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**URBIS**

# **MODIFICATION REPORT**

17-21 Lachlan Avenue & 163  
Herring Road, Macquarie Park

Prepared for

**LACHLAN AVENUE DEVELOPMENT PTY LTD**

20 March 2024

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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# 1. INTRODUCTION

This report has been prepared by Urbis Ltd (Urbis) on behalf of Lachlan Avenue Development Pty Ltd (the Applicant) in support of a Section 4.55(1A) application to modify Development Consent LDA2023/0001. This consent relates to the approved student accommodation development at 17-21 Lachlan Avenue & 163 Herring Road, Macquarie Park (the site).

The consent was approved by the Sydney North Planning Panel (SNPP) on 13 September 2023 and allows:

*Demolition works, excavation, construction and occupation of a part 9, 13 & 14 storey development for a purpose-built student accommodation for 732 students. The proposal includes associated basement parking, communal open space areas, stormwater drainage works, landscaping and public domain improvements.*

Following the detailed design phase, a number of refinements have been identified by the Project Team to value engineer and improve the commercial viability of the project whilst maintaining the design intent established by AJC Architects. Broadly, the refinements relate to the following:

- Materials and finishes across the facades of the building
- Rationalisation of plant and equipment on the roof of the building
- Minor changes to the layout and courtyard canopies at Level 00
- Minor changes to the Herring Road entry at Level 01
- Minor changes to the Lachlan Avenue entry at Lower Ground level

Importantly, the modification does not involve any changes to the building envelope (with the exception of rooftop plant and entry glazing alignment), landscaping, number of student rooms, car parking, bicycle parking or proposed operation of the facility.

This report provides a comprehensive description and assessment of the proposed modification within the following sections of the report as listed below:

- **Section 2:** overview of the site and surrounding locality;
- **Section 3:** project history including determination of the original development application and recent modifications;
- **Section 4:** overview of the proposed modification, including rationale and intended outcomes;
- **Section 5:** assessment of the proposed modification in accordance with section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- **Section 6:** assessment of the application in accordance with the matters for consideration listed in section 4.15 of the EP&A Act; and
- **Section 7:** conclusion and recommendation for approval.

This report should be read in conjunction with the following amended documentation submitted in support of the application.

Table 1 Supporting Documentation

Document	Consultant
Amended Architectural Plans	AJC
Amended Photomontages	Virtual Ideas
Reflectivity Statement	Northrop

## 2. SITE DESCRIPTION

The site is located at 17-21 Lachlan Avenue and 163 Herring Road, Macquarie Park and is legally described as SP6781, SP6947, SP7041 and SP11078 (refer **Figure 2**). The site is in a highly prominent and strategic location and the proposal seeks to complement existing new high-rise developments recently constructed within Macquarie Park and planned future development of adjoining land.

Figure 1 Aerial Image of Site Location



Source: Urbis (November 2022)

Key characteristics of the site include:

- The site has a total site area of approximately 3,901.6m<sup>2</sup> and is subject to a level change of approximately 6m from north to south.
- The site has frontages to Herring Road (37.7m) to the north and Lachlan Avenue (50.5m) to the south. The eastern and western boundaries of the site adjoin residential developments.
- The site was previously occupied by four x four-storey residential strata buildings, with car parking spaces on the ground level. Demolition of the existing buildings and structures on the site has commenced in accordance with Development Consent LDA2023/0001. Vehicular access to the site is currently available from both Herring Road and Lachlan Avenue.
- Existing trees are located around the edges of the site.

# 3. PROJECT BACKGROUND

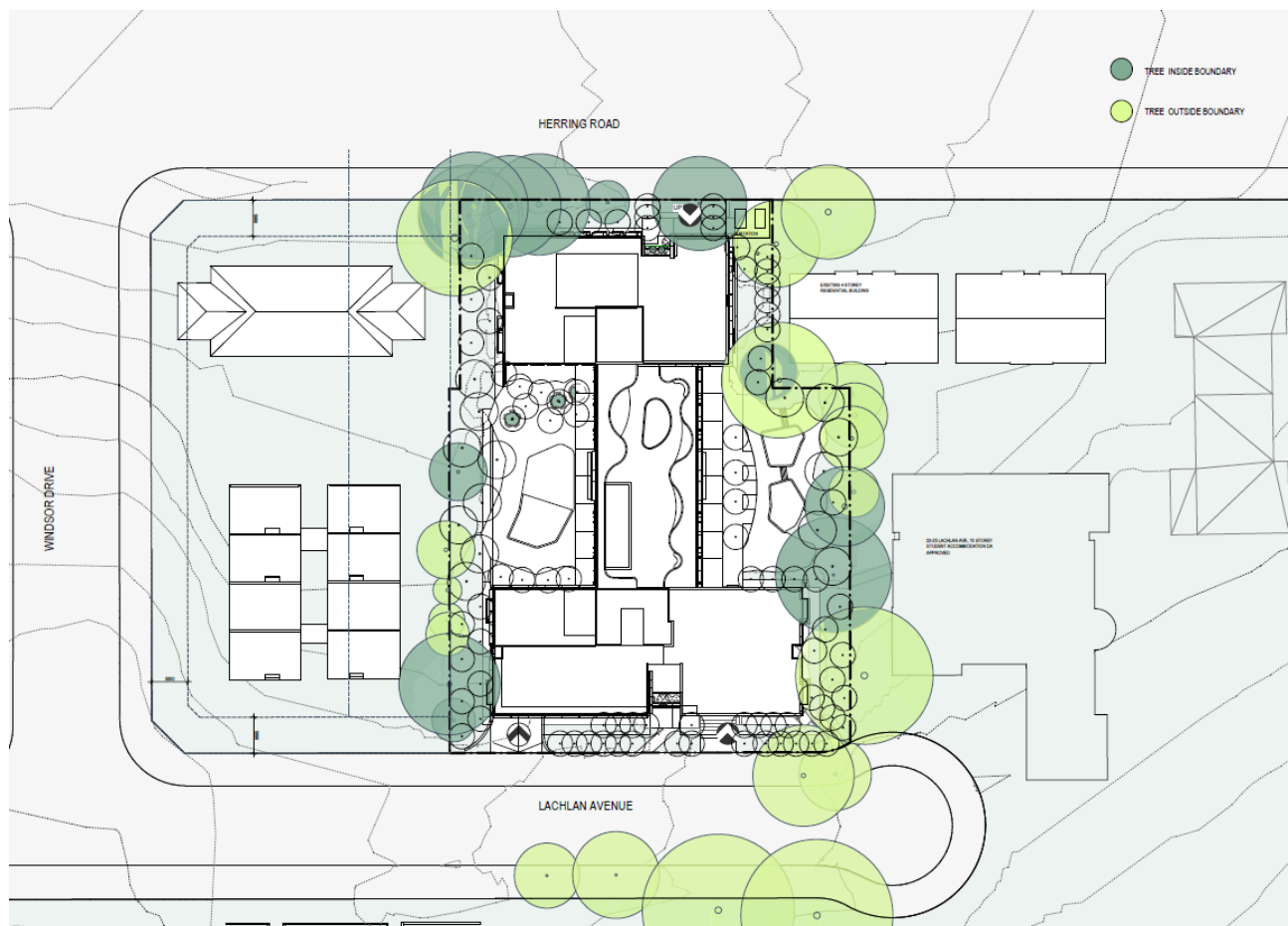
## 3.1. APPROVED DEVELOPMENT

Development Consent LDA2023/0001 was granted approval by the SNPP on the 13 September 2023 and was determined electronically given the limited number of submissions.

The development originally approved under LDA2023/0001 broadly comprises the following (refer **Figure 2**):

- Demolition of the existing buildings and structures within the site and tree removal.
- Construction of a part 9, 13 and 14 storey development comprising 17,163m<sup>2</sup> gross floor area with a mix of land use activities including:
  - Basement: 45 car parking spaces, 19 electric bicycle parking, 3 motorcycle spaces, 146 bicycle parking spaces for residents and 12 bicycle parking spaces for visitors, waste management facilities and ancillary services and facilities.
  - Lower levels: building entries to Lachlan Avenue and Herring Road, communal area including lounges, cinema, and communal laundry, office space and external open space.
  - Upper levels: student accommodation providing a total of 732 beds, including studios, 4 & 5-bed cluster units, internal communal spaces, and additional external communal areas on the roof.
- Landscaped courtyards (communal open space) at the ground level and rooftop terrace, including a swimming pool.
- Public domain improvements to Lachlan Avenue and Herring Road frontages, including footpath upgrades and new street trees along Lachlan Avenue.

Figure 2 Approved Site Plan



Source: AJC (May 2023)

## **3.2. MODIFICATION 1**

MOD2023/0218 was approved on 20 December 2023 and allowed a reduction in the on-site car parking from 45 to 23 spaces and resulted in the deletion of one basement level. The modification related to the expected car parking demand for student accommodation, particularly given the highly accessible nature of the site near Macquarie University, Metro Station and Macquarie Centre Shopping Complex. The proposed amendments were limited to the basement and did not affect the approved land use or design merit of the approved development.

## **3.3. MODIFICATION 2**

MOD2024/0026 was approved on 4 March 2024 and corrected an error in the wording of Condition 32 (Asbestos) and amended Condition 45 (Section 7.11) to clarify the timing of payment for development contributions.



# 4. PROPOSED MODIFICATIONS

## 4.1. OVERVIEW

Following the detailed design phase, a number of refinements have been identified by the Project Team to value engineer and improve the commercial viability of the project whilst maintaining the design intent established by AJC Architects. Broadly, the refinements relate to the following:

- Materials and finishes across the facades of the building
- Plant and equipment on the roof of the building
- Minor changes to the layout and courtyard canopies at Level 00
- Minor changes to the Herring Road entry at Level 01
- Minor changes to the Lachlan Avenue entry at Lower Ground level

The amendments are outlined in more detail in the subsequent sections of this report and the amended plans prepared by AJC Architects that accompany the application.

