



S75W Report - MP10_0165

5 Whiteside Street, 14 & 16 David Avenue, North Ryde

October 2014

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director	Ian Cady
Consultant	Ashleigh Ryan
Job Code	SA5492
Report Number	S75W Report_Final

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Statement of Validity

Section 75W Report:

Section 75W Report prepared by:

Name: Ian Cady (Associate Director)
BA and Dip Urb & Reg Planning (UNE)

Ashleigh Ryan (Consultant)
Bachelor of Planning – Hons 1 (University of New South Wales)

Address: Urbis Pty Ltd
Tower 2, Level 23, Darling Park
201 Sussex Street
Sydney NSW 2000

Land Details: 5 Whiteside Street and 14 & 16 David Avenue, North Ryde

Applicant Details: Urbis Pty Ltd

Applicant Address: Tower 2, Level 23, Darling Park, 201 Sussex Street Sydney NSW 2000

Project Summary: Modified Concept Plan Approval No. MP10_0165 MOD 1

- Amendments to Conditions A2, B1 and Condition 1(c) of Schedule 3 to update the approved plans and documentation.
- Amendment to Condition A3 to amend the building envelopes and separation.
- Amendment to Condition B3 to allow for a maximum development yield of 164 units.
- Amendment to Condition B5 to confirm the proposed car parking rate will not exceed that provided within the Ryde DCP 2010.
- Amendment to Condition B6 relating to balconies of Level 2 of Building B.

Declaration

We certify that the contents of the Section 75W report to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000*; and
- The information contained in this report is true in all material particulars and is not misleading.



Ian Cady (30 October 2014)



Ashleigh Ryan (30 October 2014)

Executive Summary

This report has been prepared to support a Section 75W application to modify the Concept Plan Approval (MP10_0165) for four residential buildings at 5 Whiteside Street, 14 and 16 David Avenue, North Ryde. This concept approval was granted on 10 September 2013 pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

Background

- On 10 September 2013 the Planning Assessment Commission (the Commission) on behalf of the Minister for Planning and Infrastructure approved the construction of four residential buildings on the subject site under Part 3A of the Act.
- The Part 3A Concept Approval limited development on the site to four buildings to a maximum height of RL 78.6 and a maximum yield to 135 units.
- Since the original submission of MP10_0165 the demographic and market considerations in the locality have altered, such that smaller unit sizes are now required. As per the guidelines and requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development, the Residential Flat Design Code, and the Draft Apartment Design Guidelines, appropriate unit mix is to be determined with consideration of current market demands and projected future demographic trends.
- The proponent and the design team met with representatives from the Department of Planning and Environment in August 2014 and the proposed amendments to the Concept Plan have been revised and clarified in response to this meeting.
- The proponent and the design team met with the City of Ryde Council and its nominated Urban Design Review Panel to discuss the proposed changes to the Concept Plan and the requirements for a future development application. The proposed amendments to the Concept Plan have been revised and clarified in response to this meeting.

Modifications

This application seeks to modify the Concept Plan Approval to reflect a revised apartment mix (and to make consequential modifications) and changes to the building envelopes as a result of further detailed design development.

This report accompanies a Section 75W application for the following modifications proposed:

- Increase the maximum development yield from 135 units to 164 units.
- Amend the approved building envelopes of Buildings A, B and D.
- Amend the approved site access to allow for a more efficient distribution of cars into and exiting the site.
- The applicant is prepared to modify Condition B5 to confirm the proposed car parking rate will not exceed that provided within the Ryde DCP 2010.
- Amend Condition B6 relating to balconies of Level 2 of Building B.

Reasons for Modifications to MP10_0165

The proposed modifications to the Concept Plan Approval are sought for the following key reasons:

- The proposed changes to the building envelopes will provide for an increased building separation and landscape area compared to that approved.

- The proposed modifications are consistent with the overall Concept Plan Approval which has been determined by the PAC on behalf of the Minister for Planning and Infrastructure to have minimal impacts on the surrounding land uses and will deliver a range of public benefits.
- Recent infrastructure upgrades in the Macquarie Park precinct have changed employee and resident travel patterns, resulting in improved network operation.

The provision of an increased number of smaller apartments is in response to strong market evidence from surrounding developments that buyer demand for smaller apartments is high, and reflects the changes to the market since the application was originally lodged in 2011.

Environmental Assessment

The proposed modifications to the Concept Plan Approval have been assessed with specific consideration for the issues raised by the Planning Assessment Commission in its original assessment report, including any additional impacts that could occur as a result of the changes. The proposal is considered to be satisfactory for the following key reasons:

- The proposal results in a minor reduction in the FSR achieved on the site compared to that approved. As such the proposal result in technically less 'density' across the site than originally approved.
- The proposal does not amend the maximum building height compared to that approved.
- The proposal will result in a positive impact to the solar access of surrounding properties, compared to that approved. Each property immediately to the south and east of the subject site will experience less overshadowing of their properties as a result of the proposal than the development originally approved. Further, the rear private open space of Building B on the site will benefit from greater solar access as a result of the proposal.
- The proposal results in a significant increase to the majority of ground level setbacks, most notably at the south western boundary, and will result in an increase in the provision of perimeter landscaping and deep soil landscaping. This will improve the transition between the subject site and the residential properties to the south of the site.
- The proposal increases the proposed ground level setback between Building A and Building B.
- Compared to the Concept Plan Approval, the proposal results in an increase in five vehicle trips within peak hour only. This is a negligible impact on the surrounding road network as demonstrated within the Traffic and Parking Report included at **Appendix F**.
- All of the commitments conditioned within the Concept Plan approval relating to traffic management and mitigation including undertaking a Local Area Traffic Management Study, a Sustainable Travel Plan, and the preparation of a report reviewing the existing pedestrian and bicycle network will be maintained and provided within the future development application for the proposal.

It is considered that this Section 75W Modification application should receive a positive assessment report from the Department of Planning and Environment and a recommendation for approval.

1 Introduction

This report has been prepared to support a Section 75W application to modify the Concept Plan Approval (MP10_0165) for four residential buildings at 5 Whiteside Street, 14 and 16 David Avenue, North Ryde. This concept approval was granted on 10 September 2013 pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

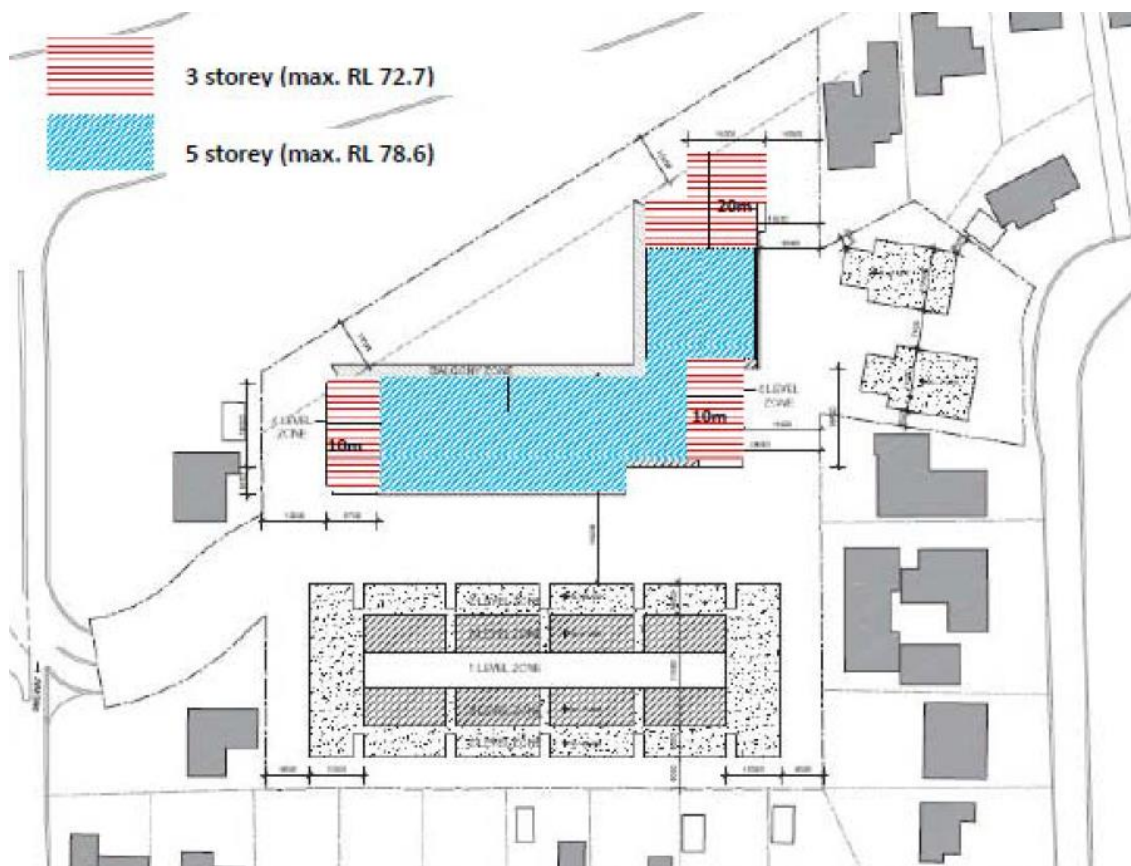
This application seeks to modify the Concept Plan Approval to reflect a revised apartment mix (and to make consequential modifications) and changes to the building envelopes and basement access arrangements as a result of further detailed design development.

The following outlines the background approvals for the site and identifies the proposed modifications that form part of this Section 75W application.

The Concept Plan Approval (MP10_0165) as originally approved, authorised '*residential flat development concept, including:*

- *use of the site for residential flat buildings;*
- *indicative building envelopes for 4 buildings to a maximum height of RL 78.6;*
- *limiting the maximum yield to 135 units;*
- *two split basement levels of car parking;*
- *road works and site access arrangements to support the development; and*
- *landscaping and associated works*'.

FIGURE 1 – MP10_0165 CONCEPT PLAN (PREPARED BY SJB ARCHITECTS, AS AMENDED BY DPI)



The proposed modifications to the Concept Project Approval are illustrated on the architectural plans prepared by Marchese Partners submitted under separate cover. The plans are proposed to replace those originally approved under Conditions A2, A3 and B1 of the Concept Project Approval (MP10_0165). The following technical and design documents submitted under MP10_0165 have been updated to reflect the proposed modifications:

- Architectural Plans – Marchese Partners
- Design Verification Statement – Marchese Partners
- Detailed Landscape Plans – Site Image
- Traffic and Parking Impact Study – Traffix

2 Background

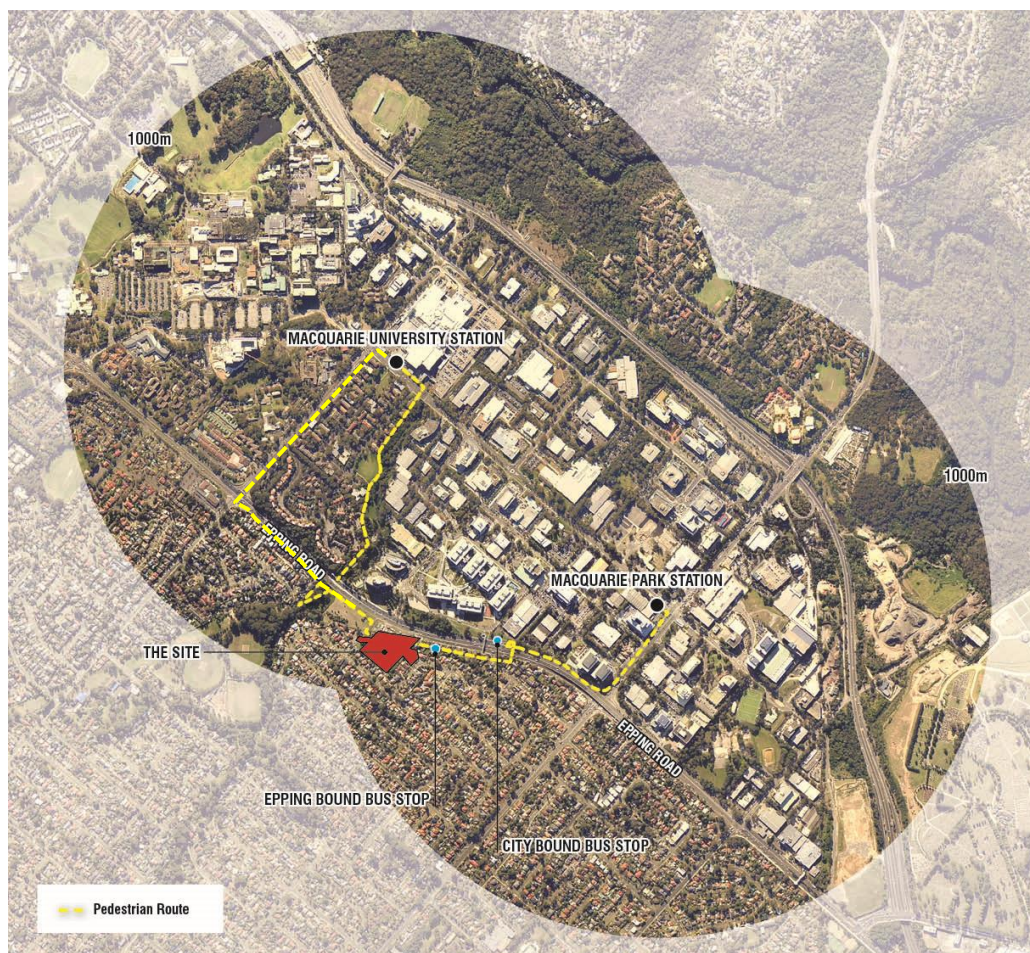
2.1 THE SITE

The site is known as No. 5 Whiteside Street and 14 & 16 David Avenue, North Ryde, and is legally described as Lot 6 DP 260000, Lot 3 DP 25688 and Lot 4 DP 25688. A site survey plan is included at **Appendix B**. It has an overall site area of 1.39 Ha, comprising:

SITE ADDRESS	LEGAL DESCRIPTION	AREA
5 Whiteside Street, North Ryde	Lot 6 DP 260000	12,500m ²
14 David Avenue, North Ryde	Lot 4 DP 25688	735m ²
16 David Avenue, North Ryde	Lot 3 DP 25688	702m ²

