

MODIFICATION REQUEST:

Concept Plan for Residential Development

**5 Whiteside Street and 14 and 16 David Avenue,
North Ryde**

MP10_0165 MOD1



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

March 2015

Cover image: modified concept plan layout (source: proponent's application)

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EXECUTIVE SUMMARY

Urbis Pty Ltd (the proponent) seeks approval to modify the concept approval (MP10_0165) for the development at 5 Whiteside Street and 14-16 David Avenue, North Ryde, pursuant to S75W of the *Environmental Planning and Assessment Act 1979*.

On 10 September 2013, the Planning Assessment Commission approved a concept plan for a residential development consisting of four building envelopes ranging in height from 2 to 5 storeys, basement car parking envelopes, access and landscaping. In approving the Concept Plan the PAC limited the future dwelling numbers to 135.

The modification proposes to increase the total number of dwellings from 135 to 164, provide for car parking rates and amend building envelopes A, B and D, basement car parking building envelopes, vehicular access arrangements and balconies to the south western elevations of building envelope B.

The Department publicly exhibited the application from 19 November 2014 until 19 December 2014 and received three submissions from public authorities and seven public submissions (six in objection and one in support). City of Ryde Council did not object to the proposal, however, it raised concerns regarding built form, overshadowing and public benefits.

The proponent submitted a Response to Submissions (RtS) to address the issues raised during the exhibition period and to clarify key issues. No further submissions were received in response to the RtS.

The key issues in the Department's assessment are density and dwelling numbers, traffic impacts and car parking provision, amendments to buildings envelopes and public benefits.

The site is located within walking distance of local centres and public transport and is well located to provide for increased densities. The Department concludes that the modification results in no adverse built form, amenity or traffic impacts and that the site is capable of accommodating in the order of 164 dwellings without detracting from the objectives of the PAC's dwelling cap. The Department is of the view that the final overall number and mix of dwellings is best resolved at the future development application stage. In order to not pre-determine this process, the Department recommends that the dwelling cap is deleted.

The modification to the building envelopes will maintain an appropriate built form transition to the neighbouring low rise buildings, with no additional overshadowing impacts to neighbouring properties.

The Department's assessment of the likely traffic impacts has been informed by the RMS' updated traffic generation rates for high density developments, which indicate reduced peak hour trips for residential development since the Department's assessment of the original Concept Plan, resulting in acceptable traffic impacts.

The Department also considered matters relating to balcony provision, community bus service and inclusion of study rooms in apartments and is satisfied that the impacts have been satisfactorily addressed within the proponent's application, RtS and the Department's recommended conditions.

The Department therefore recommends that the proposed modification of the concept plan MP10_0165 be approved.

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1. BACKGROUND

1.1 The site and surroundings

The site is known as 5 Whiteside Street and 14 and 16 David Avenue and is located in the suburb of North Ryde, approximately 12 kilometres west of the Sydney CBD, within the Ryde Local Government Area (LGA).

The site is irregular in shape and has frontages to Whiteside Street to the north west and David Avenue to the south east. Epping Road (and a road reserve) is located to the north and the site adjoins low density residential buildings which front Parkland Road, David Avenue and Whiteside Street immediately to south east and west. The site has a total area of 13,937m² and is generally flat (refer to **Figure 1**).



Figure 1: Local Context Plan (Base source: Nearmap)

The character of the surrounding area is mixed and includes low density residential developments south of Epping Road and medium to high density office, commercial and educational buildings north of Epping Road (Macquarie Park).

The road reservation immediately to the north of the site (RMS land) is being held for a future county road between North Ryde and Dundas via Eastwood. However, there are no current plans to construct that road.

Macquarie University and Macquarie Park train stations are also located north of the site within Macquarie Park, approximately 1.2 kilometres walking distance (800 metres radius) of the site and accessed via a pedestrian bridge over Epping Road.

1.2 Previous Approvals

On 10 September 2013, the Planning Assessment Commission (PAC) approved a concept plan (MP09_0165) for:

- four residential building envelopes to a maximum height of RL 78.6 metres;
- a maximum of 135 dwellings;
- two split basement levels; and
- road works, site access and landscaping.

In approving the Concept Plan application the PAC imposed the following key modifications to ensure that the development has regard to the existing local and emerging neighbourhood character, the local road network and residential amenity:

- Modification B1, which reduces the overall height of the building envelope of Building A from six storeys to part three and part five storeys; and
- Modification B3, which limits the maximum number of dwellings to 135 dwellings.

2. PROPOSED MODIFICATION

2.1 Modification Description

On 31 October 2014, Urbis Pty Ltd (the proponent) lodged a modification request application under section 75W of the EP&A Act to modify the concept plan (MP09_0165) for the redevelopment of 5 Whiteside Street and 14 and 16 David Avenue, North Ryde.

On 6 February 2015 the proponent submitted a Response to Submissions (RtS). The RtS includes a response to the issues raised in submissions including future residential amenity, public benefits, traffic and other aspects of the proposed modifications.

The modification application, as amended, proposes the following key changes:

- increase the total number of dwellings from 135 to 165 units (an additional 29 units);
- amendment of building envelopes A, B, D and basement car parking building envelope;
- amend vehicular access arrangements and inclusion of car parking rates; and
- amend balcony requirements for Building B.

Comparison images of the approved and proposed modified concept plan are shown at **Figures 2 and 3**. Further details of the proposed modifications are provided at **Appendix A**.