## 4.2. PROPOSED AMENDMENTS TO PLANS

This section describes the proposed modifications to the architectural plans, including a summary of the key changes and the rationale underpinning the amendments (refer **Table 2**).

The modification does not involve any changes to the building envelope (with the exception of rooftop plant), landscaping, number of student rooms, car and bicycle parking or the proposed operation of the facility.

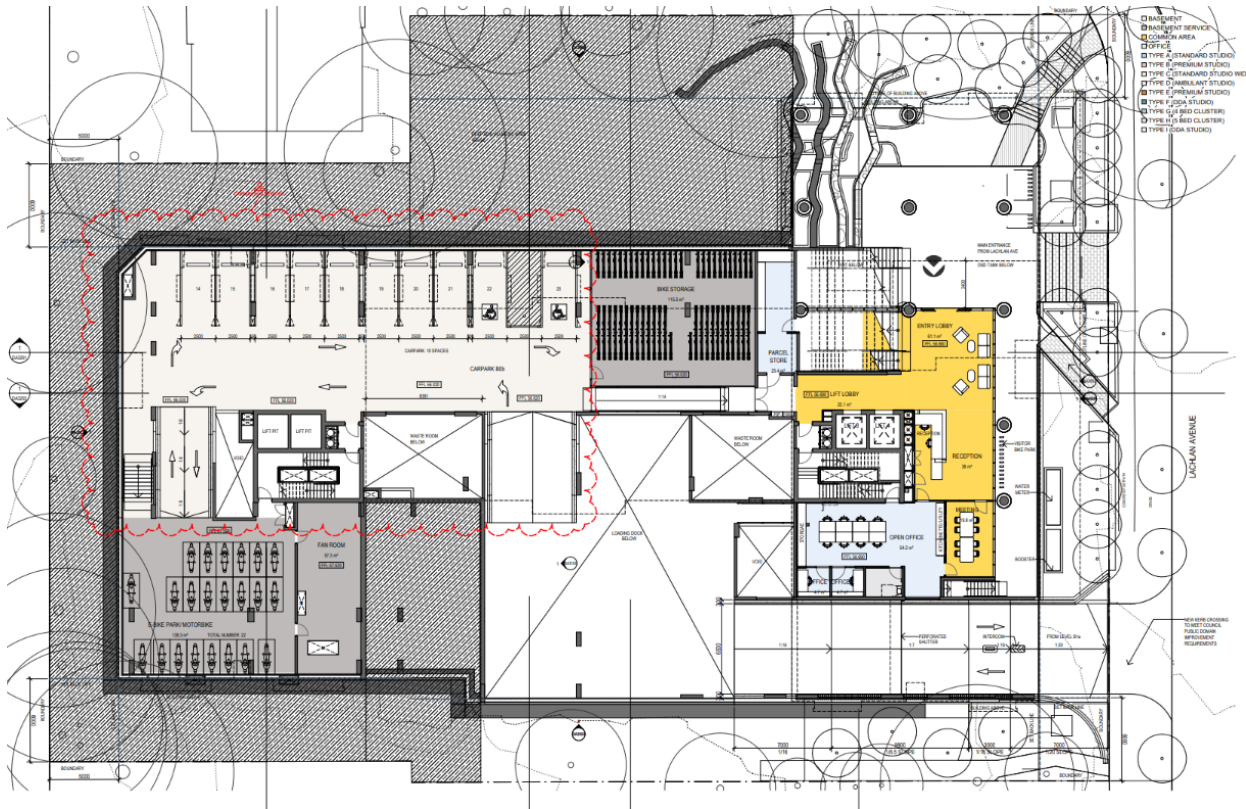
A comparison of the approved and modified floor plans is provided in **Figure 3** to **Figure 5** overleaf. A comparison of the proposed changes to the facades of the development is provided at **Section 4.2.2**.

Table 2 Modifications to Architectural Plans

Proposed Amendment	Plan References	Reason for Amendment
Minor amendments to the materials and finishes across the facades of the development as follows: <ul style="list-style-type: none"> <li>▪ Brick finish to courtyard elevations changed to metal finish</li> <li>▪ Façade Type 1 - Changes to the depth and detail of the veil element</li> <li>▪ Façade Types 3 and 7 - Protruding brick feature has been omitted</li> <li>▪ Façade Type 5 - Brick finish to gable ends changed to 3 colour metal panel system</li> <li>▪ Façade Type 6 – Changes to the fin depth and detail, deletion of horizontal fin and some of the vertical fins</li> <li>▪ Central wing canopies at Level 00 changed from glass to solid material</li> <li>▪ Frosted film added to glazing within corridor at Levels 5-12.</li> </ul>	DA0004_6 DA0005_6 DA0006_6 DA0007_6 DA2003_9 DA2004_9 DA3101_7 DA3102_7 DA3103_7 DA3103_7 DA3104_7 DA3105_7 DA3106_7 DA3201_12	The amendments to the facades simplify the construction phase and reflect the value engineering exercise completed for the project by the Project Team. AJC have been consulted in relation the proposed changes to ensure that the development maintains the original design intent established for the project.  The addition of frosted film to the corridor glazing at Levels 5-12 address Condition 1A of the consent.

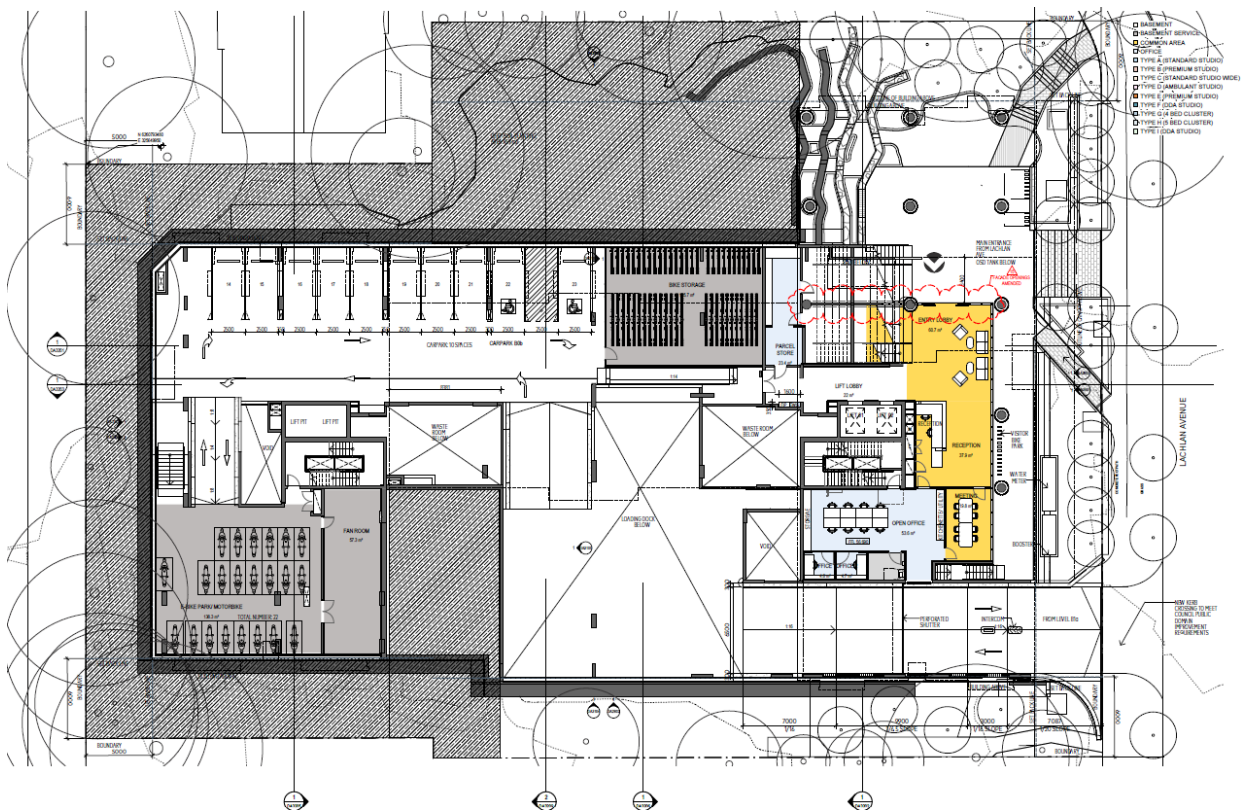
<b>Proposed Amendment</b>	<b>Plan References</b>	<b>Reason for Amendment</b>
<p>Rationalisation of plant and equipment at roof level:</p> <ul style="list-style-type: none"> <li>▪ Lachlan Ave – access is now limited to roof maintenance only. Lift lobby, roof access and wind screen omitted.</li> <li>▪ Lachlan Ave lift overrun height reduced from RL 105.500 to 104.050</li> <li>▪ Herring Road lift overrun height increased from RL106.500 to 107.100</li> <li>▪ PV panels rearranged on both wings</li> <li>▪ Plant zones and screens rearranged. Lachlan Ave roof plant screen reduced in height from RL 104.700 to 104.550. Herring Road roof plant screen increased in height from RL 107.500 to 107.600</li> </ul>	<p><b>DA 0003_5</b> <b>DA20016_8</b> <b>DA20017_7</b></p>	<p>The location and provision of required plant and equipment has been confirmed following the detailed design phase. This has resulted in the deletion of the cooling towers on the roof of the development.</p> <p>The location and height of the roof top screens has been adjusted in response to the rationalised plant and equipment. The required height of lift overruns has also been confirmed.</p>
<p>Minor reconfiguration of Herring Road entrance at Level 01 and realignment of entry facade</p>	<p><b>DA2004_9</b></p>	<p>Following feedback from Ausgrid, it has been necessary to setback the pedestrian entry to Herring Road to accommodate the heat zone from the proposed substation.</p> <p>In response, the Applicant has taken the opportunity to improve the layout of the Herring Road entrance at Level 01.</p>
<p>Minor reconfiguration of the plant, laundry, cinema and toilets at Level 00</p>	<p><b>DA2003_9</b></p>	<p>Following feedback from Ausgrid, it has been necessary to shave off the corner of the cinema to accommodate the heat zone from the proposed substation.</p> <p>In response, the Applicant has taken the opportunity to improve the layout of plant and back-of-house facilities at Level 00.</p>
<p>Minor realignment of Lachlan Avenue entry facade at Lower Ground Level</p>	<p><b>DA2002_15</b></p>	<p>The changes to the entry reflect a minor realignment of the structural column setout.</p>
<p>Reduction in the depth of the OSD tank</p>	<p><b>DA3207_11</b></p>	<p>The required depth of excavation for the on-site detention tank has been reduced following the detailed design phase.</p>

