

ASSESSMENT REPORT

110-114 HERRING ROAD, MACQUARIE PARK MP 10_0113 MOD 9

1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval for the redevelopment of the Stamford Grand Hotel site at 110-114 Herring Road, Macquarie Park, in the City of Ryde local government area. The request has been lodged by Urbis 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 increase the approved gross floor area (GFA) as set out in Condition F10 and the Statement of Commitments (SoC) to reflect the actual built GFA, consistent with the plans approved in MOD 4.

The Department's assessment concludes the proposal is acceptable as it would ensure consistency with the plans approved under MOD 4 and would not result in any adverse amenity impacts.

2. SUBJECT SITE

The subject site is located on the southern edge of Macquarie Park and has an area of 22,433 m².

The site was previously occupied by the Stamford Hotel, North Ryde which has been demolished, and construction of the approved development has been completed (see **Figure 1**)



Figure 1: Site Location

3. APPROVAL HISTORY

On 26 September 2012, the Planning Assessment Commission (the Commission) granted concurrent Concept Approval (MP 10_0112) and Project Approval (MP 10_0113) for the development of the site. The Project Approval was for Stage 1 of the development and was for a mixed-use residential and commercial development incorporating:

- demolition and excavation
- four residential buildings retail and commercial floor space
- basement car parking
- landscaping and public works around the buildings, including lift and stairs to Epping Road
- publicly accessible open space and through site links
- road works.

The Project Approval has been modified on numerous occasions, as outlined below.

Project Application Modifications

The Project Approval (MP 10_0113) has been modified on seven occasions, as follows:

Modification No.	Description	Approval
1	Various internal and external amendments to ensure consistency with the modified Concept Plan including an increase in apartments from 291 to 340.	27 May 2014
2	Extend hours of construction and other minor variations.	18 September 2014
3	Reduce commercial parking rates and clarify the number of accessible parking spaces;	21 November 2014
4	Amend the internal layouts of three buildings, increase the number of units (from 340 to 343), modify facades and floor plates, remove a loading dock and provide a community room, amend the public domain, internal road layout and Statement of Commitments;	16 February 2015
5	Amend the basement level plans including changes to parking layout, storage and waste management arrangements.	13 May 2015
6	Amend building heights, car share scheme, registration of easements and stormwater works, timing of affordable housing provision and changes to the Statement of Commitments.	5 June 2015
8	Realign entry from Herring Road and widening of internal road.	11 October 2016

The concept approval has also been modified on numerous occasions. Notably, the most recent modification (MP 10_0112) MOD 7, set a maximum GFA for the entire site of 56,082.5 m².

The Stage 1 Project Approval was originally approved with a maximum GFA of 25,083 m² as outlined in Condition F10, which requires certification of the floor space prior to occupation. This was modified as part of MOD 1 to permit a maximum GFA of 26,160 m². Condition F10 was accordingly updated.

MOD 4 approved (amongst other things) the conversion of plant/service areas into 3 dwellings on levels 11, 12 and 13 of the Brisbane building. Although not explicitly sought or acknowledged in the modification application, these changes resulted in a technical increase in GFA of 258 m². However, the changes did not change the building envelope or massing.

As this minor increase in GFA was not explicitly requested, Condition F10 was not updated. The development has now been constructed in accordance with the approved plans, but does not meet the requirements of Condition F10.

4. PROPOSED MODIFICATION

On 27 September 2017, the Proponent lodged a section 75W modification application (MP 10_0113 MOD 9) seeking approval to amend Condition F10 and the SoC to reflect the GFA of the plans approved under MOD 4.

The proposed modified condition is outlined below:

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 project 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.*

The modification is requested on the basis that Condition F10 and the SoC is required to be updated to correct the anomaly between the approved plans and the maximum GFA set out in the Condition and SoC to allow the Occupation Certificate to be issued for the development.

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (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 that 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 Executive Director, Key Sites and Industry Assessments may determine the application under delegation as:

- the relevant local council has not made an objection; and
- a political disclosure statement has been made, but only in relation to a previous related application; and
- there are no public submissions in the nature of objections.

6. CONSULTATION

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

Council did not provide any comments on the proposal.

No **public** submissions were received.

7. ASSESSMENT

The modification seeks to update Condition F10 and the SoC to reflect the GFA of the plans approved and constructed under MOD 4.

The Department is satisfied the proposed amendment would simply correct an inconsistency between the approved plans and the maximum GFA set out in Condition F10 and the SoC.

Further, the Department is satisfied the potential impacts associated with the proposal were appropriately considered in the assessment of MOD 4 and the additional GFA:

- would not result in any physical changes to the approved buildings
- would not result in any adverse amenity impacts
- would not trigger the requirement for additional car parking spaces
- would remain consistent with the Concept Plan Terms of Approval

The Department's assessment concludes the proposal would not result in any additional impacts beyond those already assessed and approved. Therefore, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application falls within the scope of section 75W of the EP&A Act;
- **approves** the modification application MP 10_0113 MOD 9, subject to conditions; and
- **signs** the attached notice of modification (Appendix A).

Recommended by:



Emma Butcher
Planning Officer
Modification Assessments

Recommended by:



Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:



Anthea Sargeant 8/2/18
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

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=8786

APPENDIX B: SUPPORTING INFORMATION

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

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8786