

## **ASSESSMENT REPORT**

### **Mixed Use Redevelopment of Stamford Grand Hotel Site MP 10\_0112 MOD 9**

#### **1. INTRODUCTION**

This report is an assessment of a section 75W modification request to modify the Concept Approval (MP10\_0112) for a mixed use redevelopment of the Stamford Grand Hotel site at Macquarie Park.

The request has been lodged by Urbis Pty Ltd on behalf of HSH Hotels Australia Limited (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend Term of Approval C5 relating to car parking.

#### **2. SUBJECT SITE**

The site is known as 110-114 Herring Road, Macquarie Park and is legally described as Lot 1 in DP 780314. The site has an area of 22,433 m<sup>2</sup> and is located at the intersection of Epping and Herring Roads, on the southern edge of Macquarie Park within the Ryde Local Government Area. The site is approximately 13 kilometres north-west of the Sydney CBD and six kilometres north-west of Chatswood (**Figure 1**). The site was previously occupied by the Stamford Hotel and construction works on the site are close to completion.

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

#### **3. APPROVAL HISTORY**

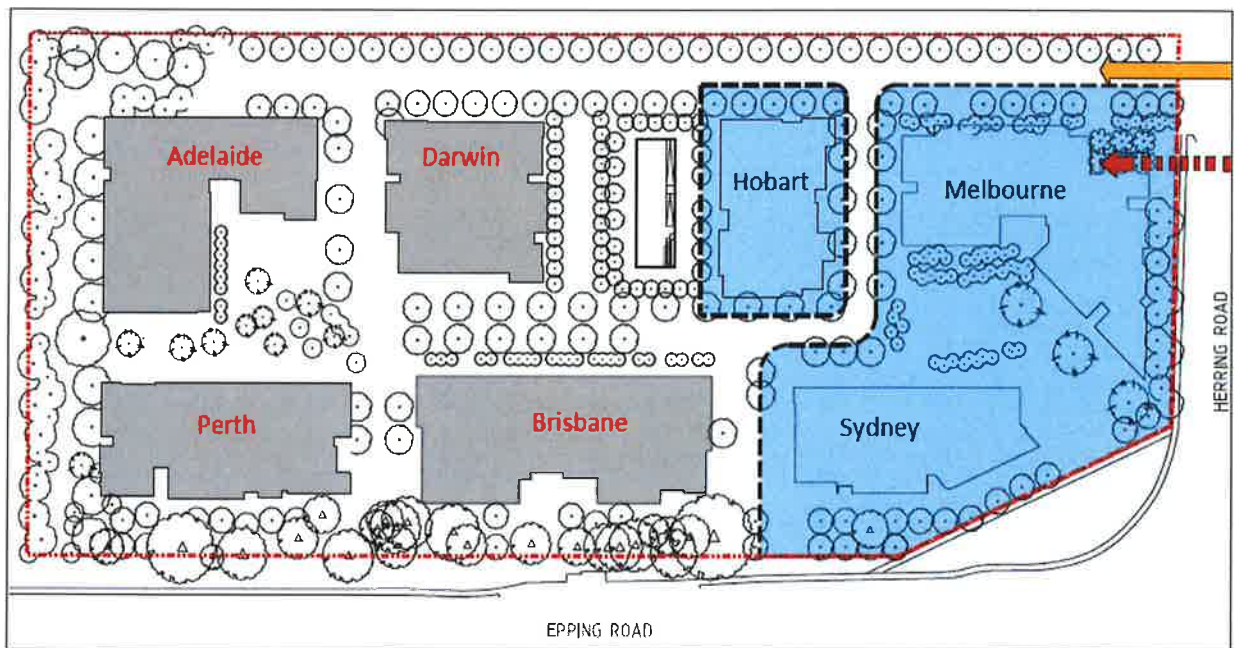
##### **3.1 Concept Plan (MP10\_0112)**

On 26 September 2012, the Planning Assessment Commission (the Commission) approved a Concept Plan (MP 10\_0112) for a mixed use residential and commercial development on the site over two stages (**Figure 2**), including:

- indicative building envelopes for seven buildings with a maximum height of RL 138.45;
- a maximum gross floor area (GFA) of 47,650 m<sup>2</sup>;
- a minimum of 1,210 m<sup>2</sup> 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.



