

27 November 2014

**Class 1 Appeal to the Land and Environment Court  
Modifications to Concept Plan Approval and Stage 1 Project Approval  
110-114 Herring Road, Macquarie Park  
(LEC Case Number: 14/10873 and 14/10874)**

On 17 October 2014, Stamford Property Services Pty Ltd (the proponent) filed two Class 1 Applications with the NSW Land and Environment Court (the Court) to appeal against the deemed refusal of the two applications lodged with the Department of Planning and Environment to modify the above modification applications.

The application to modify the Concept Plan Approval (MP10\_0112) is to amend the car parking rates for the *Future Assessment Requirement* – Condition C5. The modification to the Stage 1 Project Approval (MP10\_0113 MOD 3) is to amend the residential, visitor and commercial parking rates – Condition B1.

On 21 November 2014, the Planning Assessment Commission (the Commission), as delegate of the Minister for Planning, determined to approve the amendment to the commercial parking rate, that is to reduce the parking rate from 1 space per 46m<sup>2</sup> to 1 space per 100m<sup>2</sup> of commercial floor space. However the modification to change the residential and visitor parking rates were not approved.

The Commission's determination differed from the recommendation in the Assessment Report prepared by the Department of Planning and Environment (the Department). The reasons for the decision are detailed in the determination report (Attachment 1).

Following the determination, the proponent decided that it will discontinue the Concept Plan appeal, but wishes for the Court to deal with the Project Approval appeal insofar as there is a minor error in the wording of Condition B1.

The Commission agrees that there is an unintended error in Condition B1 and the condition should be amended to reflect the Commission's determination. In the circumstances the Commission proposes to enter into a s34 agreement with the proponent to amend Condition B1 as contained in Attachment 2.

The Project Approval appeal is listed for a s34 conciliation conference on 2 December 2014 commencing at 9:30am in Court (located at 225 Macquarie Street, Sydney).

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