

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Cameron Sargeant
Acting Director
Key Sites Assessments

Sydney

9/8/2018

SCHEDULE 1

- Concept Approval:** MP 09_0209 granted by the (then) Deputy Director General of the Department of Planning and Infrastructure on 29 May 2012
- For the following:** Commercial and retail development incorporating:
- indicative building envelopes for 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level
 - maximum gross floor area of 83,368m²
 - basement car parking
 - public domain works
- Proponent:** Frasers Property Australia
- Approval Authority:** Minister for Planning
- The Land:** 396 Lane Cove Road and 1 Giffnock Avenue, Macquarie Park (Lot 5 DP 1130105 and Lot 21 DP 602327)
- Modification:** MP 09_0209 MOD 3: the modification includes:
- reconfiguration of the four building envelopes
 - reconfiguration and enlargement of the public plaza around the Macquarie Park Railway Station entrance
 - providing a publicly accessible central park
 - four publicly accessible pedestrian laneways between buildings
 - changes to vehicle and pedestrian access

SCHEDULE 2

The above Concept Approval is modified as follows:

- (a) In Part A, Terms of Approval A1 of Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

A1. DEVELOPMENT DESCRIPTION

Concept approval is granted to the development as described below:

- (a) use of the site for commercial and retail purposes including an ancillary helipad
- (b) indicative building envelopes for 4 separate buildings with heights ranging from 8 to 17 storeys plus plant level;
- (c) maximum Gross Floor Area of 83,368m²;
- (d) basement car parking;
- (e) public domain works including:
 - establishment of publicly accessible pedestrian through site/courtyard 'links' between proposed building envelopes including covered pedestrian connections;
 - establishment and dedication of a civic streetscape along Waterloo Road and new civic square surrounding the western entrance to the Macquarie Park railway station;
 - streetscape upgrades to all street frontages; and
 - 4 new publicly accessible courtyards **pedestrian laneways** between building envelopes
 - **a new publicly accessible park, at least 2,227 m² in area.**

- (b) In Part A, Terms of Approval A2 of Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

A2. DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The approval shall be generally in accordance with:

- the Environmental Assessment dated November 2010 prepared by JBA Planning, except where amended by the Preferred Project Report dated November 2011 including all associated documents and reports, and additional plan "Ground Level Plan (Area dedicated to future Public Domain)" submitted 9 May 2012;
- the Statement of Commitments prepared by JBA Planning/ **Ethos Urban**;
- **the Section 75W Modification Environmental Assessment Report MP 09 0209, dated 12 February 2018, Response to Submissions Report MP 09 0209, dated 9 April 2018 and Additional Information and Preferred Project Report dated 3 July 2018 and prepared by Ethos Urban, and**
- the following drawings:

Concept Plan Drawings prepared by BatesSmart			
Drawing No.	Revision	Name of Plan	Date
PA02-00	<u>A</u>	Ground Level Plan (area dedicated to future public domain)	07.2011 <u>February 2018</u>
PA02-001	<u>B</u>	Basement Level 001 Plan	07.2011 <u>June 2018</u>
PA02-002	<u>B</u>	Basement Level 002 Plan	07.2011 <u>June 2018</u>
PA02-003	<u>B</u>	Basement Level 003-005 Plan	07.2011 <u>June 2018</u>
<u>PA02-004</u>	<u>B</u>	<u>Basement Level 004 Plan</u>	<u>June 2018</u>
PA02-006	-	Basement Level 006 Plan	07.2011
PA02-00	<u>B</u>	Ground Level Plan	07.2011 <u>June 2018</u>
PA02-01	<u>B</u>	Typical Level Plan	07.2011 <u>June 2018</u>

