



**TOWER 2, LEVEL 23  
DARLING PARK, 201 SUSSEX ST  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

21 September 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\_0113 – 110-114 HERRING ROAD, MACQUARIE PARK**

On behalf of *HSH Hotels Australia Limited*, we lodge this Section 75W Modification application to amend the Stage 1 Approval (MP10\_0113 as modified). The proposed modification to the Stage 1 Approval includes:

- Modify Condition F10 to amend the GFA for certification.
- Modify the Schedule 3 Statement of Commitments to reflect the above change.

There is no material increase in GFA, the development is already built. However, Condition F10 was not amended with the increase in GFA approved in MOD 4. The GFA in Condition F10 remained at 26,160m<sup>2</sup> (MOD 1), even though it had been increased to 26,418m<sup>2</sup> (MOD 4). Construction of Stage 1 is now complete, the GFA for Stage 1 has now been surveyed and certified at 26,410m<sup>2</sup> (refer to Appendix A).

The approved amending DA for the Melbourne Building increased the GFA to realise the allowable FSR across the site under the gazetted controls in the Ryde Local Environmental Plan 2014 (RLEP). Allowable GFA for the Melbourne building uplift was calculated based on the approved Stage 1 GFA of 26,418m<sup>2</sup> (MOD 4) and resulted in an amended Stage 2 GFA of 29,663.50m<sup>2</sup> approved by the Amending DA.

The Amending DA approved a total GFA across the site (Stages 1 and 2) of 56,082.50m<sup>2</sup>. Stage 1 is now complete and has been surveyed and certified at 26,410m<sup>2</sup> which provides a 9m<sup>2</sup> contingent.

This is an administrative change to the consent to obtain the occupation certificate. The approved building envelope has not changed. The development is already approved and built. Therefore, there are no amenity impacts from this proposal. All impacts associated with the development have been assessed and approved.



The proposal is the subject of a Section 75W Modification as the modification does not constitute a 'radical transformation' to the Stage 1 Approval. The modification 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 Stage 1 consent. Text proposed to be deleted is indicated by 'strike through' and text proposed to be added is indicated by bold text.

### 1.1 Condition F10 GFA Certification

#### *F10 GFA Certification*

*Upon completion of the building works, a registered Surveyor is to certify that the Gross Floor Area (GFA) of the development of Buildings Adelaide, Brisbane, Darwin and Perth at the subject site and approved by this major projects does not exceed ~~26,160m<sup>2</sup>~~ **26,418m<sup>2</sup>**. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a final Occupation Certificate*

### 1.2 Statement of Commitments

Changes are proposed to the approved Statement of Commitments to tidy up old commitments and update the GFA. A copy of the modified Statement of Commitments is attached at Appendix B.

<b>Subject</b>	<b>Commitment</b>
<i>Approved Project</i>	<i>Development on the site will be implemented in accordance with the Concept Plan <del>entitled S75W Concept Plan Modification 2 and Project Application Modification 1</del> dated July 2013 <b>as modified</b>.</i>
	<i>Stage 1 will be implemented in accordance with the Project Application Plans <del>entitled S75W Concept Plan Modification 2 and Project Application Modification 1</del> dated July 2013 <b>as modified</b>.</i>
<i>Approved floor space</i>	<i>The total floor area of the development shall generally be in accordance with the approved Concept Plan Modification <del>2</del> <b>4</b> (MP10_0122 MOD <del>2</del> <b>4</b>) and shall not exceed <del>56,066</del> <b>56,082.50m<sup>2</sup></b>. The development shall contain a minimum 1,210m<sup>2</sup> non-residential land uses.</i>

## 2. JUSTIFICATION FOR THE MODIFICATION

The key reasons and justification for the proposed modifications are:

- Condition F10 was not amended with the increase in GFA approved in MOD 4.
- There is no material increase in GFA, the development is already built.



- The approved amending DA for the Melbourne Building increased the GFA to realise the allowable FSR across the site under the gazetted controls in the *Ryde Local Environmental Plan 2014* (RLEP). The allowable GFA for the Melbourne building uplift was calculated based on the approved GFA of 26,418m<sup>2</sup> (MOD4). The total GFA across the site (Stages 1 and 2) is 56,082.50m<sup>2</sup> (as approved).
- The approved building envelope has not changed. The development is already approved and built.
- This is an administrative change to the consent to obtain the occupation certificate
- There are no amenity impacts because there is no change to the built form. All impacts associated with the development have been assessed and approved.

