

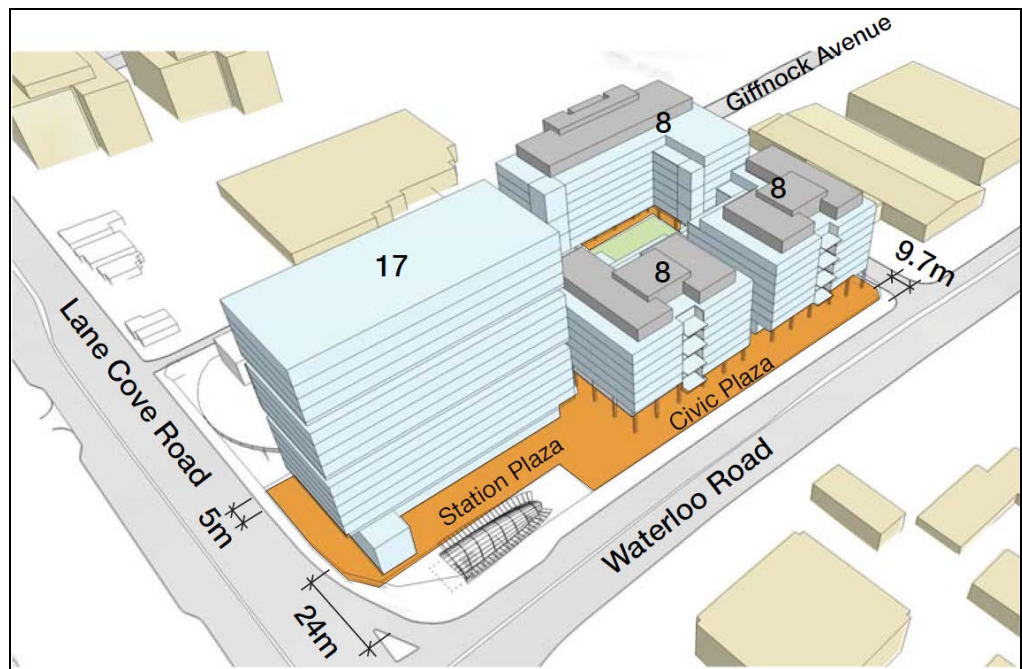


SECTION 75W MODIFICATION APPLICATION

Concept Plan for Commercial and Retail Development

396 Lane Cove Road and 1 Giffnock Avenue, Macquarie Park

MP 09_0209 MOD 3



Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

August 2018

Cover Photograph: Aerial view of proposed building envelopes looking west (Source: Proponent's Design Report)

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1. BACKGROUND

1.1 Introduction

This report provides an assessment of a proposed modification to the concept approval for a mixed use commercial and retail development at 396 Lane Cove Road and 1 Giffnock Avenue, Macquarie Park (MP 09_0209).

The modification (MP 09_0209 MOD 3) seeks approval to reconfigure the four approved building envelopes and open spaces, including the public plaza around the Macquarie Park railway station entrance and landscaped area/park, activate laneways between buildings and change vehicle and pedestrian access.

The application has been lodged by Frasers Property Australia (the Proponent), pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

1.2 The site

The site is located at 396 Lane Cove Road and 1 Giffnock Avenue, Macquarie Park. The site is located on the north-west corner of Lane Cove Road and Waterloo Road intersection, within the City of Ryde local government area (**Figure 1**).

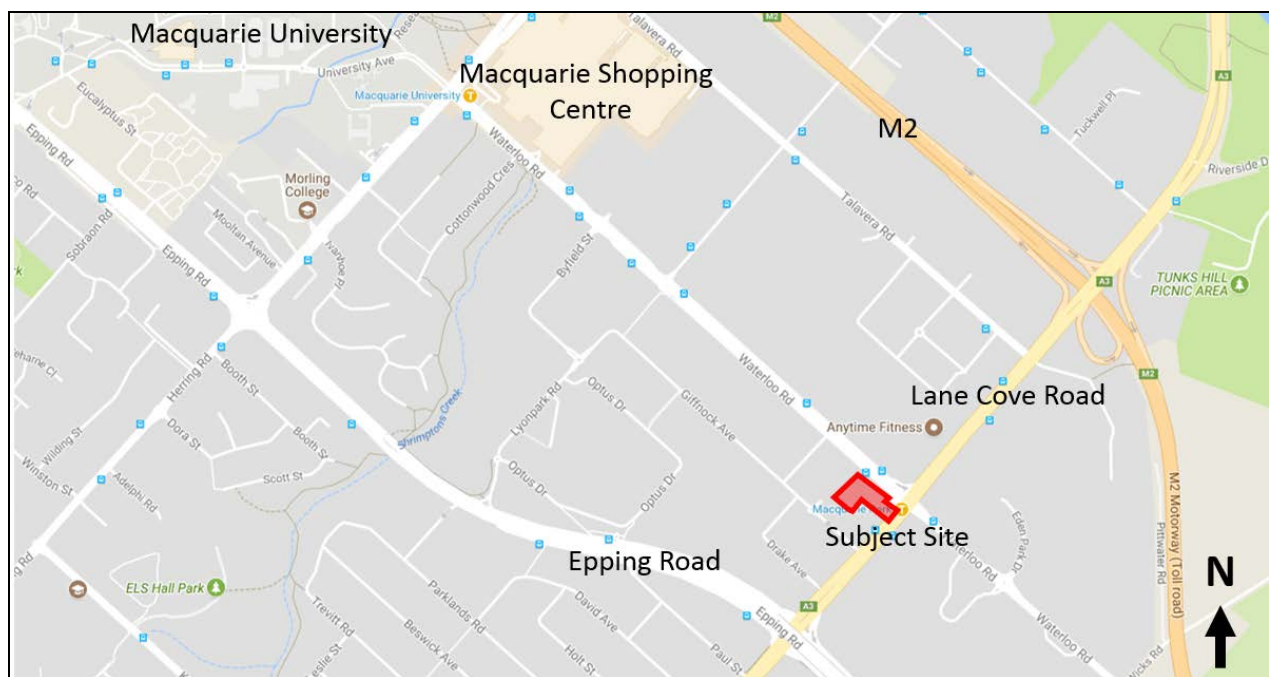


Figure 1: Development surrounding the site (Source: Nearmap)

The site comprises two lots being Lot 5 DP 1130105 and Lot 21 DP 602327. The site is irregular in shape and has a total area of 15,620 m². The site generally slopes from east to west by approximately 5 m. The site is bound by Waterloo Road to the north-east, Lane Cove Road to the south-east, Giffnock Avenue and a commercial building (Hyundai) to the south-west and Coolinga Street to the north-west (**Figure 2**).

The site currently contains (**Figures 2 to 6**):

- a two storey commercial building with a GFA of 6,096 m², fronting Lane Cove Road and Waterloo Road (Building 1)
- a two storey commercial/ warehouse building with a GFA of 1,949 m², fronting Giffnock Avenue and Coolinga Street (Building 2)

- car parking associated with each building and accessed from Waterloo Road, Coolinga Road and Giffnock Avenue
- a grassed area at the northern corner which also functions as a helicopter landing pad.



Figure 2: The concept approval site location (outlined in red) (Base source: Nearmap)



Figure 3: Site viewed from Waterloo Road, with Macquarie Park station entrance in the foreground and the Hyundai building beyond



Figure 4: Building 1, viewed from Lane Cove Road, with Macquarie Park station entrance behind



Figure 5: Vehicle entrance to Building 1 from Coolinga Street



Figure 6: Building 2, viewed from the corner of Coolinga Street and Giffnock Avenue

1.3 The surrounding development

The surrounding area is characterised by a mix of older large freestanding commercial and warehouse buildings with ground level car parks and more recent higher density contemporary office buildings, data centres and service based industries. This changing character reflects Macquarie Park's role as a strategic centre identified in the global and eastern economic corridors.

