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24 February 2017

The Minister
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Attention: Natasha Harras

Dear Natasha,

SECTION 75W MODIFICATION (MOD 9) OF MP 10_0112 – 110-114 HERRING ROAD, MACQUARIE PARK

On behalf of *HSH Hotels Australia Limited*, we lodge this Section 75W Modification application to amend the Concept Approval (MP10_0112 as modified). The proposed modifications to the Concept Approval include:

- Modify Condition C5 of the Concept Approval to amend the visitor car parking rate.
- Modify the Schedule 3 Statement of Commitments to reflect the above changes.

The proposal applies the current Ryde Development Control Plan (DCP) visitor parking rate of 1 visitor space per 10 units to the entirety of the development resulting in a surplus of 45 visitor spaces to be reallocated to residential parking. The proposal will provide a maximum of 509 resident spaces and 90 visitor spaces, which complies with the DCP provisions. The proposed reallocation of parking will be facilitated by removing the parking cap for residential development up to a GFA of 46,420m². This cap was imposed by the PAC when there was uncertainty about proposed future uplift and restricted parking controls for the Macquarie Park University (Herring Road) Priority Precinct. The uplift has since been gazetted and the new parking controls were adopted into the DCP. The proposal is therefore consistent with the Priority Precinct and planning controls for Macquarie Park. No changes are proposed to the parking allocation in the Stage 1 Project Approval (MP 10_0113).

The proposal is the subject of a Section 75W Modification as the modifications do not constitute a 'radical transformation' to the Concept Approval. The proposal does not increase the amount of parking. It is a reallocation of spaces to comply with the Priority Precinct and DCP controls. The modifications will not result in any changes to the approved use, form envelope and density of the development and will have no environmental impact.

1. PROPOSED MODIFICATIONS TO CONCEPT APPROVAL

This Section 75W application proposes the following modification to the Instrument of Approval of the Concept Plan. Text proposed to be deleted is indicated by 'strike through' and text proposed to be added is indicated by bold text. Rather than list all approved drawings, only those proposed to change are shown.

1.1 Condition C5 Car Parking

C5 Future Development Applications shall demonstrate:

- a) ~~For residential apartments having a combined GFA of up to 46,420m², On-site car parking must be provided at rates compliant with the Roads and Maritime Services (formally Roads and Traffic Authority) Guide to Traffic Generating Development's requirements, which are as follows:~~
 - a. 0.6 spaces per 1 bedroom apartment;
 - b. 0.9 spaces per 2 bedroom apartment;
 - c. 1.4 spaces per 3 bedroom apartments;
 - d. 1 space per ~~5~~ **10** apartments for visitors; and
- b) ~~For any residential apartments that cause the combined GFA of residential apartments on-site to exceed 46,420 m² there must be no provision for parking spaces, other than visitor parking at the rate of 1 space per 10 apartments.~~
- c) For commercial on-site car parking must be provided at 1 space per 100m² of commercial GFA.

2. STATEMENT OF COMMITMENTS

Changes are proposed to the approved Statement of Commitments regarding the GFA cap on resident car parking. Text proposed to be deleted is indicated by 'strike through' text and text proposed to be added is indicated by bold text.

~~"For residential apartments having a combined GFA of up to 46,420m², 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:~~

~~0.6 spaces per 1 bedroom apartment~~

~~0.9 spaces per 2 bedroom apartment~~

~~1.4 spaces per 3 bedroom apartment~~

~~1 space per 10 visitors~~

~~1 space per 100m² commercial GFA~~

~~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 10 apartments."~~

The visitor parking is proposed at a rate of 1 space per 10 visitors for the entire development in accordance with the Priority Precinct and DCP controls. A copy of the modified Statement of Commitments is attached at Appendix A.

3. JUSTIFICATION FOR THE MODIFICATION

The key reasons and justification for the proposed modifications are:

- Compliance with the Council's parking requirements. That is, the proposed total of 611 on-site car parking spaces is less than the maximum permissible under the City of Ryde Development Control Plan 2014.
- The proposed parking rate is consistent with the recommendations of the Macquarie University Station (Herring Road) Precinct and the broader strategic thinking for the area.
- The development is in a location that can easily access jobs via high quality public transport. Limiting the amount of car parking for visitors is an effective way to encourage people to use public transport, walking or cycling instead of by car.

In its determination of the Concept Approval, the PAC capped the amount of residential car parking up to a GFA of 46,420m² at the below rates:

- 1 bedroom apartments 0.6 spaces / apartment
- 2 bedroom apartments 0.9 spaces / apartment
- 3 bedroom apartments 1.4 spaces / apartment
- Visitor parking 0.2 spaces / apartment
- Adaptable parking 1.0 spaces / apartment
- Commercial 1.0 spaces / 100m²

No additional residential parking is currently permitted beyond that. RMS parking rates were imposed on the Concept Plan approval that were not consistent with requirements specific to the City of Ryde. The proponent sought to modify the parking rate through MOD 3, which was subsequently refused by the PAC.

At the time of the PAC determination there was uncertainty around the planning controls. The Department of Planning had advised the PAC that the car parking rates proposed in the draft Herring Road UAP, if and when adopted, may not be given statutory force as the planning regime would require the Council to amend its DCP. The PAC took a precautionary approach so as not to undermine the policies that were applicable at that time.

The policy setting has since changed. The Herring Road Priority Precinct was gazetted in October 2015 and the existing planning controls in *Ryde Local Environmental Plan 2014* were subsequently amended. Further, the Ryde Development Control Plan (Part 4.5 Macquarie Park Corridor) adopted and specifies a minimum visitor rate of 1 space per 10 units. The proposal seeks to be consistent with the adopted DCP provisions.

