

Modification of Minister's Approval

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

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

Member of the Commission

Sydney

2015

SCHEDULE 1

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| Application No.: | MP10_0112 |
| Proponent: | Stamford Property Services Pty Ltd |
| Approval Authority: | Minister for Planning |
| Land: | 110 -114 Herring Road, Macquarie Park (Lot 1 DP 780314). |
| Concept Approval: | Mixed use residential, retail and commercial development incorporating: <ul style="list-style-type: none">• residential apartments, retail and commercial floor space;• basement car parking;• publicly accessible open space and through site links;• road works; and• pedestrian pathways |
| Modification: | MP10_0112 MOD 6 - Modifications include: <ul style="list-style-type: none">• modification of plans to increase building heights;• modifications to timing of affordable housing provision; and• changes to 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 Section 75W Modification Application prepared by Urbis Pty Ltd (dated August 2014); and
 - the Section 75W Modification Application prepared by Urbis Pty Ltd (dated January 2015 and amended 19 March and 13 April 2015); and
 - **the Section 75W Modification Application prepared by Urbis Pty Ltd (dated 16 March 2015 and amended 8 May 2015); and**
- the Final Statement of Commitments prepared by Urbis Pty Ltd contained at Schedule 3; and
- the following drawings:

| Architectural Drawings | | | |
|------------------------|------------------------------|---|---------------------------------|
| Drawing No. | Revision | Name of Plan | Date |
| DA0000 | G | Cover Sheet | 17.06.13 |
| DA0100 | C | Staging Diagrams | 17.06.13 |
| DA2001 | K | Level B1 Plan | 14.04.15 |
| DA2002 | J | Level B2 Plan | 27.03.15 |
| DA2003 | H | Level B3 Plan | 19.01.15 |
| DA2100 | G | Level 00 Plan | 31.07.14 |
| DA2101 | G | Level 01 Plan | 31.07.14 |
| DA2102 | G | Level 02 Plan | 31.07.14 |
| DA2103 | H | Level 03 Plan (Level 04 Omitted) | 31.07.14 |
| DA2105 | H | Level 05 Plan (Level 04 Omitted) | 31.07.14 |
| DA2106 | E | Level 06 Plan | 31.07.14 |
| DA2107 | E | Level 07 Plan | 31.07.14 |
| DA2108 | E | Level 08 Plan | 31.07.14 |
| DA2109 | E | Level 09 Plan | 31.07.14 |
| DA2110 | H | Level 10 Plan | 31.07.14 |
| DA2111 | F | Level 11 Plan | 31.07.14 |
| DA2112 | E | Level 12 Plan | 31.07.14 |
| DA2113 | F | Level 13 Plan (Level 14 Omitted) | 31.07.14 |
| DA2115 | E | Level 15 Plan (Level 14 Omitted) | 31.07.14 |
| DA2116 | E | Level 16 Plan | 31.07.14 |
| DA2901 | B | Resident's Outdoor Function Area Plan and Section | 20.01.15 |
| DA3100 | G <u>H</u> | South Elevation (Epping Rd) | 31.07.14 <u>19.01.15</u> |
| DA3101 | G <u>H</u> | North Elevation | 31.07.14 <u>19.01.15</u> |
| DA3102 | G <u>H</u> | East (Herring Road) and West Elevation | 31.07.14 <u>19.01.15</u> |

| DA3110 | <u>G H</u> | Section 01 | 31.07.14 <u>19.01.15</u> |
|------------------------|------------|---|--------------------------|
| DA3111 | <u>G H</u> | Section 02 | 31.07.14 <u>19.01.15</u> |
| DA3112 | <u>G H</u> | Section 03 + Section 04 | 31.07.14 <u>19.01.15</u> |
| DA3113 | <u>F G</u> | Section 05 | 31.07.14 <u>19.01.15</u> |
| DA4100 | C | Detailed Elevation Sheet 1 | 31.07.14 |
| DA3610 | F | Sunlight Access Diagrams Winter Solstice June 21 | 17.06.13 |
| DA3611 | F | Sunlight Access Diagrams Equinox March/September 21 | 17.06.13 |
| DA3612 | F | Sunlight Access Diagrams Summer Solstice December 21 | 17.06.13 |
| DA3630 | G | Views Sheet 01 | 04.08.14 |
| DA3631 | G | Views Sheet 02 | 04.08.14 |
| DA3632 | G | Views Sheet 03 | 04.08.14 |
| DA3633 | G | Views Sheet 04 | 04.08.14 |
| DA3634 | G | Views Sheet 05 | 04.08.14 |
| Landscape Plans | | | |
| Drawing No. | Revision | Name of Plan | Date |
| 3 | | Landscape Concept Plan | 31 July 2014 |
| 4 | | Illustrative Sections Section A & B | 31 July 2014 |
| 5 | | Illustrative Sections Section C & D | 31 July 2014 |
| 6 | | Illustrative Sections Section E, & F | 31 July 2014 |
| 7 | | Illustrative Sections Section G & H | 31 July 2014 |
| 8 | | Illustrative Sections Sections I, J & K | 31 July 2014 |
| 9 | | Public Space Diagram | 31 July 2014 |

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

(b) Future Assessment Requirement C11(a) is modified by the insertion of the **bold and underlined** words/numbers and deletion of ~~struck-out~~ 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, **being a minimum of one affordable unit as part of Stage 1, and a minimum of three affordable units and 2 parking spaces as part of Stage 2.** 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 **relevant** occupation certification for any building or as otherwise agreed by Council.