PA02-10	B	Upper Level Plan	07.2011 <u>June 2018</u>
PA02-20	B	Roof Plan	07.2011 <u>June 2018</u>
PA05-01	B	Elevations Waterloo Road & Coolinga Street	07.2011 <u>June 2018</u>
PA05-02	A	Elevations Lane Cove Road and Giffnock Avenue	07.2011 <u>June 2018</u>
PA06-01	B	Section AA	07.2011 <u>February 2018</u>
PA06-02	B	Section BB	07.2011 <u>February 2018</u>
PA06-03	B	Section CC	07.2011 <u>February 2018</u>
PA06-04	B	Section DD	07.2011 <u>February 2018</u>
PA06-05	B	Section EE	<u>February 2018</u>
Landscape Concept Master Plans prepared by Aspect Studios			
B17024-LA00	J	<u>Landscape Concept Master Plan</u>	23.08.2011 <u>20 June 2018</u>
10030- B17024-LA01	G J	Landscape Concept Master Plan – <u>Landscape Concept</u>	23.08.2011 <u>20 June 2018</u>
10030- B17024-LA02	G J	Civic Frontage: Waterloo Rd & Station Interface	23.08.2011 <u>20 June 2018</u>
10030- B17024-LA03	G J	Courtyard Links	23.08.2011 <u>20 June 2018</u>
10030- B17024-LA04	G J	Garden Courtyard <u>Central Park</u>	23.08.2011 <u>20 June 2018</u>
B17024-LA04	J	<u>Central Park – Section BB</u>	<u>20 June 2018</u>
10030- B17024-LA05	G J	Streetscapes: Lane Cove Rd, Giffnock Ave + Coolinga St	23.08.2011 <u>20 June 2018</u>
-	J	<u>Tree Palette</u>	<u>20 June 2018</u>

- (c) In Part A, Terms of Approval A4 of Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

A4. VOLUNTARY PLANNING AGREEMENT

Prior to the issue of the first construction certificate for any Development Application **for buildings on the site** pursuant to this Concept Plan, the Proponent shall provide written evidence to the Director-General that it has executed a Voluntary Planning Agreement with Council, with terms outlined in the EA and PPR and as agreed with Council including:

- any offsets for works in kind; and/or
- works and services for public benefit in addition to section 94 contributions; and/or
- dedication of land

Should Council not agree to enter into a Voluntary Planning Agreement, written evidence shall be provided to the ~~Director-General~~ **Secretary** outlining this.

- (d) In Part B, Modification B1 of Schedule 2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

B1. CAR PARKING

Car parking provision on site shall be provided at a rate of 1 car parking space per 100m² of gross floor area to a maximum of 834 car parking spaces, **excluding waste collection, loading, courier and servicing spaces**. Car parking provision in the basement car park shall be staged to reflect the amount of commercial floor space ~~being developed at each stage of the development~~

available to ensure that there is not an oversupply of car parking provision during the initial stages of the development.

~~Note: The reduction in car parking will result in a reduction in the number of basement car parking levels required.~~

- (e) Future Environmental Assessment Requirements no.3, 5, 6, 9, 10 and 11 of Schedule 3 are amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struckout~~ words/numbers as follows:

TRAVEL DEMAND APPROACH

3. Future Development Applications shall demonstrate a travel demand approach through comprehensive and detailed work place travel plans to encourage the use of sustainable modes of transport in accessing the site. The work place travel plan shall demonstrate how the development will achieve sustainable transport objectives by strengthening the demand for existing public transport services as generally detailed in the EA, and PPR **and Section 75W Modification MP 09 0209 (MOD 3)** and also include the following:
- a) consideration of incentive schemes to encourage greater public transport usage for future employees;
 - b) details of car share spaces proposed and methods to encourage car share usage; and
 - c) a travel access guide for visitors to the site.

PUBLIC DOMAIN TREATMENT AND LANDSCAPING

5. Future Development Applications shall provide public domain treatment and landscaping generally in accordance with the landscape concept master plan submitted with the PPR **Section 75W Modification MP 09 0209 (MOD 3)** prepared by Aspect Studios. This shall include details of the function and use of each landscaped area.
- ~~6. Future Development Applications shall detail the proposed access arrangements for pedestrian through-site links in accordance with City of Ryde Development Control Plan 2010 Part 4.5 "Macquarie Park Corridor".~~

SYDNEY WATER REQUIREMENTS

9. Future Development Applications shall address Sydney Water's Requirements in relation to:
- a) the required extension to the 200mm water main on the western side of Lane Cove Road. The extension will need to be sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002); and
 - b) the required extension to the existing 225mm wastewater main. The extension will need to be sized and configured according to the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).
 - c) **whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.**

