



**Planning &
Environment**

MODIFICATION REQUEST:

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

MP10_0112 MOD 6 and MP 10_0113 MOD 6



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

June 2015

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EXECUTIVE SUMMARY

The purpose of this report is to assess applications 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 proposals seek to modify the Concept Approval and Stage 1 Project Approval by increasing podium heights by approximately 600mm, with a commensurate increase to the overall building height. Further, the four required affordable housing units are proposed to be distributed between Stages 1 and 2, instead of entirely within Stage 1 as approved.

It is also proposed to modify conditions of the Stage 1 Project Approval to amend the timing for compliance with various aspects of the approval including completion of stormwater works, provision of affordable housing, registration of easements, and provision of a car share scheme.

The Department made the applications publically available and referred the proposals to City of Ryde Council. Council advised that the proposed increase in the height of the buildings is accepted, but requested that final plans demonstrate building heights are within the existing approved concept plan envelopes. It also suggested some changes to improve the clarity of a condition relating to affordable housing provision. No public submissions were received.

The key assessment issues considered by the Department include height, affordable housing provision, and car share provision.

The Department supports the minor increase in building heights as the proposal remains consistent with approved heights under the Concept Plan and will not result in any unacceptable impacts.

The Department also supports changes to the timing of affordable housing provision, car share provision, stormwater works and registration of easements as they will not change the final outcome of the development but will allow the development of Stage 1 to proceed in accordance with the proponent's preferred sequencing of works. Further, the proposed amendments are consistent with the discussions between Council and the proponent in relation to the dedication of affordable housing units and will also provide opportunities to secure a car share provider once the demand is established.

Overall the Department considers that the proposals will have no adverse environmental impacts and recommends that the Planning Assessment Commission approve the applications.

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1. BACKGROUND

1.1 Site and Locality

The site is known as 10-114 Herring Road, Macquarie Park and 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.

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

The site was previously occupied by the Stamford Hotel, North Ryde which has recently been demolished. Site preparation and excavation works have commenced on site (**Figure 1**).



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, a new road and bicycle network, an open space network, and car parking requirements.

The site sits within the Herring Road UAP. The UAP proposes an FSR of 2.5:1 and heights of 23 storeys and 14 storeys for the site. The Concept Approval is consistent with the proposed UAP controls. The Department exhibited the proposed UAP from June to August 2014. The Department is preparing a finalisation report, which will review all submissions and make a recommendation to the Minister of Planning.

1.3 Previous Approvals

Concept Plan

On 26 September 2012, the Planning Assessment Commission (PAC) approved a Concept Plan (MP 10_0112) for a 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 five 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;
- 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 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; and
- MOD 5, approved on 13 May 2015 to amend the basement level plans including changes to parking layout, storage and waste management arrangements.

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 five 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;

- MOD 2, approved on 18 September 2014 to extend hours of construction and other minor variations;
- MOD 3, approved on 21 November 2014 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, 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; and
- MOD 5, approved on 13 May 2015 to amend the basement level plans including changes to parking layout, storage and waste management arrangements.

The approved Concept Plan and Stage 1 layout is shown in **Figure 2**. Construction has not commenced.