4. PLANNING CONTROL ASSESSMENT

4.1 Ryde Local Environmental Plan 2010

There are no changes to LEP compliance.

4.2 Ryde Development Control Plan 2014

The only relevant controls for the proposal is the car parking rates in the Ryde Development Control Plan (DCP) 2014, Part 4.5 Macquarie Park Corridor. The proposal complies with the DCP controls and maintains the approved number of spaces.

Table 1 – DCP Compliance

Provision	Control	Requirement	Approved	Proposal	Comment
Car parking	0.6 spaces per 1 bed	Max 223	158	159	Complies
	0.9 spaces per 2 bed	Max 281	216	257	Complies
	1.4 spaces per 3 bed	Max 24	20	23	Complies
	1 visitor space per 10 dwellings	Min 70	135	90	Complies
	Adaptable		70	70	
	1 space per 100m ² commercial GFA	Max 13	12	12	Complies
	TOTAL	611	611	611	Complies

5. ENVIRONMENTAL PLANNING ASSESSMENT

5.1 Parking

Traffic has prepared a Statement that addresses the parking impacts of the basement rationalisation. The Concept Approval (MOD 5) restricts car parking spaces for the residential component over 46,420m². This is a cap on the residential component of 464 car spaces. For the remaining components of the development, the approved minimum rates were as follows:

- Visitor parking 0.2 spaces / apartment
- Adaptable parking 1.0 spaces / apartment
- Commercial 1.0 spaces / 100m²

The proposal is to apply the DCP parking rates to the entire development and results in a re-allocation of 45 residential visitor spaces. Under the DCP controls, the proposal provides 20 residential visitor spaces more than the minimum to cater for demand. The proposal complies with the approved maximum parking rates for residential units in addition to exceeding the parking requirements for visitor parking. The Traffic and Parking Statement concludes:

“In summary:

- *The proposal aims to reallocate the existing approved parking provision to provide visitor parking in line with current DCP controls. This reallocation of spaces is expected to result in a negligible change in traffic generation, no additional spaces or floor area are proposed. In addition, no changes to the approved parking layout is proposed.*

This application is therefore considered to be supportable on traffic planning grounds.”

The approved and proposed car parking provision is summarised in Table 2.

Table 2 – Parking Summary

Component		Approved	Proposed
Resident	1 bed	158	159
	2 bed	216	257
	3 bed	20	23
	Adaptable	70	70
Subtotal		464	509
Residential Visitor		135	90
Commercial/retail		12	12
TOTAL		611	611

5.2 Traffic

Traffix has undertaken a traffic assessment in relation to the reallocation of car parking. In summary:

- The proposal provides no additional yield and no additional parking numbers. It is a reallocation within the existing provision to bring the visitor space numbers in line with current controls.
- No noticeable traffic impacts are expected.
- Any increase in resident trips because of an addition of 45 spaces is expected to be offset by a similar reduction in car visitor trips.

Traffix conclude that *“the proposal is considered supportable on traffic planning grounds”*

6. CONCLUSION

This Section 75W modification seeks to impose a car parking rate of 1 visitor space per apartment and remove the GFA cap on residential parking spaces across the Concept Plan and Project Approval. The proposed modification will re-allocate 45 visitor spaces to residential spaces. The proposed modifications are considered acceptable for the following reasons:

- The proposed rates are directly consistent with those adopted and implemented for the Macquarie Station (Herring Road) Priority Precinct and DCP.
- The proposed parking rates are at or below the maximum rates specified in the DCP.
- Journey to patterns demonstrate that accessibility to public transport has a greater influence on the use of non-car travel modes than the suppression of residential car parking.
- The proposed parking rates will ensure that all parking demands associated with the development are met on-site, with no reliance on on-street parking.
- The traffic generation of the development will have no measurable impact on the existing operation of key intersections.

For the reasons stated above and throughout this report, the proposed modification to MP 10_0112, as modified, will not radically transform the approved development, will not have any built and environmental impacts and is consistent with current planning policies.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Elaine Roff".

Elaine Roff
Associate Director



APPENDIX A

TABLE OF STATEMENT OF COMMITMENTS

SUBJECT	COMMITMENT
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 56,066m 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 163 (48%) one bedroom apartments; - Minimum 180 (52%) two bedroom apartments.
	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	<p>For residential apartments having a combined GFA of up to 46,420m², 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> <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> <p>1 space per 10 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 10 apartments.</p>

SUBJECT	COMMITMENT
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; ▪ 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>
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; ▪ 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	The Structural design will be in accordance with:

SUBJECT	COMMITMENT
	<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 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>

SUBJECT	COMMITMENT
Environmentally Sustainable Development	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.
Infrastructure and Services	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider 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 3 WELS star rating dual flush toilets, 3 WELS star bathroom taps and 3 WELS star shower heads are being considered to meet GBCA targets.</p>

SUBJECT	COMMITMENT
Geotechnical and Contamination	<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 Sediment Control	An Erosion and Sediment Control Plan measures outlined in the Meinhardt Civil Engineering Design Report and 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.

SUBJECT	COMMITMENT
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".
Wind	The recommendations of the Wind Report prepared by Vipac dated June 2013 will be implemented.
	The effectiveness of wind control mechanisms will be validated prior to the issue of 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.

SUBJECT	COMMITMENT
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.
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.