



110-114 Herring Road, Macquarie Park

MACQUARIE VILLAGE

## SECTION 75W MODIFICATION (MOD 2)

Concept Plan (MP10\_0112) (MOD1)

Stage 1 Project Approval (MP\_0113)

August 2013

urbis



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# Statement of Validity

## Section 75W Report:

### Section 75W Report prepared by:

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Land Details: 110-114 Herring Road, Macquarie Park NSW 2113

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Applicant Address: Suite 2, Level 10

139 Macquarie Street, Sydney 2000

Project Summary: Modifications to the:

- Stage 1 Project Approval No. MP10\_0113 in respect of:
  - the apartment sizes and mix within Buildings H, W, Y, and C;
  - building elevations of Buildings H, W, Y and C; and
  - consequential amendments to align the Stage 1 Project Approval with the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD 1);and
- Modified Concept Plan Approval No. MP10\_0112 MOD 1
  - Reconcile the Stage 1 Project Approval with the Concept Plan Approval as modified.
  - Rectify the discrepancy between drawing numbers shown on the instrument of approval for MP10\_0112 MOD1 and the actual drawings as a result of a typographical error

- Modify the relevant draft Statements of Commitments in MP10\_0112 MOD1.
- Modify the Concept Plan Approval to reflect the proposed new building names

#### Declaration

We certify that the contents of the Section 75W report to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000; and
- The information contained in this report is true in all material particulars and is not misleading.



Ian Cady (16 August 2013)



Matthew O'Donnell (16 August 2013)

# Executive Summary

This report has been prepared to support a Section 75W application to modify the:

1. Stage 1 Project Approval (MP10\_0113); and
2. Concept Plan Approval (MP10\_0112) (as modified).

for a project at 110-114 Herring Road, Macquarie Park, which was granted on 26 September 2012 pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Stage 1 Project Approval was granted concurrently with the Concept Plan Approval for the site (MP10\_0112). An application to modify the Concept Plan Approval pursuant to section 75W of the Act was approved on 3 June 2013 (MP10\_0112 MOD 1). That modification altered the approved building envelopes and resulted in a slight increase in FSR.

The following outlines the further modifications that are now proposed.

## Modifications to the Project

The proposed modifications to the project results in the following:

- A revised mix of apartments for Stage 1 of the development to provide increased one and two bedroom apartments, and no three bedroom apartments.
- The provision of smaller apartment sizes to reflect the loss of three bedroom apartments and increased numbers of one and two bedroom apartments.
- Changes to the number of car parking spaces provided, so as to align the Stage 1 Project Approval with the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD 1) and reflect the revised mix of apartments.
- Modifications to the facades of buildings H, W, C, and Y to reflect the changes to apartment mixes, and modification to Building H to align with the Concept Plan Approval (MP10\_0112 MOD1).
- The provision of a minimum of 1,655m<sup>2</sup> of central park area in accordance with the Concept Plan Approval (MP10\_0112 MOD1) modification requirements.

To facilitate these modifications for the project, modifications are sought to both the Stage 1 Project Approval (MP10\_0113) and Concept Plan Approval (MP10\_0112 MOD1) as detailed below.

## Modification to Stage 1 Project Approval (MP10\_0113)

The proposed modifications to the Stage 1 Project Approval are sought for the following key reasons:

- The Stage 1 Project Approval is now inconsistent with the modifications to the Concept Plan Approval granted on 3 June 2013. This application will reconcile the Stage 1 Project Approval with the Concept Plan Approval as modified.
- The modification of the Stage 1 Project Approval will authorise a new apartment mix, and consequential modifications to car parking numbers and façade design.
- The modification of the Stage 1 Project Approval will reflect the proposed new building names.

## Modification to Concept Plan Approval (MP10\_0112 MOD1)

The proposed modifications to the Concept Plan Approval are sought for the following key reasons:

- The modification of the Concept Plan Approval will authorise the proposed new apartment mix, and consequential modifications to car parking numbers. The proposed modification will provide parking in accordance with the car parking rates imposed under condition C5 of MP10\_0112 MOD1.

- The modification of the Concept Plan Approval will rectify the discrepancy between drawing numbers shown on the instrument of approval for MP10\_0112 MOD1 and the actual drawings as a result of a typographical error within the S75W modification application.
- To modify the relevant draft Statements of Commitments in MP10\_0112 MOD1.
- To modify the Concept Plan Approval to reflect the proposed new building names.

The provision of an increased number of smaller apartments is in response to strong market evidence from surrounding developments that buyer demand for smaller apartments is high, and reflects the changes to the market since the application was originally lodged in 2010.

Proposed changes to façade design and parking numbers are merely a consequence of the revised mix of apartments.

Whilst this s75W application does not seek to alter the carparking ratios provided in condition C5 of the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD 1), the Proponent maintains its view (as expressed in its Section 75W Modification Application dated January 2013) that greater numbers of carparking spaces should be allowed for the site in accordance with the City of Ryde DCP 2010, and consistent with several recently approved developments of a similar scale in the immediate locality. The Proponent therefore reserves its position in this regard to seek to vary condition C5 of the Concept Plan Approval in a future application.

Changes to building naming and plan referencing are merely administrative.



# Introduction

This report has been prepared to support a Section 75W application to modify the:

1. Stage 1 Project Approval (MP10\_0113); and
2. Concept Plan Approval (MP10\_0112) (as modified);

for a project at 110-114 Herring Road, Macquarie Park, which was granted on 26 September 2012 pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Stage 1 Project Approval was granted concurrently with the Concept Plan Approval for the site. An application to modify the Concept Plan Approval pursuant to Section 75W of the Act was approved on 3 June 2013 (MP10\_0112 MOD 1).

This application seeks to modify the Concept Plan Approval to reflect a revised apartment mix (and to make consequential modifications), and the Stage 1 Project Approval to reflect the previously approved and currently proposed modifications to the Concept Plan Approval.

The following outlines the background approvals for the site and identifies the proposed modifications that form part of this Section 75W application.

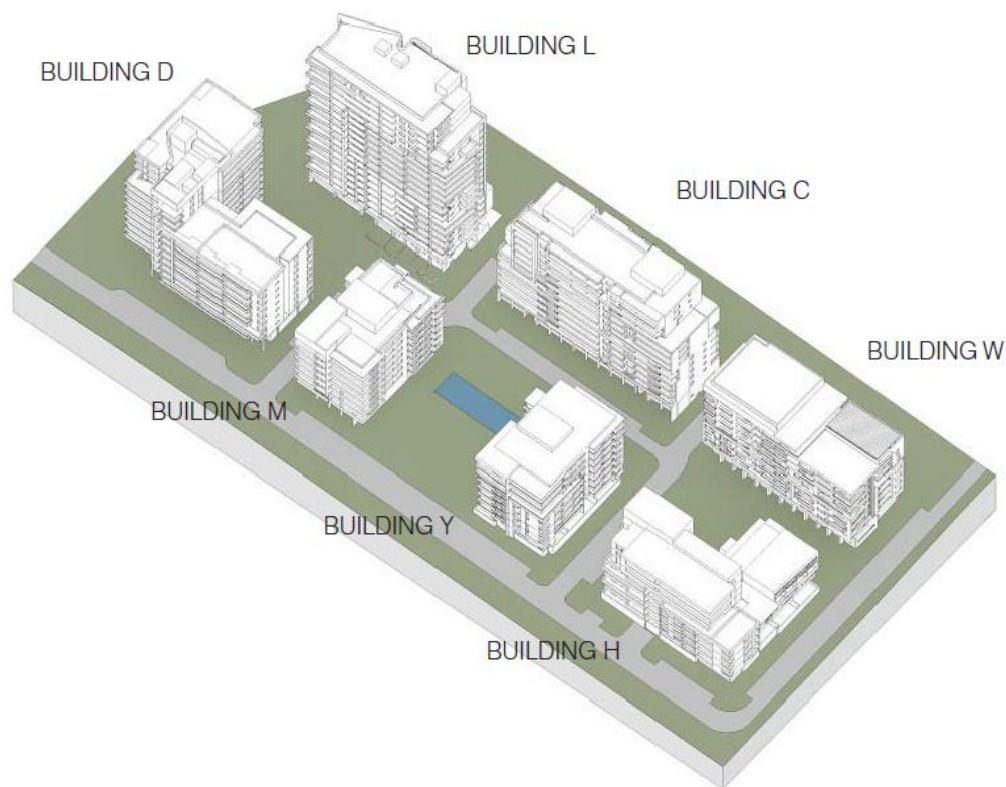
## **Concept Plan Approval (MP10\_0112) – 26 September 2012**

The Concept Plan Approval, as originally approved, authorised:

- Use of the site for residential apartments, retail, commercial and basement level and at grade car parking;
- Publicly accessible open space and through site links.
- Road works and pedestrian pathways.
- Indicative building envelopes for 7 separate buildings with a maximum height of RL 138.45.
- A maximum FSR 2.13:1 and a maximum GFA of 47,650m<sup>2</sup>.