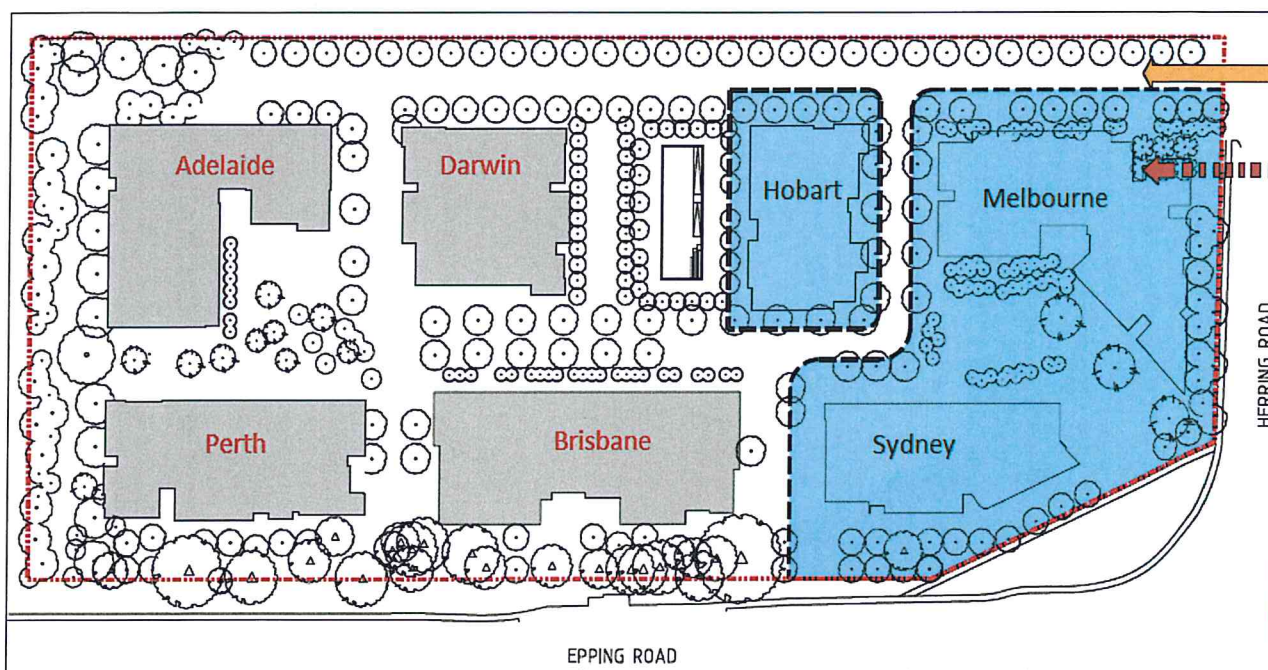


Figure 2: Approved Concept Plan layout and Stage 1 (Stage 2 outlined and shaded in blue)

1.4 Other Applications Under Assessment

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.

2. PROPOSED MODIFICATION

2.1 Concept Approval

The modification to the Concept Approval seeks to increase the podium heights by up to 600mm. This results in a similar increase in the overall height of the building envelopes, but in all cases the proposed height remains below the maximum height set out by Condition A8 of the approval. A comparison of the approved and proposed heights is provided in **Figures 3 and 4**.

It also seeks to amend Future Assessment Requirement C11(a) to modify the arrangements for dedication of affordable housing (from four units in Stage 1 to one unit in Stage 1 and three units in Stage 2). Further, it is proposed to change the timing of the dedication of affordable housing to Council (from occupation of the 'first' building to occupation of the 'relevant' building).

2.2 Project Approval

The proposal seeks to modify the Stage 1 Project by increasing podium and overall building heights in Stage 1 consistent with the Concept Approval. No other changes to the plans are proposed. A comparison of the approved and proposed heights is provided in **Figures 3 and 4**.

It is also proposed to:

- amend condition D19 to allow issue of interim occupation certificates before all stormwater drainage works are fully completed;
- amend condition D24 to reduce the affordable housing provision in Stage 1 from 4 units to 1 unit (with the other 3 units being provided in Stage 2) and allow that unit to be dedicated prior to occupation of the 'relevant' building rather than occupation of the 'first' building as is currently required;
- amend condition F6 to allow easements relevant to each building or stage to be registered prior to occupation of that building or stage (as the condition currently requires all easement to be registered prior to occupation of the first building);
- amend condition F8 by including a requirement for details of a car share scheme to be included within the Travel Access Guide / Green Travel Plan; and
- delete condition F9 which requires a car share scheme to be implemented and operational prior to the occupation of any building.

The application also originally requested to modify conditions in relation to the timing of a post construction dilapidation report (condition F11) and timing for payment to repair to roads or footpaths damaged by the building works (condition F5), but these requests were subsequently deleted from the application.

