

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 Project Approval (MP09_0218) at 120-128 Herring Rd, Macquarie Park for Building A.

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_0218 that granted consent for the *demolition and excavation, and the construction of a residential/retail building and private/public infrastructure works for Stage 1* (Building A).

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

The proposed modification of this Project Approval arises for the following reasons:

- Following a review of recent market advice that established there is greater demand for smaller apartments on the site, modest changes have been made to the apartment mix and layouts within the building to introduce new studio apartments to the mix and has resulted in a minor increase in apartments from that approved. As a result of the changes to the apartment numbers and mix, some minor modifications were required to the basement levels to make provisions for extra bicycle/storage cages.
- The requirement to satisfy the provisions of Condition B1 pertaining to the level of solar access was considered concurrently with the design changes. Consequently, the revised apartment mix and layout now can achieve the solar access requirements for apartments.

Therefore as the design has been modified from that approved, we seek approval from the Department of Planning (DOP) for the revised design of Building A.

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 Project Approval for Building A.

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 approved building height
- No change to the approved building footprint and therefore maintaining the approved building setbacks.
- No change to the approved car parking numbers.
- No change to the external design appearance, materials or colour finishes from the approved plans.
- No change to the Statement of Commitments.

In summary the design changes are largely internal as they involve reconfiguring apartment types and layouts as well as some minor changes within the basement car park. A detailed description of the proposed changes is outlined below.

Apartment Numbers and Mix

In summary, the proposed revised apartment numbers and mix is outlined below.

TYPE	APPROVED	PROPOSED
Studio	0	7
1 Bedroom	68	67
2 Bedroom	47	45
3 Bedroom	7	8
4 Bedroom	1	-
Total	123	127

To support the revised apartment mix outlined in the table above, internal building changes are required to reconfigure the number and type of apartments on each floor. The proposed changes have been made without alteration to the layout of the central corridor or street entry points.

In summary, 1 additional apartment has been added to the first 5 levels (ground through to level 4). Level 9 will lose two apartments and level 11 will gain one apartment, which yields a net increase of 4 apartments.

In making the changes we have considered the requirement to achieve the solar access requirements of Condition B1. Consequently, additional apartments were needed to be incorporated along the northern and north-eastern facades and in turn reduce the number of south facing apartments where possible.

In addition to the internal building changes, minor changes are proposed to the private patio space of apartments on the ground level of the north-west side of the building to improve the internal living areas of these apartments.

Gross Floor Area

As a result of the modifications to meet the solar access requirements, additional studio apartments have been added within the approved building envelope and height. The proposed amendments result in a minor GFA increase of 93sqm which equates to 0.9% increase to the approved GFA for Building A.

The additional floorspace has been calculated as a result of a minor repositioning of the glazing to the recessed patio for the (now) 4 north-west facing ground floor apartments. This will provide a small increase to the living areas of the 4 apartments which is reasonable as 3 are now to be 1 bedroom apartments and each of the apartments already have large private outdoor terraces of between 27sqm to 44sqm. The balance of the additional floorspace has similarly been gained through very minor refinements to accommodate the additional number of smaller apartments.

Basement Levels

The basement level plans have been amended as follows:

- Removal of 3 x double loaded car spaces to make way for the redistribution of motorcycle and small car parking, and ensure all car parking spaces are single loaded.
- Rearrangement of motorcycle parking to incorporate spaces on two of the three levels.
- Design improvement to the single-way ramp to have a 1 in 20 gradient (previously 1 in 16)
- Simplify the labelling and designation of bicycle/storage spaces and provide an additional 4 spaces to service the 4 additional apartments, maintaining the initiative of providing 1 bicycle storage space for each apartment.
- Labelling of the proposed 'small car' spaces

Minor External Changes

Some minor external façade changes result as a consequence of the internal reconfiguration of apartments and as the changes are very minor they are almost indistinguishable. For completeness we identify the requisite changes:

- Removal of one balcony opening on floors 1 and 2
- The setback of glazing along the south-eastern façade on the 9th floor
- Re-design of the glazing and balconies within the podium base on the northern façade.
- Redesign of the glazing location on floors 10 and 11 and changes to the proportions of glazing to solid wall on floors 5-11 on the western elevation. These changes will provide a more even spread of area between glazing and solid wall.

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_0218.

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

A2 Development in Accordance with Plans and Documentation

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
A211	J	Car Park Level 3 Plan	17 March 2011
A212	J	Car Park Level 2 Plan	17 March 2011
A213	J	Car Park Level 1 Plan	17 March 2011
A214	P	Ground Floor Plan	25 February 2011
A215	M	First Floor Plan	14 March 2011
A216	I	Second Floor Plan	14 March 2011
A217	J	Third Floor Plan	14 March 2011
A218	K	Fourth Floor Plan	14 March 2011
A219	I	Fifth Floor Plan	25 February 2011
A220	I	Sixth Floor Plan	25 February 2011
A221	I	Seventh Floor Plan	25 February 2011
A222	J	Eighth Floor Plan	25 February 2011
A223	I	Ninth Floor Plan	25 February 2011
A224	L	Tenth Floor Plan	25 February 2011
A225	L	Eleventh Floor Plan	25 February 2011
A226	H	Roof Plan	25 February 2011
A241	M	East Elevation (Herring Road)	25 February 2011
A242	K	North Elevation	25 February 2011

Drawing No.	Revision	Name of Plan	Date
A243	M	West Elevation	14 March 2011
A244	L	South Elevation	25 February 2011
A251	D	Section FF	1 March 2011

B4 Monetary Contributions

Firstly, we wish to advise the Department of Planning that the Monetary Contributions table outlined in Condition B4 comprised incorrect amounts for each contribution category. That said, given the proposed changes result in a new mix and total number of apartments, we have prepared an updated table that is in accordance with the published material of Ryde Council.