The area immediately surrounding the site comprises (**Figure 2**):

- to the north-east, Waterloo Road and the western entrance to Macquarie Park railway station. Further north-east is the Waterloo Business Park with office and commercial buildings (35-41 Waterloo Road) and a large construction site being redeveloped into six new commercial buildings around a central public park (45-61 Waterloo Road).
- to the south, across Lane Cove Road, is a further entrance to Macquarie Park station and a two storey commercial building with ground level car parking (34 Waterloo Road)
- to the south-east is Lane Cove Road and an eight storey commercial building occupied by Hyundai. Further south-east is a construction site for a 19 storey hotel (Adina), with frontage to Lane Cove Road and Hyundai Drive.
- west of Giffnock Avenue is a two storey office and warehouse building and a construction site for an eight storey building comprising a data centre and offices
- on the north-west side of Coolinga Street is a two storey office and warehouse building used by Macquarie University (44 Waterloo Road).

The site is located between the M2 Motorway (north-east) and Epping Road (south-west). Macquarie Shopping Centre and Macquarie University are located approximately 1.5 km to the north-west of the site (**Figure 1**).

1.4 Previous approvals and other relevant applications

1.4.1 Concept Approval (MP 09_0209)

On 27 May 2012, the (then) Deputy Director General of the Department, as a delegate of the Minister for Planning, approved a concept plan (MP 09_0209) for the construction of a commercial and retail development including:

- four building envelopes ranging in height from 8 to 17 storeys plus plant level
- maximum gross floor area (GFA) of 83,368 m²
- basement car parking for a maximum of 834 car spaces, with vehicular access from Giffnock Avenue and Coolinga Street
- publicly accessible pedestrian through site/courtyard 'links' between the proposed building envelopes, which included covered pedestrian connections
- four new publicly accessible courtyards between building envelopes
- a civic streetscape along Waterloo Road and new civic square surrounding the entrance to the Macquarie Park station, to be dedicated to Council
- streetscape upgrades to all street frontages.

The concept approval is divided into three stages, comprising (**Figure 7**):

- Stage 1: Buildings C and D
- Stage 2: Building B
- Stage 3: Building A.

The concept approval includes a Voluntary Planning Agreement (VPA) for financial contributions consistent with Council's Section 94 Contributions Plan, to be entered into with the Council prior to issue of the first Construction Certificate for any development application. This VPA also makes provision for works in kind or dedication of land (such as the station plaza and civic square).

On 4 November 2016, the Director (Modification Assessments), approved a section 75W application (MOD 1) which extended the lapse date of the concept approval from five to seven years (to 29 May 2019).

On 13 June 2017, the Department issued Secretary's Environmental Assessment Requirements for a section 75W modification application (MOD 2) proposing changes to the approved design. However, the Proponent has advised they do not intend to proceed with MOD 2.

2. PROPOSED MODIFICATION

2.1 Description of the modification

The key components and features of the modification are summarised at **Table 1**:

Table 1: Key components of modification to concept approval (as finalised in the Proponent's PPR)

| Component | Description |
|-----------------------------------|--|
| Building Envelopes | <p>Reconfigure the approved building envelopes as follows:</p> <ul style="list-style-type: none"> • reshape Building A, resulting in a longer but slightly narrower building envelope and a wider station plaza • Building B shifted west to accommodate the longer Building A • move building mass from Buildings B and C to Building D • reshape Building D as a 'L-shaped' building envelope |
| Public Open Space and Landscaping | <ul style="list-style-type: none"> • increase the area of public plaza fronting the Macquarie Park station entrance by 1,565 m² (from 2,300 m² to 3,865 m²) • change the location of the park and increase its area by 747 m² (from 1,480 m² to 2,227 m²) • reduce laneway widths at ground level from 15 m to 13.15 m between Buildings A and B and 10 m between Buildings B and C • increase laneway width at ground level between Buildings C and D from 11.7 m to 19.6 m |
| Basement | <ul style="list-style-type: none"> • reduce basement car park by two levels (from six to four levels) consistent with term of approval B1 of the concept approval • changes to basement envelope, to locate it away from existing railway infrastructure and Waterloo Road |
| Access | <ul style="list-style-type: none"> • provide separate carpark/service vehicle entry and pedestrian entry to the site from Coolinga Street • relocate the vehicle driveway from Coolinga Street further west |

The modification application does not propose to alter the approved GFA, land use, maximum permissible building heights or car parking.

Modification to conditions

The modification also seeks the following condition changes:

- *Terms of Approval A4 Voluntary Planning Agreement* – changes to enable staging of the development to enable site establishment works to commence while the VPA between Council and the proponent is being progressed
- *Modification B1 Car Parking* – changes to enable construction of a shared basement in one stage, while tying the use of available parking spaces to the approved allocation of each building
- *Statement of Commitments 4.3 Transport and Accessibility* - changes to reflect Council's updated *Travel Plan Guidelines 2015*.

The proposed modification is shown at **Figures 7 to 10**.

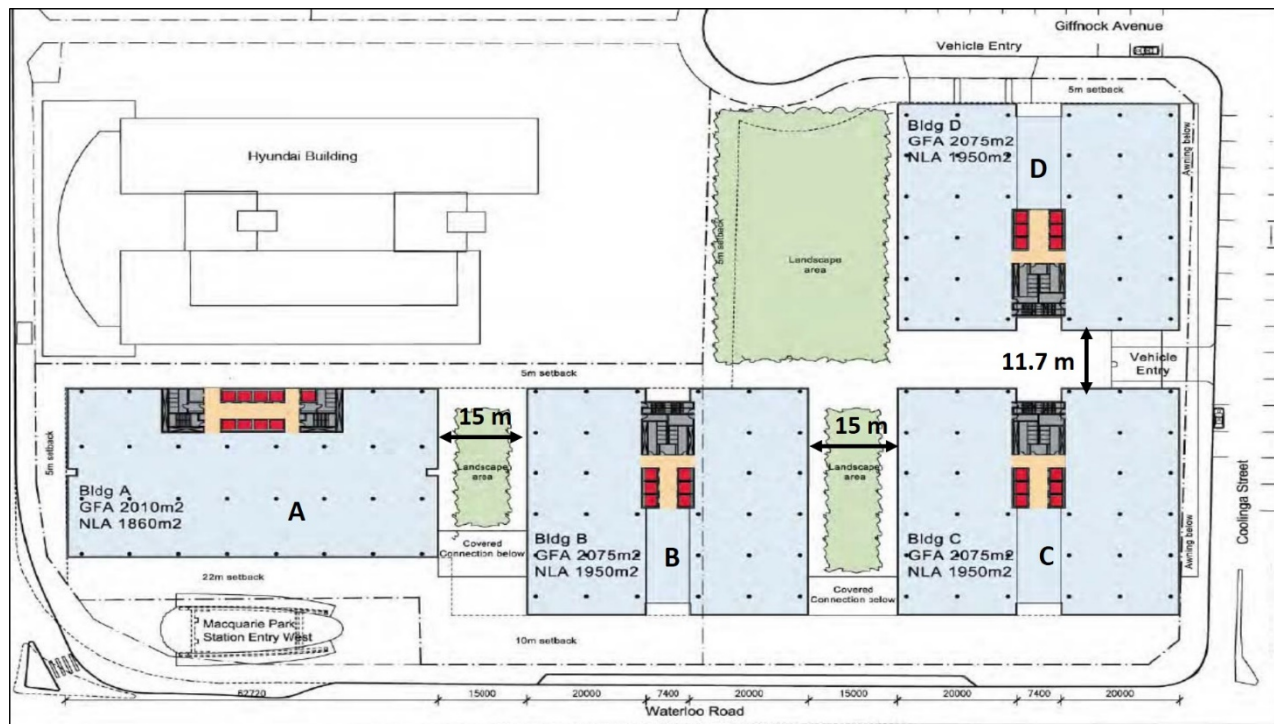


Figure 7: Approved building envelope plan and building separation (Source: Proponent's EA Report)