Figure 2: Extent of proposed building envelopes and approved building envelopes (red dotted line) and indicative first floor apartment layout (Source: proponent's application)

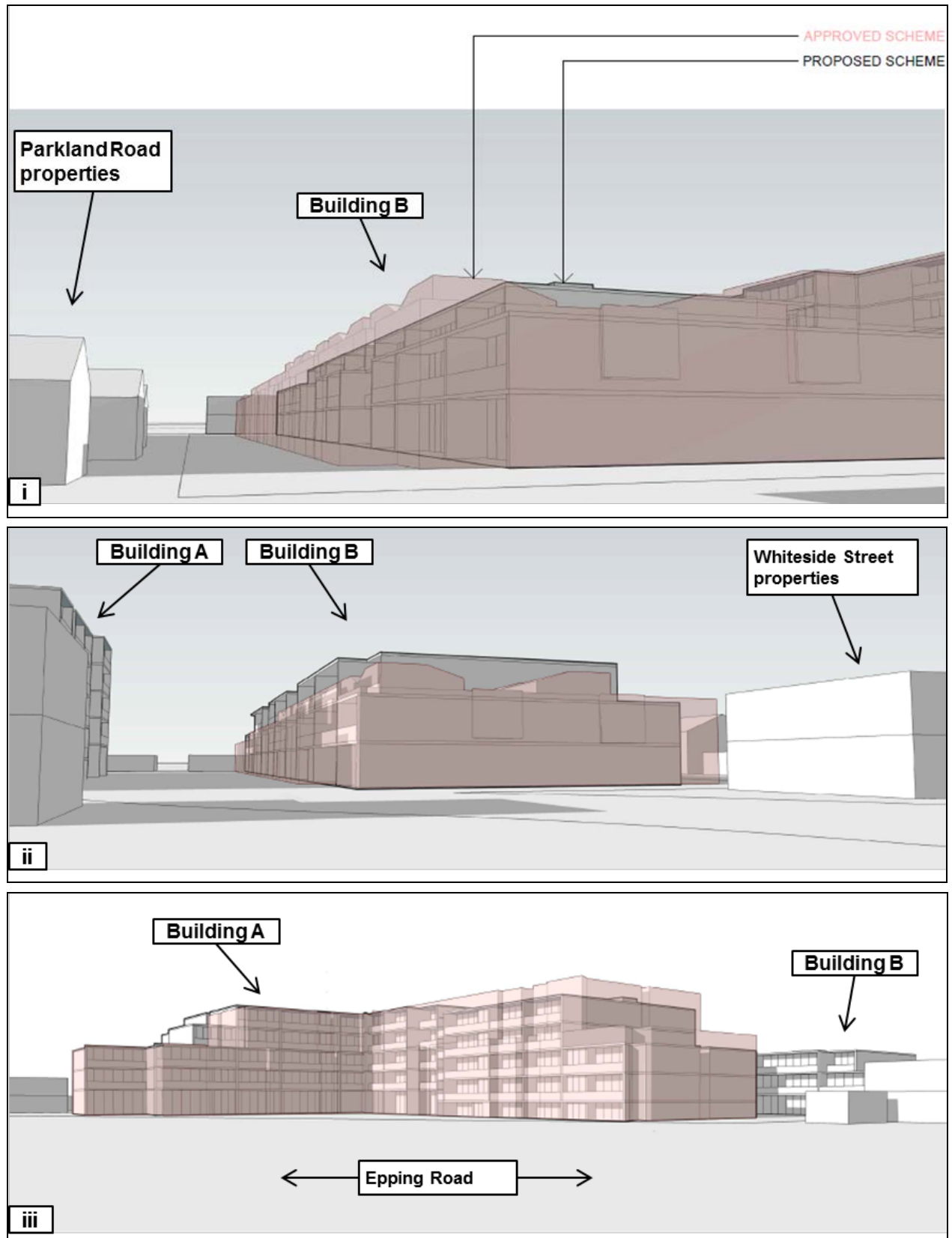


Figure 3: Comparison of the approved and proposed building envelopes. (3i) rear / southern elevation of Building B, (3ii) Whiteside St / western elevation of Building B (3iii) Epping Road / northern elevations of Building A (Source: proponent's application)

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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

3.2 Modification of a Minister's Approval

The modification application has been lodged with the Secretary pursuant to section 75W of the EP&A Act. Section 75W provides for the modification of a Minister's approval including *'revoking or varying a condition of the approval or imposing an additional condition on the approval'*.

The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval. However, in this instance, the proposal seeks to make substantial changes to the concept plan and modify specific requirements of the approval, which require further assessment and therefore approval is required.

3.3 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the proponent of Secretary's Environmental Assessment Requirements (SEARs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of SEARs as suitable information was provided to the Department to consider the application.

3.4 Delegated Authority

Under Minister's delegation of 16 February 2015, the Executive Director, Infrastructure and Industry Assessments may determine the application as:

- Ryde Council has not made an objection; and
- a political disclosure statement has not been made; and
- there are less than 25 public submissions in the nature of objections.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X (2) (f) of the EP&A Act, the Department is required to make a modification request publicly available. With regard to public notification the Department:

- publicly exhibited the application from 19 November 2014 until 19 December 2014 on the Department's website, at the Department's Information Centre and at City of Ryde Council offices;
- advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and Northern District Times on 19 November 2014; and
- notified landowners and relevant state and local government authorities in writing.

The Department received three submissions from public authorities, including City of Ryde Council, a joint submission from Transport for NSW (TfNSW) and Roads and Maritime Services

(RMS), and an additional separate submission from RMS. Seven submissions were received from the general public. No additional submissions were received in response to the RtS.

The Department has considered the issues raised in submissions in its assessment of the proposed modification. A summary of the issues raised in the submissions is provided below.

4.2 Public Authority Submissions

A summary of submissions received from government authorities is provided in **Table 1** below.