]

FIGURE 1 – MP10\_0112 CONCEPT PLAN (PREPARED BY AJ + C)



### **Stage 1 Project Approval (MP10\_0113) – 26 September 2012**

The Stage 1 Project Approval authorised mixed use residential, retail and commercial development incorporating:

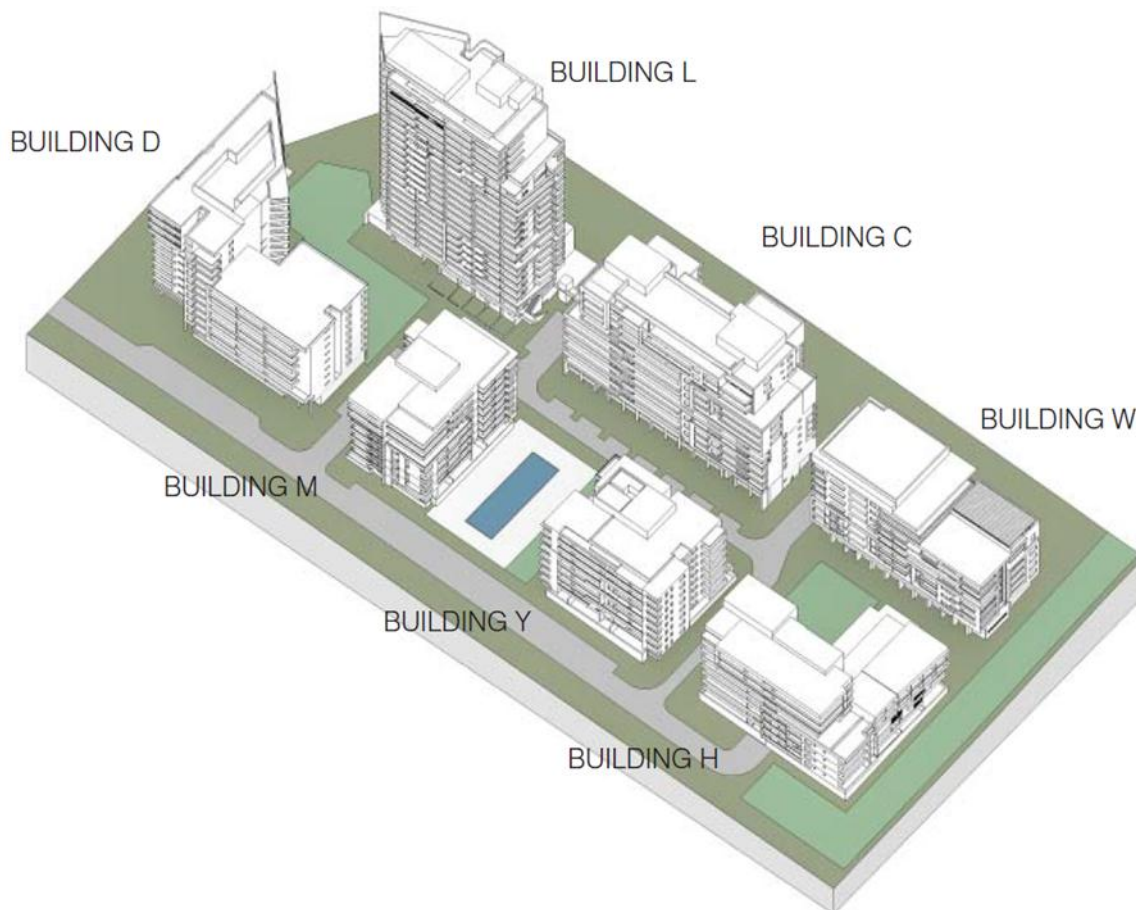
- Demolition and excavation.
- Construction of four residential buildings (Buildings H, W, C and Y), retail and commercial floor space.
- Basement car parking.
- Landscaping and public domain works around the buildings, including lift and stairs to Epping Road.
- Publicly accessible open space and through site links.
- Road works.
- Reduction of the height of Building C from 15 storeys (RL122.25m) to a maximum of 13 storeys (RL116.25m).
- Reduction of the height of the 13 storey portion of Building W (RL115.05m) to 11 storeys (RL105.95m).
- Provision of a minimum of 1,665m<sup>2</sup> central park publicly accessible open space and through site links.

### **Modified Concept Approval (MP10\_0112 MOD 1) – 3 June 2013**

The Concept Plan Approval, as modified, authorised:

- Use of the site for residential apartments, retail, commercial and basement level and at grade car parking.
- Publicly accessible open space and landscaped areas.
- Internal and public roads.
- Indicative building envelopes for 7 separate buildings with a maximum height of RL 144.650.
- A maximum FSR 2.28:1 and a maximum GFA of 51,139m<sup>2</sup>.
- A minimum of 1,210m<sup>2</sup> of non-residential GFA.
- Revised building envelopes for Buildings H, W, C and Y resulting in additional GFA.

FIGURE 2 – MP10\_0112 MOD 1 CONCEPT PLAN (PREPARED BY AJ + C)



### **Proposed Modification of Stage 1 Project Approval (MP10\_0113) and Concept Plan Approval (MP10\_0112, as modified)**

The Stage 1 Project Approval is now inconsistent with the modified Concept Plan Approval, as a result of recent modifications to the Concept Plan Approval approved on 3 June 2013.

This application will ensure that the Stage 1 Project Approval (MP10\_0113) reflects the modifications to the Concept Plan Approval (MP10\_0112 MOD 1).

The modification to the Stage 1 Project Approval also:

- Reflects the proposed new apartment mix, and consequential modifications to car parking numbers and façade design. The proposed modification will provide parking in accordance with the car parking rates imposed under condition C5 of MP10\_0112 MOD1.
- Proposes an administrative change to reflect the proposed new building names.
- Rectifies the discrepancy between drawing numbers shown on the Concept Plan Approval (MP10\_0112 MOD1) and the actual drawings as a result of a typographical error within the S75W modification application lodged in January 2013.

The proposed modifications to the Stage 1 Project Approval are illustrated on the architectural plans prepared by AJ+C Architects submitted under separate cover. The plans are proposed to replace those originally approved under Condition A2 of the Stage 1 Project Approval (MP10\_0113). The following technical and design documents submitted under MP10\_0113 have been updated to reflect the proposed modifications:

- Detailed Landscape Plans – Oculus.
- Electrical Design Principles Statement & Mechanical Design Principles Statement – Schelmerdines.
- Fire Safety Engineering Statement – AECOM.
- Noise Impact Assessment – Acoustic Logic.
- Transport and Accessibility Impact Study – Traffix.
- Wind Effects Statement – VIPAC.
- ESD Assessment and Green Star Matrix – Inhabit Group.
- Waste Classification of In-Situ Material – Douglas Partners.
- Accessibility Compliance Statement – Accessible Building Solutions.
- BCA Compliance Assessment – Advance Building Approvals.
- Construction Management Plan – Stamford Property Services.
- Integrated Water Management Plan – AECOM.
- Natural Ventilation SEPP 65 Compliance Report – Thermal Environmental.
- Structural Design Intent – Aurecon.
- Waste Management Plan – Stamford Property Services.

# 1 Statutory Framework

## 1.1 PART 3A TRANSITIONAL PROJECTS

The project was declared to be a project to which Part 3A of the Act applies on 1 December 2008.

Following the repeal of Part 3A of the Act on 1 October 2011, the project continues to be subject to Part 3A of the Act pursuant to the transitional provisions provided in Schedule 6A of the Act as follows:

### ***Transitional arrangements—repeal of Part 3A***

- 1) *The following are, subject to this Schedule, transitional Part 3A projects:*
  - (a) *an approved project (whether approved before or after the repeal of Part 3A),*
  - (b) *a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*
  - (c) *a project for which environmental assessment requirements for approval to carry out the project, or for approval of a concept plan for the project, were last notified or adopted within 2 years before the relevant Part 3A repeal date (unless the environmental assessment is not duly submitted on or before 30 November 2012 or on or before such later day as the Director-General may allow by notice in writing to the proponent),*
  - (d) *a project for which an environmental assessment (whether for approval to carry out the project or for approval of a concept plan for the project) was duly submitted before the relevant Part 3A repeal date.*

As the project is the subject of a Project Approval and a Concept Plan Approval, Part 3A of the Act continues to apply.

## 1.2 SECTION 75W OF THE ACT

Pursuant to Part 3A of the Act(as in force prior to its repeal), Section 75W provides that the proponent may request the Minister to modify the Minister's approval for a project (including a project approval or a concept plan approval). Such modifications may include:

- (a) *revoking or varying a condition of the approval or imposing an additional condition of the approval, and*
- (b) *changing the terms of any determination made by the Minister under Division 3 in connection with the approval.*

Section 75W does not limit the circumstances in which the Minister may modify a determination made under Division 3 in connection with the approval of a concept plan.

