

Modification of Minister's Approval

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

As delegates of the Minister for Planning under delegation executed on 14 September 2011, the NSW Planning Assessment Commission approves the modification of the Concept Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Garry Payne AM
Member of the Commission



Paul Forward
Member the Commission

Sydney

27 May 2014

SCHEDULE 1

Concept Approval:

MP10_0112 granted by the by the Planning Assessment Commission on 26 September 2012.

For the following:

Mixed use residential, retail and commercial development incorporating:

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

at 110 -114 Herring Road, Macquarie Park
(Lot 1 DP 780314).

Modification:

MP10_0112 MOD 2:

- replace a number approved architectural drawings to reflect proposed changes to the internal layout, external elevations, and previous errors;
- delete Modification B3;
- delete Modification B4;
- a change in building names; and
- amend the statement of commitments.

SCHEDULE 2

The Concept Approval for MP10_0112 is modified as follows:

- (a) Term of Approval A2 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment prepared by JBA Planning (dated June 2011), except where amended by:
 - the Preferred Project Report (incorporating Response to Submissions) prepared by Urbis Pty Ltd (dated February 2012) including all associated documents and reports; 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 prepared by Urbis Pty Ltd (dated August 2013), including all associated documents and reports; and**
- the **Final** Statement of Commitments prepared by Urbis Pty Ltd ~~contained in the Section 75W Modification Application prepared by Urbis Pty Ltd dated January 2013~~ **contained at Schedule 3**; and
- the following drawings:

Architectural Drawings			
Drawing No.	Revision	Name of Plan	Date
DA0000	F <u>G</u>	Cover Sheet	22.11.12 <u>17.06.13</u>
<u>DA0100</u>	<u>C</u>	<u>Staging Diagrams</u>	<u>17.06.13</u>
DA2001	D <u>E</u>	Level B1 Plan	22.11.12 <u>17.06.13</u>
DA2002	D <u>E</u>	Level B2 Plan	22.11.12 <u>17.06.13</u>
DA2003	D <u>E</u>	Level B3 Plan	22.11.12 <u>17.06.13</u>
DA2100	D <u>E</u>	Ground Level Plan	22.11.12 <u>17.06.13</u>
DA2101	D <u>E</u>	Level 1 Plan	22.11.12 <u>17.06.13</u>
DA2102	D <u>E</u>	Level 2 Plan	22.11.12 <u>17.06.13</u>
DA2103	D <u>F</u>	Level 3 Plan	22.11.12 <u>17.06.13</u>
DA2105	D <u>F</u>	Typical Lower Level Plan <u>Level 5 Plan</u>	22.11.12 <u>17.06.13</u>
<u>DA2106</u>	<u>C</u>	<u>Level 6 Plan</u>	<u>17.06.13</u>
DA2120	E	Roof Plan	22.11.12
<u>DA2107</u>	<u>C</u>	<u>Level 7 Plan</u>	<u>17.06.13</u>
<u>DA2108</u>	<u>C</u>	<u>Level 8 Plan</u>	<u>17.06.13</u>
<u>DA2109</u>	<u>C</u>	<u>Level 9 Plan</u>	<u>17.06.13</u>
DA2110	D <u>F</u>	Typical Upper Level Plan <u>Level 10 Plan</u>	22.11.12 <u>17.06.13</u>
<u>DA2111</u>	<u>D</u>	<u>Level 11 Plan</u>	<u>17.06.13</u>
<u>DA2112</u>	<u>C</u>	<u>Level 12 Plan</u>	<u>17.06.13</u>
<u>DA2113</u>	<u>D</u>	<u>Level 13 Plan</u>	<u>17.06.13</u>

