

24 March 2011

Mr Michael Woodland
Director Metropolitan and Regional Projects South
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Michael,

Section 75W Modification to Concept Approval (MP09_0195) at 120-128 Herring Rd, Macquarie Park

INTRODUCTION

This letter accompanies an application made under Section 75W of the Environmental Planning and Assessment Act 1979 with respect to a proposed modification to Major Project Approval MP09_0195 that granted consent for the Concept Plan entailing a *mixed used/residential/retail development with basement carparking and private/public infrastructure provision*.

The Concept Plan Approval was granted on 20th January 2011 for the site is known as 120-128 Herring Road, Macquarie Park.

The proposed modification to the Concept Approval arises for the following reasons:

- Following our review of the apartment design details within Building A that pertained to achieving greater solar access levels for apartments, we have applied these findings to the remaining buildings on site. Consequently, minor amendments to parts of the lower podium base footprints of Buildings B, C, D and E have been carried out which require modification approval.
- By making the modifications to the lower podium levels of Buildings B, C, D and E, the Concept Plan has responded to Condition B2 of the approval relating to solar access.
- As a result of making the minor modifications to the footprints, it was considered prudent to amend the Concept Plan to reflect the requirements of Condition B1 of the approval that requires a reduction in the height of Building B from 15 storeys to a maximum of 12 storeys as well as Condition B3 requiring the Concept Plan label the minimum dimensions (of 2.5m) for the pedestrian/cycleway across proposed Lot 11 (Building B).

Therefore as a consequence of further design refinement and market advice and in response to the approval requirements, we seek approval from the Department of Planning (DOP) for the revised Concept Plan approval.

BACKGROUND

On behalf of Lipman Properties Pty Ltd, a Concept Plan and two Project Applications were submitted in May 2010 in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* for land at 120-128 Herring Road, Macquarie Park.

The proposal sought approval of the following three Part 3A applications, submitted for concurrent assessment and approval:

1. Concept Plan approval for the height, bulk and configuration of 5 residential apartment buildings on separate allotments with associated components such as a new local access road, landscaping and car parking.
2. Project Application for the staged Subdivision of the Development Site which will result in 7 allotments at completion of the Concept Plan development, with each of the 5 residential apartment buildings on 5 separate allotments and the new local access road on 2 allotments (to be dedicated to Council upon completion of the road).
3. Project Application approval for the construction of Building A, and the construction of the south-eastern portion of the new local access road along the south frontage of Building A and a temporary sales and marketing office.

Three separate approvals were issued by the DOP on 20th January 2011. This application relates to the Concept Approval.

PROPOSED DESIGN AMENDMENTS

Before outlining the proposed design amendments, we confirm that the proposed modifications will not result in any changes to the following:

- No increase to the maximum GFA of 45,718sqm
- No increase to the maximum FSR of 2.65:1
- No increase to the approved building height (RL) or number of storeys to any building
- No change to the minimum building setbacks to Herring Road, the new Local Road, side setbacks between buildings or setbacks to adjoining property boundaries

A description of the proposed amendments is outlined below. It is noted that Drawing No's A161 and A162 form the key plans to review the minor modifications.

Building B (Lot 11)

- Reduction from 15 storeys to 12 storeys, with corresponding reduction to the parapet and roof plant RL.
- A reduced step in the building façade on part of the north facing façade reducing the building setback from 13.3m to 12m (approx). This change however does not reduce the approved minimum setback of the north facing façade and still far exceeds the 5m minimum side/rear

building setback¹. Furthermore, there will be no change to the car park podium setback of 7m from the boundary.

- A small extension to the fourth floor level to become an additional podium level along part of the southern (street facing) façade to be consistent with the street podium height of the adjacent south-west corner of Building A. Again, this will not reduce the street setback from that approved.
- An overall reduction in the GFA of 1,013sqm from 9,133sqm to 8,120sqm.

The proposed changes will have no discernable impact on the visible scale or bulk of the building as the minor reduction of the building setback occurs on the north facing side of the building that looks toward the University Campus, and this setback is more than twice the approved setback to the same boundary for Buildings A and D.

Building C (Lot 20)

- A small portion of the envelope at the north-west corner of the building has been extended. It is the area of the building along the side frontage facing Building D, that steps in. The proposal will reduce the step by 1.4m along less than half of the façade length for the first four floors of the building resulting in a reduced separation from 22.0m to 20.6m at the first four levels of the building. This still exceeds the approved 19m separation between Buildings C and D that occurs along the southern portion of the proposed buildings (close to the new road). All the floors above level 4 will essentially remain unchanged and therefore in this portion of the façade will maintain the generous 23.5m separation from Building D. Furthermore, the building envelope profile will still retain a step along the façade to continue the building articulation. A small extension to the fourth floor level on the southern side of the building (street facing) to become an additional podium level along part of the southern façade.
- These changes result in a minor increase to the approved GFA for Building C by 389sqm to 10,630sqm.
- The minor modification to the building envelope has also provided a building envelope that will enable the future architectural design to achieve the minimum solar access requirements for 70% of the units as required by Condition B2.

