



Planning & Environment

MODIFICATION REQUEST:

***Concept Approval and Stage 1 Project
Approval at 110 – 114 Herring Road,
Macquarie Park***

MP10_0112 MOD 5 and MP 10_0113 MOD 5



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2015

© Crown copyright 2015
Published May 2015
NSW Department of Planning & Environment
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

EXECUTIVE SUMMARY

The purpose of this report is to assess an application to modify the Concept Approval MP 10_0112 and Stage 1 Project Approval MP 10_0113 for a mixed use residential development at 110-114 Herring Road, Macquarie Park under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modifications to the both the Concept Plan and the Stage 1 Project Application seek to amend the extent and location of the approved basement and reconfigure the Stage 1 basement layout.

The Department made the applications publically available and referred the proposals to the City of Ryde Council. Council advised it supported the amendments, but requested some additional information and recommended conditions in relation to the use of storage cages and waste management. No public submissions were received.

The key assessment issues related to the application include the number of parking spaces proposed within the Stage 1 basement, the proposed additional storage spaces and their ability to be converted to additional parking, and amended waste management arrangements.

The Department is satisfied that the modified proposals will result in improvements to the development, including provision of additional storage, improved access for Council waste collection vehicles, as well as consistency with approved parking provision on the site. To further ensure ongoing compliance with the approved parking provision, conditions are recommended to prevent future conversion of the basement storage spaces to parking.

Subject to recommended conditions, the modifications will have no adverse impacts, and it is recommended that the Planning Assessment Commission approve the applications.

TABLE OF CONTENTS

1.	BACKGROUND	2
1.1	Site and Locality	2
1.2	Herring Road Urban Activation Precinct	2
1.3	Previous Approvals	3
1.4	Other Applications Under Assessment	4
2.	PROPOSED MODIFICATION	5
3.	STATUTORY CONTEXT	7
3.1	Modification of the Minister's Approval	7
3.2	Environmental Assessment Requirements	7
3.3	Delegated Authority	7
4.	CONSULTATION AND SUBMISSIONS	7
4.1	Exhibition	7
4.2	Submissions	7
5.	ASSESSMENT	8
5.1	Basement Storage	8
5.2	Stage 1 Parking Spaces and Stage 2 Basement Layout	9
5.3	Waste Management	9
6.	CONCLUSION	10
7.	RECOMMENDATION	10
APPENDIX A	MODIFICATION REQUEST	11
APPENDIX B	SUBMISSIONS	12
APPENDIX C	RECOMMENDED MODIFYING INSTRUMENTS	13

1. BACKGROUND

1.1 Site and Locality

The site is known as 110-114 Herring Road, Macquarie Park and is legally described as Lot 1 DP 780314. The site is located on the southern edge of Macquarie Park within the Ryde Local Government Area. The site is approximately 13 km north-west of the Sydney CBD and 6 km north-west of Chatswood.

The site has an area of 22,433m² and is generally rectangular in shape, with a splayed southern corner, at the intersection of Epping and Herring Roads. The north eastern and south western boundaries are 230.8 metres and 100.5 metres in length, respectively. The site falls approximately 8 metres from its southern to its western corner and 2 metres from its southern to its eastern corner (**Figure 1**).

The site is well serviced by public transport infrastructure including key bus and rail services. In particular, Macquarie University railway station is located within 800m walking distance (approximately 500m north of the site), and key bus services to major centres including Chatswood and Parramatta are within a distance of 400 metres.

