

MODIFICATION REQUEST:

***Lot B DP 368446 and Lot 1 DP 876482
120-128 Herring Road, Macquarie Park***

***MP09_0195 MOD 2 - Modifications to
Buildings C and D***



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

March 2012

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Published March 2012
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

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1. BACKGROUND

1.1 The Site

The site is located at 120-128 Herring Road, Macquarie Park within the Ryde Council LGA, approximately 14 km north-west of the Sydney CBD and 6 km north-west of Chatswood CBD. The site is in close proximity to Macquarie University, the Macquarie Shopping Centre, the Macquarie University Railway Station, Epping Road and Lane Cove National Park (refer **Figures 1** and **2** below). The site comprises part of the existing Morling Theological College, and has a total area of 17,253m².



Figure 1: Regional Context – aerial looking south-east to Sydney CBD.

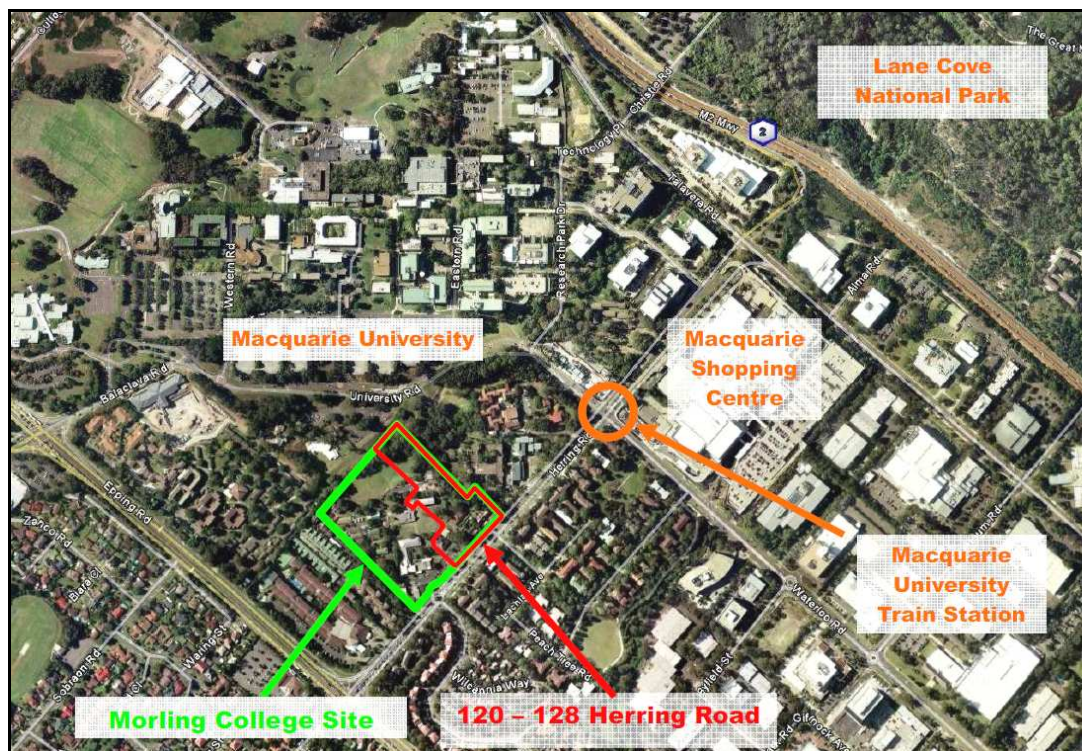


Figure 2: Site Locality Plan



Figure 3: Subject site (red) and Morling Theological College (orange) detailing existing features

