA. By virtue of its proximity to a major university and employment precinct, it contains a high proportion of residents aged 20-34, a small average household size of 2 persons. These factors lead to a greater demand for 1 and 2 bedroom units.

Following careful review of the above factors, the revised apartment mix is considered acceptable. The department considers that a mix of 1 and 2 bedroom apartment sizes will suits the current and future demands for Macquarie Park.

5.5 Apartment Sizes

The RFDC 'rule of thumb' suggests a minimum 1 bedroom apartment size of 50m² and 2 bedroom apartment size of 70m².

The proposed modification involves a greater number of smaller apartments than the approved project as outlined in **Table 4**.

Table 4: Proposed reduction in apartment sizes in Stage 1

<i>Apartment Type</i>	<i>RFDC Guideline</i>	<i>Project Approval</i>	<i>Proposed modification</i>
1 bedroom	50 m ²	50 – 68m ²	50 – 60m ²
2 bedroom	70 m ²	78 – 107m ²	60 – 90m ²
3 bedroom	95 m ²	107 – 138m ²	-

One (1%) 1 bedroom apartment is less than 50m² in area and 34 (20%) of the 2 bedroom apartments are less than 70m² in area.

The proponent provided the following justification for the proposed apartment sizes and inconsistency with the RFDC guideline:

- the sizes of the average 1 and 2 bedroom apartments are 55m² and 76m² respectively, which exceed the respective minimum requirements under the RFDC;
- the locality's demographic profile suggests a significant need for housing stock that is smaller than the Sydney average in terms of floor space and number of bedrooms;
- the RFDC acknowledges that minimum apartment sizes should be refined in response to local demographics; and
- sales of similar nearby developments indicate a strong demand for one bedroom plus study and smaller two bedroom apartments.

The RFDC recommends that apartment size be determined, inter alia, relative to geographic location and market demands, (for example, areas near universities may require more studio apartments); and affordability (with a range of apartment sizes providing greater choice for more people).

The department notes the proponent's justification that the locality's demographic profile, the site's proximity to major public transport, retail, employment and educational hubs, and sales data of comparable developments all support smaller apartments.

Noting that 99% of 1 bedroom apartments are at least 50m², 80% of 2 bedroom apartments are at least 70m², and that the average apartment sizes are consistent with the RFDC guideline, the department considers that the overall apartment sizes across the development are acceptable.

5.6 Residential Amenity

The department has considered the residential amenity impacts of the proposed modification including consideration of the RFDC guidelines in relation to:

- natural cross ventilation; and

- daylight access;
- internal circulation

Natural cross ventilation

The RFDC recommends that at least 60% of apartments within a residential flat development be naturally cross ventilated.

The proponent submitted an assessment undertaken by Thermal Environmental which found that 262 (77%) of the proposed 340 apartments within Stage 1 are capable of being naturally cross ventilated. This is achieved by providing dual aspect (corner apartments) and apartments with sufficient articulation and dual oriented openings to allow the flow of air through the apartment. The department notes that the number of cross ventilated apartments meets the RFDC guidelines of 60% and is greater than within the approved development (65%).

37% of kitchens (126 of 340) are naturally ventilated, which satisfies the RFDC guideline of 25% and is greater than the approved development (34%).

Daylight access

The RFDC recommends that at least 70% of apartments within a residential flat development achieve a minimum of 3 hours direct sunlight between 9am and 3pm, midwinter. Further, it is recommended that no more than 10% of single aspect apartments have a southerly aspect.

The proponent has submitted an analysis which demonstrates that 237 (70%) of the 340 apartments achieve 3 hours sunlight, between 9am and 3pm midwinter. Further, only 21 (6%) of apartments are single aspect apartments with a southerly aspect, which complies with the RFDC guideline.

Internal circulation

The RFDC recommends that the number of apartments accessed off a single core should generally be limited to 8. The proposed modified internal layouts of the Adelaide, Brisbane and Darwin Buildings comply with this recommendation, with a maximum of 7 apartments accessed from one core.

However, the Perth Building has been reconfigured from 2 cores to a single core serving 10 apartments. In this instance, the department considers that this is acceptable, as the east and west ends of the corridor have access to natural light which provides a good level of amenity within the corridor. Further, the entries to apartments are sufficiently spaced and offset to provide an appropriate level of privacy and amenity.

5.7 Traffic and Car Parking

Council has raised concern that the increase in apartment numbers will increase the traffic impacts on the surrounding road network and recommended that no additional parking be provided for the additional apartments, if approved.