Table 1: Summary of public authority submissions

City of Ryde Council does not object to the proposed modification, however, provides the following concerns: <ul style="list-style-type: none">• building envelope amendments should not result in additional overshadowing;• a proportion of the uplift in residential floor space should be dedicated to Council as affordable housing;• the proposed provision of 7% three bedroom dwellings should be required by condition;• study rooms should be in the form of a nook or similar and should not from defacto bedrooms; and• the modification application should also be determined by the PAC.
TfNSW (including RMS submission) raises no objection to the proposed modification and provided the following comments: <ul style="list-style-type: none">• the need for a community bus service between the site and Macquarie Station is questioned given that there are frequent bus services along Epping Road; and• attention should be given to the footpath network from the site to the nearby footbridge to ensure it is complete and appropriate.
RMS provided an addendum to its joint submission with TfNSW stating that does not support any improvements, including landscaping, pedestrian pathways or other works to the Epping Road road reserve (RMS owned land).

4.3 Public Submissions

A total of six submissions were received objecting to the proposal and one supporting the proposal. The concerns raised in the submissions are summarised in **Table 2**.

Table 2: Summary of issues raised in public submissions

Issue	Proportion of submissions (%)
Increased traffic congestion	75%
Inappropriate increase in height	50%
PAC's decision should be final	50%
Overlooking of neighbouring properties	25%
Traffic study is required	25%
Proposal is contrary to Council's LEP	25%
Application should be determined by Council	25%

The Department has considered the issues raised in the public submissions in its assessment of the modification request application and has given specific consideration to the key issues raised in **Section 5** of this report.

4.4 Response to Submissions

The proponent provided a response to the issues raised in submissions (**Appendix A**) including amendments and further clarification of the proposed modifications as outlined in **Section 2**.

The Department is satisfied that the issues raised in all submissions have been addressed through the RtS, this report and the recommended conditions.

5. ASSESSMENT

The Department considers that the key assessment issues are:

- density and dwelling numbers;
- traffic impacts and car parking provision;
- amendments to buildings envelopes; and
- public benefits.

Each of these issues are discussed in the following sections of this report. **Section 5.5** of the report discusses other issues that were taken into consideration during the assessment of the application.

5.1 Density and dwelling numbers

Density was a key issue in the Department's assessment of the original concept plan, which proposed an indicative yield of 157 dwellings. The Department's assessment found that the site can accommodate higher density residential development given its strategic location close to public transport and other services and amenities. The Department considered that the built form, traffic and amenity impacts were acceptable (subject to modifications to the built form) and consequently did not recommend that the Concept Plan be subject of an overall dwelling cap.

The PAC agreed with the Department that the site is capable of accommodating a higher density residential development than what the Council's development controls permit. However, it imposed a number of modifications/requirements which further reduced the scale of the development to ensure greater compatibility with the existing local and emerging neighbourhood character. In addition the PAC also added a condition on the approval imposing an upper limit of 135 dwellings.

The proposal seeks to increase the total number of residential apartments from 135 to 164 units (an additional 29 units) as indicated in **Table 3** below. The application proposes to amend modification B3 (which stipulates the maximum number of units and requires section 94 contributions) to take account of the increase of unit numbers. The proposal does not seek to increase the GFA of the development.

Table 3: Comparison of the approved/modified development statistics

	Approved	Modification	Change +/-
GFA	13,912m ²	13,907m ²	- 5
Dwellings	135	164	+29 dwellings

Council has not objected to the proposed increase in dwelling numbers subject to the following:

- the maximum unit yield for the site is limited to 164 units;
- at least 7% (11 units) of the total apartments shall be three bedroom apartments;
- appropriate future amenity standards and implementation of existing conditions; and
- the increase in height does not impact on adjoining properties.

The Department notes that the indicative design includes the provision of 164 apartments, which would represent an increase of 29 dwellings across the concept plan site. However, this would be subject to further detailed design and development application(s). The proposal does not seek approval for residential dwelling mix and apartment sizes.

Although the PAC previously imposed a dwelling cap for the Concept Plan, the Department is of the view that density is more appropriately controlled through building envelopes and an assessment of impacts of the development, including traffic and residential amenity. In this instance, the Department's assessment concludes that the development has regard to the

existing neighbourhood character, the local road network and residential amenity, regardless of the final number and mix of dwellings within the building envelopes. The Department notes in particular that:

- the development will be contained within the proposed modified building envelopes, which have been assessed as compatible with the character of the area (refer to **Section 5.3**);
- the amended proposal would not have adverse impacts in terms of privacy, overshadowing and visual impacts;
- the proposal has been assessed against the RMS' updated traffic generation guidelines, which has revealed that despite the increase in dwelling numbers the traffic generation will be significantly lower than originally anticipated (refer to **Section 5.2**); and
- future development applications would be subject to the Council's Section 94 Development Contributions Plan and future payments towards Council's infrastructure would provide benefits to both this development and the wider community (refer to **Section 5.4**).

The Department therefore recommends that the dwelling cap in Modification B3 be deleted rather than amended to reflect the current proposed indicative dwelling yield of 164. This will provide flexibility in the future internal layout, apartment mix, sizes and overall dwelling yield within the approved envelopes, and allow Council the ability to assess the future development application/s on its merits.

5.2 Traffic impacts and car parking provision

Traffic impacts and car parking provision were key considerations in the Department's assessment of the concept plan. Although Council, TfNSW and RMS have raised no issue in relation to traffic or car parking, 75% of the public submissions received have raised concern about the traffic impact of the proposed modification.

