

# 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, we the Planning Assessment Commission of New South Wales (the Commission) determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (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 development as set out in Schedule 3; and
- (c) pursuant to Section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, all future applications for Stage 2 of the project be subject to Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979* (whichever is applicable).

Member of the Commission

Member of the Commission

Sydney 26 September 2012

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## SCHEDULE 1

### PART A: PARTICULARS

**Application No.:** MP10\_0112

**Proponent:** Stamford Property Services Pty Ltd

**Approval Authority:** Minister for Planning & Infrastructure

**Land:** 110 -114 Herring Road, Macquarie Park  
(Lot 1 DP 780314)

**Project:** Mixed use residential, retail and commercial development incorporating:

- residential apartments, retail and commercial floor space;
- basement car parking;
- publicly accessible open space and through site links;
- road works; and
- pedestrian pathways.

## **PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 10\_0112**

### **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.

**PART C: DEFINITIONS**

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>Council</b>	means the City of Ryde Council.
<b>Department</b>	means the Department of Planning & Infrastructure or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by JBA Planning dated June 2011.
<b>GFA</b>	means gross floor area.
<b>Minister</b>	means the Minister for Planning & Infrastructure.
<b>MP No. 10_0112</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report and Response to Submissions prepared by Urbis Pty Ltd dated February 2012.
<b>Proponent</b>	means Stamford Property Services Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

**End of Schedule 1**

## SCHEDULE 2

### PART A - TERMS OF APPROVAL

#### Development Description

A1 Concept approval is granted to the development as described below:

- (a) Use of the site for residential, retail, commercial and public open space;
- (b) Indicative building envelopes for 7 separate buildings with a maximum height of RL 138.45;
- (c) A maximum GFA of 47,650m<sup>2</sup>;
- (d) A minimum of 1210m<sup>2</sup> of non-residential GFA;
- (e) Residential apartments;
- (f) Basement level and at grade car parking;
- (g) Open space and landscaped areas; and
- (h) Internal and public roads.

#### Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment prepared by JBA Planning (dated June 2011), except where amended by the Preferred Project Report (incorporating Response to Submissions) prepared by Urbis Pty Ltd (dated February 2012) including all associated documents and reports;
- the Statement of Commitments prepared by Urbis Pty Ltd contained in the Preferred Project Report; and
- the following drawings:

Architectural Drawings prepared for the Preferred Project Report by AJ+C			
Drawing No.	Revision	Name of Plan	Date
DA0000	D	Cover Sheet	24.02.12
DA0001	B	Location Diagram	09.12.11
DA0100	B	Staging Diagrams	09.12.11
DA1001	B	Context Plan (Part A)	24.02.12
DA1002	B	Context Plan (Part B)	24.02.12
DA2001	C	Level B1 Plan	24.02.12
DA2002	C	Level B2 Plan	24.02.12
DA2003	C	Level B3 Plan	24.02.12
DA2100	C	Ground Level Plan	24.02.12
DA2101	C	Level 1 Plan	24.02.12
DA2102	C	Level 2 Plan	24.02.12
DA2103	C	Level 3 Plan	24.02.12
DA2105	C	Level 5 Plan	24.02.12
DA2106	C	Level 6 Plan	24.02.12
DA2107	C	Level 7 Plan	24.02.12
DA2108	C	Level 8 Plan	24.02.12
DA2109	C	Level 9 Plan	24.02.12
DA2110	C	Level 10 Plan	24.02.12

