



New South Wales

State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S09/00179/PC)

KRISTINA KENEALLY, MP
Minister for Planning

State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009

under the

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1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which all of the provisions of the Policy have commenced.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

Schedule 1 **Amendment of State Environmental Planning Policy (Major Development) 2005**

Schedule 3 State significant sites

Insert in the Schedule with appropriate Part numbering:

Part **Macquarie University site**

Division 1 **Preliminary**

1 **Land to which Part applies**

This Part applies to the land identified on the Land Application Map, referred to in this Part as the *Macquarie University site*.

2 **Interpretation**

(1) In this Part:

consent authority means the council.

council means the Ryde City Council.

Gross Floor Area Map means the State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009 Gross Floor Area Map.

Height of Buildings Map means the State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009 Height of Buildings Map.

Land Application Map means the State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009 Land Application Map.

Land Zoning Map means the State Environmental Planning Policy (Major Development) Amendment (Macquarie University) 2009 Land Zoning Map.

public utility infrastructure includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

(2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

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3 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

4 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Macquarie University site are as follows:

- (a) this Policy,
- (b) all other State environmental planning policies other than *State Environmental Planning Policy No 1—Development Standards*.

Division 2 Provisions relating to development in Macquarie University site

5 Application of Division

- (1) This Division applies to development on land in the Macquarie University site, except as provided by subclause (2).
- (2) Clauses 7–9, 15 and 16 do not apply to development in the Macquarie University site to the extent that it is a project to which Part 3A of the Act applies.

6 Land use zones

For the purposes of this Part, land in the Macquarie University site is in a zone as follows if the land is shown on the Land Zoning Map as being in that zone:

- (a) Zone B4 Mixed Use,
- (b) Zone SP2 Infrastructure.

7 Objectives of land use zones to be taken into account

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land in the zone.

8 Zone B4 Mixed Use

- (1) The objectives of Zone B4 Mixed Use are as follows:
 - (a) to provide a mixture of compatible land uses,
 - (b) 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,
 - (c) to ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities,
 - (d) to promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor,
 - (e) to promote the principles of ecologically sustainable development,
 - (f) to ensure an appropriate density, form, range, height and distribution of land uses and development.
- (2) Development for any of the following purposes is permitted without consent on land in Zone B4 Mixed Use:
nil.
- (3) Development for any of the following purposes is permitted only with development consent on land in Zone B4 Mixed Use:
advertisements; boarding houses; business premises; child care centres; community facilities; educational establishments; entertainment facilities; function centres; health services facilities; hotel or motel accommodation; information and education facilities; office premises; passenger transport

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facilities; recreation facilities (indoor); recreation facilities (outdoor); registered clubs; research stations; retail premises; roads; serviced apartments; shop top housing.

- (4) Except as otherwise provided by this Part, development is prohibited on land in Zone B4 Mixed Use unless it is permitted by subclause (2) or (3).

9 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
- (a) to provide for infrastructure and related uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure,
 - (c) to allow for future expansion of the academic uses within the Macquarie University campus.
- (2) Development for any of the following purposes is permitted without consent on land in Zone SP2 Infrastructure:
- roads.
- (3) Development for any of the following purposes is permitted only with development consent on land in Zone SP2 Infrastructure:
- the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.
- (4) Except as otherwise provided by this Policy, development is prohibited on land in Zone SP2 Infrastructure unless it is permitted by subclause (2) or (3).

10 Prohibited development

Development, other than development that is permitted with or without consent on land in a zone, is prohibited on land in that zone.

11 Height of buildings

- (1) The objectives of this clause are as follows:
- (a) to allow sunlight access to key areas of the public domain,
 - (b) to provide a transition of building heights between localities and street blocks,
 - (c) to provide high quality urban form for all buildings, while maintaining satisfactory sky exposure and daylight to the public areas of the Macquarie University campus,

- (d) to confine ground level wind speeds to velocities which ensure pedestrian comfort and amenity of the public domain,
 - (e) to ensure that tower development occurs on sites capable of providing appropriate urban form and amenity,
 - (f) to nominate heights that will provide a transition in built form and land use intensity around Macquarie Park railway station and adjoining lower scale localities within and adjacent to the Macquarie University campus.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

12 Maximum gross floor area

- (1) The objectives of this clause are as follows:
- (a) to ensure that proposals for new buildings are assessed with due regard to the development plan, design excellence, urban design and built form provisions of this Part,
 - (b) to provide sufficient floor space for high quality development for the foreseeable future,
 - (c) to encourage the provision of employment uses which are integrated with the research activities of Macquarie University,
 - (d) to encourage the provision of certain uses and facilities that provide a public benefit,
 - (e) to regulate the density of development and generation of vehicular and pedestrian traffic.
- (2) The gross floor area for a building on any land on the Macquarie University site is not to exceed the gross floor area shown for that land on the Gross Floor Area Map.

13 Car parking

- (1) The objectives of this clause are as follows:
- (a) to encourage increased use of public transport, walking and cycling as the means of moving people to and within Macquarie University,
 - (b) to encourage commuting by public transport to Macquarie University in order to reduce the number of motor vehicles travelling through and to Macquarie Park,

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- (c) to improve overall environmental quality and pedestrian amenity,
 - (d) to minimise adverse urban design impacts, in particular by discouraging the provision of above ground car parking,
 - (e) to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic,
 - (f) to discourage the provision of public car parking,
 - (g) to ensure that tenant car parks are not occupied by persons other than occupiers of the relevant buildings or land on which the car park is situated.
- (2) Car parking provided for use in connection with a building must not result in more than 1 car parking space per 80 square metres of gross floor area.

14 Exceptions to development standards—Part 3A projects

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is on land in the Macquarie University site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General.

15 Exceptions to development standards—other development

- (1) This clause applies to development on land in the Macquarie University site, other than development that is part of a project to which Part 3A of the Act applies.

- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (4) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (5) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (4), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (6) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

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- (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (4).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

16 Public utility infrastructure

- (1) Development consent must not be granted for development on land in the Macquarie University site unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

17 Infrastructure development and the use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development that is permitted to be carried out with or without consent or that is exempt development under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.