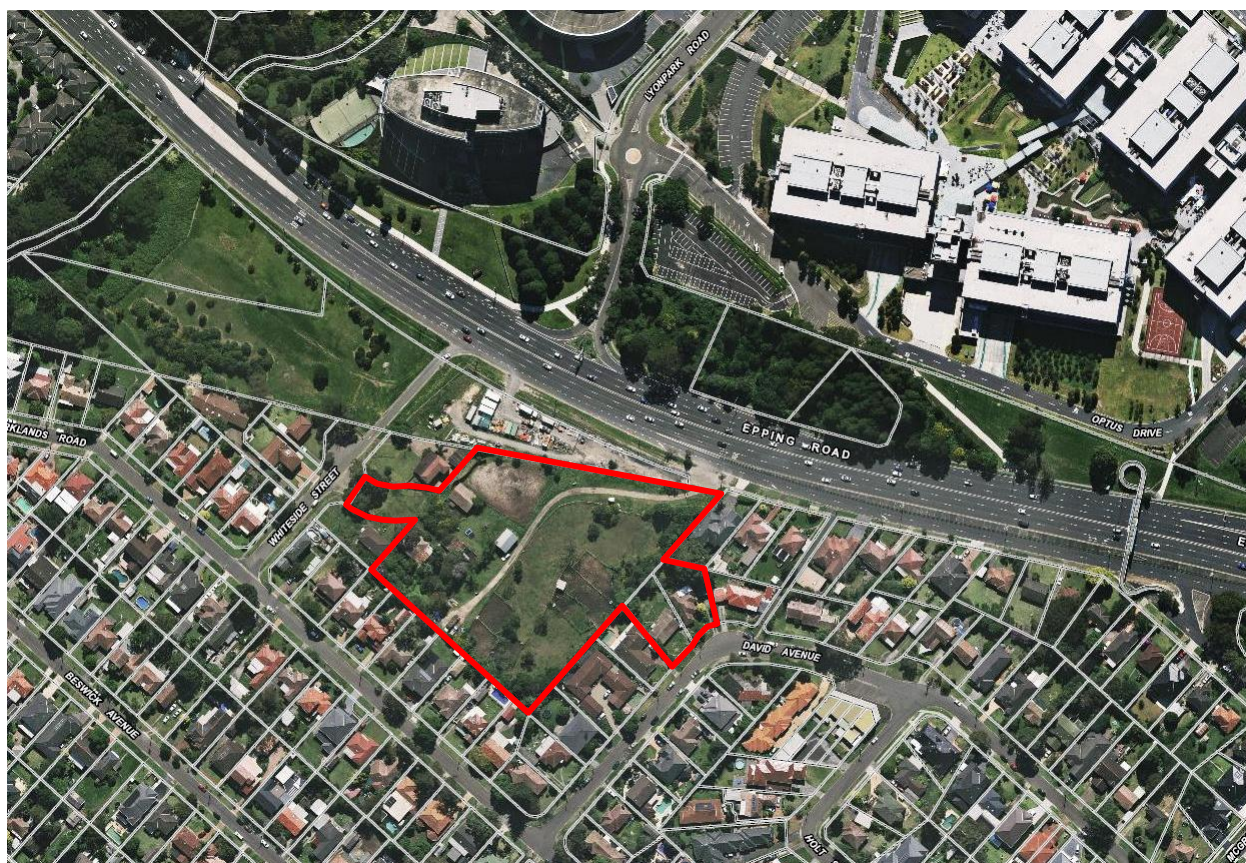
The site is located on the southern side of Epping Road, with a set back from Epping Road up to 20m due to a road widening reserve (owned and controlled by the RMS). Vehicular access to the property is from Whiteside Street, a local road which can be accessed via left in only from Epping Road.

FIGURE 2 – SUBJECT SITE IN THE CONTEXT OF MACQUARIE PARK AND MACQUARIE UNIVERSITY STATIONS



The site is currently zoned R2 Low Density Residential under the *Ryde Local Environmental Plan 2010*, but currently accommodates a horse riding school known as 'Galloping Grapes', in addition to two detached houses at 14 and 16 David Avenue.

FIGURE 3 – SUBJECT SITE AERIAL (NSW LPI – SIXVIEWER)



The site is located adjacent to Epping Road, which forms a distinct boundary between low density housing to the south, and multi-level industrial and commercial development to the north. The following development immediately surrounds the subject site:

- Immediately to the north of the site is a vacant RMS road reservation, which currently accommodates a range of containers and construction materials. Land to the north of Epping Road is primarily zoned for business and technology purposes, and accommodates large scale, employment generating development.
- Land to the south consists primarily of low rise detached houses. A number of these houses have had recent additional stories and extensions which reflect the changing character of the North Ryde area.
- To the east of the site is a range of single and double storey detached dwellings which have sole frontage and access to Epping Road and similar styles of dwellings fronting David Avenue.
- Land to the west of the site comprises low rise detached houses adjacent to the RMS road reservation and further to the west to Booth Reserve and Shrimptons Creek.

2.2 DEMOGRAPHICS AND MARKET CONSIDERATIONS

This section provides demographic and market analysis in support of the apartment sizes and apartment mix proposed in this Section 75W application to modify the Concept Plan Approval MP10_0165.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The following clause was added to State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) in 2008, in response to housing affordability concerns:

30A Standards that cannot be used as grounds to refuse development consent for residential flat buildings

(1) A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:

...

(b) apartment area: if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.

SEPP 65 (Amendment No. 3) was on public exhibition from 23 September – 31 October 2014. This important amendment to the SEPP has maintained this provision ensuring that consent authorities cannot refuse development on the ground of apartment size, provided it meets the minimum guidelines of Part 4 of the Apartment Design Guide.

RESIDENTIAL FLAT DESIGN CODE AND DRAFT APARTMENT DESIGN GUIDE

The RFDC was published over a decade ago (2002) during a residential property boom. Part 3.0 of the RFDC relevantly states:

Apartment Layout – Rules of Thumb

“If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability:
(apartment size is only one factor influencing affordability)

- 1 bedroom apartment 50m²
- 2 bedroom apartment 70m²
- 3 bedroom apartment 95m²

Apartment Mix –

...

Better Design Practice

- *Provide a variety of apartment types between studio-, one-, two-, three- and three plus-bedroom apartments, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.*
- *Refine the appropriate apartment mix for a location by:*
 - *considering population trends in the future as well as present market demands*
 - *noting the apartment’s location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.*

...” (Our Emphasis)

The Draft Apartment Design Guide maintains the minimum apartment size for 1, 2, and 3 bedroom apartments outlined in Part 3 of the RFDC. However it also introduces a minimum size for studio apartments, being 35m². The Draft Apartment Design Guide further states within performance criteria 4A-1, that determining an appropriate apartment mix takes into consideration:

- *the distance to public transport, employment and education centres*
- *the current market demands and projected future demographic trends*
- *the demand for social and affordable housing*
- *different cultural and socioeconomic groups*

(Our Emphasis)

As detailed below, it is particularly necessary to '*refine the appropriate apartment mix*' as this specific location:

- Has a demographic profile that is atypical of broader Sydney.
- Is located in the vicinity major public transport, retail, employment and education facilities, including Macquarie University, Macquarie University Railway Station and Macquarie Regional Shopping Centre.

PROPOSED APARTMENT SIZES AND MIX

The Concept Plan was originally prepared in early/mid 2011, prior to the availability of the 2011 census data, or any sales data for contemporary apartments within the locality. Apartment sizes and mix were therefore based upon assumptions drawn from typical demand in comparable circumstances, including the above guidance from the RFDC.

However, since this time housing demand has shifted, 2011 census data has become available, and sales data has been obtained from recently completed residential projects within Macquarie Park and North Ryde, including 'Macquarie Central' at 110 Herring Road, Meriton's project at 88 Talavera Road, and Stamford's project at 114 Herring Road, North Ryde.

In view of this extensive new information on population trends, demographic profile, and market demand considerations, this application has sought to modify the approved dwelling sizes and apartment mix.

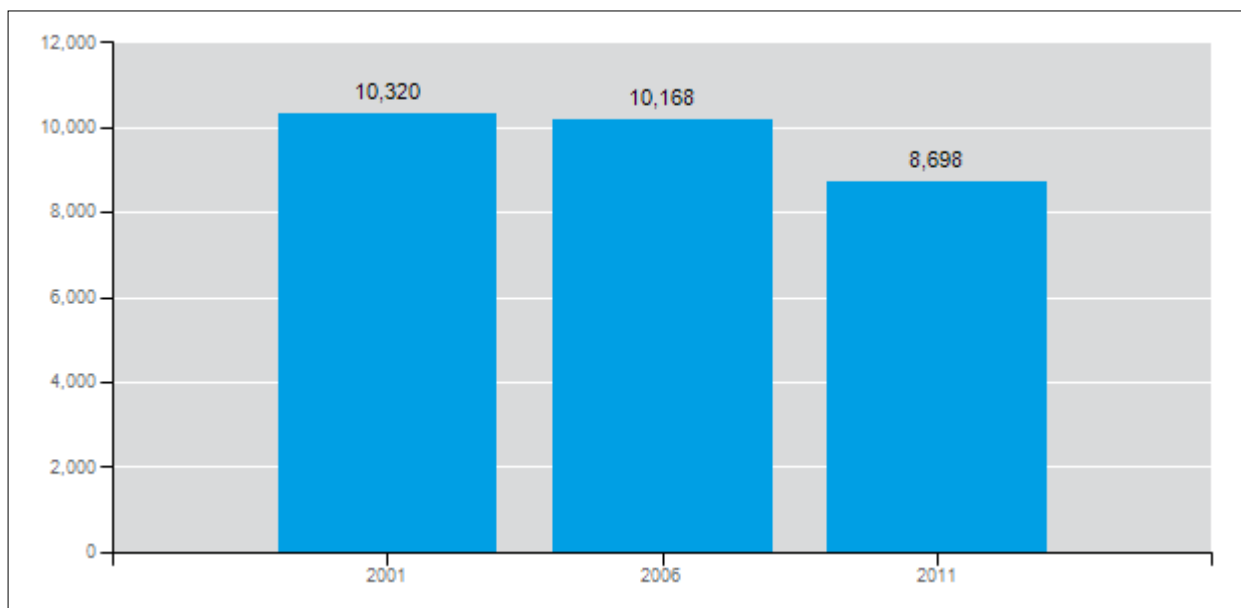
DEMOGRAPHIC PROFILE

The subject site is located at the interface between two very different demographic localities, being the suburbs of North Ryde and Macquarie Park. Whilst the subject site is located within the suburb of North Ryde, it is strategically positioned in proximity to the Macquarie Park centre.

As such, when considering the demographic profile of the area surrounding the subject site, a 1km radius has been determined as an appropriate catchment. This radius captures the subject site, the lower density housing to the south of the subject site, the high density housing to the north of the site. The Macquarie University Railway Station is located within this 1km radius catchment.

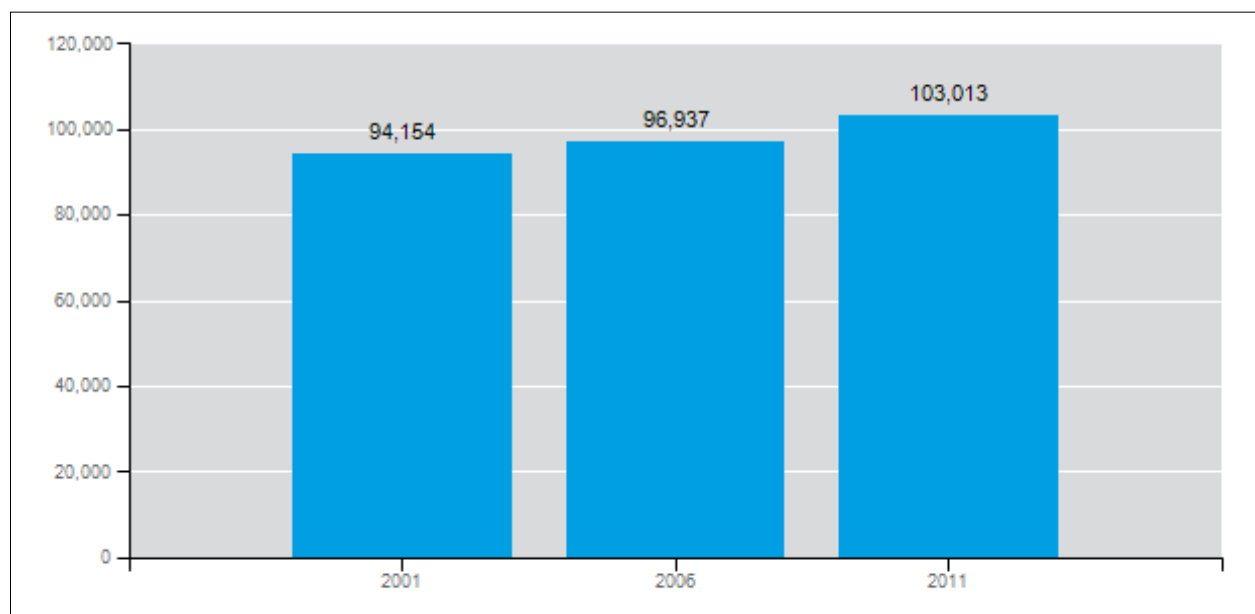
The following analysis has been compiled by Urbis using Census of Population and Housing 2011 data for a 1km radius of the site, the Ryde LGA and Greater Sydney.