<b>Architectural Drawings prepared for the Preferred Project Report by AJ+C</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA2111	C	Level 11 Plan	24.02.12
DA2112	C	Level 12 Plan	24.02.12
DA2113	C	Level 13 Plan	24.02.12
DA2115	C	Level 15 Plan	24.02.12
DA2116	C	Level 16 Plan	24.02.12
DA2117	C	Level 17 Plan	24.02.12
DA2118	C	Level 18 Plan	24.02.12
DA2119	C	Level 19 Plan	24.02.12
DA2120	C	Level 20 Plan	24.02.12
DA2121	C	Level 21 Plan	24.02.12
DA2122	C	Level 22 Plan	24.02.12
DA3100	C	South Elevation Epping Rd	24.02.12
DA3101	C	North Elevation	24.02.12
DA3102	C	East Elevation – Herring Rd West Elevation	24.02.12
DA3110	C	Section 1	24.02.12
DA3111	C	Section 2	24.02.12
DA3112	C	Section 3 Section 4	24.02.12
DA3113	C	Section 5	24.02.12
DA3120	B	Elevation – West Part A Proposed and Existing	24.02.12
DA3121	B	Elevation – West Part B Proposed and Existing	24.02.12
DA3122	B	Section 1 Part A Proposed and Existing	24.02.12
DA3123	B	Section 1 Part B Proposed and Existing	24.02.12
DA3124	B	Section 2 Part A Proposed and Existing	24.02.12
DA3125	B	Section 2 Part B Proposed and Existing	24.02.12
DA3126	B	Section 3 Part A Proposed and Existing	24.02.12
DA3127	B	Section 3 Part B Proposed and Existing	24.02.12
DA3128	B	Section 4 Part A Proposed and Existing	24.02.12
DA3129	B	Section 4 Part B Proposed and Existing	24.02.12
DA 3130	B	Section 5 Part A Proposed and Existing	24.02.12
DA3131	B	Section 5 Part B Proposed and Existing	24.02.12

<b>Architectural Drawings prepared for the Preferred Project Report by AJ+C</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA3132	B	Section 6 Part A Proposed and Existing	24.02.12
DA3133	B	Section 6 Part A Proposed and Existing	24.02.12
DA4100	B	Detailed Elevation Sheet 1	24.02.12

<b>Landscape Plans prepared for the Preferred Project Report by Oculus</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
		Illustrative Landscape Master Plan	24.02.12
		Illustrative Landscape Sections Section A & B	24.02.12
		Illustrative Landscape Sections Section C & D	24.02.12
		Illustrative Landscape Sections Section E, F & G	24.02.12
		Illustrative Landscape Sections Section H	24.02.12
		February 2012 Scheme: Public Space Diagram	24.02.12

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

#### **Inconsistencies between Documentation**

- A4 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.

#### **Building Envelopes**

- A5 Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope for each site, except where amended by the modifications in Schedule 2 Part B of this Approval.

#### **Floor Space Ratio (FSR) and Gross Floor area**

- A6 The project shall have a maximum FSR of 2.13:1 and provide a maximum GFA of 47,630m<sup>2</sup>.

#### **Lapsing of Approval**

- A7 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given, or works have commenced under a Project Approval granted under Part 3A of the *Environmental Planning and Assessment Act 1979*.

## **PART B - MODIFICATIONS**

### **Height**

- B1 The plans described above in Part A – Terms of Approval shall be modified as follows:
- a. The maximum height of Building C shall be reduced from RL122.25 to RL116.25. The building shall be a maximum of 13 storeys (plus plant level).
  - b. The maximum height of the 13 storey portion of Building W shall be reduced from RL115.05 to RL105.95. The building shall be a maximum of 9 – 11 storeys (plus plant level).
  - c. The maximum height of the envelope for Building D shall be reduced from RL126.8 to RL117.5. Future buildings shall be a maximum of 12 storeys (plus plant level).
  - d. The northern wing of the envelope of Building M (which has a proposed maximum height of RL 89.2) is to be deleted in its entirety and the open space area is to be extended across the area left by the deletion.

### **Building Separation**

- B2 The plans described above in Part A – Terms of Approval shall be modified as follows:
- a. The envelopes for buildings L and D shall be separated by a minimum of 24m in accordance with separation requirements contained in the Residential Design Flat Code.

### **Design**

- B3 The street to ground level wall of Building H, on both street frontages (north eastern and north western elevation) shall be amended to reduce the blank rendered/painted wall effect and to provide greater articulation and visual interest.

**End of Schedule 2**

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## SCHEDULE 3

### FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

#### Built Form

- C1 Future development applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation and articulation of the building and a range of high quality materials and finishes.

#### Residential Amenity

- C2 Future development applications shall demonstrate the following:
- (a) That the development achieves design excellence in accordance with the requirements of the Director - General's Design Excellence Guidelines.
  - (b) That the development is consistent with sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency and meets the applicable requirements of BASIX.
  - (c) That the development is compliant 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 2002*, and in particular its solar access requirements, except where modified by this Concept Plan approval.
  - (d) The key design principles in the *NSW Premiers Council for Active Living, Development and Active Living: Designing Projects for Active Living* shall be considered and where relevant inform the detailed design to create an active living environment.