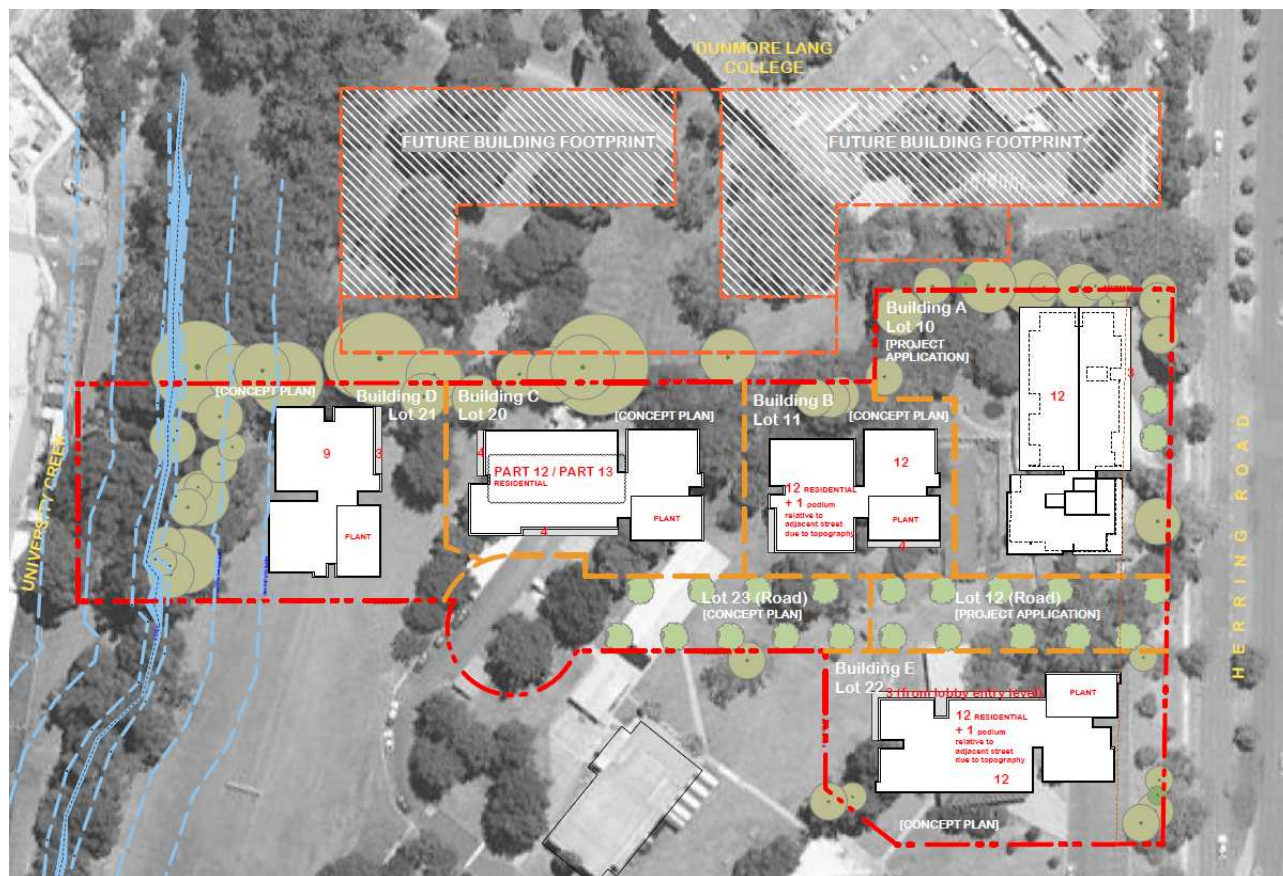


Figure 4: Site Context Plan demonstrating the layout of the 5 buildings and internal road.

1.2 Previous Approvals

On 20 January 2011, the Deputy Director-General of Development Assessment and Systems Performance approved a suite of applications in relation to the holistic redevelopment of the subject site. These include:

- **Concept Plan (MP09_0195)** for a mixed use residential / retail development comprising 4x12 storey and 1x9 storey building envelopes with basement car parking, road works and landscaping;
- **Project Application (MP09_0217)** for staged subdivision into 7 allotments comprising 5 residential allotments and 2 road allotments for the access road; and
- **Project Application (MP09_0218)** for the construction of a residential development including demolition and excavation; construction of a 12 storey residential / retail building (Building A) providing 10,367m² of GFA, 123 dwellings and a 96m² retail tenancy. The approval also includes a 3 level basement car park for 152 cars and ancillary services and facilities, and the construction of the south-eastern portion of the new local public access road, footpath and cycleway off Herring Road.

1.3 Previous Modifications

On 11 July 2011, the Director General approved the following modification applications:

- **Concept Plan (MP09_0195) MOD 1** for alterations to the building envelopes and gross floor areas for buildings B, C, D and E in response to modification requirements of terms of approval B1 and B2;
- **Project Application (MP09_0217) MOD 1** for the addition of a notation for an access easement across proposed Lot 11 as required by conditions of consent and rectification of minor drafting errors; and
- **Project Application (MP09_0218) MOD 1** for modifications to Building A to increase the number of units and gross floor area, modify the dwelling mix, and basement car park level and loading spaces, and minor façade changes.