Figure 3 Comparison Between Approved and Proposed Lower Ground Arrangement



Picture 1 Approved Lower Ground Level

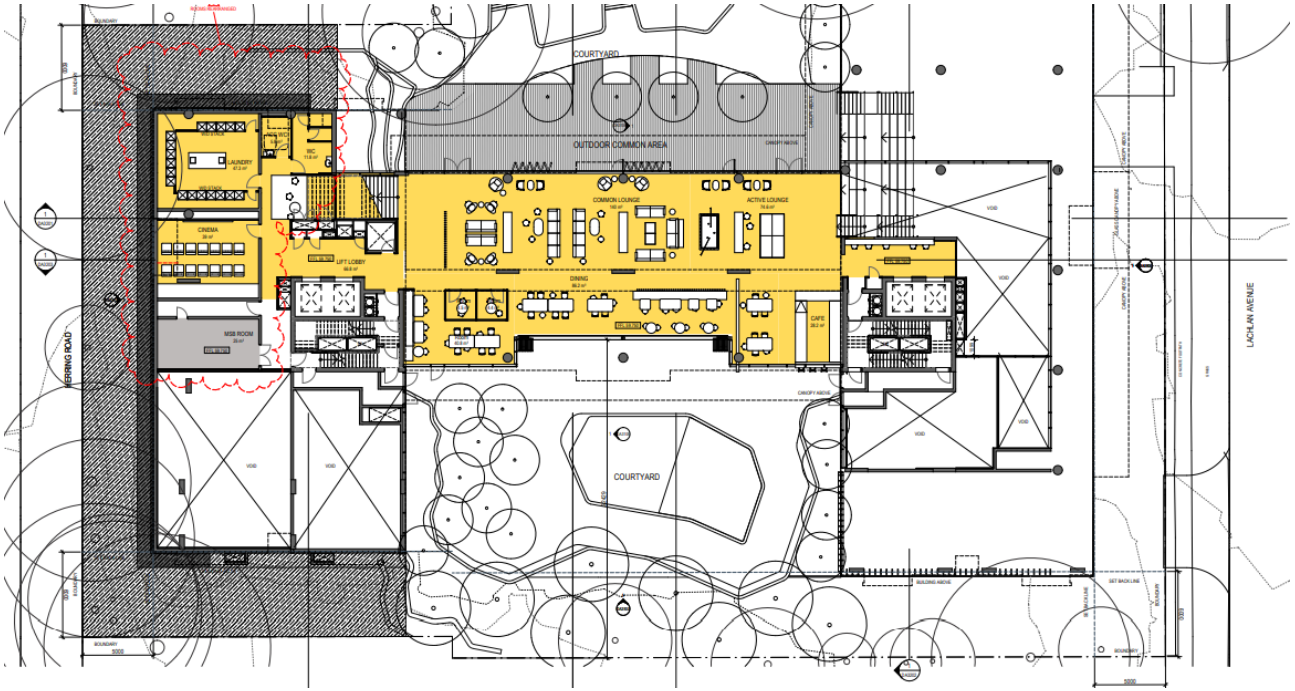
Source: AJC (May 2023)



Picture 2 Proposed Lower Ground Level

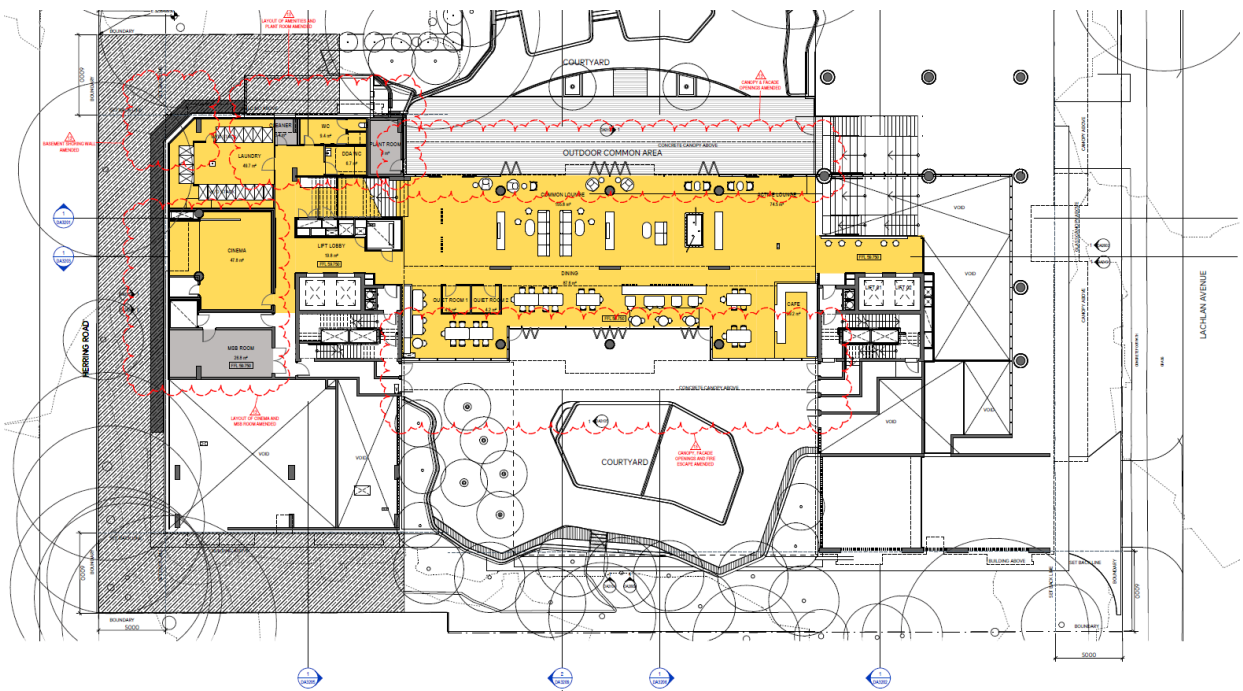
Source: AJC (March 2024)

Figure 4 Comparison Between Approved and Proposed Level 00 Arrangement



Picture 3 Approved Level 00

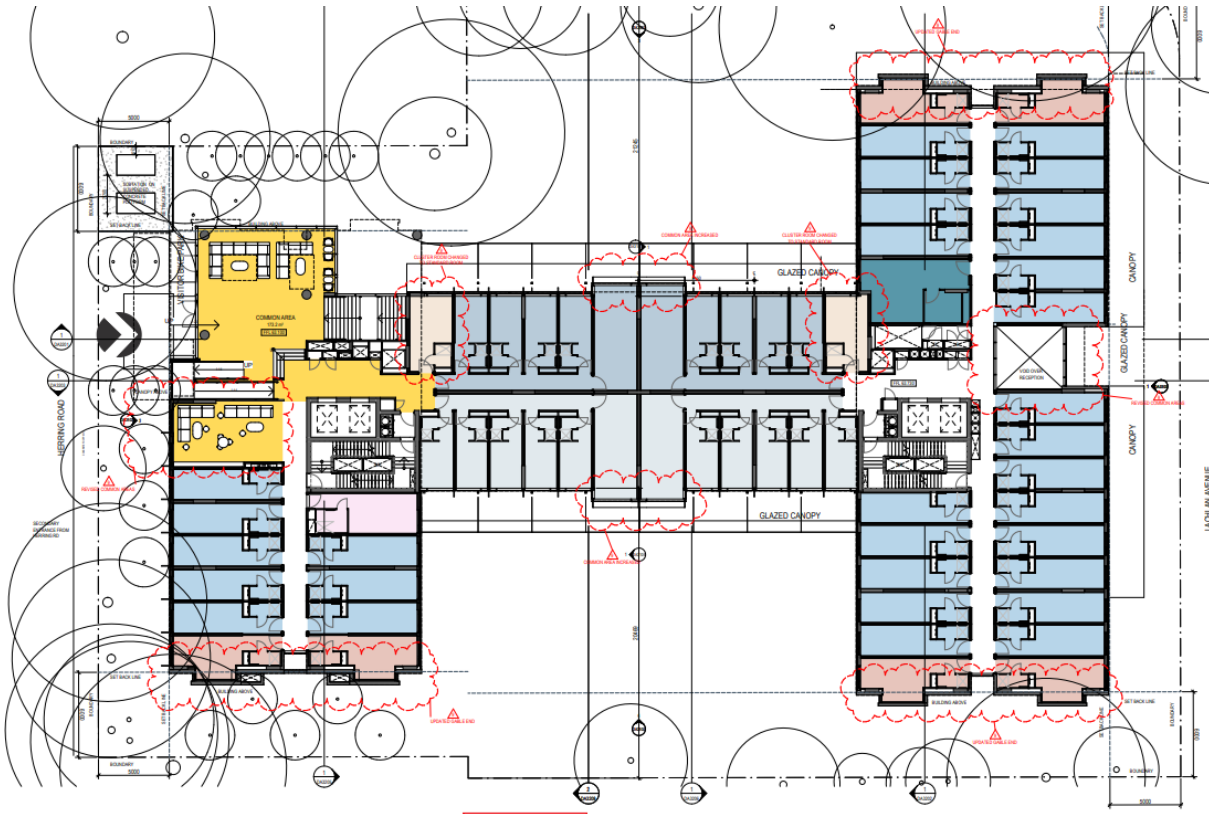
Source: AJC (May 2023)