TABLE 1 – POPULATION COUNT OF AREA 1KM RADIUS FROM SITE



Source : ABS Census of Population and Housing 2001, 2006 and 2011; Urbis

TABLE 2 – POPULATION OF RYDE LGA

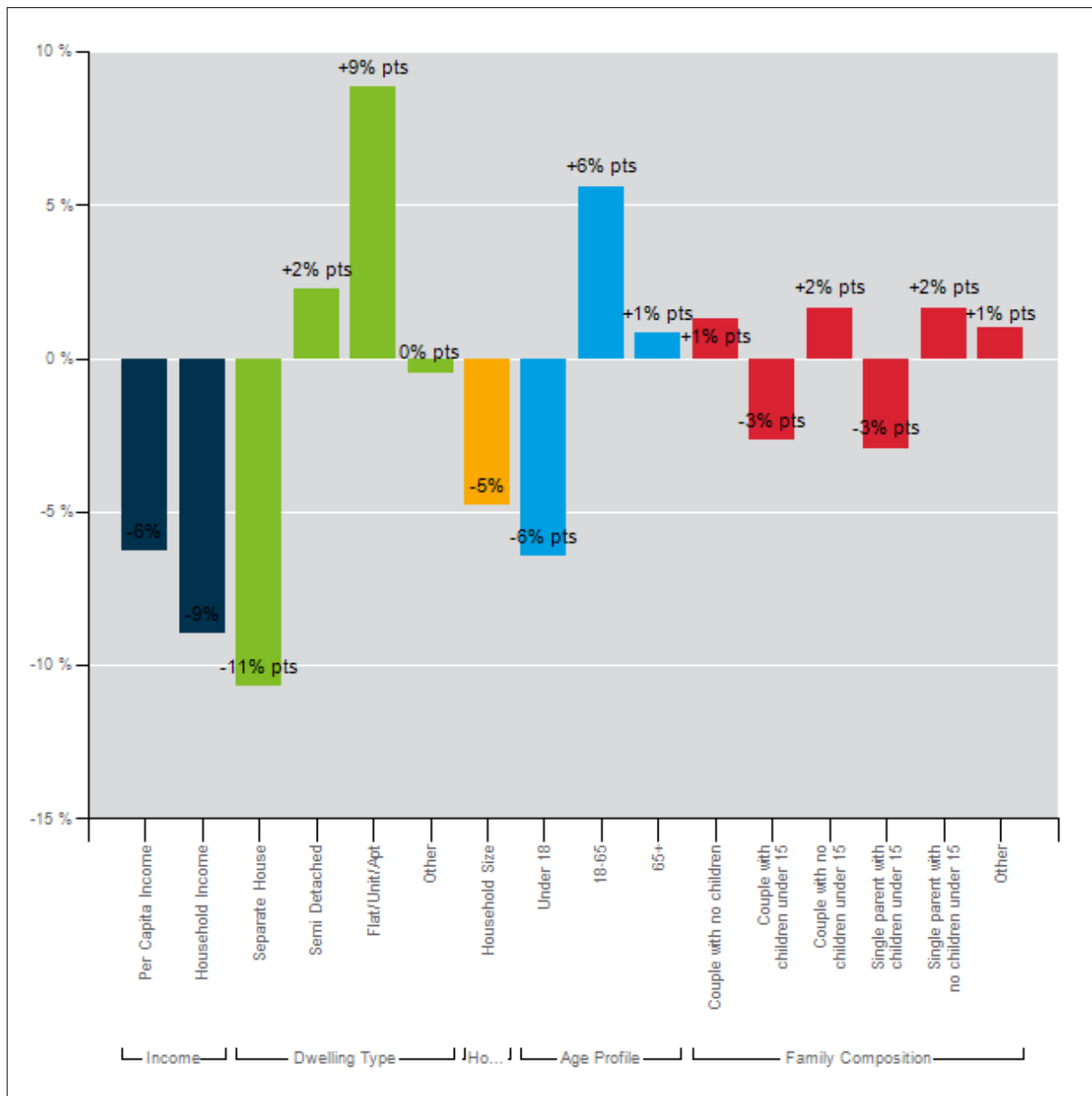


Source : ABS Census of Population and Housing 2001, 2006 and 2011; Urbis

Comment:

The population within 1km of the site declined 18.6% between 2001 and 2011, whereas the overall population of the Ryde LGA increased by 8.6% over the same period. As there was no major demolition of housing stock during this time, the decline in population of this area is presumed to have occurred through declining household sizes.

TABLE 3 – DEMOGRAPHIC VARIATION BETWEEN 1KM RADIUS OF THE SITE AND GREATER SYDNEY



Source : ABS Census of Population and Housing 2011; Urbis

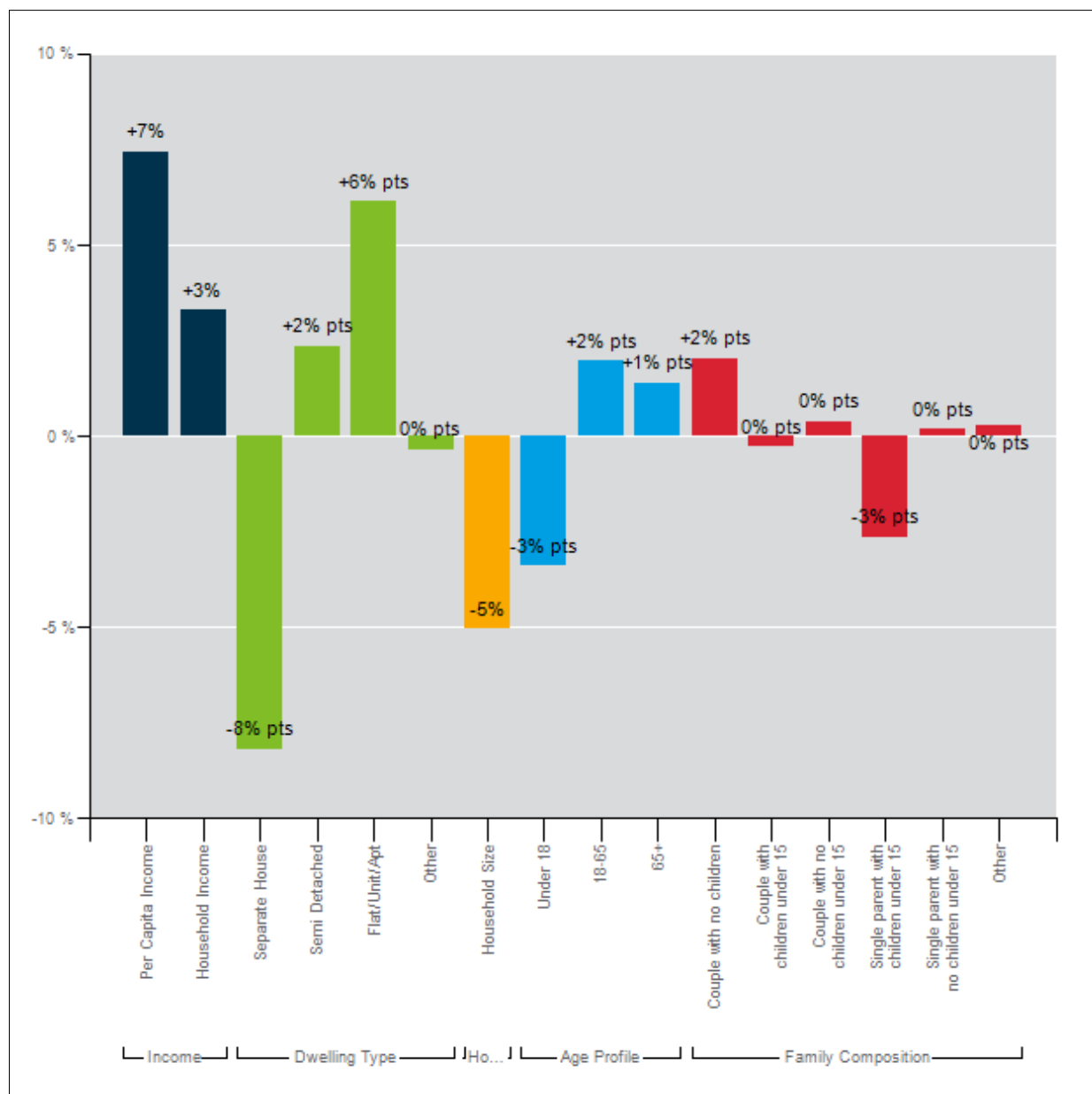
Comment:

The four most notable demographic characteristics of the locality relative to Greater Sydney are:

- 11% less 'separate houses'
- 9% more 'flats/units/apartments'
- 5% smaller household size
- 9% less household income

It is also notable that in the locality there are relatively fewer children (-6%) and relatively more working age adults (+6%) and couples without children (+1%).

TABLE 4 – DEMOGRAPHIC VARIATION BETWEEN RYDE LGA AND GREATER SYDNEY

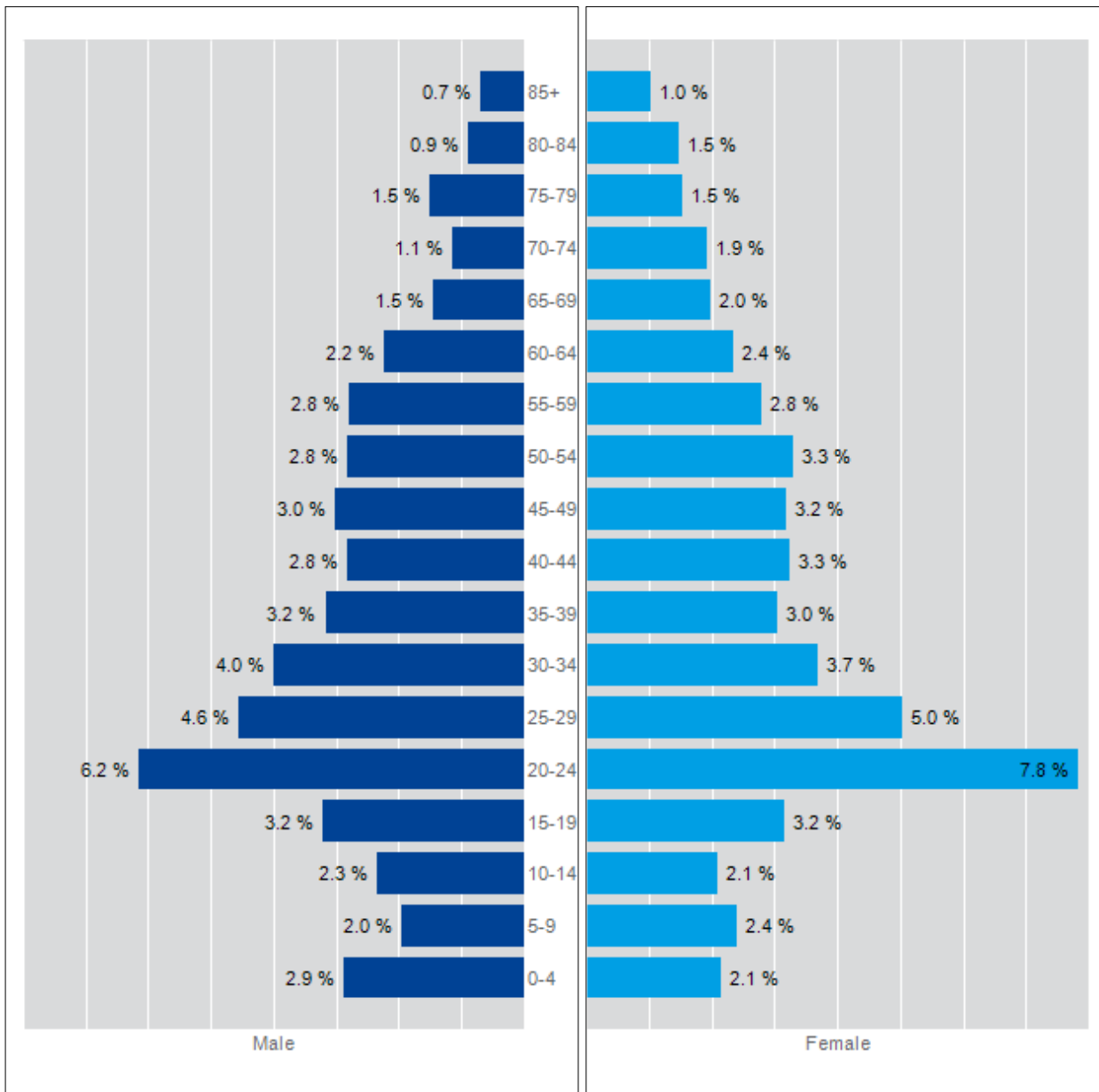


Source : ABS Census of Population and Housing 2011; Urbis

Comment:

While the Ryde LGA as a whole also has a greater proportion of apartments than houses, and smaller overall household sizes, the bias towards smaller apartments is greater in the subject locality. The locality also has a significantly less 'per capita income' and 'household income' compared to both Ryde LGA and Greater Sydney.

