

8 April 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry & Environment
GPO Box 39
SYDNEY, NSW 2001

Attention: Karen Harragon

Dear Mr Betts

**RE: ROYAL INSTITUTE FOR DEAF & BLIND CHILDREN (RIDBC)
CENTRE FOR EXCELLENCE - MACQUARIE UNIVERSITY
GYMNASIUM ROAD, MACQUARIE UNIVERSITY (MQU)
REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
(SEARs)**

In accordance with Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and Schedule 1 (clause 15(1)) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), the RIDBC requests the issue of Secretary's Environmental Assessment Requirements (SEARs) for the proposed RIDBC Centre for Excellence at MQU's North Ryde campus.

The project qualifies as a State Significant Development (SSD) as it is for the purpose of a new school (regardless of the capital investment value) and also qualifies as SSD under clause 14(b) or 14(c) of Schedule 1 of the SRD SEPP in relation to 'medical centres' or 'health, medical or related research facilities', respectively.

The overall Capital Investment Value (CIV) of the project (at this early stage) is in the order of \$72.24 million. The consultation, assessment, diagnostics, and therapy components of the development along with their corresponding general and specialist workspaces are best defined as *medical centre* and are about 62% of the overall GFA of the development. On its own these components of GFA would be in excess of the SSD threshold of \$30 million for development at a pro-rata rate for the purpose of *Hospitals, medical centres and health research facilities* under clause 14 of Schedule 1 of the SRD SEPP. This component has a capital investment value of about \$43.36 million. A QS Statement accompanies this request at **Appendix A**.

All aspects of the proposed development are permitted with consent.

MQU has given its landowner's consent to the application process and this is included as part of **Appendix B**.

The purpose of this letter of request is to provide a preliminary environmental assessment and other supporting documentation to allow for the SEARs to be issued to facilitate the preparation of an Environmental Impact Statement (EIS) in support of a future SSD development application.

1.0 BACKGROUND

The RIDBC is, amongst other things, Australia's largest non-government provider of therapy, education and cochlear implant services for children and adults with vision or hearing loss. Established in 1861 as a school with residential facilities, the RIDBC moved to North Rocks in 1961, where the main campus is still located.

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RIDBC provides a broad range of specialist services which include:

- Early Intervention
- Allied Health & Therapy
- Cochlear Implant Program
- Schools (pre-school, primary to secondary programs)
- School support
- Paediatric Audiology

The services provided are delivered by a broad group of professionals including: teachers, speech pathologists, occupational therapists, audiologists, orthoptists, psychologists, social workers, technology consultants, physiotherapists, Ear, Nose and Throat (ENT) surgeons and more.

The RIDBC Mission is to provide quality and innovative services, to achieve the best outcomes for current and future generations of Australians with vision and/or hearing loss.

RIDBC relies significantly on fundraising and community support to continue to provide its services.

As part of the RIDBC's 2016-2020 Strategic Intent it will relocate its school and clinical services activities from North Rocks to a purpose-built centre at MQU. The new Centre for Excellence will further strengthen the relationship between MQU and the RIDBC, benefit the Australian Hearing Hub, and reinforce the cluster of research, audiology, and healthcare which already exists on the campus, which also includes the Cochlear Global headquarters.

The Centre for Excellence will serve a diverse range of employees, students, users and visitors who will visit the centre for diagnostic services, therapy and rehabilitation, research, education, and co-related services. The centre will provide an intricate design response to the needs of the users, in particular children and adults with vision and hearing loss and other cognitive impairments.

The RIDBC 2020 Vision is to:

- Reach more people through expansion and partnerships.
- Develop, deliver and demonstrate best practice in all activities.
- Secure RIDBC's future, continue to strengthen organisational identity and operations whilst remaining relevant and responsive to the needs of the children, adults, families and professionals who need RIDBC.

Part of this vision is the establishment of Centres of Excellence for vision and hearing, including relocating to Macquarie University.

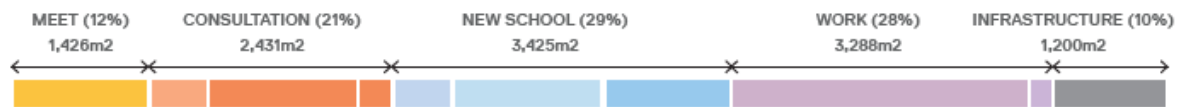
2.0 PROPOSED CENTRE FOR EXCELLENCE

The new RIDBC Centre for Excellence is proposed to open for the 2023 academic year and will include accommodation for 15 separate functional units, including:

- Clinical Services Operational Management and Support Services;
- Library Spaces and Resource Collections;
- Specialist Preschools, Schools and School Support Program;
- Assessment and Diagnostics;
- Therapy and Rehabilitation;
- Early Intervention;
- Public Areas;
- Connections and Circulation Spaces;
- Plant Rooms, Fire Stairs & Building Services;

- Parking and Drop Off and Pick Up Zones;
- Outdoor Areas;
- Playgrounds; and
- Landscape and Gardens.

The approximate gross floor area of the centre will be 11,770m² across the above service areas and functional units. A breakdown of the uses by GFA is included below at **Figure 1**. The Building Use Diagrams and GFA Schedule by WMK is also attached at **Appendix C**.



| DEPARTMENT | SPACES INCLUDE | BOOKABLE AREA | TOTAL GFA |
|---|--|---------------------------|----------------------------|
| MEET - PUBLIC (12%) | Cafe Area, Catering Storage / Prep / Staff, Central | 1,132 | 1,426 |
| CONSULTATION - INVITED - CENTRAL MEETING (5%) | 12 -16 Person Meeting Rooms, 8 Person Meeting Rooms, Flexible Conference / Board / Training Suite, Large Meeting / VC Room, Reheat Kitchen associated with Flex Conference Space, etc. | 435 | 555 |
| CONSULTATION - INVITED - CONSULT (13%) | Assessment & Diagnostics, Central Waiting, Therapy | 1,211 | 1,494 |
| CONSULTATION - INVITED - OTHER (3%) | Central Resource Library | 370 | 382 |
| NEW SCHOOL - PRIVATE/ED - PRE-SCHOOL (5%) | Allowance for structures/encumbrances Large Resource Storage, Playroom (20 preschoolers), Sleep Area, Staff area **Note - excludes open structures / encumbrances. (100m ²) | 517 | 580 |
| NEW SCHOOL - PRIVATE/ED - PRIMARY (13%) | Breakout / Flexible learning -VI & HI, Centralised Classroom Storage, Classrooms - HI, Classrooms VI, Games Court, Retreat / Sensory / Therapy - VI, Retreat / Sensory / Therapy -HI **Note - excludes open Games Court. (813m ²) | 1,280 | 1,531 |
| NEW SCHOOL - PRIVATE/ED - SHARED (11%) | 1:1 Interview Room, 4 Person Meeting Room, 8 Person Meeting Room, Bulk Store room, Entry Foyer, Family Meeting & Training Room, Kitchenette, Laundry, Multipurpose Hall, Pre-school Director's office, Principals office, Reception / Admin Office, Reception / Admin Office - Primary, Safety Store room, School Library, Staff Lockers / Kitchen | 1,183 | 1,314 |
| WORK - PRIVATE/WP - GENERAL (28%) | Collaboration / Quiet settings, Filing, Tea Prep / Print / Wardrobe, Work space | 2,306 | 3,085 |
| WORK - PRIVATE/WP - SPECIALIST (2%) | Specialist Workplace | 194 | 203 |
| BUILDING INFRASTRUCTURE (10%) | Basement Parking, Plant, Fire Egress Routes | - | 1,200 |
| TOTALS | | 8,608m² | 11,770m² |

Figure 1 – Building Use and GFA Breakdown (WMK)

The proposed building will be between 1-3 storeys. The development will be a single storey facing Culloden Road and three storeys internal to MQU, generally following the sloping terrain of the campus as it drops down from Culloden Road. The height, massing and floorspace distribution is generally dictated by the functional needs of this specialised development, and driven by the general requirement for contiguous areas of floorspace at the same grades. To that end, the school uses and consultation spaces (ie publicly accessible spaces) will address Culloden Road and Gymnasium Road, respectively, and be co-located at the same level. Workspaces will be located on the next level above. The basement level addresses the internal roads of MQU.

A total of 44 underground / basement parking spaces are proposed, as well as a loading bay, a bulk waste and storage space, and bicycle spaces. These will have access off Gymnasium Road and further into the site off an adjacent internal circulation road within the campus.

A total of 28 drop-off or short-duration parking spaces are proposed off Culloden Road, including:

- 15-minute parking spaces
- Assisted school travel vehicle spaces
- Kiss & Drop spaces
- Mini bus spaces

A total of 6 parking spaces are proposed with a porte cochere to the main entrance of the building off Gymnasium Road. Overall a total of 78 short and long-term car parking spaces is provided. This is about one space for every 150m² of GFA.