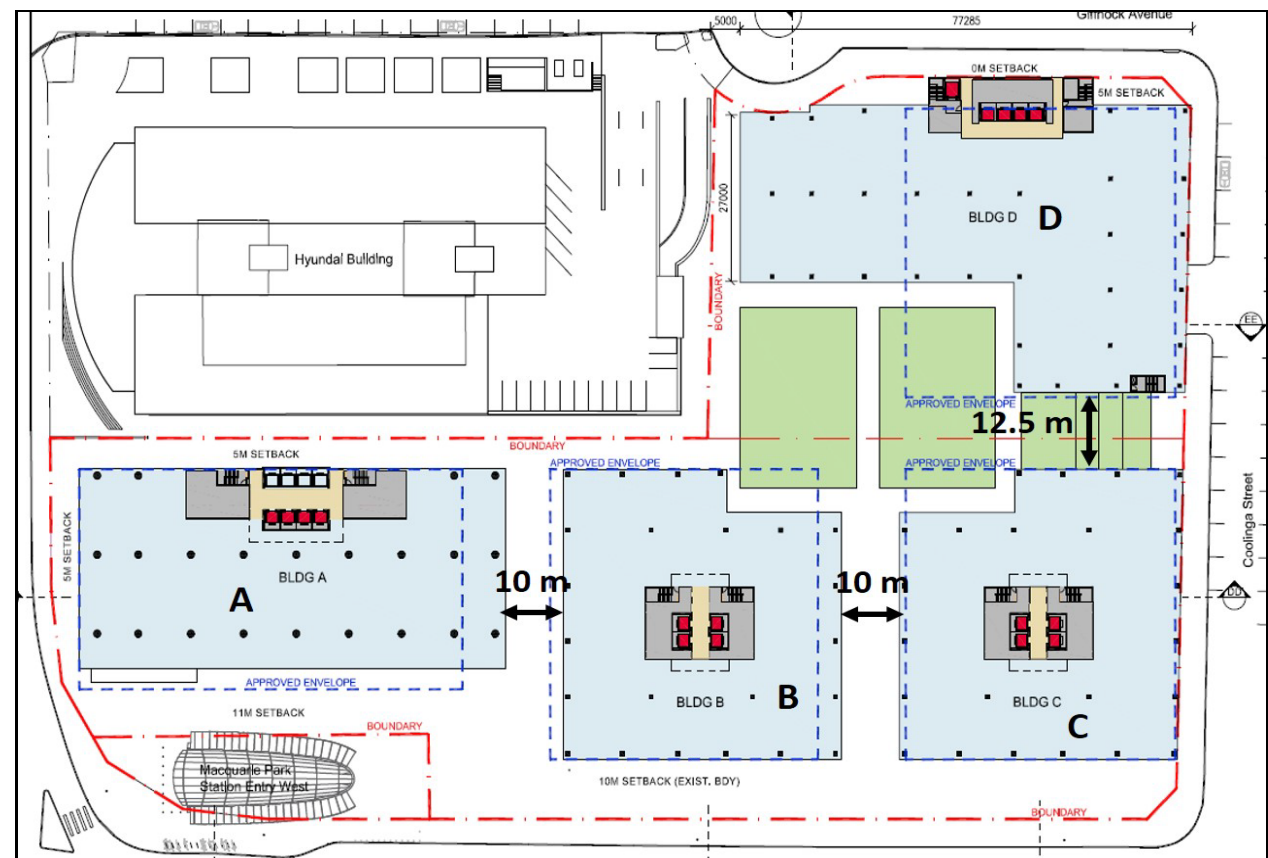


Figure 8: Proposed building envelope plan and building separation (Source: Proponent's RtS Addendum Report)



Figure 9: Approved ground floor plan (lobby/ café uses – yellow, office use – blue) and laneway widths (Source: Approved Plans MP 09_0209)

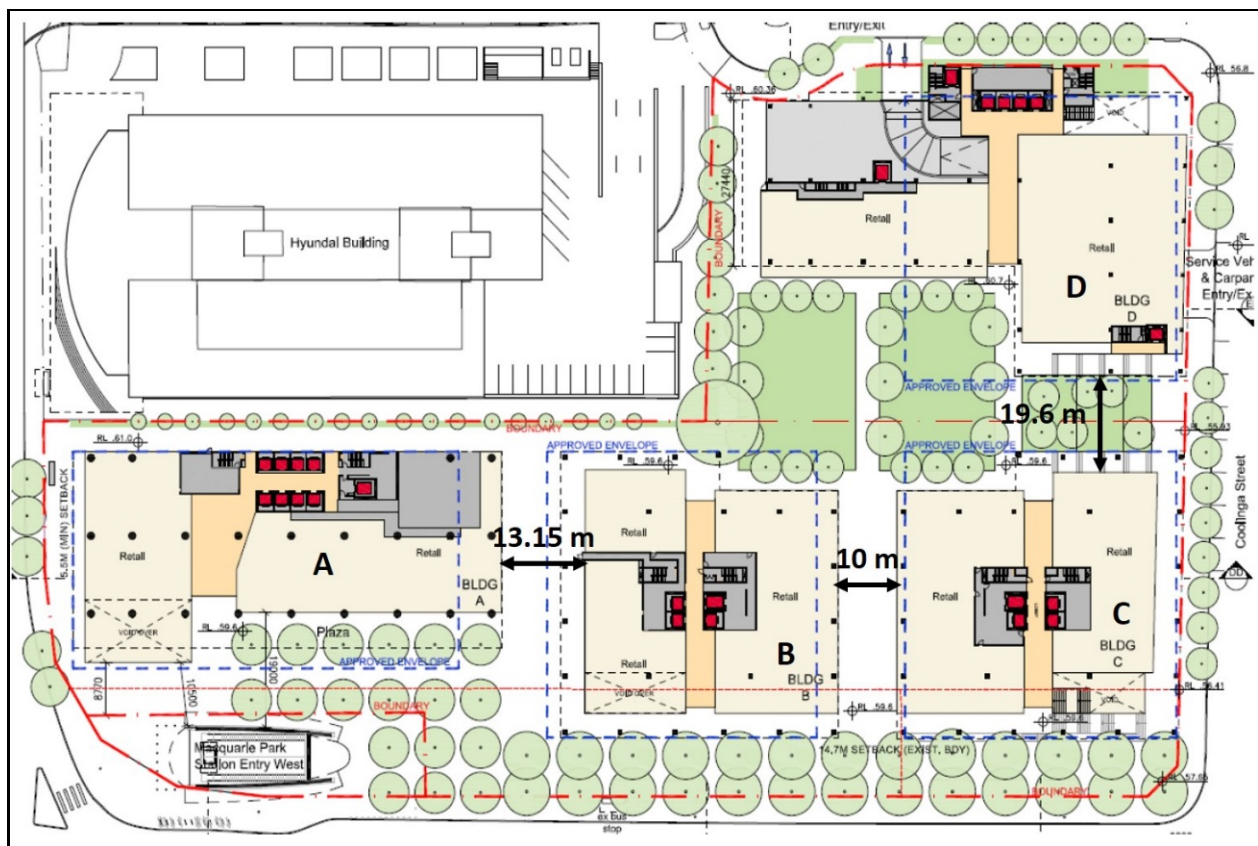


Figure 10: Proposed ground floor plan (retail uses - light yellow, lobby areas - dark yellow) and laneway widths (Source: Proponent's RtS Addendum Report)

2.2 Strategic context

Macquarie Park is identified as a Strategic Centre in the North District Plan and is within the Epping and Macquarie Park Urban Renewal Area Planned Precinct (*A Metropolis of Three Cities - Greater Sydney Region Plan*). The site is in the Global Economic Corridor, stretching from Port Botany to Sydney Airport and Macquarie Park and extending to Parramatta, Northwest and Sydney Olympic Park. The site is also located in the Eastern Economic Corridor between Macquarie Park and Sydney Airport (**Figure 11**).

The modification to the concept plan supports the strategic vision for Macquarie Park and the economic role of the Global Economic Corridor by providing 83,368 m² of commercial floor space in the largest non CBD office market in Australia. The proposal supports the growth of the Strategic Centre and provides more jobs closer to home, in a location that is well connected to existing and new transport connections.