FIGURE 4 – GENDER DISTRIBUTION BY AGE IN 1KM RADIUS OF THE SITE

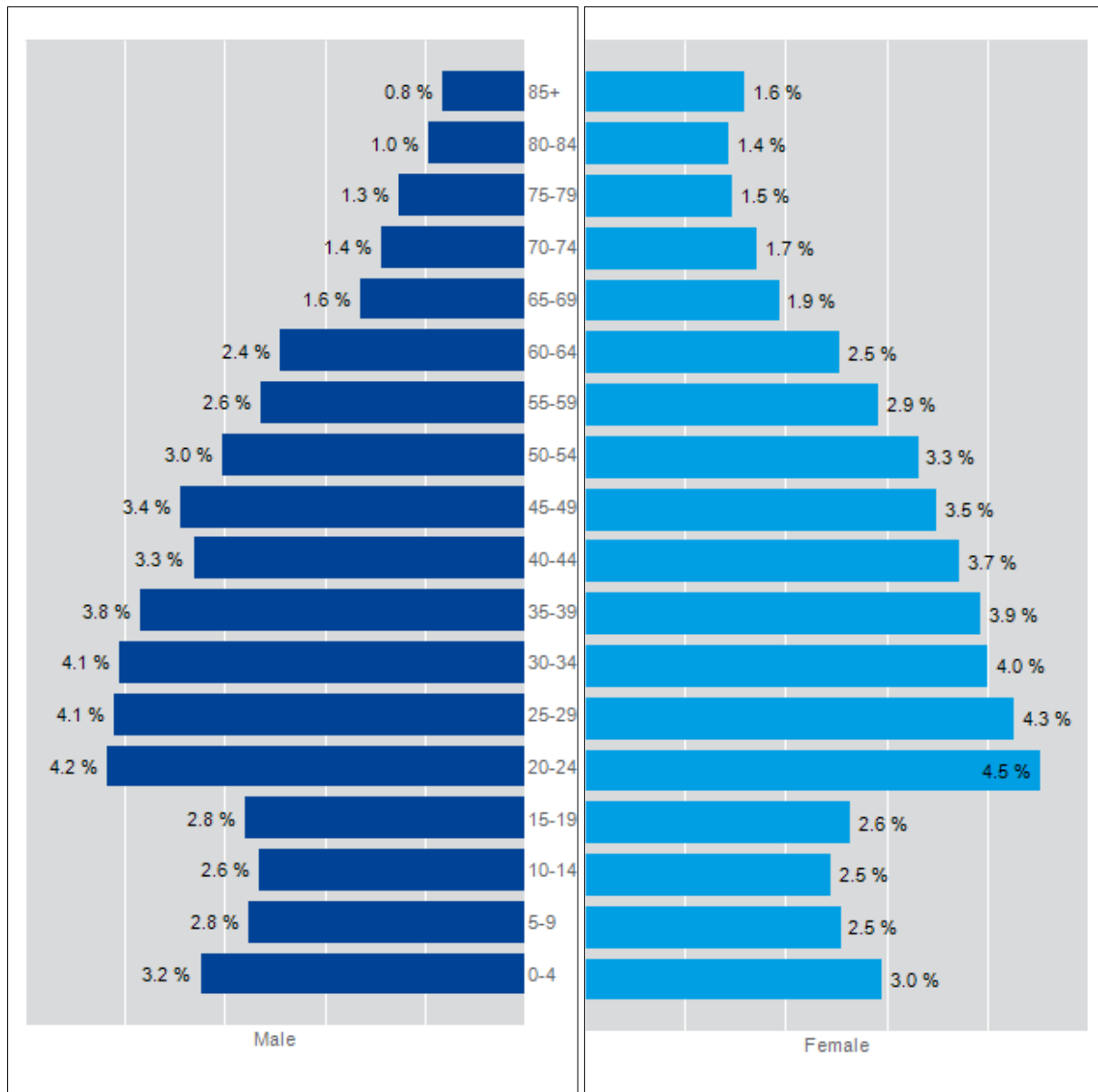


Source : ABS Census of Population and Housing 2011; Urbis

Comment:

The population of the locality is significantly skewed towards 20 to 29 year olds and to a lesser extent 30 to 34 year olds.

FIGURE 5 – GENDER DISTRIBUTION BY AGE IN RYDE LGA



Source : ABS Census of Population and Housing 2011; Urbis

Comment:

The population of Ryde LGA is far more evenly distributed than that of Macquarie Park.

DEMOGRAPHIC SUMMARY

The locality around the subject site (1km radius) already has a greater proportion of apartments than detached houses. Notwithstanding this, the population declined between 2001 and 2011, reflecting a decreasing household size that at 2011 was 5% smaller than the Sydney average.

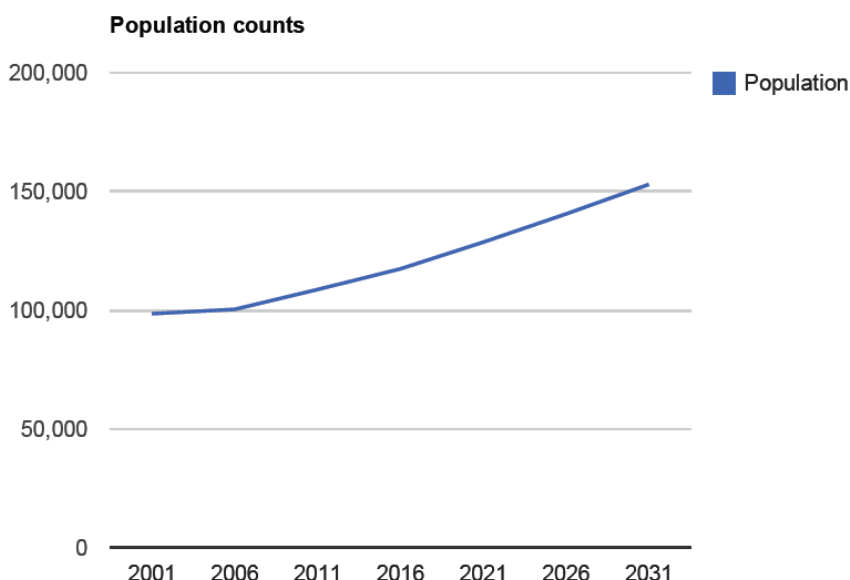
The population of young adults in the locality is pronounced, which is consistent with what may be expected in an area that accommodates a major university and a significant supply of white collar employment.

These demographics demonstrate a significant need for future housing stock that is smaller than the Sydney average in terms of both floor space and number of bedrooms if it is to meet the existing demographic profile and continuing trends within the locality.

POPULATION AND HOUSEHOLD PROJECTIONS

In July 2014 the Department of Planning and Environment's Demographics Unit released population projections for NSW. The population projections show a clear expectation that the population of the Ryde LGA will continue to grow significantly with an additional 44,300 people expected to reside within the Ryde LGA between 2011 and 2031, or an increase of 40.8% (DPE Demographics Unit 2014). This results in the requirement of an additional 18,900 implied dwellings between 2011 and 2031.

FIGURE 6 – RYDE POPULATION COUNTS FROM 2001 – 2014 (DPE DEMOGRAPHICS DATA 2014)



The Department of Planning and Environment's projections importantly anticipate that the average household size in Ryde LGA will decline from 2.56 in 2011 to 2.52 in 2031, reflecting a need for smaller dwelling sizes for sustainable development. This trend is shown in Table 5 below.

TABLE 5 – HOUSEHOLD SIZE (DPE DEMOGRAPHICS DATA 2014)

LGA	AVERAGE HOUSEHOLD SIZE	2011	2016	2021	2026	2031
Ryde	All Households	2.56	2.54	2.54	2.53	2.52
Ryde	Family Households	3.14	3.11	3.11	3.11	3.11

MARKET ANALYSIS

As acknowledged in the Residential Flat Development Code and the Draft Apartment Design Guide, 'present market demands' are an accurate and illustrative indicator to consider an appropriate unit mix for residential development. Buyer interest and realised sales prices provide the most objective guide as to the relative demand for various apartment types and sizes.

The sales data of recently completed residential developments within the immediate locality and the wider Macquarie Park area demonstrates that the current market has a very clear preference for '1 + study' and small two bedroom apartments. Lowest demand was for the larger two bedroom apartments and three bedroom apartments. This trend would be expected from an area largely characterised by young adults with no children, in close proximity of a university and white collar employment.

SUMMARY OF DEMOGRAPHICS AND MARKET CONSIDERATIONS

The surrounding locality has a decreasing household size that at 2011 was 5% smaller than the Sydney average. The predominance of young adults without children is pronounced. This is consistent with what may be expected in a locality in the vicinity of major public transport, retail, employment and education

facilities, including Macquarie University, Macquarie University Railway Station and Macquarie Regional Shopping Centre.

These demographics demonstrate a significant need for future housing stock that is smaller than the Sydney average in terms of both floor space and number of bedrooms. This expectation has been strongly validated by recent sales within the nearby developments in which significantly higher prices per square metre were realised for 1+ study apartments relative to larger 2 bedroom and three bedroom apartments.

While the RFDC and Draft Apartment Design Guide suggests minimum apartment sizes of 50m², 70m² and 95m² for 1, 2 and 3 bedroom apartments respectively, both documents acknowledge that these sizes should be refined in direct response to the above demographics. While a small amount of apartments are proposed to be smaller than the RFDC recommended minimums, the average sizes of each apartment type are not.

As the original application was submitted prior to the release of the 2011 census and market data from significant new development within the locality, the current application merely refines the approved mix in response to this information, as required by the RFDC.

2.3 APPROVED SCHEME

On 10 September 2013 the Planning Assessment Commission (the Commission) on behalf of the Minister for Planning and Infrastructure approved the construction of four residential buildings on the subject site under Part 3A of the Act.

The Concept Plan Approval (MP10_0165) authorised the residential flat development specifically including:

- *'use of the site for residential flat buildings;*
- *indicative building envelopes for four buildings to a maximum height of RL 78.6;*
- *limiting the maximum yield to 135 units;*
- *two split basement levels of car parking;*
- *road works and site access arrangements to support the development; and*
- *landscaping and associated works.'*

There have been no prior requests to modify the existing Concept Plan Approval lodged with the Department of Planning and Environment (the Department), and therefore the Concept Plan Approval as determined on 10 September 2013 is the only relevant consent for the site.

2.4 PRE-LODGEMENT CONSULTATION

Consultation has been undertaken with a number of authorities in respect to the proposed modifications, as detailed below.

2.4.1 PRE LODGEMENT DISCUSSIONS WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

A pre-lodgement discussion was held with Department on 29 August 2014. The items raised by the Department to be addressed within the S75W Report are summarised in Table 6.

TABLE 6 – SUMMARY OF PRE-LODGEMENT DISCUSSION WITH DEPARTMENT OF PLANNING AND ENVIRONMENT

MATTER RAISED BY DEPARTMENT	PROPONENT RESPONSE	REPORT REFERENCE
Cross reference the proposal with the January 2014 approved plans.	This has been undertaken and the approved envelopes are shown on the architectural plans provided with this application.	Architectural Plans attached under a separate cover.
Representatives from the Department questioned the building articulation that could be achieved in the new envelopes (compared to the articulation achieved for the original building). This is particularly important for Building A.	In response to this comment, the envelope for Building A has been amended to introduce more significant recesses in the northern façade. The applicant commits to achieving horizontal and vertical articulation of the building within the detailed design at DA stage, as outlined in Condition A2 of the Concept Plan (Condition not proposed to be amended).	Architectural Plans attached under a separate cover.
Representatives from the Department highlighted that the Level 2 envelope for Building B is larger than that approved which provided a 'breakup' in the building form. The impact of this is to be clearly demonstrated in the application.	The approved scheme included eight mansard style roof elements on Level 2, which were separated by approximately 2m. The proposed scheme has been amended to include deeper recesses within Building B to provide a similar 'breakup' of built form at this level. Further, the proposed scheme includes a greater setback from both the internal Building A and the adjacent properties fronting Parklands Road.	Refer to Section 5.6.2.
Representatives from the Department highlighted the following considerations to be reduced/reconciled relating to amenity impacts to neighbouring properties:	As demonstrated in Appendix A , the proposal results in an increase to the solar access to surrounding residential properties compared to that approved.	Refer to Section 5.6.3.
<ul style="list-style-type: none"> ▪ Overshadowing to surrounding properties 		
<ul style="list-style-type: none"> ▪ Overlooking – with particular concern for the eastern portion of Building B, which has a reduced setback on Level 2. 	<p>The proposal has been revised to ensure that the approved setback at the eastern portion of Building B is maintained.</p> <p>The setback to Building B Level 2 has been increased to 15.9m, and as demonstrated in the Landscape Plans, has allowed for the provision of more significant landscaping at this boundary to mitigate any privacy impacts to these properties.</p>	Refer to Section 5.6.3.

MATTER RAISED BY DEPARTMENT	PROPONENT RESPONSE	REPORT REFERENCE
<ul style="list-style-type: none"> The proponent is to present an indicative façade treatment and precedent study to demonstrate the proposed finishes. 	This will be undertaken at the DA Stage.	N/A
Additional car parking spaces are proposed, however are to be provided at the lessor car parking rate as outlined in the Ryde Development Control Plan 2010.	This is confirmed and the proposed car parking provision will not exceed the lessor car parking rate outlined in the Ryde Development Control Plan 2010.	Refer Section 5.6.4.
In the original application the Planning Assessment Commission clarified and strengthened the condition requiring the proponent to carry out a Local Area Traffic Management Study before the development application is lodged. Further, Condition 10 of the Concept Plan requires the lodgement of a Sustainable Travel Plan with the first DA. It is noted that these studies are required to be prepared with consultation with Council as well as the RMS (RMS for the LATM Study only).	A scope has been identified for a LATM Study and is included as part of this application. Further, the Traffic and Parking Statement outlines the impact the amendments will have on traffic in the locality.	Refer to Section 5.6.4.
Consideration should be given to the current RMS car parking rates compared to the RMS rates at the time of approval.	The revised rate of 0.19 trips / unit (AM Peak hour) and 0.15 trips / unit (PM Peak Hour has been incorporated into the Traffic and Parking Statement. This demonstrates that the proposed unit mix will result in less traffic generation than that originally approved under the previous RMS rates.	Refer to Appendix F .
Consideration should be given to locking in the maximum number of car parking numbers (as opposed to rates) in the Concept Plan Approval. These may be made as 'approximate' or 'indicative'.	The applicant is prepared to modify Condition B5 to confirm the proposed car parking rate will not exceed that provided within the Ryde DCP 2010.	Refer to Section 4.3.
The Commission has determined that the existing left in only from Epping Road should be retained. This amendment has not been tested in the original traffic report. The revised traffic report should consider the implications of this decision.	Testing of this condition has been included within this application and within the Traffic and Parking Statement.	Refer to Section 5.6.4 and Appendix F .
The approved setback to the south west apartments is to be maintained.	This has been maintained within the amended scheme.	Refer to Architectural Plans under separate cover.

2.4.2 PRE LODGEMENT DISCUSSIONS WITH RYDE CITY COUNCIL

A pre-lodgement discussion was held with Ryde City Council (the Council) and Council's nominated Urban Design Review Panel on 13 October 2014 to discuss the proposed amendments to the Concept Plan Approval as well as a future development application for the site. The items raised by the Council and the Urban Design Review Panel to be addressed within the S75W Report are summarised in the following table.

