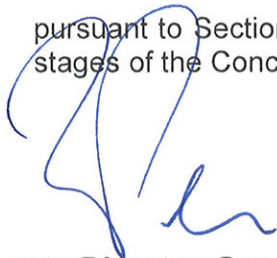


Concept Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I under the *Environmental Planning and Assessment Act 1979* determine:

- (a) pursuant to Section 75O of the *Environmental Planning and Assessment Act, 1979*, to approve the Concept Plan referred to in Schedule 1, subject to the Terms of Approval in Schedule 2, the modifications in Schedule 3 and the Statement of Commitments in Schedule 4;
- (b) pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the future stages as set out in Schedule 3; and,
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future stages of the Concept Plan approval are to be subject to Part 4.



Deputy Director-General
Development Assessment & Systems Performance
Department of Planning

Sydney, 20th January 2010

SCHEDULE 1

Application No.: MP09_0195

Proponent: Lipman Properties Pty Limited

Approval Authority: Minister for Planning

Land: 120 – 128 Herring Road, Macquarie Park

Project: Mixed use residential/retail development with basement carparking and private/public infrastructure provision.

NOTES RELATING TO THE DETERMINATION OF MP No. 09_0195

Responsibility for other approvals/ agreements: The Proponent is solely 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 *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000 (as amended)*.

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

DEFINITIONS

In this approval the following definitions apply:

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means means advisory information relating to the approved development but do not form a part of this approval.
Council	means Ryde City Council
Department	means the Department of Planning or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Urbis and dated May 2010.
Minister	means the Minister for Planning.
MP No. 09_0195	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report/ Response to submissions prepared by Urbis dated September 2010.
Proponent	means Lipman Properties Pty Limited or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

End of Schedule 1

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 residential and retail purposes and open space/recreation facilities;
- (b) Indicative building envelopes for 5 separate buildings with heights ranging from 9 to 12 storeys;
- (c) Basement level and at-grade car parking;
- (d) Public internal road, pedestrian and cycle pathway, and, parking infrastructure;
- (e) Public pedestrian access between proposed Buildings B and C;
- (f) Provision of a riparian corridor and ecological rehabilitation/protection works and associated landscaping.

A2 Development in Accordance with Plans and Documentation

- (1) The approval shall be generally in accordance with MP09_0195 and with the Environmental Assessment (May 2010) prepared by Urbis, except where amended by the Preferred Project Report (September 2010) prepared by Urbis, and, additional information to the Preferred project report (October 2010), and the following drawings prepared by Turner and Associates, Architects, Turf Design, Landscape Architect, and Taylor Thomson Whitting, Consulting Engineers.

Concept Plans by Turner and Associates, Architects			
Drawing No	Revision	Number of Plan	Date
A108	B	09047	30/09/10
A110	B	09047	30/09/10
A122	N	09047	29/09/10
A123	N	09047	29/09/10
A124	O	09047	29/09/10
A125	O	09047	29/09/10
A126	P	09047	29/09/10
A127	Q	09047	29/09/10
A128	I	09047	29/09/10
A129	M	09047	29/09/10
A136	F	09047	7/09/10
A137	F	09047	7/09/10
A138	D	09047	7/09/10
A139	G	09047	7/09/10
A141	E	09047	6/09/10
A142	E	09047	6/09/10
A143	E	09047	6/09/10
A144	F	09047	6/09/10
A145	F	09047	7/09/10
A146	D	09047	2/09/10