**Figure 1:** Site Location, shown shaded in blue (source: Nearmap 2017)



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

The Concept Plan has been modified on eight occasions as follows:

**Table 1:** Modifications to the approved Concept Plan (MP10\_0112)

Mod No.	Summary of Key Modifications	Approved
MOD 1	Increase the maximum height, GFA and density, reorientate building envelopes, and replace part of an internal road with pedestrian/cycleway and landscaping.	03/06/2013
MOD 2	Amend the internal layout, external elevations and rectify previous errors.	27/05/2014
MOD 3	Reduce commercial parking rates (but refused a request to increase residential parking rates).	21/11/2014
MOD 4	Amend the public domain plan with additional open space, relocation of community room, conversion of the former community room and ground floor of five apartments to retail/commercial use, deletion of a vehicular basement access and amendments to the Statement of Commitments.	16/02/2015
MOD 5	Amend the basement level plans.	13/05/2015
MOD 6	Increase the height of the podium level by approximately 600 mm.	05/06/2015
MOD 7	Increase height of Melbourne building from 12 storeys to 22 storeys and associated increase to GFA.	1/11/2016
MOD 8	Realignment of entry from Herring Road and widening of internal ring road.	11/10/2016

Of particular relevance to the assessment of this application, are the Commission's previous determinations of Modifications 1 and 3 in which parking was considered in detail.

In **Modification 1**, the Proponent sought to increase GFA from 47,650 m<sup>2</sup> to 51,139 m<sup>2</sup> and to increase the car parking rates applicable to the site. The Commission approved the additional floor space, but placed a restriction on the approval, so that no additional residential parking (other than visitor parking) could be provided. Also, the Commission did not approve the proposed increase in car parking rates on the site.

In **Modification 3**, the Proponent again sought to modify the parking rates, resulting in an increase of 67 car parking spaces, and to remove the cap on residential parking imposed in Modification 1. The Commission did not support the proposed changes.

Further consideration of the Commission's previous determinations is set out in **Section 7**.

### 3.2 Other Approvals

In conjunction with the Concept Plan Approval, the Commission also approved a Stage 1 Project Approval (MP10\_0113) for construction of four residential buildings and associated works (refer to **Figure 2**). These works have been completed and no changes are sought to the Project Approval.

Development of Stage 2 is being carried out under development applications determined by Council under Part 4 of the EP&A Act. Construction works are currently underway.

## 4. PROPOSED MODIFICATION

On 2 March 2017, the Proponent lodged a section 75W modification application (MP 10\_0112 MOD 9) seeking approval to amend Term of Approval C5 Car Parking of the Concept Plan approval. The modification seeks to:

- delete the floor space cap to which residential parking can be provided;
- change the visitor parking rate from one space per five apartments to one space per ten apartments; and
- associated changes to the Statement of Commitments.

The Proponent advises the modification would result in a reallocation of the approved car spaces as outlined in **Table 2**.

The Proponent has confirmed the proposal does not seek approval to:

- make any physical changes to the approved development;
- increase the total number of car parking spaces on the site; or
- change the approved parking numbers as part of the Stage 1 Project Approval (MP10\_0113).

The Proponent has also confirmed the approved basement has been constructed and there is no opportunity to provide additional car parking spaces.

The modification is requested on the basis that the requirements relating to the provision of car spaces under the City of Ryde Development Control Plan 2014 (RDCP) have changed and the Proponent seeks to adopt the current car parking rates.

**Table 2:** Proposed parking rates summary (Source: Proponent's submitted documentation 24/2/2017)

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. STATUTORY CONSIDERATION

### 5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

### 5.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Planning Assessment Commission may determine the application under delegation.

## 6. CONSULTATION

The Department made the modification application publicly available on its website, and consulted with the City of Ryde Council (Council) about the proposed modification.

**Council** did not object to the proposed modification and advised the proposed car parking complied with its controls.

There were no **public** submissions received on the proposal.



## 7. ASSESSMENT

As discussed in **Section 3**, the Commission did not support previous requests to modify parking on the site, or to remove the floor space cap to which parking can be applied.

The Commission's most recent assessment of these issues was in November 2014, in its assessment of MOD 3. As part of that request, the Proponent sought to:

- change the residential car parking rates, resulting in an increase in the total number of residential car spaces and a decrease in visitor and commercial spaces; and
- apply the proposed parking rates to the entire development (rather than a cap of 46,420 m<sup>2</sup> GFA).