5.2.1 Traffic generation

The application indicates that the proposed increase in overall dwelling numbers results in an increase of the indicative number of car parking spaces from 142 to 165 (an additional 23 spaces).

The RMS Guide to Traffic Generating Development 2001 provides guidance on traffic generation and parking impacts of new developments. The Guide is currently in the process of being revised and in August 2013 the RMS published updated traffic generation rates for high density residential developments. The revised rates are based on surveys undertaken in 2010 across Sydney Metropolitan area (and regional NSW) and indicate a reduction in residential traffic generation in traffic generation over the past 10 years. These rates are significantly lower than the 2001 rates applied in the Department's assessment of the original Concept Approval. A summary of the residential traffic generation for the development as originally approved, under the proposed revised car parking rates and as modified is provided at **Table 4**.

Table 4: Comparison between the concept plan traffic generation and proposed modified traffic generation

Peak Hour Period	Approved Traffic Generation	Approved (Updated) Traffic Generation	Proposed Modification	Comparison between approved (as originally assessed) and proposed traffic generation
Morning (AM)	54 vph	26 vph	31 vph	-23 vph (43%)
Evening (PM)	54 vph	20 vph	25 vph	-29 vph (54%)

The Department notes that despite the indicative increase in car parking provision (of 23 spaces), the calculation of traffic generated by the development based on the updated traffic generation rates would be 43% - 54% (23 - 29 trips) less than what was originally assessed for the development during morning and afternoon peak periods.

The Department is of the view that the reduction in expected traffic generation coupled with the preparation of a Local Area Traffic Management Study (as required by FEAR 14) will ensure that the traffic impacts of the development will be acceptable.

5.2.2 Car parking provision

The Department's assessment of the original application concluded that the site is well served by public transport and an increased density in this area is acceptable. The concept approval does not stipulate a maximum number of car parking spaces. However, modification B5 states that car parking provision shall be in accordance with the lower limit of Council's DCP controls, which provide a range of appropriate car parking spaces for one, two and three bedroom apartments.

To provide further clarity, the application seeks to amend modification B5 to explicitly state the (lower limit) car parking rates that apply to the site, which are shown in **Table 5**, below.

Table 5: Lower limit car parking rates and the proposed indicative number of dwellings and car parking spaces.

Type	Lower Limit Car Parking Rate Range	Indicative Number of Dwellings	Indicative Number of Car Parking Spaces
1 bed	0.6	70	42
2 bed	0.9	83	74.7
3 bed	1.4	11	15.4
Visitor	1 per 5	-	32.8
Total			165

Council has not raised any objection to the proposed amendment to modification B5.

The Department agrees with the proponent that citing the relevant car parking rates would avoid potential confusion at development application stage and also notes that the amendment does not alter the requirements of the current condition.

The application seeks to amend modification B5 to reflect the above changes. However, to avoid duplication, the Department is of the view that it would be better to cite car parking rates at FEAR 9 and recommends that modification B5 be deleted.

5.3 Amendments to building envelopes

The height and built form of the development was a key issue in the Department's assessment of the original concept plan application. The Department considered that the location and size of the site presented a unique opportunity to provide a higher density residential development. However, to ensure that the development provides an appropriate transition from the site to the neighbouring low rise buildings, the Department recommended that a five metre setback be introduced to the top sixth storey level of Building A, which fronts Epping Road.

The PAC, however, was of the view that a six storey building in this location was excessive. To improve the transition to the surrounding area the PAC reduced the height of Building A to part three, part five storeys (refer to **Figure 4**).

The proposal seeks to amend the dimensions of the approved building envelopes. The key issues associated with the amendments are:

- expansion of building envelope A at the fourth and fifth storey levels; and
- expansion of the building envelope B at the top, third storey level.

The Department notes that Council has not raised an objection to the proposed amendments to the building envelopes, subject to the modifications not causing any additional overshadowing of neighbouring properties. Objections have been received from the public with regard to the enlargement, height and bulk of the building envelopes.