The concept design of the facility is included at **Figures 2 and 3** showing the ground floor and first floor plans.

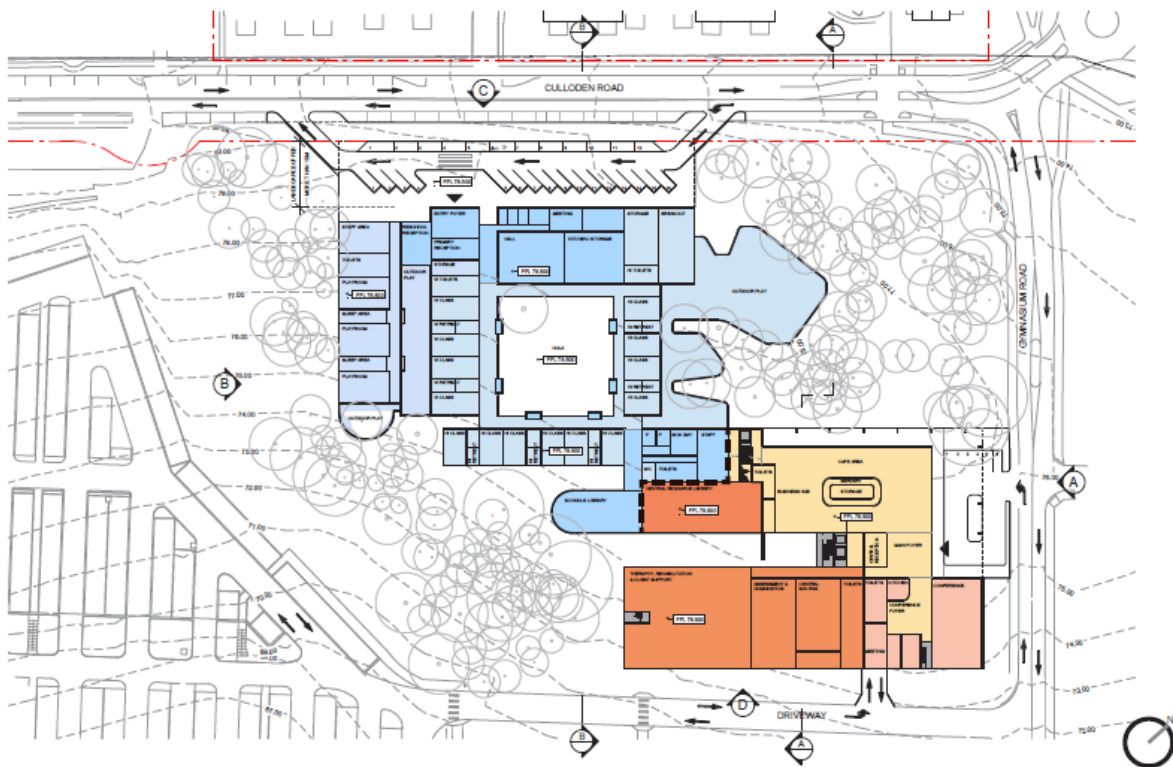


Figure 2 – Ground Level Plan (WMK)

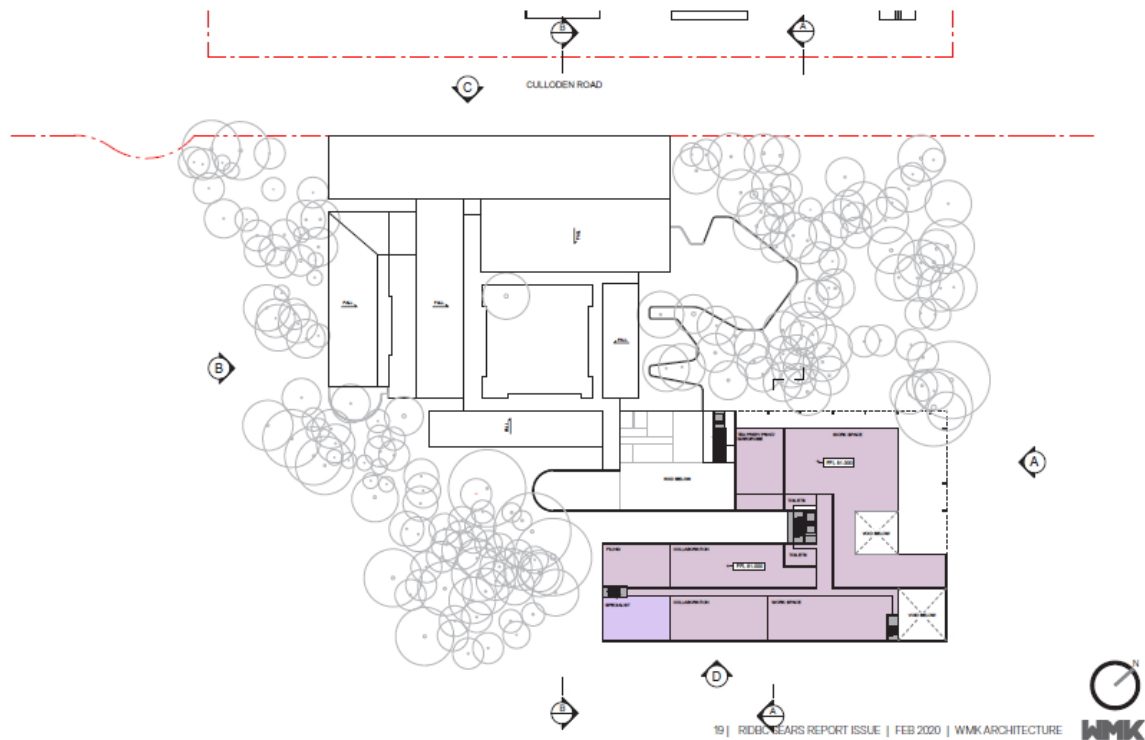


Figure 3 – Level 01 Plan (WMK)

3.0 DESIGN PRINCIPLES

The objectives and architectural design principles adopted for the proposed development can be summarised as follows, based on the overall aspirations of achieving:

- **Sensory spaces**

- Tactile
- Bespoke
- Therapeutic

Creating a tactile, tailored and therapeutic space that addresses specific needs and presents unique experiences - the spaces are contemporary and incorporating technology.

- **Networked spaces**

- Interconnected
- Collaborative
- Community-oriented

An environment that is interconnected, collaborative and community-oriented - the space as a platform in which different groups can come together and there is connection between function, people, space.

- **Purposed spaces**

- Celebrates purpose
- Showcase
- Inclusive

A space where the organisation's purpose, culture and innovation can be incorporated and celebrated - creating a distinct and adaptable identity through design solutions.

The landscape design principles for the development are based on reinforcing the clusters of vegetation around the outskirts of the precinct which serve to visually and acoustically shield the area from neighbouring roads and other uses. The strategic use of trees lining the roads of the area help soften the pedestrian experience and provides visual interest from the building interiors.

Overall, the design and landscape response is one that addresses the existing built context of the campus, its bushland setting, and its evolution as a modern university campus consistent with both the original design principles of the university and the approved Part 3A Concept Plan.

4.0 QUALIFICATION AS SSD

New School

Based on the introduction of a new school within MQU via the RIDBC Centre of Excellence, the development satisfies clause 15(1) of Schedule 1 of the SRD SEPP - *Development for the purpose of a new school (regardless of the capital investment value)*.

The new school use will include pre-school, primary school, and shared classrooms and other ancillary facilities to a total of about 38% of the overall GFA of the development.

Hospitals, medical centres and health research facilities

Further, and alternatively, based on the RIDBC's identified health and medical-related services of Early Intervention Services; Therapy and Allied Health; Cochlear Implant Program; and Paediatric Audiology as provided by a broad group of professionals including: speech pathologists, occupational therapists, audiologists, orthoptists, psychologists, social workers, technology consultants, physiotherapists, Ear, Nose and Throat (ENT) surgeons, the most relevant land use definition for the development would be a *medical centre* under the terms of the definition of a *health services facility*.

The use cannot be suitably described as being a *commercial premises, business premises, community facility, hospital, community health service facility, or a health consulting room*.

Under the definitions within the standard instrument:

health services facility means a building or place used to **provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health**, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a **medical centre**,
- (b) **community health service facilities**,
- (c) **health consulting rooms**,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) **hospital**.

To clarify, no definition is provided for a community health service facility, but this is considered to mean a different and more conventional type of community health facility use to that of the specialised nature of RIDBC. Health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

A hospital is defined as follows:

hospital means a building or place used for the **purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients** (whether or not out-patients are also cared for or treated there), **and includes ancillary facilities** for (or that consist of) any of the following:

- (a) day surgery, **day procedures or health consulting rooms**,
- (b) **accommodation for nurses or other health care workers**,
- (c) **accommodation for persons receiving health care or for their visitors**,
- (d) shops, kiosks, restaurants or cafes or take away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) **educational purposes or any other health-related use**,
- (g) **research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes)**,
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

This definition provides the best fit, other than for the fact that the people being treated are not admitted as in-patients.