Building D (Lot 21)

- No changes are proposed to the approved building envelope (shown as red line) to achieve this floorspace increase as the floorspace calculated in the original Concept Plan was based on the “illustrative” diagram that set the façade further back from the maximum envelope approved.
- Consequently a small increase in GFA of 209sqm (to 5,720sqm) is proposed for the future development of Building D within the approved envelope.

Building E (Lot 22)

- The first three levels of the street fronting podium are proposed to be returned around the northern corner of the building along approximately half of the façade along the western side of the building.

¹ The quoted 12m setback from the boundary is stated as an approximate as the boundary line to the University is not a straight line.

From levels 3 and above, the building envelope remains unchanged, and therefore will be no change to setback from the new local road.

- At the lower three levels of the western façade of the building setback to the boundary will be reduced in part by 1.4m to 10m. This side boundary setback still far exceeds the approved minimum side boundary setbacks of Buildings B, C and D on the site.
- The minor modification to the building envelope results in a small increase of GFA of 322sqm (to 10,798sqm).
- The modification to the envelope will provide for some variation and articulation to the western façade profile which will result in an improved design aesthetic.

SECTION 75W MODIFICATION TO CONDITIONS

In order to facilitate the proposed design changes, this Section 75W application seeks to modify the following Conditions of Approval as documented in MP 09_0195.

Reduced copies of the plans prepared by Turner + Associates Architects is provided at **Attachment A**.

The Section 75W application seeks to modify Condition A2 to update the architectural drawing list prepared by Turner+ Associates.

Drawing No.	Revision	Name of Plan	Date
A103	H	Site Context Plan Proposed	18 March 2011
A125	P	Illustrative Plan B1_RL63.3	1 March 2011
A126	Q	Illustrative Herring Road Floor Plan	1 March 2011
A127	R	Illustrative Typical Floor Plan	1 March 2011
A129	P	Illustrative Roof Plan	1 March 2011
A136	G	Illustrative East Elevation	1 March 2011
A137	G	Illustrative North Elevation	1 March 2011
A138	E	Illustrative West Elevation	1 March 2011
A139	I	Illustrative South Elevation	17 March 2011
A141	H	Illustrative Section AA	18 March 2011
A142	F	Illustrative Section BB	1 March 2011
A143	F	Illustrative Section CC	1 March 2011
A144	G	Illustrative Section DD	1 March 2011
A145	G	Illustrative Section FF	1 March 2011
A146	E	Illustrative Context Sections	1 March 2011

Drawing No.	Revision	Name of Plan	Date
A161	I	Urban Control Plan	17 March 2011
A162	G	Urban Control Elevations	17 March 2011

ENVIRONMENTAL ASSESSMENT

The proposed modifications to the Concept Plan are considered very minor as they relate to minor increases to the lower podium base levels of the building.

The minor changes to the floor space within Buildings C, D and E can be accommodated without requiring any changes to the key built form parameters of the Concept Approval. The changes will not increase the approved height of any building, nor will it increase the maximum FSR or GFA for the total site from the original application. The only affect is small reductions to small parts of side boundary setbacks of up to 1.4m at the lower podium levels of a portion of the façade in some of the buildings. These changes do not reduce the approved building setback to the boundaries as the changes occur in the recessed parts of the envelopes and thus only reduce the depth of the building's step along certain portions of facades. These changes will not be distinguishable nor do they result in an overall change to the minimum setback between buildings as the changes consciously occurred on the part of the buildings with the largest side setback.

The changes will be beneficial for future assessment of Project Applications as the envelopes have been tested to ensure that the future designs will achieve the condition requirement of 70% of apartments per building to achieve a minimum of 2 hours of solar access in mid winter. It is considered important that the approved Concept drawings reflect the DOP modification requirements and minor changes especially as Ryde Council may be required to assess future applications.

Since the Concept Approval only relates to building envelopes and layout, additional assessment of the finer design detail of Buildings B, C, D and E will need to be carried out in future by the relevant consent authority.

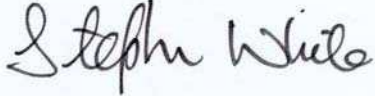
CONCLUSION

The proposed modifications have been carried out as a result of further detailed design work that also incorporated a response to certain Concept Approval conditions. The nature and magnitude of the changes are considered quite minor in the context of the overall scale and size of the future building parameters approved for the site. As such, the modifications are consistent with the Concept Approval and do not require any additional assessment of impacts.

By updating the drawings, the process of assessing future applications for Buildings B, C, D and E will be made easier for the relevant consent authority.

If you have any questions or queries about the information provided, please don't hesitate to contact me on 8233 9955.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is written in a cursive, flowing style. The first name "Stephen" is written with a large 'S' and the last name "White" is written with a large 'W'. The signature is set against a light blue rectangular background.

Stephen White
Associate Director

Encl ***Attachment A Drawings by Turner + Associates***