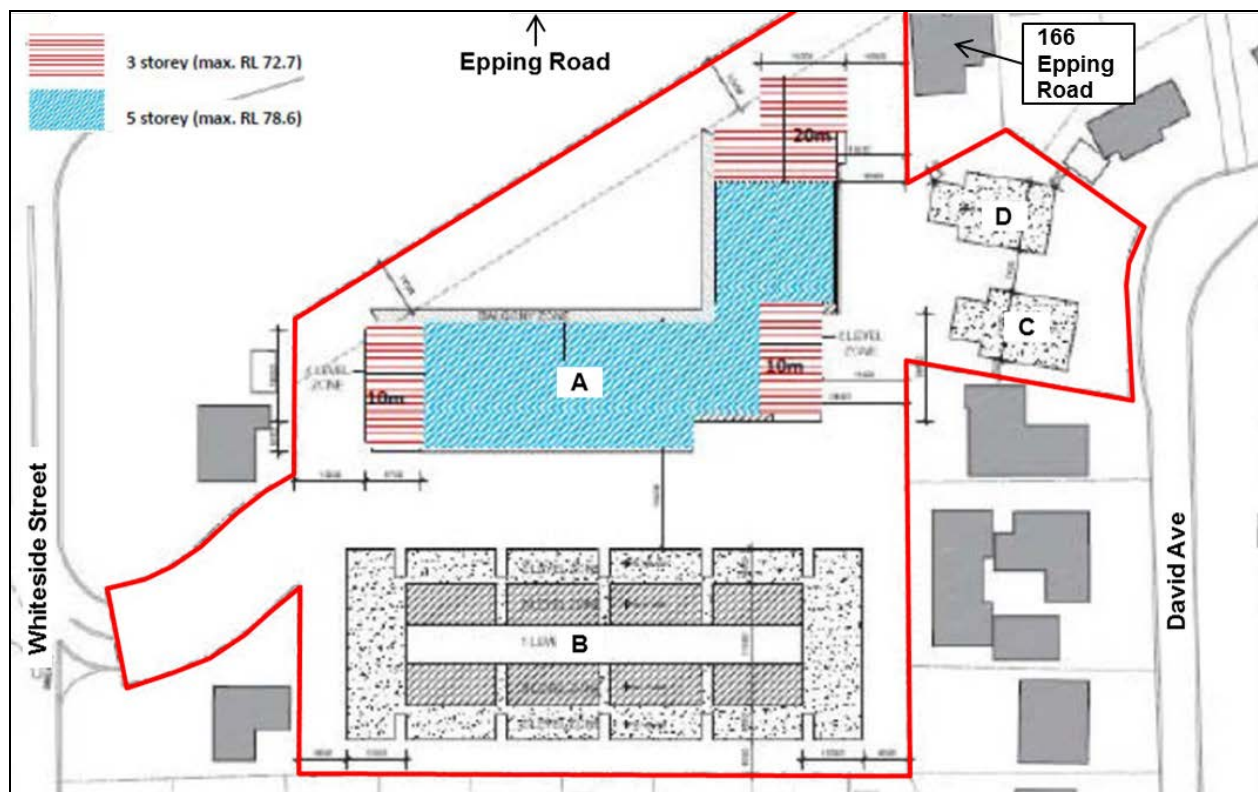


Figure 4: Approved envelope heights, Building A as revised by the PAC (Source: MP10_0165 Condition B1)

Building Envelope A

As approved the north east wing of building envelope A is three and five storeys. The proposal seeks an expansion of the building envelope in this location, providing for an additional step in building height at the fourth storey and minor enlargement at the fifth storey (refer to **Figure 5**). The proposal also seeks minor reductions in the height of the north west wing of the building envelope as shown at **Figure 3(iii)** and other minor expansions and reductions of the building envelope depth.

The Department is of the view that the proposed amendments to building envelope A are acceptable, as:

- the additional fourth storey element of the north east wing is setback 11 metres from the three storey building element below and maintains an appropriate transition of built form to the neighbouring low rise buildings;
- the fourth storey element would be located 20 metres from Building D and 17 metres (obliquely) from 166 Epping Road and is therefore consistent with the RFDC recommended 12 metre minimum building separation requirements for buildings up to four storeys;
- the amendments would not result in an increase in the overall height of the building envelope;

- shadow analysis has confirmed that the alterations would not have an impact on solar access to neighbouring residential properties;
- the combination of the expansion and reductions of building the would not adversely impact on views along Epping Road.

Concern has been raised in public submissions that future apartments within building envelope A would overlook 166 Epping Road and permanent shutters and a two metre high fence should be installed.

The proponent has considered the concern raised and stated that these matters can be addressed at the development application stage. The Department concurs with the proponent that the detailed methods to ensure that future apartment layouts do no adversely impact on neighbouring residential amenity are best dealt with at the detailed development application stage.