Picture 4 Proposed Level 00

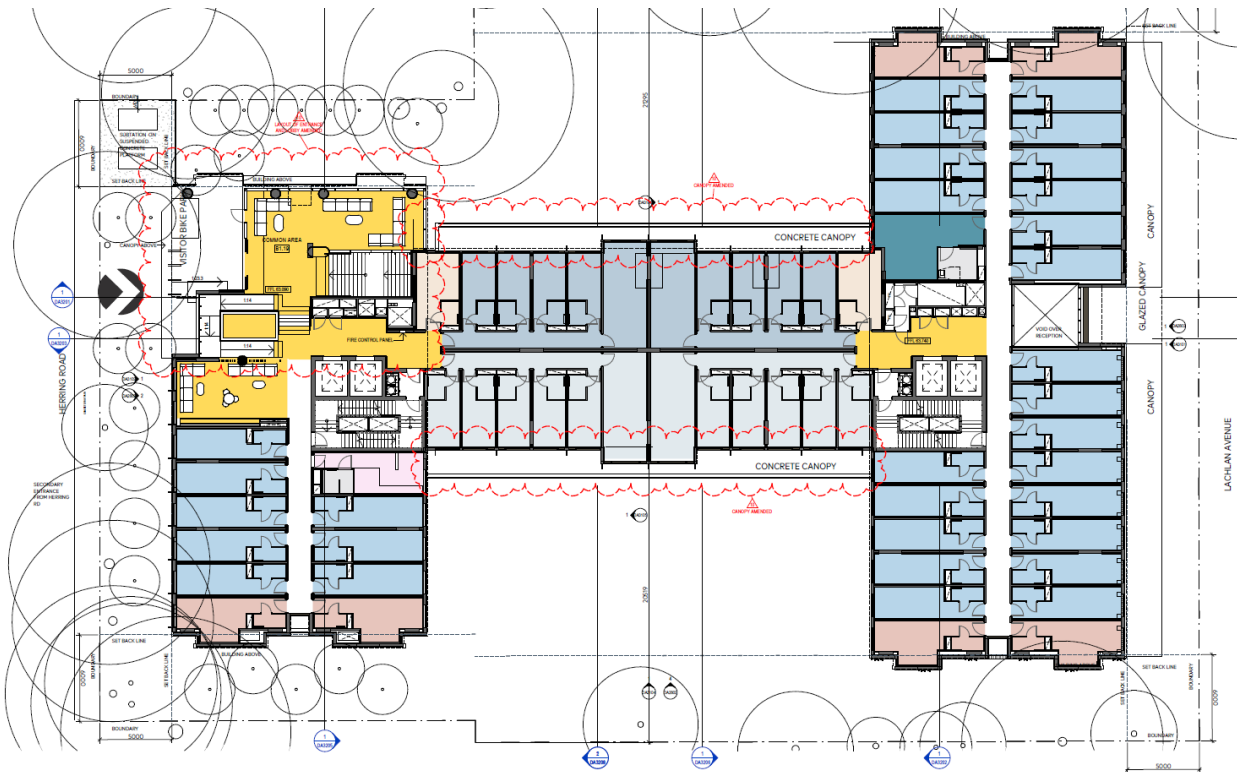
Source: AJC (March 2024)

Figure 5 Comparison Between Approved and Proposed Level 01 Arrangement



Picture 5 Approved Level 01

Source: AJC (May 2023)



Picture 6 Proposed Level 01

Source: AJC (March 2024)

## 4.3. PROPOSED AMENDMENTS TO CONDITIONS

This Section 4.55(1A) application seeks to modify LDA2023/0001 to amend the conditions of consent as outlined below. The changes proposed to the conditions reflect the amendments to the plans outlined in Section 4.2.

Where amendments are proposed to the wording of conditions, additions are shown in **red** and deleted text is shown in **strikethrough**.

### 4.3.1. Condition 1

*Approved Plans/Documents. Except as amended by any other condition of consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents (including recommendations contained within):*

Plan No.	Dated	Prepared By
<b>Architectural Plans</b>		
DA1004 (Rev 6) – Proposed Site Plan	18/05/2023	AJC
DA2001 (Rev 14) – General Arrangement Plan (Level B1)	22/09/2023	AJC
DA2002 (Rev <del>14</del> <b>15</b> ) – General Arrangement Plan (Level LG + B0)	<del>22/09/2023</del> <b>19/03/2024</b>	AJC
DA2003 (Rev <del>9</del> <b>13</b> ) – General Arrangement Plan (Level 00)	<del>18/05/2023</del> <b>12/03/2024</b>	AJC
DA2004 (Rev <del>9</del> <b>10</b> ) – General Arrangement Plan (Level 01)	<del>18/05/2023</del> <b>12/03/2024</b>	AJC
DA2005 (Rev 8) – General Arrangement Plan (Level 02)	18/05/2023	AJC
DA2006 (Rev 8) – General Arrangement Plan (Level 03)	18/05/2023	AJC
DA2007 (Rev 8) – General Arrangement Plan (Level 04)	18/05/2023	AJC
DA2008 (Rev 8) – General Arrangement Plan (Level 05)	18/05/2023	AJC
DA2009 (Rev 8) – General Arrangement Plan (Level 06)	18/05/2023	AJC
DA2010 (Rev 8) – General Arrangement Plan (Level 07)	18/05/2023	AJC
DA2011 (Rev 8) – General Arrangement Plan (Level 08)	18/05/2023	AJC
DA2012 (Rev 8) – General Arrangement Plan (Level 09)	18/05/2023	AJC
DA2013 (Rev 8) – General Arrangement Plan (Level 10)	18/05/2023	AJC
DA2014 (Rev 8) – General Arrangement Plan (Level 11)	18/05/2023	AJC
DA2015 (Rev 8) – General Arrangement Plan (Level 12)	18/05/2023	AJC
DA2016 (Rev <del>8</del> <b>9</b> ) – General Arrangement Plan (Level 13)	<del>18/05/2023</del> <b>12/03/2024</b>	AJC
DA2017 (Rev <del>7</del> <b>8</b> ) – General Arrangement Plan (Roof Plan)	<del>18/05/2023</del> <b>12/03/2024</b>	AJC
DA3101 (Rev <del>7</del> <b>8</b> ) – South/East Elevation (Lachlan Avenue)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC

<b>Plan No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA3102 (Rev 78) – North/West Elevation (Herring Road)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA3103 (Rev 79) – North/East Elevation (Courtyard)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA3104 (Rev 78) – South/West Elevation (Courtyard)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA3105 (Rev 78) – Herring Road Elevation (Wing Internal)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA3106 (Rev 78) – Lachlan Avenue Elevation (Wing Internal)	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA3201 (Rev 4213) – Section 01	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3202 (Rev 4412) – Section 02	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3203 (Rev 4412) – Section 03	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3205 (Rev 4412) – Section 05	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3206 (Rev 4412) – Section 06	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3207 (Rev 4412) – Section 07	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3208 (Rev 4412) – Section 08	<del>22/09/2023</del> <b>12/03/2024</b>	AJC
DA3209 (Rev 10) – Ramp Section Detail	22/09/2023	AJC
DA4201 (Rev 78) – Façade Types/Materials Type 1	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4202 (Rev 78) – Façade Types/Materials Type 2	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4203 (Rev 78) – Façade Types/Materials Type 3	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4204 (Rev 78) – Façade Types/Materials Type 4	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4205 (Rev 78) – Façade Types/Materials Type 5	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4206 (Rev 78) – Façade Types/Materials Type 6	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4207 (Rev 78) – Façade Types/Materials Type 7	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA4208 (Rev 78) – Façade Types/Materials Type 8	<del>07/07/2023</del> <b>12/03/2024</b>	AJC
DA5101 (Rev 6) – Floor Plan (SOU Room Typologies)	18/05/2023	AJC

## 5. SECTION 4.55(1A) ASSESSMENT

The proposed modifications have been assessed in accordance with section 4.55(1A) of the EP&A Act in the following subsections.

### 5.1. MINIMAL ENVIRONMENTAL IMPACT

Having regard to the reasons for the amendments outlined in **Section 4**, the proposed modifications will have minimal environmental impact given:

- The proposed amendments do not affect the land use, ground plane or floor space ratio approved under LDA2023/0001.
- With the exception of the minor changes to the rooftop plant, there are no changes to the approved building envelope. As a result, the modified proposal will not create any unreasonable amenity impacts beyond those already considered by the consent authority during the previous assessment of LDA2023/0001, particularly with regards to:
  - Visual impacts
  - Overshadowing
  - Privacy

As discussed in more detail in **Section 5.2.2**, the changes to the rooftop plant is in keeping with the minor height variation previously approved and will have a negligible increase in overshadowing.