TABLE 7 – SUMMARY OF PRE-LODGE MENT DISCUSSION WITH RYDE CITY COUNCIL AND URBAN DESIGN REVIEW PANEL

MATTER RAISED BY COUNCIL	PROPONENT RESPONSE	REPORT REFERENCE
The proposed 'Snorkel Apartments' should be reconsidered.	The proposed floor plate has been amended to reflect this comment.	Architectural Plans attached under a separate cover.
The size of studies within the development should be reconsidered to ensure that they cannot be used as a bedroom.	The proposed floor plate has been amended to reflect this comment.	Architectural Plans attached under a separate cover.
The proposal results in additional eyes on the south western boundary.	As no two level units are proposed, the revised scheme will result in 30 units facing the south western boundary, compared to the 20 unit configuration approved. This will not result in a significant impact on the privacy of the adjacent properties as the building is significantly setback from the boundary and has been revised to incorporate significant perimeter landscaping.	Refer to Section 5.6.3.
The size of the loading dock appears excessive.	The size of the loading area is consistent with that originally approved and will be refined in the Development Application.	N/A
The proposal basement arrangement does not appear efficient and isn't supported by Council.	The proposed basement arrangement was presented as it was originally approved. In response to the conditions of consent approved by the PAC, and comments from Council, the arrangement of the basement has been revised. The new arrangement maintains a left-in, right-in, left-out only to Whiteside Street.	Refer to Section 5.6.4
Sweep paths should be completed again to ensure that access to the loading dock can be achieved.	This has been incorporated into the Traffic and Parking Statement.	Refer to Appendix F .
The existing visibility of the loading dock is not preferred.	This is noted; however the position is consistent with that originally approved. This position has adequate space for turning circles and will have limited visibility from David Avenue or adjacent	N/A

MATTER RAISED BY COUNCIL	PROPONENT RESPONSE	REPORT REFERENCE
	properties.	
Additional detail on the elevations and facades are required.	This is noted and will be provided at development application stage.	N/A
Further studies are required on the most efficient access and egress to the site. Council need to resolve its position on the most efficient access and egress to the site.	This matter has been considered further by the project architect and traffic engineer.	Refer to Appendix F .
The loading dock is required to be designed to accommodate Council's waste management vehicles.	This can and will be accommodated at Development Application stage.	N/A
The basement design should be revised to clearly show storage facilities for DA stage.	This has been revised within the Section 75W application.	Architectural Plans attached under a separate cover.

3 Statutory Context

3.1 PART 3A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

The project was declared as a Major Project to which Part 3A of the Act applies on 15 October 2010.

Following the repeal of Part 3A of the Act on 1 October 2011, the project continues to be subject to Part 3A of the Act pursuant to the transitional provisions provided in Schedule 6A of the Act as follows:

Transitional arrangements—repeal of Part 3A

1) *The following are, subject to this Schedule, transitional Part 3A projects:*

- (a) an approved project (whether approved before or after the repeal of Part 3A),*
- (b) a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
- (c) a project for which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent),*
- (d) a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project) was duly submitted before the relevant Part 3A repeal date.*

(Our Emphasis)

As the project is the subject of a Concept Plan Approval, Part 3A of the Act continues to apply.

3.2 SECTION 75W MODIFICATION OF PROJECT APPROVAL

Pursuant to Part 3A of the Act (as in force prior to its repeal), Section 75W provides that the proponent may request the Minister to modify the Minister's approval for a project (including a project approval or a concept plan approval). Such modifications may include:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

Section 75W does not limit the circumstances in which the Minister may modify a determination made under Division 3 in connection with the approval of a concept plan.

Further, clause 3C of Schedule 6A of the Act provides that s75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A.

We submit that the modifications proposed by this application do not constitute a '*radical transformation*' to the Stage 1 Project Approval or Concept Plan Approval because:

- The proposed use is the same as that originally approved under the Concept Plan Approval.
- The proposal does not seek to increase the maximum gross floor area or maximum height of buildings as approved under the Concept Plan Approval scheme.

- The proposed increase in apartment yield maintains an appropriate unit size and bedroom mix.
- There will be no reduction of open space on the site.

This report:

- Demonstrates that the proposed modifications comply with the relevant environmental planning instruments and policies.
- Addresses environmental impacts that may occur as a result of the proposed modifications.
- Justifies how the proposed modifications are consistent with the provisions of s75W of the Act.

4 Proposed Modifications

4.1 OBJECTIVES FOR PROPOSED MODIFICATIONS

The proposed modifications to the Concept Plan Approval are sought for the following key reasons:

- Census of Population and Housing 2011 data and relevant market information has been made public since the lodgement and determination of the Concept Plan which indicates a change in product type, unit mix, and unit size demand.
- The proposal seeks to increase the provision of private and communal open space, including increasing perimeter landscaping.
- Recent traffic infrastructure upgrades, including the M2 interchange at Talavera Road / Christie Road have been completed resulting in an improved network operation.
- The existing Concept Plan Approval can therefore be modified to maintain the existing density on the site, but provide a more appropriate unit configuration and increase the available site area to be used for landscaping, internal roads, and providing greater setbacks to surrounding properties.

4.2 SUMMARY OF MODIFICATIONS

The modifications proposed to the project by this application include the following:

- The proposal seeks to amend the typology of Building B to achieve a more traditional residential flat building development.
- The proposal seeks to increase the maximum development yield from 135 units to 164 units.
- The proposal seeks to amend the approved building envelopes of Buildings A, B and D.
- Amendment to Condition B5 to confirm the proposed car parking rate will not exceed that provided within the Ryde DCP 2010 and to stipulate this rate as this DCP may be completely superseded in the near future.
- The proposal seeks to amend the approved site access to allow for a more efficient distribution of cars into and exiting the site.

As a result of the proposed modifications, the numeric parameters of the development will be modified as follows:

TABLE 8 – NUMERIC OVERVIEW

	APPROVED	PROPOSED
Site Area	13,960sqm	13,960sqm
Gross Floor Area	13,912sqm	13,907sqm
Building Height	2 – 5 storeys (max. RL 78.6)	2 – 5 storeys (max. RL 78.6)
Total Number of Units	135	164
Total Number of One Bedroom Units	37 (27.4%)	70 (42.7%)
Total Number of Two Bedroom Units	89 (65.9%)	83 (50.6%)
Total Number of Three Bedroom Units	9 (6.7%)	11 (6.7%)

Parking Spaces	142 ¹	154
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¹ Parking spaces approved are calculated on an inferred rate by the approved unit mix and the lowest car parking rate found in the Ryde Development Control Plan 2010.

4.3 DETAILED DESCRIPTION OF PROPOSED MODIFICATIONS

To facilitate the proposed modification, several administrative wording changes to the Concept Plan approval instrument are required, including:

- Amendments to Conditions A2, B1 and Condition 1(c) of Schedule 3 to update the approved plans and documentation.
- Amendment to Condition A3 to amend the building envelopes and separation.
- Amendment to Condition B3 to allow for a maximum development yield of 164 units.
- Amendment to Condition B5 to confirm the proposed car parking rate will not exceed that provided within the Ryde DCP 2010.
- Amendment to Condition B6 relating to balconies of Level 2 of Building B.

The proposed wording changes are provided below.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP10_165 and the Environmental Assessment prepared by Urbis Pty Ltd, dated June 2011, except where amended by the Preferred Project Report, the Statement of Commitments dated 17 July 2011, **the 75W Report prepared by Urbis Pty Ltd dated October 2014** and the following drawings:

ARCHITECTURAL DRAWINGS PREPARED BY SJB ARCHITECTS MARCHESI PARTNERS			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA-01 N/A	06 N/A	Cover Sheet Cover Sheet	22.02.2013 30.10.2014
DA-02 DA-04	06 Rev. A	Locality Plan Envelope Plan	22.02.2013 30.10.2014
DA-04 DA-05	06 Rev. A	Envelope Plan (Includes RL's) Basement Plan	22.02.2013 30.10.2014
DA-05 DA-06	06 Rev. A	Basement Levels Ground Floor Plan	22.02.2013 30.10.2014
DA-06 DA-07	06 Rev. A	Ground Floor Level One Floor Plan	22.02.2013 30.10.2014
DA-07 DA-08	06 Rev. A	First Floor Level Two Floor Plan	22.02.2013 30.10.2014
DA-08 DA-09-A	06 Rev. A	Second Floor Level Three Floor Plan	22.02.2013 30.10.2014
DA-09 DA-09-B	06 Rev. A	Third Floor Level Four Floor Plan	22.02.2013 30.10.2014
DA-10 DA-12	06 Rev. A.	Fourth & Fifth Floor Site Sections	22.02.2013 30.10.2014
DA-11 DA-13	06 Rev. A.	Typical Apartment Plans Site Elevations	22.02.2013 30.10.2014
DA-12 DA-19	06 Rev. A.	Section A + B Shadow Analysis 01 June 22nd	22.02.2013 30.10.2014
DA-13 DA-20	06 Rev. A.	Elevations N/E/S/W (Includes RL's) Shadow	22.02.2013 30.10.2014

ARCHITECTURAL DRAWINGS PREPARED BY SJB ARCHITECTS MARCHESE PARTNERS			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
		Analysis 02 June 22nd	
DA-19 DA-21	06 Rev A	Shadow Analysis 01- June 22nd Building Envelope Comparison	22.02.2013 30.10.2014
DA-20.	06	Shadow Analysis 02- June 22nd	22.02.2013
DA-22.	06	Materials Palette	22.02.2013

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 BUILDING ENVELOPES AND SEPARATION

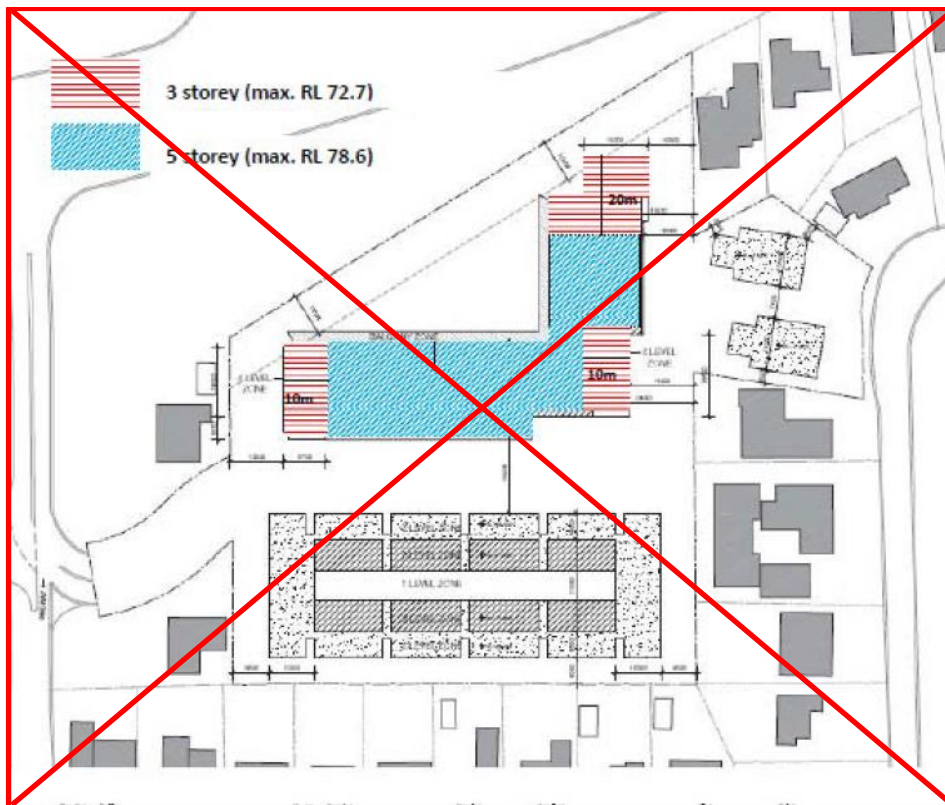
Building footprints and setbacks are to be generally consistent with the Concept Envelope Plan ~~DA-04~~ **DA-04.** referred to in Condition A2, except where amended by the Modifications in Part B.

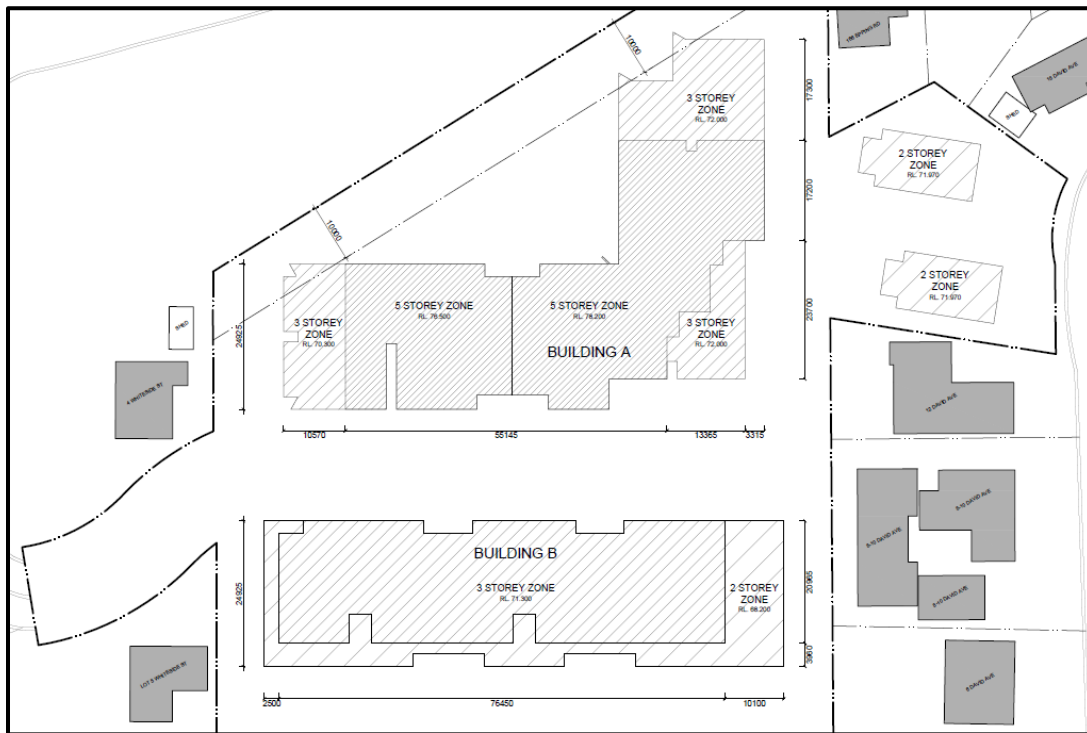
B1 BUILDING ENVELOPE HEIGHT MODIFICATIONS

The building heights shown on 'Envelope Plan' ~~DA-04 prepared by SJB Architects~~ **DA-04. prepared by Marchese Partners** and referred to in condition A2 shall be modified as follows:

- The building envelope for Building A (fronting Epping Road) shall be reduced to 3 and 5 storeys (maximum RLs 72.2 and 78.6, respectively) as illustrated in Figure 1 below, excluding any plant, lift overruns, or similar projections}. Drawings indicating heights to AHD shall be provided with the future application/s.

