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Our Ref: PR115598
Date: 25 September 2013

Heather Warton - Director of Metropolitan Region South
Department of Planning and Infrastructure
22-33 Bridge Street
Sydney NSW 2000

Via: electronic submission

Dear Heather

**RE: 120 – 128 HERRING ROAD, MACQUARIE PARK
MP09_0195 S75W MODIFICATION 4**

1. INTRODUCTION

In accordance with the provisions of Section 75W (s75W) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and on behalf of our client Toga Macquarie Developments Pty Ltd (Toga), we hereby submit this s75W Application to modify the Minister's approval MP09_0195 relating to 120-128 Herring Road, Macquarie Park. The proposed modifications are primarily required to adjust the lobby entry level / car park level of Building E to accommodate overland flow and to carry out remediation works and for the removal of a tree at the north east corner of the site.

This application consists of the following documents, which we enclose herewith:

- Updated Urban Form Control Diagram (Rev M) at **Attachment A**.
- Updated Urban Form Control Diagram Elevation Along Herring Road (Rev J) at **Attachment A**.
- Updated Tree Management Plan (Rev I) at **Attachment B**.
- Updated Arboricultural Advice at **Attachment C**.

2. BACKGROUND

The Deputy Director-General approved a concept plan (MP09_0195) for the redevelopment of the site for retail and residential purposes on 20 January 2011. The concept plan includes building envelopes for one 'nine-storey and four 12-storey residential flat buildings with basement car parking, associated road works and landscaping. The indicative yield comprised of 557 apartments and a total gross floor area (GFA) of 45,718m². Tree 26 was to be retained as part of an overall tree management plan across the site.

On 11 July 2011, the Director-General approved MP09_0195 MOD 1 which permitted alterations to the building envelopes and the redistribution of GFA between Buildings B, C, D and E.

On 23 March 2012, the Acting Director, Metropolitan and Regional Projects South approved MP09_0195 MOD 2, which permitted seven additional apartments and a height increase for Building C, the reallocation of GFA from Building D to Building C, and additional basement car parking.

On 1 November 2012, the Acting Director, Metropolitan and Regional Projects North approved MP09_0195 MOD 3, which permitted:

- The adjustment of ground floor level of Buildings C and D.
- Revisions to the Tree Management Plan to permit the removal of eight additional trees.
- An additional seven apartments and a height increase for Building C.
- The reallocation of GFA from Building D to Building C.
- Additional basement car parking.
- The deletion of various drawings from the concept plan.

A development application (LDA2012/314) for Building E submitted under Part 4 of the EP&A Act, comprising a part 12 and part 13 storey residential tower building with a total of 144 apartments, was approved for construction by the Joint Regional Planning Panel on the 13 December 2012.

Further design development has identified the need to increase the lobby entry level / car park level of Building E to accommodate overland flow. It is also proposed to remove an on-site detention tank and associated mound that are no longer required. These changes require a modification to the concept plan approval (MP09_0195) which is the subject of this application, and a s96 application under Part 4 of the EP&A Act. In accordance with MP09_0195, the s96 application will be submitted to Ryde City Council for assessment and determination. In addition to the supporting documentation submitted with this application, the s96 application to Council would provide detailed plans, sections, elevations, landscape plans and consideration of tree protection and replacement measures for Tree 34.

3. PROPOSED MODIFICATION

This application seeks to increase the lobby entry level / car park level by 500mm to accommodate overland flow and to remove five trees to allow remediation works, accommodate a substation, and to address safety concerns. The five trees to be removed are to be replaced by five trees of the same or another suitable species.

This would require the following modifications to be made to the concept approval:

- Condition A2 - Replacement of drawing A161 Urban Form Control Diagram Rev L with Rev M at **Attachment A**.
- Condition A2 - Replacement of drawing A162 Urban Form Control Diagram Elevation Along Herring Road Rev I with Revision J at **Attachment A**.
- Condition A2 - Replacement of drawing LP-3 Tree Management Plan Rev E with Rev I at **Attachment B**.

4. JUSTIFICATION

The proposed increase in the lobby entry level / car park level of Building E is to accommodate overland flow. The proposed modifications would provide the required floor levels of over 300mm above the 1:100 flood level of RL63.90 for Building E in accordance with Ryde City Council DCP 8.2 Stormwater Management.

Aboricultural advice (**Attachment C**) was sought due to concerns for the potential damage to five (5) trees on site as a result of remediation works, construction of a substation, and safety concerns. Tree 34 is to be retained subject to a range of tree protection measures being implemented during construction. The proposed changes require the following trees to be removed:

- Tree 30 and 31 – to be removed due to contamination and the existing landscaped mound soil is to be excavated and removed.
- Tree 32 – to be removed due to risk and safety issues.
- Tree 33 – to be removed to accommodate the substation.

A further tree (Tree 26) adjacent to Building A has died and is required to be removed to address risk and safety issues.

The Tree Management Plan (**Attachment B**) has been amended to reflect those trees that are proposed to be removed as part of this Section 75W Modification and includes the planting of five additional offset trees:

- *Eucalyptus haemastoma* x 2
- *Eucalyptus cinerea* x 1
- *Eucalyptus globoldea* x 1
- *Eucalyptus punctata* x 1

5. LIKELY ENVIRONMENTAL IMPACTS FROM PROPOSED MODIFICATION

The increase in the ground level of the lobby entry level/car park level will change the levels of Building E as follows:

Level description	Current level (RL)	Proposed level (RL)	Overall change (mm)
Lobby entry level / car park	65.60	66.10	500
Level 1	68.60	69.13	530
3 storeys from Lobby entry / car park parapet	76.10	76.29	190

Level description	Current level (RL)	Proposed level (RL)	Overall change (mm)
Podium	68.60	69.13	530

The proposed amendments will have a minor change to the look of the development as the level changes at the ground level would be incorporated into the overall landscape design. This would ensure that any affect on the streetscape and outdoor spaces would be minor. The detailed landscape design would be documented in a separate application for the construction of the building to Ryde City Council.