On 13 March 2012, the Acting Director, Metropolitan and Regional Projects South approved the following modification applications:

- **Project Application (MP09_0217) MOD 2** for modifications to change the subdivision type from Torrens Title to Community Title Subdivision.
- **Project Application (MP09_0218) MOD 2** for modifications to the configuration of the basement levels of Building A.

1.4 Other Modification Currently Under Assessment

On 23 December 2011, Toga Macquarie Developments Pty Ltd lodged a Modification Application (**MP09_0218 MOD 3**) seeking modifications to the dwelling mix of Building A which will result in two additional units, changes to the layout of the basement levels to provide two additional car parking spaces and bicycle / storage spaces, and to modify the energy rating of clothes dryers. This application is currently under assessment.

The development is currently at pre-construction stage.

2. PROPOSED MODIFICATION

The application seeks to amend the concept application approval (MP09_0195) with the following modifications:

- change of use of part of the lower ground (podium) level of Building C from car parking to 7 additional residential units;
- amend the permitted height of Building C from 12 storeys and 1 part podium, to part 12 / part 13 residential storeys;
- an additional level of basement parking and additional car and bicycle parking spaces; and
- transfer of 126m² of the allocated gross floor area from Building D to Building C.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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 modification of the project under section 75W of the Act.

3.2 Modification of the Minister's Approval

The modification of the Minister's Approval by way of section 75W of the Act is appropriate because the proposal is consistent with the original Concept Plan Approval.

3.3 Environmental Assessment Requirements

Section 75W (3) of the EP&A Act provides that the Director-General may notify the proponent of environmental assessment requirements (DGRs) with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.

In this instance, following an assessment of the modification request, it was not considered necessary to notify the proponent of environmental assessment requirements pursuant to Section 75W (3) with respect to the proposed modification, as sufficient information was provided to the department to consider the application.

3.4 Delegated Authority

The Minister has delegated his functions to determine Part 3A applications to the Department where:

- the Council has not made an objection, and
- a political disclosure statement has not been made, and
- there are less than 10 public submissions objecting to the proposal.

No submissions have been received from the public and Council has not made an objection to the proposal. There has also been no political disclosure statement made for this application or for any previous related applications, and no disclosures made by any persons who have lodged an objection to this application.

Accordingly the application is able to be determined by the Acting Director, Metropolitan & Regional Projects South, under delegation.





Figure 7: Indicative North Elevation as previously approved
As indicated in red, the approved elevation shows the car park level with a blank wall up to 3 metres in height.