Figure 1: Revised Building Envelope – Building A





B3 DEVELOPMENT YIELD

A maximum of ~~435~~ **164** units is permitted.

Note: Section 94 Contributions shall be payable based on the ultimate unit mix included in future development applications in accordance with Council's DCP.

B5 CAR PARKING RATE

The provision of on-site parking shall ~~be in accordance with~~ **not exceed** the lower limit requirements of Ryde DCP 2010, **following:**

- 0.6 spaces / one bedroom dwelling
- 0.9 spaces / two bedroom dwelling
- 1.4 spaces / three bedroom dwelling
- 1 visitor space / 5 dwellings

B6 BALCONIES- LEVEL 2, BUILDING B

No south ~~east~~ facing balconies or terraces are to be provided on the ~~first floor~~ **Level 2** of Building B. **A maximum of six south west facing balconies are to be provided on the first floor of Level 2 of Building B. Any balconies proposed on Building B are to be design in accordance with Condition 2 of Schedule 3 and include opaque balustrades.**

Note: this modification is imposed to preserve the amenity of existing residential properties to the south by minimising opportunities for overlooking.

SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1 BUILDING DESIGN

...

- b) The future development application/s shall demonstrate sufficient building modulation and articulation to provide an acceptable built form, and varied horizontal building planes to provide visual interest, quality and definition to street walls and shall be no less than that illustrated on the concept plans ~~DA-060 to DA010~~ **DA-01 to DA-19** referenced in Condition A2.

5 Environmental Assessment

5.1 DIRECTOR GENERAL'S REQUIREMENTS

Director Generals' Requirements (DGRs) were issued for MP10_0165 on 27 January 2011. Representatives from the Department of Planning and the Environment confirmed on 24 October 2014 that revisions to the DGRs are not required in order to proceed with this Section 75W Amendment to the Concept Plan Approval.

As such the DGRs issued on 27 January 2011 relating to MP10_0165 remain the relevant DGRs for consideration within this Section 75W Modification Application.

5.2 CONSISTENCY WITH CURRENT APPROVAL

The modifications proposed within this application do not constitute a '*radical transformation*' to the original Concept Plan Approval because:

- The proposed use is the same as that originally approved under the Concept Plan Approval.
- The proposal does not seek to increase the maximum gross floor area or maximum height of buildings as approved under the Concept Plan Approval scheme.
- The proposed increase in apartment yield maintains an appropriate unit size and bedroom mix.
- There will be no reduction of open space on the site.
- No amendments are proposed to the access points across the site.

The proposed modification is consistent with the provisions of S75W as outlined in Section 3.2 of this report.

5.3 CONSISTENCY WITH STRATEGIC PLANNING POLICY

5.3.1 DRAFT METROPOLITAN STRATEGY FOR SYDNEY 2031

In March 2013 the State government released the 'Draft Metropolitan Strategy for Sydney to 2031' (the Draft Metro Strategy) for public comment. Once it is finalised later in the year, the Draft Metro Strategy will be the primary strategic planning document to guide land use decisions in Sydney.

- The Draft Metro Strategy states that Sydney's population will grow by an expected 1.3 million people by 2031. The Ryde LGA is located in the Central subregion which is expected to accommodate an additional 136,000 residents by 2021, and 242,000 additional residents by 2031.
- The Draft Metro Strategy identifies a requirement for the Central subregion to accommodate a minimum of 82,000 new homes by 2021 and a minimum of 138,000 new homes by 2031.
- New housing is to include a variety of types and sizes and is to be primarily located in existing centres that are close to public transport, employment and services. The supply of new housing in existing urban areas is to be fast-tracked to meet demand.
- The subject site is located adjacent to the Macquarie Park Specialised Precinct and is located within the Global Economic Corridor under the Draft Metro Strategy. The objective of the Macquarie Park Specialised Precinct is to expand office space to increase productivity advantages and prioritise office space over housing, as such it is anticipated that there will be limited growth in residential development within the Specialised Precinct. Despite this, residential growth continues to be encouraged within close proximity to employment and activity centres.

The proposed amendments to the Concept Plan Approval are consistent with the original justification for increased unit numbers (whilst maintaining the same density as approved across) on the site.

5.3.2 METROPOLITAN PLAN FOR SYDNEY 2036

The Metropolitan Plan for Sydney 2036 ("The Metro Plan") was the first comprehensive update of the 2005 Metro Strategy which was made available to the public on 16 December 2010. One of the key underlying directions to achieve the envisaged centres structure is stipulated in Strategic Direction D of the Metro Strategy:

*"A key action of this plan is the aim to locate **80 per cent of all new housing within walking distance of centres** of all sizes with good public transport. This will reduce car dependency and make walking, cycling and public transport more viable to more residents."*
(our emphasis)

This is also coupled with the aim to build at least 70 per cent of new homes in the existing urban areas, increasing the proportion of homes within 30 minutes by public transport of jobs in a major centre, and enabling residential and employment growth in areas where there is available or planned public transport capacity.

As a broad policy approach the Metro Strategy encourages higher density housing (i.e. more than 60 net dwellings per hectare) in larger centres and Action D2.1 clarifies that *"new apartment blocks in larger centres will also be a significant component of future housing"*.

Whilst the proposal does not seek to increase the density approved on the site, the amendments to the unit sizes and mix, which results in an overall increase of 29 apartments on the site will contribute to achieving the objectives for new housing to be located within walking distance of centres, and in close proximity to jobs and services. The minor amendments to the basement will not affect the achievement of the objectives of the Metro Plan.

5.3.3 DRAFT INNER NORTH SUBREGIONAL STRATEGY 2007

The site falls within the Inner North Subregion of the Metro Strategy. The Draft Inner North Subregional Strategy (the Subregional Strategy) provides the intended outcomes and specific parameters for the development of the subregion.

The Subregional Strategy identifies the site within both the Macquarie Park Specialised Centre and the North Sydney to Macquarie Park Economic Corridor (the northern portion of the Global Economic Corridor). As illustrated in Figure 5, the majority of the corridor has been reserved for employment lands along the Epping to Chatswood railway.

FIGURE 7 – MACQUARIE PARK SPECIALISED CENTRE (NOTE: 1KM WALKABLE CATCHMENT BOUNDARY RELATIVE TO SITE) SOURCE: DRAFT INNER NORTH SUBREGIONAL STRATEGY (FIGURE 17, PAGE 47)



Whilst the principal objective of the Macquarie Park area is to promote employment, the Subregional Strategy also seeks to concentrate residential development to strengthen centres and corridors, and notes that the majority of residential growth should be accommodated within existing urban areas. In order to ensure the full utilisation of the train line, and optimise opportunities to live and work in the same locality, surrounding residential opportunities should be optimised.

The changes proposed to the Concept Plan Approval are consistent with the original justification that the increased density (compared to the local controls) was justified in accordance with the provisions and objectives of the Subregional Strategy.

5.4 CONSISTENCY WITH ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modified Concept Plan has been assessed against the following planning legislation and does not alter the previous assessment of the Concept Plan as discussed in the table below.

TABLE 9 – CONSISTENCY WITH ENVIRONMENTAL PLANNING INSTRUMENTS

EPI	COMMENT
Environmental Planning and Assessment Act 1979 (the Act)	Relative to the objects of the Act, the development will further encourage the efficient and economic use of existing urban land, contributing to meeting local and subregional housing targets.
State Environmental Planning Policy (Infrastructure) 2007	Schedule 3 of the SEPP (Infrastructure) 2007 relates to traffic generating development to be referred to the RMS. As the proposal relates to more than 75 dwellings on a site located within 90m of a Classified Road, the proposal will be referred to the RMS.
State Environmental Planning Policy No. 55 – Remediation of Land	A Phase 1 Preliminary Environmental Site Assessment undertaken by Environmental Investigation Services accompanied the original Concept Plan Application. As outlined in Condition 4 of Schedule 3 of the Concept Plan Approval, a detailed assessment of any potential contamination on the site will be undertaken prior to the lodgement of the first development application for the redevelopment of the site.
State Environmental Planning Policy (Building Sustainability Index: Basix) 2004	The proposed amendments to the Concept Plan Approval have been designed to ensure compliance with BASIX will be achieved at the development application stage.
State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings) (SEPP 65) & Draft State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings) (SEPP 65)	<p>The proposal will comply with the requirements and guidelines of SEPP 65 and the RFDC as stipulated in Condition 1 of Schedule 3. Detailed assessment of the proposal against these instruments, and against Amendment No. 3 to SEPP 65 and the Draft Apartment Design Guidelines will be undertaken at Development Application stage. Regardless, this proposal demonstrates that the Concept Plan will be compliant with the guidelines for ventilation and solar access.</p> <p>Further, the RFDC states that residential flat development is to:</p> <ul style="list-style-type: none"> ▪ <i>Provide a variety of apartment types between studio-, one-, two-, three- and three plus-bedroom apartments, particularly in large apartment buildings. Variety may not be possible in smaller buildings, for example, up to six units.</i> ▪ <i>Refine the appropriate apartment mix for a location by:</i> <ul style="list-style-type: none"> – <i>considering population trends in the future as well as present market demands</i> – <i>noting the apartment's location in relation to public transport, public facilities,</i>

EPI	COMMENT
	<p><i>employment areas, schools and universities and retail centres.</i></p> <p>A detailed analysis of the demographics of the area and the current market trends has been undertaken and is include in Section 2.2.</p>
<p>Ryde Local Environmental Plan 2010 (RLEP 2010) –</p> <p>The RLEP 2010 has since been superseded by the Ryde Local Environmental Plan 2014 (RLEP 2014). Each of these LEPs has the same primary development controls for the subject site, as outlined in this table.</p>	<p>Zoning – R2 Low Density Residential</p> <p>Maximum Building Height – 9.5m</p> <p>Despite above, under the RLEP 2010 the maximum height of multi dwelling housing (attached) in Zone R2 Low Density Residential is:</p> <p>(a) for dwellings in the building that do not have a frontage to the street—6.5 metres, and</p> <p>(b) for dwellings with a frontage to the street, if adjoining lots contain dwelling houses that are less than 9.5 metres high—8 metres.</p> <p>Proposed – Maximum RL 78.2</p> <p>Maximum FSR – 0.5:1</p> <p>Despite above, under the RLEP 2010 the maximum floor space ratio shown for a building on land in Zone R2 Low Density Residential on the Floor Space Ratio Map only applies to development for the purposes of a dwelling house or dual occupancy (attached).</p> <p>Proposed – 1:1</p> <p>Heritage – No heritage constraints</p> <p>Minimum Lot Size – 580sqm (For dual occupancy (attached) development).</p> <p>Comment –</p> <p>Whilst the proposal clearly exceeds the current local controls for the subject site, it is generally consistent with the Concept Plan Approval as it maintains a gross floor area and maximum height less than that approved. The proposal will result in an increase in the setbacks to adjoining properties at ground level and will result in less site coverage than that originally approved.</p>

5.5 CONSISTENCY WITH DCPS, NON-STATUTORY POLICIES AND GUIDELINES

The proposed modified Concept Plan is consistent with the following development control plans, planning policies, and guidelines and does not alter the previous assessment of the Concept Plan as discussed in the table below.

TABLE 10 – CONSISTENCY WITH RELEVANT DCPS, NON-STATUTORY POLICIES AND GUIDELINES

PLANNING POLICY OR GUIDELINE	COMMENT
Ryde Development Control	The Ryde Development Control Plan 2010 (RDCP 2010) provides controls and design

PLANNING POLICY OR GUIDELINE	COMMENT
Plan 2010 (RDCP 2010)	<p>criteria to achieve desirable development outcomes in line with Council's vision for the Macquarie Park Corridor, and the Ryde local government area.</p> <p>In proposing the subject car parking rates, the proponent has given consideration to the RDCP 2010 for Ryde and the parking rates it applies to residential flat buildings. These rates include:</p> <ul style="list-style-type: none"> ▪ 0.6 spaces / one bedroom dwelling ▪ 0.9 spaces / two bedroom dwelling ▪ 1.4 spaces / three bedroom dwelling ▪ 1 visitor space / 5 dwellings <p>The proposal will not exceed these rates as stipulated within the RDCP 2010.</p> <p>Comment –</p> <p>As the RDCP 2010 has been superseded since the Concept Plan Approval was issued, the local provisions of the RDCP 2010 will not apply to the future development application except where referenced within the Concept Plan Approval.</p>
Ryde Development Control Plan 2014 (RDCP 2014)	<p>The Ryde Development Control Plan 2014 (RDCP 2014) came into effect on 12 September 2014. The RDCP 2014 includes the same car parking rates for residential flat development that are outlined in the RDCP 2010.</p> <p>Comment –</p> <p>The proposal will be required to demonstrate compliance with the relevant controls of the RDCP 2014 except in the instance of inconsistencies where the Concept Plan Approval overrides the local controls. This will be demonstrated within the development application stage.</p> <p>Despite this, it is noted that this proposal improves the compliance with solar access provisions, deep soil landscaping, and overall site landscaping and increased setbacks compared to that approved. As such it is considered that the proposal will result in a scheme that is relatively more compliant with the RDCP 2014 and RDCP 2010 than originally approved.</p>
Macquarie Park Traffic Study – Final Report	<p>No changes are proposed to the requirements outlined in the Concept Plan Approval for the applicant to undertake additional studies into the traffic and transport impacts of the proposal, in addition to potential upgrades required to the pedestrian and bicycle network surrounding the subject site.</p>
Macquarie Park Pedestrian Access and Mobility Plan 2013	
Macquarie Park Public Domain Technical Manual	

5.6 ENVIRONMENTAL IMPACT CONSIDERATIONS

5.6.1 OVERVIEW

The proposed amendments have been assessed with consideration of all relevant EPIs, and planning policies and guidelines, and the specific issues identified by the Commission in the assessment of the original Concept Plan. In assessing MP10_0165, the Commission considered the following key planning issues of relevance:

- Density
- Built Form
- Amenity Impacts
- Traffic
- Accessibility to Macquarie Park and Macquarie University Railway Stations

In summary, the proposed amendments will not increase the gross floor area, or building height of that originally approved, and is therefore considered to have a negligible impact on the density, built form, and amenity impacts on adjoining residences compared to that originally assessed and approved by the Commission. Further the proposal will result in a positive impact on the solar access and ground level setbacks to surrounding properties.