The changes in the levels of Building E would not increase the overall height of the building. The consequential raising of all levels of the building by 500mm would be accommodated within redesigned roof space.

The proposed modifications include the removal of four trees adjacent to Building E and one tree adjacent to Building A. In order to offset the removal of the trees, the Tree Management Plan at **Attachment C** provides the addition of five (4) *Eucalyptus* trees on-site.

6. CONCLUSION

The proposed modifications are considered to be minor and will have little effect on the overall outcome of the Macquarie Central project. The proposal satisfies the requirements of s75W of the EP&A Act.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the writer by telephone on (02) 8270 8300.

Yours sincerely

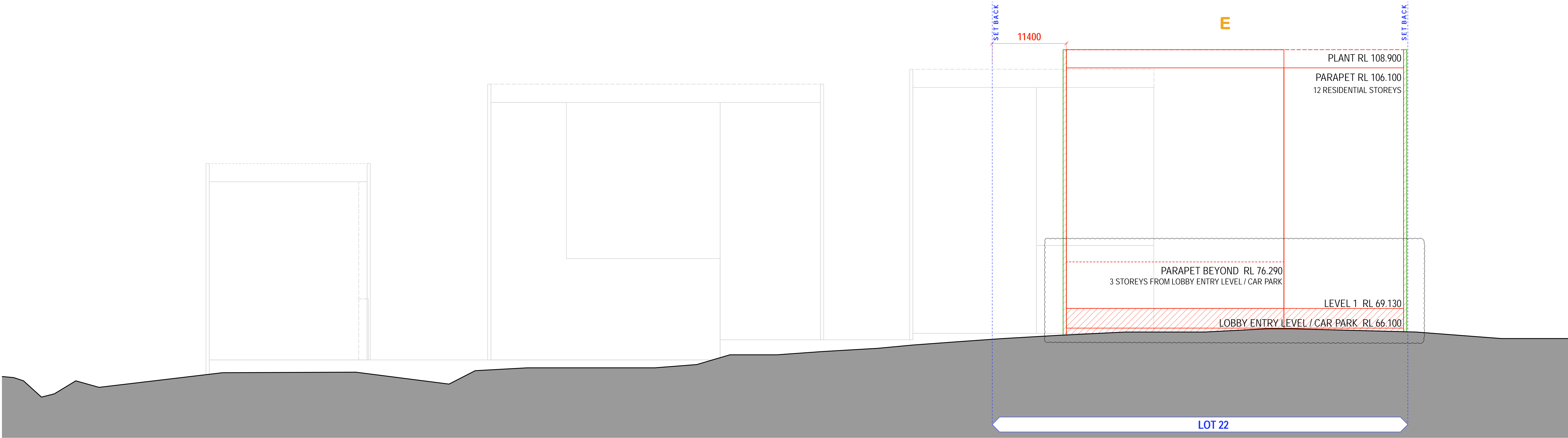
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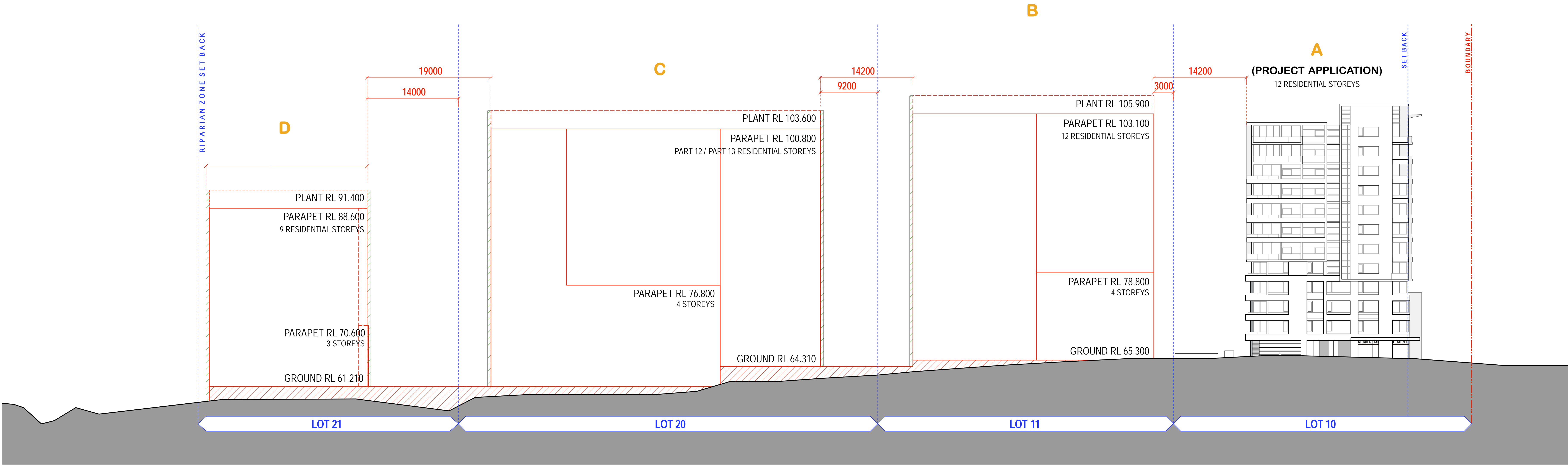
Peter Mangels
Senior Planner

cc: Jason Jondreau (Toga Macquarie Developments Pty Ltd)

**Attachment A - Updated Urban Form Control Diagram
(Rev M) and Updated Urban Form Control Diagram
Elevation Along Herring Road (Rev J)**