- There are no changes proposed to the number of student beds, communal areas and proposed operations as outlined in the Preliminary Operational Management Plan (dated 17 May 2023). On this basis, there will be no changes to the noise impacts already considered by the consent authority during the previous assessment of LDA2023/0001.
- The reconfiguration of Level 00, Level 01 and the rooftop plant will not be discernible from the public domain.
- The changes to the materials and finishes maintains the design intent established for the project and is focused on those elevations that have limited visibility from the public domain.

The development as modified will therefore not result in any additional environmental impacts beyond those assessed and approved under LDA2023/0001.

### 5.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The proposal has been assessed using both a quantitative and qualitative assessment to determine whether the modified development would be substantially the same as the approved development.

#### 5.2.1. Quantitative Assessment

**Table 3** provides a summary of the key elements of the approved and proposed schemes to demonstrate that the development remains substantially the same to that approved under LDA2023/0001.

Table 3 Comparative Analysis of Approved and Proposed Schemes

Aspect	Approved Development	Proposed Development	Change
Site Area	17-21 Lachlan Avenue and 163 Herring Road, Macquarie Park	17-21 Lachlan Avenue and 163 Herring Road, Macquarie Park	No change
Uses	<ul style="list-style-type: none"> <li>▪ Basement car parking</li> <li>▪ Communal areas (including lounges,</li> </ul>	<ul style="list-style-type: none"> <li>▪ Basement car parking</li> <li>▪ Communal areas (including lounges,</li> </ul>	No change



Aspect	Approved Development	Proposed Development	Change
	cinema, communal laundry, office space, external open space) <ul style="list-style-type: none"> <li>▪ Student accommodation (732 beds)</li> </ul>	cinema, communal laundry, office space, external open space) <ul style="list-style-type: none"> <li>▪ Student accommodation (732 beds)</li> </ul>	
GFA	17,163m <sup>2</sup>	17,153m <sup>2</sup>	Reduction in GFA by-10m <sup>2</sup>
Maximum building height	47.36m	47.46m	The changes to the rooftop plant have increased the maximum height by 0.1m
On-site car parking	10 (Car share) 2 (Staff) 8 (Visitors) 2 (Disabled) 1 (Shuttle) 23 Spaces Total	10 (Car share) 2 (Staff) 8 (Visitors) 2 (Disabled) 1 (Shuttle) 23 Spaces Total	No change
Deep soil	29.5%	29.5%	No change
Tree removal and landscaping	<ul style="list-style-type: none"> <li>▪ To be removed: 19 trees</li> <li>▪ To be retained: 25 trees</li> <li>▪ To be planted: 79 trees</li> </ul>	<ul style="list-style-type: none"> <li>▪ To be removed: 19 trees</li> <li>▪ To be retained: 25 trees</li> <li>▪ To be planted: 79 trees</li> </ul>	No change
Construction hours	Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.	Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.	No change

Having regard to the above quantitative assessment, the development as modified will be substantially the same development as the development for which consent was originally granted.

## 5.2.2. Qualitative Assessment

The following section provides a qualitative assessment of the proposed modifications, with particular focus on the changes to the facades of the building and rooftop plant and equipment.

### 5.2.2.1. Proposed Façade Changes

As highlighted previously, the key changes to the facades of the development relate to:

- The replacement of some brick finishes with metal cladding
- Omission of the protruding brick features
- Refinements to the depth and detail of the veil element
- Replacement of the glazed courtyard canopies with solid material

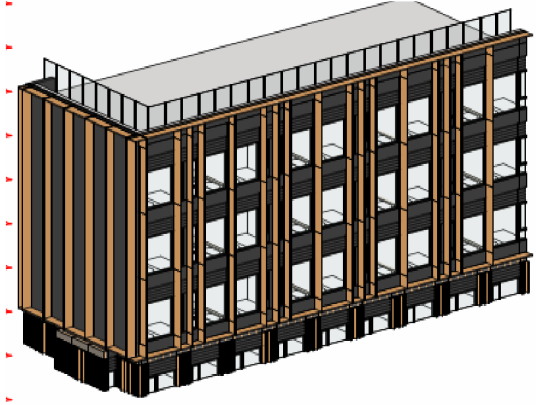
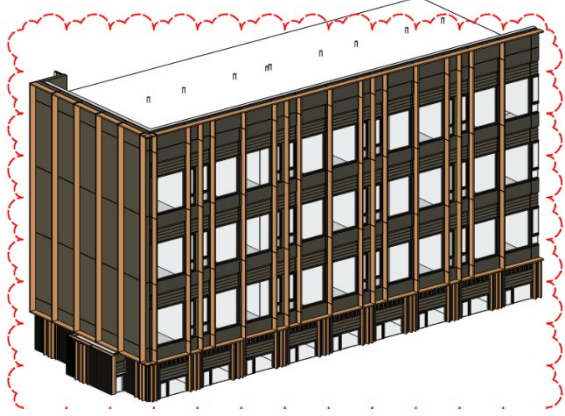
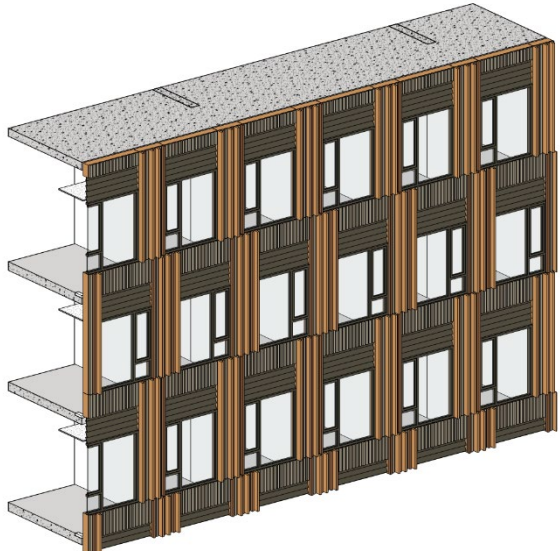
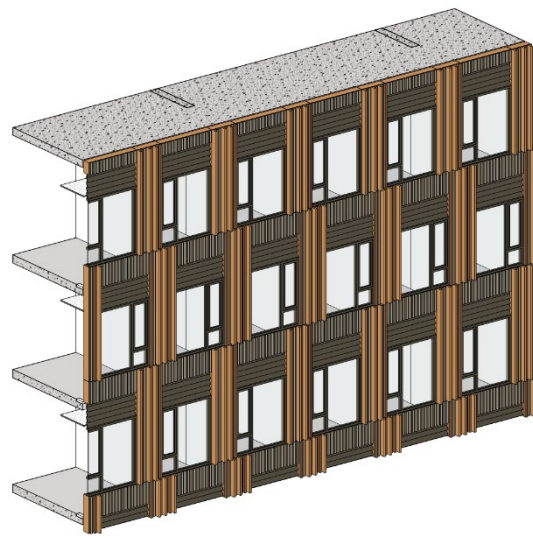
The proposed amendments have concentrated on the gable and central wing elevations, which have limited visibility from the public domain. Importantly, limited changes are proposed to the Lachlan Avenue and Herring Road frontages, and the brick finishes within these elevations has been maintained consistent with the established design intent for the project.

The previously approved development was reviewed by Ryde’s Urban Design Review Panel (UDRP) at various stages throughout the assessment process for the original DA. The latest feedback and recommendations provided by the UDRP on 2 March 2023 has been considered by AJC as part of the modified design, as summarised in **Table 4**. A comparison of the approved and modified development as viewed from Herring Road and Lachlan Avenue is provided in **Figure 6** and **Figure 7** respectively.

Table 4 Consideration of Previous UDRP Feedback

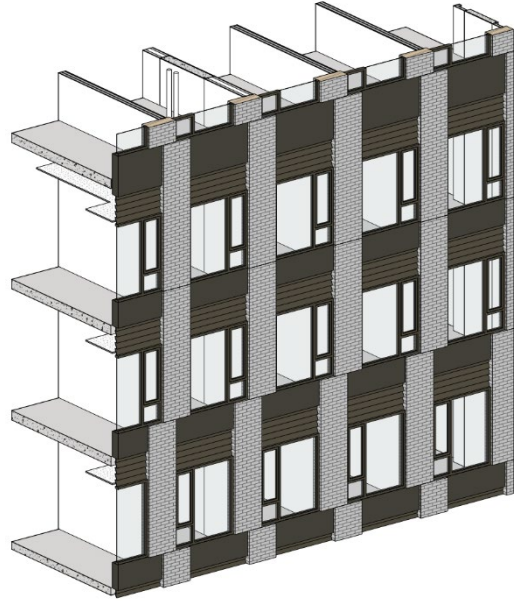
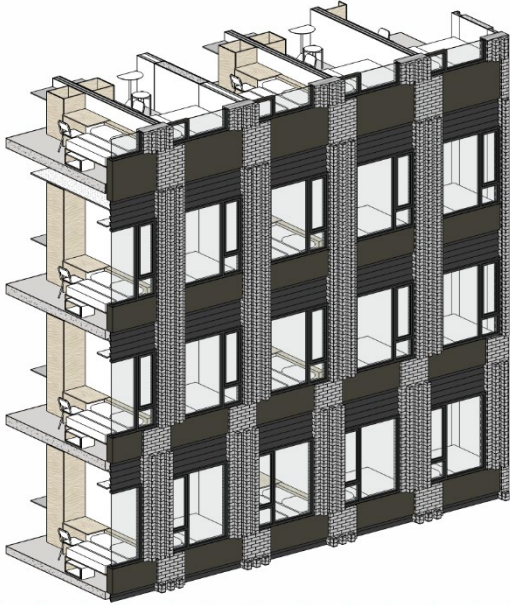
<b>UDRP Comment Extracts - 02/03/2023</b>	<b>Applicant Response</b>
<i>Context &amp; Neighbourhood Character</i>	
The height exceedance of the previous meeting has been amended to largely comply with minor exceedance at the Herring Road and Lachlan Avenue lift cores.	The height of lift overruns and roof stairs have been adjusted. The location and size of roof plant and screens has been adjusted. The proposed changes are in keeping with the ‘minor’ height exceedance previously proposed. This is discussed in more detail in <b>Section 5.2.2.2</b> .
<i>Built Form and Scale</i>	
The developed architectural character presented by the proponent demonstrates a positive response to more finely-scaled building articulation and expression and are generally supported subject to some relatively minor recommendations set out in this report. A series of differentiated building facades help to scale the building and identify key moments and communal areas within the scheme.	Minor amendment to façade details and materials. No change to design intent as previously approved – refer to façade types commentary in this table.
<i>Density</i>	
With the design development and refinements presented, the proposal demonstrates that the proposed density can be accommodated on the site.	No change
<i>Sustainability</i>	
Good design combines positive environmental, social and economic outcomes.	No change