The Department recommended MOD 3 be approved because the proposed car parking rates were: comparable with other nearby centres; consistent with the draft Herring Road Urban Activation Precinct (UAP); and less than the maximum car parking rates specified in Council's RDCP. The Department's assessment also concluded the proposal would not result in adverse traffic impacts.

However, the Commission refused the proposed change in parking rates and retained the floor space cap for parking calculations, as:

- it considered the proposal was inconsistent with the objectives of the RDCP which sought to minimise congestion and car dependency, promote alternative means of transport, and ensure parking in the area is proportionally reduced over time;
- the car parking rates in the UAP, may not be given statutory force as the planning regime required Council to amend the car parking controls in the RDCP; and
- Council objected to the proposed increase in car parking.

The Department has carefully considered the Commission's previous determinations, and notes the circumstances have changed since the earlier determinations were made. In particular:

- the strategic planning framework for the site has now been established and Council has amended the car parking rates specified in the RDCP;
- the proposal does not seek approval for additional car parking spaces beyond the approved total; and
- Council no longer objects to the proposal.

The Department is therefore satisfied the circumstances have sufficiently changed since the Commission's previous determinations to warrant further consideration of car parking allocation on the site.

The Department has considered the merits of the proposal and is satisfied the reallocation of car parking spaces on the site is acceptable for the following reasons:

### ***The proposal complies with Council's amended car parking controls***

The amended RDCP (Part 4.5 Macquarie Park Corridor) changed the visitor car parking rate from 1 space per 5 units to 1 space per 10 units. This change results in the development having a surplus of 45 visitor car spaces, which the Proponent now seeks to reallocate from visitor spaces to residential spaces. As demonstrated in **Table 3**, the proposed reallocation of the existing car parking spaces complies with Council's controls.

**Table 3:** RDCP compliance table (Source: Proponent's submitted documentation 24/2/2017)

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 <sup>2</sup> commercial GFA	Max 13	12	12	Complies
	<b>TOTAL</b>	<b>611</b>	<b>611</b>	<b>611</b>	<b>Complies</b>

***No additional car parking spaces would be provided***

The previous modification (MOD 3) sought to increase the overall car parking numbers on the site by 67 spaces. The current modification seeks approval to reallocate the existing car parking spaces in accordance with Council's controls and no additional car parking spaces are proposed. The Department also notes the basement car park has already been constructed and there is no scope to provide additional car parking spaces.

***A cap is no longer required to limit car parking spaces***

To enable the reallocation of car parking spaces, the Proponent seeks to remove the cap on floor space to which parking can be applied. The cap effectively restricts residential car parking to a maximum of 464 spaces. The proposed reallocation of car parking spaces (from visitor to residential) would increase the total number of residential car parking spaces to 509 (see **Table 2**), therefore exceeding the cap.

Given there is no scope to provide additional car parking spaces within the basement, the Department considers the floor space cap to which parking can be applied is now redundant. Instead, the Department has recommended a Term of Approval requiring car parking to be provided in accordance with the details submitted with the proposed modification.

***The proposal would not result in any adverse traffic impacts***

The Department is satisfied the proposal would not generate any additional traffic impacts beyond those already assessed and approved, given:

- no additional car parking spaces would be provided; and
- any increase in resident trips is expected to be offset by a similar reduction in visitor trips.

## 8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes the proposed modification is appropriate on the basis it:

- complies with Council's car parking controls;
- would not increase the total number of car parking spaces on the site; and
- would not result in additional traffic impacts.

The Department also considers the proposal is consistent with the Commission's previous determinations (which sought to suppress car parking on the site) given it would not exceed Council's maximum parking controls and no additional parking spaces would be provided on the site.

Consequently, it is recommended the modification is approvable subject to the recommended Terms of Approval.

## 9. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report, noting the Department considers the modification is approvable;
- **determines** that the Proponent's request is a modification under section 75W of the EP&A Act;
- if the Commission determines to modify the approval, **signs** the notice of modification (**Appendix A**).

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**Director**  
**Modification Assessments**



Anthea Sargeant 15/5/17  
**Executive Director**  
**Key Sites and Industry Assessments**

## **APPENDIX A: NOTICE OF MODIFICATION**

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A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8283](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8283)



## **APPENDIX B: SUPPORTING INFORMATION**

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The following supporting documents and supporting information to this assessment report can be found on the Department's website, as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8283](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8283)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8283](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8283)