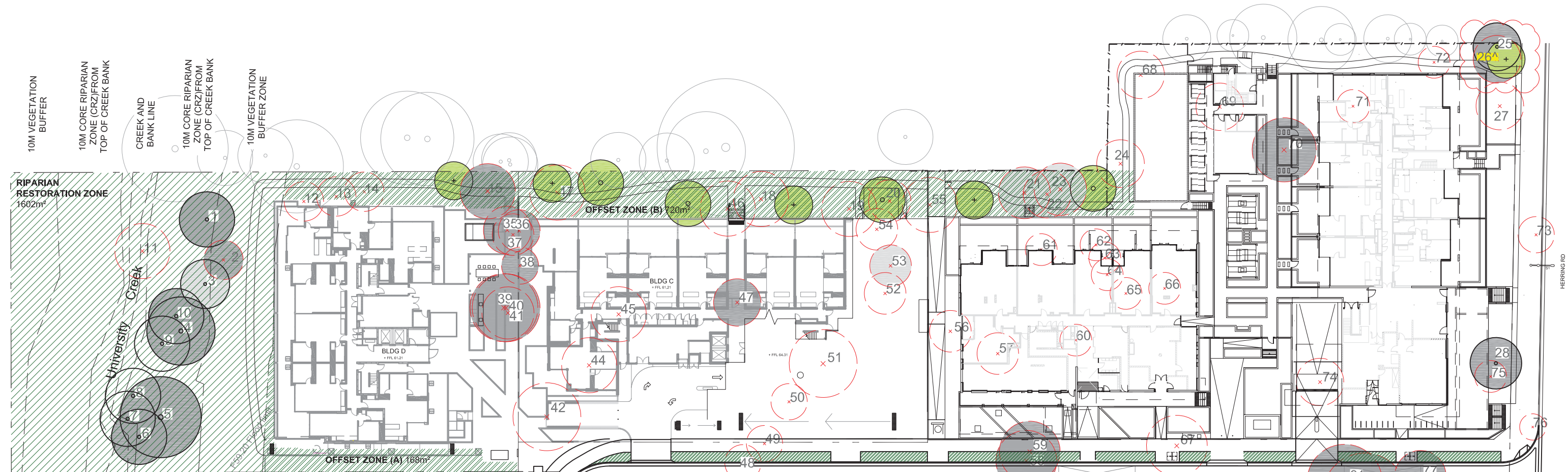
URBAN FORM CONTROL DIAGRAM _ SOUTH ELEVATION



URBAN FORM CONTROL DIAGRAM _ ELEVATION ALONG HERRING ROAD



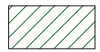
Attachment B - Updated Tree Management Plan (Rev I)



Local Native		
Tree Number	Species	Removed
1	<i>Eucalyptus pilularis</i>	
2	<i>Angophora costata</i>	X
3	<i>Eucalyptus punctata</i>	
4	<i>Angophora costata</i>	
5	<i>Eucalyptus pilularis</i>	
6	<i>Eucalyptus pilularis</i>	
10	<i>Angophora costata</i>	
11	<i>Eucalyptus pilularis</i> (dead)	X
15	<i>Syncarpia glomulifera</i>	X
21	<i>Eucalyptus punctata</i>	X
22	<i>Eucalyptus punctata</i>	X
23	<i>Eucalyptus punctata</i>	X
25	<i>Angophora costata</i>	
26	<i>Eucalyptus punctata</i>	
28	<i>Eucalyptus racemosa</i>	
30	<i>Eucalyptus haemastoma</i>	
32	<i>Eucalyptus globoidea</i>	
35	<i>Syncarpia glomulifera</i>	X
36	<i>Syncarpia glomulifera</i>	X
37	<i>Syncarpia glomulifera</i>	X
38	<i>Syncarpia glomulifera</i>	X
39	<i>Syncarpia glomulifera</i>	X
40	<i>Syncarpia glomulifera</i>	X
41	<i>Syncarpia glomulifera</i>	X
47	<i>Eucalyptus globoidea</i>	X
53	<i>Eucalyptus punctata</i>	X
58	<i>Eucalyptus globoidea</i>	X
59	<i>Eucalyptus globoidea</i>	X
70	<i>Syncarpia glomulifera</i>	X
77	<i>Corymbia gumifera</i>	X
79	<i>Eucalyptus pilularis</i>	X
80	<i>Eucalyptus pilularis</i>	X
81	<i>Eucalyptus pilularis</i>	X
82	<i>Eucalyptus globoidea</i>	X
83	<i>Eucalyptus globoidea</i>	X

Non-Local Native		
Tree Number	Species	Removed
12	<i>Eucalyptus microcorys</i>	X
13	<i>Eucalyptus microcorys</i>	X
14	<i>Eucalyptus microcorys</i>	X
17	<i>Ficus microcarpa</i> var. <i>hillii</i>	X
19	<i>Eucalyptus botryoides/microcorys</i>	X
20	<i>Eucalyptus botryoides/microcorys</i>	X
31	<i>Eucalyptus cinerea</i>	
33	<i>Melaleuca</i> sp.	
34	<i>Eucalyptus microcorys</i>	
42	<i>Melia azedarach</i>	X
45	<i>Melia azedarach</i>	X
51	<i>Grevillea robusta</i>	X
52	<i>Corymbia maculata</i>	X
54	<i>Eucalyptus botryoides/microcorys</i>	X
55	<i>Eucalyptus botryoides/microcorys</i>	X
60	<i>Eucalyptus botryoides</i>	X
61	<i>Eucalyptus botryoides</i>	X
62	<i>Eucalyptus botryoides</i>	X
63	<i>Eucalyptus botryoides</i>	X
64	<i>Eucalyptus botryoides</i>	X
65	<i>Eucalyptus botryoides</i>	X
84	<i>Melaleuca arillaris</i>	X
86	<i>Eucalyptus sideroxylon</i>	X
87	<i>Eucalyptus microcorys</i>	X
88	<i>Eucalyptus microcorys</i>	X