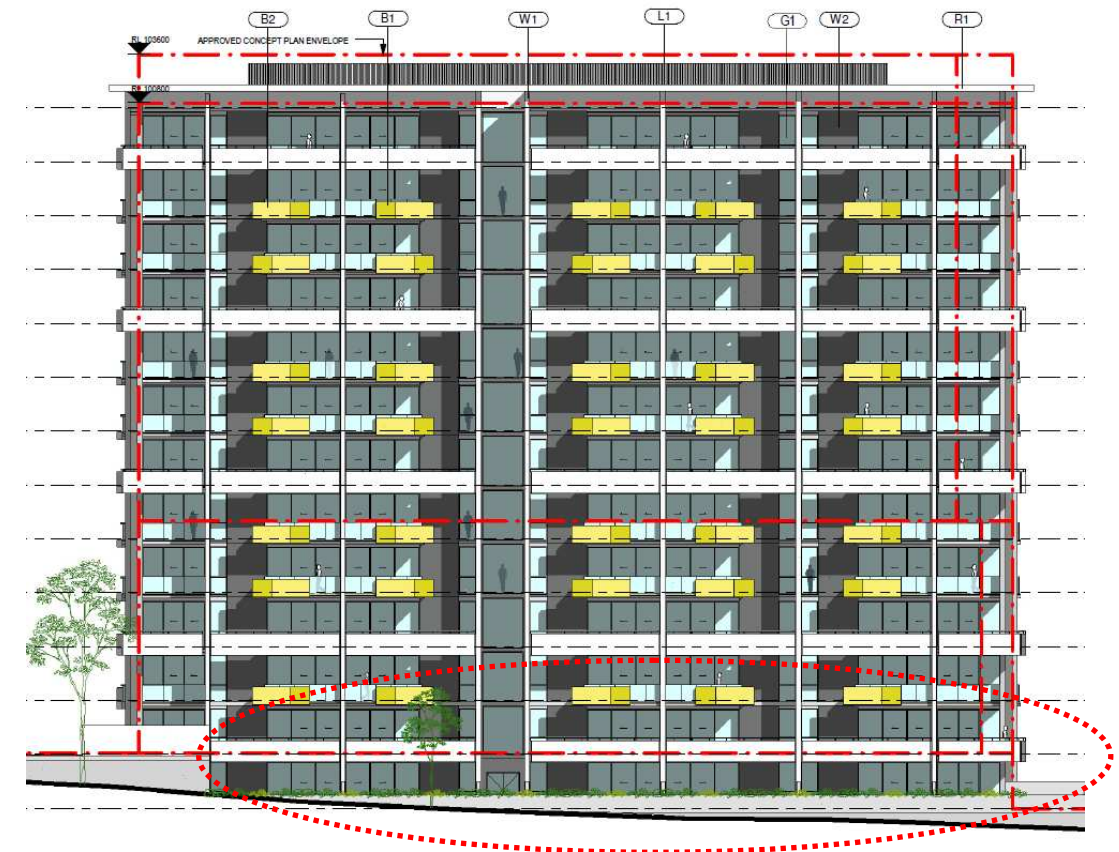


Figure 8: Indicative Proposed North Elevation
The proposed elevation demonstrates the provision of residential units and associated private open space to the lower ground floor as demonstrated in red. The proposed building is within the approved building envelope as previously approved.