Architectural Drawings			
<u>DA2115</u>	<u>D</u>	<u>Level 15 Plan</u>	<u>17.06.13</u>
<u>DA2116</u>	<u>D</u>	<u>Level 16 Plan</u>	<u>17.06.13</u>
DA3100	E <u>F</u>	South Elevation Epping Rd	48.01.13 <u>17.06.13</u>
DA3101	E <u>F</u>	North Elevation	48.01.13 <u>17.06.13</u>
DA3102	E <u>F</u>	East Elevation – Herring Rd West Elevation	48.01.13 <u>17.06.13</u>
DA3110	E <u>F</u>	Section 1	48.01.13 <u>17.06.13</u>
DA3111	E <u>F</u>	Section 2	48.01.13 <u>17.06.13</u>
DA3112	E <u>F</u>	Section 3 + Section 4	48.01.13 <u>17.06.13</u>
DA3113	D <u>E</u>	Section 5	48.01.13 <u>17.06.13</u>
<u>DA4100</u>	<u>C</u>	<u>Detailed Elevation Sheet 1</u>	<u>17.06.13</u>
DA3600	E	Shadow Diagrams Winter Solstice June 21	48.01.13
DA3604	E	Shadow Diagrams Equinox March 21	48.01.13
DA3602	E	Shadow Diagrams Summer Solstice December 21	48.01.13
DA3610	E <u>F</u>	Daylight <u>Sunlight</u> Access Diagrams Winter Solstice June 21	48.01.13 <u>17.06.13</u>
DA3611	E <u>F</u>	Daylight <u>Sunlight</u> Access Diagrams Equinox March/September 21	48.01.13 <u>17.06.13</u>
DA3612	E <u>F</u>	Daylight <u>Sunlight</u> Access Diagrams Summer Solstice December 21	48.01.13 <u>17.06.13</u>
DA3630	E <u>F</u>	Views <u>s</u> Sheet 1	48.01.13 <u>17.06.13</u>
DA3631	E <u>F</u>	Views <u>s</u> Sheet 2	48.01.13 <u>17.06.13</u>
DA3632	E <u>F</u>	Views <u>s</u> Sheet 3	48.01.13 <u>17.06.13</u>
DA3633	E <u>F</u>	Views <u>s</u> Sheet 4	48.01.13 <u>17.06.13</u>
DA3634	E <u>F</u>	Views <u>s</u> Sheet <u>4</u>	48.01.13 <u>17.06.13</u>
DA3635	D	View Sheet 6	41.12.12
DA3636	A	View Sheet 7	41.12.12
DA3637	A	View Sheet 8	41.12.12
Landscape Plans			
Drawing No.	Revision	Name of Plan	Date
		Illustrative Landscape Master Plan	January <u>June</u> 2013
		Illustrative Landscape Sections Section A & B	January <u>June</u> 2013
		Illustrative Landscape Sections Section C & D	January <u>June</u> 2013
		Illustrative Landscape Sections	January <u>June</u> 2013

Architectural Drawings			
		Section E, F & G	
		Illustrative Landscape Sections Section H	January June 2013
		November 2012 Scheme: Public Space Diagram <u>MPV</u> <u>Central Open Space</u>	January 2013 <u>4.12.13</u>

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

- (b) Term of Approval A8 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

Heights of buildings

- A8 The project shall have a maximum building height (plus plant level) as outlined in the following table:

Building	Storeys/RL
Hunter H <u>Adelaide</u>	5 - 8 storeys/RL99.55
Young Y <u>Darwin</u>	8 storeys/RL100.20
Cutler C <u>Brisbane</u>	13 storeys/RL116.250
Woodward W <u>Perth</u>	8 - 10 storeys/RL105.95 (8 storeys on the north-western portion of building)
Martin M <u>Hobart</u>	8 storeys/RL101.6
Darling D <u>Melbourne</u>	12 storeys/RL117.5
Loftus L <u>Sydney</u>	22 storeys/RL144.650
Height (RL)	RL99.55 - RL144.650

- (c) Modification B3 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

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.~~

- (d) Modification B4 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

Open Space

- ~~B4 The central park shall provide a minimum of 1,665m² open space and through site links. The swimming pool component, including associated decking, surrounds and safety fencing, of this open space shall be limited to 500m². The remaining 1165m² 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.~~

- (e) Condition C11(a) is modified by the insertion of the **bold and underlined** words/numbers as follows:

- C11(a)** Future development applications shall demonstrate that a minimum of four affordable housing units and **2 parking spaces** are to be dedicated to Council. **The units shall:**
- **consist 2 one bedroom units and 2 two bedroom units;**
 - **comply with SEPP 65 solar access, natural cross ventilation and privacy requirements and the minimum unit size of the Residential Flat Design Code;**
 - **be identified prior to the issue of any Construction Certificate of Stage 1 of the development; and**
 - **be dedicated to Council prior to the issue of the first occupation certification for any building or as otherwise agreed by Council.**

- (f) Future Assessment Requirement C16 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

- C16 (a) Future development applications shall provide details of public domain works proposed in Herring Road and Epping Road and the new roads proposed for provision under community title with internal road access revised as shown on Drawing No. DA2100 Revision D ~~E~~ Ground Level Plan dated ~~22.11.12~~ **17.06.13**.

The design and implementation of all works shall be in accordance with the requirements of Council's Macquarie Park Public Domain Technical Manual and ensure the provision of safe, public access on the pedestrian link, and unencumbered access for emergency and waste vehicles along the remainder of the internal road.