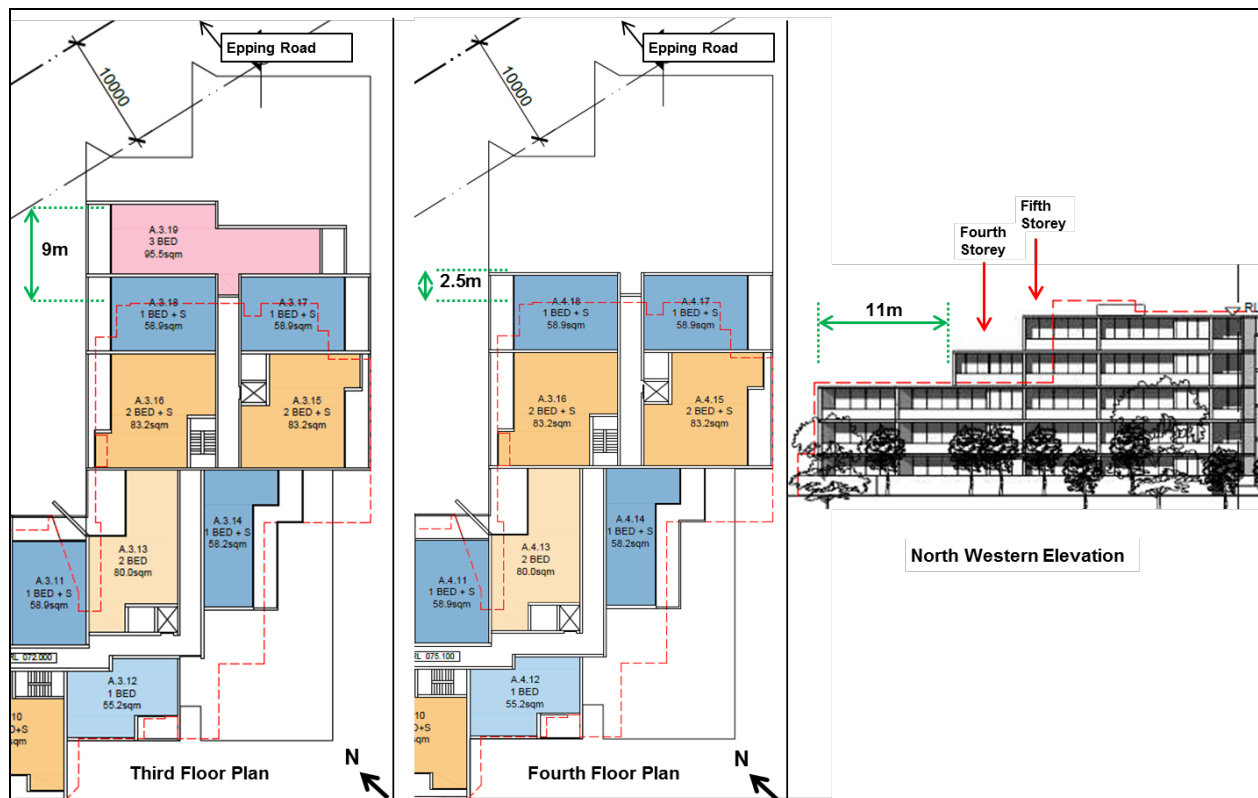


Figure 5: Proposed third and fourth floor of building envelope A, indicative apartment layouts and western elevation. The extent of approved building envelope is shown by dotted red line (Source: proponent's application)

Building Envelope B

As approved, building envelope B is three storeys high. The ground and first level are 33 metres deep and setback six metres from the rear boundary of properties fronting Parklands Road to the south (refer to **Figure 2 and 6**). The uppermost floor (level 2) includes a six metre setback from the level below (front and back) and comprises eight separate pop-up roof extensions (refer to **Figure 7**). The proposal seeks to amend the envelope by:

- reducing the building envelope depth from 33 to 25 metres;
- replace the eight separate roof extensions at level 2 with an entire top floor, including setbacks; and
- extend the building envelope of level 2 to the west by eight metres, closer to Whiteside Street.

The Department notes that the application proposes to significantly reduce the depth of building envelope B. As a consequence, it is approximately six metres further away (a total of 21 metres) from the closest rear elevation of the neighbouring residential buildings fronting Parklands Road (refer to **Figure 6**).

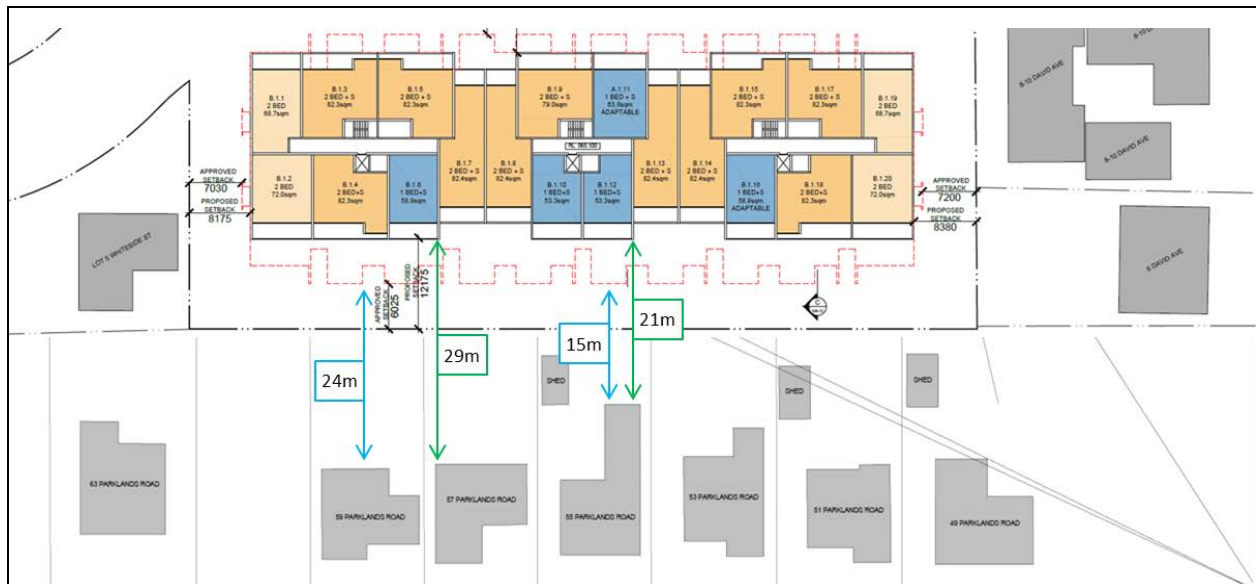


Figure 6: The distance of the approved (blue) and proposed (green) first floor building envelope from the rear of the neighbouring Parkland Road properties. The extent of approved building envelope is shown by dotted red line (Source: proponent's additional information)

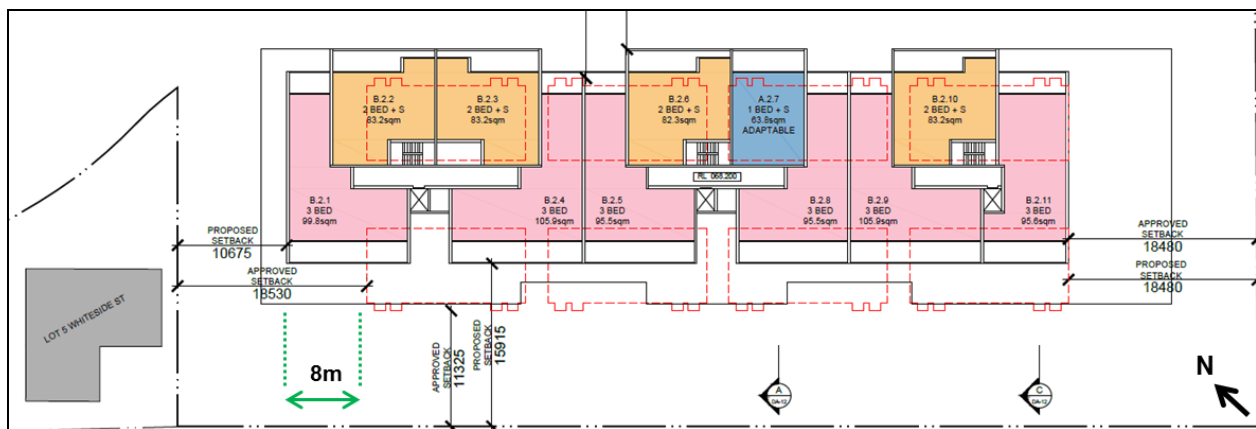


Figure 7: Proposed top floor (level 2) building envelope and the indicative apartment layout. The extent of approved building envelope is shown by dotted red line (Source: proponent's application)