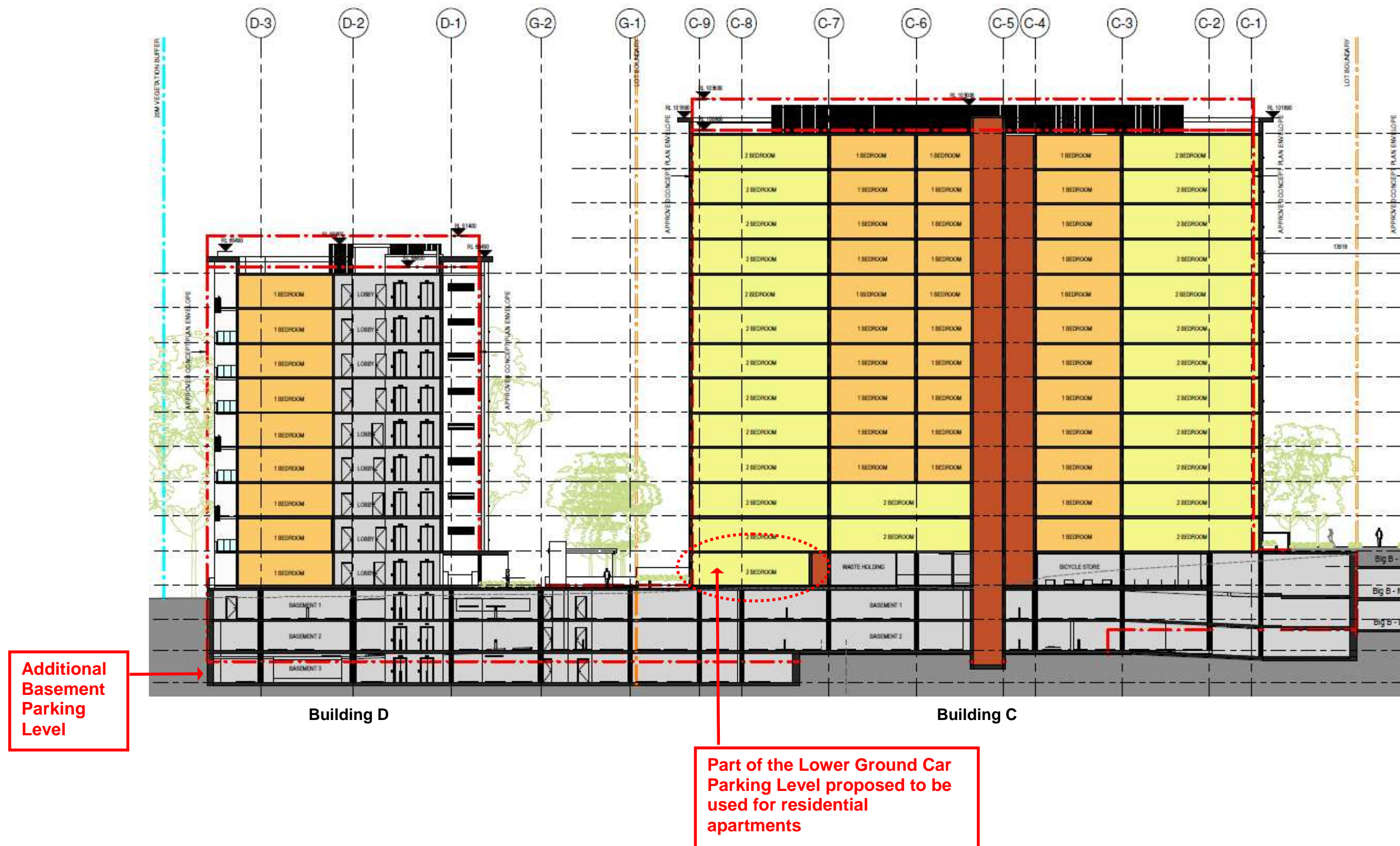


Figure 9: Proposed section of Buildings C and D

4. CONSULTATION AND SUBMISSIONS

In accordance with Section 75X (2) (f) of the EP&A Act, the Director-General is required to make the modification request publicly available. The modification request was made available on the department's website and referred to City of Ryde Council for comment.

No submissions were received from the public.

City of Ryde Council advised that considering the approved building height and overall gross floor area is not being increased it raises no objection to the proposed modifications.

The proponent has provided confirmation that the proposed amendments to Building C do not increase the building height as previously approved, and the approved gross floor area of the Concept Plan is maintained.

5. ASSESSMENT

The department considers the key issues for the proposed modification are:

- consistency with Concept Plan;
- parking;
- appearance;
- internal amenity; and
- density.

5.1 Consistency with Concept Plan

The department considers that the proposed modifications reflect the Concept Plan as previously approved with respect to the following:

- building height; and
- gross floor area.

These issues are discussed separately below.

5.1.1 Building Height

The proposal seeks to provide an additional residential level for Building C by increasing the storeys from 12 storeys and 1 part podium, to part 12 / part 13 residential storeys (refer to **Figures 7, 8 and 9** above). This modification reflects the conversion of part of the lower ground floor from parking to residential units. The proponent has demonstrated that the modifications do not increase the approved height of Building C, being RL 100.80 to the parapet and RL 103.60 to the roof plant. The department supports the proposed modification considering the proposed development maintains the approved building height and envelope.

5.1.2 Gross Floor Area

The proposal seeks to reallocate the approved Gross Floor Area (GFA) of the development to enable the addition of seven apartments for Building C. The proposed change to the GFA allocations is as follows:

	Approved GFA in Concept Plan (MP09_0195)	Approved GFA in Concept Plan (MP09_0195 MOD 1)	Proposed GFA
Building C	10,241m ²	10,630m ²	10,755m ²
Building D	5,511m ²	5,720m ²	5,595m ²
TOTAL	15,752m ²	16,350m ²	16,350m ²

Table 1: Analysis of approved and proposed gross floor area.

The above table demonstrates that the overall approved GFA as approved in MP09_0195 MOD 1 for Buildings C and D is being retained. The proposal seeks to allocate 126m² of the GFA from Building D to Building C due to the balance of the following proposed modifications:

- increase the GFA of Building C by 421m² due to the addition of seven apartments on the lower ground floor; and
- the proponent has undertaken the detailed design stage of the building and floor plans (relating to a future Project Application to be assessed by Council) which has reduced the GFA of the upper levels of Building C by 295m² due to the following design elements:
 - the provision of balconies which are excluded from the GFA calculation;
 - articulation of the building; and
 - the setbacks of some of the upper levels fall short of the full extent of the approved building envelope.

The modification results in 126m² of the GFA of Building D being allocated to Building C and also the rationalisation of a further 295m² of GFA through the upper floors of Building C. Both of which allow for the additional 421m² of GFA at the lower ground floor level as proposed without any overall increase in GFA. The department considers the proposed modifications and impact on GFA allocation to be satisfactory, considering the approved GFA for the development is being maintained and is consistent with the Concept Plan.