A medical centre is defined as follows:

medical centre means premises that are used for the purpose of **providing health services** (including preventative care, **diagnosis, medical or surgical treatment, counselling** or alternative therapies) to **out-patients only**, where such services are **principally provided by health care professionals. It may include the ancillary provision of other health services.**

The definition of medical centre directly operates and relates to the definition of hospital to capture the same or similar circumstances where in-patients are not admitted. In this instance it provides for the best definitional fit for the non-school-related uses at the proposed development. Accordingly, it is a **health services facility**, applying the relevant overall umbrella term and a **medical centre** applying a specific definition.

State Significant Development

Clause 14 of Schedule 1 states as follows:

14 Hospitals, medical centres and health research facilities

*Development that has a capital investment value of **more than \$30 million** for any of the following purposes:*

- (a) hospitals,*
- (b) **medical centres**,*
- (c) health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute).*

Based on the *medical centre*-related proportion of GFA the development (about 62%) the development may also be classed as SSD with a pro-rata CIV of \$43.36 million of the total \$72.24 million. As is self-evident, this is greater than the \$30 million threshold. See the QS summary at **Appendix A**.

In fact, the third purpose listed, a *health, medical or related research facilities (which may also be associated with the facilities or research activities of a NSW local health district board, a University or an independent medical research institute)* may also be applied to the RIDBC use without reference to the standard template defined terms.

5.0 THE SITE / MQU CAMPUS

The proposed development site sits within the western portion of the MQU campus, near the junction of Culloden Road and Gymnasium Road – see **Figures 4** and **5** below and over.

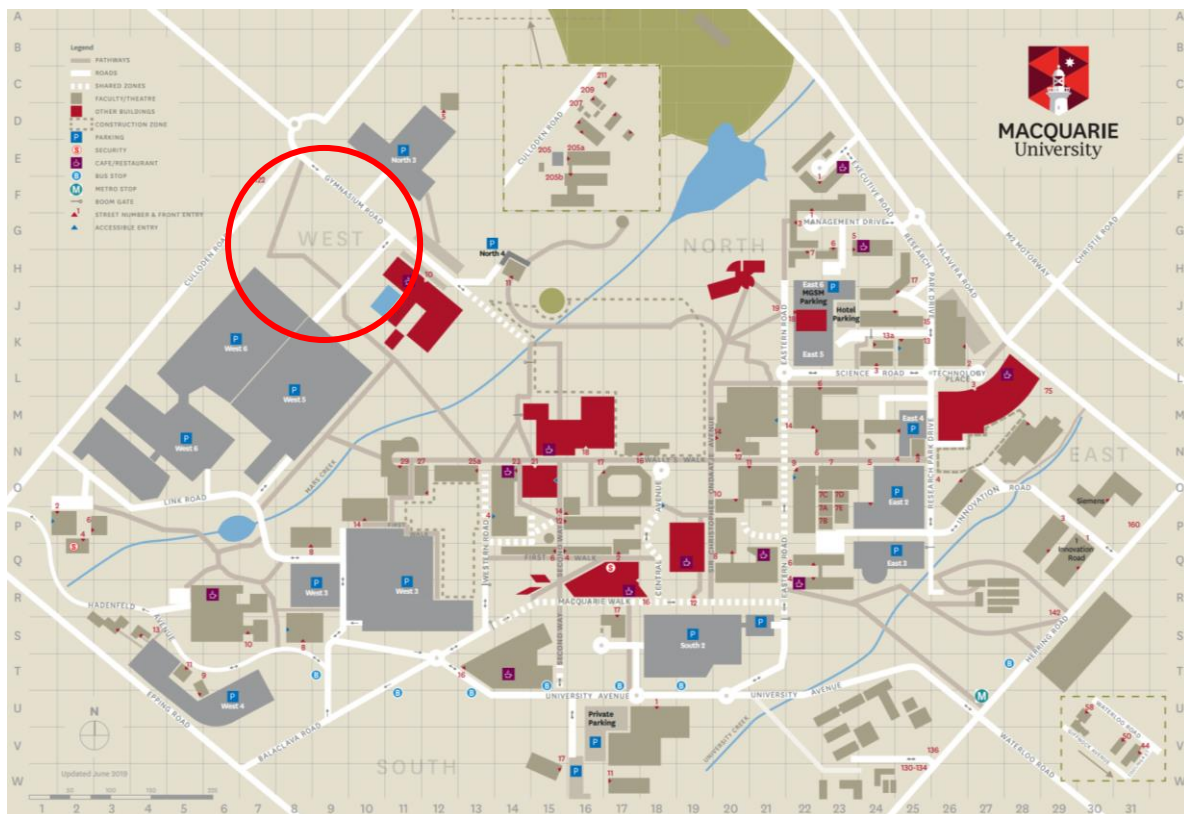


Figure 4 – MQU Campus with the site circled (MQU)

The site sits partly within Lot 191 DP 1157041 and partly within Lot 8 DP 1047085 within the campus. The site is partly cleared and subject to stands of planted native vegetation and trees at the perimeter of a managed turfed area. The aerial photograph at **Figure 6**, as well as site photos at **Figures 7-9** show the extent of this vegetation and turfed area. The cleared site is approximately 1.3 hectares in area and slopes to the north-east away from Culloden Road.



Figure 5 – MQU Campus with the site circled (SixMaps)

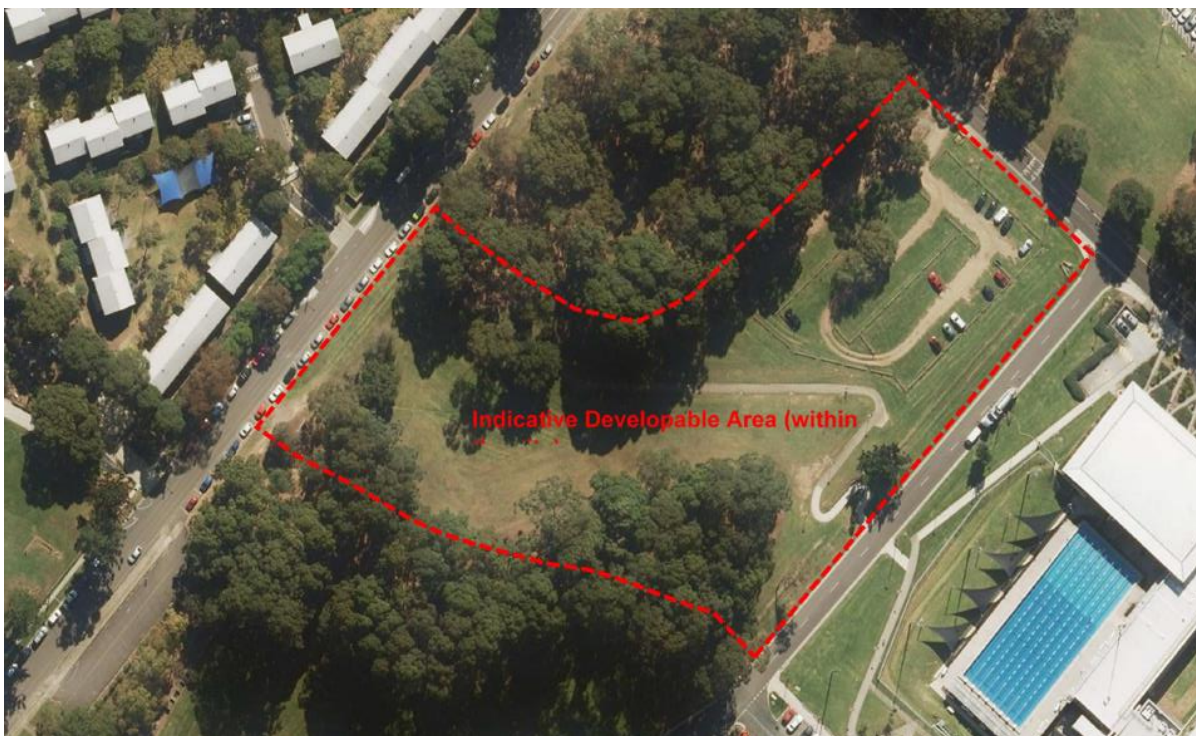


Figure 6 – Indicative Development Site (MQU – RIDBC brief 2018)



Figure 7 – Development site perimeter to its south



Figure 8 – Development site facing north



Figure 9 – Development site facing north-east towards the Gymnasium Road and MQU sporting facilities

6.0 STRATEGIC AND STATUTORY PLANNING CONTEXT

6.1 Strategic Planning Framework

The site, proposal, and LGA are subject to the following strategic planning policies:

- Greater Sydney Region Plan – A metropolis of three cities;
- North District Plan; and
- Macquarie University Master Plan 2014.