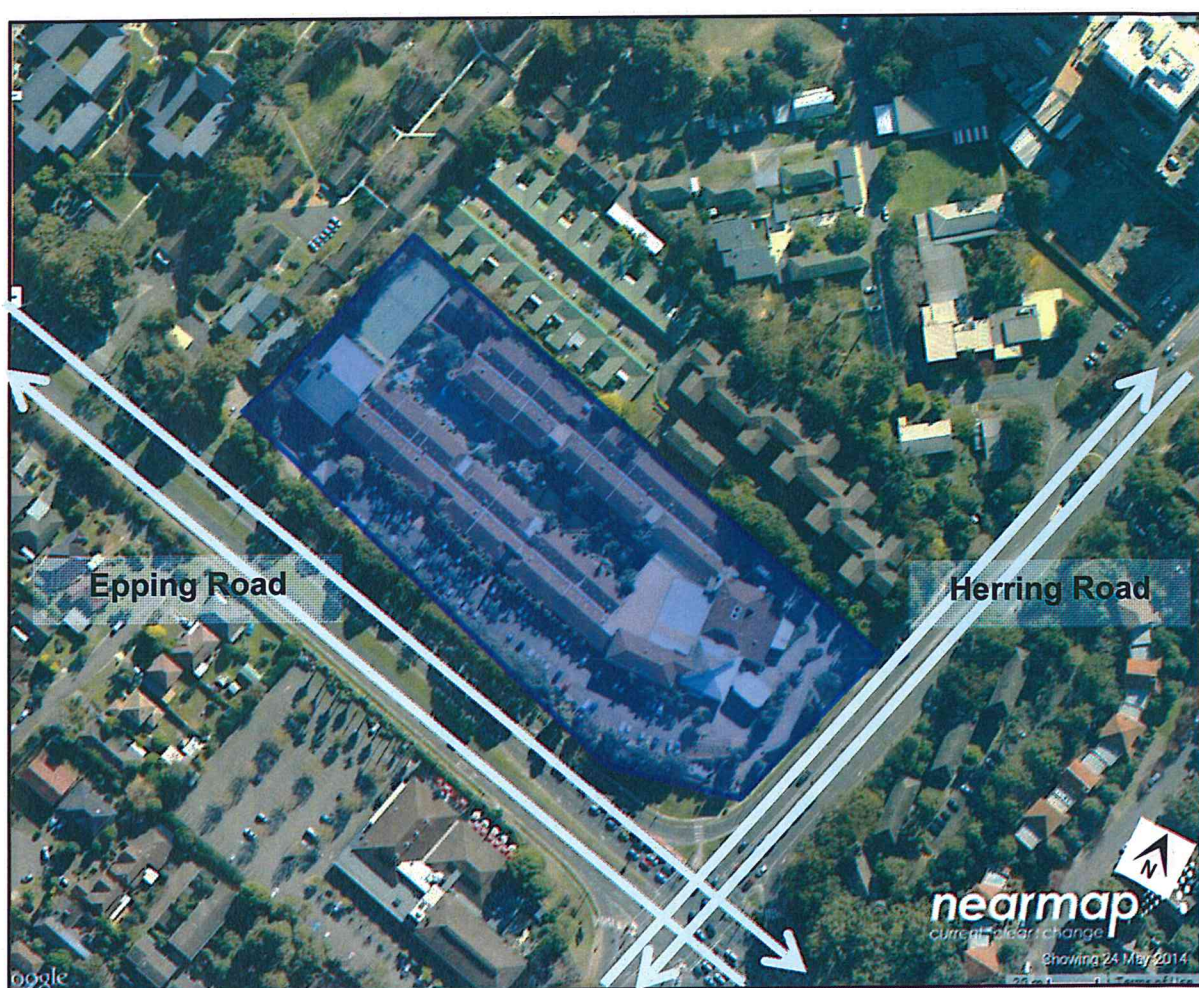


Figure 1: Project Location

1.2 Herring Road Urban Activation Precinct

The Herring Road Urban Activation Precinct (UAP) was announced by the NSW Government in 2013 and the draft UAP was exhibited from 26 June 2014 to 10 August 2014. The UAP seeks to rezone the precinct to provide increased housing density, building heights, new road and bicycle network, an open space network, and car parking requirements (**Figure 2**).

The site sits within the Herring Road Urban Activation Precinct and seeks to provide an FSR of 2.5:1 and heights of 23 storeys and 14 storeys at the site. The Concept Approval is consistent with the proposed UAP controls.

The Department has exhibited the proposed UAP and is reviewing submissions.