5.2 Parking

The proposal includes the conversion of part of the lower ground level parking for the use of residential units and an additional basement parking level (B3) (refer to **Figure 9** above). In accordance with the Concept Plan (MP09_0195) the car parking provision is required to be determined at each Project Application stage with respect to the dwelling mix of each building. As such, the future Project Applications lodged with Council for Buildings C and D are required to comply with the car parking rates as provided under Commitment 4 of the Statement of Commitments as follows:

- “1 space per one or two bedroom apartment.
- 1.6 spaces per apartment with three of four bedrooms.
- 1 space per six apartments for visitors.
- 1 space per 25m² for the ground level retail space.

In addition, it is proposed that 3 car spaces on-street to be designated for “car share” parking to ensure that there are convenient alternatives to car ownership for residents.”

The department supports the proposed additional basement level for the development considering the addition of seven apartments will result in the demand for approximately 8 additional car parking spaces in accordance with the above rates. The final parking provision will be assessed with the future Project Applications for the buildings.

5.3 Appearance

The proposed modifications seek to modify the external appearance of the lower ground level of Building C to provide seven additional residential units as demonstrated in **Figures 7 and 8** above.

The proposed conversion of the lower ground (podium) level from an enclosed car parking area to seven residential units with adjoining outdoor areas of private open space improves the relationship of Building C to the adjoining common areas and Building D. The proposed modifications result in the removal of the blank car park wall up to 3 metres in height to the north, east and south elevations which is consistent with the objectives of the Ryde Development Control Plan 2010 provision (Part 4.5, Provision 6.3.8.i) which restricts the protrusion of basement parking above ground level to no more than 1.2 metres for no more than 60% of the building frontage and aims to conceal basement car parking from public view.

The department considers the proposed presentation of Building C to be appropriate, considering the modifications provide additional visual interest, usable private open space and associated landscaping, and is in keeping with the streetscape and the neighbouring residential and educational developments.

5.4 Internal Amenity

The department considers the amenity of the proposed 7 additional units to be satisfactory considering they satisfy the rules of thumb in the Residential Flat Design Code as follows:

- each unit is allocated one car parking space in accordance with the required parking rate (discussed in Section 5.2 below);
- the units have a maximum depth of 8 metres from a window;
- the apartments satisfy the minimum size of 50m²;
- the apartments each have access to a terrace with a minimum area of 23m²;
- floor to floor height of 3.1 metres; and
- the units are appropriately orientated and achieve the minimum solar access requirement of two hours of solar access for 70% of the units in mid-winter as per Condition 4A 'Solar Access' of MP09_0195 MOD 1.

The department supports the proposal considering the additional residential units provide future residents of the apartments with a high quality environment and level of amenity.

5.5 Density

The proposal is for the addition of 7 x 1 bedroom apartments to the lower ground level of Building C (refer to **Figure 6** above) to provide a total of 132 apartments (indicative), being a 6% increase in the number of apartments in Building C. The department considers the proposed seven apartments to be a satisfactory increase to the overall dwelling mix of the site given parking is being provided at the approved car parking rate, the proposal maintains the building height of the buildings as previously approved, and the overall development has appropriate facilities and services to cater for the additional apartments. The proposed addition of 7 x 1 bedroom apartments provides a minor increase to the overall number of residents which can be accommodated on the site, and is not considered to adversely affect the amenity of neighbouring residential and educational facilities. Considering the above, the department supports the proposal.

6. CONCLUSION

The proposal seeks to modify the land use of the lower ground podium level of Building C to provide seven additional residential apartments, an additional basement parking level, and reallocation of the gross floor area (GFA) of Buildings C and D. The proposed modifications do not change the original assessment as to the site's suitability for this development.

The department has assessed the application on its merits and the proposed modification is considered reasonable and will not result in any significant changes to the development as approved.

7. RECOMMENDATIONS

It is recommended that the Acting Director, Metropolitan and Regional Projects South:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modifications under delegated authority, under Section 75W of the Environmental Planning and Assessment Act 1979; and
- (c) **sign** the attached instrument of Modification for MP09_0195 (MOD 2); and

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APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5098

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5098

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