We note the Macquarie University Master Plan 2014 does not carry statutory weight. However, the principles outlined in that document will guide the nature and timing of future development within the campus and the masterplan is a relevant consideration to that end. Relevantly, the approved Part 3A Concept Plan and its guidelines carry statutory weight. This is addressed further below.

Greater Sydney Region Plan – A metropolis of three cities

Macquarie University lies within the Macquarie Park Corridor, which features prominently in the Greater Sydney Commission's 40-year plan for the future of the Greater Sydney Metropolitan Area as a major Strategic Centre and a Health and Education Precinct. Specifically, the Macquarie Park Corridor is identified as a key location for Global Sydney's jobs growth, skills and productivity as part of the Eastern Economic Corridor. **Figure 10** locates Macquarie Park centrally within the proposed three cities vision.

North District Plan

The Greater Sydney Commission (GSC) North District Plan forms the basis for strategic planning within the North District comprising Ryde, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Northern Beaches, Mosman, North Sydney, and Willoughby.

In recognition of the complex nature of the Macquarie Park Corridor and the range of stakeholders involved in planning and development of the area, the Corridor is identified as a Collaboration Area where a significant productivity, liveability or sustainability outcome is better achieved through the collaboration of different levels of government and in some cases the private sector or landowners.

Macquarie Park is also identified by the District Plan as a 'strategic centre' with a job target range of between 73,000 (baseline target) and 79,000 (higher target) by 2036. This represents growth of an additional 20,500 jobs; the most ambitious target of any centre within the North District.

The strategic centre is identified as one of Metropolitan and Global Sydney's foremost CBDs in terms of jobs, investment, innovation clusters, and GSP/ GDP generation.

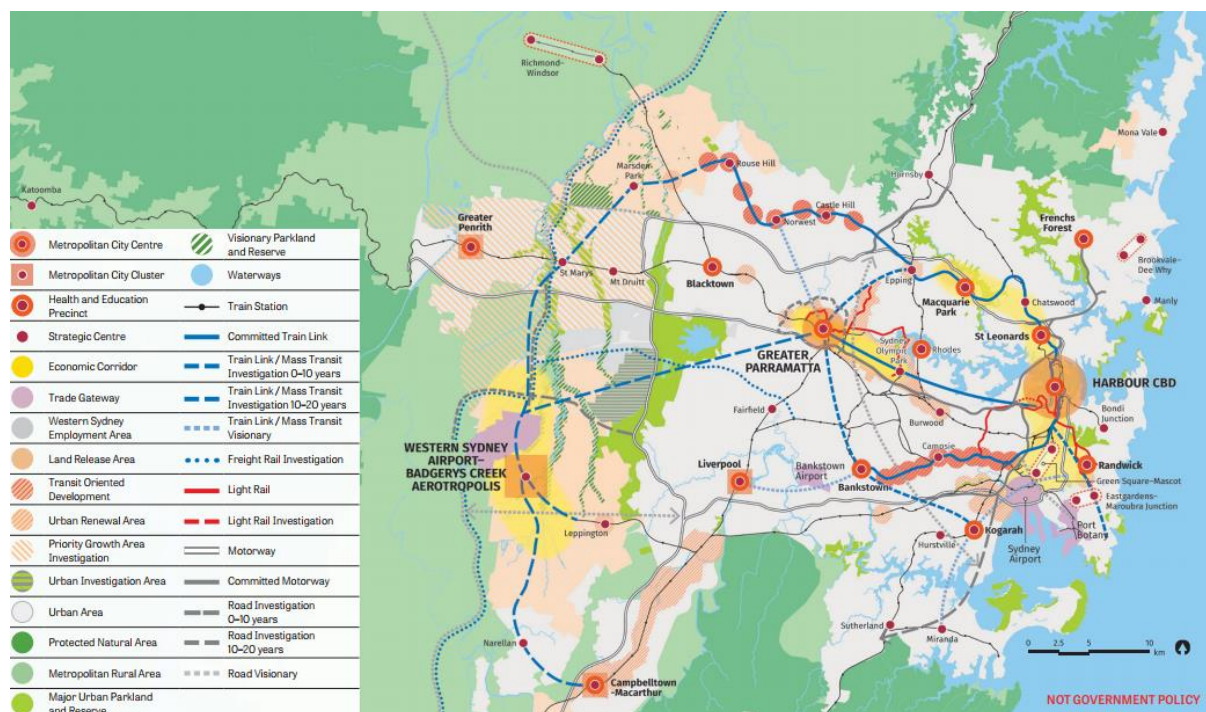


Figure 10 – Greater Sydney Structure Plan 2056 – the three cities (GSC)

Of direct relevance to the proposal are the following Planning Priorities (and Actions) under the North District Plan.

- *Planning Priority N8 - Eastern Economic Corridor is better connected and more competitive*
- *Planning Priority N9 - Growing and investing in health and education precincts*
- *Action 28 - Deliver and implement a Place Strategy and Infrastructure Plan for the Macquarie Park health and education precinct.*
- *Action 29 - Strengthen Macquarie Park through approaches that:*
 - *enable additional capacity for commercial floor space and maintain a commercial core*

- *improve urban amenity as the centre transitions from business park to a vibrant commercial centre, including reducing the impact of vehicle movements on pedestrian and cyclist accessibility*
- *deliver a finer grain road network to enhance pedestrian connections and provide new access points*
- *promote design excellence in urban design by upgrading public areas*
- *deliver an innovation ecosystem in Macquarie Park, capitalising on the relationship with Macquarie University and nearby high-tech and medical corporations*
- *improve public transport connections to Parramatta and the District's other strategic centres, including the Northern Beaches Hospital.*

The District Plans outline GSC's ambition for Greater Sydney to be a 30-minute city in which residents can access health, employment, education and centres within 30 minutes of their home. The 30-minute city, it is hoped, will promote healthier lifestyles and community cohesion with improved walking, cycling and transport access to a wider range of services and opportunities. In the context of Macquarie Park this means establishing priorities and mechanisms to achieve a vibrant urban centre with an effective mix of commercial, residential, retail, health and education activities.

Macquarie University Master Plan 2014

Macquarie University was founded in 1964 with a strong educational philosophy based on the concept of a university adjoining a technology park, closely following the Stanford University model. The original campus master plan by Walter Abraham has been periodically updated in 1983 and 2004 prior to the adoption of the most recent 2014 iteration.

MQU has adopted a Campus Master Plan prepared by Cox Richardson in 2014 to guide future development across the campus. It is noted that the Campus Master Plan carries no statutory weight but will inform the urban design of the development and its environs in tandem with the approved Part 3A Concept Plan, which does carry statutory weight.

6.2 Statutory Planning Framework

The key and relevant statutory planning legislation and instruments applicable to the site and project include:

- *Environmental Planning and Assessment Act 1979*
- *Part 3A Concept Plan 06_0016*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No.55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No.64 – Advertising & Signage*
- *Ryde Local Environmental Plan 2014*

The land is also subject to the Ryde Development Control Plan 2014 (RDCP 2014). Although DCPs are a statutory consideration, we note their provisions are not statutory requirements and are excluded from consideration for SSD DAs. Further, the provisions of the Ryde LEP 2014 do not apply where they are inconsistent with the Part 3A Concept Plan approval.

It is noted that the recently commenced *State Environmental Planning Policy (Koala Habitat Protection) 2019* also does not apply to the MQU Campus.

Further, Council's Section 94 Development Contributions Plan does not apply to the proposal, which is subject to a Voluntary Planning Agreement executed in February 2013. Any relevant contributions will be established as part of the planning process for this DA.

Environmental Planning and Assessment Act 1979

The objects of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment*

The proposal satisfies these objects.

Part 3A Concept Plan 06_0016

Development opportunity within the Macquarie University campus arises, principally, from Concept Plan 06_0016 approved under Part 3A of the *Environmental Planning & Assessment Act 1979* (the Act) on 13 August 2009 and as modified on 9 November 2018. The plan was developed in response to, and to complement, the 2004 Macquarie Park Corridor Master Plan prepared by the NSW State Government.

Amongst other things, the Part 3A Concept Plan (as modified on 9 November 2018) generated the following development outcomes for MQU, subject to subsequent applications:

- (a) An additional 400,000m² of commercial GFA and associated car parking;
- (b) An additional 157,000m² of academic GFA;
- (c) An additional 3,450 beds for university purposes only;
- (d) Infrastructure upgrading and improvements to the road network as required;
- (e) Rationalisation of university car parking locations; and
- (f) A maximum of 171,000m² of GFA for Precinct D.

Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* (at clause 3B(2)) variously states (emphasis added):

- (c) any development standard that is within the terms of the approval of the concept plan has effect,***
- (d) a consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is **generally consistent** with the terms of the approval of the concept plan,*
- (e) a consent authority may grant consent under Part 4 for the development without complying with any requirement under any environmental planning instrument relating to a master plan,*

(f) the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan,

The Concept Plan divides MQU's campus into eight (8) precincts, which reflect particular uses and development parameters and outcomes. The land subject of this proposal lies within 'Precinct B – North West Precinct' where the development objectives are to:

- Strengthen the activity axis along Gymnasium Road to provide a more distinguished entrance and avenue link to the Academic Core.
- Retain significant native woodland areas in this precinct.
- Protect and enhance the Mars Creek and Culloden Creek riparian corridors.
- Incorporate a new green space leading down to Mars Creek. This space is to address a new north-south road, the Gymnasium, and respond to views of the creek and Academic Core.
- New buildings should be screened with similar tree species so that they blend with the backdrop when viewed across from the Academic Core. The existing parkland character should remain as the primary focus of this view.
- New buildings setback from Culloden Road.
- Incorporate a mix of uses - student housing, commercial / research, academic uses and car parking.

The site itself is Lot B03 in Precinct B – see **Figures 11, 12 and 13** over showing the location and extent of Precinct B and Lot B03 within the Precinct. Of note, MQU is also subject to the Epping-Chatswood Rail Tunnel and its reserve areas. As seen in **Figure 14**, Lot B03 is not sufficiently close to the tunnel and its reserve areas to require detailed consideration of impacts during either the design or the assessment of the development.

The Part 3A Concept Plan controls and limits development capacity in relation to commercial and academic uses campus-wide, as well as controlling the amount of GFA within the largely already developed business park environment in Precinct D. Areas along Herring Road to the east of the campus are subject to new specific GFA and height controls. Precinct B is unaffected by these controls.

A maximum car parking rate of 1 space per 80m² applies campus-wide as part of an overall campus-wide cap of 10,800 car parking spaces, split to a maximum of 5,000 for commercial uses and 5,800 for other uses.

As set out above, the Part 3A Concept Plan prevails over all environmental planning instruments (SEPPs and LEPs) in the event of an inconsistency. The only likely inconsistency to arise in a campus-wide context would relate to possible development controls (height, density and the like) under Council's LEP and potential land use constraints under the LEP. This is covered below.

As noted, the Part 3A Concept Plan is supported by the August 2018 updated version of the MQU Design Excellence Strategy and Urban Design Guidelines. This effectively operates as the campus' Development Control Plan (DCP) in lieu of Council's DCP. In any case, for SSD, DCPs do not apply. The MQU Design Excellence Strategy and Urban Design Guidelines would operate flexibly as a guidance tool informing the siting, scale, and form of development at the site.

State Environmental Planning Policy (State and Regional Development) 2011

As noted, the State and Regional Development SEPP applies principally to determine the status of a development as either State or Regionally significant development. Section 4.0 of this SEARs Request deals with the classification / categorisation of this development and the corresponding approval pathway as determined by this SEPP. Compliance with this SEPP is as set out throughout this SEARs request.

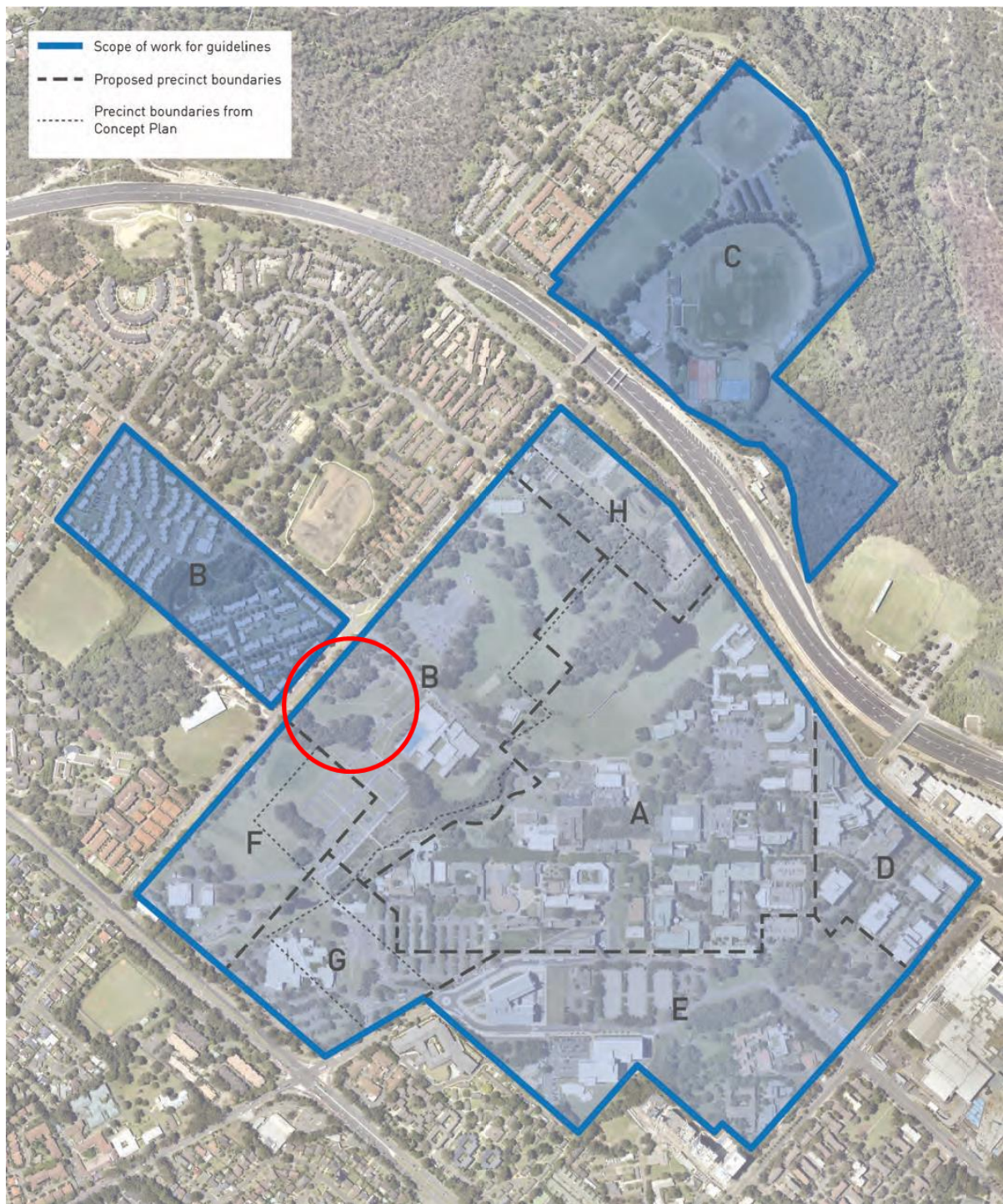


Figure 11 – MQU Concept Plan Precincts – as per MOD 1 application 2018 – site circled (Ethos Urban / Cox)



Figure 12 – MQU Concept Plan Precinct B Lots (Cox)

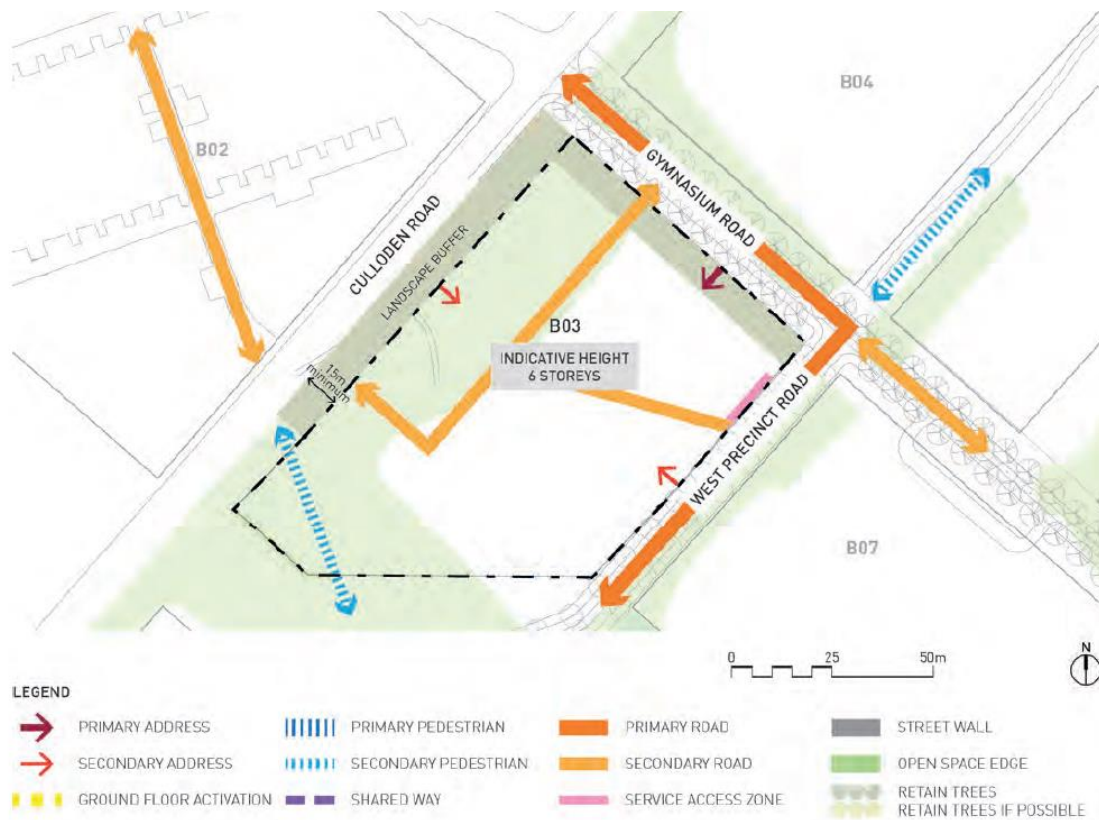


Figure 13 – MQU Concept Plan Lot B03 (Cox)