<b>UDRP Comment Extracts - 02/03/2023</b>	<b>Applicant Response</b>
<i>Landscape</i>	
The landscape design has developed and the integration of architecture and landscape architecture is positive and supported.	No change
<i>Amenity</i>	
The distribution of communal rooms has been amended and is generally supported. The general level of refinement and amenity evident in the various room types is noted and supported.	No change
<i>Safety</i>	
The proposal is capable of satisfying this principle.	No change
<i>Housing Diversity and Social Interaction</i>	
The proposal is capable of satisfying this principle.	No change
<i>Aesthetics</i>	
The Panel supports the use of brick panels with strong relief to achieve the shadow play and sense of depth portrayed in the renders. The Panel seeks further commitment to a preferred construction methodology. In particular, should the facade systems rely on pre-cast or panellised systems, then jointing need to be carefully studied and resolved at the time of DA approval - to fully describe the design intent. Similarly, the Panel encourages some further refinement in the detail and scaling of the 'veil' elements that define the top of the building. The Panel discussed the possibility of increasing the number of vertical elements, at closer spacings. The Panel encourages the preparation of further detailed design studies of each primary facade type (ideally in 3D) at a scale of approximately 1:50 to resolve the design intent in these instances.	Minor amendment to façade details and materials. No change to design intent as previously approved – refer to façade types commentary in this table.
<i>Façade Type 1 Façade – Veil</i>	
The current revision provides a distinctive and perceptible architectural element when viewed from the public domain as a three-dimensional form.	Proposed minor amendment to the veil depth and detail – design intent is retained as per approved version.

UDRP Comment Extracts - 02/03/2023	Applicant Response
 <p><b>Figure 40</b> – Amended vertical veil elements.  <b>Source:</b> Plan DA4206 (Rev 7).</p>	
<p><i>Façade Type 2</i></p> <p>Supported, noting that panel joints may warrant rationalisation and refinement.</p> 	<p>No change to design intent.  Graphic Detail enhanced on drawing.</p> 
<p><i>Façade Type 3</i></p> <p>The Panel is generally supportive of the use of panellised brick cladding, but concerned to ensure that panel jointing, cut brick courses and the precise nature of ‘feature brick stack detail 50mm and 100mm protruding is understood and illustrated.</p>	<p>Proposed minor amendment to brick cladding detail to simplify construction by omitting the protruding brick feature. Brick façade retained to Lachlan Avenue. Brick changed to metal cladding to internal courtyard elevation. Original design intent is retained as per the approved version.</p>

**UDRP Comment Extracts - 02/03/2023**

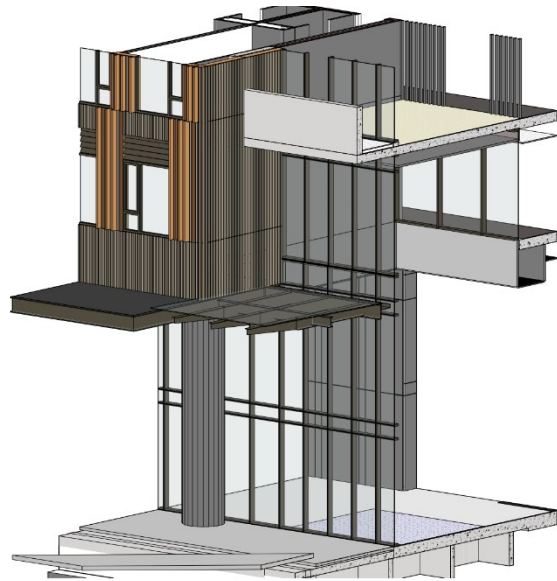
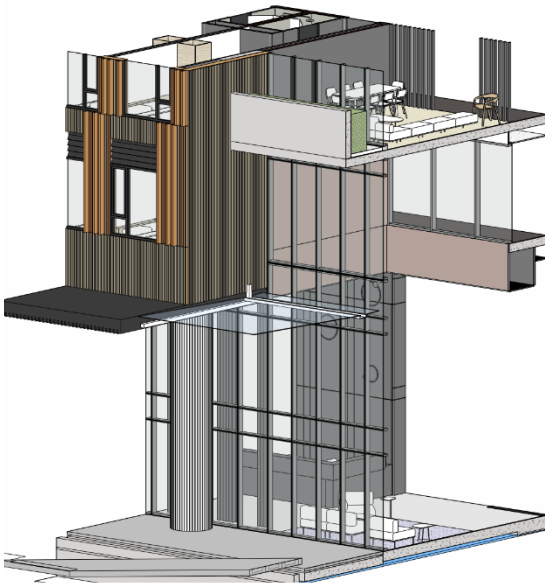
**Applicant Response**



*Façade Type 4*

Supported

Proposed minor amendment to glass canopy framing to include supporting structure. Original design intent is retained as per approved version.



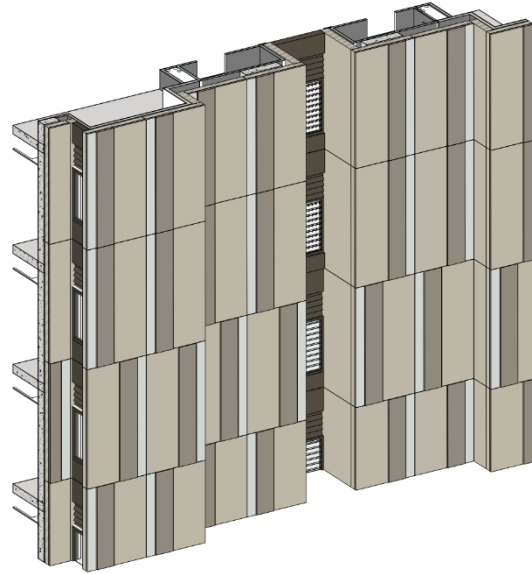
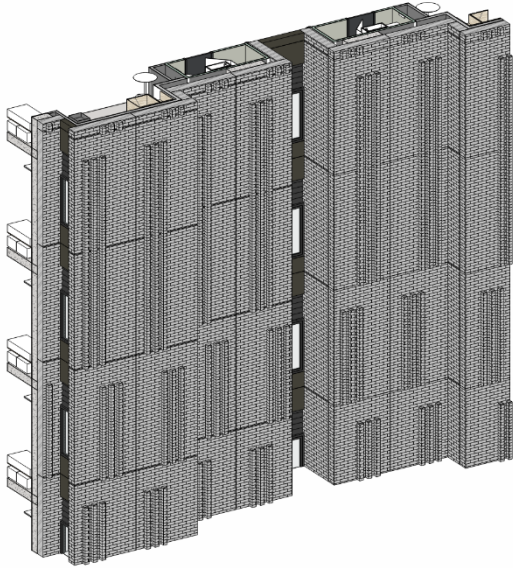
*Façade Type 5*

This facade type is described as brick cladding on a 'clip on' system, which may be acceptable, but raises question as to whether the proposal is a rain screen or a weathertight system.

Proposed change of material from brick to metal cladding – design intent is retained with a proposed three colour metal panel system replicating the design and variation to the gable ends previously proposed. Original design intent is retained as per approved version.

**UDRP Comment Extracts - 02/03/2023**

**Applicant Response**



*Façade Type 6*

Supported, noting earlier comments that privacy film would be better applied to fixed portions of a window rather than an operable sash. The proposed appearance of the veil in this facade type is acceptable.

Proposed minor amendment to the fin depth and detail, deletion of the horizontal fin, and some of the vertical fins. Change from glass canopy to solid canopy at courtyard level – design intent is retained as per approved version. No changes to the windows, which were amended to address the UDRP’s comments on privacy prior to approval. Vertical fins are retained at the corners of the building to minimise overlooking between rooms.



*Façade Type 7*

Supported, noting comments from Type 3 are relevant here, particularly where panels are offset between adjacent storeys.

Proposed minor amendment to brick cladding detail to simplify construction by omitting the protruding brick feature. Brick façade retained to Herring Road. Brick changed to metal cladding to internal

**UDRP Comment Extracts - 02/03/2023**



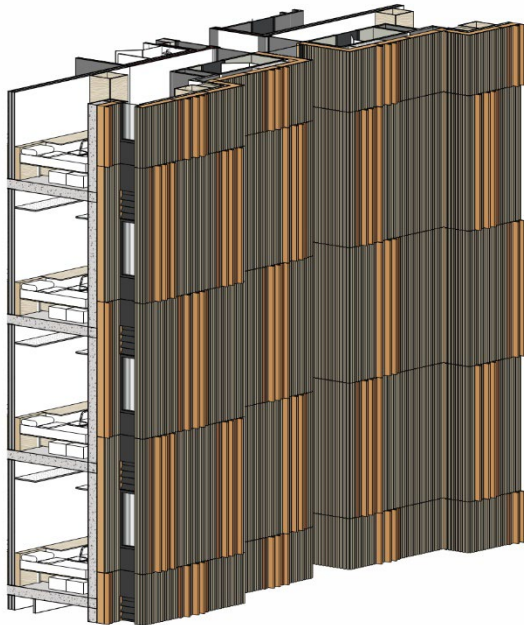
**Applicant Response**

courtyard elevation. Original design intent is retained as per the approved version.