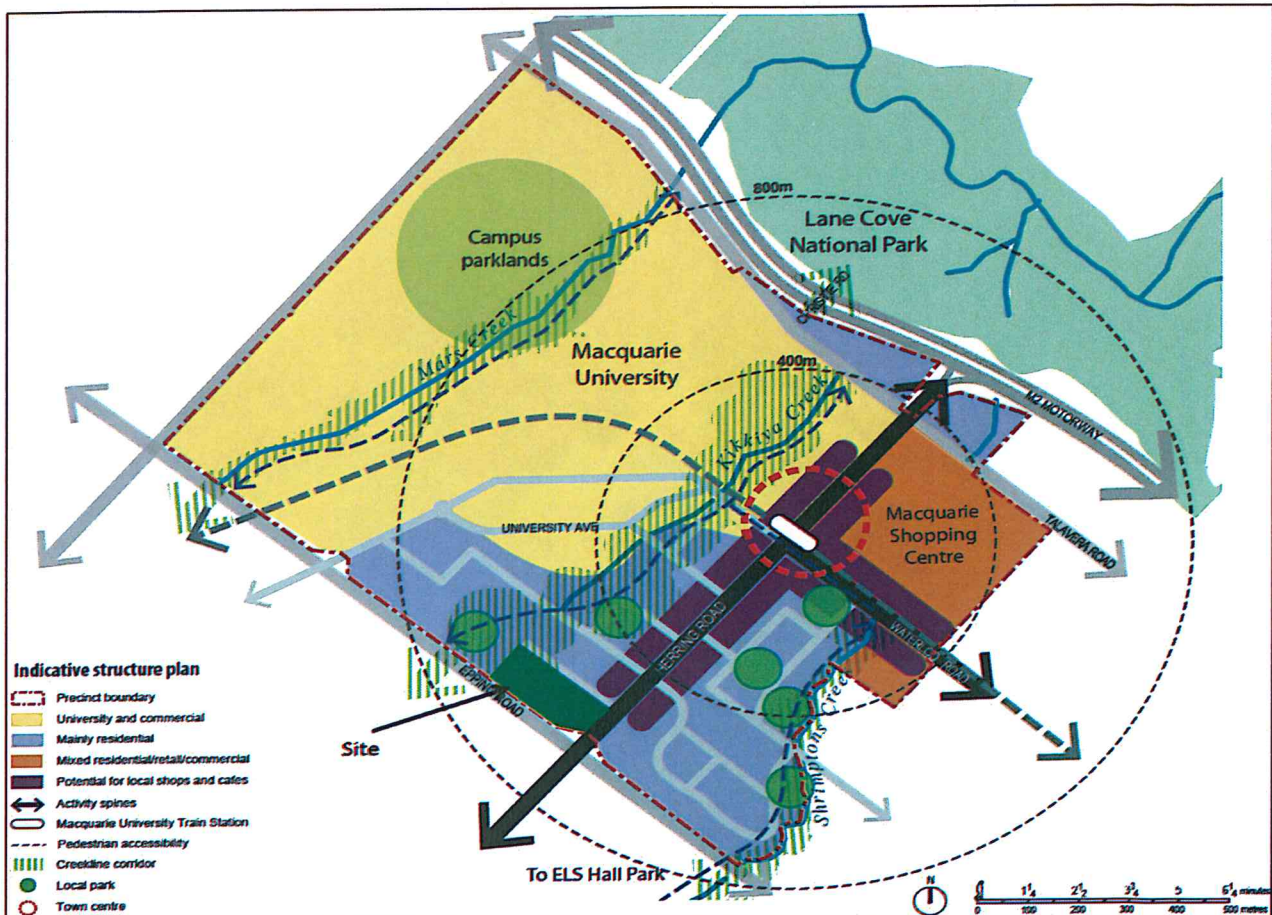


Figure 2: Herring Road UAP Structure Plan and site

1.3 Previous Approvals

Concept Plan

On 26 September 2012, the Planning Assessment Commission (PAC) approved a Concept Plan (MP 10_0112) for mixed use residential and commercial development including:

- indicative building envelopes for seven buildings with a maximum height of RL 138.45;
- a maximum gross floor area of 47,650 m²;
- a minimum of 1,210 m² of non-residential gross floor area;
- residential apartments;
- basement level and at grade car parking;
- open space and landscaped areas; and
- internal and public roads.

The PAC has previously approved four Section 75W modification applications to the Concept Plan (MP10_0012) as follows:

- MOD 1, approved on 3 June 2013 to increase maximum height and density, reorientate some building envelopes, and replace part of an internal road with pedestrian/cycleway and landscaping; and
- MOD 2, approved on 27 May 2014 to amend the internal layout, external elevations, rectify previous errors, and various other changes.