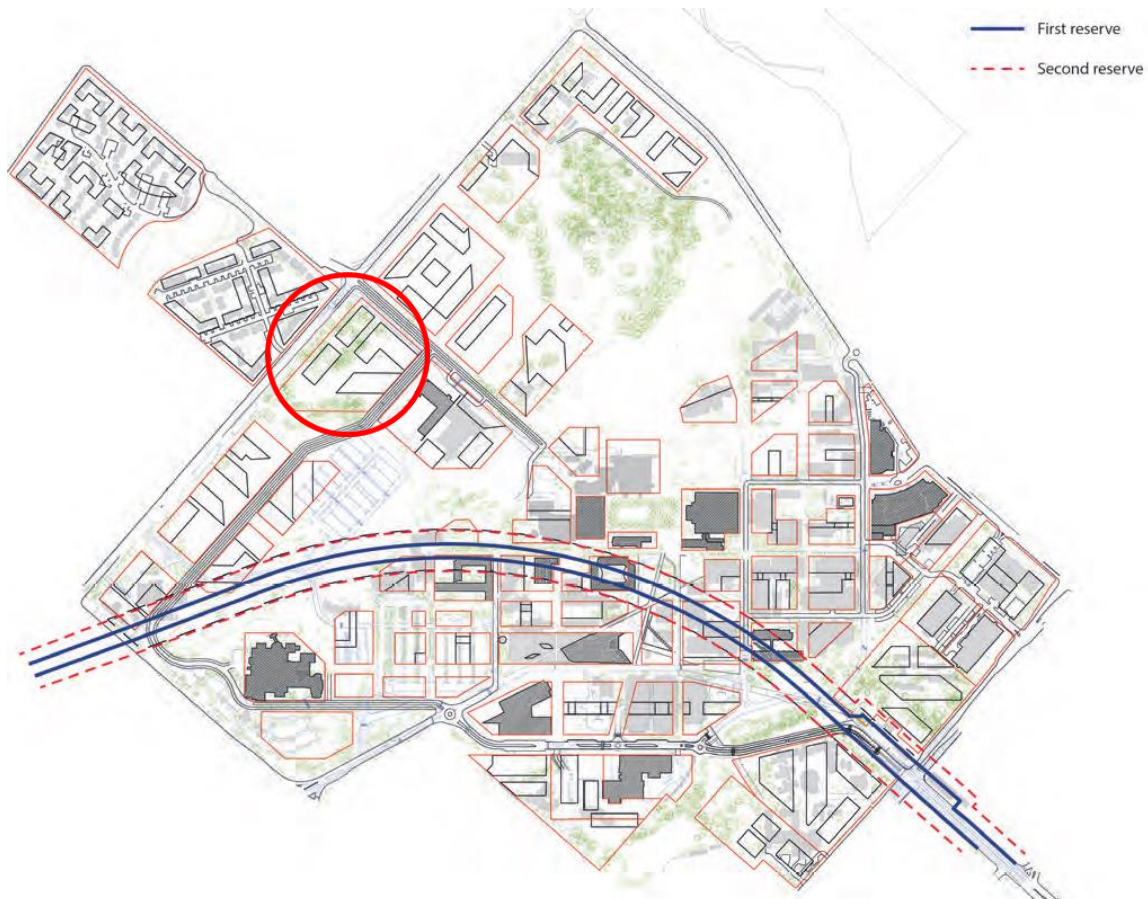


Figure 14 – MQU and Epping-Chatswood rail easement (Cox)

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land provides for a State-wide planning approach to the remediation of contaminated land. A consent authority must consider whether the land subject of a proposal is contaminated and, if the land is contaminated, be satisfied that the land is suitable in its contaminated state for the use proposed. If the land requires remediation to be made suitable for the proposed purpose, the determining authority must be further satisfied that the land will be so remediated before the land is used for that purpose.

Subclause 7(4) of the SEPP specifies land in relation to which the consent authority must consider the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines before determining a development application for change of use.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

State Environmental Planning Policy (Infrastructure) 2007

Pursuant Clause 86 of *State Environmental Planning Policy (Infrastructure) 2017* (ISEPP), the consent authority must give the relevant rail authority notice of an application for development proposing the penetration of ground to a depth of 2 metres below ground level on land within or above a rail corridor, or within 25m of a rail corridor. As demonstrated in **Figure 14**, the land subject of this DA does not lie above or within 25 metres of the nearest rail corridor.

Further, Schedule 3 of the SEPP specifies development that qualifies as traffic generating development that must be referred to the Roads and Maritime Services (RMS). Schedule 3 applies to a range of development types, however not to *schools* or *medical centres*. The threshold for general development not listed is 200 or more vehicles per hour. Accordingly, the RMS is not required to be notified of the works.

It is likely however that under clause 57 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* that the development would be considered traffic-generating development on the basis of the school use alone.

State Environmental Planning Policy No.64 – Advertising & Signage

The *State Environmental Planning Policy No 64-Advertising and Signage* seeks to ensure that signage (including advertising) is compatible with the desired character of an area, provides effective communication in suitable locations, and is of high quality design and finish. SEPP 64 does not regulate the content of signage.

Signage (as building or business identification) is not yet identified, but is likely to ultimately form part of the proposed development.

Ryde Local Environmental Plan 2014

Ryde LEP amongst other things provides for the principal development controls over the site and campus, such as land use zoning, building height, floor space ratio and other relevant planning considerations, including heritage, parking and environmental matters. This is summarised below with reference to Council's LEP maps, where relevant.

The campus is zoned a mix of *SP2 - Educational Establishment* (essentially only Precinct B's student housing to the west Culloden Road) and *B4 – Mixed Use*, over the balance of the campus – see **Figure 15** below.

The *B4 – Mixed Use* land use table is included below, along with the Schedule 1 from the LEP, which enables additional land uses specific to the MQU campus.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

2 Permitted without consent
Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; **Educational establishments**; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; **Medical centres**; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; Farm buildings; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Pond-based aquaculture; Resource recovery facilities; Sewage treatment plants; Sex services premises; Signage; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recycling facilities; Water supply systems

Schedule 1 – Additional Permitted Uses

...

11A Use of certain land at 192 Balaclava Road, Marsfield (Macquarie University)

(1) This clause applies to the following land at Macquarie University:

- (a) Lots 7 and 8, DP 569359 (Menzies College),
- (b) Lot 17, DP 858135 (Dunmore Lang College),
- (c) Lots 190 and 191, DP 1157041 (Main Campus and Cochlear),
- (d) Lot 1, DP 240970 (Sports fields),
- (e) Lot 5, DP 851713 (Sports fields),
- (f) Lots 7 and 8, DP 1047085 (Old Waterloo Road and Old Golf Range),
- (g) Lots 9 and 10, DP 1047085 (Shell Garage and Arts Facility),
- (h) Lot 17, DP 1058168 (Nortel Building),
- (i) Lot 181, DP 1112777 (Macquarie University Village),
- (j) Lot 115, DP 1129623 (land around Macquarie Railway Station).

(2) Development for the purposes of agriculture, car parks, commercial premises, **health services facilities**, high technology industries, light industries, places of public worship, recreation facilities (outdoor), research stations, residential accommodation, service stations, serviced apartments, signage, water recycling facilities and water treatment facilities is permitted with development consent on all of the land referred to in subclause (1).