#### Privacy

- C3 Future development applications shall demonstrate what design treatment will be used to provide an adequate level of privacy (visual and acoustic) to:
- (a) Apartments within Building D; and
  - (b) All ground floor apartment and adjoining areas of open space.

#### ESD

- C4 Future development applications shall demonstrate how they incorporate ESD principles in the design, construction and ongoing operational phases of the development, including the selection of fabric and materials, water conservation and management initiatives, and energy efficiency and renewable energy initiatives.

#### Car Parking

- C5 Future Development Applications shall demonstrate that they provide on-site car parking at rates compliant with the Roads and Maritime Services (formerly Roads and Traffic Authority) Guide to Traffic Generating Development's requirements, which are as follows:
- (a) 0.6 spaces per 1 bedroom apartment;
  - (b) 0.9 spaces per 2 bedroom apartment;
  - (c) 1.4 spaces per 3 bedroom apartments;
  - (d) 1 space per 5 for visitors; and
  - (e) 1 space per 40m<sup>2</sup> of commercial GFA.



### **Servicing**

- C6 Future development applications shall demonstrate that all servicing, including waste collection, removalist vehicles and all loading/unloading operations can occur within the site.

### **Ground Level Areas**

- C7 Future development applications shall demonstrate how they satisfy the recommendations contained in the Wind Effects Statement prepared by Vipac Engineers and Scientists Ltd (dated 21 February 2012) to reduce wind effects generated by the development.

### **Car Share Scheme**

- C8 Future development applications shall demonstrate how a car share scheme can be accommodated on site and what actions have been taken to instigate such a scheme. Parking or storage of any vehicles associated with any such scheme shall not be on the roads to be dedicated to Council.

### **Travel Access Guide (TAG) / Green Travel Plan**

- C9 Future development applications shall provide details of a Travel Access Guide (TAG)/Green Travel Plan, to encourage public and active transport use, for future occupants and visitors.

### **Section 94 Contributions**

- C10 Future development applications shall be required to pay developer contributions to Council towards the provision or improvement of public amenities and services. The amount of the contribution and timing of payment shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.

### **Affordable Housing**

- C11 Future development applications shall demonstrate that a minimum of two affordable housing units are to be dedicated to Council in accordance with the offer made in the Statement of Commitments.

Note: The dedication of those units is part of the community benefit required to allow incentive height and GFA on the site and is not a material public benefit which may be used to offset a monetary contribution for local infrastructure (i.e. Section 94 Contributions).

### **Noise and Vibration**

- C12 Future development applications shall demonstrate how they comply with the recommendations of the Noise Impact Assessment prepared by Acoustic Logic (14 January 2011) and the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007.

### **Stormwater**

- C13 Future development applications shall provide for the treatment of stormwater prior to discharge to surface water and/or groundwater sources.

### **Groundwater**

- C14 Future development applications shall provide an assessment of ground water, including the need for licences in relation to taking or interfering with groundwater and dewatering.

**Design and layout of roads and car park**

- C15 Future development applications shall demonstrate that the layout of the proposed car parking areas associated with the development including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions is in accordance with AS 2890.1-2004 and AS 2890.2-2002.
- C16 Future development applications shall provide details of public domain works proposed in Herring Road and Epping Road and the new roads proposed for dedication to Council. The design and implementation of all works shall be in accordance with the requirements of Council's Macquarie Park Public Domain Technical Manual.

**Sydney Water requirements**

- C17 Future development applications shall demonstrate that they satisfy any requirements of Sydney Water's in relation to the upgrading and augmentation of drinking and waster water infrastructure.

**RMS Requirements**

- C18 No concurrence is given to use Epping Road as an exit to the subject site.

**Public Access to Open Space**

- C19 Future development applications shall detail the mechanisms under which the public will be provided with permanent legal access to the areas nominated as publicly accessible open space. Future applications must also demonstrate what strategies will be used to make the public aware of their right to use these spaces, including any purchaser of residential units

**End of Schedule 3**

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## **SCHEDULE 4**

### **STATEMENT OF COMMITMENTS (Source: Preferred Project Report)**