- MOD 3, approved on 21 November 2014 approved a modification request to reduce commercial parking rates but refused a request to increase residential parking rates.
- MOD 4, approved on 16 February 2015 to amend the public domain plan with additional open space, relocation of community room, conversion of the former community room and ground floor of 5 apartments to retail/commercial use, deletion of a vehicular basement access, and amendments to the Statement of Commitments

Stage 1 Project Application

On 26 September 2012, the PAC approved the Stage 1 Project Application (MP10_0113) for four residential buildings including;

- demolition and excavation;
- retail and commercial floor space;
- basement car parking;
- landscaping and public works around the buildings, including lift and stairs to Epping Road;
- publicly accessible open space and through site links; and
- road works.

The PAC has previously approved four Section 75W modification applications to MP10_0013:

- MOD 1, approved on 27 May 2014 which included various internal and external amendments to ensure consistency with the modified Concept Plan including an increase in apartments from 291 to 340; and
- MOD 2, approved on 18 September 2014 to extend hours of construction and other minor variations.
- MOD 3, approved on 21 November 2014 approved a modification request to reduce commercial parking rates but refused a request to increase residential parking rates. Condition B1 in relation to car parking was then further modified through consent orders by the Land and Environment Court to clarify the number of accessible parking spaces.
- MOD 4, approved on 16 February 2015 to amend the internal layouts of 3 buildings, and increase the number of units (from 340 to 343); modify facades and floor plates; remove a loading dock and provide a community room; amend the public domain, internal road layout and Statement of Commitments.

The approved Concept Plan and Stage 1 layout is shown in **Figure 3**. Construction has not commenced.

1.4 Other Applications Under Assessment

Modification 6

The Department is currently assessing MOD 6 to the Concept Plan and Project Application which seeks to amend the plans by raising building height by approximately 600mm, amend the compliance timeframes set out in various conditions to reflect the proposed staging for the issue of occupation certificates, and other minor changes to conditions and the Statement of Commitments.

Stage 2 Development Application

A Stage 2 Development Application has been lodged with Council for the three remaining buildings on the site (Sydney, Melbourne and Hobart buildings) and is currently under assessment.

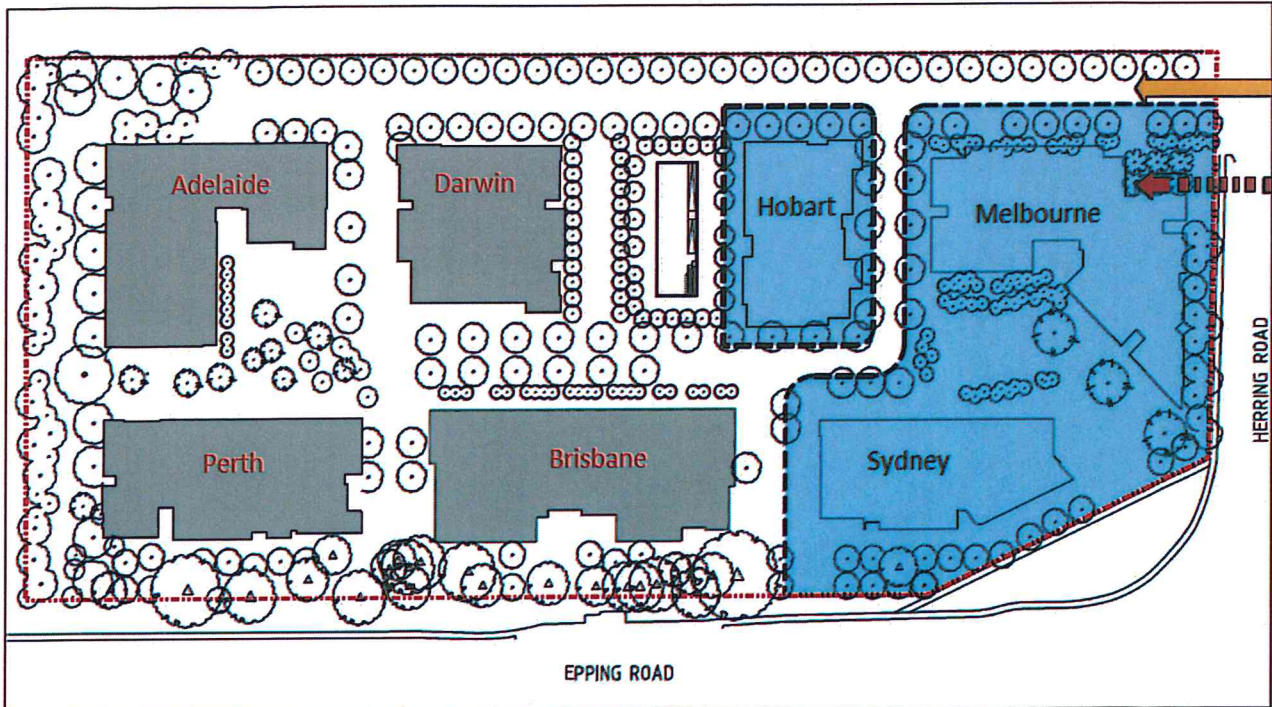


Figure 3: Approved Concept Plan layout and Stage 1 (Stage 2 outlined and shaded in blue)