Modifications to the Statements of Commitments for both the Concept Approval and the Project Approval are also proposed in relation to provision of a car share scheme and timing of affordable housing provision to reflect the above changes.

Minor changes to the Statement of Commitments are also included to correct Stage 1 unit numbers and water efficiency measures to be consistent with previous modification approvals.



Figure 3: Northern Elevation of the proposed buildings with the outline of approved buildings shown in large red dash and the Concept Plan building envelope heights shown in small red dash (Stage 2 shown in grey shading)

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, as a reportable political donation has been made by the Proponent, the proposal is being 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 did not object to the proposal. It advised that the proposed increase in the height of the buildings is accepted, but suggested that final plans should demonstrate building heights are within the existing approved concept plan envelopes. Council also advised that it accepts in principle the proponent's offer for one x 1 bedroom affordable housing unit as part of Stage 1 and three (one x1 bedroom and two x 2 bedroom) affordable housing units with 2 car parking spaces within Stage 2.

No other submissions were received.

5. ASSESSMENT

The key assessment issues relate to building height, affordable housing and car share provision, as discussed below.

5.1 Increase in Building Height

Building envelope heights were considered in detail in the assessment of the original applications and again in Modification 1 to the Concept Approval. Consideration was given to the urban design impacts of the proposed building envelope heights and amenity impacts, particularly overshadowing. As a result of those considerations, Condition A8 was imposed on the Concept Approval, which provides maximum building heights (exclusive of plant) for each building as outlined in the following table:

Table 1: Maximum building height (Condition A8 of the Concept Approval)

Building	Storeys/RL
Adelaide	5 - 8 storeys/RL99.55
Darwin	8 storeys/RL100.20
Brisbane	13 storeys/RL116.250
Perth	8 - 10 storeys/RL105.95 (8 storeys on the north-western portion of building)
Hobart	8 storeys/RL101.6
Melbourne	12 storeys/RL117.5
Sydney	22 storeys/RL144.650
Height (RL)	RL99.55 - RL144.650

With regard to the buildings in Stage 1 (Adelaide, Darwin, Brisbane and Perth), the Department notes that the proposed increase to the podium and overall heights of those building by approximately 600mm would still result in building heights remaining at or below the maximum heights set by Condition A8 of the Concept Approval (refer to **Figures 3 and 4**).

As such, the proposed building heights are consistent with the heights previously assessed and determined as acceptable in terms of urban design, character of the area, and amenity for neighbouring properties. Further, the marginal increase would be indiscernible in the context of the approved building heights and does not result in any other changes to the design or any other aspect of the proposal.

While the plans also indicate a similar increase in building heights within Stage 2, the plans are indicative only. The final building height of these buildings will be subject to Council's assessment of the current development application for Stage 2, having regard to the requirements of the Concept Approval. As the indicative building heights remain at or below the maximum building heights set by Condition A8 of the Concept Approval, no issues arise from the modification to the plans.

The Department is satisfied that the minor increase in the Stage 1 building heights will have no unacceptable impacts to the character or amenity of the area, and remains consistent with the terms of the Concept Approval.

5.2 Affordable Housing

Future Assessment Requirement C11(a) of the Concept Approval requires a minimum of 4 affordable housing units be dedicated to Council. The condition requires that they be identified prior to the first construction certificate of Stage 1, and be dedicated prior to the issue of the first occupation certification for any building (or as otherwise agreed by Council). Similarly, condition

D24 of the Project Approval requires four affordable housing units to be identified and dedicated as part of Stage 1.

It is proposed to modify Future Assessment Requirement C11(a) of the Concept Approval, Condition D24 of the Project Approval and the Statement of Commitments to allow for a change in the timing for delivery of affordable housing. It is proposed to dedicate one affordable housing unit as part of Stage 1 and three affordable housing units as part of Stage 2. This is consistent with a letter of offer submitted by the proponent to Council on 20 January 2015.