(b) The Council may require the provision of the north-western portion of the internal road network to Council's Type 3 standard and may require its dedication to Council.

(c) The Council must notify the proponent whether it requires the provision of the north-western portion of the internal road network before the 1 December 2013.

- (g) Future Assessment Requirement C18 is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

RMS Requirements

- C18 **(a) No concurrence is given to use Epping Road as an exit to the subject site, with the exception of emergency vehicles.**
(b) Future applications shall provide for "No parking" restrictions on both sides of Epping Road for a distance of approximately 300 m on either side of the Herring Road intersection to ensure the traffic capacity of Epping Road is maintained.

SCHEDULE 3

STATEMENT OF COMMITMENTS

23/01/14

4

Final Statement of Commitments

The following are the commitments made by Stamford Property Services Pty Ltd to manage and minimise potential impacts arising from Concept Plan MP10_0112 (MOD 2) and Stage 1 Project Approval MP10_0113 (MOD 1). As these are inter-related approvals, the draft Statement of Commitments for the two approvals are combined.

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
Concept Plan MP10_0112 (MOD 2) and Stage 1 Project Application MP10_0113 (MOD 1)			
Approved Project	Development on the site will be implemented in accordance with the Concept Plan entitled 'S75W Concept Plan Modification 2 and Project Application Modification 1' dated July 2013.	Department of Planning.	No timing. General Statement of Commitment
	Stage 1 will be implemented in accordance with the Project Application Plans entitled 'S75W Concept Plan Modification 2 and Project Application Modification 1' dated July 2013.	Department of Planning.	No timing. General Statement of Commitment
Approved Floor Space	The total floor area of the development shall generally be in accordance with the approved Concept Plan Modification 2 (MP10_0122 MOD2) and shall not exceed 51,139m ² . The development shall contain a minimum 1,210m ² non-residential land uses.	Department of Planning.	No timing. General Statement of Commitment
Apartment Mix / Accessibility	Approval is granted for a Stage 1 apartment mix of: <ul style="list-style-type: none"> - Maximum 165 (49%) one bedroom apartments; - Minimum 175 (51%) two bedroom apartments; 	Department of Planning.	No timing. General Statement of Commitment
	In order to ensure flexibility and options to live close to work, 30 SOHO apartments will be provided across the development site.	Department of Planning.	No timing. General Statement of Commitment
	10% of apartments will be provided as Class C adaptable units across the development site.	Department of Planning.	No timing. General Statement of Commitment

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
Road Access and Traffic	<p>In accordance with the recommendations of the Traffic Report prepared by Traffix and dated January 2011, a Travel Plan will be prepared which addresses:</p> <ul style="list-style-type: none"> ▪ Local bus stop locations; ▪ Bus and rail timetables; ▪ Location of taxi ranks in the locality; ▪ Location of local services within walking distance such as convenience stores, supermarkets and other retail related areas; ▪ Location of car share vehicles; and ▪ Local cycle routes including the City of Ryde cycle map. <p>The proponent commits to consulting with a car share operator such as Go Get to determine the feasibility of a car share scheme on-site.</p>	Department of Planning.	<p>Prior to the issue of a Stage 1 Construction Certificate</p> <p>Outcome of consultation submitted with Stage 2 Development Application.</p>
Flora and Fauna and Tree Management	<p>In accordance with the Flora and Fauna Assessment prepared by Total Earth Care dated December 2010 and the Arborist Report prepared by Earthscape Horticultural Services dated February 2011, the following will be implemented:</p> <ul style="list-style-type: none"> ▪ Removal of trees should be offset with the revegetation of the Epping Road setback buffer zones and removal of exotic species from the site; ▪ Any landscaping or revegetation works are to incorporate locally indigenous native plant species, including those that are characteristic of STIF; ▪ The protection measures as recommended with the Arborist's Report prepared by Earthscape Horticultural Services; 	Department of Planning.	<p>No timing.</p> <p>General Statement of Commitment</p>