2. PROPOSED MODIFICATION

The proposals seek to modify both the Concept Plan and the Stage 1 Project Application as follows:

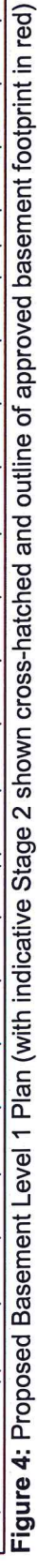
- a reduction to the footprint of basement levels B1 and B2 (by approximately 20%);
- relocate basement level 3 towards the south; and
- reconfiguration of approved basement layout for Stage 1, incorporating:
 - 340 parking spaces for Stage 1, including 34 adaptable spaces and 69 visitor spaces;
 - the provision of 62 new storage cages, each around 2.5m x 3.8m in size (in addition to the smaller storage cages already approved);
 - redesign of waste storage areas, and incorporation of a waste collection area.

The proponent has advised that the reason for the modification is that the approved footprint of the basement was originally designed to accommodate a larger number of car parking spaces. However, since the PAC has refused modification requests to increase residential parking on the site, the large footprint of Levels B1 and B2 is no longer required, and as such has been reduced in size. Basement level B3 is proposed to be relocated towards the south (but still within the footprint of Levels B1 and B2 above) to improve construction sequencing.

Indicative layout plans are provided for parking and storage cages for Stage 2, however the final design and layout of those parts of the basement accommodating Stage 2 would be subject to future DA approval by Council.

Following comments made by City of Ryde Council, the proponent provided additional information and amended plans in relation to the proposed basement layout and waste management arrangements.

A comparison of the approved and proposed layout of Basement Level 1 is provided in **Figure 4**.



3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A of the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

The application has been lodged pursuant to Section 75W of the EP&A Act. Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated Regulation, and the Minister (or delegate) may approve or disapprove of the carrying out of the project under Section 75W of the EP&A Act.

3.2 Environmental Assessment Requirements

In this instance, it was not necessary to notify the Proponent of environmental assessment requirements pursuant to Section 75W (3) of the EP&A Act as sufficient information was provided to assess the modification application.

3.3 Delegated Authority

On 14 September 2011, the then Minister for Planning delegated functions under Section 75W of the EP&A Act to modify Part 3A approvals to the Planning Assessment Commission (PAC) in cases where:

- the local Council has made an objection to the modification; and/or
- a reportable political donation has been made; and/or
- there are more than 25 submissions by way of objection by members of the public.

No public submissions have been received and Council did not object to this modification request. However, a reportable political donation has been made by the Proponent and the proposal is therefore referred to the PAC for determination.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

In accordance with Section 75X (2) (f) of the EP&A Act, the Department is required to make the modification publicly available. The modification request was made available on the Department's website and was referred to City of Ryde Council (Council). Due to the nature of the proposal, the modification request was not exhibited by any other means.

4.2 Submissions

Council advised that it supported the amendments, but requested additional information to show:

- how the storage areas would not be readily converted to car parking;
- that the basement layout complies with relevant standards; and
- improvements to the waste management arrangements.

Following the proponent's Response to Submissions (RtS), Council advised that the above issues had been resolved, but suggested the incorporation of conditions to restrict the use of the storage areas though an encumbrance on the title, and a condition to enable future changes to the waste management plan to be made without the need to amend the Concept Plan.

5. ASSESSMENT

The key assessment issues relate to basement storage, the number of parking spaces and waste management as discussed below.

5.1 Basement Storage

In addition to the previously approved small storage cages (2.4m x 0.8m) adjacent to each resident car parking space, the proposed modification includes the provision of 63 new basement storage cages for use by future residents within Stage 1. The proposed cages would have average dimensions of 2.6 metres x 3.8 metres.