Further, as the proposed Stage 1 unit may not be within the first building constructed on the site, it is proposed to change the timing for dedication of the unit to the 'relevant' occupation certificate (as opposed to the 'first' occupation certificate as is currently required).

Council has advised that it agrees in principle to the offer and raises no objections to the revised timing of dedication of the affordable housing units.

The Department notes that the proposed modifications will not result in any change to the overall quantum or quality of affordable housing provided, in accordance with the size and amenity requirements outlined in Future Assessment Requirement C11(a) of the Concept Approval.

The Department recommends that Future Assessment Requirement C11(a) is modified to reflect the revised dedication of affordable housing units within Stages 1 and 2 to provide certainty that three units will be provided in Stage 2. On this basis the proposed modifications are supported.

5.3 Car Share

Future Environmental Assessment Requirement C8 of the Concept Approval requires that future development applications are to demonstrate that a car share scheme can be accommodated on the site and the actions that have been taken to instigate such a scheme.

Condition B22 of the Project Approval requires that details of the car share arrangements are to be submitted to the certifier prior to the issue of a construction certificate for the below ground car park, with 3 car share spaces identified on title and provided for the Stage 1 development. Condition F9 of the Project Approval also requires that a car share scheme be implemented and operational prior to the occupation of any building on the site.

The proponent has advised that it is not able to comply with Condition F9 as it has approached car share operators who are not willing to operate until the buildings are occupied and there is a demand for car share services. Therefore it is not possible to have a car share scheme operational before occupation.

The proponent therefore proposes to delete Condition F9 and instead proposes to provide details of any car share scheme as part of a green travel plan / travel access guide prior to the occupation of any building on the site (required by Condition F8). It is also proposed to delete a commitment to show the location of car share spaces on the site and replace it with a commitment to show how a car share scheme can be accommodated on the site.

In light of the above, the Department recognises that implementation of a car share scheme prior to occupation of the site is unlikely to be achieved. However the Department also considers that it is important that the Stage 1 approval provide certainty around the future provision of a scheme on site and that this be operational within a reasonable time of resident occupation. The Department considers that 12 months following occupation of the final building within Stage 1 will provide sufficient time to establish demand for car share services. The Department therefore recommends that Condition F9 be replaced with a new condition (G8) requiring implementation of a car share scheme within 12 months of final occupation.

5.4 Change to timing of other requirements

It is proposed to modify Conditions D19 and F6 to change the timing for compliance with requirements relating to completion of stormwater works, and registration of easements so that these requirements are associated with the 'relevant' occupation certificate rather than 'any' occupation certificate or the 'first' occupation certificate. These changes are required to enable the staged occupation of buildings within Stage 1 and will not affect the final outcome of the Stage 1 development. On this basis, the Department supports the proposed modifications.

6. CONCLUSION AND RECOMMENDATION

The proposal seeks to make minor modifications to the approved heights of buildings within Stage 1 and to modify conditions of the project approval and the statement of commitments relating to timing of affordable housing provision, car share provision, stormwater works and registration of easements.

The proposed changes to building heights are modest, will not result in any unacceptable environmental impacts, and are consistent with approved heights under the Concept Plan.

Changes to the timing of affordable housing provision, car share provision, stormwater works and registration of easements are also supported as they will not change the final outcome of the development but will allow the development of Stage 1 to proceed in accordance with the proponent's preferred sequencing of works, affordable housing arrangements which have been agreed in principle with Council, and available information on car share operations.

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

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:



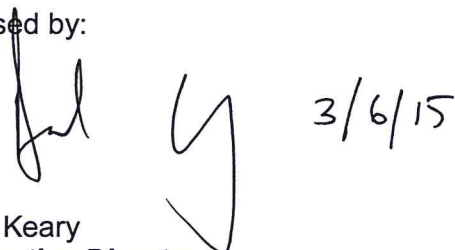
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APPENDIX A MODIFICATION REQUEST

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6976

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6977

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6976

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6977

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS