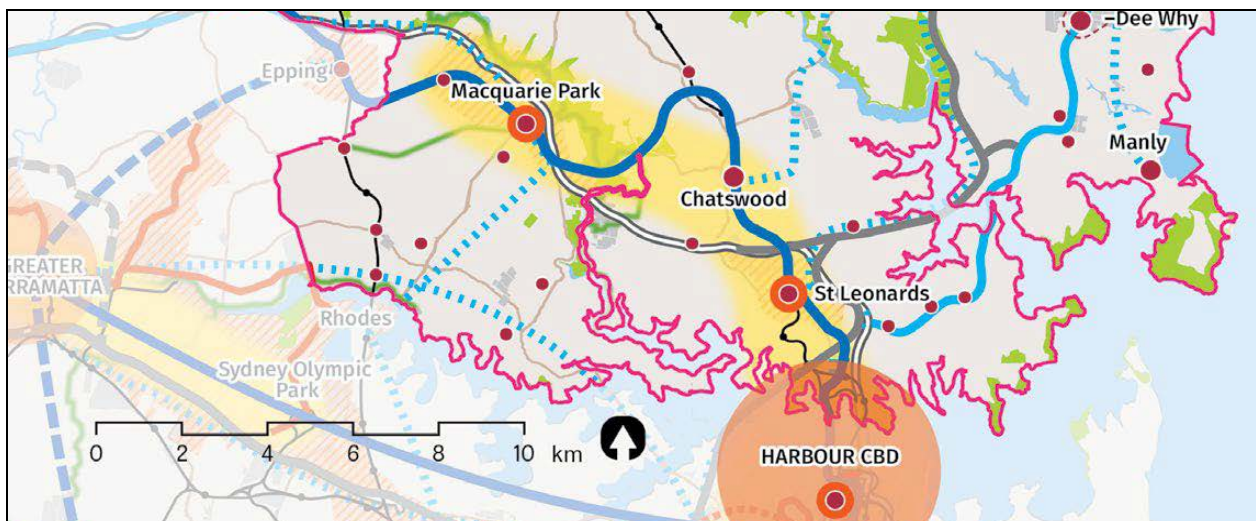


Figure 11: North District Structure Plan, identifying the Macquarie Park Strategic Centre and Economic Corridor (yellow)

3. STATUTORY CONTEXT

3.1 Section 75W and modification of a Minister's Approval

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011 is being wound up – but as the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

Section 75W provides for the modification of the Minister's approval, including revoking or varying a condition of the approval or imposing an additional condition on the approval. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval.

In this instance, as the proposal seeks to alter the form of the approved building envelopes, increase public open space and modify specific requirements of the approval, it requires further assessment and approval.

3.2 Approval authority

The Minister for Planning is the approval authority for the application. However, the Director, Key Sites Assessments may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.

3.3 Environmental Planning Instruments

The following EPIs apply to the proposed modification:

- State Environmental Planning Policy (Major Development) 2005
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- Ryde Local Environmental Plan 2014 (RLEP).

The Department has considered the proposed modification against the relevant provisions of the instruments. Based on this assessment, the Department is satisfied the proposed modification can be carried out in a manner that is consistent with the aims, objectives and provisions of these instruments.

3.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

4. CONSULTATION AND SUBMISSIONS

4.1 Consultation

The section 75W modification application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The Department notified adjoining landholders and relevant State and local government authorities in writing from 28 February 2018 until 14 March 2018 (15 days). The application was notified on the Department's website and at Service Centre NSW.

The Department received six submissions from public authorities. No public submissions were received. A summary of the issues raised in submissions is provided in **Table 2**. Copies of the submissions may be viewed at **Appendix B**.

4.2 Submissions

Table 2: Summary of public authority submissions

| City of Ryde Council (Council) |
|---|
| <p>Council did not originally support the modification due to:</p> <ul style="list-style-type: none">• the reduced width of the laneways (from 15 m to 9 m) and associated loss of physical connectivity and sight lines to the park, reduced capacity and useability, reduction of building separation, loss of solar access, visual privacy and outlook. <p>Council also provided comments in relation to:</p> <ul style="list-style-type: none">• suitability of the site for a child care centre (in relation to contamination)• location of outdoor play area for the proposed child care centre. |
| Transport for NSW (TfNSW) |
| <p>TfNSW does not object to the modification and provided the following comments:</p> <ul style="list-style-type: none">• need to consult TfNSW and Sydney Metro regarding the implication of construction works on the Epping to Chatswood Railway Temporary Transport Plan• need to consult RMS on changes to the road network as part of the Bus Priority Infrastructure Program |

| |
|---|
| <ul style="list-style-type: none"> • support the increase to the plaza width and active frontages • the plaza levels should blend seamlessly with the public domain • preparation of a construction pedestrian and traffic management plan (CPTMP) prior to the issue of a Construction Certificate. |
| Sydney Trains |
| <p>Sydney Trains does not object to the modification and provided recommended conditions in relation to:</p> <ul style="list-style-type: none"> • noise and vibration • stray currents and electrolysis from rail operators • geotechnical and structural stability and integrity • demolition, excavation and construction impacts • crane and other aerial operations. |
| Roads and Maritime Services |
| <p>RMS does not object to the modification, however it requested additional information about the child care centre and impacts on the road network.</p> |
| Department of Industry, Crown Lands and Water Division |
| <p>The Department of Industry does not object to the modification and provided an updated condition in relation to water requirements.</p> |
| Sydney Water |
| <p>Sydney Water does not object to the modification and confirmed its servicing requirements for the site.</p> |

4.3 Response to Submissions

Following notification of the application, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in submissions.

On 12 April 2018, the Proponent provided a Response to Submissions (RtS) (**Appendix B**), which responded to comments raised in submissions and a request for further information from the Department. The RtS responded to the following issues:

- laneways widths and pedestrian movement/capacity
- line of sight/views between buildings
- solar access to the central park, laneways and station plaza in mid winter
- extent of Building A roof top plant
- setback of Building A (ground floor)
- outdoor play area for the child care centre
- parking provision
- changes to recommended conditions of consent.

The RtS provided further information/clarification and justification in relation to the above issues, but did not alter the proposal.

The RtS was published on the Department's website and referred to Council and TfNSW, who both provided a response (**Table 3**).

Table 3: Summary of submissions to the RtS

| |
|--|
| City of Ryde Council (Council) |
| <p>Council advised that it continues to object to the proposal. Council reiterated its comments regarding building separation, laneway width, pedestrian capacity, loss of solar access to the park, loss of visual privacy and outlook. Council's Urban Design Review Panel (UDRP) reviewed the modification and raised a number of concerns which resulted in Council providing the following additional comments:</p> <ul style="list-style-type: none"> • the reduced building separation reduces solar access and visual connection into the centre of the site • the existing 15 m building separation pattern along Waterloo Road • adequate building separation is required to avoid wind tunnel effects • Building A envelope is bulky and impacts the amenity of the Hyundai building • the link between Building A and B does not connect to the south-east, to the park or to Giffnock Avenue |

- the building setback to the Hyundai site is insufficient
- shadow analysis is not provided for the winter solstice (June 21)
- impacts of increased length and duration of shadows cast on Hyundai site, Giffnock Avenue and south of the Giffnock Avenue
- consider linking the park to Coolinga Street for a street address and a wider solar corridor
- acoustic impacts to the larger station plaza from traffic on Lane Cove Road and Waterloo Road
- accuracy of the pedestrian capacity analysis
- conflicts between the child care centre entry and basement car park entry
- path widths around the inset parking bays on Coolinga Street and space for trees.

Transport for NSW (TfNSW)

TfNSW does not object to the modification but noted that the Proponent would need to provide future information demonstrating that a CPTMP is not required.

In response to submissions to the RtS and the Department's request for further information, the Proponent provided an RtS Addendum. This provided further clarification and the following amendments:

- increase the width between buildings, from 9 m to 10 m and 12.5 m
- increase the width of pedestrian laneways, from 9 m to 10 m, 13.5 m and 19.6 m (ground level)
- increase the size of the public park, from 1,480 m² to 2,227 m²
- improve the connection of the park with the public domain
- reduce the length of Building A, from 72.75 m to 70.71 m
- remove child care and gym uses.

The Department published the RTS Addendum on its website and referred it to Council, who advised that the amended proposal addressed its concerns and accordingly withdrew its objection.

The Department has considered the issues raised in submissions and by the Proponent in **Section 5** and/or by way of recommended conditions in the modification of Approval at **Appendix A**.

5. ASSESSMENT

5.1 Key assessment issues

The Department considers the key assessment issues are:

- built form
- public domain
- solar access
- car parking and access

5.2 Built form

Built form was a key consideration in the Department's assessment of the original application. The Department concluded the building envelopes, GFA, siting and building heights of the four buildings were acceptable having regard to the desired future urban character of Macquarie Park.

The modification application seeks to reconfigure the approved building envelopes, but does not propose to alter the approved GFA or maximum permissible building heights under the concept approval. The key building envelope changes include:

- moving building mass of Building A, from the Waterloo Road frontage elevation to the western elevation, resulting in a longer and slightly narrower building envelope and a wider station plaza (**Figure 12**)
- adding a ground floor rectangular shaped projection in the eastern corner of Building A
- moving Building B west to accommodate the longer Building A (**Figure 12**)
- reshaping Building D as an 'L-shaped' building envelope (**Figure 13**)
- moving building mass from Buildings B and C into Building D (**Figure 14**).

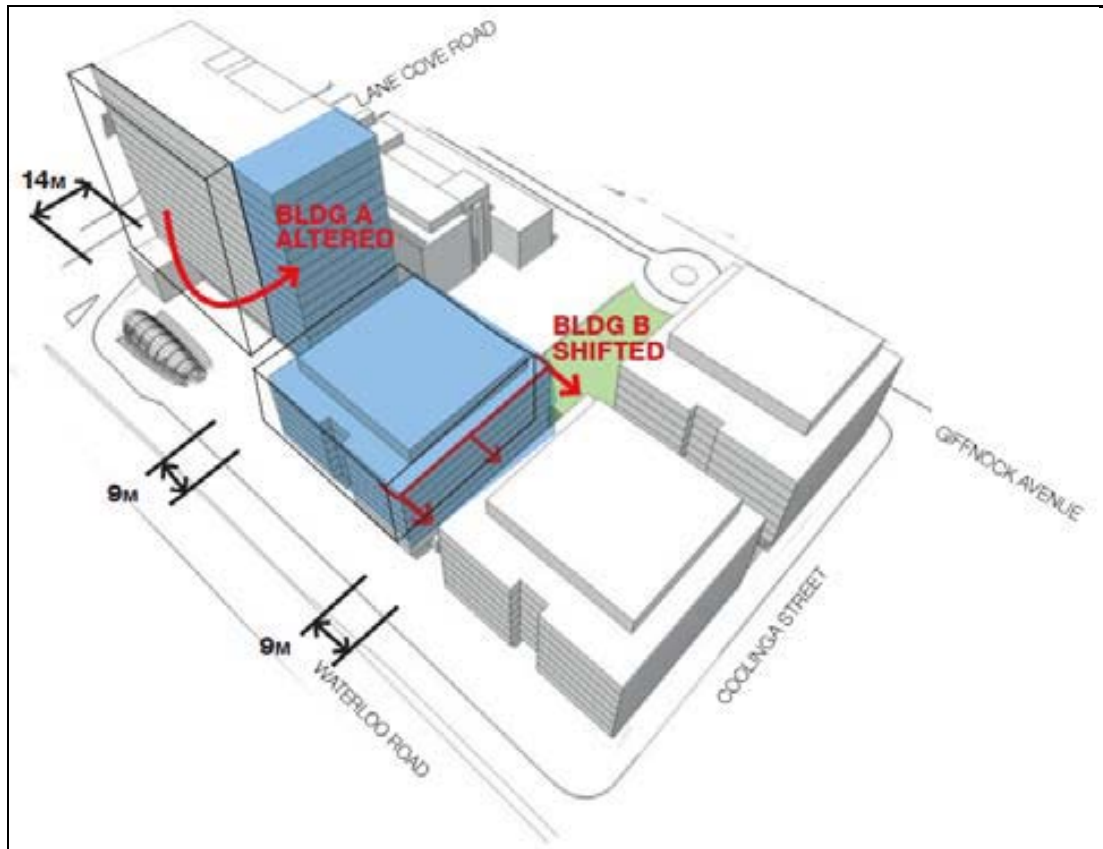


Figure 12: Proposed Building A mass change and Building B location shifted (Source: Proponent's EA Report)

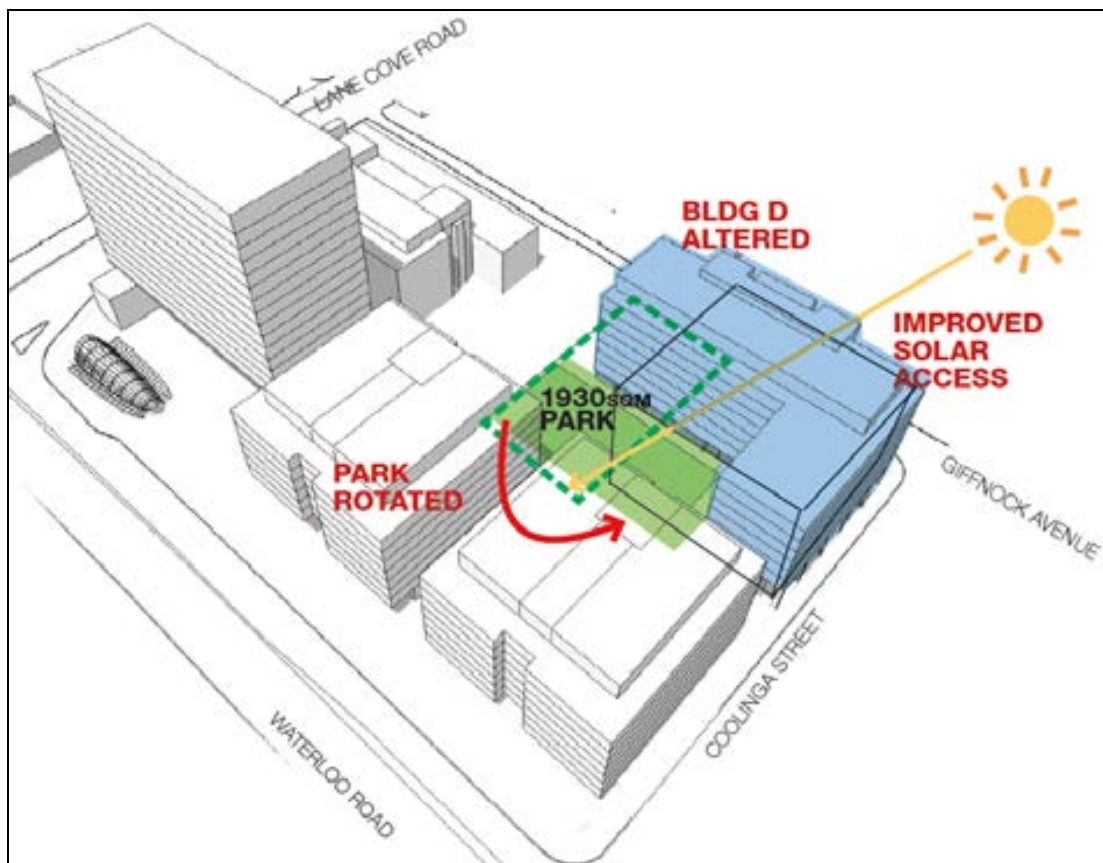


Figure 13: Proposed changes to Building D mass and location of the park (Source: Proponent's EA Report)