Council raised a concern regarding the possibility of the cages being capable of conversion to car parking spaces in the future.

In response, the proponent advised that the length of the cages were not large enough to accommodate even a small vehicle, and that removal of the cages would be in breach of the approval.

The Department supports the provision of additional storage on the site in the form of the larger cages, and the proposal is consistent with the guidelines of the Residential Flat Design Code which encourages the provision of basement storage for large items such as sporting equipment. However, given the size and configuration of the storage cages and associated aisle widths, the Department also acknowledges there is an issue with possible informal conversion to car parking spaces in the future.

As can be seen in **Figure 6**, by comparing the width and length of surrounding parking spaces with the cages, there would be sufficient space (in conjunction with use of part of the adjacent aisle) to enable the conversion of these areas into parking spaces by removal of the cage.

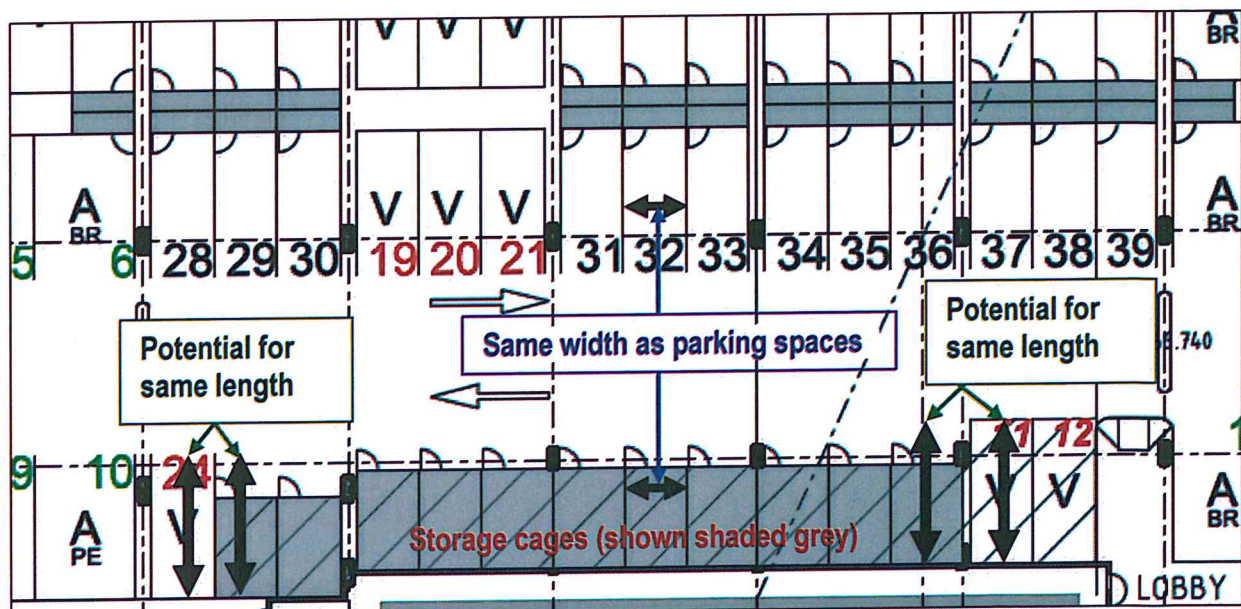


Figure 6: Extract from plans, which shows that the storage areas, in conjunction with adjoining aisle area, have the same dimensions as adjoining parking spaces, and are therefore capable of conversion.

The proponent has previously made three modification applications (MP 10_0112 MOD 1; MP10_0112 MOD 3, and MP10_0113 MOD 3), seeking to increase parking provision on the site. The assessment of those applications noted that there is a trend of increasing car ownership across Sydney. However, the PAC has consistently maintained a reduced parking rate on the site on the basis that an increase in parking rates was not justified considering the site's good accessibility to public transport and the limits of the surrounding road network.

To ensure that this storage space is not informally converted to car parking in the future, the Department recommends a condition requiring the retention of the storage cages and prohibition

on their use for parking, in conjunction with a section 88E restriction as to user to be registered on the title of the storage cages. This will ensure any future purchaser will be made aware of the prohibition of converting the storage cages into a parking space and will further aid in enforceability.

The Department is satisfied that this requirement would sufficiently discourage any future conversion and enforce the use of the spaces for storage purposes only.

