

Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, I the Deputy Director General of the Department of Planning and Infrastructure determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*; and
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the mixed use development as set out in Schedule 3.



Richard Pearson
Deputy Director General
Development Assessment and Systems Performance

Sydney

29 May

2012

SCHEDULE 1

Application No.:	MP09_0209
Proponent:	Winten Property Group and Australand Holdings Limited
Approval Authority:	Minister for Planning and Infrastructure
Land:	396 Lane Cove Road (32-46 Waterloo Road) and 1 Giffnock Avenue, Macquarie Park
Project:	Commercial and retail development incorporating: <ul style="list-style-type: none">• indicative building envelopes for 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level;• maximum Gross Floor Area of 83,368m²;• basement car parking; and• public domain works.

NOTES RELATING TO THE DETERMINATION OF MP09_0209

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

Act, the	Environmental Planning and Assessment Act, 1979
Council	City of Ryde Council
Department, the	Department of Planning and Infrastructure
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
EA	Environmental Assessment Report for a Concept Plan at 396 Lane Cove Road (32-46 Waterloo Road) and 1 Giffnock Avenue Macquarie Park dated November 2010
Minister, the	Minister for Planning and Infrastructure
Modifications of Approval	The Minister's modifications of approval for the Concept Plan.
Preferred Project Report (PPR)	Preferred Project Report and Response to Submissions dated November 2011
Proponent	Winten Property Group and Australand Holdings Limited
GFA	Gross Floor Area - as defined by the standard LEP template

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1. Development Description

Concept approval is granted to the development as described below:

- (a) use of the site for commercial and retail purposes including an ancillary helipad;
- (b) indicative building envelopes for 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level;
- (c) maximum Gross Floor Area of 83,368m²;
- (d) basement car parking;
- (e) public domain works including:
 - establishment of publicly accessible pedestrian through site/courtyard 'links' between proposed building envelopes including covered pedestrian connections;
 - establishment and dedication of a civic streetscape along Waterloo Road and new civic square surrounding the western entrance to the Macquarie Park railway station;
 - streetscape upgrades to all street frontages; and
 - 4 new publicly accessible courtyards between building envelopes.

A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with:

- the Environmental Assessment dated November 2010 prepared by JBA Planning, except where amended by the Preferred Project Report dated November 2011 including all associated documents and reports, and additional plan "Ground Level Plan (Area dedicated to future Public Domain)" submitted 9 May 2012;
- the Statement of Commitments prepared by JBA Planning; and
- the following drawings:

Concept Plan Drawings prepared by BatesSmart			
Drawing No.	Revision	Name of Plan	Date
PA02-00	-	Ground Level Plan (Area dedicated to future Public Domain)	07.2011
PA02-001	-	Basement Level 001 Plan	07.2011
PA02-002	-	Basement Level 002 Plan	07.2011
PA02-003	-	Basement Level 003-005 Plan	07.2011
PA02-006	-	Basement Level 006 Plan	07.2011
PA02-00	-	Ground Level Plan	07.2011
PA02-01	-	Typical Level Plan	07.2011
PA02-10	-	Upper Level Plan	07.2011
PA02-20	-	Roof Plan	07.2011
PA05-01	-	Elevations Waterloo Road & Coolinga Street	07.2011
PA05-02	-	Elevations Lane Cove Road and Giffnock Avenue	07.2011
PA06-01	-	Section AA	07.2011
PA06-02	-	Section BB	07.2011
PA06-03	-	Section CC	07.2011
PA06-04	-	Section DD	07.2011
Landscape Concept Master Plans prepared by Aspect Studios			
Drawing No.	Revision	Name of Plan	Date
10030-LA01	G	Landscape Concept Master Plan	23.08.2011
10030-LA02	G	Civic Frontage: Waterloo Rd + Station Interface	23.08.2011

10030-LA03	G	Courtyard Links	23.08.2011
10030-LA04	G	Garden Courtyard	23.08.2011
10030-LA05	G	Streetscapes: Lane Cove Rd, Giffnock Ave + Coolinga St	23.08.2011

A3. Inconsistencies between Documentation

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A4. Voluntary Planning Agreement

Prior to the issue of the first construction certificate for any Development Application pursuant to this Concept Plan, the Proponent shall provide written evidence to the Director-General that it has executed a Voluntary Planning Agreement with Council, with terms outlined in the EA and PPR and as agreed with Council including:

- any offsets for works in kind; and/or
- works and services for public benefit in addition to Section 94 Contributions; and/or
- dedication of land.