### **3. PLANNING CONTROL ASSESSMENT**

#### **4.1 Ryde Local Environmental Plan 2010**

There are no changes to LEP compliance.

#### **4.2 Ryde Development Control Plan 2014**

There are no changes to DCP compliance.

### **4. ENVIRONMENTAL PLANNING ASSESSMENT**

The proposed modification will not have any significant environmental impacts. The proposal does not involve any changes to the use, unit mix, built form, density, intensity, appearance traffic or parking.

### **5. CONCLUSION**

This Section 75W Modification application does not constitute a radical transformation to the Stage 1 Project Approval and there will not be any detrimental natural and built environmental impacts.

For the reasons outlined in this report, the proposed modification to Condition F10 of MP 10\_0113 and the Statement of Commitments should be approved by Minister, and his delegates.

Yours sincerely,

A handwritten signature in blue ink that reads "Alaine Roff".

Alaine Roff  
Associate Director



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## **APPENDIX A**

13 September 2017  
Ref: 100915.23.17



Jon Hopkins  
Oakstand  
Level 10, 503-505  
Kent Street Sydney  
NSW 2000

### 120-128 Herring Road Macquarie Park Stage 1 GFA Certification

Dear Jon,

I have surveyed and calculated the gross floor area of stage 1 of the above development in accordance with the definition contained within the Ryde Local Environmental Plan 2014. The calculated gross floor area is;

**Gross floor areas    26410m<sup>2</sup>**

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Ayres', with a checkmark at the end.

**Mitchell Ayres**  
Registered Surveyor  
Linker Surveying

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Suite 301, Level 3  
55 Holt Street  
Surry Hills NSW 2010  
PO Box 1807  
Strawberry Hills NSW 2012  
T 02 9212 4655  
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**Linker Surveying Pty Ltd**  
A Veris Company  
ABN 44 002 312 405

**General Managers – Registered Surveyors**  
Mark J Andrew B. Surv. (Operations)  
Tasy Moraitis B. Surv. (Business)

**Survey Managers – Registered Surveyors**  
Mitchell Ayres B. Eng (Surveying & SIS)  
Karl Robertson B. Surv.

**Memberships**  
Institution of Surveyors NSW  
Association of Consulting Surveyors NSW



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## **APPENDIX B**

TABLE OF STATEMENT OF COMMITMENTS

SUBJECT	COMMITMENT
Approved Project	Development on the site will be implemented in accordance with the Concept Plan <del>entitled S75W Concept Plan Modification 2 and Project Application Modification 1' dated July 2013</del> <b>as modified.</b>
	Stage 1 will be implemented in accordance with the Project Application Plans <del>entitled S75W Concept Plan Modification 2 and Project Application Modification 1' dated July 2013</del> <b>as modified.</b>
Approved floor space	The total floor area of the development shall generally be in accordance with the approved Concept Plan Modification 2 4 (MP10_0122 MOD 2 4) and shall not exceed <del>56,066</del> <b>56,082.50m<sup>2</sup></b> . The development shall contain a minimum 1,210m <sup>2</sup> non-residential land uses.
Apartment mix/ accessibility	Approval is granted for a Stage 1 apartment mix of: <ul style="list-style-type: none"> <li>- Maximum 163 (48%) one bedroom apartments;</li> <li>- Minimum 180 (52%) two bedroom apartments.</li> </ul>
	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	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> <p>1 space per 10 visitors</p> <p>1 space per 100m<sup>2</sup> commercial GFA</p>
Road Access and Traffic	In accordance with the recommendations of the Traffic Report prepared by Traffix and dated January 2011, a Travel Plan will be prepared which addresses:

SUBJECT	COMMITMENT
	<ul style="list-style-type: none"> <li>▪ Local bus stop locations;</li> <li>▪ Bus and rail timetables;</li> <li>▪ Location of taxi ranks in the locality;</li> <li>▪ Location of local services within walking distance such as convenience stores, supermarkets and other retail related areas;</li> <li>▪ How a car share scheme can be accommodated on site; and</li> <li>▪ Local cycle routes including the City of Ryde cycle map.</li> </ul> <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"> <li>▪ Removal of trees should be offset with the revegetation of the Epping Road setback buffer zones and removal of exotic species from the site;</li> <li>▪ Any landscaping or revegetation works are to incorporate locally indigenous native plant species, including those that are characteristic of STIF;</li> <li>▪ The protection measures as recommended with the Arborist's Report prepared by Earthscape Horticultural Services;</li> <li>▪ 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;</li> </ul> <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"> <li>▪ Implementation of the Tree Management Plan; and</li> <li>▪ Planting of 20 new trees capable of attaining a height of thirteen metres at maturity.</li> </ul>
Structural Adequacy	<p>The Structural design will be in accordance with:</p> <ul style="list-style-type: none"> <li>▪ AS / NZS1170.0 – 2002 General Principles;</li> </ul>