5.2 Stage 1 Parking Spaces and Stage 2 Basement Layout

Condition B1 of the Project Approval requires 335 car parking spaces including:

- 233 standard residential spaces (at a rate of 0.6 spaces per 1 bedroom apartment and 0.9 spaces per 2 bedroom apartment) including 34 accessible spaces (at a rate of 1 space per adaptable apartment); and
- 68 visitor spaces (at a rate of 1 space per 5 apartments).

The revised basement layout incorporates 340 parking spaces for Stage 1, including 34 accessible spaces and 69 visitor spaces. This is an increase of 5 spaces compared to the 335 spaces required by Condition B1 of the Project Approval, but is consistent with the parking rates also set out in Condition B1. This is outlined in the following table:

Table 1: Stage 1 Car parking requirements based on approved parking rates

Car Parking rate (Condition B1)	Number of Units	Car Parking Requirement
0.6 spaces per 1 bedroom apartment	138 (163 less 25 adaptable units)	83
0.9 spaces per 2 bedroom apartment	171 (180 less 9 adaptable units)	154
1 space per adaptable apartment	34	34
1 space per 5 apartments for visitors	343	69
Total	343	340

The disparity with the figures in Condition B1 arises because the previous modification (MOD 4) approved an increase in unit numbers (from 340 to 343) and a change in unit mix, but did not seek to amend the permitted number of car parking spaces, noting that this would be the subject of the current separate modification relating to the basement. Condition B1 has therefore been amended to reflect the provision of 340 car parking spaces, consistent with the revised unit numbers approved in MOD 4.

The modified plans also incorporate indicative basement layouts for Stage 2. However, the number of parking spaces for Stage 2 will be dependent upon the approval of a separate Development Application by Council having considered the number of units, unit mix and the total floor space for Stage 2. The indicative Stage 2 layout has therefore not been assessed as part of this application.

For clarity, the Department recommends that Future Assessment Requirement C15 be amended to provide a requirement for the Stage 2 basement space to be separately addressed in a future development application by Council.

5.3 Waste Management

The proposed basement layout results in changes to bin storage and collection arrangements within the basement. This includes the provision of additional waste storage rooms throughout the basement, a large waste management room, and a new access for garbage trucks at the western end of the site (as seen in **Figure 4**).

Council advised that the plans submitted with the modification request required more details and resolution of a number of issues with respect to waste management. Council liaised directly with the proponent to resolve waste management issues, resulting in the submission of amended plans for the waste storage rooms and an amended waste management plan.

Council subsequently advised that waste management arrangements were satisfactory, but that in order to allow the Council to continue to work with the proponent on effectively managing waste on the site, a condition should be included that enables future changes to the waste management arrangements to be adjusted without the need for an amended to the Concept Approval or Project Application.

The Department considers that the proposed amendments result in substantial improvements for waste management on the site, most notably the ability for Council collection vehicles to be able to enter the site and access the bin storage areas for collection. The proposed changes are therefore supported.

The Department recommends conditions clarifying that any changes to the basement waste management arrangements arising though the assessment of a future application for Stage 2 can be incorporated and approved as part of those applications.

6. CONCLUSION

The Department is satisfied that the modified proposal will result in improvements to the development, including provision of additional storage consistent with the Residential Flat Design Code guidelines and improved waste management arrangements with improved access for Council waste collection vehicles. The proposal is also consistent with previous determinations with respect to parking provision on the site.

The Department concludes that the proposed modifications are reasonable and recommends the conditions included in **Appendix C** be modified.

7. RECOMMENDATION

It is recommended that the PAC as delegate for the Minister for Planning:

- (a) consider the findings and recommendations of this report;
- (b) approve the modifications under delegated authority, under Section 75W of the *Environmental Planning and Assessment Act 1979*; and
- (c) sign the attached Instruments of Modification for MP 10_0112 and MP 10_0113.

Endorsed by:



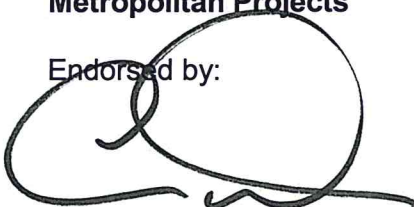
Amy Watson
Team Leader
Metropolitan Projects

Endorsed by:



Ben Lusher
A/Director
Key Sites Assessment

Endorsed by:



Chris Wilson
Executive Director
Infrastructure and Industry Assessments

11.5.15