Should Council not agree to enter into a Voluntary Planning Agreement, written evidence shall be provided to the Director-General outlining this.

A5. Building Envelopes

Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site.

A6. Maximum Gross Floor Area (GFA)

The maximum GFA for the development shall not exceed 83,368m².

A7. Maximum Height

The maximum height for the development shall be consistent with the Concept Plan height plans for each building as detailed in Table below:

Building	Maximum Building Height
Building A	RL of 129.3 metres AHD (69.3 metres) (17 storeys + plant level)
Building B	RL of 96 metres AHD (36 metres) (8 storeys + plant level)
Building C	RL of 96 metres AHD (39.6 metres) (Part 8/9 storeys + plant level)
Building D	RL of 96 metres AHD (39.5 metres) (Part 8/9 storeys + plant level)

A8. Lapsing of Approval

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

PART B – MODIFICATION

B1 Car Parking

Car parking provision on site shall be provided at a rate of 1 car parking space per 100m² of gross floor area to a maximum of 834 car parking spaces. Car parking provision in the basement car park shall be staged to reflect the amount of commercial floor space being developed at each stage of the development to ensure that there is not an oversupply of car parking provision during the initial stages of the development. **Note:** The reduction in car parking will result in a reduction in the number of basement car parking levels required.

B2 Environmental Performance

Buildings A, B, C and D shall achieve a 5 Star Green Star certified rating.

B3 Helipad

The proposed helipad does not form part of this Concept Plan approval. Any future proposal for a helipad on the site shall be the subject of a separate Development Application outside the scope of this Concept Plan approval.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Built Form

1. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation/articulation of the buildings and range of high quality materials and finishes.
2. Future Development Applications shall demonstrate how the development will support, maximise and promote opportunities to activate and revitalise street frontages, particularly along major pedestrian thoroughfares through the site and adjacent the Macquarie Park Station building. This shall also include details of how activation at the ground floor level of all buildings will be achieved, particularly at corners.

Travel Demand Approach

3. Future Development Applications shall demonstrate a travel demand approach through comprehensive and detailed work place travel plans to encourage the use of sustainable modes of transport in accessing the site. The work place travel plan shall demonstrate how the development will achieve sustainable transport objectives by strengthening the demand for existing public transport services as generally detailed in the EA and PPR and also include the following:
 - a) consideration of incentive schemes to encourage greater public transport usage for future employees;
 - b) details of car share spaces proposed and methods to encourage car share usage; and
 - c) a travel access guide for visitors to the site.

Environmental Performance

4. Any future Development Applications seeking to use the Sydney Water recycled water scheme to achieve the minimum 5 Star Green Star certified rating for any building shall consult with Sydney Water.

Public Domain Treatment and Landscaping

5. Future Development Applications shall provide public domain treatment and landscaping generally in accordance with the landscape concept master plan submitted with the PPR and prepared by Aspect Studios. This shall include details of the function and use of each landscaped area.
6. Future Development Applications shall detail the proposed access arrangements for pedestrian through site links in accordance with City of Ryde Development Control Plan 2010 – Part 4.5 “Macquarie Park Corridor”.
7. Future Development Applications shall demonstrate compliance with the Macquarie Park Public Domain Technical Manual.

Section 94 Contributions

8. Future Development Applications shall be required to pay Section 94 Contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined in accordance with the requirements of the Contributions Plan current at the time of approval. A VPA with Council may off-set and/or provide works and services for public benefit in addition to Section 94 Contributions.