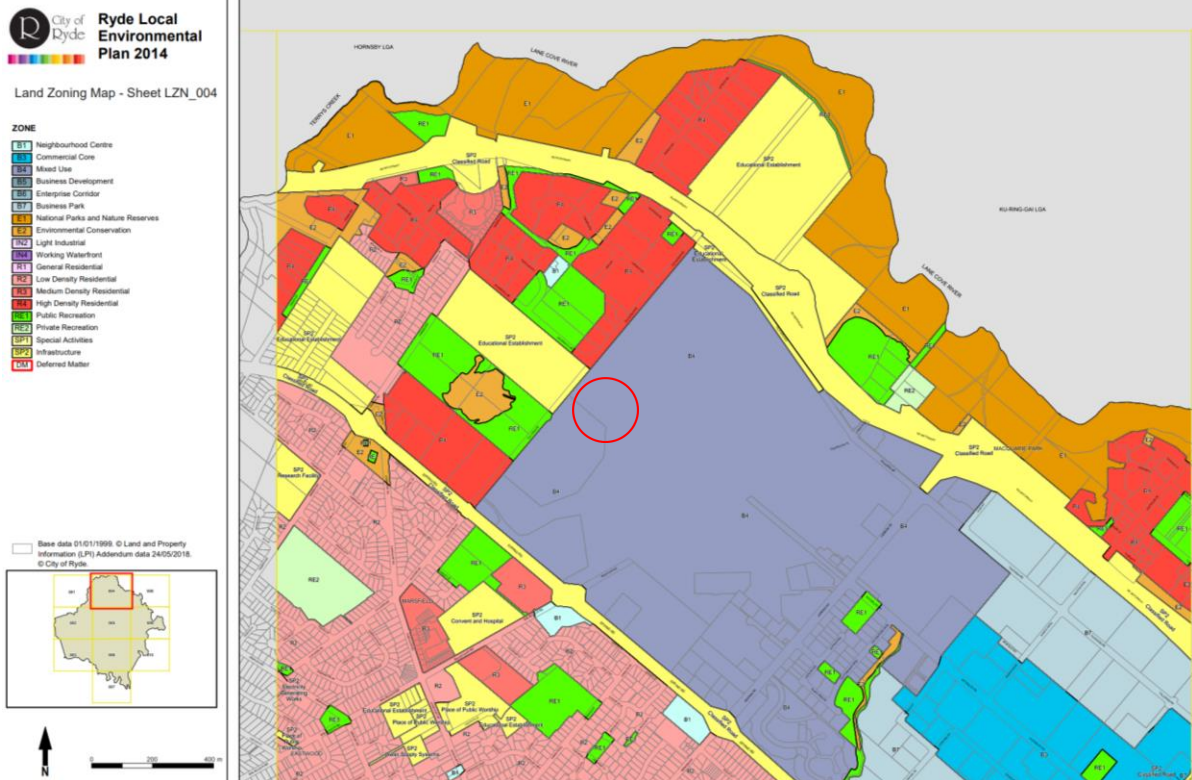


Figure 15 – Ryde LEP 2014 – Zoning map – location of Lot B03 circled.

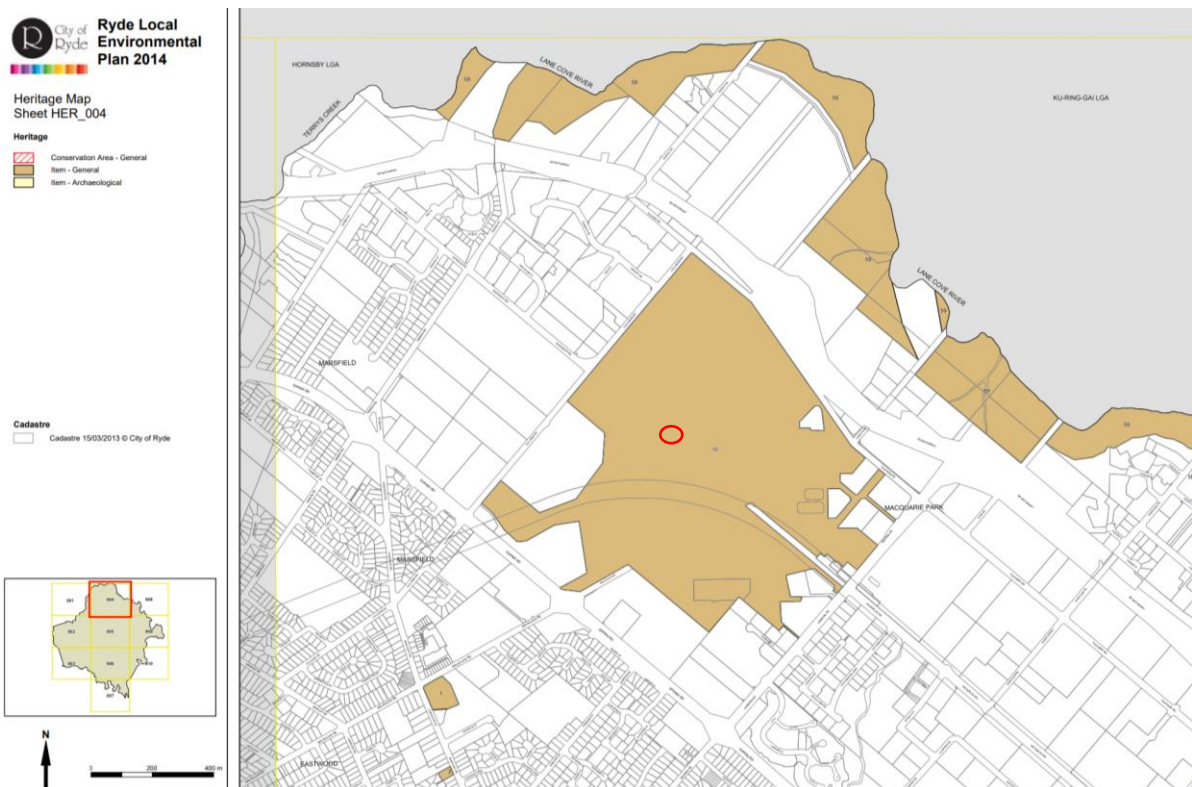


Figure 16 – Ryde LEP 2014 – Heritage map – 'Macquarie University ruins' indicative location circled

In summary, based on the *health services facility*, *medical centre* and *educational establishment* definitions and land uses, all / any are permitted with consent within the MQU campus by virtue of the relevant provisions of Ryde LEP 2014 (including Schedule 1 as it applies to the MQU campus) as well as clause 57 of the Infrastructure SEPP or clause 35 of the Education SEPP, as the case may be.

The main part of the campus is also subject to the same 1:80m² car parking control as applies under the Concept Plan, noting the 78 proposed spaces comply with this control at around 1 space per 150m² of the proposed GFA.

The larger part of the campus is also affected by heritage mapping and heritage listing under the LEP. As seen from **Figure 16** over, Lot B03 sits partly within the heritage affectation and partly outside of it due to the site spanning Lot 191 DP 1157041 and Lot 8 DP 1047085 within the campus.

Clause 5.10 of the LEP, Heritage Conservation, seeks to conserve the environmental heritage of Ryde including its listed heritage items, conservation areas, archaeological sites and Aboriginal heritage. Although a large portion of Macquarie University is identified as an item of local heritage significance on the LEP Heritage Map, the heritage item itself is item No. 10 'Macquarie University Ruins' as identified under Schedule 5 of RLEP 2014 (see extract below).

Macquarie University (ruins) - 192 Balaclava Road Part Lot 18, DP 1058168 Local item 10

The ruins are the remains of a stone farm building predating the university use, but known as the 'Macquarie University ruins', which is situated towards the central part of the University campus adjacent to the Lighthouse Theatre car park – the location of which is indicatively circled on **Figure 16**. It is important to note that although a broad area of the campus is identified on the LEP heritage map, the listing is clarified under Schedule 5 of the LEP.

Through planning processes over a number of years and over a number of applications, it has generally been established that the mapping is an anomaly arising from the LEP mapping convention in place at the time which mapped whole lot and cadastral boundaries rather than the individual heritage item itself.

Precinct B and Lot B03 is unaffected by matters such as:

- Acid sulfate soils
- Flood planning area
- Floor Space Ratio
- Building height controls
- Minimum lot size

Clause 6.4 Stormwater Management of RLEP 2014 seeks to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters. Development consent must not be granted to development on land to which this clause applies unless the relevant consent authority is satisfied that the development:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*

- (c) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Clause 6.6 Environmental sustainability of RLEP 2014 seeks to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design. The proposal relates to land zoned B4 Mixed Use and proposes a gross floor area greater than 1,500 square metres. Clause 6.6, therefore, applies. Development consent must not be granted to the development unless the consent authority is satisfied that the development has regard to the following:

- (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,*
- (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,*
- (c) indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,*
- (d) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,*
- (e) emissions reduction, including reduced flow to sewer and light pollution,*
- (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces,*
- (g) land use and ecology, including reduced topsoil removal and contaminated land reclamation*

A review of RLEP 2014 revealed no other relevant matters that require further consideration in this instance.

Summary

In summary, few development controls directly apply to the site and the development. It is permissible with consent whether identified as an *Educational establishment; Medical centre; or Health services facility.*

No formal height, GFA, or FSR controls apply. An indicative 6-storey height is identified by the MQU Design Excellence Strategy and Urban Design Guidelines, which in itself is flexible due to its status as a DCP and description of the control as 'indicative'.

A 1:80m² car parking rate applies. Design controls related to basement parking will apply, and generally the access, frontage, and address arrangements will be governed by the MQU Design Excellence Strategy and Urban Design Guidelines. These guidelines also stipulate that the existing trees should be largely retained and should operate as a buffer and screening device.