A161	E	09047	30/09/10
A162	D	09047	2/09/10
Landscape Plans by Turf Design, Landscape Architect			
Drawing No	Revision	Number of Plan	Date
L4	E	Project No. 0924	24/09/10
L5	E	Project No. 0924	24/09/10
L6	E	Project No. 0924	24/09/10
L7	C	Project No. 0924	13/09/10
L8	D	Project No. 0924	24/09/10
L9	C	Project No. 0924	13/09/10
L10	C	Project No. 0924	13/09/10
L11	C	Project No. 0924	13/09/10
L12	C	Project No. 0924	13/09/10
L13	A	Project No. 0924	13/09/10
L14	B	Project No. 0924	13/09/10
L15	B	Project No. 0924	13/09/10
Stormwater Engineering Plans by Taylor Thomson Whitting, Consulting Engineers			
Drawing No	Revision	Number of Plan	Date
C102	P8	091679	29/09/10
C103	P7	091679	29/09/10
C104	P7	091679	29/09/10
C105	P6	091679	29/09/10
C202	P8	091679	29/09/10
C203	P8	091679	29/09/10
C204	P9	091679	29/09/10
C209	P8	091679	29/09/10
C302	P7	091679	29/09/10
C402	P7	091679	29/09/10
C502	P7	091679	29/09/10
C601	P9	091679	29/09/10
C602	P9	091679	29/09/10

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 Inconsistency between documents/approval

In the event of any inconsistency between modifications of the Concept Plan approval identified in Part B Schedule 2 and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

A4 *Lapsing of Approval*

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1.

A5 *Determination of Future Applications*

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan MP09_0195 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts B of Schedule 2.

PART B – MODIFICATIONS

B1. *Height*

The plans described in Part A – Terms of Approval A2 shall be modified as follows;

- a. The height of Building B shall be reduced from 15 storeys to a maximum of 12 storeys.

B2. *Solar Access*

The plans described in Part A – Terms of Approval A2 shall be modified as follows;

- a. The building envelopes and/or unit layouts and mix of each of Buildings B, C, D and E shall be amended to ensure each building separately complies with the requirement that 70% of units achieve 2 hours solar access in mid – winter as prescribed by the provisions of the RFDC.

B3. *Pedestrian Access*

The plans described in Part A – Terms of Approval A2 shall be modified as follows;

- a. A pedestrian/cycleway, a minimum of 2.5 metres in width, shall be provided across the proposed Lot 11 (Building B) to provide a 24hour/7 day a week connection by right-of-way easement and be located between the new internal road and the north-eastern (side) boundary with the Macquarie University. The design and specifications (including lighting) shall be agreed with the Council prior to the commencement of construction and the access shall be completed and operational prior to the issue of an Occupation Certificate for Building C.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. Flood Levels

Future Development Applications shall comply with the Taylor Thomson Whitting Pty Ltd Consulting Engineers Road Works and Stormwater Report for 128 Herring Road Residential Precinct Development (15 September 2010, Job No. 091679) and consider and address any recommendations in relevant state policies at the time of lodgement of future applications to demonstrate the finished floor levels of the buildings will be above the probable maximum flood levels for the site.

2. Threatened Species

All future development is to consider the *"Guidelines for developments adjoining land and water managed by DECCW, June 2010"*.

3. Loss of the childcare facility

Consideration is to be given to the provision of a new child care centre with a minimum gross floor area of 300sqm at the ground floor level of Building E or in another appropriate location easily accessible to the public. This public amenity may be the subject of a Voluntary Planning Agreement with Council or may be in the form of Section 94 contributions works-in-kind subject to the agreement of Council.

4. SEPP 65

Future Development Applications shall be consistent with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code* (RFDC).

5. Landscaping

Future Development Applications shall include detailed landscape plans demonstrating that sufficient deep soil can be provided for landscaping, particularly along street frontages.

6. Travel Access Guide (TAG) / Green Travel Plan

Future Development Applications shall provide details of any Travel Access Guide (TAG)/Green Travel Plan prior to the occupation of any building on site.

7. Car Share Scheme

Future Development Applications shall require the provision and implementation of a car share scheme utilising the carparking spaces nominated in the Concept Plan prior to the dedication of the internal road to Council.