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
	<ul style="list-style-type: none"> Temporary fencing is to be installed around the construction area and machinery or materials storage areas to eliminate the potential for accidental damage to the STIF remnants and all retained trees on the site during construction works; Native trees or limbs of trees that are removed as part of the clearing for the current proposal should be mulched and used on site in rehabilitation or landscaping works, for temporary sediment and erosion control during construction, or as habitat features in any restoration works; Implementation of the Tree Management Plan; and Planting of 20 new trees capable of attaining a height of thirteen metres at maturity. 		
Structural Adequacy	<p>The Structural design will be in accordance with:</p> <ul style="list-style-type: none"> AS / NZS1170.0 – 2002 General Principles; As / NZS1170.1 – 2002 Permanent, Imposed and Other Actions; AS / NZS1170.2 – 2002 Wind Actions; AS3600 – 2009 Concrete Structures; AS3700 – 2001 Masonry; AS4100 – 1998 Steel Structures; AS1720.1 – 1997 Timber Structures; and BCA – 2009 Building Codes of Australia. 	The relevant consent authority at the relevant stage	<p>No timing.</p> <p>General Statement of Commitment</p>

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
Construction, Waste and Traffic Impacts	Works will be carried out in accordance with the recommendations of the preliminary Construction Management Plan and Waste Management Plan prepared by Stamford Property Services and dated June 2013, and the preliminary Construction Traffic Management Plan prepared by Traffix and dated January 2011.	Department of Planning	No timing. General Statement of Commitment
	A detailed Construction Management Plan, Waste Management Plan and Construction Traffic Management Plan will be prepared and submitted when a builder is appointed and Construction Certificate documentation prepared. Further consultation regarding construction access will be undertaken with the RTA and Council prior to the completion of these Plans.	The relevant consent authority at the relevant stage.	Prior to issue of Construction Certificate.
Soil and Water Management	Details of the easement recommended in the Civil Engineering Design Report prepared by Meinhardt and dated January 2011 will be provided to the Department of Planning prior to the issue of a Stage 1 Construction Certificate.	To be negotiated with adjoining landowners	Prior to issue of a Stage 1 Construction Certificate.
	The stormwater and drainage network will be in accordance with the Civil Engineering Design Report prepared by Meinhardt and dated January 2011. Stormwater drainage infrastructure will be designed in accordance with: <ul style="list-style-type: none"> ▪ AS3500.3; ▪ City of Ryde Council's specifications; ▪ The Concrete Pipe Association of Australia Guidelines; and ▪ The Australian Rainfall and Runoff (ARR) publication. 	Department of Planning	No timing. General Statement of Commitment
	A bulk earthworks model will be provided with the Construction Certificate documentation for each stage, indicating the final cut and fill volumes.	The relevant consent authority at the relevant stage.	Prior to issue of Construction Certificate.

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
Environmentally Sustainable Development	Residential development will need to meet the BASIX energy consumption benchmark with a target of achieving a 4 star Green Star rating. A further ESD statement will be submitted with the Stage 2 DA.	No timing.	No timing. General Statement of Commitment
Infrastructure and Services	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider requirements.	Relevant Service Provider	No timing. General Statement of Commitment
Public Benefits	Public benefits provided to the wider community will include public access (provided by a covenant on the title) to communal open space areas and a proposed meeting room on-site.	Department of Planning	No timing. General Statement of Commitment
Residential Amenity	<p>The proponent commits to provide:</p> <ul style="list-style-type: none"> ▪ A residential swimming pool; ▪ Residents gym; ▪ Provision of a herb/vegetable garden, the design of which will be detailed in the Stage 1 landscape plans, prior to the issue of a Construction Certificate; ▪ Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every residential purchaser; and ▪ Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every 100m² of non-residential GFA. ▪ A community meeting room for occupiers of the development privately managed. 	Department of Planning	No timing. General Statement of Commitment
WSUD	<p>WSUD measures for both stages will be in accordance with the Integrated Water Management Plan Rev B prepared by AECOM and dated June 2013:</p> <ul style="list-style-type: none"> ▪ Rainwater harvesting for non-potable reuse including toilet flushing, clothes washing and 	Department of Planning	No timing. General Statement of Commitment

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
	<p>irrigation; and</p> <ul style="list-style-type: none"> Harvested rainwater will be treated via a gross pollutant trap to remove suspended solids prior to discharge into the rainwater tank. <p>In addition, the gross pollutant trap and rain gardens will be designed for the Treatable Flow Rate.</p> <p>Water efficient fixtures and fittings including 4 WELS star rating dual flush toilets, 6 / 5 WELS star bathroom taps and 3 WELS star shower heads are being considered to meet GBCA targets.</p>	Department of Planning	<p>No timing.</p> <p>General Statement of Commitment</p>
Geotechnical and Contamination	<p>Works will comply with the recommendations of the Geotechnical Investigation and Waste Classification of InSitu Materials Report prepared by Douglas and Partners and dated January 2011, and the Preliminary Contamination Assessment prepared by Douglas and Partners and dated February 2011. The proponent commits to:</p> <ul style="list-style-type: none"> Carry out filling in accordance with the report; Undertake regular inspection by a geotechnical engineer following each progressive lift in excavation; All load bearing foundations inspected and spoon tested by an experienced geotechnical engineer or engineering geologist; Preparation of a dilapidation survey of adjacent buildings prior to and at the completion of bulk excavation works; Once the site has been stripped of fill and excavated soils are stockpiled on site, an environmental scientist or engineer will inspect the site to confirm the classification of fill as General Solid Waste; 	Department of Planning	<p>No timing.</p> <p>General Statement of Commitment</p>

