

# Modification of Minister's Approval

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

As delegate of the Minister for Planning & Infrastructure under delegation executed on 28 May 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.

  
Sam Haddad  
Director General

Sydney 11<sup>th</sup> July 2011

### SCHEDULE 1

#### Concept Plan Approval:

MP09\_0195 granted by the Deputy Director General on 20 January 2011

#### For the following:

- Use of the site for residential and retail purposes and open space/recreation facilities;
- Indicative building envelopes for 5 separate buildings with heights ranging from 9 to 12 storeys;
- Basement level and at-grade car parking;
- Public internal road, pedestrian and cycle pathway, and, parking infrastructure;
- Public pedestrian access between proposed Buildings B and C;
- Provision of a riparian corridor and ecological rehabilitation/protection works and associated landscaping.

#### At:

120-128 Herring Road, Macquarie Park

Under Section 75P(1)(c) of the Act, the PAC determined that the above project required no further environmental assessment, provided conditions of consent are complied with.

#### Modification:

MP09\_0195 MOD1:

- **Building B:** Reduction in height from 15 to 12 storeys, reduced step in the building façade on the northern elevation by 1.3m, small extension to the fourth floor to become an additional podium level, and a 1,013m<sup>2</sup> reduction in GFA to a total of 8,120m<sup>2</sup>;
- **Building C:** extension of the envelope at the north-western corner of the building over the first four floors; extension to the fourth floor at the southern side of the building to become an additional podium level, achievement of a building envelope that will enable the future architectural design to achieve minimum solar access requirements for 70% of the units, and a 389m<sup>2</sup> increase in GFA to a total of 10,630m<sup>2</sup>;
- **Building D:** a 209m<sup>2</sup> increase in GFA within the approved building envelope to a total of 5,720m<sup>2</sup>;
- **Building E:** return the first three levels of the street fronting podium around the northern corner of the building along approximately half the façade of the western side, reduce the western façade building setback by 1.4m to 10m for the lower three levels, and a 322m<sup>2</sup> increase in GFA to a total of 10,798m<sup>2</sup>;
- Deletion of Part B – Modification requirements B1, B2 and B3; and,
- Inclusion of reference to Preferred Project Report Plan No. A170 - B.

## SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- (A) **Condition A2** is amended by the deletion of the ~~struck-out~~ words and insertion of the **bold and underlined** words as follows;

**A2 Development in Accordance with Plans and Documentation**

- (1) The approval shall be generally in accordance with MP09\_0195 and with the Environmental Assessment (May 2010) prepared by Urbis, except where amended by the Preferred Project Report (September 2010) prepared by Urbis, and, additional information to the Preferred project report (October 2010), and drawings prepared by Turner and Associates, Architects, Turf Design, Landscape Architect, and Taylor Thomson Whitting, Consulting Engineers **as amended by the Section 75W modification dated 24 March 2011 prepared by Urbis including amended plans prepared by Turner and Associates Architects and associated documentation;**

Concept Plans by Turner and Associates, Architects			
Drawing No	Revision	Number of Plan	Date
<b><u>A103</u></b>	<b><u>H</u></b>	<b><u>09047 Site Context Plan Proposed</u></b>	<b><u>18/03/11</u></b>
<b><u>A170</u></b>	<b><u>B</u></b>	<b><u>09047 Relocated carparking and temporary sales office</u></b>	<b><u>2/09/10</u></b>
A108	B	09047	30/09/10
A110	B	09047	30/09/10
A122	N	09047	29/09/10
A123	N	09047	29/09/10
A124	O	09047	29/09/10
A125	<del>O</del> <b><u>P</u></b>	09047 <b><u>Illustrative Plan B1 RL63.3</u></b>	<del>29/09/10</del> <b><u>01/03/11</u></b>
A126	<del>P</del> <b><u>Q</u></b>	09047 <b><u>Illustrative Herring Road Floor Plan</u></b>	<del>29/09/10</del> <b><u>01/03/11</u></b>
A127	<del>Q</del> <b><u>R</u></b>	09047 <b><u>Illustrative Typical Floor Plan</u></b>	<del>29/09/10</del> <b><u>01/03/11</u></b>
A128	I	09047	29/09/10
A129	<del>M</del> <b><u>P</u></b>	09047 <b><u>Illustrative Roof Plan</u></b>	<del>29/09/10</del> <b><u>01/03/11</u></b>
A136	<del>F</del> <b><u>G</u></b>	09047 <b><u>Illustrative East Elevation</u></b>	<del>7/09/10</del> <b><u>01/03/11</u></b>
A137	<del>F</del> <b><u>G</u></b>	09047 <b><u>Illustrative North Elevation</u></b>	<del>7/09/10</del> <b><u>01/03/11</u></b>
A138	<del>D</del> <b><u>E</u></b>	09047 <b><u>Illustrative West Elevation</u></b>	<del>7/09/10</del> <b><u>01/03/11</u></b>