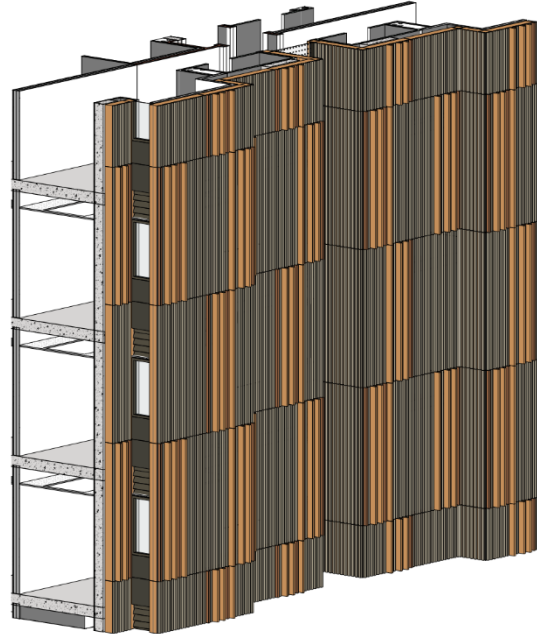


**Façade Type 8**

Supported



No Change



Source: AJC (March 2024)

Figure 6 Comparison Between Approved and Modified Photomontages – Herring Road



Picture 7 Photomontage of Approved Herring Road facade

Source: AJC (November 2022)



Picture 8 Photomontage of Proposed Herring Road facade

Source: AJC (March 2024)



Figure 7 Comparison Between Approved and Modified Photomontages – Lachlan Avenue



Picture 9 Photomontage of Approved Lachlan Avenue facade Source: AJC (November 2022)



Picture 10 Photomontage of Proposed Lachlan Avenue façade Source: AJC (March 2024)

In addition to the above, the Reflectivity Statement prepared by Northrop confirms that the proposed metal cladding complies with the accepted 20% reflectivity target

In summary, the changes to the facades will result in a modified development that is substantially the same as the development for which consent was originally granted.

### 5.2.2.2. Proposed Changes to Rooftop Plant

Following the detailed design phase, the location and provision of required plant and equipment has been confirmed by the Project Team. As outlined previously, the refinements to the rooftop plant and associated screening, has resulted in the following changes to the height of the development:

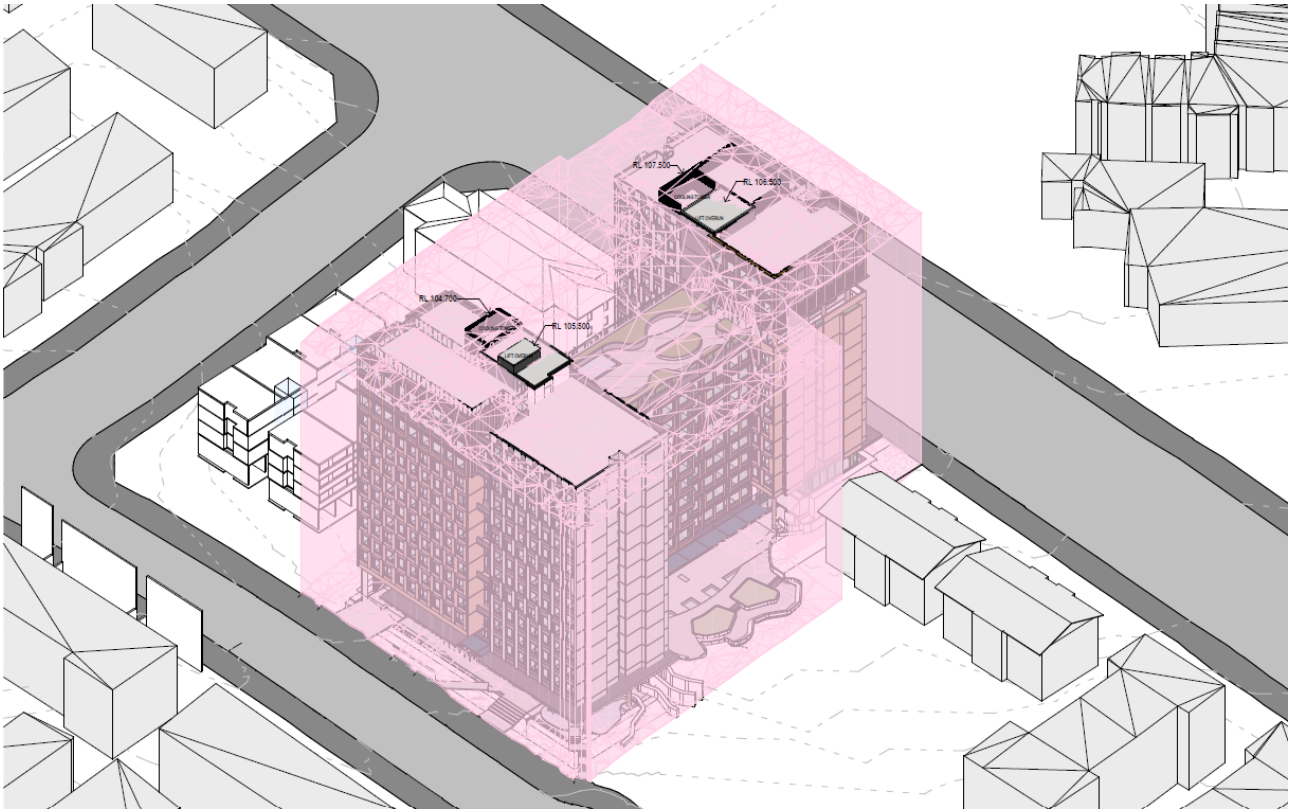
- Lachlan Avenue lift overrun height reduced from RL 105.500 to 104.050
- Herring Road lift overrun height increased from RL106.500 to 107.100
- Lachlan Ave roof plant screen reduced in height from RL 104.700 to 104.550
- Herring Road roof plant screen increased in height from RL 107.500 to 107.600

**Figure 8** provides a comparison of the height plane diagram for the approved and modified schemes. As shown, the development as modified continues to comply with the height control, with the exception of plant screens and lift overruns. These discreet elements are in keeping with the approved variation to the height control by up to 2.36m to the top of the roof plant. Given the minor changes to the rooftop plant, it is considered that the Clause 4.6 Variation Request that supported the approved development remains relevant to the modified proposal. This request concluded that it is reasonable and appropriate to vary the maximum height standard by up to 2.36m for the following reasons:

- The proposal is compliant with clause 4.6(3)(a) of the *Ryde Local Environmental Plan 2014* (RLEP 2014) because strict compliance with the height development standard is unreasonable and unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the height development standard given the variation:
  - Allows the development to step down and follow the slope of the land, which has a 6m change in levels from Herring Road to Lachlan Avenue.
  - Is consistent with the desired future character of the locality which is undergoing significant transformation, including the recently approved 15 storey development at 23-25 Lachlan Avenue to the immediate north-east.
  - Delivers a high-quality architectural design that will make a positive contribution to the streetscapes of Herring Road and Lachlan Avenue and realises the strategic vision for the Macquarie University Priority Precinct.
  - Complies with the FSR, building separation and deep soil controls for the site. Accordingly, the non-compliance does not result in an over-development of the site and does not contribute to unreasonable visual bulk.
  - Having regard to the site's future context, the proposal will not result in any significant adverse impacts to nearby residential properties, including visual, overshadowing or privacy impacts.
- Flexibility with the height standard ensures the proposal is in the public interest given it is entirely consistent with the objectives of the development standard as provided in clause 4.3 of the RLEP 2014 and is consistent with the objectives for development within the MU1 Mixed Use.

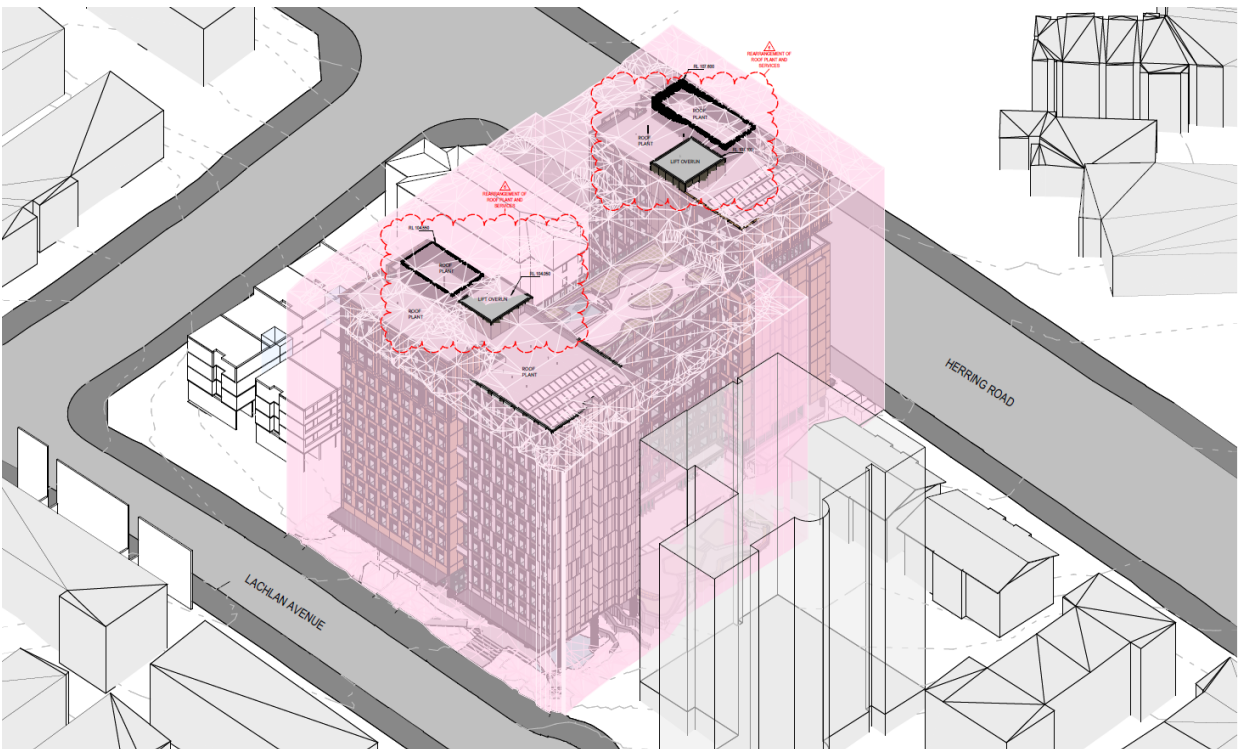
The minor increase in the height of the Herring Road lift overrun and plant screening by up to 0.6m will have a negligible increase in overshadowing as shown in the Sun Eye Diagrams that accompany the amended architectural package. Furthermore, the revised roof top plant is set back from the parapet and will not be visible from the public domain or neighbouring residential properties.