Sydney Water Requirements

9. Future Development Applications shall address Sydney Water’s Requirements in relation to:
 - a) the required extension to the 200mm water main on the western side of Lane Cove Road. The extension will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002); and
 - b) the required extension to the existing 225mm wastewater main. The extension will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

NSW Office of Water Requirements

10. Future Development Applications shall address the potential inflows of groundwater during construction of the development and provide any details of any mitigation measures to seal off the water bearing zones. Details of proposed measures to minimise the extraction of groundwater from the basement areas during construction shall be provided.

Railcorp Requirements

11. Future Development Applications shall demonstrate that Railcorp requirements have been met in relation to:
- a) **Noise and Vibration**
Future Development Applications shall include an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning and Infrastructure's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
 - b) **Stray Currents and Electrolysis from Rail Operations**
Future Development Applications shall include an Electrolysis Risk report, prepared by an Electrolysis Expert, detailing any Electrolysis Risk to the development from stray currents. The development must incorporate in the development all the measures recommended in the report to control that risk.
 - c) **Geotechnical and Structural Stability and Integrity**
Future Development Applications shall include a Geotechnical Engineering report demonstrating that the development has no negative impact on the rail corridor, rail tunnel, or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development. This report is required to be referred to RailCorp for review by RailCorp's Geotechnical section to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail infrastructure.
 - d) **Demolition, Excavation and Construction Impacts**
Future Development Applications shall include a risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for any proposed works. This shall be referred to the Rail Authority for review and comment on the impacts on rail corridor.

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP09_0209

**CONCEPT PLAN FOR A RETAIL & COMMERCIAL DEVELOPMENT
396 LANE COVE ROAD & 1 GIFFNOCK AVENUE, MACQUARIE PARK**

4.0 Final Statement of Commitments

4.1 Urban Design

The proponent commits to the civic plaza along Waterloo Road and through-site links generally in accordance with proposed Concept Plan.

4.2 Macquarie Park Station

An assessment of the pedestrian and amenity impacts of the development will be undertaken during the Development Application stage to ensure that the development will have no adverse impacts on pedestrian movements or amenity around Station.

4.3 Transport and Accessibility

A Workplace Travel Plan (WTP) will be prepared in accordance with the requirements of DCP 2010.

An assessment of the construction traffic will be undertaken at the Development Application stage.

4.4 Geotech

Further detailed Geotechnical Analysis will be undertaken during the detailed design stage.

The proponent commits to ensuring that all necessary measures will be undertaken to ensure that future development on the site will have no adverse impacts on the existing ECRL infrastructure.

4.5 Contamination

The proponent commits to undertake the following actions during site preparation:

- The UST to be decommissioned (by removal) which will allow for the exaction of impacted soils (if any), and appropriate sampling of the UST pit excavation to validate removal of contaminated soil.
- The asbestos and associated impacted soils located on the south west boundary of the 396 Lane Cove Road property be removed from the site by an appropriately licensed asbestos removal contractor.

4.6 CPTED

A detailed CPTED assessment will be undertaken at the development application stage.

4.7 Wind

All future Development Applications will provide landscaping at the ground level generally in accordance with the Landscape Concept Plan to mitigate potential wind effects generated by the proposed buildings.

4.8 ESD

The proposed development will achieve a 4 Star Green Star Office Design (v3) rating and a 4 Star NABERS Office Energy Rating.

The proponent also commits to exploring the following environmental interventions:

- natural light and ventilation;
- orientation specific sun shading to minimise heat gain;
- low temperature VAV or chilled beams;
- rainwater harvesting;
- filtration and recycling;
- solar water heating; and
- low embodied energy in materials.

4.9 Tree Removal

The landscaping scheme in all future Development Applications will adopt the following principles:

- that the planted trees on the perimeter be retained, where practicable, with the exception of the trees identified in the Vegetation Assessment; and
- future landscaping incorporate dense perimeter planting, with replacement planting of local native tree, shrub and understorey species.