Condition B1 of the Project Approval requires that on-site car parking be provided for the residential apartments in accordance with the following rates within the *Guide to Traffic Generating Development*:

- 0.6 spaces per 1 bedroom apartment;
- 0.9 spaces per 2 bedroom apartment;
- 1.4 spaces per 3 bedroom apartment; and
- visitor parking of 1 space per 5 apartments.

The proposed increase in apartment numbers and change in apartment mix requires an additional 49 spaces as outlined in **Table 5**.

Table 5: Car parking requirements for the approved and proposed modified development

Apartment type	Stage 1 Project Approval	Proposed Modification		Difference
	Project Approval Condition B1 requirement	No of spaces proposed	Project Approval Condition B1 requirement	
One bedroom	76 spaces (127 apartments - excluding 15 adaptable apartments)	240	84 (140 apartments - excluding 25 adaptable apartments)	+8
Two bedroom	89 spaces (99 apartments - excluding 12 adaptable apartments)		149 (166 apartments - excluding 9 adaptable apartments)	+60
Three bedroom	34 spaces (24 apartments - excluding 2 adaptable apartments)		0 (nil apartments)	-34
Adaptable spaces	29 (29 apartments)	34 (34 apartments)	34 (34 apartments)	+5
Visitor parking	58 spaces	68	68 spaces	+10
Subtotal	286	342	335	+49
On street spaces (within the Concept Plan)	31	15 (including emergency parking)	-	-16
Total	317	357	335	+33

The department notes that while the number of spaces within the proposed basement car park is to be increased by 49 to accommodate the additional dwelling yield, the on-street car parking spaces are proposed to be reduced by 16 (from 31 to 15) resulting in a net increase of 33 car parking spaces across Stage 1.

The additional 33 car parking spaces is not expected to cause significant additional traffic impacts. It is expected that the increase in the number of smaller apartments, including apartments without an allocated car space, will discourage car ownership and encourage sustainable transport options. The site is well located in relation to public transport, employment, retail and educational facilities, and therefore is likely to generate fewer peak hour vehicle trips.

The reduction in on-street parking spaces has been proposed to enable increased landscaping and open space throughout the site. No objection is raised to the reduction in these spaces as there is adequate supply of visitor parking within the basement.

The department also notes that in its determination of the previous applications on the site, the PAC restricted the car parking on the site by imposing a future assessment requirement (C5) on the Concept Plan that no parking be provided for development which exceeds a GFA of 46,420m². It is noted that the GFA of Stage 1 is 26,160m², and therefore it is considered appropriate to provide additional parking for the additional apartments in accordance with Condition B1.

Notwithstanding the information provided with the application which proposes a total of 342 spaces, the department's analysis of the amended basement plans show a total of 333 off-street spaces including:

- 240 standard resident spaces;
- 34 accessible spaces (for adaptable dwellings); and
- 59 visitor spaces.

The number and allocation of spaces does not meet the requirements of Condition B1 of the Project Approval which would require 335 spaces comprising:

- 233 standard resident spaces;
- 34 accessible spaces (for adaptable dwellings); and
- 68 visitor spaces.

It is recommended that Condition B1 of the Project Approval is modified to stipulate the required car parking provision and allocation of spaces for the proposed revised apartment numbers and mix as set out above. An appropriate modified condition has been recommended.

5.8 Affordable Housing

Future Assessment Requirement C11(a) of the Concept Plan (as modified) requires a minimum of 4 affordable housing units be dedicated to Council. In addition, Condition D24 of the Project Approval requires 2 affordable housing units to be dedicated as part of Stage 1, and that these units comply with SEPP 65 solar access, natural cross ventilation and privacy requirements. The condition also requires that the identification of the units be agreed with Council prior to the release of any Construction Certificate.

Further to the concerns raised about the apartment size, mix and amenity of Stage 1 apartments (as discussed in **Section 5.4, 5.5 and 5.6**), Council has requested that the units dedicated to Council be a minimum of two bedrooms with good amenity. Council considers that the selection of the units should be agreed with it prior to the release of any Construction Certificate.

In response, the proponent has proposed that the existing condition be amended to state that each affordable housing unit contain a minimum of 1 bedroom. It has also sought to delete the requirement for the identification of the units to be agreed with by Council, and instead has nominated two 1 bedroom units (G01 within the Adelaide Building and G08 within the Darwin Building) to be identified in the Project Approval.

The department notes that the Concept Plan and Project Approval do not specify a minimum apartment size for affordable housing units. Council has based its concern on the change in apartment mix and reduced size of apartments. It is noted that the proportion of 1 bedroom apartments (49%) remains unchanged in the proposed modification, and there is nothing preventing the dedication of 1 bedroom affordable housing units within the Concept or Project Approvals. In this regard, the department considers that the proposed modifications and the concerns raised by Council do not provide sufficient justification for imposing such a requirement.