The amendments to building envelope B, including the expansion of uppermost floor, are acceptable as:

- the reduction in building envelope depth results in an increased setback from neighbouring dwellings (minimum 21 metres), which will reduce the building's perceived scale and bulk when viewed from the Parklands Road properties;
- the uppermost floor will be setback 2.5m from the western edge of the building and 12 metres from the rear of 5 Whiteside Street and is therefore consistent with the RFDC recommended 12 metre minimum building separation requirements. The Department further recommends a FEAR to prevent balconies in this location to ensure privacy is maintained;
- as discussed at **Section 5.5**, the proposal would not result in any adverse overlooking;

- shadow analysis submitted with the application has demonstrated that the solar access of neighbouring properties is improved;
- the front and rear elevations of the building envelope are divided into bays, which would provide for sufficient building articulation and therefore add visual interest;

5.4 Public benefits

In its assessment of the original application the Department noted that developer contributions would be required under future development applications and the total amount payable would be based on the ultimate dwelling mix proposed by future development applications. A note included at Modification B3 states that future development applications shall include developer contributions in accordance with Council's DCP.

The proposal does not include a request to alter the developer contributions note of modification B3 and does not propose any other additional public benefits.

Council has raised concern that the proposed uplift in residential accommodation is not compensated for by commensurate increase in public benefits. Council has therefore requested that a proportion of the additional 29 dwellings be dedicated to Council as affordable housing.

The proponent considers that the Council's request for additional public benefits and/or affordable housing is unnecessary, as:

- although the indicative apartment mix has been amended, the modification does not propose an increase in GFA;
- Section 94 contributions are calculated on a per unit basis, and as such Council will receive and increased monetary contribution based on the modified dwelling mix;
- the 29 (smaller) units do not trigger any additional significant impacts for the community; and
- the increase in the number of smaller dwellings on the site will provide a more affordable housing type than the larger units envisaged by the concept approval.

The Department notes that although the proposal includes minor alterations to the building envelopes the overall maximum GFA of the development is reduced from 13,912m² to 13,907m² (a total of 5m²).

The Department is of the view that the provision of public benefits, in addition to what is required under section 94, are not warranted in this instance, as:

- the proposed increase in dwelling numbers will result in a corresponding increase in section 94 contributions payable to Council, which will be to the benefit of the local community;
- the proposed modifications would not result in any additional adverse impacts. The Department notes in particular that:
 - when compared to the concept approval the proposal will generate less traffic than what was originally envisaged, as discussed in **Section 5.2**;
 - the proposed minor alterations to the scale and dimensions of the building envelopes would not have any additional adverse visual or amenity impacts, as discussed in **Section 5.3**;

As discussed at **Section 5.1**, the Department recommends that modification B3 be deleted and a new 'Development Yield' Term of Approval (A5A) be imposed. To ensure that the developer contributions note of modification B3 is not unintentionally deleted, the Department recommends that a new FEAR (22) be imposed requiring future development application(s) include Section 94 contributions in accordance with Council's Section 94 Development Contribution Plan.

5.5 Other

Balconies on building envelope B

As approved, the rear elevation of building envelope B is located between 15 and 24 metres from the rear elevations of properties fronting Parklands Road and six metres from their rear boundaries (refer to **Figure 6**).

Modification B6 prevents the provision of any south facing balconies or terraces at the first floor rear elevation of building envelope B (i.e. facing the rear of properties fronting Parklands Road) to minimise the opportunity for overlooking. No balconies were included at the top floor level of building envelope B.

The proposal seeks to amend modification B6 to allow the provision of balconies at the rear elevation of levels 1 and 2 of Building B, fronting the rear of the Parklands Road properties.

The Department notes that the amendment to building envelope B achieves a minimum building separation of 21 metres, which exceeds the RFDC recommended separation distances and also the draft Apartment Design Guide recommended setbacks to boundaries (minimum 12 metres).

The Department is of the view that the reduction of the building envelope depth and consequential increase in the distance between the rear boundary and the rear elevations of properties fronting Parklands Street (an additional six metres), reduces the visual and amenity impacts of the building on the Parklands Street properties. Furthermore, substantial deep soil planting including screening planting will be provided along the boundary. On this basis privacy may be maintained between properties and therefore there is no justification for the prohibition of balconies.

The Department is of the view that the detail privacy measures including balcony treatments and landscape screening may be addressed at the future development application stage and notes that this is a requirement of FEAR 2 'Privacy'. In light of the above assessment, the Department recommends that modification B6 is deleted.

Community bus provision

The Department engaged Parsons Brinkerhoff (PB) to undertake an independent transport and traffic review to inform its assessment of the original application. PB's recommendations to the Department included that future development application(s) prepare a Sustainable Travel Plan (STP) and consideration be given to the establishment of a community bus service between the development and nearby train stations in Macquarie Park. The Department accepted PB's recommendations and FEAR 10 requires the preparation of a STP and consideration of a community bus service.