End of Schedule 3

SCHEDULE 4

REVISED STATEMENT OF COMMITMENTS

Source: PPR dated October 2010

Prepared by: Urbis Pty Ltd

Revised Statement of Commitments

Concept Plan

Subject	Commitments	Timing
1. Section 94 Contributions	Section 94 Contributions to be made for Building A will be in accordance with the separate Statement of Commitments accompanying the Project Application for Building A (MP_0218). The form of the Section 94 Contributions for each building within the development will be either a monetary contribution or 'works-in-kind' to be negotiated with the approval authority prior to the PA approval for each respective building in accordance with the Section 94 Plan applying at the time. Final contributions rates are to be CPI indexed to the time of each Project Application approval, from the date the Concept Plan is approved.	The Section 94 contributions will be made prior to issue of the Occupation Certificate in respect of the Project Application for each building within the development.
2. Dedication of new access road	While the development scale does not necessitate the construction of a "Type 3" road, the proponent is willing to construct a Type 3 road for the proposed development so that it can be dedicated to Council as a local road in order to deliver additional public benefits to the community. This commitment is however contingent on achieving the scale of development proposed in the PPR.	To be dedicated to Council prior to the issue of the final Occupation Certificate for the final (fifth) building within the proposed 5 building development.
3. Road works	Subject to the outcome of item 2 above, the proponent agrees to design and construct a new local road with the Development Site and its intersection with Herring Road. The road works will be designed to satisfy the relevant Ryde Council's DCP standards for road construction for a Type 3 road dimensioned as set out below: ▪ 2 x 3 metre wide travelling lanes. ▪ 2.5 metre wide parking land on the northern side of the road. ▪ 3.8 metre wide verge with footpath and landscaping on each side of the road. ▪ A turning head at the western end of the road.	The road construction will occur in stages corresponding to the staged construction of the residential development, as illustrated in the staging plans prepared by Turner and Associates.

Subject	Commitments	Timing
4. Parking Provisions	Parking is to be provided in accordance with the following car parking rates: ▪ 1 space per one or two bedroom apartment. ▪ 1.6 spaces per apartment with three or four bedrooms. ▪ 1 space per six apartments for visitors. ▪ 1 space per 25sqm for the ground level retail space. In addition, it is proposed that 3 car spaces on-street to be designated for "care share" parking to ensure that there are convenient alternatives to car ownership for residents.	Car parking numbers will be determined at each Project Application stage depending on the final mix of dwellings within the respective building, based on these car parking rates.
5. Environmental Sustainability	The proponent agrees to design the residential apartment buildings in accordance with the requirements of <i>SEPP (BASIX)</i>.	BASIX Certificate to be issued prior to Construction Certificate for each building within the development.
6. Flora and Fauna	The proponent agrees to the following measures and actions recommended in the Flora and Fauna Assessment prepared by Total Earth Care dated March 2010 and Flora Report by Anne Clements (September 2010): ▪ Creating a riparian corridor along University Creek, including a 10 metre core riparian zone and a 10 metre vegetation buffer on the south-east side of the creek, free from development. ▪ Regeneration of core riparian zone and vegetation buffer, in accordance with the VMP. ▪ Allow for temporary tree protection measures during construction as outlined in the report. ▪ Hand trenching within safety exclusion zones with a 12 metre radius x truck diameter at breast height to specific areas of the site, as outlined in the Arborist report.	Where relevant, recommendations have been adopted in the Concept Plan Design. Precautionary measures to protect retained vegetation are to be addressed prior to a relevant Construction Certificate.
7. Vegetation Management	In accordance with the Vegetation Management Plan (VMP) dated 10 September 2010, the proponent agrees to the following measures and actions: ▪ Preparation of a long-term management plan for the riparian corridor to be maintained in perpetuity beyond the timeframe of the VMP. ▪ Install and maintain sediment and erosion control measures prior to commencing works	Recommended actions within the VMP are to be carried out prior to the issue of the final Occupation Certificate for the final (fifth) building within the proposed 5