Exotic/Unknown		
Tree Number	Species	Removed
7	Not listed	
8	Not listed	
9	Not listed	
18	Not listed	X
24	<i>Erythrina</i> x <i>Sykesii</i>	X
27	<i>Cupressus macrocarpa</i>	X
29	Not listed (no longer there)	X
43	Not listed	X
44	<i>Jacaranda mimosifolia</i>	X
46	Not listed	X
48	<i>Liquidambar styraciflua</i>	X
49	<i>Jacaranda mimosifolia</i>	X
50	<i>Jacaranda mimosifolia</i>	X
56	<i>Jacaranda mimosifolia</i>	X
57	<i>Jacaranda mimosifolia</i>	X
66	Not listed	X
67	Not listed	X
68	<i>Cinnamomum camphora</i>	X
69	<i>Quercus robur</i>	X
71	<i>Jacaranda mimosifolia</i>	X
72	<i>Cedrus deodara</i>	X
73	Not listed	X
74	Not listed	X
75	<i>Maple</i> *	X
76	Not listed	X
78	Not listed	X
85	Not listed	X



RIPARIAN RESTORATION ZONE

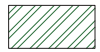
Creek Line to be restored through weed removal and revegetation in accord with the Vegetation Management Plan September 2010 prepared by Total Earth Care as follows:

Requirements:

Area 1: under existing tree canopy 602m²
1no. Shrub per 1m²
4no. Groundcover per m²

Area 2: outside existing tree canopy 602m²
1no. Tree or Shrub per 1m²
4no. Groundcover per m²

Pot size at planting: Tube Stock



OFFSET RESTORATION ZONE (A,B,C)

To be planted with locally occurring native species to restore and improve upon the existing native vegetation state.

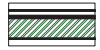
Proposed planting density: 1353m² (excluding footpaths)
50no. trees to be planted across the offset zone. Combination of species to be used to promote diversity.
1no. Shrub per 1m²
4no. Groundcover per m²

Pot size at planting:

Trees: 45L
Shrubs and Groundcovers: Tube Stock

TOTAL LOCAL NATIVE TREES TO BE REMOVED: 25

TOTAL LOCAL NATIVE TREES TO BE PLANTED THROUGHOUT OFFSET ZONES: 58 (incl. 8 additional trees to offset those removed)



RYDE COUNCIL STREETSCAPE 392m²

Local native trees to be planted in accord with Type 3 street guidelines at 6m centres along length of street. 29 indigenous native trees to be planted in Area 3 (*Angophora costata*).

LEGEND



EXISTING TREE TO BE RETAINED



EXISTING TREE TO BE REMOVED



CONFIRMED REMNANT LOCAL NATIVE TREE



LIKELY REMNANT LOCAL NATIVE TREE



ADDITIONAL *Eucalyptus punctata* TO OFFSET THOSE REMOVED (Qty:5, Pot Size:75L)



ADDITIONAL *Syncarpia glomulifera* TO OFFSET THOSE REMOVED (Qty:4, Pot Size:75L)



^ 5 x ADDITIONAL TREES TO BE REMOVED SINCE PREVIOUS REVISION



ADDITIONAL *Eucalyptus haemastoma* TO OFFSET REMOVED SPECIMEN (Qty:1, Pot Size:75L)



ADDITIONAL *Eucalyptus cinerea* TO OFFSET REMOVED SPECIMEN (Qty:1, Pot Size:75L)



ADDITIONAL *Eucalyptus globoidea* TO OFFSET REMOVED SPECIMEN (Qty:1, Pot Size:75L)



ADDITIONAL *Eucalyptus haemastoma* TO OFFSET REMOVED MELALEUCA (TREE 33) (Qty:1, Pot Size:75L)

Note: Species as identified by Treescan within site arborist report.
*Species identified as per site survey plan.

Tree Protection:

Refer Arboricultural assessment prepared by Treescan.



Client

TOGA

Architect

Turner
Architectus Sydney
Marchese Partners

Landscape Architect

turf

Project

128 Herring Rd,
Macquarie Park

Drawing Title

TREE MANAGEMENT
PLAN

Project No.

0924

Scale: 1:600 @A3

Dwg Status

FOR S75W SUBMISSION

Dwg No.

LP-3

Date

26.09.13

Revision

1



Attachment C - Updated Arboricultural Advice

Jason Jondreau
Project and Design Manager - Design & Projects
Toga Development & Construction
Level 5, 45 Jones Street
ULTIMO NSW 2007



26 September, 2013

Dear Jason,

**Re: S75W proposal Building E at 120-128 Herring Road,
Macquarie Park – Arboricultural Advice.**

**TREE MANAGEMENT
CONSULTING ARBORICULTURISTS
HORTICULTURISTS
LANDSCAPE DESIGNERS**

Following our recent phone discussion and my subsequent site visit on 23 August, 2013, please find the following advice in regard to the proposed modifications to the approved development.

Trees 30, 31, 32 and 33

In preparing this advice, I have referred to a previous arboricultural report prepared by Urban Forestry Australia dated 2 August, 2012 ("the 2012 report"), which included details of the inspection of four trees (Trees 30, 31, 32 and 33) and the assessed impacts of development on the retention of those trees.

The 2012 report only differs from the current s75W proposal in that Trees 30 and 31 facing Herring Road were identified for retention ".....*provided they are not subject to works within 4m and 5m respectively.*"

As advised by you, the ground in which these trees grow is contaminated and the existing landscaped mound soil is to be excavated and removed. Subsequently, trees 30 and 31 will be adversely affected and will need to be removed.

Tree 32 was recommended for removal in the 2012 report due to risk and safety issues.

Tree 33 was recommended for removal in the 2012 report to accommodate the substation. Both of these trees will still be removed under the S75W proposal.

Tree 34 and off-site tree at/near SW corner of Building E site

Tree 34 – *Eucalyptus microcorys* (Tallowwood), which was not included in the 2012 report, is to be retained. I inspected the tree and another nearby offsite Tallowwood, in order to provide advice in regard to the proposed retention of both trees.