The proposal will result in an additional six balconies facing the south western boundary at Level 2 of Building B compared to that originally approved. Potential overlooking of this boundary has been mitigated by increasing the setback of this Level to 15.9m from 11.325m and increasing the perimeter landscaping.

As a result of the proposed apartment mix modifications, the inferred requirement for car parking has changed, which will in turn have a minor increase in car parking spaces required compared to that originally approved. The proposed modification further amends the basement parking arrangement to present more efficient movements through the site. The change in the traffic generation is negligible and generally consistent with that originally approved, and is justified in detail within the Traffic and Parking Report at **Appendix F**. Further, all additional studies into potential upgrades to traffic, pedestrian and bicycle networks outlined within the Concept Plan Approval will be retained within this modification.

5.6.2 DENSITY

The proposed amendments to the Concept Plan Approval do not increase the approved density on the site. The proposal does amend the overall apartment mix and size, which therefore increases the total number of apartments achieved across the site. The proposed amendments have been assessed with consideration of the density across the site, as follows:

- As part of the assessment of the approved Concept Plan, the Commission agreed that the site could accommodate higher density residential development than the current Council development controls permit.
- The Commission considered however that higher density development should have regard to the neighbourhood character, minimise impacts on the local road network and residential amenity, and should be subject to urban design measures. As such, in response to the perceived bulk and scale of the development and concerns regarding traffic impacts, the Commission reduced the scale of the development and expressed this by limiting the number of apartments across the site.
- The proposal itself maintains the same density that was approved across the site within the Concept Plan Approval. The amendments to the building form marginally reduce the approved GFA on the site, and maintain the maximum building height approved.
- Further, despite seeking 29 additional apartments on the site, these apartments maintain consistency with the minimum apartment sizes required in the RFDC and Draft Apartment Design Guideline.

Further, the proposal maintains compliance with the lessor car parking rate outlined in the Ryde DCP 2012.

- The impact of the proposed amendments to unit mix do not result in an adverse impact on the surrounding properties compared to that approved as privacy, overshadowing, visual impact, and traffic and parking implications have been mitigated, as discussed in the sections below.
- As such the proposed changes to the building envelopes, unit size and mix, and internal circulation will not affect the density on the site and will be consistent with the reduction in density approved as part of the Concept Plan Approval. As a result of the increased number of units, the proposed built form is discussed in Section 5.6.3 and the changes to the inferred car parking arrangements are discussed in Section 5.6.5.

5.6.3 BUILT FORM AND URBAN DESIGN

The proposed amendments to the Concept Plan Approval will change the building typology of Building B, and will make minor amendments to the building envelope of Building A. As such, the proposed changes have been assessed with consideration of the impact of the amended built form and urban design on the site as follows:

Impact on Epping Road frontage

As part of the assessment of the original Concept Plan, the Commission found that a three storey building height that steps up to five storeys in the centre of the site would improve the transition from the site to the surrounding buildings. As part of this application this transition has been maintained within the proposed building envelopes.

Whilst the proposal does include minor modifications to the building foot print of Building A, the building will maintain the maximum height limit originally approved. The proposed amendments to the Concept Plan will result in a negligible impact on the built form as viewed from Epping Road, as demonstrated in Figure 8, Picture 1. As demonstrated in this Figure, as viewed from Epping Road looking south, the proposal will present an overall reduced building envelope. This in turn reduces the perception of the scale of the building from this frontage.

Further, this Figure illustrates that the primary amendment to the built form of Building A occurs at Level 4 and Level 5. The minor protrusions to the approved building envelope towards the east maintain a 'stepping down' of the built form to Epping Road. These amendments do not result in a reduced solar access to surrounding residential properties compared to that approved.

Amendments are proposed to the landscaping design of the communal open space at this frontage, as demonstrated at **Appendix D**. Despite the minor changes to landscape design, the overall quantity and quality of the communal and private open space at this frontage will be consistent with that approved within the original Concept Plan Approval. Furthermore, the RMS land at the north of the site will continue to provide a significant buffer between the development and Epping Road. The applicant reiterates their commitment to the landscape embellishment of this land as outlined in Condition 8(b) of the Concept Plan Approval.

The amendments to Building A have also been designed with consideration of the achievement of design excellence, including the horizontal and vertical articulation of the northern façade of this building. Whilst the proposal does 'simplify' the building envelopes, modulated façade elements within the Building A northern façade have been included within the amended concept plans.

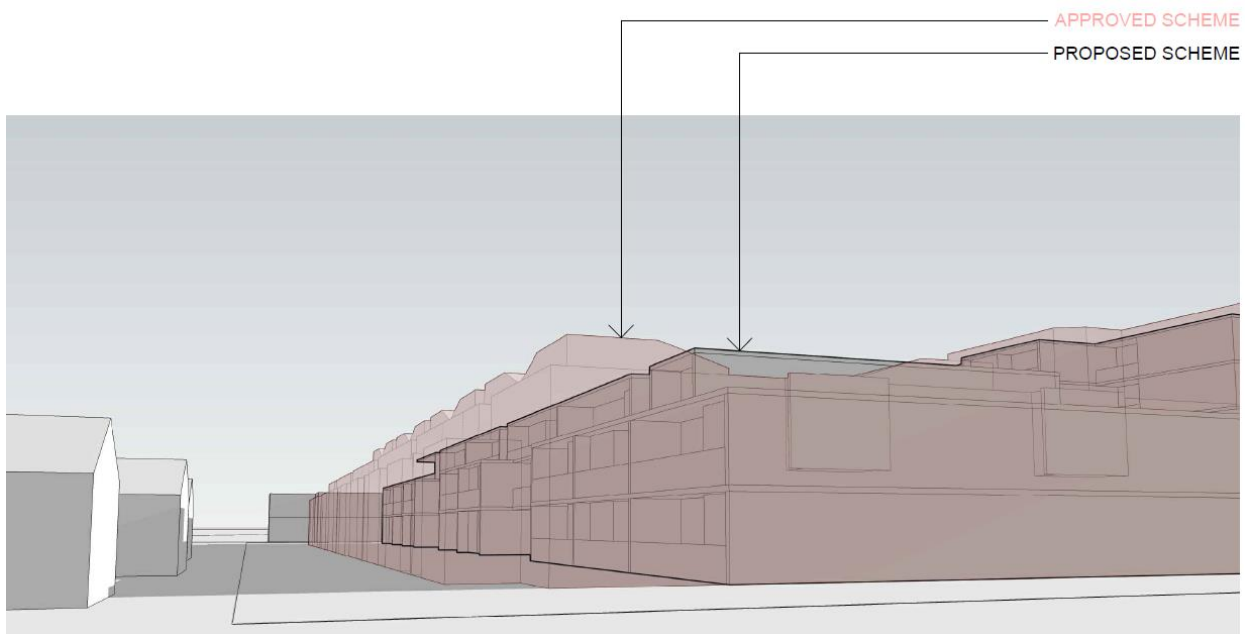
The detailed design of this façade will be required to demonstrate *"sufficient building modulation and articulation to provide an acceptable built form, and varied horizontal building planes to provide visual interest, quality and definition to street walls..."* as outlined in Condition 1 of Schedule 3 of the Concept Plan Approval. This wording is not proposed to be amended as part of this application and as outlined in the SEPP65 Statement at **Appendix E**, Levels 4 and 5 will be articulated to present a recessive and subordinate form compared to Levels 1 to 3.

The proposed modifications therefore are considered to present an appropriate built form to the Epping Road frontage that provides a stepping down to surrounding development, an articulated façade, and a generous front setback. The proposed modifications are considered in keeping with the plans for Building A as approved by the Commission within the Concept Plan Approval.

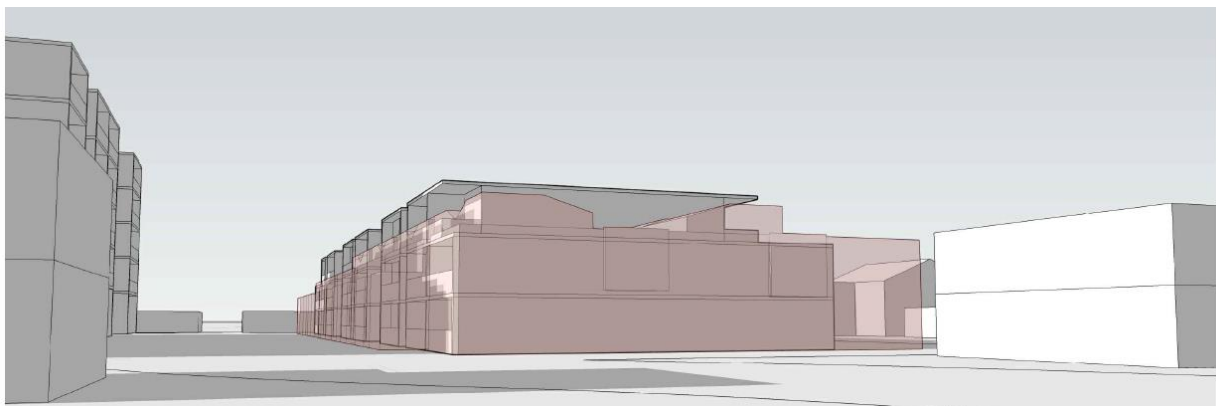
FIGURE 8 – BUILDING MASSING COMPARISON VIEWS



PICTURE 1 – COMPARISON VIEW 2 FROM EPPING ROAD



PICTURE 2 – COMPARISON VIEW 1 FROM 6 DAVID AVENUE



PICTURE 3 – COMPARISON VIEW 3 FROM SITE ENTRY AT WHITESIDE STREET

Interface with residential development

As part of the assessment of the original Concept Plan, the Commission added a condition (Condition B3) to the Concept Plan Approval imposing an upper limit of 135 units. Despite this, the provision of an increase in unit numbers (within the same maximum GFA and building height areas) will have a negligible impact on the built form and urban design of the building.

The proposed modification to the built form has been assessed against the potential visual impact (amenity impacts are considered in Section 5.6.4) it may have on the neighbouring low density residential development as follows:

- The proposal results in an increase in the setbacks between Building B and the surrounding properties. Notably at Ground Level and Level 1, the proposed setback from the building and the adjacent properties to the south west has significantly increased to 11.95m. This results in a reduced visual impact of the proposal as viewed from the south as demonstrated within Picture 2, Figure 8.
- The primary change to the built form proposed is at Level 2 of Building B. This level has been further setback from that approved to provide a 15.9m setback to the south. This increased setback will mitigate the potential visual impact of providing six balconies on this frontage. This is discussed further at Section 5.6.3.
- The Concept Plans approved for Building B included mansard-like roof forms at Level 2. The Concept Plans approved therefore included three building breaks at this level, which reduced the perceived scale of this floor. Whilst the proposal does amend the footprint of Level 2 of Building B care has been taken to ensure that breaks are still proposed to reduce the perceived scale of this level. As reiterated above, the setback of this level has also been significantly increased to reduce any potential visual impact.
- The proposal results in a minor increase in the appearance of built form when viewed from the north, as a result of the reduction in the Level 2 setback. This setback is however 10.675m from the north western boundary and includes a 2.5m setback from the Ground and First Level.
- The significant (18.48m) setback approved to the south east at Level 2 of Building B has been maintained as part of this application.

An assessment on the compliance with the RFDC is provided at **Appendix E**, which concludes that 60.3% of apartments proposed will achieve cross ventilation and 70.1% of apartments will receive solar access, therefore meeting the RFDC guidelines.

5.6.4 AMENITY IMPACTS

Care has been taken to ensure that the proposed revisions to the approved Concept Plans mitigate any approved amenity impacts on the surrounding residential development where possible, or will not result in any significant adverse impacts compared to that approved.

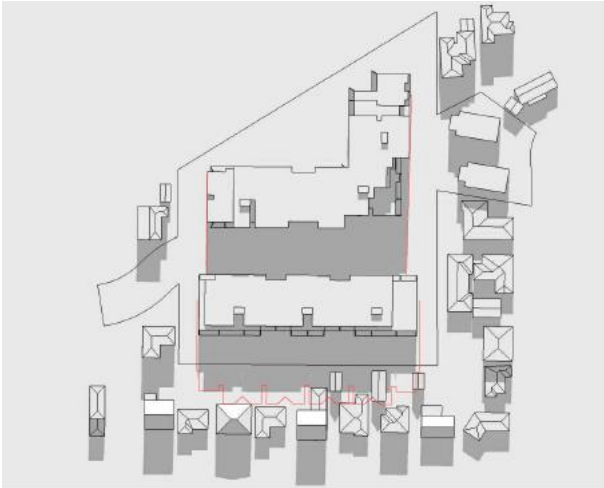
As part of the assessment of the Concept Plan, the Department of Planning and Infrastructure Assessment Report concluded that the proposed building forms would have an acceptable impact on the amenity of surrounding properties. Public submissions however disputed this, stating that the report did not adequately address traffic, privacy and overshadowing impacts. The Commission acknowledged these concerns and considered that the required modification to Building A (reduction in height) and limit to the number of units and car parking will address the potential traffic and amenity impacts.

As such, the proposed modifications to the Concept Plan approval which maintains the reduced building height, is considered to result in an appropriate impact on surrounding properties. Further, the proposal maintains the reduction in built form and density (GFA) which the Commission considered sufficient to address the community's concerns relating to potential amenity impacts.