The joint submission by TfNSW/RMS has confirmed support for the requirement for a Sustainable Travel Plan. However, it questions the merit of introducing a dedicated community bus service given that it would conflict and compete with existing and frequent bus services on Epping Road. The proponent has confirmed that it has no objection to the removal of this requirement.

In the light of TfNSW's and RMS' joint submission, which questions the need for a community bus service, the Department recommends that FEAR 10 be amended to remove the requirement.

Footpath upgrades

TfNSW commented in its submission that there is a gap in the formed footpath network 120 metres east of the site between the site and the pedestrian bridge crossing Epping Road, and this will require attention.

The proponent has reiterated its commitment to provide a review of the pedestrian network between the site and surrounding destinations.

The Department notes that FEAR 15 requires the proponent to undertake a review of the existing pedestrian and bicycle network between the proposed development and the Macquarie Park and Macquarie University train stations, bus stops and nearby services. The report is required to make practical and feasible recommendations regarding improvements to enhance pedestrian and cyclist connectivity.

The Department is of the view that TfNSW's request regarding the continuity of the footpath network is adequately addressed in the existing FEAR.

Study rooms

Council requested that a condition be imposed requiring any study rooms within the future apartments to be in the form of a 'nook' or similar and not of a design or form that could be used as habitable bedroom.

The proponent has stated that as the application is at concept plan stage the Council's proposed condition is unreasonably prescriptive. Furthermore, the design of internal apartments is a matter for consideration at development application stage.

The Department concurs with the proponent that apartment layouts are best considered by Council at the development application stage.

Rooftop plant

Term of Approval A5 requires that all rooftop plant on Building A be provided within the 'services zone' shown on the approved drawings.

The proposal has revised the location and extent of the 'services zone' on Building A and has also included a new 'services zone' on Building B.

The Department notes that overall extent of the 'services zone' on Building A has been significantly reduced in size and both buildings A and B are now provided with three separate 'service zones', above future lift-cores, for any necessary rooftop plant. The maximum height of the 'services zones' on both buildings is limited to two metres above the maximum height of the building.

The Department is of the view that the reduced overall 'service zone' area to Building A and inclusion of new 'service zones' to Building B would not have any noticeable adverse visual or amenity impacts when compared with the approved scheme and the modifications are therefore supported.

Works within the Epping Road road reserve

The amended ground floor and landscape plans show the provision of new pedestrian pathways and landscaping within the adjacent Epping Road road reserve. RMS has confirmed that it does not support any access to or changes/embellishments of its road reserve and also confirmed that landowner's consent was not granted for works to its land. For the avoidance of doubt, RMS has requested that FEAR 8(b), which requires the proponent to consult RMS about landscape embellishments of the Epping Road reserve be deleted.

In light of the above, the Department recommends:

- a new Term of Approval (A8A), which confirms that no approval is granted for works, footpaths and landscaping within the Epping Road reserve; and
- that FEAR 8(b) be deleted as requested.

Modifications B1 to B7

As discussed in **Sections 5.1, 5.2.2 and 5.5**, the Department recommends that modifications B3, B5 and B6 be deleted. The Department recommends that the remaining modifications B1, B2, B4 and B7 should also be deleted for the following reasons:

- drawing DA-0.03 confirms that building envelope A is three to five storeys and no taller than RL 78.6 metres. Modification B1 is therefore no longer necessary;
- the drawings confirm that building envelope A is articulated and FEAR 1 requires that the future development achieve design excellence. Modification B2 is therefore no longer necessary;
- the drawings confirm that the internal road would be two-way and FEAR 13 requires future development application(s) to include plans confirming the two-way design. Modification B4 is therefore no longer necessary; and
- given that the Statement of Commitments have been updated by this modification application and as the Department recommends the deletion of modifications B1 to B6 there is no need for amended plans to be submitted for the Department's endorsement. Modification B7 is therefore no longer necessary.

6. CONCLUSION

The Department has assessed the merits of the proposed modification taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and Department's recommended conditions.

The Department has assessed the proposed increase to the dwelling yield above the PAC's approval and is satisfied that the proposed modified building envelopes have regard to the existing neighbourhood character. The envelopes provide an appropriate transition in height and in all cases exceed the minimum recommended building separation requirements from neighbouring low rise buildings, to ensure acceptable levels of privacy and solar access are maintained.

The likely traffic impacts of the development are also expected to be substantially lower than previously anticipated at the time of the PAC's original approval of the Concept Plan. On this basis, the Department is satisfied that the site is capable of providing in the order of 164 dwellings, however recommends that the final number and mix of dwellings within the building envelopes should be determined by Council in the detailed development application stage.

The Department concludes that:

- the development will provide for an acceptable density of development;
- the proposed modification is reasonable and results in a form and scale of development which is consistent with the desired future character of the area.
- the traffic generated by the development will be less than that original assessed and the traffic can be managed with acceptable impacts;
- the modification of building envelopes would generally increase solar access to neighbouring properties and would not prevent the development from providing an appropriate transition to the neighbouring low rise buildings; and
- the alterations would not result in any adverse overlooking of neighbouring residential properties.

The proposed modification falls within the scope of section 75W of the EP&A Act and does not alter the original assessment as to the site's suitability for the approved development.

7. RECOMMENDATION

It is recommended that the Executive Director, Infrastructure and Industry Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification under delegated authority, subject to conditions; and
- (c) **sign** the attached Instrument of Modification (**Appendix B**).

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Key Site Assessments

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APPENDIX A RELEVANT SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Infrastructure's website as follows:

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6780

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6780

3. Proponent's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6780

APPENDIX B RECOMMENDED MODIFYING INSTRUMENT