NSW OFFICE OF **DEPARTMENT OF INDUSTRY** - WATER REQUIREMENTS

10. Future Development Applications shall address the **demonstrate that all reasonable and feasible measures have been applied to minimise** potential inflows of groundwater **(during construction and operation)** of ~~to~~ the development. ~~and provide any details of any mitigation measures to seal off the water bearing zones. Details of proposed measures to minimise the extraction of groundwater from the basement areas during construction shall be provided.~~ **Future Development Applications shall also provide assessment of groundwater licensing requirements and potential impacts to groundwater resources in accordance with the NSW Aquifer Interference Policy.**

~~RAILCORP~~ **SYDNEY TRAINS REQUIREMENTS**

11. Future Development Applications shall demonstrate that Railcorp **Sydney Trains** requirements have been met in relation to:

a) Noise and Vibration

Future Development Applications shall include an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning and Infrastructure's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".

b) Stray Currents and Electrolysis from Rail Operations

Future Development Applications shall include an Electrolysis Risk report, prepared by an Electrolysis Expert, detailing any Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.

c) Geotechnical and Structural Stability and Integrity

~~Future Development Applications shall include a Geotechnical Engineering report demonstrating that the development has no negative impact on the rail corridor, rail tunnel, or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development. This report is required to be referred to RailCorp for review by RailCorp's Geotechnical section to ensure that the proposed development is structurally sound and will not jeopardise the structural integrity of the existing rail infrastructure.~~

Future Development Applications shall include a Geotechnical Engineering report, prepared in consultation with Sydney Trains. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, demolition and excavation induced vibration in rail facilities and loadings imposed on Sydney Trains Facilities by the development.

d) Demolition, Excavation and Construction Impacts

~~Future Development Applications shall include a risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for any proposed works. This shall be referred to the Rail Authority for review and comment on the impacts on rail corridor.~~

Future Development Applications shall include a Risk Assessment/ Management Plan identifying any potential risk of the development to or from the rail corridor and assets. This is to include detailed Safe Work Method Statements (SWMS) for the proposed works prepared in consultation with and to the satisfaction of Sydney Trains on the impacts on the rail corridor.

e) **Cranes and other aerial operations**

Future Development Applications are to include a draft plan prepared in consultation with Sydney Trains, showing all craneage and other aerial operations for the development.

- (f) In Schedule 3 - Future Environmental Assessment Requirements, insert new no.12 as follows:

TRANSPORT FOR NSW REQUIREMENTS

12. Construction Pedestrian and Traffic Management

- a) Future Development Applications shall include a draft construction and pedestrian traffic management plan (CPTMP) prepared in consultation with the Sydney Coordination Office (SCO) within Transport for NSW (TfNSW). The draft CPTMP is to take into account the potential impacts of the proposed development on the establishment, operation and removal of the Epping Chatswood Railway Temporary Transport Plan (ECR TTP) including the movement of public transport customers and buses to and from temporary bus stops and bus layover locations, and the Stage 1 and Stage 2 Bus Priority Infrastructure Program work that will affect the road network in this area prior to and post the ECR TTP. The Proponent shall receive confirmation from Sydney Metro that it is satisfied with the CPTMP where works are undertaken prior to 30 June 2019.

The draft CPTMP needs to include, but not be limited to, the following:

- location of all proposed work zones
- haulage routes
- construction vehicle access arrangements
- proposed construction hours
- estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements
- traffic and public transport customer management in the vicinity of the development
- details of any temporary structures, work zones, concrete pump lines or pedestrian ramps related to the development on Lane Cove Road or Waterloo Road within 20 metres of the temporary bus stops and bus layovers
- timing of and reinstatement standards for footpath and road openings
- location and operation of crossings into the development site within 20 metres of the temporary bus stops and bus layovers
- consultation between Sydney Metro and the Applicant
- construction program highlighting details of peak construction activities and proposed construction staging
- any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
- cumulative construction impacts of projects within Macquarie University and the Macquarie Park precinct, the duration of the impacts and
- measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

- (g) In Schedule 4 – Statement of Commitments, Commitment 4.3 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out~~ words/numbers as follows:

4.3 TRANSPORT AND ACCESSIBILITY

A Workplace Travel Plan (WTP) will be prepared in accordance with the requirements of DCP 2010 **Council's Travel Plan Guidelines 2015**.

An assessment of the construction traffic will be undertaken at the Development Application stage.

**End of Modification
(MP 09_0209 MOD 3)**