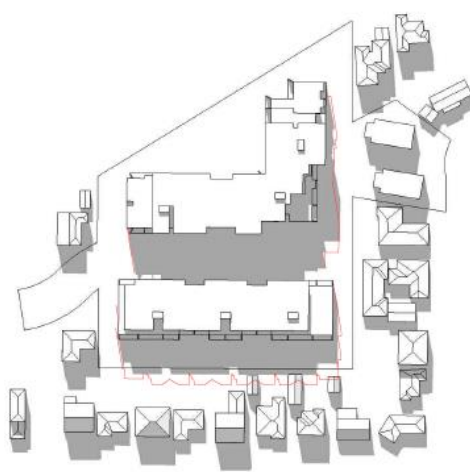
The proposed modifications to the Concept Plan Approval have been assessed against the following amenity concerns:

- **Traffic** – An assessment of the proposed additional car parking spaces inferred with the proposed unit yield and mix is included at **Appendix F** and is discussed in Section 5.6.5.
- **Overshadowing** – As demonstrated by the Shadow Analysis at **Appendix A** and at Figure 9 below, the proposal will result in a positive impact to the solar access of surrounding properties, compared to that approved. Each property immediately to the south and east of the subject site will experience less overshadowing of their properties as a result of the proposal than the development originally approved. Further, the rear private open space of Building B on the site will benefit from greater solar access as a result of the proposal.

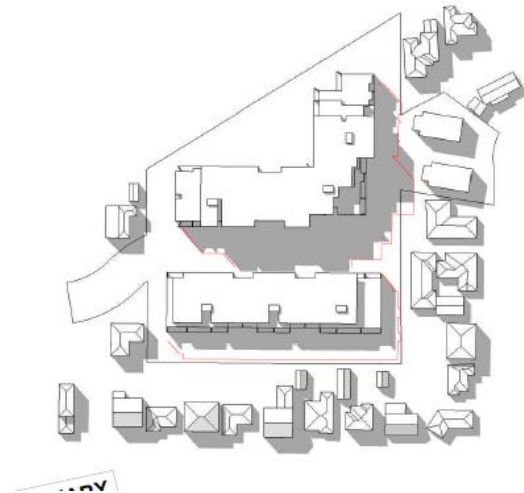
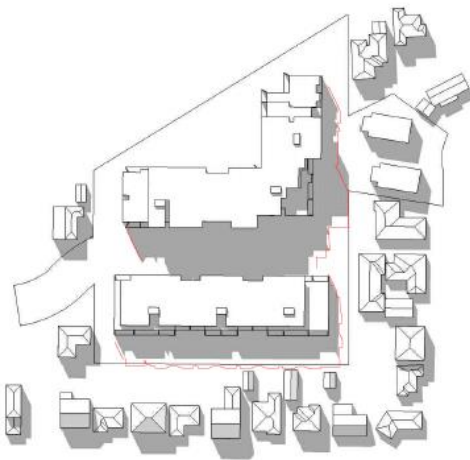
FIGURE 9 – SHADOW DIAGRAMS



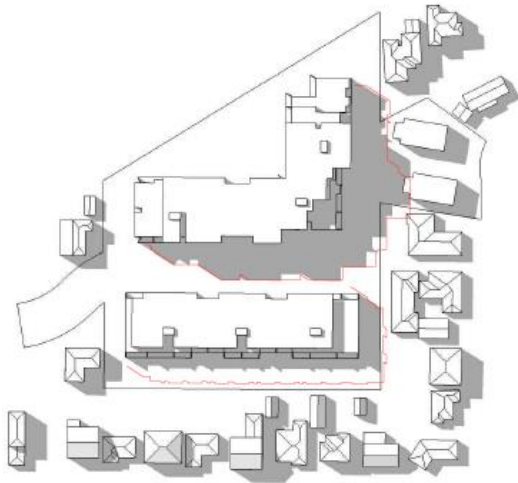
PICTURE 4 – 22 JUNE, 9AM



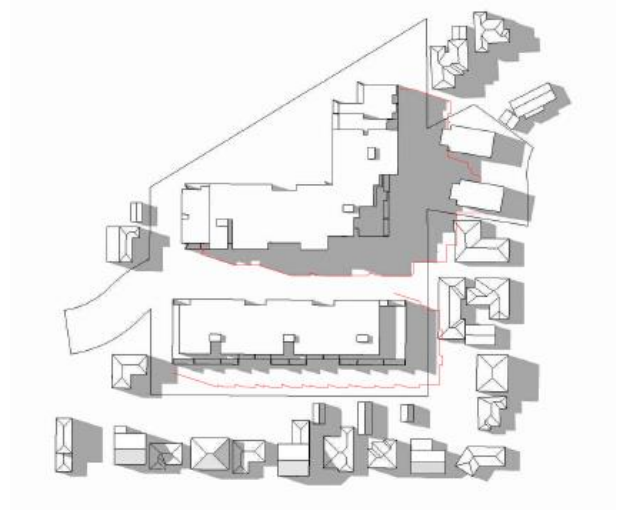
PICTURE 5 – 22 JUNE, 10AM



PICTURE 6 – 22 JUNE 11AM



PICTURE 7 – 22 JUNE 12PM



PICTURE 8 – 22 JUNE 1PM



PICTURE 9 – 22 JUNE 2PM



PICTURE 10 – 22 JUNE 3PM



- **Privacy** – The proposal seeks to maintain Condition 2 of Schedule 3 of the Concept Plan Approval which requires that:

2. PRIVACY

The future development application/s shall demonstrate that adequate privacy screening and treatment will be provided to minimise privacy impacts between buildings located on the site and adjoining properties. Particular regard should be given to minimising opportunities for direct overlooking from balconies and living room areas along the southern elevation of Building B.

This condition provides assurance that the future detailed design of the proposal will protect the visual privacy of existing surrounding properties.

It is acknowledged that the proposal includes the provision of six balconies at Level 2 of Building B facing the south west. These balconies are positioned with a significant setback from the low scale development to the south, separated by 1.8m fencing and a significant landscape buffer as illustrated at **Appendix D**. Further, by providing a more significant setback to the southern boundary, additional perimeter trees at this boundary can now be retained, as per the Landscape Plans at **Appendix D**.

As such the proposal has considered the impact it may have on the amenity of surrounding residential development, and it is considered that the proposal will result in a net benefit to the amenity of surrounding properties, compared to that originally approved.

5.6.5 TRAFFIC

A traffic and parking report has been prepared by Traffix which assesses the proposed modification to the Concept Plan Approval. The traffic and parking report, attached at **Appendix F** concludes that:

- The Concept Plan Approval stipulated that on-site parking would be in accordance with the lower limit requirements of the Ryde DCP 2010 which resulted in an overall parking provision of 142 parking spaces.
- Based on the same on-site parking rates as approved, the revised unit mix and yield would result in a requirement of 165 car parking spaces.
- Whilst the absolute number of car parking spaces has increased from 142 to 154, the rate of parking provision has been reduced. This is considered appropriate for the site to ensure that the development is consistent with the local and state government's objective to reduce car dependence, and increase sustainable modes of transport and car share schemes. Further, the proposed car parking provision seeks to balance the community's concerns with amenity impacts and encouraging more sustainable modes of travel.
- As part of the assessment of the original Concept Plan the Commission considered that potential impacts of the development could be mitigated as:
 - The number of vehicle trips generated by this proposal would have a negligible impact on the levels of service at the key intersections.
 - The RMS raised no objection to the proposal.
 - The Commission's decision to reduce the building height and therefore the number of units.
- Whilst the proposal does include more apartments than that approved under the Concept Plan Approval, the RMS traffic generation rates have since been updated. Using the updated rates that have been adopted on other sites in the area, the proposal would result in a maximum rate of 31 trips in the AM peak hour (approximately one vehicle trip per two minutes, on average).
- These traffic volumes are significantly lower than that modelled as part of the original application as lodged, and are lower than the 'approved' generation rate for 135 units (which was calculated and considered reasonable under the previous RMS rate).
- This application has maintained Condition 14 of the Concept Plan which requires the proponent to carry out a Local Area Traffic Management Study before a development application is lodged with Ryde City Council. This study must be prepared in consultation with Council and the RMS.
- The current scheme proposes left-in access from Epping Road to Whiteside Street only, consistent with existing arrangement and the requirements of the Concept Plan Approval. This is detailed within the traffic impact study, which concludes that this site access and egress will result in an effective distribution of traffic to and from the site.

In light of the above, and as per the traffic and parking report and LATM Study Scope at **Appendix F**, it is considered that the amendments to the approved Concept Plan are consistent with that originally approved, and can be supported on traffic and parking grounds.

5.6.6 ACCESSIBILITY TO MACQUARIE PARK AND MACQUARIE UNIVERSITY RAILWAY STATIONS

The proposed amendments to the Concept Plan do not impact the accessibility of the site to Macquarie Park and Macquarie University Railway Stations. The applicant maintains its commitment to undertaking a study on improvements required to the pedestrian and bicycle network and facilities as outlined in Condition 15 of the Concept Approval.

6 Statement of Commitments

Two minor changes are proposed to the approved Statement of Commitments as a result of this proposal. These changes to the final commitment are largely administrative, and relate to the relocation of the indicative community garden, and resolve the potential uncertainty with regards to the extent of the required setback. The proposed wording of this commitment reflects that outlined in Condition B2 of the Concept Plan Approval.

The applicant confirms and reiterates their acceptance of the following commitments, as amended:

- **Contributions:** Section 94 Contributions to be made for the project will be in accordance with calculations provided in Section 7.10 prior to issue of Construction Certificate.
- **Car share:** Discussions will be undertaken with car share providers and a parking space will be allocated for exclusive use by shared vehicles. Detailed in Project Application.
- **Bicycle facilities:** Bicycle facilities: the project will provide for bicycle facilities and parking in accordance with Council's standards. Detailed in Project Application.
- **RTA reserve:** The upgrade of the adjoining RTA reserve is proposed at the proponent's cost (it is noted that the proponent does not own the reserve and as such this proposal is a commitment only and not a part of the project to which this application formally applies).
- **Community Garden:** A community garden will be provided in accordance with the **revised** Landscape Plan and Landscape Report at Appendix **D**. Detailed in Project Application.
- **WSUD:** WSUD measures will be implemented in accordance within the Stormwater Management and Flood Assessment prepared by Worley Parsons (refer to Appendix L). Detailed in Project Application.
- **Transport management:** A single and one-off yearly rail pass from Macquarie Park to the Sydney CBD will be provided to the purchaser/s of each apartment. Note, one (1) rail pass only will be provided per apartment.
- **ESD:** ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Built Ecology and located at Appendix J. Detailed in Project Application
- **Construction Management Plan:** The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like prior to issue of Construction Certificate.
- **Compliance with the Building Code of Australia:** All buildings will be designed in accordance with the Building Code of Australia. This will be detailed at Construction Certificate stage.
- **Augmentation of services:** The approval of all existing utility service providers (e.g. gas, electricity, telephone, water, sewer) will be obtained, and any required augmentation works undertaken prior to commencement of work.
- **Noise mitigation:** Noise mitigation measures will be implemented in accordance with the Noise Impact Assessment prepared by Heggies (refer to Appendix H). Detailed in Project Application.
- **Remediation of Land:** If necessary a Remedial Action Plan will be submitted for approval and audited upon implementation. This will be undertaken at the Project Application stage prior to commencement of works if required.
- **Façade Design:** The final architecture will be consistent with the following principles:
 - Building A will include strong elements of vertical and horizontal articulation to reduce the visual mass of the development when viewed from Epping Road, and from within the site.

- *The three lower storeys of Building A will have vertically emphasised articulation, modulated into elements of no more than 20 metres.*
- *The two upper levels of Building A will **be designed to be recessive and setback from Levels 1-3**~~have a setback, recessive expression~~, expressed through a different palette of materials and finishes to those used on the lower three levels.*
- *Overall, the façade design will present to Epping Road as a series of integrated smaller elements, rather than as a singular object.*

7 Summary and Conclusion

The proposed development has been assessed against the relevant provisions of the *Environmental Planning and Assessment Act, 1979* and with consideration of the Planning Assessment Commission and Department of Planning and Infrastructure's relevant assessment reports. The proposed amendments to the Concept Plan Approval are considered appropriate for the site for the following reasons:

- The proposal results in a minor reduction in the FSR achieved on the site compared to that approved.
- The proposal does not amend the maximum building height compared to that approved.
- The proposal improves the solar access to surrounding properties compared to that approved.
- The proposal results in a significant increase in the approved setback to the south western boundary and the provision of additional landscaping at this boundary.
- The proposal increases the proposed ground level setback between Building A and Building B and will result in additional landscaping across the site.
- The proposal results in an anticipated 31 trips in the AM peak hour. By updating the traffic report to include traffic generation rates as revised by the RMS, the traffic generation from the proposal is less than that originally approved under the older rates. This will result in a negligible impact on the surrounding road network, as demonstrated within the attached Traffic and Parking Report.
- All of the commitments conditioned within the Concept Plan Approval relating to traffic management and mitigation, including undertaking a Local Area Traffic Management Study, a Sustainable Travel Plan, and the preparation of a report reviewing the existing pedestrian and bicycle network will be maintained and provided within the future development application for the proposal.

The assessment of the proposal has demonstrated that the proposed amendments to the approved Concept Plan are warranted and are consistent with intents of the Concept Plan Approval. It is considered that this Section 75W Modification Application should receive a positive assessment report from the Department of Planning and Environment and a recommendation for approval, without amendment.

Disclaimer

This report is dated October 2014 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Skylake (**Instructing Party**) for the purpose of S75W Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A MP10_0165 Concept Approval

Appendix B Site Survey

Appendix C Architectural Plans

Appendix D Landscape Plans

Appendix E Design Verification Statement

Appendix F Traffic and Parking Statement and LATM Study Scope

Sydney

Tower 2, Level 23, Darling Park
201 Sussex Street Sydney, NSW 2000
t +02 8233 9900
f +02 8233 9966

Melbourne

Level 12, 120 Collins Street
Melbourne, VIC 3000
t +03 8663 4888
f +03 8663 4999

Brisbane

Level 7, 123 Albert Street
Brisbane, QLD 4000
t +07 3007 3800
f +07 3007 3811

Perth

Level 1, 55 St Georges Terrace
Perth, WA 6000
t +08 9346 0500
f +08 9221 1779

Australia • Asia • Middle East
w urbis.com.au **e** info@urbis.com.au