SUBJECT	COMMITMENT
	<ul style="list-style-type: none"> <li>▪ As / NZS1170.1 – 2002 Permanent, Imposed and Other Actions;</li> <li>▪ AS / NZS1170.2 – 2002 Wind Actions;</li> <li>▪ AS3600 – 2009 Concrete Structures;</li> <li>▪ AS3700 – 2001 Masonry;</li> <li>▪ AS4100 – 1998 Steel Structures;</li> <li>▪ AS1720.1 – 1997 Timber Structures; and</li> <li>▪ BCA – 2009 Building Codes of Australia.</li> </ul>
Construction, Waste and Traffic Impacts	<p data-bbox="480 831 1390 972">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 data-bbox="480 1021 1437 1196">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 data-bbox="480 1249 1418 1352">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 data-bbox="480 1402 1401 1505">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"> <li>▪ AS3500.3;</li> <li>▪ City of Ryde Council's specifications;</li> <li>▪ The Concrete Pipe Association of Australia Guidelines; and</li> <li>▪ The Australian Rainfall and Runoff (ARR) publication.</li> </ul> <p data-bbox="480 1809 1437 1877">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"> <li>▪ A residential swimming pool;</li> <li>▪ Residents gym;</li> <li>▪ 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;</li> </ul> <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"> <li>▪ Provision of a bicycle voucher, offering 50% off a range of bicycles approved by Stamford, for every 100m<sup>2</sup> of non-residential GFA.</li> <li>▪ A community meeting room for occupiers of the development privately managed.</li> </ul>
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"> <li>▪ Rainwater harvesting for non-potable reuse including toilet flushing, clothes washing and irrigation; and</li> <li>▪ Harvested rainwater will be treated via a gross pollutant trap to remove suspended solids prior to discharge into the rainwater tank.</li> </ul> <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"> <li>▪ Carry out filling in accordance with the report;</li> <li>▪ Undertake regular inspection by a geotechnical engineer following each progressive lift in excavation;</li> <li>▪ All load bearing foundations inspected and spoon tested by an experienced geotechnical engineer or engineering geologist;</li> <li>▪ Preparation of a dilapidation survey of adjacent buildings prior to and at the completion of bulk excavation works;</li> </ul> <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"> <li>▪ Fill classified as General Solid Waste will only be transported to a facility licensed to accept General Solid Waste; and</li> <li>▪ The preliminary classification of natural soils as VENM will be confirmed subject to an inspection once all filling has been removed.</li> </ul> <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	<p data-bbox="483 387 1433 454">Glazing will be provided in accordance with the recommendations of the Acoustic Report dated January 2011 and letter dated 24 November 2011.</p> <p data-bbox="483 499 1409 611">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 data-bbox="467 645 1366 902" style="list-style-type: none"> <li data-bbox="467 645 1366 712">▪ Locating seating below awnings and overhangs to limit noise impact to residence above;</li> <li data-bbox="467 745 994 779">▪ Limit the number of seats within the courtyard;</li> <li data-bbox="467 813 1185 846">▪ Locating external areas where noise transmission is limited; and</li> <li data-bbox="467 880 1066 902">▪ Limit deliveries and waste removal to day time hours.</li> </ul> <p data-bbox="483 947 1433 1059">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 data-bbox="467 1093 1441 1216" style="list-style-type: none"> <li data-bbox="467 1093 1441 1160">▪ Australian Standard AS2436:1981 “Guide to noise control on construction, maintenance and demolition sites”; and</li> <li data-bbox="467 1193 1034 1216">▪ DECCW – “Interim Construction Noise Guideline”.</li> </ul>
Wind	<p data-bbox="483 1267 1393 1335">The recommendations of the Wind Report prepared by Vipac dated June 2013 will be implemented.</p> <p data-bbox="483 1379 1409 1447">The effectiveness of wind control mechanisms will be validated prior to the issue of the relevant Construction Certificate.</p>
Public Art	<p data-bbox="483 1496 1409 1518">A detailed Public Art Plan will be prepared by a suitably qualified Public Art Consultant.</p>
Waste	<p data-bbox="483 1574 1337 1641">Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.</p>
Dedication of Type 3 Roads	<p data-bbox="483 1697 1441 1906">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.</p>

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.