The existing condition on the Project Approval requires that the affordable housing units comply with the solar access, natural cross ventilation guidelines and privacy within SEPP 65 (RFDC). The existing condition of approval adequately addresses Council's request that the affordable housing units have a good level of amenity.

The department does not support the proponent's request identify Units G01 and G08 as affordable housing units in the Project Approval and delete the requirement for the identification of the units to be agreed with by Council for the following reasons:

- it is not appropriate to remove the need for Council to agree to accept the dedication of the units, as the units are an asset that Council will be responsible for; and

- the 2 units nominated by the proponent do not comply with both solar access and natural cross ventilation guidelines within the RFDC.

In conclusion, it is recommended that the Future Assessment Requirement C11(a) of the Concept Approval, and Condition D24 of the Project Approval remain unchanged.

Noting that the current approvals do not specify a minimum size for apartments, it is not considered appropriate to amend the requirement for either 1 bedroom (as requested by the proponent) or 2 bedrooms (as requested by Council).

Finally, it is also recommended that the requirement for the units dedicated to Council to have an acceptable level of amenity (complying with SEPP 65 criteria in terms of solar access, natural cross ventilation and privacy) be retained.

5.9 Other Matters

The proponent also seeks to make a number of other consequential amendments to the conditions Concept and Project Approvals including:

- amend Future Assessment Requirement C3 of the Concept Approval to delete the reference to Modification B4 – Open Space (which is also to be deleted as part of this proposal);
- amend Future Assessment Requirement C16 of the Concept Approval to reference the proposed modified Ground floor plan in Term of Approval A2;
- amend Condition E3 of the Project Approval to exclude visitor parking from the restrictions on use by tenants/occupants only;
- amend Future Assessment Requirement C18 of the Concept Approval and Condition B1 of the Project Approval to enable emergency vehicle access from Epping Road; and
- amend the statement of commitments to reduce the number of SOHO apartments from 33 to 30, to allow for the reconfiguration of 6 units into 3 within Stage 2. This will provide larger Soho apartments which will provide increased commercial floor space and a higher level of residential amenity

The department does not raise any issues with these minor amendments to the conditions of approval.

6. CONCLUSION AND RECOMMENDATIONS

The proposal seeks to make a number of modifications to the approved Concept Plan and Project Application. These modifications primarily seek to amend the Project Approval consistent with the recently approved Modification to the Concept Approval, and to satisfy the conditions of the Concept Plan and Project Application in relation to open space and design.

The application also seeks to increase the dwelling yield of Stage 1, through a revised dwelling mix and a greater number of smaller apartments. The department considers that the proposed mix and size of apartments is acceptable noting that the demographics in the locality and the proximity to Macquarie University support the proposed apartment mix, including an increased proportion of 1 and 2 bedroom apartments. The department is satisfied that the modified apartment configuration will provide an acceptable level of residential amenity, in line with the guidelines within the RFDC. The application will not result in an increase in the approved gross floor area or building heights.

The design changes to the external elevations satisfy the requirements of Condition B1 of the Project Approval and are generally consistent with the amended plans approved within Modification 1 to the Concept Plan. The minor amendments to the elevations including articulation, window and balcony placement are as a result of internal modifications to achieve the revised dwelling yield and mix of apartments. Minor amendments are also proposed to the building footprints, including increases in some locations, however, these are consistent with the original approved envelopes and the requirements of the Concept Plan.

The proposed additional parking for the additional apartments is supported on the basis that it is consistent with the approved parking rate (subject to conditions) and will have minimal traffic impacts on the local road network during peak periods.

Following consideration of the Council's and proponent's position on the affordable housing units to be dedicated to Council, the department has come to the view that existing conditions within the Concept and Project Approvals adequately ensure that affordable housing units have a good level of amenity and are agreed to by Council. Noting that the current approvals do not specify a minimum size for apartments, it is not considered appropriate to amend the requirement for either 1 bedroom (as requested by the proponent) or 2 bedrooms (as requested by Council).

On balance, the department considers the application will result in minimal environmental impacts beyond those assessed with the original applications.

It is recommended that the PAC, as delegate for the Minister for Planning:

- (a) consider the findings and recommendations of this report;
- (b) approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instruments of Modification Approval for MP10_0112 and MP10_0113.



Manager
Key Sites & Social Projects



A/Executive Director
Development Assessment Systems & Approvals

7/5/14

APPENDIX A MODIFICATION REQUEST

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6096

APPENDIX B SUBMISSIONS

See the Department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6096\](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6096)

APPENDIX C RESPONSE TO SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6096

APPENDIX D RECOMMENDED MODIFYING INSTRUMENTS