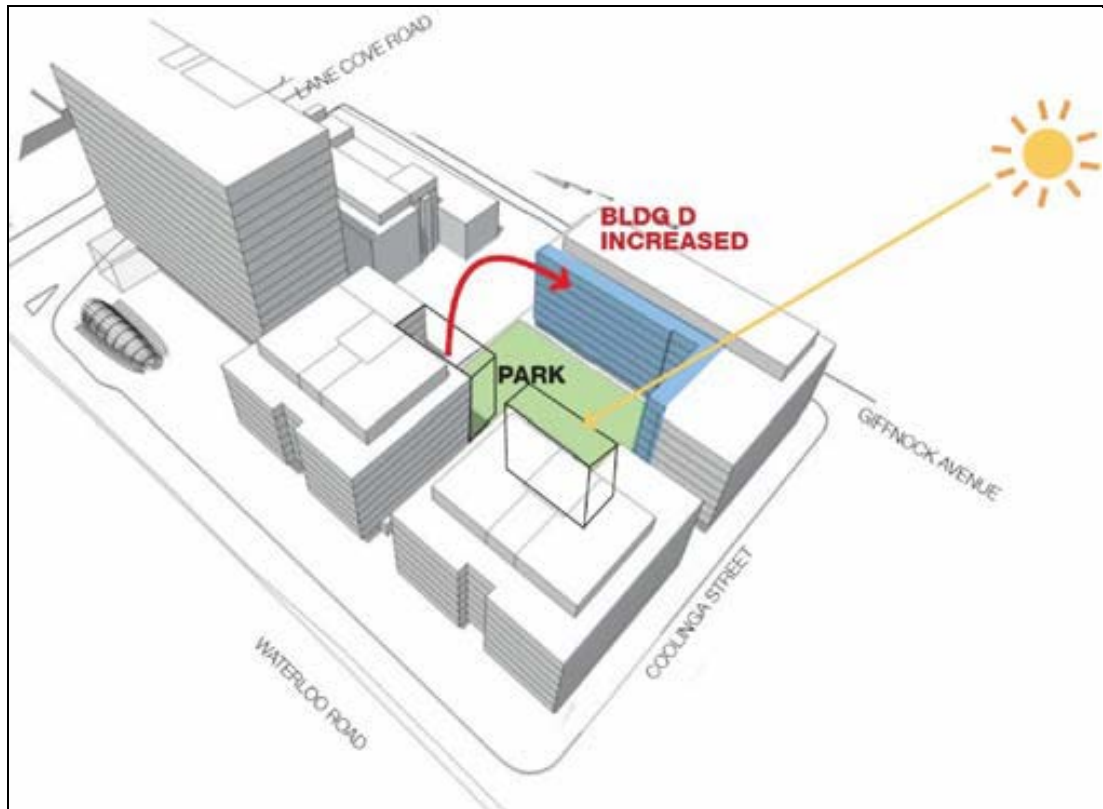


Figure 14: Proposed redistribution of floor space from Building B and C to Building D (Source: Proponent's EA Report)

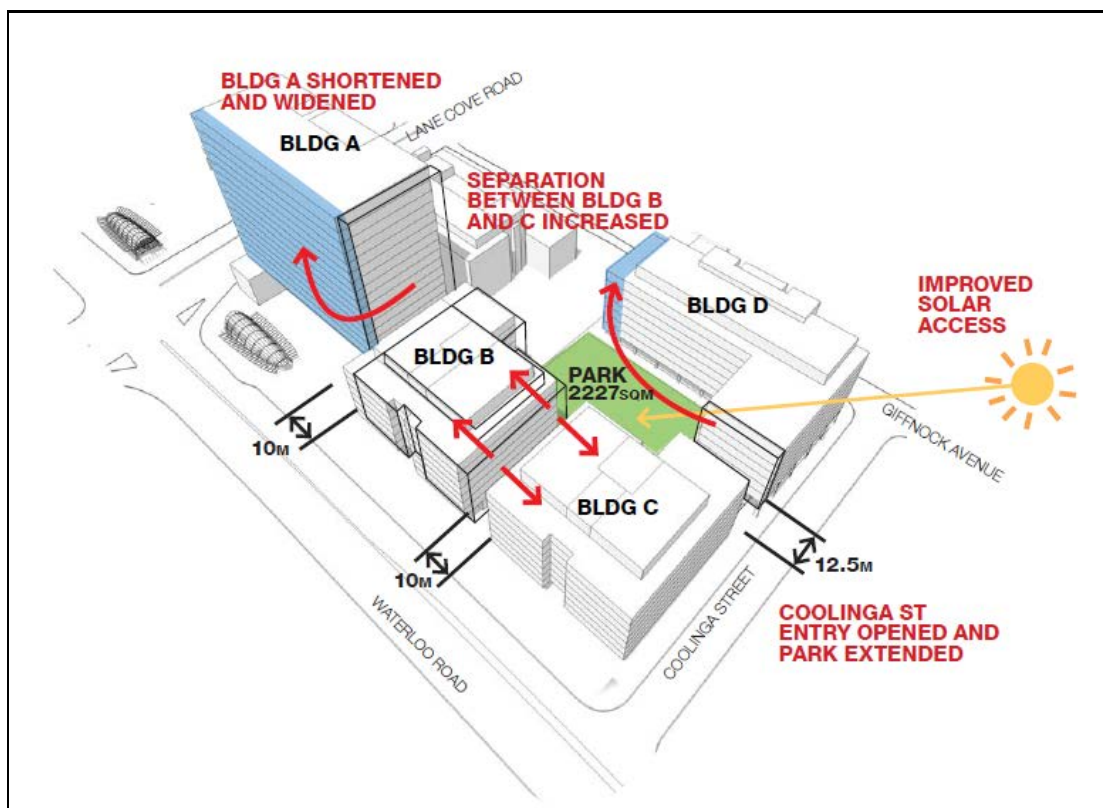


Figure 15: Final amendments to proposal – Building A mass altered, laneway widths increased, central park extended to Coolinga Street and Building D mass redistributed (Source: Proponent's RtS Addendum Design Report)

The Proponent contends the changes to the building envelopes result in better public spaces and improve the functioning of the ground plane, creating a commercial development that is consistent with the desired character for Macquarie Park.

As a result of these changes, building separation between the buildings has changed as outlined in **Table 4**.

Table 4: Revised building separation distances

| Buildings | Approved | Proposed - RtS | Proposed - RtS Addendum (final) |
|------------------|-----------------|---|--|
| A – B | 15 m | 13.2 m (ground level) 9 m (upper levels) | 13.15 m (ground level) 10 m (upper levels) |
| B – C | 15 m | 9 m | 10 m |
| C – D | 11.7 m | 9 m | 19.6 m (ground level) 12.5 m (upper levels) |

Council originally objected to the proposed changes, due to the reduced laneway widths and building separation, loss of physical connectivity and solar access. However, in response to concerns raised by Council, the Proponent has amended the proposal (in the RtS Addendum), which has increased building separation from 9 m to 10 m and 12.5 m (**Table 4**).

Council has reviewed the RtS Addendum plans and advises that it no longer objects to the proposed changes.

The Department has considered the modified building envelopes, including separation, and is satisfied the changes result in a positive outcome for the site. The siting of the four buildings remains largely consistent with the approved building envelopes and while the application reallocates floor area between buildings on the site, the maximum GFA of 83,368 m² and maximum heights of Buildings A – D remains unchanged.

The Department also considers the proposal results in public domain improvements that include a larger station plaza, increased central public park, laneways lined with retail/ commercial uses and separate pedestrian and vehicle access.

The length of Building A has also been reduced in the RtS Addendum which lessens the bulk and mass of the building as viewed from Waterloo Road and visual breaks are retained between the modified envelopes, which will ensure views and pedestrian connectivity and enhance pedestrian activity, permeability and legibility.

The amenity of the office buildings will not be compromised, with increased views to open space and similar levels of solar access.

The change to Building D, while resulting in additional building mass/ length to Giffnock Avenue, provides for a wider and safer through site link from Giffnock Avenue to the central park and the station entrance. Landscaping proposed in Giffnock Avenue includes new street trees and mass planted verges to soften the built form in the streetscape.

The Department concludes the changes to the built form are acceptable and the amenity of the buildings will not be compromised.

5.3 Public domain

The concept approval provided for a public plaza around the railway station entrance and pedestrian through site links. The modified proposal seeks to provide a larger public station plaza, a larger public park and changes to the through site links.

5.3.1 Central park

The concept approval provides a 1,480 m² landscaped area adjacent to Giffnock Avenue.

The modified proposal seeks to change the location of the landscaped area to create a central public park (with an area of 2,227 m²) which connects to Coolinga Street (**Figure 16**). The proposed central park is 747 m² larger than the concept approval landscaped area, which was located on the Giffnock Avenue frontage.

The Proponent contends the changes result in the creation of a central public park with improved daylight access throughout the year.

Concerns raised by Council regarding privatisation of the open space and reduced solar access have been addressed by the Proponent in the RtS Addendum by extending the park to Coolinga Street. The Department notes that in response, Council does not object to the amended proposal.

The Department is satisfied with the redesign of the central park as:

- the modification provides a central public park (rather than a heavily landscaped area as provided in the concept approval), accessible to occupants of the buildings within the site and the public
- the park has an improved street presence through the extension to Coolinga Street and through the laneways
- active frontages on the ground floor of the buildings address the park, will activate the public space and increase passive surveillance
- the park is increased in size by 747 m² from the concept approval.