I have marked up the Plan Building E – Landscape General Arrangements, Issue A, dated 27.08.13 by Turf Design to assist identification of the subject trees, Tree Protection Zone ("the TPZ"), assessed impacts and other details (following pages).

Under the Australian Standard 4970-2009 *Protection of trees on development sites* (AS4970), encroachments less than 10% of the TPZ are considered to be minor. There are no specifications provided in AS4970 for potential impacts of 10% or greater. The 10% figure is taken to be a threshold and trigger where arboricultural investigations into TPZ encroachments beyond this figure need to be considered. The *Structural Root Zone* ("the SRZ") and TPZ areas for the potentially affected trees are shown in Figure 1 and Table 2 on the following page.

The potential extent of impacts on protected trees to be retained can be generally rated using the *Impact Level Rating* ("ILR") table 1, below.

IMPACT LEVEL RATING	
0	0 – 0.9% of root zone impacted – no impact of significance
L	1 to 10% of root zone impacted – low level of impact
L – M	>10 to 15% of root zone impacted – low to moderate level of impact
M	>15 to 20% of root zone impacted – moderate level of impact
M – H	>20 to 25% of root zone impacted – moderate to high level of impact
H	>25 to 35% of root zone impacted – high level of impact
S	>35% of root zone impacted – significant level of impact

Table 1: Guideline to the rating of impacts on trees to be retained.

Based on discussions with executive members of the Institute of Australian Consulting Arboriculturists ©.

Encroachments into the SRZ and extent of encroachments into the TPZ of the trees to be retained are summarised below.

Tree No.	Tree located on site?	SRZ affected?	TPZ area (m ²)	TPZ encroachment (approx. m ²)	TPZ encroachment (approx. %)	TPZ Impact Rating
34	✓	possible	137	37	27	H
Offsite tree	X	X	137	14	10.25	L – M

Table 2: Estimated encroachments into the notional SRZ and TPZ of trees proposed for retention.

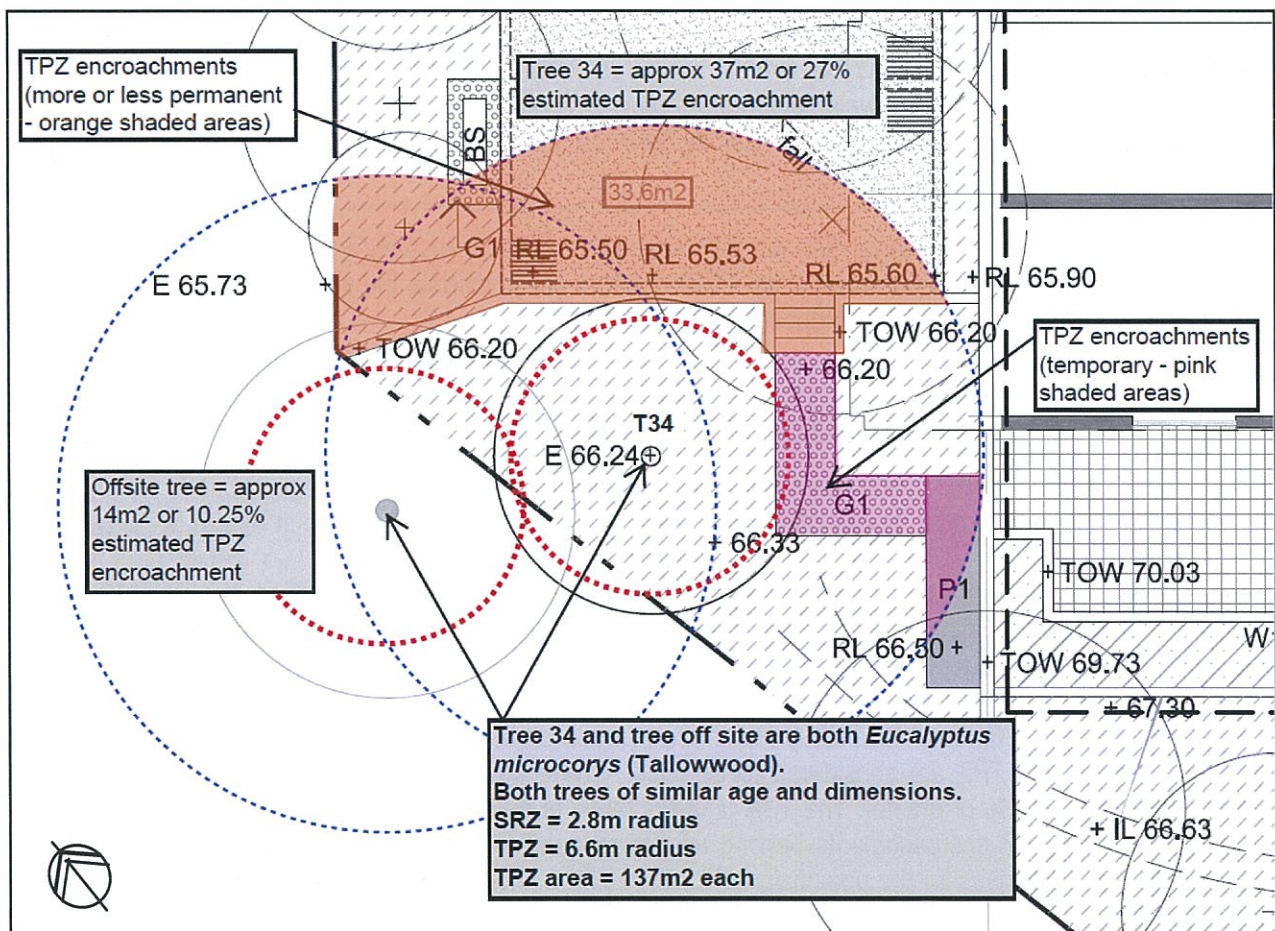


Figure 1 – TREE LOCATION AND IMPACTS PLAN

Drawing showing the SRZ's (inner, red dotted circles) and TPZ's (outer, blue dotted circles) of Tree 36 and the off-site tree.