(c) Schedule 3 Statement of Commitments is replaced as follows:

| SUBJECT | COMMITMENT | COMMENT |
|---------------------------------|--|---|
| 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. | |
| | 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. | |
| 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. | |
| Apartment mix/ accessibility | Approval is granted for a Stage 1 apartment mix of: <ul style="list-style-type: none"> - Maximum 469 163 (49.7% 48%) one bedroom apartments; - Minimum 474 180 (50.3% 52%) two bedroom apartments; | As per approval for MP 10_0112 (MOD 4). |
| | In order to ensure flexibility and options to live close to work, 27 SOHO apartments will be provided across the development site. | |
| | 10% of apartments will be provided as Class C adaptable units across the development site. | |
| Parking | For residential apartments having a combined GFA of up to 46,420m ² , on-site car parking must be provided at rates compliant with the Roads and Maritime Services (formerly Roads and Traffic Authority) Guide to Traffic Generating Development's requirements, which are as follows: <p>0.6 spaces per 1 bedroom apartment</p> <p>0.9 spaces per 2 bedroom apartment</p> <p>1.4 spaces per 3 bedroom apartment</p> | As per approval for MP 10_0112 (MOD 3) |

| SUBJECT | COMMITMENT | COMMENT |
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| | <p>1 space per 5 visitors</p> <p>1 space per 100m² commercial GFA</p> <p>For any residential apartments that cause the combined GFA of residential apartments on site to exceed 46,420m², there must be no provision for parking spaces other than visitor parking at the rate of 1 per 5 apartments.</p> | |
| 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 How a car share scheme can be accommodated on site; 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> | The applicant has approached Car Share providers. However, providers are unwilling to implement and operate until buildings are occupied and a demand is established. |
| 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; | |

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| | <ul style="list-style-type: none"> ▪ The protection measures as recommended with the Arborist's Report prepared by Earthscape Horticultural Services; ▪ 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; <p>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;</p> <ul style="list-style-type: none"> ▪ 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. | |
| Construction, Waste and Traffic Impacts | <p>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</p> | |

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| | <p>prepared by Traffix and dated January 2011.</p> <p>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.</p> | |
| Soil and Water Management | <p>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.</p> <p>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:</p> <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. <p>A bulk earthworks model will be provided with the Construction Certificate documentation for each stage, indicating the final cut and fill volumes.</p> | |
| Environmentally Sustainable Development | <p>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.</p> | |
| Infrastructure and Services | <p>Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider</p> | |

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| | requirements. | |
| 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. | |
| 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; <p>Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every residential purchaser; and</p> <ul style="list-style-type: none"> ▪ 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. | |
| 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 irrigation; and ▪ 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 4-3WELS star rating dual flush toilets, 6-5 3 WELS star bathroom taps and 3 WELS star shower heads are being considered to</p> | Consistent with Condition B29 of MP 10_0113 (MOD 2) |

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| Geotechnical and Contamination | <p>meet GBCA targets.</p> <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; <p>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;</p> <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. <p>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.</p> | |
| Building Regulations | Where non-compliances with the BCA, Alternative Solutions will be employed to address these matters. | |
| Erosion and | An Erosion and Sediment Control Plan measures outlined in the Meinhardt Civil Engineering Design Report and | |

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| Sediment Control | dated January 2011 will be incorporated into a detailed Erosion and Sediment Control Plan. | |
| Landscaping | Landscaping and public domain works on the site will be implemented in accordance with the Landscape Plans prepared by <i>Site Image entitled Macquarie Park Village 75w Stage 1 Project Plan Report dated 31 July 2014</i> . 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. | |
| Acoustic | Glazing will be provided in accordance with the recommendations of the Acoustic Report dated January 2011 and letter dated 24 November 2011. | |
| | <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". | |
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| Wind | The recommendations of the Wind Report prepared by Vipac dated June 2013 will be implemented. | |

| SUBJECT | COMMITMENT | COMMENT |
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| | The effectiveness of wind control mechanisms will be validated prior to the issue of a the relevant Construction Certificate. | |
| Public Art | A detailed Public Art Plan will be prepared by a suitably qualified Public Art Consultant. | |
| Waste | Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements. | |
| Dedication of Type 3 Roads | If the council notifies the proponent that it does not require the provision of the road under Schedule 3 Condition C16, the proponent will pay Council an amount equal to the difference between construction costs for a Type 3 road and a pedestrian/cyclist/emergency vehicle access as proposed. The amount is to be determined by a qualified and practising quantity surveyor mutually agreed upon by the proponent and Council. | |
| Affordable housing | The proponent will dedicate 4 appropriately sized and located dwelling units within Stage 1 and Stage 2 of the development to be administered as Affordable Housing. | Affordable housing units are provided in Sydney and Darwin buildings as offered to Council. |
| Public Access | The provision of a staircase and lift along Epping Road to allow access to the existing bus stop on Epping road. | |
| Upgrade of Bus Shelter | To facilitate the upgrade of the existing bus shelter on Epping Road. | |
| 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. | |