A139	G <u>I</u>	09047 <u>Illustrative South Elevation</u>	7/09/10 <u>17/03/11</u>
A141	E <u>H</u>	09047 <u>Illustrative Section AA</u>	6/09/10 <u>18/03/11</u>
A142	E <u>F</u>	09047 <u>Illustrative Section BB</u>	6/09/10 <u>01/03/11</u>
A143	E <u>F</u>	09047 <u>Illustrative Section CC</u>	6/09/10 <u>01/03/11</u>
A144	F <u>G</u>	09047 <u>Illustrative Section DD</u>	6/09/10 <u>01/03/11</u>
A145	F <u>G</u>	09047 <u>Illustrative Section FF</u>	7/09/10 <u>01/03/11</u>
A146	D <u>E</u>	09047 <u>Illustrative Context Sections</u>	2/09/10 <u>01/03/11</u>
A161	E <u>I</u>	09047 <u>Urban Control Plan</u>	30/09/10 <u>17/03/11</u>
A162	D <u>G</u>	09047 <u>Urban Control Elevations</u>	2/09/10 <u>17/03/11</u>
<b>Landscape Plans by Turf Design, Landscape Architect</b>			
<b>Drawing No</b>	<b>Revision</b>	<b>Number of Plan</b>	<b>Date</b>
L4	E	Project No. 0924	24/09/10
L5	E	Project No. 0924	24/09/10
L6	E	Project No. 0924	24/09/10
L7	C	Project No. 0924	13/09/10
L8	D	Project No. 0924	24/09/10
L9	C	Project No. 0924	13/09/10
L10	C	Project No. 0924	13/09/10
L11	C	Project No. 0924	13/09/10
L12	C	Project No. 0924	13/09/10
L13	A	Project No. 0924	13/09/10
L14	B	Project No. 0924	13/09/10
L15	B	Project No. 0924	13/09/10
<b>Stormwater Engineering Plans by Taylor Thomson Whitting, Consulting Engineers</b>			
<b>Drawing No</b>	<b>Revision</b>	<b>Number of Plan</b>	<b>Date</b>
C102	P8	091679	29/09/10
C103	P7	091679	29/09/10
C104	P7	091679	29/09/10
C105	P6	091679	29/09/10

C202	P8	091679	29/09/10
C203	P8	091679	29/09/10
C204	P9	091679	29/09/10
C209	P8	091679	29/09/10
C302	P7	091679	29/09/10
C402	P7	091679	29/09/10
C502	P7	091679	29/09/10
C601	P9	091679	29/09/10
C602	P9	091679	29/09/10

except for as modified by the following pursuant to Section 75O(4) of the Act.

(B) **Part B - Modification** is amended by the deletion of the struck-out words as follows;

## **PART B – MODIFICATIONS**

### **B1. Height**

~~The plans described in Part A – Terms of Approval A2 shall be modified as follows;~~

~~a. The height of Building B shall be reduced from 15 storeys to a maximum of 12 storeys.~~

### **B2. Solar Access**

~~The plans described in Part A – Terms of Approval A2 shall be modified as follows;~~

~~a. The building envelopes and/or unit layouts and mix of each of Buildings B, C, D and E shall be amended to ensure each building separately complies with the requirement that 70% of units achieve 2 hours solar access in mid – winter as prescribed by the provisions of the RFDC.~~

### **B3. Pedestrian Access**

~~The plans described in Part A – Terms of Approval A2 shall be modified as follows;~~

~~a. A pedestrain/cycleway, a minimum of 2.5 metres in width, shall be provided across the proposed Lot 11 (Building B) to provide a 24hour/7 day a week connection by right of way easement and be located between the new internal road and the north-eastern (side) boundary with the Macquarie University. The design and specifications (including lighting) shall be agreed with the Council prior to the commencement of construction and the access shall be completed and operational prior to the issue of an Occupation Certificate for Building C.~~

(C) **Schedule 3 - Future Assessment Requirements** is amended by the insertion of the **bold and underlined** words as follows;

### **4A. Solar Access**

**Future Development Applications shall demonstrate that the building envelopes and/or unit layouts and mix of each of Buildings B, C, D and E has been amended to ensure each building separately complies with the requirement that 70% of units achieve 2 hours solar access in mid – winter as prescribed by the provisions of the RFDC.**

**END OF MODIFICATIONS TO MP09\_0195**