



FM/MR
16491
20 September 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
23 Bridge Street
SYDNEY, 2000

**SECTION 75W MODIFICATION APPLICATION TO MP 09_0007
CONCEPT APPROVAL FOR WINTEN PROPERTY GROUP AND FRASERS PROPERTY
AUSTRALIA**

This Section 75W Modification has been prepared to modify the Concept Approval (MP 09-0007) for the site at 396 Lane Cove Road (32-46 Waterloo Road) and 1 Giffnock Avenue, Macquarie Park. It is submitted to the Secretary of the Department of Planning and Environment (or her delegate) pursuant to section 75W and Clause 12 of Schedule 6A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), on behalf of the Winten Property Group and Frasers Property Australia (the Developer).

This Modification seeks to extend the lapse date of the Concept Approval as a result of there being insufficient interest in leasing significant floor space within the approved commercial development to proceed with preparing a detailed Development Application.

This letter has been prepared by JBA for Winten Property Group and Frasers Property Australia. It describes the proposed modification to the Concept Approval and includes an assessment of the proposal against the relevant considerations of the EP&A Act. It should be read in conjunction with the Concept Approval (MP 09_0209).

1.0 BACKGROUND

On 29 May 2012, the Deputy Director General of the then Department of Planning and Infrastructure, as delegate of the then Minister for Planning, granted Concept Approval to MP09_0209 for Winten Property Group and Australand Holdings Limited (now Frasers Property Australia) at 396 Lane Cove Road (32-46 Waterloo Road) and 1 Giffnock Avenue, Macquarie Park.

The Concept Plan includes:

- construction of a commercial and retail development which features;
- 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level;
- maximum Gross Floor Area of 83,368m²;
- basement car parking; and
- public domain works.

Condition A8 states that the approval will lapse 5 years after determination, being the 29 May 2017.

2.0 DESCRIPTION OF PROPOSED MODIFICATION

The proposed modification seeks to extend the lapse date of the Concept Approval from 5 to 7 years, therefore providing an additional two years. In order to enable the extension of time it is proposed to modify Condition A8 as follows:

“Approval of the Concept Plan shall lapse ~~5~~ 7 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.”

3.0 ENVIRONMENTAL ASSESSMENT

3.1 Reason for Modification

Following obtaining approval the Developer sought expressions of interest in leasing the approved floor space. However insufficient demand for commercial floor space in Macquarie Park, and specifically the absence of a major tenant to pre-commit to leasing a large portion of the approved development has led to the Developer deciding not to proceed with preparing a detailed DA for the buildings under the Concept Plan in order to activate the approval at this stage.

Notwithstanding the lack of interest to date, the proponent wishes to preserve the ability to be able to develop the Concept Plan in the future should the demand for commercial floor space in Macquarie Park change in the future.

3.2 Compliance with existing and future Strategic intent

The proposed modification does not affect the approved Concept Plan's consistency with the existing and future strategic intent of Macquarie Park. As detailed in Section 1.0 the Concept Plan granted approval for 83,363m² of commercial floor space located next to Macquarie Park Station. Macquarie Park is identified as a Strategic Centre and forms part of the Global Economic Corridor in 'A Plan for Growing Sydney'. The Plan seeks to grow the number of high skilled jobs in the Global Economic Corridor and grow Strategic Centre in order to provide more jobs closer to home.

By extending the approval and preserving the ability under the Concept Plan to deliver employment, this modification will ensure that should the demand arise for commercial floor space in Macquarie Park, the Developer will be in a position to deliver it consistent with the existing and future strategic intent.

4.0 CONCLUSION

This Modification seeks to extend the lapse date of the Concept Approval as a result of there being insufficient interest in leasing significant floor space within the approved commercial development to proceed with preparing a detailed Development Application.

The Modification will preserve the ability under the Concept Plan to deliver employment consistent with the existing and future strategic intent should the demand arise for commercial floor space in Macquarie Park in the future. We therefore recommend this Section 75W Modification be approved.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or mrowe@jbaurban.com.au.

Yours faithfully



Michael Rowe
Associate