Further, clause 3C of Schedule 6A of the Act provides that s75W continues to apply for the purpose of the modification of a concept plan approved before or after the repeal of Part 3A.

Included at **Appendix A** is legal advice from Norton Rose Australia dated 26 November 2012 in relation to the modifications approved for the Concept Plan, and their consistency with the provisions of s75W. As the proposed modifications to the Project Approval reflect the modified Concept Plan, the advice from Norton Rose, reproduced below, is considered to still apply.

*As you would be aware, the requirements of s75W of the Environmental Planning & Assessment Act 1979 (EP&A Act) have been considered by the Courts on several occasions. The Land and Environment Court has observed that the language of s75W is not constrained by the qualification (contained in s96 of the EP&A Act) that the*



*development as modified be "substantially the same" as the development already approved (Williams v Minister for Planning (2009) 164 LGERA 204). In other words, the power under s75W to modify is broader than the test under s96. Biscoe J expressed the test another way, by stating that s75W does not contemplate a "radical transformation" of the terms of an existing approval (Williams v Minister).*

*The Court of Appeal subsequently cautioned against seeking to use any descriptive phrase to substitute for or explain the statutory language in s75W. That Court has noted that "the fact that there are no express standards to be applied in considering whether a particular request falls within the terms of the section itself gives rise to an inference that no essential precondition to the consideration of a request was intended" (Barrick Australia Ltd v Williams (2009) 74 NSWLR 733 at 401).*

We submit that the modifications proposed by this application do not constitute a 'radical transformation' to the Stage 1 Project Approval or Concept Plan Approval because:

- The proposed use is the same as that approved under the Concept Plan Approval and Stage 1 Project Approval.
- There are no variations proposed to the building envelopes for Buildings H, W, C, and Y as approved under the Concept Plan Approval (as modified on 3 June 2013).
- There will be no increase in the gross floor area or floor space ratio approved under the Concept Plan Approval (as modified on 3 June 2013).
- There will be no reduction of public open space on the site.

This report:

- Demonstrates that the proposed modifications comply with the relevant environmental planning instruments and policies.
- Addresses environmental impacts that may occur as a result of the proposed modifications.
- Justifies how the proposed modifications are consistent with the provisions of s75W of the Act.

### 1.3 HERRING ROAD URBAN ACTIVATION PRECINCT (UAP)

The NSW State Government implemented the Urban Activation Precinct (UAP) program in March 2013. The purpose of the UAP program is to deliver a higher percentage of homes in locations with good access to infrastructure, transport, services and jobs. The Herring Road UAP was one of eight UAPs in Sydney announced by the State Government in March 2013.

FIGURE 3 – HERRING ROAD UAP – INDICATIVE LAYOUT PLAN



The Herring Road UAP is currently being prepared. The Department of Planning and Infrastructure has established a working group with staff from Ryde Council and key State agencies. Investigations are on-going to refine the scope of the precinct and the necessary planning studies. Once a planning framework has been prepared, the studies will be the subject of public consultation so the community can have a say on the future of their suburb.

A Community Reference Group has been established to receive briefings and provide feedback on the details of the investigations as well as sharing information with the wider community. Council has also been asked to nominate councillors and staff to participate in a steering group.

A Community Reference Group workshop was held on 5 June 2013. The workshop outlined the key principles for the UAP Structure Plan namely:

- Improved traffic movement, circulation and connectivity;
- Provide a mix of uses across the UAP;
- Improve access to the network of open space; and
- Distribution of heights and solar impacts;

The UAP Structure Plan tabled at the workshop contained the following development controls for the site.

- Land use zone – B4 Mixed Use;
- Maximum building height – 28m – 77m; and
- Floor space ratio – 2.5:1.

Notably the UAP adopts the building massing as approved for this project, but increases the FSR and height beyond what is approved and proposed on the site under the Concept Plan Approval and Stage 1 Project Approval.



## 2 The Proposed Modifications

### 2.1 MODIFICATIONS TO THE PROJECT

The modifications proposed to the project by this application include the following:

- A revised mix of apartments for Stage 1 of the development to provide an increased proportion of smaller one and two bedroom apartments, and no three bedroom apartments (and consequential amendments to car parking).
- Modifications to the facades of buildings H, W, C, and Y to reflect the changes to apartment mixes, and the required modification to Building H as part the Concept Plan Approval as modified (MP10\_0112 MOD1).
- The provision of a minimum of 1,655m<sup>2</sup> of open space and through site links in the central park area in accordance with the Concept Plan Approval as modified (MP10\_0112 MOD1).

To facilitate these modifications to the project, modifications are sought to both the:

1. Stage 1 Project Approval (MP10\_0113); and
2. Concept Plan Approval, as modified on 3 June 2013 (MP10\_0112 MOD1).

The reasons for the modification of both approvals are outlined as follows.

### 2.2 MODIFICATIONS TO THE STAGE 1 PROJECT APPROVAL

The proposed modifications to the Stage 1 Project Approval are sought for the following key reasons:

- The Stage 1 Project Approval is now inconsistent with the modified Concept Plan Approval, as a result of recent modifications to the Concept Plan Approval on 3 June 2013. This application will ensure that the Stage 1 Project Approval (MP10\_0113) reflects the modifications to the Concept Plan Approval (MP10\_0112 MOD1).
- The modification to the Stage 1 Project Approval reflects the proposed new apartment mix (and consequential amendments to car parking numbers and façade design).
- The modification to the Stage 1 Project Approval will reflect the proposed new building names.

The proposed modifications to the Stage 1 Project Approval (MP10\_0113) as identified in detail in the plans included at **Appendix C** are:

#### 1. Apartment numbers and mix.

The following tables outline the apartment numbers and mix proposed in this application in comparison to those approved under the Stage 1 Project Approval:

TABLE 1 – APARTMENT NUMBERS

BUILDING	STAGE 1 PROJECT APPROVAL MP10_0113	PROPOSED MODIFICATION TO MP10_0113
H (Adelaide)	54	74
W (Perth)	82	78
C (Brisbane)	111	127
Y (Darwin)	44	61
TOTAL	291	340

TABLE 2 – DWELLING MIX

APARTMENT TYPE	STAGE 1 PROJECT APPROVAL MP10_0113	PROPOSED MODIFICATION TO MP10_0113
1 BED	142 (49%)	169 (49.7%)
2 BED	123 (42%)	171 (50.3%)
3 BED	26 (9%)	0
TOTAL	291	340

TABLE 3 – DWELLING SIZES

APARTMENT TYPE	PREFERRED PROJECT REPORT MP10_0113	PROPOSED MODIFICATION MP10_0113
1 BED	50m <sup>2</sup> – 68m <sup>2</sup>	50m <sup>2</sup> – 60m <sup>2</sup>
2 BED	78m <sup>2</sup> – 107m <sup>2</sup>	60m <sup>2</sup> – 90m <sup>2</sup>
3 BED	107m <sup>2</sup> – 138m <sup>2</sup>	NA

## 2. Parking spaces

The Stage 1 Project Approval (MP10\_0113) did not specify a number of parking spaces to be provided, however included a range of ratios to be applied under condition B1 Design modifications.

Those ratios are consistent with the ratios for residential provided in the Concept Plan Approval as modified on 3 June 2013 (MP10\_0122 MOD 1). Commercial car parking is not proposed as part of Stage 1 of the project.

This application seeks to amend car parking only to apply the currently approved ratios to the revised mix of apartments, resulting in the following parking numbers in Stage 1:

- 267 residential spaces.
- 7 on street spaces.
- 68 visitor spaces.
- 20 motorbike spaces.



It should be noted that 34 apartments or 10% are proposed as adaptable units and therefore are allocated 1 space per apartments (mix of adaptable = 25 x 1 bed and 9 x 2 bed).

Notwithstanding the above, the Proponent maintains its view (as expressed in its Section 75W Modification Application dated January 2013) that greater numbers of carparking spaces should be allowed for the site in accordance with the City of Ryde DCP 2010, and consistent with several recently approved developments of a similar scale in the immediate locality. The Proponent therefore reserves its position in this regard to seek to vary condition C5 of the Concept Plan Approval in a future application.

### 3. Building Facades

- The building envelopes of Buildings H (Adelaide), W (Perth), C (Brisbane) and Y (Darwin) were modified as part of the modifications to the Concept Plan Approval approved by the PAC on 3 June 2013 (MP10\_0112 MOD1).
- Consequently, those modifications to the Concept Plan Approval result in the need for the Stage 1 Project Approval to be similarly modified to reflect changes to the building facades of Buildings H (Adelaide), W (Perth), C (Brisbane) and Y (Darwin).

#### 2.2.1 RATIONALISATION OF THE DISCREPANCIES TO PROJECT APPROVAL (MP10\_0113) RESULTING FROM APPROVAL OF CONCEPT PLAN MODIFICATION (MP10\_0112 MOD1)

To reflect the modifications outlined in Section 2.1.1, this Section 75W application proposes the following modifications to the Conditions of Approval of the Stage 1 Project Approval (MP10\_0113). Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

#### Condition B1 Design Modifications

The height, open space and design modification conditions in Condition B1 have now been incorporated into the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD1), as a result of modifications to building envelopes.

Accordingly, the following parts of Condition B1 of the Stage 1 Project Approval are now redundant and should be deleted.

#### Height

~~(a) The height of Building C shall be reduced from 15 storeys (RL 122.25m) to a maximum of 13 storeys (RL 116.25m).~~

~~(b) The 13 storey portion of Building W (RL 115.05m) shall be reduced to 11 storeys (RL 105.95m).~~

[Not used]

#### Open Space

~~The central park shall provide a minimum of 1,665sqm publicly accessible open space and through site links.~~

[Not used]

#### Design

~~The street to ground level wall of Building H, on both street frontages of the 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. Consideration should be given to changing balustrade materials to reduce the height of the wall.~~

[Not used]

## Condition F10 GFA Certification

Upon completion of the building works, a registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Buildings H, W, C, and Y **Adelaide, Brisbane, Darwin and Perth** at the subject site approved by this major project does not exceed 25,08326,160m<sup>2</sup>. Details shall be provided to the Certifying authority demonstrating compliance with this condition prior to the issue of a final Occupation Certificate.

### 2.2.2 PROPOSED MODIFIED PLANS (MP10\_0113)

The following modifications are proposed to the approved Stage 1 Project Approval plans and documentation. Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

#### A2 Development in Accordance with the Plans and Documentation

*The Development shall be undertaken in accordance with the:*

- *Environmental Assessment, except where amended by the Preferred Project Report (February 2012) and Response to PPR submissions (February 2012) including all associated documents and reports;*
- ***the Section 75W Modification Application prepared by Urbis Pty Ltd (dated July 2013), including all associated documents and reports;***
- ***the Statement of Commitments prepared by Urbis Pty Ltd contained in the Section 75W Modification Application prepared by Urbis dated July 2013; and***
- *the following drawings:*

ARCHITECTURAL DRAWINGS <del>PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+C</del>			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA0000	<del>D</del> <b>G</b>	Cover Sheet	<del>24.02.12</del> <b>17.06.13</b>
<del>DA0004</del>	<del>B</del>	<del>Location Diagram</del>	<del>09.12.11</del>
DA0100	<del>B</del> <b>C</b>	Staging Diagrams	<del>09.12.11</del> <b>17.06.13</b>
<del>DA1004</del>	<del>B</del>	<del>Context Plan (Part A)</del>	<del>24.02.12</del>
<del>DA1002</del>	<del>B</del>	<del>Context Plan (Part B)</del>	<del>24.02.12</del>
DA2001	<del>D</del> <b>E</b>	Level B1 Plan	<del>24.02.12</del> <b>17.06.13</b>
DA2002	<del>D</del> <b>E</b>	Level B2 Plan	<del>24.02.12</del> <b>17.06.13</b>
DA2003	<del>D</del> <b>E</b>	Level B3 Plan	<del>24.02.12</del> <b>17.06.13</b>
DA2100	<del>D</del> <b>E</b>	Ground Level Plan	<del>24.02.12</del> <b>17.06.13</b>
DA2101	<del>D</del> <b>E</b>	Level 1 Plan	<del>24.02.12</del> <b>17.06.13</b>
DA2102	<del>D</del> <b>E</b>	Level 2 Plan	<del>24.02.12</del> <b>17.06.13</b>

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G

DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA2103	<del>E</del> F	Level 3 Plan	<del>24.02.12</del> 17.06.13
DA2105	<del>E</del> F	Level 5 Plan	<del>24.02.12</del> 17.06.13
DA2106	C	Level 6 Plan	<del>24.02.12</del> 17.06.13
DA2107	C	Level 7 Plan	<del>24.02.12</del> 17.06.13
DA2108	C	Level 8 Plan	<del>24.02.12</del> 17.06.13
DA2109	C	Level 9 Plan	<del>24.02.12</del> 17.06.13
DA2110	<del>C</del> F	Level 10 Plan	<del>24.02.12</del> 17.06.13
DA2111	<del>C</del> D	Level 11 Plan	<del>24.02.12</del> 17.06.13
DA2112	C	Level 12 Plan	<del>24.02.12</del> 17.06.13
DA2113	<del>C</del> D	Level 13 Plan	<del>24.02.12</del> 17.06.13
DA2115	<del>C</del> D	Level 15 Plan	<del>24.02.12</del> 17.06.13
DA2116	<del>C</del> D	Level 16 Plan	<del>24.02.12</del> 17.06.13
<del>DA2117</del>	<del>C</del>	<del>Level 17 Plan</del>	<del>24.02.12</del>
<del>DA2118</del>	<del>C</del>	<del>Level 18 Plan</del>	<del>24.02.12</del>
<del>DA2119</del>	<del>C</del>	<del>Level 19 Plan</del>	<del>24.02.12</del>
<del>DA2120</del>	<del>C</del>	<del>Level 20 Plan</del>	<del>24.02.12</del>
<del>DA2121</del>	<del>C</del>	<del>Level 21 Plan</del>	<del>24.02.12</del>
<del>DA2122</del>	<del>C</del>	<del>Level 22 Plan</del>	<del>24.02.12</del>
DA3100	<del>C</del> F	South Elevation Epping Rd	<del>24.02.12</del> 17.06.13
DA3101	<del>C</del> F	North Elevation	<del>24.02.12</del> 17.06.13
DA3102	<del>C</del> F	East Elevation – Herring Rd West Elevation	<del>24.02.12</del> 17.06.13
DA3110	<del>C</del> F	Section 1	<del>24.02.12</del> 17.06.13
DA3111	<del>C</del> F	Section 2	<del>24.02.12</del> 17.06.13
DA3112	<del>C</del> F	Section 3 + Section 4	<del>24.02.12</del> 17.06.13
DA3113	<del>C</del> E	Section 5	<del>24.02.12</del> 17.06.13

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G

DRAWING NO.	REVISION	NAME OF PLAN	DATE
<del>DA3121</del>	<del>B</del>	<del>Elevation—West Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3122</del>	<del>B</del>	<del>Elevation—West Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3123</del>	<del>B</del>	<del>Section 1 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3124</del>	<del>B</del>	<del>Section 2 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3125</del>	<del>B</del>	<del>Section 2 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3126</del>	<del>B</del>	<del>Section 3 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3127</del>	<del>B</del>	<del>Section 3 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3128</del>	<del>B</del>	<del>Section 4 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3129</del>	<del>B</del>	<del>Section 4 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3130</del>	<del>B</del>	<del>Section 5 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3131</del>	<del>B</del>	<del>Section 5 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3132</del>	<del>B</del>	<del>Section 6 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3133</del>	<del>B</del>	<del>Section 6 Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3630	<del>E F</del>	View Sheet 1	<del>18.01.13</del> 17.06.13
DA3631	<del>E F</del>	View Sheet 2	<del>18.01.13</del> 17.06.13
DA3632	<del>E F</del>	View Sheet 3	<del>18.01.13</del> 17.06.13
DA3633	<del>E F</del>	View Sheet 4	<del>18.01.13</del> 17.06.13
DA3634	<del>E F</del>	View Sheet 5	<del>18.01.13</del> 17.06.13
DA3635	<del>D F</del>	View Sheet 6	<del>18.01.13</del> 17.06.13
DA3636	<del>A F</del>	View Sheet 7	<del>18.01.13</del> 17.06.13

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA3637	<del>A-F</del>	View Sheet 8	<del>18.01.13 17.06.13</del>
DA 4100	<del>B-C</del>	Detailed elevation sheet	<del>24.02.12 17.06.13</del>

LANDSCAPE PLANS PREPARED BY OCULUS PREPARED FOR THE PREFERRED PROJECT REPORT BY OCULUS			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
		<del>Illustrative Landscape</del> Master Plan	<del>24.02.12</del> Jun 2013
		Illustrative Landscape Sections Section A & B	<del>24.02.12</del> Jun 2013
		Illustrative Landscape Sections Section C & D	<del>24.02.12</del> Jun 2013
		Illustrative Landscape Sections Section E, F & G	<del>24.02.12</del> Jun 2013
		Illustrative Landscape Sections Section H	<del>24.02.12</del> Jun 2013
		<del>June 2013 February 2012</del> Scheme: Public Space Diagram	<del>24.02.12</del> Jun 2013

except for as modified by the following pursuant to Section 750 (4) of the Act.

### 2.2.3 BUILDING NAME CHANGES

As an administrative matter, the proponent has changed the building names of the proposal. As a matter of administration it is proposed to modify the Stage 1 Project Approval MP10\_0113 to include the following building names.

PROJECT APPROVAL AND CONCEPT PLAN BUILDING NAMES	PROPOSED BUILDING NAMES AS PER PROPOSED PROJECT APPROVAL MODIFICATION
Building Hunter (H)	Adelaide
Building Young (Y)	Darwin
Building Cutler (C)	Brisbane
Building Woodward (W)	Perth
Building Martin (M)	Hobart
Building Darling (D)	Melbourne
Building Loftus (L)	Sydney



## 2.2.4 STATEMENT OF COMMITMENTS

Proposed changes to the approved Statement of Commitments are outlined in the table at **Appendix T**. Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

## 2.3 MODIFICATIONS TO THE CONCEPT PLAN APPROVAL MP10\_0112 MOD 1

The proposed modifications to the Concept Plan Approval as previously modified on 3 June 2013 (MP10\_0112 MOD 1) are sought for the following key reasons:

- The modification to the Concept Plan Approval reflects the proposed new apartment mix (and consequential modifications to Stage 1 car parking numbers).
- The modification to the Concept Plan Approval will rectify the discrepancy between drawing numbers shown on the approval MP10\_0112 MOD1 and the actual drawings as a result of a typographical error within the S75W modification application.
- To modify the relevant draft Statements of Commitments in MP10\_0112 MOD1.
- To modify the Concept Plan Approval to reflect the proposed new building names.

The proposed modifications to the Concept Plan Approval (MP10\_0112 MOD1) are identified in detail in the plans included at **Appendix C** are:

### 1. **Apartment numbers and mix.**

The modification to the Concept Plan Approval reflects the proposed new Stage 1 Project Approval apartment mix (and consequential modifications to Stage 1 car parking numbers).

### 2. **Building Facades**

The building envelopes of Buildings H (Adelaide), W (Perth), C (Brisbane) and Y (Darwin) were previously modified as part of the modifications to the Concept Approval (MP10\_0112 MOD1).

Subsequently, the proposed modifications to the Stage 1 Project Approval in terms of apartment numbers, mix and size has resulted in further proposed modifications in this application to the building facades of Buildings H (Adelaide), W (Perth), C (Brisbane) and Y (Darwin).

The building façade of Building H (Adelaide) has also been amended to reflect the requirements of Condition B3 of the Concept Plan Approval as modified on 3 June 2013 (MP10\_0122 MOD 1) which in turn required changes to the building façade from street level to ground level.

### 2.3.1 RATIONALISATION OF THE DISCREPANCIES WITHIN CONCEPT PLAN APPROVAL (MP10\_0112 MOD1) RESULTING FROM THE PROPOSED MODIFICATIONS TO THE PROJECT APPROVAL MP10\_0113

To reflect the above modifications, this Section 75W application proposes the following modifications to the Conditions of Approval of the Concept Plan Approval (MP10\_0112 MOD 1). Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

The design and open space conditions under Condition B3 and B4 have been incorporated into the proposed modification to the Concept Plan Approval and Stage 1 Project Approval and are therefore redundant and should be deleted.

## 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 replace any rendered/painted walls with wall materials with an integral finish such as fair faced brickwork or stone.~~

[Not used]

The architectural plans at **Appendix C** demonstrate that the proposed modification to the Stage 1 design has incorporated these modifications to Building H. The condition should therefore be deleted.

## Open Space B4

~~The central park shall provide a minimum of 1,665m<sup>2</sup> open space and through site links. The swimming pool component, including associated docking, surrounds and safety fencing, of this open space shall be limited to 500m<sup>2</sup>. The remaining 1,165m<sup>2</sup> of the open space within the central park shall have a minimum dimension of 3m and be publicly accessible and shall not include roadways or adjacent footpaths.~~

[Not used]

A proposed modified Landscape Concept Plan prepared by Oculus is attached at **Appendix D**.

The requirements of Condition B4 have been incorporated into the proposed modifications to the Concept Plan Approval and Stage 1 Project Approval and should therefore be deleted.

### 2.3.2 PROPOSED MODIFIED PLANS (MP10\_0112 MOD1)

The following modifications are proposed to the plans which were approved as part of the Concept Plan Approval (MP10\_0112 MOD 1). Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

#### **A2 Development in Accordance with the Plans and Documentation**

*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; and*
  - *the Section 75W Modification Application prepared by Urbis Pty Ltd dated January 2013, including all associated documents and reports; and*
  - **the Section 75W Modification Application Report prepared by Urbis Pty Ltd (dated July 2013), including all associated documents and reports; and**
  - *the following drawings:*

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+C			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA0000	<del>D</del> <b>G</b>	Cover Sheet	<del>24.02.12</del> <b>17.06.13</b>
<del>DA0001</del>	<del>B</del>	<del>Location Diagram</del>	<del>09.12.11</del>

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G			
DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA0100	<del>B</del> C	Staging Diagrams	<del>09.12.11</del> 17.06.13
<del>DA1001</del>	<del>B</del>	<del>Context Plan (Part A)</del>	<del>24.02.12</del>
<del>DA1002</del>	<del>B</del>	<del>Context Plan (Part B)</del>	<del>24.02.12</del>
DA2001	<del>D</del> E	Level B1 Plan	<del>24.02.12</del> 17.06.13
DA2002	<del>D</del> E	Level B2 Plan	<del>24.02.12</del> 17.06.13
DA2003	<del>D</del> E	Level B3 Plan	<del>24.02.12</del> 17.06.13
DA2100	<del>D</del> E	Ground Level Plan	<del>24.02.12</del> 17.06.13
DA2101	<del>D</del> E	Level 1 Plan	<del>24.02.12</del> 17.06.13
DA2102	<del>D</del> E	Level 2 Plan	<del>24.02.12</del> 17.06.13
DA2103	<del>E</del> F	Level 3 Plan	<del>22.11.12</del> 17.06.13
DA2105	<del>E</del> F	Level 5 Plan	<del>22.11.12</del> 17.06.13
DA2106	C	Level 6 Plan	17.06.13
DA2107	C	Level 7 Plan	17.06.13
DA2108	C	Level 8 Plan	17.06.13
DA2109	C	Level 9 Plan	17.06.13
DA2110	F	Level 10 Plan	17.06.13
DA2111	D	Level 11 Plan	17.06.13
DA2112	C	Level 12 Plan	17.06.13
DA2113	D	Level 13 Plan	17.06.13
DA2115	D	Level 15 Plan	17.06.13
DA2116	D	Level 16 Plan	17.06.13
<del>DA2117</del>	<del>G</del>	<del>Level 17 Plan</del>	<del>24.02.12</del>
<del>DA2118</del>	<del>G</del>	<del>Level 18 Plan</del>	<del>24.02.12</del>
<del>DA2119</del>	<del>G</del>	<del>Level 19 Plan</del>	<del>24.02.12</del>
<del>DA2120</del>	<del>E</del>	<del>Roof Plan</del>	<del>24.02.12</del>

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G

DRAWING NO.	REVISION	NAME OF PLAN	DATE
DA2121	<del>G</del>	<del>Level 21 Plan</del>	<del>24.02.12</del>
DA2122	<del>G</del>	<del>Level 22 Plan</del>	<del>24.02.12</del>
DA3100	<del>G F</del>	South Elevation Epping Rd	<del>24.02.12</del> 17.06.13
DA3101	<del>E F</del>	North Elevation	<del>24.02.12</del> 17.06.13
DA3102	<del>E F</del>	East Elevation – Herring Rd West Elevation	<del>24.02.12</del> 17.06.13
DA3110	<del>E F</del>	Section 1	<del>24.02.12</del> 17.06.13
DA3111	<del>E F</del>	Section 2	<del>24.02.12</del> 17.06.13
DA3112	<del>G F</del>	Section 3 + Section 4	<del>24.02.12</del> 17.06.13
DA3113	<del>D E</del>	Section 5	<del>18.01.13</del> 17.06.13
DA3121	<del>B</del>	<del>Elevation – West Part A Proposed and Existing</del>	<del>24.02.12</del>
DA3122	<del>B</del>	<del>Elevation – West Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3123	<del>B</del>	<del>Section 1 Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3124	<del>B</del>	<del>Section 2 Part A Proposed and Existing</del>	<del>24.02.12</del>
DA3125	<del>B</del>	<del>Section 2 Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3126	<del>B</del>	<del>Section 3 Part A Proposed and Existing</del>	<del>24.02.12</del>
DA3127	<del>B</del>	<del>Section 3 Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3128	<del>B</del>	<del>Section 4 Part A Proposed and Existing</del>	<del>24.02.12</del>
DA3129	<del>B</del>	<del>Section 4 Part B Proposed and Existing</del>	<del>24.02.12</del>
DA3130	<del>B</del>	<del>Section 5 Part A Proposed and Existing</del>	<del>24.02.12</del>
DA3131	<del>B</del>	<del>Section 5 Part B Proposed and Existing</del>	<del>24.02.12</del>

ARCHITECTURAL DRAWINGS PREPARED FOR THE PREFERRED PROJECT REPORT BY AJ+G

DRAWING NO.	REVISION	NAME OF PLAN	DATE
<del>DA3132</del>	<del>B</del>	<del>Section 6 Part A Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3133</del>	<del>B</del>	<del>Section 6 Part B Proposed and Existing</del>	<del>24.02.12</del>
<del>DA3600</del>	<del>E</del>	<del>Shadow Diagrams Winter Solstice June 21</del>	<del>18.01.13</del>
<del>DA3604</del>	<del>E</del>	<del>Shadow Diagrams Equinox March 21</del>	<del>18.01.13</del>
<del>DA3602</del>	<del>E</del>	<del>Shadow Diagrams Summer Solstice December 21</del>	<del>18.01.13</del>
DA3610	<del>E</del> F	Daylight Access Diagrams Winter Solstice June 21	<del>18.01.13</del> 17.06.13
DA3611	<del>E</del> F	Daylight Access Diagrams Equinox March/September 21	<del>18.01.13</del> 17.06.13
DA3612	<del>E</del> F	Daylight Access Diagrams Summer Solstice December 21	<del>18.01.13</del> 17.06.13
DA3630	<del>E</del> F	View Sheet 1	<del>18.01.13</del> 17.06.13
DA3631	<del>E</del> F	View Sheet 2	<del>18.01.13</del> 17.06.13
DA3632	<del>E</del> F	View Sheet 3	<del>18.01.13</del> 17.06.13
DA3633	<del>E</del> F	View Sheet 4	<del>18.01.13</del> 17.06.13
DA3634	<del>E</del> F	View Sheet 5	<del>18.01.13</del> 17.06.13
DA3635	<del>D</del> F	View Sheet 6	<del>18.01.13</del> 17.06.13
DA3636	A F	View Sheet 7	<del>18.01.13</del> 17.06.13
DA3637	A F	View Sheet 8	<del>18.01.13</del> 17.06.13
DA 4100	<del>B</del> C	Detailed elevation sheet	<del>24.02.12</del> 17.06.13



LANDSCAPE PLANS PREPARED BY OCULUS PREPARED FOR THE PREFERRED PROJECT REPORT BY OCULUS

DRAWING NO.	REVISION	NAME OF PLAN	DATE
		<del>Illustrative</del> <b>Landscape Master Plan</b>	<del>24.02.12</del> <b>Jun 2013</b>
		<i>Illustrative Landscape Sections Section A &amp; B</i>	<del>24.02.12</del> <b>Jun 2013</b>
		<i>Illustrative Landscape Sections Section C &amp; D</i>	<del>24.02.12</del> <b>Jun 2013</b>
		<i>Illustrative Landscape Sections Section E, F &amp; G</i>	<del>24.02.12</del> <b>Jun 2013</b>
		<i>Illustrative Landscape Sections Section H</i>	<del>24.02.12</del> <b>Jun 2013</b>
		<b>June 2013</b> <del>February 2012</del> <i>Scheme: Public Space Diagram</i>	<del>24.02.12</del> <b>Jun 2013</b>

The proposed modification to the Concept Plan Approval (MP10\_0112 MOD1), will rectify the discrepancy between drawing numbers shown on the Instrument of Approval of MP10\_0112 MOD1 and the actual drawings as a result of a typographical error within the S75W modification application dated January 2013.

The drawings in question are as outlined in the table below:

MP10_0112 MOD 1 DRAWINGS	PROPOSED CONCEPT PLAN MODIFICATION 2 DRAWING NUMBERS
<i>DA2103 dated 22.11.12 instead of 18.1.13</i>	<b>DA2103 F (17.06.13)</b>
<i>DA2105 dated 22.11.12 instead of 18.1.13</i>	<b>DA2105 F (17.06.13)</b>
<i>DA2110 Revision E instead of Revision D and dated 18.1.13 instead of 22.11.12; 18.1.13</i>	<b>DA2110 F (17.06.13)</b>
<i>DA2120 dated 22.11.12 instead of 18.1.13</i>	<b>Deleted</b>
<i>DA3113 dated 18.1.13 instead of 22.11.12</i>	<b>DA3113 E (17.06.13)</b>

### 2.3.3 BUILDING NAME CHANGES

As an administrative matter, the proponent has changed the building names of the proposal. As a matter of administration it is proposed to modify the Concept Plan Approval MP10\_0112 MOD 1 to include the following building names.

PROJECT APPROVAL AND CONCEPT PLAN BUILDING NAMES	PROPOSED BUILDING NAMES AS PER PROPOSED PROJECT APPROVAL MODIFICATION
Building Hunter (H)	Adelaide
Building Young (Y)	Darwin

PROJECT APPROVAL AND CONCEPT PLAN BUILDING NAMES	PROPOSED BUILDING NAMES AS PER PROPOSED PROJECT APPROVAL MODIFICATION
Building Cutler (C)	Brisbane
Building Woodward (W)	Perth
Building Martin (M)	Hobart
Building Darling (D)	Melbourne
Building Loftus (L)	Sydney

#### 2.3.4 STATEMENT OF COMMITMENTS

Proposed changes to the approved Statement of Commitments are outlined in the table at **Appendix T**. Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

### 3 Reasons for the Proposed Modifications

The proposed modifications to the Concept Plan Approval (MP10\_0112 MOD 1) and Stage 1 Project Approval (MP10\_0113) are summarised as follows:

- The provision of an increased number of smaller apartments to Stage 1 of the project is in response to strong market evidence from surrounding developments that buyer demand for smaller apartments is high, and reflects the changes to the market since the application was originally lodged in 2010.
- The provision of increased apartments that are smaller in size has required consequential modifications to car parking provision as part of the project, and therefore the relevant approvals require modification to reflect car parking changes.
- Proposed changes to façade design are required merely as a consequence of the revised mix of apartments and to ensure alignment with the conditions of Concept Plan Approval MP10\_0112 MOD.
- Changes to building naming and plan referencing are merely administrative.



## 4 The Modified Project

### 4.1 CONCEPT PLAN APPROVAL NUMERIC COMPARISON

The Concept Plan Approval (MP10\_0112 MOD 1) defines the following key parameters of the project:

- Gross floor area (GFA).
- Car parking ratios.
- Minimum non-residential GFA.
- Building heights and envelopes.

The key numeric aspects of the Approved Concept Plan Modification (MP10\_0112 MOD 1) and the Concept Plan Approval as proposed to be modified by this application are compared in Table 3.

TABLE 4 – COMPARISON OF THE KEY NUMERIC ASPECTS OF THE APPROVED AND PROPOSED CONCEPT PLANS

DEVELOPMENT ELEMENT	APPROVED (MP10_0112 MOD 1)	PROPOSED
<b>Site Area</b>	22, 433m <sup>2</sup>	22, 433m <sup>2</sup>
<b>Maximum Gross Floor Area (GFA)<sup>1</sup></b>	51,139m <sup>2</sup>	51,139m <sup>2</sup>
<b>Minimum non-residential GFA</b>	1,210 m <sup>2</sup>	1,210 m <sup>2</sup>
<b>Proposed Total FSR</b>	2.28:1	2.28:1
<b>Building Height 2</b>	<b>(storeys/RL)</b>	<b>(storeys/RL)</b>
Hunter (H) (Adelaide)	5-8 storeys/ RL99.55	5-8 storeys / RL99.55
Young (Y) (Darwin)	8 storeys / RL100.20	8 storeys / RL100.20
Cutler (C) (Brisbane)	13 storeys/ RL116.25	13 storeys/ RL116.25

<sup>1</sup> **gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
  - (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

<sup>2</sup> **building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

DEVELOPMENT ELEMENT	APPROVED (MP10_0112 MOD 1)	PROPOSED
Woodward (W) (Perth)	8 - 10 storeys (8 storeys on the north-western portion of the building) / RL105.95	8-10 storeys / RL105.95
Martin (M) (Hobart)	8 storeys / RL101.6	8 storeys / RL101.6
Darling (D) (Melbourne)	12 storeys/ RL117.5	12 storeys/ RL117.5
Loftus (L) Sydney	22 storeys / RL144.650	22 storeys / RL144.650
Height (RL)	RL99.55 - RL144.650	RL99.55-RL144.650
<b>Land Uses</b>	Mixed use residential, retail and commercial	Mixed use residential, retail and commercial
<b>Car Parking</b>		
<b>Resident</b>		
1 bed	0.6 spaces per apartment	No change
2 bed	0.9 spaces per apartment	No change
3 bed	1.4 spaces per apartment	No change
Visitor	1 space per 5 apartments for visitors	No change
<b>Commercial</b>	1 space per 46m <sup>2</sup>	No change
<b>Landscaping</b>		
<b>Central Park Open Space Area</b>	1,655m <sup>2</sup>	1,655m <sup>2</sup>

As demonstrated in Table 4 there are no changes to the key numeric aspects of the current Concept Plan Approval, and the modifications proposed by this application. Those proposed changes merely reflect the proposed new apartment mix, and consequential modifications to car parking numbers for Stage 1, and administrative matters.

## 4.2 STAGE 1 PROJECT APPROVAL NUMERIC COMPARISON

The Stage 1 Project Approval defines the following key parameters of the project:

- Gross floor area (GFA).
- Apartment mix and sizes.
- Car parking numbers.
- Non-residential uses.



The key numeric aspects of the Stage 1 Project Approval (MP10\_0113) as compared to the changes proposed by this application are compared in Table 5.

TABLE 5 – COMPARISON OF THE KEY NUMERIC ASPECTS OF THE APPROVED AND PROPOSED MODIFICATIONS TO STAGE 1 PROJECT APPROVAL

DEVELOPMENT ELEMENT	APPROVED STAGE 1 PROJECT APPROVAL (MP10_0113)	PROPOSED STAGE 1 PROJECT APPROVAL 75W MODIFICATION
<b>GFA</b>	25,083m <sup>2</sup>	26,160m <sup>2</sup>
<b>Building Height 3</b>		
Hunter (H) (Adelaide)	5-8 storeys/ RL99.55	5-8 storeys/ RL99.55
Young (Y) (Darwin)	8 storeys / RL100.20	8 storeys / RL100.20
Cutler (C) (Brisbane)	13 storey/RL 116.25m	13 storey/RL 116.25m
Woodward (W) (Perth)	11 storey/RL 105.95	11 storey/RL 105.95
<b>Height (RL)</b>	RL99.55 – RL116.25	RL99.55 – RL116.25
<b>Land Uses</b>	Mixed use residential, retail and commercial development	Mixed use residential, retail and commercial development
<b>Apartment Numbers</b>	310 apartments (stage 1 only)  1 bed = 160 (49%)  2 bed = 119 (42%)  3 bed = 30 (9%)	340 apartments (stage 1 only)  1 bed = 165 (49%)  2 bed = 175 (51%)  3 bed = 0  Note: 34 apartments or 10% are proposed as adaptable units (mix of adaptable = 25 x 1 bed and 9 x 2 bed)
<b>Apartment Sizes</b>	1 bed studio: 31 m <sup>2</sup> – 34m <sup>2</sup>  1 bed: 50 m <sup>2</sup> – 68 m <sup>2</sup>  2 bed: 78 m <sup>2</sup> – 107 m <sup>2</sup>  3 bed: 107 m <sup>2</sup> – 138 m <sup>2</sup>	1 bed 50m <sup>2</sup> – 60m <sup>2</sup>  2 bed 60m <sup>2</sup> – 90m <sup>2</sup>  Adaptable apartments 55m <sup>2</sup> – 90m <sup>2</sup>

<sup>3</sup> **building height** (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

DEVELOPMENT ELEMENT	APPROVED STAGE 1 PROJECT APPROVAL (MP10_0113)	PROPOSED STAGE 1 PROJECT APPROVAL 75W MODIFICATION
<b>Car Parking Provision</b>	<p>Not specified, however the following parking rates were required as part of approval:</p> <p>0.6 spaces per 1 bedroom apartment</p> <p>0.9 spaces per 2 bedroom apartment</p>	No change proposed.

## 5 Environmental Assessment

### 5.1 CONSISTENCY WITH CURRENT APPROVALS

The modifications proposed within this application do not constitute a '*radical transformation*' to the Stage 1 Project Approval or the Concept Plan Approval because:

- The proposed use is the same as that currently approved under the Stage 1 Project Approval and Concept Plan Approval.
- The modifications to apartment numbers and mix are contained entirely within the building envelopes approved under the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD 1).
- There is no increase to the FSR and GFA approved by the Concept Plan Approval as modified on 3 June 2013 (MP10\_0112 MOD1).
- There is no reduction in public open space on the site, and public open space will be provided in accordance with the central park area provision conditions of the Concept Plan Approval (MP10\_0112 MOD1).

The proposed modifications are consistent with the provisions of S75W as outlined in Section 1.2 of this report. The proponent has provided legal advice from Norton Rose Australia attached at **Appendix A** that justifies the proposals consistency with the provisions of s75W of the Act.

### 5.2 ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been considered against the relevant provisions contained in the following Environmental Planning Instruments.

#### 5.2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed modifications are considered to be consistent with the Objects of the Act. The proposed modifications to the Concept Plan Approval and Stage 1 Project Approval pay due regard to the environmental sensitivities on the site yet will provide for the future economic use of the land for residential purposes.

#### 5.2.2 HERRING ROAD UAP

The Herring Road UAP is in the preliminary stages of preparation. The draft Structure Plan presented at the Community Reference Group Workshop 5 June 2013 contemplated the modified Concept Plan building layout (refer Figure 3).

The draft Structure Plan proposes an FSR of 2.5:1 for the site. The FSR currently approved under the Concept Plan Approval is 2.28:1 which is below the draft FSR. The draft Structure Plan proposes maximum heights of 28m for Buildings H and Y, and 45 metres for Buildings W and C. The development as proposed to be modified sits well below the draft maximum height controls.

#### 5.2.3 STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 contains ten design principles aimed to ensure a high quality of residential apartment development. AJ + C have undertaken an assessment of the proposed modifications against the ten design principles. This report is provided within the Section 75W Project Approval Plan and Concept Plan Report attached at **Appendix F**. The assessment concludes that the proposed modifications satisfy the requirements of SEPP 65.

## 5.2.4 RESIDENTIAL FLAT DESIGN CODE

The Residential Flat Design Code (RFDC) provides detailed guidelines and 'rules of thumb' that require consideration when designing and assessing residential flat development. The modifications to the Project Approval have been designed in accordance with the rules of thumb of the Residential Flat Design Code as detailed in the AJ + C Stage 1 Project Plan Report at **Appendix F**. The proposed modifications to the Stage 1 development (Adelaide, Perth, Brisbane, Darwin) comply with the rules of thumb of the RFDC as outlined in Table 6

TABLE 6 – RFDC ASSESSMENT

CRITERIA	PROPOSED MODIFICATION
Solar Access (70% min)	Complies (70%)
Cross Ventilation (60% min)	Complies (82%)
Naturally ventilated kitchens (25% min)	Complies (37%)
Apartment size	Partially Complies
1 Bed – 50sqm min	Typical 1 bedroom apartments 50 m <sup>2</sup> – 60 m <sup>2</sup> with one apartment (1%) less than 50 m <sup>2</sup>
2 Bed – 70sqm min	Typical 2 bedroom apartments 60 m <sup>2</sup> – 90 m <sup>2</sup> with 34 apartments less than 70 m <sup>2</sup>
Apartment mix	The proposed modification does not propose any 3 bedroom apartments. Refer below and Section 5.3
A mixture of 1, 2 and 3 bedroom apartments.	

### **Apartment mix**

The proposed modification to provide only 1 and 2 bedroom apartments is considered to be acceptable for the reasons outlined in Section 5.3, namely:

- Demographic trends indicate a high proportion of the local population are young educated singles and couples, and includes the student market to support the housing demands for Macquarie University who usually desire smaller apartments. This trend is expected to be ongoing.
- Market analysis indicates high demand for 1 and 2 bedroom apartments and very low demand for 3 bedroom apartments.
- Increasing apartment numbers is appropriate to maximise land use efficiency in locations close to public transport.
- The provision of a large number of smaller apartments is suitable for development adjacent to the Macquarie University.

## 5.3 APARTMENT SIZE AND MIX

The key reasons for increasing the number of 1 and 2 bedroom apartments are outlined below. The following justification and analysis has been prepared by Urbis based on 2006 and 2011 ABS Census data, and market response to similar residential projects undertaken by Urbis at Allengrove Crescent, Whiteside Street, 120 Herring Road and 88 Talavera Road.

- **Demographic trends indicate a high proportion of the local population are young and or students who desire smaller apartments.** Demographic analysis has identified that Macquarie Park has a young adult population (average 31 years) with few children. A very high proportion of the population are overseas (Asian) born and tertiary educated. The proportions of lone person and apartment households (40% and 73% respectively) are very high by Sydney standards. The provision of 3 bedroom apartments is not suited to the requirements of the existing and incoming population.
- **Market analysis indicates high demand for 1 and 2 bedroom apartments.** The demographic data is supported by recent residential market sales data which demonstrate a high demand for 1 and 2 bedroom apartments in the Macquarie Park area. This is evidenced by the strong sales of the Toga Group's 'Macquarie Central' residential development at 128 Herring Road. In response to low interest in 3 bedroom apartments during the Stage 1 release, the Stage 2 'Macquarie Central' release provided a mix of 1 and 2 bedroom apartments. The development had achieved over 400 sales by March 2012.
- **Increasing apartment numbers is appropriate to maximise land use efficiency in locations close to public transport.** The site is located approximately 515 metres from the Macquarie University Railway Station. The Concept Plan and Project Approval represent a significant catalyst of the realisation of a genuine transit-oriented development (TOD) in this precinct of the Macquarie Park corridor. Increasing the number of apartments in this location will contribute to the ongoing viability of the Macquarie University Railway Station and the development of a robust TOD.
- **The provision of smaller apartments is suitable for development proximate to the Macquarie University.** While proposed dwellings will be sold on the general market, without any restriction as to occupants, they have been designed and will be marketed with a focus upon students of Macquarie University.