Note estimated encroachments (shaded areas). Landscape General Arrangements Plan L-001, cropped and marked up by C. Mackenzie.

An estimated 27% of the total 137m² TPZ area of Tree 34 would be affected by proposed works. This equates to a high level of impact which may affect tree vigour and long term retention, and includes a very small potential SRZ encroachment which could affect tree stability if any woody roots present must be cut to accommodate the stairs to the lower lawn level (detention area).

However, there is likely to be potential for minor shifting of the stairs to avoid woody roots if they are present. It is possible the stairs could even be moved further into the SRZ. This would have to be determined by careful hand digging prior to finalising the steps location.

Given that there is some doubt that this tree may tolerate the estimated encroachments and cumulative impacts of the development, the possibility Tree 34 may have to be removed needs to be considered.

To increase the success of tree retention strict adherence to the following recommendations must be adopted.

- Tree Protection Devices ("TPD") are to be in accordance with AS4970, Figure 2 on the following page and those attached at the end of this report. The TPD must be in place prior to any site works commencing, including clearing, demolition or grading.
- An Australian Qualification Framework Level 5 ("AQF5") arboriculturist is to inspect tree protection devices and provide written confirmation of compliance with the tree protection recommendations of this report.
- All works undertaken within 5m of the trees is to be supervised by an AQF5 arboriculturist.
- Routine monitoring during the works for signs of tree decline is necessary. If the tree is deemed by an AQF5 arboriculturist to be in irreversible decline the tree is to be removed and replaced with a suitable tree canopy species.
- Any tree pruning is to be undertaken by a minimum Australian Qualification Framework Level 3 arboriculturist or tree worker.
- Works to be in accordance with Australian Standard 4373-2007 Pruning of Amenity Trees, and NSW WorkCover Code of Practice for the Amenity Tree Industry.

During my site visit I also noted that Tree 26, at the northeast corner of Building A, is completely dead. Over time, this tree will 'self-dismantle' and branch drop and potential failure at the roots will increase. The risk of damage or personal injury will subsequently increase also if this tree remains.

It is my advice this tree is removed and is so noted on the Tree Management Plan LP-3, dated 26.09.13, Revision I, by Turf Design.

Report by Catriona Mackenzie,

26 September, 2013




Accredited member of
INSTITUTE OF AUSTRALIAN
I A C A
CONSULTING ARBORICULTURISTS ®

Consulting arboriculturist, horticulturist and landscape designer.

Certificate of Horticulture *Honours*

Diploma of Horticulture (Arboriculture) *Distinction*

Associate Diploma of Applied Science (Landscape) *Distinction*

Member of the International Society of Arboriculture

Founding Member of the Institute of Australian Consulting Arboriculturists

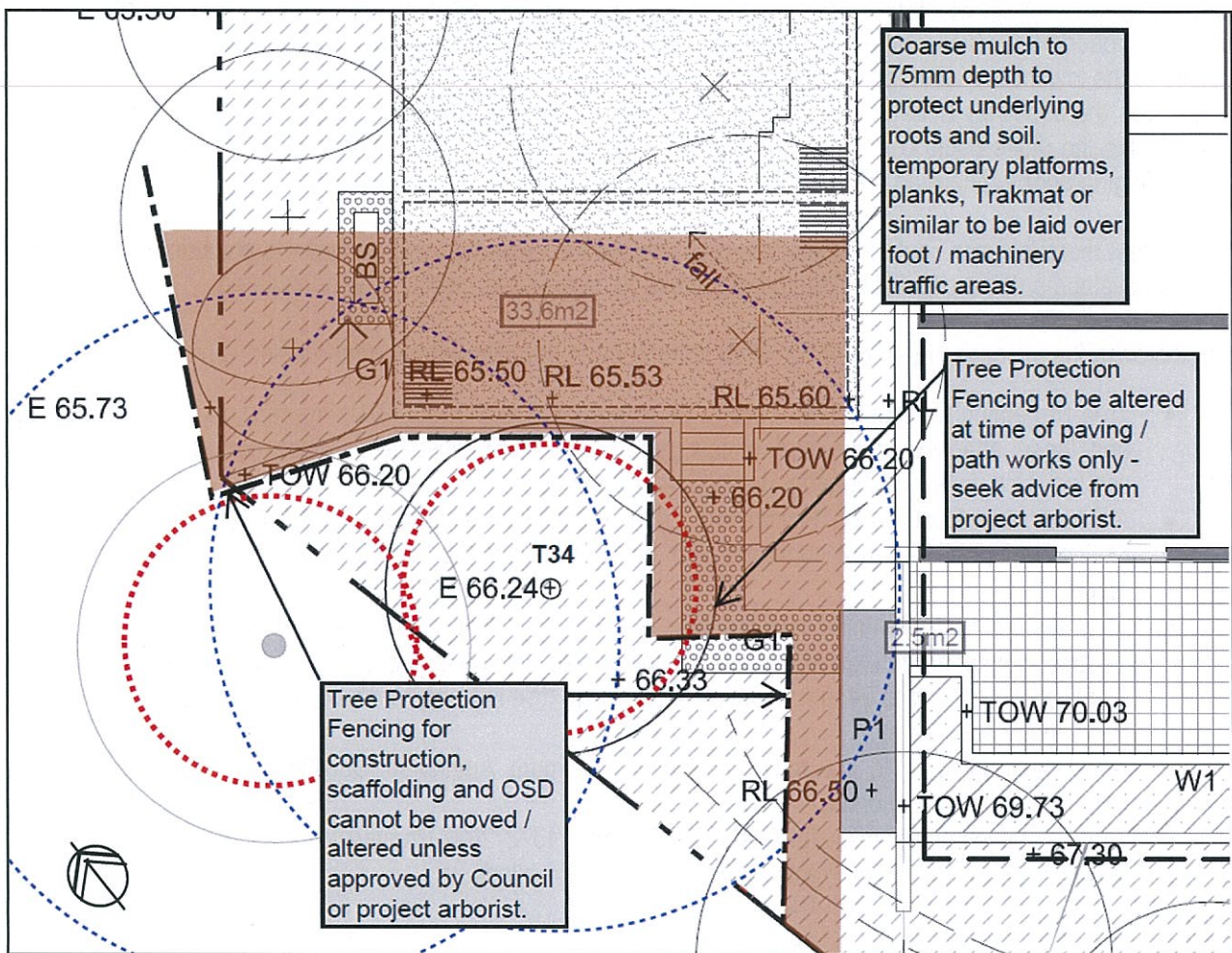
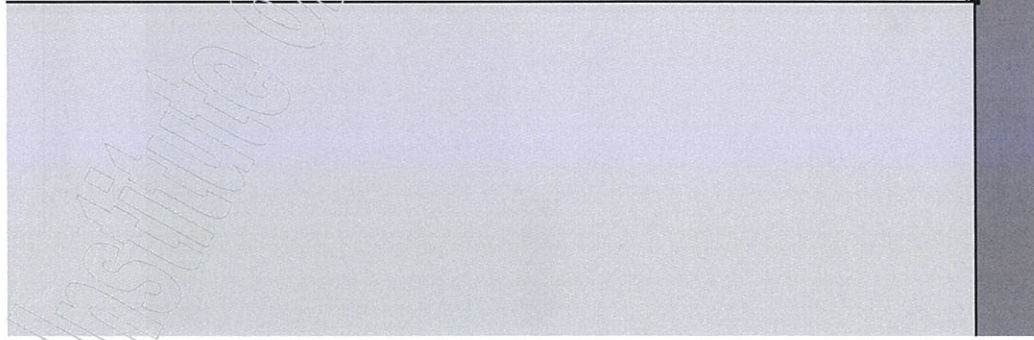


