

Wednesday, 10 October 2012

Mr Cameron Sargent  
Team Leader  
NSW Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

Architecture  
Urban Design  
Planning  
Interior Architecture

Attention: Nava Sedghi  
Planner

RE: Section 75W Modification Application to MP 09\_0195 (MOD 3)  
Response to Submissions

Dear Nava,

We write on behalf of Toga Macquarie Development Pty Ltd in response to submissions received by the Department of Planning and Infrastructure from the City of Ryde Council regarding the Section 75W Modification Application (MP 09\_0195 MOD 3) to the approved Concept Plan MP 09\_0195 for 120-128 Herring Road, Macquarie Park. This response should be read in conjunction with the following attached documentation:

- **Attachment A:** Revised Tree Management Plan, *prepared by Turf*,
- **Attachment B:** Flora and Fauna Assessment Bridging Report, dated 7 September and submitted as part of the Concept Plan Approval (MP 09\_0195), *prepared by Total Earth Care*.

The City of Ryde Council raised a number of issues in their correspondence to the Department of Planning and Infrastructure dated 21 September 2012. These issues/comments made by Council are addressed at **Table 1** below.

**Table 1 Council submission comments and applicant's response**

Council comment	Applicant response
In principle, Council has no objection to minor changes in level to ensure safe and effective entry and egress by all motor vehicles attending the site. This is also based on the proponent's advice that the overall height of the buildings will not increase (as identified above). In this respect, no objection is raised to the lower roof height and configuration of roof top plant.	Noted.
Council would appreciate the Department's position being expressed in any assessment report and approval instrument on the need to follow up any approved changes to the Concept Plan with a Section 96 Application submitted to Council to change the consent to the Building C and D site.	Noted.
Council is concerned that more trees are proposed to be removed from the site, particularly the specimens representing local endemic species. In the time available for comment, it is not in a position to seek alternative expert advice on the need to	The Tree Management Plan has been amended to include eight (8) new trees including 4 x Eucalyptus puniceolata and 4 x Syncarpia glomulifera trees. These represent local endemic species and will

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Council comment	Applicant response
<p>remove affected trees to test the veracity of the submitted Arborist reports and recommendations. However, if it is accepted that the affected trees will not survive implementation of the approved development, the Council requests that the proponent be required to provide replacement planting either elsewhere on the development site or nearby (subject to any agreement required by any affected landowners). Alternatively, the proponents could be required to offset the impact by an appropriate contribution to local bush care.</p>	<p>offset the additional trees to be removed.</p> <p>Refer to revised Tree Management Plan at <b>Attachment A</b> to this report.</p>
<p>Council would appreciate the Department's position being expressed in any assessment report on the need for a revised Seven Part Test as at least two of the trees are species that contribute to the Sydney Turpentine Ironbark Forest (STIF) association in the local area.</p>	<p>It is noted that the Department sought comments from the Office of Environment and Heritage, who raised no objection to the proposal.</p> <p>As noted in the Flora and Fauna Bridging Report (provided at <b>Attachment B</b>), the vegetation community does "not satisfy the criteria listed for Final Determination for STIF". This Bridging Report was provided as part of the Response to Submissions to the Concept Plan Approval (MP 09_0195). Accordingly, a Seven Part Test is not required in this instance.</p>
<p>The revised Tree Management Plan may be the best place to identify the means by which the loss of additional trees will be offset.</p>	<p>A revised Tree Management Plan (at <b>Attachment A</b>) has been prepared to reflect the additional off-set trees as recommended by Council.</p>
<p>In principle, Council raises no objection to the proposed change to reduce the size of the basement area. However, it is noted that the new configuration is a result of "detailed design development, the parking layout efficiency has been improved". With some further minor adjustment, it may also be possible to relocate the spaces nominated for the required Car Share Scheme (Concept Approval – Schedule 3, Condition 7) from the proposed new road and into a more protected location within a building. Council requests that the potential to provide the Car Share spaces off new road and within the more efficient basement layout be investigated prior to determination of this application.</p>	<p>The incorporation of the car share scheme parking space within the basement levels of Buildings C and D is not considered appropriate given car share schemes do not operate to provide exclusive use of residents within specific buildings, and this is likely to compromise the commercial viability of a car share operation, who wish to have access to as many users as possible.</p> <p>Allowing access to car-share users to the Buildings C and D basement will result in security issues for residents of Buildings C and D by permitting non-residents and their visitors' access into the building.</p> <p>Further, it is considered a more visible location for the car share scheme would be desirable to ensure its use is maximised and readily available to residents in the surrounding areas – not only those within the development site, and particularly not only occupants of Buildings C and D.</p>
<p>The need for adjustment to other Conditions of the Concept Plan should be investigated as part of this modification application.</p>	<p>This comment is noted.</p> <p>It is not considered any further modifications are required to Conditions beyond those noted in the Environmental Assessment report.</p>

## Conclusion

It is considered that the above satisfactorily addresses the issues raised by Council. Should you wish to discuss any of the above further, please feel free to contact the undersigned on 82528400.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Fielding', with a stylized, cursive script.

Jane Fielding  
Senior Planner, Architectus Group Pty Ltd

Prepared by:

Camille Lattouf  
Urban Planner, Architectus Group Pty Ltd