

Modification of Minister's Approval

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

The Planning and Assessment Commission, as delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission

Sydney

2013

SCHEDULE 1

Application No.: MP 09_0195

Proponent: Toga Macquarie Developments Pty Ltd

Approval Authority: Minister for Planning and Infrastructure

Land: 120-128 Herring Road, Macquarie Park

Project: Concept Plan approval for a mixed use residential/retail development with basement car parking and private/public infrastructure provision including:

- use of the site for residential and retail purposes and open space/recreation facilities;
- indicative building envelopes for 5 separate buildings with heights ranging from 9 to 12 storeys;
- basement level and at-grade car parking;
- public internal road, pedestrian and cycle pathway, and parking infrastructure;
- public pedestrian access between proposed Buildings B and C; and
- provision of a riparian corridor and ecological rehabilitation/protection works and associated landscaping.

Modification: MP09_0195 MOD 4

The proposed modifications include:

- increasing the ground floor Lobby entry level and car park level of Building D by 0.5 metres; and
- revisions to the Tree Management Plan to permit the removal of five additional trees

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

The above approval is modified as follows:

- a) Condition A2 is amended by the deletion of the struck-out words / numbers and insertion of the **bold and underlined** words and numbers as follows:

A2 Development in Accordance with Plans

The approval shall be generally in accordance with MP09_0195 and with the Environmental Assessment (May 2010) prepared by Urbis, except where amended by the Preferred Project Report (September 2010) prepared by Urbis, and, additional information to the Preferred project report (October 2010), and drawings prepared by Turner and Associates, Architects, Turf Design, Landscape Architect, and Taylor Thomson Whitting, Consulting Engineers; as amended by the Section 75W modification (MP 09_0195 MOD 1) dated 24 March 2011 prepared by Urbis including amended plans prepared by Turner and Associates Architects and associated documentation; as amended by the Section 75W modification (MP 09_0195 MOD 2) dated 2 December 2011 prepared by Architectus (as amended by correspondence received on 8 February 2012 and 17 February 2012) and associated documentation; and as amended by the Section 75W modification (MP09_0195 MOD 3) dated 23 August 2012 prepared by Architectus and associated documentation, except where amended by the Response to Submissions letter (10 October 2012 prepared by Architectus, and attachments to the Response to Submissions, including the Bridging Report (September 2010) prepared by Total Earth Care and Revised Tree Management Plan dated 8/10/12 prepared by Turf Design; and **as amended by the Section 75W modification (MP09 0195 MOD 4) dated 25 September 2013 prepared by RPS (as amended by correspondence from RPS dated 12 November 2013) and associated documentation.**

Concept Plans by Turner and Associates, Architects			
Drawing No	Revision	Number of Plan	Date
A103	I	09047 Site Context Plan Future	30/11/11
A170	B	09047 Relocated carparking and temporary sales office	2/09/10
A108	B	09047	30/09/10
A110	B	09047	30/09/10
A122	N	09047	29/09/10
A123	N	09047	29/09/10
A124	O	09047	29/09/10
A125	P	09047 Illustrative Plan B1_RL63.3	01/03/11
A126	Q	09047 Illustrative Herring Road Floor Plan	01/03/11
A127	R	09047 Illustrative Typical Floor Plan	01/03/11
A128	I	09047	29/09/10
A129	Q	09047 Illustrative Roof Plan	30/11/11
A136	G	09047 Illustrative East Elevation	01/03/11

A137	G	09047 Illustrative North Elevation	01/03/11
A138	E	09047 Illustrative West Elevation	01/03/11
A139	I	09047 Illustrative South Elevation	17/03/11
A141	H	09047 Illustrative Section AA	18/03/11
A142	F	09047 Illustrative Section BB	01/03/11
A143	F	09047 Illustrative Section CC	01/03/11
A144	G	09047 Illustrative Section DD	01/03/11
A145	G	09047 Illustrative Section FF	01/03/11
A146	E	09047 Illustrative Context Sections	01/03/11
A161	L M	Urban Control Diagram Plan Urban Form Control Diagram Plan	31/07/12 13/08/13
A162	I J	Urban Form Control Diagram Elevation Along Herring Road Urban Form Control Diagram Elevation Along Herring Road	31/07/12 13/08/13

Landscape Plans by Turf Design, Landscape Architect

Drawing No	Revision	Number of Plan	Date
L4	E	Project No. 0924	24/09/10
LP-3 LP-3	E I	Tree Management Plan Tree Management Plan	08/10/12 26/09/13
L6	E	Project No. 0924	24/09/10
L7	C	Project No. 0924	13/09/10
L8	D	Project No. 0924	24/09/10
L9	C	Project No. 0924	13/09/10
L10	C	Project No. 0924	13/09/10
L11	C	Project No. 0924	13/09/10
L12	C	Project No. 0924	13/09/10
L13	A	Project No. 0924	13/09/10
L14	B	Project No. 0924	13/09/10
L15	B	Project No. 0924	13/09/10

Stormwater Engineering Plans by Taylor Thomson Whitting, Consulting Engineers

Drawing No	Revision	Number of Plan	Date
C102	P8	091679	29/09/10
C103	P7	091679	29/09/10
C104	P7	091679	29/09/10

C105	P6	091679	29/09/10
C202	P8	091679	29/09/10
C203	P8	091679	29/09/10
C204	P9	091679	29/09/10
C209	P8	091679	29/09/10
C302	P7	091679	29/09/10
C402	P7	091679	29/09/10
C502	P7	091679	29/09/10
C601	P9	091679	29/09/10
C602	P9	091679	29/09/10

B4 *Removal, Remediation and Reinstatement of the existing mound on the Herring Road elevation of Building E*

The plans described in Part A - Terms of Approval shall be modified as follows:

The existing earth mound containing asbestos contamination on the Herring Road elevation of Building E shall be reinstated to a similar height and length, following removal and remediation.

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

End of Modifications to MP09_0195 MOD 4