Development Contributions

MQU and Council jointly executed a Voluntary Planning Agreement (VPA) in February 2013 to set out development contributions to be made to Council arising from development at the campus. This operates instead of Council's standard contributions system and its plans.

Under Schedule 3 of the VPA three categories of land uses apply with each category having an applicable monetary contribution calculated on a square metre or per bed basis.

The three categories and rates (as indexed) are:

- | | |
|--|--------------------|
| • Category 1 – Housing for University Purposes | \$1,010.88 per bed |
| • Category 2 – Commercial and research (for commercial purposes) and business incubation | \$38.65 / m2 |
| • Category 3 – academic use including research (for non-commercial purposes) | \$ nil. |

Under this proposed development the proportion of GFA attributable to Categories 2 and 3 (if any) will need to be determined as part of the DA process.

7.0 RELEVANT PLANNING ISSUES TO GUIDE THE SEARS

The Environmental Impact Statement (EIS) for the project will address the full range of relevant environmental planning issues. Consultants will be engaged to address relevant known issues and matters. These include:

- Statutory and strategic planning context, including relevant legislation, permissibility and matters of compliance;
- Architectural design (architectural drawings, photomontage, schedule of materials etc.);
- Built form and urban design (height, bulk, scale, connectivity, materials, signage etc);
- Landscape design (planting schedule, external lighting, connections etc.);
- Environmental impact and amenity (views, solar access, privacy, noise etc);
- Environmentally sustainable design (approach, water and energy saving measures etc);
- Transport and access (private & public transport modes, parking etc.);
- Ecological and/or Arboricultural assessment(s);
- Heritage matters (European & Aboriginal heritage and archaeology);
- Stormwater management (drainage, detention, water quality etc.);
- Geotechnical and contamination;
- Services and utilities (existing and likely new or augmented connections);
- Building compliance (BCA/NCC, fire safety, access);
- Construction Management (noise, traffic, water and air quality etc.);
- Waste management (construction and operation phases);
- Developer contributions, noting the proposal is subject to a Voluntary Planning Agreement executed in February 2013.

This will include the preparation of the following:

- Environmental Impact Statement (EIS);
- QS Statement;
- Survey;
- Architectural Plans and Design Statement;
- Landscape Plans and Design Statement;
- Transport and Traffic Assessment, including likely Green / Workplace Travel Plan;
- ESD Report;
- Heritage Impact Statement;
- Site-specific Aboriginal Cultural Heritage Assessment Report (ACHAR) (noting MQU has recently completed and issued to the Department a campus-wide ACHAR);
- Arboricultural Assessment;
- Noise and Vibration Assessment;
- Civil plans, including cut and fill, earthworks and excavation plans – including also a sediment and erosion control plan;
- Preliminary Environmental Site Assessment regarding site-based contamination. This may also extend to the need for a Remediation Action Plan (RAP);
- Infrastructure Management Plan and Integrated Water Management Plan;
- Stormwater, Drainage and Flooding Assessment;
- Waste Management Plan (operational);

- Preliminary Construction Management Plan, including traffic, waste, noise and the like;
- Geotechnical Assessment; and
- Bushfire Assessment.

Note, a Biodiversity Development Assessment Report (BDAR) waiver request forms part of this application package and is included as **Appendix D**. Ecological / biodiversity advice concludes that a BDAR waiver is warranted.

In general terms, the development site is broadly free of significant planning controls and constraints. A high level of design and development flexibility arises from the lack of LEP height and density controls and the operation of the MQU Concept Plan's lot controls under the Campus-wide Design Excellence Strategy and Urban Design Guidelines (August 2018). **Figure 13** of this SEARs Request provides those controls, including an indicative height of 6 storeys.

Confirmation is required of bushfire and corresponding APZ impacts that may arise. A review of the Rural Fire Service's (RFS's) webpage indicates that the whole of the MQU campus is mapped by the RFS as a 'designated bushfire prone area'. The detailed bush fire mapping of Ryde Council (see **Figure 17**) however shows the site to be isolated from any bushfire threat. This will need to be confirmed. Accordingly, a bushfire assessment will be provided as part of the EIS.

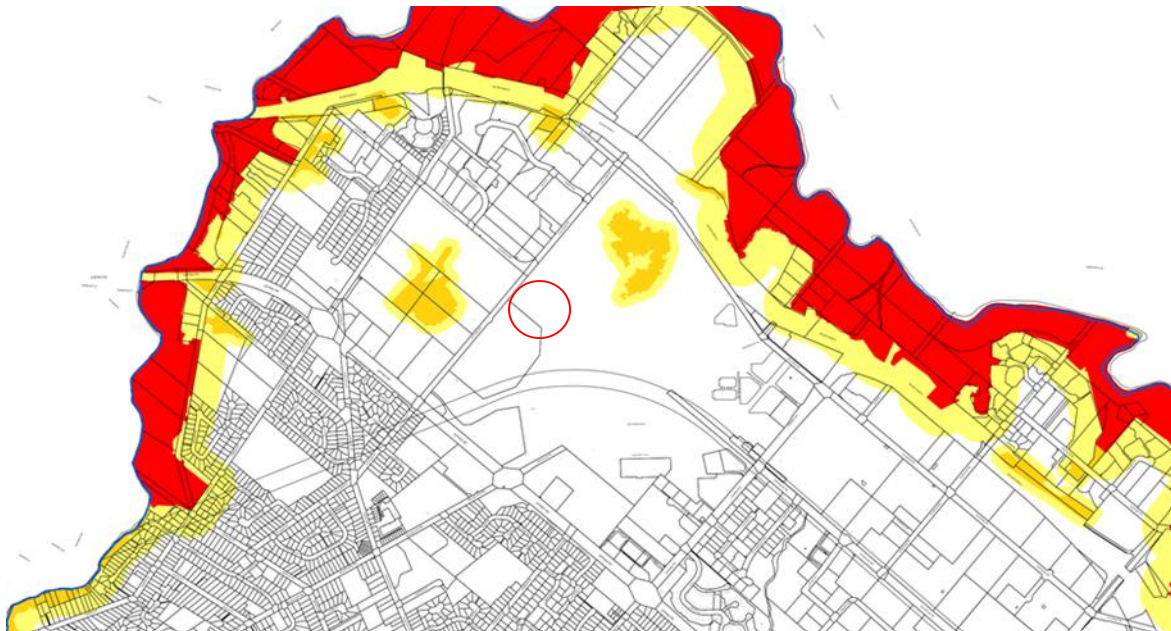


Figure 17 – Bushfire Prone Land map (Ryde Council) – site circled.

Consultation

Consultation with relevant parties under a SSD DA (typically Council, government agencies, and GANSW / State Design Review Panel) is a key and mandatory component of the process.

At the core of consultation for this proposed development will be both Council and the GANSW.

A meeting was proposed to be held with the City of Ryde Council to discuss the proposed development. Council advised that it was not able to meet physically in the current context of social distancing arising from the existing pandemic or via electronic means due to technological challenges. Council was however satisfied that this package be submitted and conventional processes continue for its commentary to be received and addressed. Council did not raise any concerns at this stage.

Based on other recent SSD projects at MQU, Council's typical issues requiring resolution include:

- Traffic, transport and car parking matters (including both construction and operational phases);
- Construction management and reduction of impacts upon adjacent and sensitive land uses (largely air quality, stormwater run-off, and noise and vibration-related); and
- Urban design outcomes

Additionally, a meeting with, and presentation to, representatives of GANSW occurred on 24 March 2020. The meeting operated as a pre-briefing with a further formal meeting and presentation proposed for 6 May 2020. In the pre-briefing, GANSW commented generally and non-specifically on the design qualities of the project, its setting, and operational aspects arising from the presentation and questions asked. In general, at this early stage, the GANSW appeared supportive of the development.

MQU's internal design review panel also considered this project and its design on 23 March 2020, with general approval being granted to lodge the SEARs Request, subject to a range of design matters for resolution as the design evolves.

Transport agencies such as Transport for NSW (and the former RMS) and the Sydney Metro will need to be consulted in relation to traffic and transport impacts and possible infrastructure impacts (noting the development is not near the existing rail tunnel or easement under the campus).

8.0 CONCLUSION

On the basis that the project falls within the requirements of clauses 14(b) and (c) and 15(1) of Schedule 1 of the SRD SEPP, RIDBC formally requests the Department issue the SEARs for the project to facilitate the preparation of the EIS to accompany the SSD Application.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any questions or queries with respect to any of the above information, please don't hesitate to contact me on 0437 259 581.

Yours Sincerely



Oliver Klein
Director
_planning Pty Ltd

Attachments:

- Appendix A - QS Report / Cost Estimate (Slattery)
- Appendix B – MQU Landowner's Consent letter (MQU)
- Appendix C – RIDBC Centre of Excellence SEARs Report (WMK)
- Appendix D – BDAR waiver request (Lesryk) and cover letter (_planning)