## 5.4 BUILDING FACADES

The building facades of Buildings H (Adelaide), W (Perth), C (Brisbane) and Y (Darwin) are proposed to be modified to reflect a new mix of apartments, and amendments to the building envelopes approved under the Concept Plan Approval as modified by the PAC on 3 June 2013.

The building façade of Building H (Adelaide) has also been amended to reflect the requirements of Condition B3 of Concept Plan Approval MP10\_0122 MOD 1.

## 5.5 PARKING AND TRAFFIC

The Stage 1 Project Approval (MP10\_0113) did not specify a number of parking spaces to be provided, however included a range of ratios to be applied under condition B1 Design modifications.

Those ratios are consistent with the residential ratios provided in the Concept Plan Approval as modified on 3 June 2013 (MP10\_0122 MOD 1). Commercial car parking is not proposed as part of Stage 1 of the project.

Notwithstanding the above, the Proponent maintains its view (as expressed in its Section 75W Modification Application dated January 2013) that greater numbers of carparking spaces should be allowed for the site in accordance with the City of Ryde DCP 2010, and consistent with several recently approved developments of a similar scale in the immediate locality. The Proponent therefore reserves its position in this regard to seek to vary condition C5 of the Concept Plan Approval in a future application.

The proposed modifications to the Concept Plan Approval and Stage 1 Project Approval have been reviewed by Traffix who have provided a revised Traffic statement at **Appendix E**. Traffix conclude in their review of the proposed traffic for the Stage 1 Modification that:

- *Under the approved Concept Plan a 10% increase in dwelling yield was authorised, from 537 units to 593 units. This also increased the traffic generation of the residential component by 10%, from 155 veh/hr to 172 veh/hr, based on the application of the rate of 0.29 trips per unit per hour. The impacts associated with the current modification are consistent with this approval, with the residential yield under the approved Stage 1 Project Application (309 units) also increasing by 10% (to 340 units).*

*Therefore, there are no traffic implications that arise under the current modification to the Stage 1 Project Approval.*

- *One bicycle space is provided for each unit which is an exceptional level of provision. These spaces are located within the storage areas provided for each unit located within the basement parking levels.*
- *Servicing for the ultimate development will occur by council's garbage collection vehicles. Garbage collection will occur within the Brisbane building for all recyclable material; and within the Perth building for general waste. Access to these areas can be achieved by vehicles up to and including an 8.8m MRV. Both of these buildings form part of the Stage 1 development and the proposed servicing is consistent with the Concept Plan approval.*
- *The access and internal design aspects have been reviewed and comply with AS 2890.1, AS2890.2 and Austroads requirements as appropriate. It is anticipated that a condition will be imposed requiring compliance with AS 2890.1 and AS 2890.2 in relation to the private domain, with compliance with Council and Austroads in relation to the public domain.*

## 5.6 LANDSCAPE AND OPEN SPACE

Condition B4 of the Concept Plan Approval (MP10\_0112 MOD1) requires the central park to provide a minimum of 1,665m<sup>2</sup> open space and through site links. The swimming pool component, including associated decking, surrounds and safety fencing, of this open space is also limited to 500m<sup>2</sup>. The remaining 1,165m<sup>2</sup> of the open space within the central park shall have a minimum dimension of 3m and be publicly accessible and shall not include roadways or adjacent footpaths.

A proposed modified Landscape Concept Plan prepared by Oculus is attached at **Appendix D**.

This application proposes modifications to the Concept Plan Approval (MP10\_0112 MOD1) and the Stage 1 Project Approval (MP10\_0113) to reflect compliance with Condition B4 of the Concept Plan Approval. Accordingly, Condition B4 is redundant and should therefore be deleted.

## 5.7 GROSS FLOOR AREA / FLOOR SPACE RATIO

The modifications proposed by this application will not increase the FSR of 2.28:1 or the 51,139sqm GFA approved under the Concept Plan Approval (MP10\_0112 MOD1).

## 5.8 CONSEQUENTIAL MODIFICATIONS

The proposed modification to apartment mix and sizes, have resulted in the review and update of previously approved specialist consultant inputs for the Concept Plan Approval (MP10\_0112 MOD1) and Stage 1 Project Approval (MP10\_0113). Accordingly, the following reports have been amended to reflect the proposed modifications. The amendment of each report is considered minor and in some cases administrative.

- Detailed Landscape Plans – **Appendix D**
- Electrical Design Principles Statement & Mechanical Design Principles Statement – **Appendix G**
- Fire Safety Engineering Statement – **Appendix H**
- Noise Impact Assessment – **Appendix I**
- Transport and Accessibility Impact Study – **Appendix E**
- Wind Effects Statement – **Appendix J**
- ESD Assessment and Green Star Matrix – **Appendix K**



- Waste Classification of In-Situ Material – **Appendix L**
- Accessibility Compliance Statement – **Appendix M**
- BCA Compliance Assessment – **Appendix N**
- Construction Management Plan – **Appendix O**
- Integrated Water Management Plan – **Appendix P**
- Natural Ventilation SEPP 65 Compliance Report – **Appendix Q**
- Structural Design Intent – **Appendix R**
- Waste Management Plan – **Appendix S**



## 6 Conclusion

This report has been prepared to support a Section 75W application to modify the:

1. Stage 1 Project Approval (MP10\_0113); and
2. Concept Plan Approval, as modified on 3 June 2013 (MP10\_0112).

for a project at 110-114 Herring Road, Macquarie Park, which was granted on 26 September 2012 pursuant to Section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Stage 1 Project Approval was granted concurrently with the Concept Plan Approval for the site (MP10\_0112). An application to modify the Concept Plan approval pursuant to section 75W of the Act was approved 3 June 2013 (MP10\_0112 MOD 1). That modification altered the approved building envelopes and resulted in a slight increase in FSR.

The modifications to the project proposed within this application result in:

- A revised mix of apartments for Stage 1 of the development to provide increased one and two bedroom apartments, and no three bedroom apartments (with a consequential modification to car parking numbers required).
- The provision of smaller apartment sizes to reflect the loss of three bedroom apartments and increased numbers of one and two bedroom apartments.
- Modifications to the facades of buildings H, W, C, and Y to reflect the changes to apartment mixes, and the required modification to Building H as part of the Concept Plan Approval (MP10\_0112 MOD1).
- The provision of a minimum of 1,655m<sup>2</sup> of central park area in accordance with the Concept Plan Approval (MP10\_0112 MOD1) requirements.

To facilitate these modifications to the project, modifications are sought to both the Stage 1 Project Approval (MP10\_0113) and Concept Plan Approval (MP10\_0112 MOD1).

This modification application also aligns the Stage 1 Project Approval with the recent modifications to the Concept Plan Approval approved on 3 June 2013 (MP10\_0112 MOD 1), and to address some administrative modifications.

The proposed modifications to the Stage 1 Project Approval and Concept Plan Approval are reasonable because:

- The proposed modifications are consistent with the Stage 1 Project Approval and the Concept Plan Approval. The Concept Plan Approval (as modified by the PAC on 3 June 2013) has been determined by the Department of Planning and Infrastructure to have minimal impacts on the surrounding land uses and will deliver a range of public benefits.
- The increased number of 1 and 2 bedroom apartments is an 'evidence based' response to the existing and projected demographic and market trends for Macquarie Park.
- The modifications proposed to the Concept Plan Approval still achieve an appropriate balance between the sensitivities of the receiving environment and strategic planning objectives to optimise the provision of residential accommodation in the locality. The modifications will have minimal impacts on surrounding land uses and will deliver a range of public benefits.
- The modified building layouts will comply with the requirements of SEPP 65 and the Residential Flat Design Code.
- The proposed modifications will increase the viability and robustness of the Macquarie University Railway Station, and represents a key opportunity to deliver additional housing consistent with the Sydney Metropolitan Strategy's objective to increase opportunities for transit orientated development.

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## Appendix A

## Legal Advice – Norton Rose

## Appendix B

### Project Approval MP10\_0113 and Concept Plan Approval MP10\_0112 MOD1



## Appendix C

## Modified Plans AJ + C

## Appendix D

## Modified Landscape Plans – Oculus

## Appendix E

## Traffic Assessment

## Appendix F

## Design Report – AJ + C

## Appendix G

### Electrical Design Principles Statement & Mechanical Design Principles Statement

## Appendix H

## Integrated Water Management Plan & Fire Safety Engineering Plan

## Appendix I

## Noise Impact Assessment



## Appendix J

## Wind Effects Statement

## Appendix K

## ESD Assessment and Green Star Matrix

## Appendix L

## Waste Classification of Insitu Material

## Appendix M

## Accessibility Compliance Statement

## Appendix N

## BCA Compliance Assessment

## Appendix O

## Construction Management Plan

## Appendix P

## Fire Engineering Report

## Appendix Q

## Natural Ventilation SEPP 65 Compliance Report



## Appendix R

## Structural Design Intent

## Appendix S

## Waste Management Plan

## Appendix T

## Statement of Commitments





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