Figure 16: Artist impression of new park (Source: Proponent's RtS Addendum Design Report)

5.3.2 Through site links/ laneways

The concept approval includes a requirement for accessible pedestrian through site links between the building envelopes (term of approval A1). The concept approval provided for:

- 15 m wide pedestrian links between Building A and B and B and C
- a 4 m wide pedestrian access between Building C and D (within a 11.7 m separation which includes vehicular access).

The modified proposal continues to provide through site links, with the following changes:

- 13.15 m laneway width (ground level) and 10 m separation (upper levels) between Building A and B (reduced from 15 m)
- 10 m laneway width and upper level separation between Building B and C (reduced from 15 m)
- 19.6 m laneway width (ground level) and 12.5 m separation (upper levels) between Building C and D (increased from 4 m at ground level and 11.7 m at upper levels, as separate vehicular access is now provided into Building D).

The Department notes the RtS Addendum plans have a minimum laneway width between all buildings of 10 m, with generally greater setbacks at the ground level. Council reviewed the amended plans and raise no objections to the changes.

The Department considers the reduced width provides for intimate vibrant spaces, as the laneways will be lined with retail and food and drink uses that contribute to the activation of the site without impacting pedestrian circulation (**Figure 17**). The laneway landscaping has been moved to the central park which receives solar access from the separation between Building C and D.

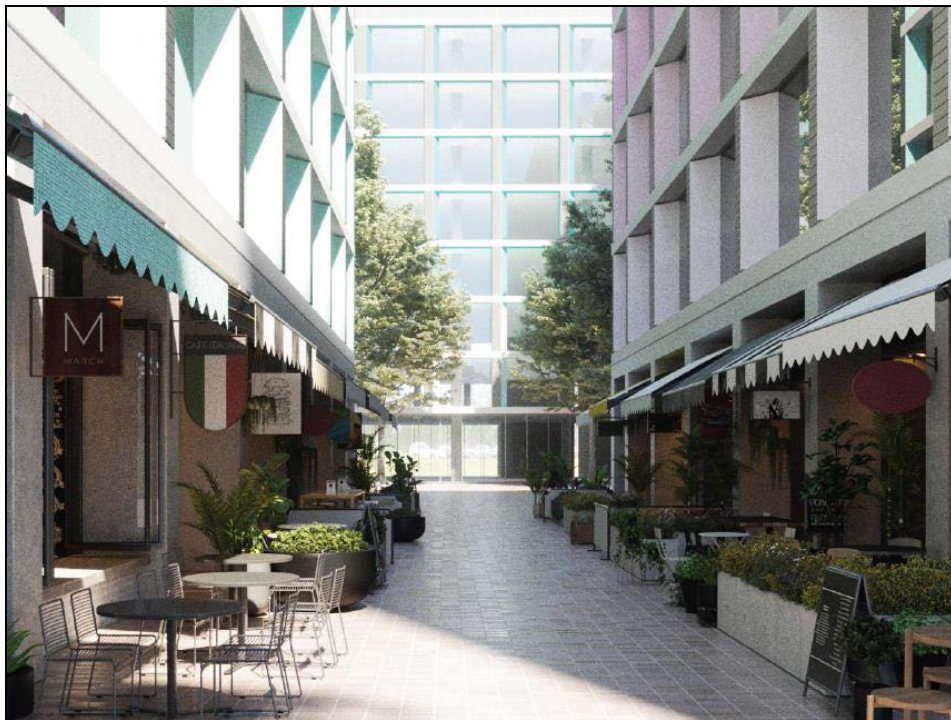


Figure 17: Artist impression of laneways (Source: Proponent's RtS addendum additional information report)

The Department considers the proposed laneway widths are suitable as narrowing the laneway widths from the concept approval will create a more intimate urban environment at street level. The pedestrian capacity study undertaken by the Proponent indicates a good level of space is provided and the laneways are capable of accommodating pedestrian movements through the site.

The Department also notes the laneways generally reflect pedestrian desire lines through the site and continue to provide physical connections and view lines through the site, consistent with the concept approval. The laneways also comply with Council's DCP 2014, requiring pedestrian

connections to be a minimum of 6 m wide, comprising 4 m wide paving. The change of use on the ground floor from office/ lobby space to retail tenancies will also draw people into the laneways and encourage people to travel through the site.

The Department concludes the proposed laneway widths are acceptable as the reduction in width result in a larger central park, which receives improved solar access.

5.4 Solar access

The Proponent has provided comparative solar access diagrams through the year and contends that the proposed modification improves solar access to open space in the site when compared to the concept approval.

Concerns raised by Council regarding solar access to the central park have been addressed by the Proponent by amending the design, including the extension of the park (to Coolinga Street) and increases to the originally proposed building separation distances. In response, Council advises that it no longer objects to the proposal.

The Department notes the solar access diagrams indicate that while solar access is reduced between 9 am and 11 am for the winter solstice (21 June) to the central park, between 12 pm and 4 pm the increased building separation between Building C and D, provides for increased solar access, including the high use lunchtime period between 12 pm – 2 pm on 21 June.

The Department also notes solar access on the summer solstice (21 December) and equinox (September 23) has increased to the public park and station plaza as a result of the increase to building separation.

The Department is satisfied the amended proposal provides for improved solar access to public areas in the site and the amendments do not result in adverse overshadowing.

5.5 Car parking and access

5.5.1 Car parking

On site car parking was considered in the Department's assessment of the concept plan and an employee car parking rate of 1 space per 100 sqm of GFA was determined (834 spaces for a total GFA of 83,368 m²). The car parking rate was intended to limit employee car parking on the site, given the site's location to the Macquarie Park railway station and public transport use. As such Condition B1 (car parking) of the concept approval permits a total of 834 employee car parking spaces.

The modified proposal continues to provide the approved 834 car parking spaces. The basement plans also provide for waste collection, loading and servicing spaces (as did the approved concept plan). The Department is satisfied the provision of spaces for waste collection, loading and servicing on basement level 001 remains consistent with the concept approval and Condition B1. However, the Department recommends that Condition B1 be updated to make provision for waste collection, loading and servicing spaces in the basement.

The modified proposal also seeks to reduce the number of basement levels from six to four and amend the footprint of each level (as a result of Condition B1 reducing the number of employee car parking spaces) (**Figure 18**). The Department notes the reduction of basement levels from six to four results in changes to the basement footprint. However, the basement levels remain generally consistent with the footprint of the approved basement levels 001 to 003 and a reduced level 004. The Department also notes the basement levels are now generally positioned away from the existing railway infrastructure and their reduced depth (by two storeys) would have less potential impact on the railway. TfNSW and Sydney Trains raised no concerns about the changes to the basement.

The Department considers the amendments allow for a more efficient use of space as the approved car parking spaces are provided in a reduced number of basement levels.