Figure 2 – TREE PROTECTION PLAN

Drawing showing the recommended locations for protection fencing to EXCLUDE construction activities.
Landscape General Arrangements Plan L-001, cropped and marked up by C. Mackenzie.

Based on IACA Members licence of AS4970-2009



Branches may require pruning to erect scaffolding. Pruning may be subject to local regulations. Flexible branches should be tied back in preference to pruning.

Minimum 1.8m high hoarding. Temporary fencing may be incorporated into scaffolding, as either containment screening or as hoarding.

Note:
If excavation is required for installation of support post for fencing, the Project Arborist should assess any pruning of roots greater than 20mm diameter.

Scaffold planks

Boards or plywood to be installed over mulch or aggregate layer for any areas requiring access within the TPZ.

Soleplate over geotextile. No excavation for soleplate within TPZ.

Maximum 100mm and minimum 50mm depth mulch or aggregate layer within TPZ.

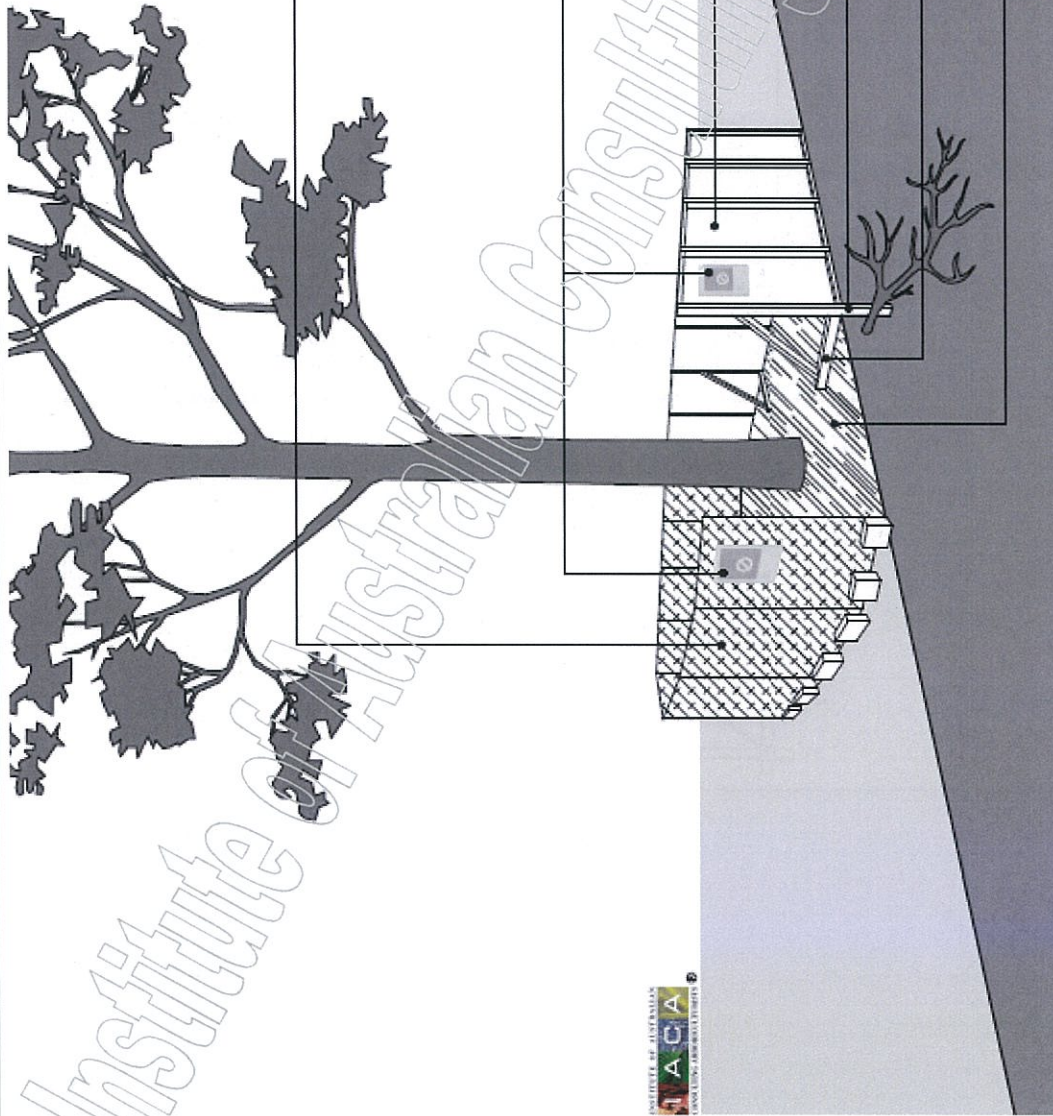
