



**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 26,160m² (MOD 1), even though it had been increased to 26,418m² (MOD 4). Construction of Stage 1 is now complete, the GFA for Stage 1 has now been surveyed and certified at 26,410m² (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 26,418m² (MOD 4) and resulted in an amended Stage 2 GFA of 29,663.50m² approved by the Amending DA.

The Amending DA approved a total GFA across the site (Stages 1 and 2) of 56,082.50m². Stage 1 is now complete and has been surveyed and certified at 26,410m² which provides a 9m² 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 ~~26,160m²~~ **26,418m²**. 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.

Subject	Commitment
<i>Approved Project</i>	<i>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 as modified.</i>
	<i>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 as modified.</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 2 4 (MP10_0122 MOD 2 4) and shall not exceed 56,066 56,082.50m². The development shall contain a minimum 1,210m² 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 26,418m² (MOD4). The total GFA across the site (Stages 1 and 2) is 56,082.50m² (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.

MOD 4 of MP 10_0113 resulted in an internal increase in GFA for Stage 1 of 258m² because of the conversion of some plant/circulation space to two bedroom dwellings on Levels 1-13. MOD 4 did not specifically seek this increase as the overall project GFA remained at the approved 51,139m². The increase in GFA in MOD 4 did not have any environmental impact for the following reasons:

- The PAC approved envelope was maintained. Impacts associated with the envelope were assessed as part of the original concept and Stage 1 approvals and deemed to be acceptable.
- The GFA relates to the street side of the Brisbane Building and did not alter compliant building separation distances.
- Given that separation distances were maintained, privacy and visual impact was not impacted.
- No additional car parking spaces were allocated to these parking ensuring compliance.
- Traffic was assessed at the time of MOD 4. Traffix concluded: "*The changes are very minor and there will be no perceptible change in traffic conditions either within or external to the site.*"

Accordingly, the GFA increase in MOD 4 did not have any adverse environmental impacts. DPE can be satisfied that the GFA impacts have been considered and the proposed modification to the GFA certification condition can be approved.



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". The signature is written in a cursive, flowing style.

Alaine Roff
Associate Director



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APPENDIX A



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APPENDIX B