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
	<ul style="list-style-type: none"> ▪ Fill classified as General Solid Waste will only be transported to a facility licensed to accept General Solid Waste; and ▪ The preliminary classification of natural soils as VENM will be confirmed subject to an inspection once all filling has been removed. 		
	Final or detailed design of retaining walls will be undertaken using an interactive computer software program such as WALLAP or FLAC during the progressive stages of wall construction, anchoring and bulk excavation.	Department of Planning	Prior to issue of Construction Certificate.
Building Regulations	Where non-compliances with the BCA, Alternative Solutions will be employed to address these matters.	PCA	All Alternative Solutions will be developed for approval prior to the issue of a Construction Certificate.
Erosion and Sediment Control	An Erosion and Sediment Control Plan measures outlined in the Meinhardt Civil Engineering Design Report and dated January 2011 will be incorporated into a detailed Erosion and Sediment Control Plan.	PCA / Relevant Consent Authority for each stage	Prior to issue of Construction Certificate.
Landscaping	Landscaping and public domain works on the site will be implemented in accordance with the Landscape Plans prepared by Oculus entitled Macquarie Village Landscape Masterplan June 2013; Macquarie Village Illustrated Sections June 2013. A further detailed landscape plan in accordance with the principles of the approved Concept Plan will be submitted prior to issue of a Construction Certificate for each stage.	The relevant consent authority at the relevant stage.	With the relevant PA / DA and prior to issue of CC.
Acoustic	Glazing will be provided in accordance with the recommendations of the Acoustic Report dated January 2011 and letter dated 24 November 2011.	PCA	On plans, prior to the issue of a Construction Certificate for each stage.

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
	<p>The following noise attenuation measures will be adopted for future retail/commercial tenancies as outlined in the Noise Impact Assessment prepared by Acoustic Logic and dated 20/6/13:</p> <ul style="list-style-type: none"> ▪ Locating seating below awnings and overhangs to limit noise impact to residence above; ▪ Limit the number of seats within the courtyard; ▪ Locating external areas where noise transmission is limited; and ▪ Limit deliveries and waste removal to day time hours. <p>A detailed construction noise and vibration plan will be developed once construction programs have been developed further. The noise and vibration plan will be developed in accordance with the following:</p> <ul style="list-style-type: none"> ▪ Australian Standard AS2436:1981 "Guide to noise control on construction, maintenance and demolition sites"; and ▪ DECCW – "Interim Construction Noise Guideline". 	Ryde City Council	Details submitted with the Stage 2 Development Application
Wind	<p>The recommendations of the Wind Report prepared by Vipac dated June 2013 will be implemented.</p> <p>The effectiveness of wind control mechanisms will be validated prior to the issue of a Construction Certificate.</p>	The relevant consent authority at the relevant stage.	Prior to the issue of Construction Certificate.
Public Art	<p>A detailed Public Art Plan will be prepared by a suitably qualified Public Art Consultant.</p>	Ryde City Council	To be submitted with the Stage 2 Development Application

SUBJECT	COMMITMENTS	APPROVED BY WHOM	TIMING
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	The relevant consent authority at the relevant stage.	During construction
Affordable housing	The proponent will dedicate 4 appropriately sized and located dwelling units within Stage 1 of the development to be administered as Affordable Housing	Department of Planning/Ryde City Council	To be dedicated with Stage 1
Public Access	The provision of a staircase and lift along Epping Road to allow access to the existing bus stop on Epping road.	Department of Planning/City of Ryde	To be dedicated with Stage 1
Upgrade of Bus Shelter	To facilitate the upgrade of the existing bus shelter on Epping Road.	Department of Planning/City of Ryde	At the completion of Stage 1.
Development contributions	Appropriate contributions, commensurate with each stage, will be payable prior to the issue of a Construction Certificate for that stage in accordance with the City of Ryde Section 94 Development Contributions Plan 2007.	City of Ryde	Prior to issue of Construction Certificate for Stage 1 and 2