Figure 8 Comparison of Height Plane Diagrams for Approved and Modified Schemes



Picture 11 Height Plane Diagram for Approved Scheme

Source: AJC (May 2023)



Picture 12 Height Plane Diagram for Proposed Scheme

Source: AJC (March 2024)

### 5.2.3. Summary

In summary, the proposed modifications do not substantially change the development for which consent was originally granted for the reasons:

- As highlighted above, the modifications do not alter the fundamental nature of the development, which was deemed to be consistent with the relevant environmental planning instruments and applicable regulations.
- The site is entirely suitable for the development as modified as the continued use of the site for student accommodation does not conflict with any of the surrounding land uses in the locality.
- The modification will not result in additional environmental impacts beyond those considered in the original development application.
- The development as modified would continue to remain in the public interest.

Based on the above quantitative and qualitative assessments, the modified proposal is considered substantially the same as the approved development for the site.

## 5.3. CONSULTATION WITH APPROVAL BODIES

LDA2023/0001 was referred to Transport for NSW (TfNSW) for comment in accordance with clauses 2.119 and 2.122 of the *State Environment Planning Policy (Transport and Infrastructure) 2021* and concurrence under section 138 of the *Roads Act, 1993*. On 21 February 2023, TfNSW provided concurrence under section 138 of the *Roads Act, 1993* subject to Council's approval and the design and construction of the proposed civil works on Herring Road to Council's satisfaction.

TfNSW requested that the following conditions be included in any determination issued by the consent authority:

1. *All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Herring Road boundary.*
2. *A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Herring Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*

The proposed modification does not change the required conditions of the concurrence provided by TfNSW.

## 6. SECTION 4.15 ASSESSMENT

This Section 4.55(1A) application has been assessed in accordance with the matters for consideration listed in section 4.15 of the EP&A Act and as outlined below.

### 6.1. ENVIRONMENTAL PLANNING INSTRUMENTS

#### 6.1.1. State Environmental Planning Policies

The proposed modifications have been assessed in accordance with the relevant State environmental planning instruments outlined in **Table 5**.

Table 5 Compliance with State Environmental Planning Policies

<b>Environmental Planning Instrument</b>	<b>Approved Development</b>	<b>Proposed Modifications</b>
<i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>	The approved use of the site is identified as 'co-living housing' under Chapter 3, Part 3 of the Housing SEPP. Co-living housing is permitted in zones where residential flat buildings and/or shop top housing are permitted, including MU1 Mixed Use Zone that applies to the site.	The proposal does not involve any changes to the built form, number of student rooms, landscaping, car, bicycle and motorcycle parking or communal areas. As such, the proposal does not change the level of compliance with the Housing SEPP, as assessed under LDA2023/0001.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&amp;H SEPP)</i>	It was determined that the land could be made suitable for the approved development in accordance with the R&H SEPP.	No change to the approved extent of excavation.  The proposed modification does not change the level of compliance assessed under LDA2023/0001.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&amp;I SEPP)</i>	The approved development was assessed in accordance with clause 2.122 Traffic-generating development.  As outlined earlier in <b>Section 5.3</b> , TfNSW provided concurrence under Section 138 of the <i>Roads Act 1993</i> subject to Council's approval and the design and construction of the proposed civil works on Herring Road to Council's satisfaction.	No change to approved access and number of car spaces provided within the basement.  The proposed modification does not change the level of compliance assessed under LDA2023/0001.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&amp;C SEPP)</i>	The approved development was assessed in accordance with the following provisions:	The proposal does not involve the removal of additional trees from the site.

Environmental Planning Instrument	Approved Development	Proposed Modifications
	<ul style="list-style-type: none"> <li>▪ Chapter 2 – Vegetation in Non-Rural Area</li> <li>▪ Chapter 6 – Water Catchments</li> </ul> <p>The approved development sufficiently addressed the above provisions.</p>	The proposed modification does not change the level of compliance assessed under LDA2023/0001.

## 6.1.2. Ryde Local Environmental Plan 2014

The RLEP 2014 is the principal instrument relevant to the site. The proposed modification has been assessed in accordance with the relevant provisions as outlined in **Table 6**.

Table 6 RLEP 2014 Compliance Table

Clause	Proposed	Complies
Zoning and Permissibility	<p>The site is zoned MU1 Mixed Use.</p> <p>The proposal remains permissible and consistent with the relevant zone objectives.</p>	Yes
Clause 4.3 – Height of Building	<p>The site is subject to a 45m maximum building height limit.</p> <p>The proposal as modified involves variations to the approved height, which comprises a minor breach of the height control.</p>	As discussed in <b>Section 5.2.2.2</b> , the proposed changes to the rooftop are in keeping with the minor height exceedance previously approved.
Clause 4.4 – Floor Space Ratio (FSR)	<p>The site is subject to a maximum FSR of 4:1. An additional 10% of the maximum permissible FSR is permitted under clause 68 of the Housing SEPP if the additional floor space is used only for the purposes of co-living housing.</p> <p>The proposal as modified does not seek to change the FSR of the approved development.</p>	Yes
Clause 5.10 – Heritage Conservation	The site is not listed as a local or State heritage item and is not located within a heritage conservation area.	Yes
Clause 6.2 - Earthworks	The proposed modifications do not change the extent of approved excavation.	Yes

Clause	Proposed	Complies
6.4 Stormwater management	The proposed modifications do not involve changes to the stormwater management plans.	Yes
6.6 Environmental Sustainability	<p>Development consent must not be granted to development on land in a business or industrial zone exceeding 1,500m<sup>2</sup> in GFA unless the consent authority is satisfied that development has had regard to a number of prescribed environmental outcomes.</p> <p>Centurion remains committed to the delivery of a high-quality PBSA facility that achieves best practice sustainable design practices. The proposed modifications do not change the ESD principles outlined in the approved ESD Report.</p>	Yes

Based on the above, it is considered the development as modified will comply with the relevant provisions within the RLEP 2014.

## 6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

## 6.3. DEVELOPMENT CONTROL PLAN

The development as modified does not change the level of compliance with the RDCP2014 as assessed under LDA2023/0001.

## 6.4. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021*.

## 6.5. LIKELY IMPACTS OF THE DEVELOPMENT

As outlined in **Section 5.1.2**, the proposed amendments will not create any adverse additional environmental, social or economic impacts beyond those already considered by Council during the previous assessment of LDA2023/0001.

Given the nature of the proposed amendments, the development as modified does not change the likely impacts assessed under LDA2023/0001. In particular, the following considerations outlined in the Council Assessment Report remain relevant:

- (i) *It has been found that the development would not have a detrimental impact on any ecological communities or flora or fauna species of any national conservation significance nor, subject to conditions, upon the surrounding built environment.*
- (ii) *The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal. The implementation of the Operational Management Plan will mitigate potential internal (and external) social impacts.*
- (iii) *The proposed development will not have a detrimental impact on the locality considering the residential nature of the existing and proposed land use.*

## 6.6. SUITABILITY OF THE SITE

The proposed amendments will not affect the approved land use or design merit of the approved development. The development as modified will remain suitable for the site for the reasons noted in the determination of LDA2023/0001. The site is located in close proximity to Macquarie University and has

excellence access to public transport, retail and local services, making it an ideal location for student housing.

## **6.7. SUBMISSIONS**

Any submissions received by Council will need to be considered in the assessment of the proposed modification.

## **6.8. PUBLIC INTEREST**

The proposed development as modified remains suitable for the site for the reasons noted in the determination of LDA2023/0001. The proposal provides accommodation and associated services (including car parking) to meet the demands of students in the Macquarie University precinct and will not adversely impact on the environment or local community.



## 7. CONCLUSION

This report has been prepared in support of a Section 4.55(1A) modification to development consent LDA2023/0001. For the reasons outlined in this report and summarised below, the modification is supported as:

- The proposal involves minimal environmental impact.
- The proposal results in substantially the same development.
- The proposal remains suitable for the site.
- The proposal is in the public interest.

Having considered all relevant matters, it is concluded that the proposed modification is appropriate for the site and approval is recommended, subject to the amended conditions of consent.

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