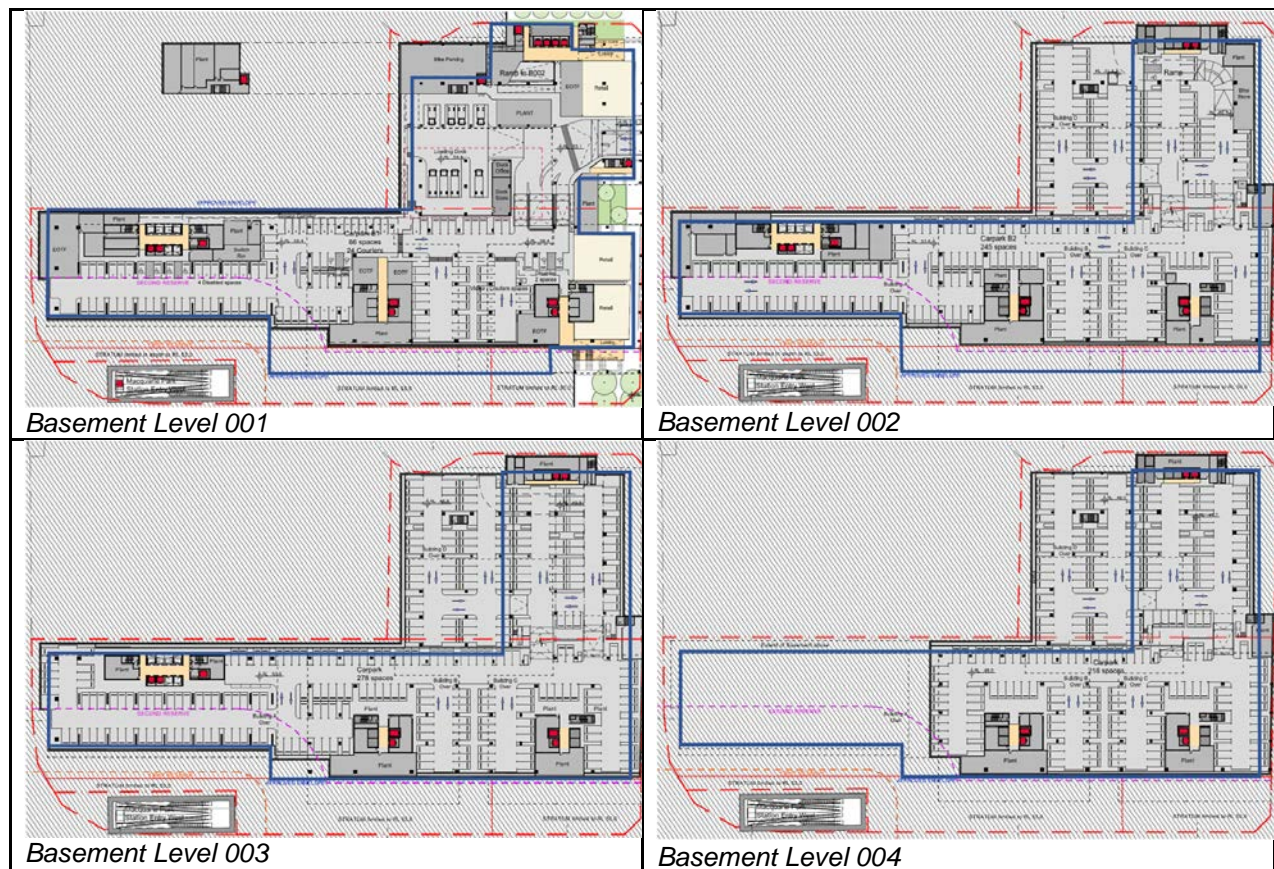


Figure 18: Proposed basement levels (outline of approved basement shown in blue) (Source: Proponent's Architectural Plans)

5.5.2 Access

The modified proposal seeks to change site access and circulation arrangements by moving the service vehicle access driveway off Coolinga Street further north (**Figure 19** and **20**) and separating vehicle and pedestrian entrances/ exits off Coolinga Street.

Council and RMS reviewed the proposal and did not make any comments regarding the access arrangements.

The Department considers the access changes provide improved safety by separating vehicle and pedestrian access to the site. The change also allows for a widened pedestrian access from Coolinga Street, as well as a visual connection from the street to the central public park.

The Department also notes the changes to the service vehicle access off Coolinga Street does not result in any changes to the number of car parking spaces or pedestrian access to the site.



Figure 19: Approved pedestrian and service vehicle access off Coolinga Street (Source: Proponent's RtS Addendum Report)



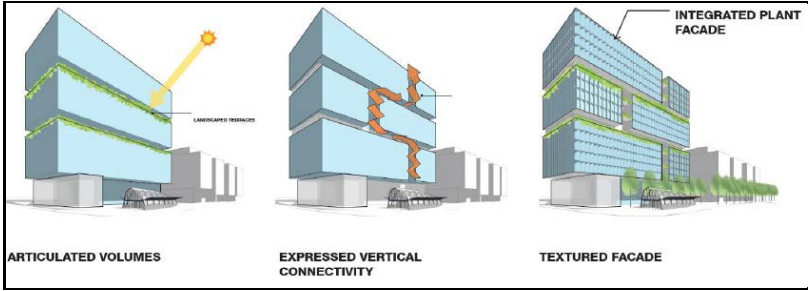
Figure 20: Proposed pedestrian access off Coolinga Street (Source: Proponent's RtS Addendum Report)

5.6 Other issues

The Department's consideration of other issues is provided at **Table 5**.

Table 5: Department's assessment of other issues

| Issue | Consideration | Recommendation |
|-------------------|---|--|
| Ground floor uses | <ul style="list-style-type: none"> The proposal replaces the ground floor office/ lobby space with lobby and retail uses to active the laneways The Department considers this change is positive as it will contribute to the activation of public domain areas and encourage pedestrians to travel through the site Building lobbies have been positioned to relate to pedestrian movements through the site and link to the public domain areas The Department notes the use of the retail areas will be subject to | The Department considers no additional conditions or amendments are necessary. |

| Issue | Consideration | Recommendation |
|-------------------------|--|---|
| Roof top plant | <p>future development applications.</p> <ul style="list-style-type: none"> As part of the RtS, the Department requested that the Proponent review the extent of rooftop plant on Building A, noting the concept approval ensures any plant was setback from the northwest, northeast and southeast. The Proponent has advised the plant for Building A has been allocated to the whole of the rooftop to deliver the building services necessary for a functional building and provide a resolved architectural form. The Department has considered this response and the proposed plant area is satisfactory as: <ul style="list-style-type: none"> the overall height of Building A is not altered Building A is located on a prominent corner in Macquarie Park and allocating the whole rooftop area for plant will allow this area to be integrated into the buildings design at the DA stage (Figure 21) additional shadow from the proposed plant area is minimal.  <p>Figure 21: Building A and integrated rooftop plant (Source: Proponent's RtS)</p> | <p>The Department considers no additional conditions or amendments are necessary.</p> |
| Construction Management | <ul style="list-style-type: none"> TfNSW requested a new condition requiring a CPTMP prior to the issue of any Construction Certificate. The Proponent has requested the condition be re-worded to permit minor, inconsequential works to be completed for site preparation prior to the preparation of the CPTMP. TfNSW advised the requirement for a CPTMP would be considered upon the Proponent providing information that preliminary minor works will not impact on the establishment and operation of the Station link bus services. The Department agrees the need for a CPTMP however notes this would be required as part of future development applications. As such the Department recommends a new future assessment requirement for a CPTMP to be prepared in consultation with TfNSW. Sydney Trains recommended a condition requiring a risk assessment/ management plan to identify any potential risks of the development to or from the rail corridor and assets. | <p>The Department has recommended a new condition requiring a CPTMP to accompany future development applications.</p> <p>The Department has included the conditions recommended by Sydney Trains.</p> |
| Child care centre | <ul style="list-style-type: none"> Concerns had been raised by agencies regarding the outdoor play area, location of the child care entry and traffic impacts from the child care centre. The Proponent has advised the child care centre use has been removed from the modified proposal. As such these matters are no longer relevant to the application. | <p>The Department considers no additional conditions or amendments are necessary.</p> |

6. CONCLUSION

The Department has assessed the merits of the proposal taking into consideration the issues raised in all submissions as well as the Proponent's response to these, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The Department concludes the modification to the concept approval provides for a commercial development with significant employment opportunities that will positively contribute to the Macquarie Park Strategic Centre.

The Department supports the modified building envelopes as they retain the approved building height and gross floor area, while allowing for improvements to the public domain, including a larger central public park and larger station plaza within the site.

The Department has considered the laneway widths and notes the amendments address Councils concerns and will provide intimate urban spaces, lined with retail and food and drink uses to activate the public domain and serve as links between the key public domain spaces.

The Department is satisfied the building separation provides for adequate levels of solar access to the public domain, a good level of amenity in the public domain and for the internal office environments.

Consequently, the Department concludes the proposed modification is in the public interest and should be approved, subject to conditions.

7. RECOMMENDATION

It is recommended that the Acting Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** the application (MP 09_0209 MOD 3) falls within the scope of section 75W of the EP&A Act;
- **modifies** the approval (MP 09_0209); and
- **signs** the attached Instrument of Modification at **Appendix A**.

Recommended by:

Brendon Roberts
Team Leader
Key Sites Assessments

DECISION

Approved

Cameron Sargent
Acting Director
Key Sites Assessments

as delegate of the Minister for Planning

APPENDIX A MODIFICATION OF MINISTER'S APPROVAL

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

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9099

APPENDIX B SUPPORTING INFORMATION

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

1. Modification Application

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9099

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9099

3. Proponent's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9099

4. Proponent's Response to Submissions Addendum

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9099