Subject	Commitments	Timing
	▪ on each respective building. ▪ Revegetation within the riparian corridor utilising locally indigenous species listed in Appendix C of the VMP. ▪ Implementation of a monitoring program for the weed removal and vegetation regeneration works that will commence at establishment of regeneration works and continue for the duration of the maintenance period. ▪ Implementing the biodiversity offset strategy in Addendum 1 to the Vegetation Management Plan by Total Earth Care, September 2010.	building development. Ongoing monitoring program to be initiated post completion of the entire development.
8. Crime Management and Safety	The proponent agrees to implement the following measures: ▪ All street entries to residential buildings will have appropriate levels of lighting to avoid poorly lit dark spaces. ▪ Lighting will be provided along the shared pedestrian/cycleway between Buildings B and C. ▪ Where required, the Australian Standard AS1158.3.1:1999 "Road Lighting. Part 3.1: Pedestrian area (Category P) lighting – performance and installation design requirements" will be complied with. ▪ The building entrances will be visible from the street and will not be obscured by landscaping. ▪ Construction fencing will be erected along the southern side of the new internal street to secure the site in accordance with workplace safety requirements. ▪ A boundary fence will be erected along the shared boundary with Macquarie University to ensure there is a clear delineation of space between the properties as well as to provide secure private domain areas for residents on-site. ▪ Access into the basement car parks will be controlled by installing physical barriers such as security access gate devices to control vehicles entering and exiting the car park. ▪ Pedestrian access to the building will be clearly defined by a direct pathway from the	The proposed lighting, landscaping, security, and management measures will be implemented on a staged basis in accordance with each subsequent Project Application.

Subject	Commitments	Timing
	street. Access into each building will be controlled by electronic pass security devices and intercom for visitors. ▪ The private open space for residents will be secured from the public domain through a combination of landscape treatments and fencing that will create a clear sense of ownership and territorial reinforcement. ▪ A Strata management body will be formed for each building to ensure the buildings have a regular maintenance program. ▪ Hardwearing materials will be utilised where appropriate in all buildings to minimise opportunities for vandalism.	
9. Dilapidation Management	A Dilapidation Report will be prepared on surrounding buildings, roads, pavements and structures prior to the commencement of any excavation works, to document existing conditions, so that claims for damage due to vibrations or construction related activities can be accurately assessed.	The Dilapidation Report will be prepared prior to commencement of excavation the Stage 1 works on the site.
10. Drainage and Stormwater	The proponent agrees to install a stormwater management system in accordance with the plans prepared by Taylor Thomas Whitting that will include: ▪ Construction of a stormwater pipe infrastructure within the road reserve of the proposed new road, connecting with pits on Herring Road. ▪ Each apartment block will be serviced by separate detention and re-use tanks and pass through gross pollutant traps prior to entering the stormwater system. ▪ To suit the existing topography, the stormwater collection from the roof and podium of Building A will be discharged into the Herring Road stormwater system after passing through a gross pollution trap. ▪ All stormwater collected from the other building roofs and podiums of subsequent stages will be discharged into University Creek and will pass through a first flush bioswale treatment system to filter low-flow discharge before being discharged. ▪ A small amount of the new access road adjacent to Herring Road will be collected by kerb-	The proposed stormwater system will be constructed progressively with each stage of the project to suit the requirements of each building. Works to connect future buildings to the stormwater infrastructure will be carried at as part of subsequent Project Applications.

Subject	Commitments	Timing
	side pits and will drain into two existing Council pits on Herring Road, while the residual road reserve area will drain into University Creek via the first flush bioswale treatment system upon completion of the road.	
11. Geotechnical and Groundwater Management	The proponent agrees to the following measures and actions recommended in the Geotechnical Investigation prepared by Douglas Partners dated December 2009: ▪ All excavated materials will be disposed of in accordance with current Waste Classification Guidelines (DECC, April 2008). ▪ Temporary and permanent batter slopes will be designed in accordance with those shown in Table 2 of the Geotechnical Investigation report. ▪ All footings will be inspected by a geotechnical engineer to confirm that foundations are suitable for the design parameters. ▪ During construction, groundwater seepage will be controlled by perimeter drains connected to a 'sump-and-pump' dewatering system.	The proposed measures will be implemented on a staged basis in accordance with each subsequent Project Application.
12. Construction Management	The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like.	A Construction Management Plan shall be prepared prior to the issue of the Construction Certificate.