Geotextile fabric

Indicative Scaffolding within a Tree Protection Zone (TPZ)

Not to Scale

Copyright © 2010 IACA

Based on IACA Members licence of AS4970-2009



Note:
No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.

Option 1 - Fencing
1.8m high chain wire mesh panels with shade cloth attached (if required), held in place with concrete feet.

Tree Protection Zone (TPZ) sign

Option 2 - Fencing
Plywood or wooden panel paling fence. This type of fencing material also prevents building materials or soil entering the TPZ.

Installation of supports should avoid damaging roots.

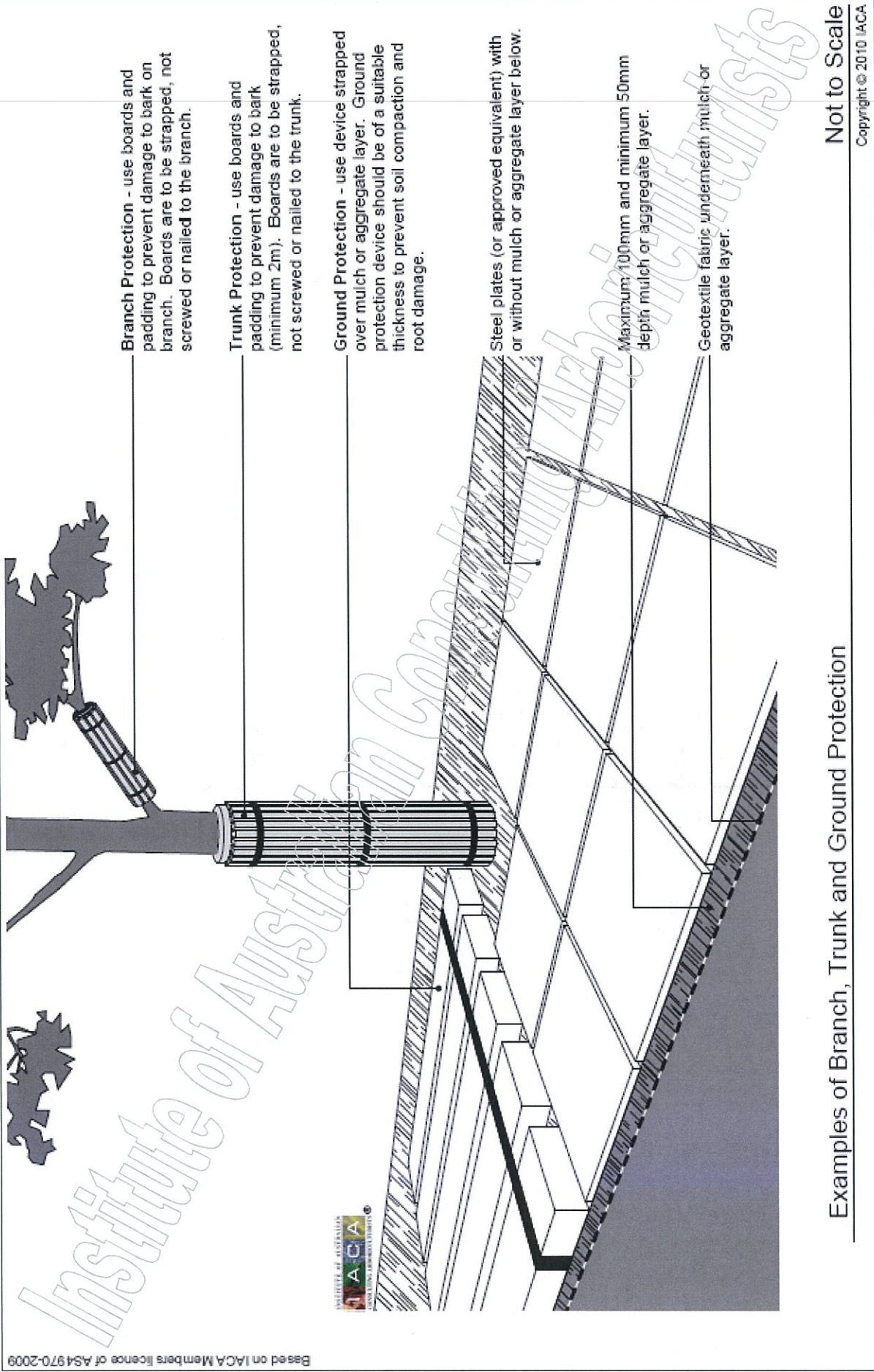
Bracing is permissible within the TPZ.

Maximum 100mm and minimum 50mm depth mulch or aggregate layer installed across surface of TPZ.

Tree Protection Fencing

Not to Scale

Copyright © 2010 IACA



Examples of Branch, Trunk and Ground Protection

Based on IACA Members licence of ASA 970-2009



Example of Tree Protection Zone (TPZ) Signage

Scale 1:5 @ A4

Copyright © 2010 IACA