The revised contributions have been based on the following:

- The December Quarter CPI index and Summary of Contributions Rate Table as posted on Ryde Council's webpage (see **Attachment B**).
- The new apartment mix of:
 - 74 x 1 bedroom/studio apartments @ \$12,462.04 per apartment
 - 45 x 2 bedroom apartments @ \$14,954.45 per apartment
 - 8 x 3 bedroom apartments @ \$19,108.46 per apartment
 - 95.6sqm of retail space (no change from the original approved plan) @ \$78.01 per sqm

CONTRIBUTION CATEGORY	AMOUNT
Community and Cultural Facilities	\$282,025.87
Open Space and Recreation Facilities	\$1,124,627.46
Civic and Urban Improvements	\$146,308.60
Roads and Traffic Management Facilities	\$158,716.89
Cycleways	\$20,226.35
Stormwater Management Facilities	\$18,107.54
Plan Administration	\$5,454.38
TOTAL Contribution	\$1,755,467.10

B31 BASIX Certificate requirements

As shown in the stamped plans at **Attachment C**, it is requested that the reference to the BASIX Certificate number quoted in this condition be amended to update the reference to **BASIX Certificate No.287704M_07** (dated 22 March 2011).

ENVIRONMENTAL ASSESSMENT

External Building Appearance

The proposed changes are minor and will have no material change to the exterior appearance of the building. No changes to the building height, bulk or scale are proposed.

The changes are triggered by the rearrangement of apartment types and layouts to better meet the market needs for apartment types in the locality as well as increase the levels of solar access for each apartment. The changes for instance on the 9th floor have been designed so that the glazing is consistent with the floors above (10 and 11). Thus the changes will be seamless and ensure the architectural quality and design aesthetic of the building has remained.

Internal Apartment Amenity

The internal modifications are minor because they all can be accommodated within the approved building envelope and circulation spaces. Thus the changes essentially translate into the repositioning of internal apartment walls and the creation of new studio apartments and new apartment layouts.

The inclusion of studio apartments is considered a positive outcome as it will appeal to the entry level housing market and possibly students. As a result of the redesign of the internal apartment layouts, the building will satisfy the solar access condition requirement.

Car Parking and Access

The proposed modifications do not include any changes to the approved car parking and access arrangements which include a 3 level basement car park for 152 car spaces. Minor changes to make provision for motorcycle parking to satisfy the Statement of Commitments, as well as bicycle parking for every apartment (as stipulated in the Statement of Commitments) have been included in the amended basement plans.

The proposed modification will result in a net increase of 4 apartments. The apartment mix has been reconfigured to incorporate 7 new studio apartments the numbers of two bedroom units has reduced and there are now no 4 bedroom apartments. Consequently it is not considered necessary to provide additional car parking spaces to support the net increase in apartments. This approach is consistent with the Department of Planning's position with respect to minimisation of car parking on this site given its proximity to frequent bus and train services as well as Macquarie Shopping Centre.

Thermal Performance, Water Saving and Reflectivity

The proposed reconfiguration of the internal spaces although not extensive, does trigger the need to reassess the buildings environmental performance. Consequently a new assessment has been undertaken to determine whether the modifications still achieve BASIX compliance. The attached BASIX Certificate (**Attachment B**) confirms that the modified design will comply with the requirements.

Furthermore, we are advised that the proposed external building changes will not impact on satisfying the following environmental performance requirements:

- Condition B10 Reflectivity; and
- Condition B29 NatHERS Rating

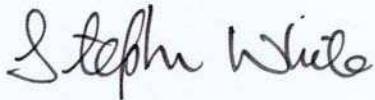
The requisite details on environmental building performance will be provided to the Certifying Authority as part of the Construction Certificate requirements.

CONCLUSION

The proposed modifications have been carried out in response providing a more desirable apartment mix to meet the market demand as well as addressing the Project Approval condition to achieve the solar access requirements. The nature and magnitude of the changes are considered minor as they will not result in any changes to the building height or setbacks. The modifications will result in an improved level of amenity for residents and offer market entry level studio apartments to add to the apartment mix in the building. Overall, our assessment concludes that the modifications will have a minimal environmental impact and are consistent with the plans of the original approval.

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

Yours sincerely,



Stephen White
Associate Director

Encl **Attachment A Drawings by Turner + Associates**
 Attachment B Ryde Council extract – Summary of Contribution Rates, December 2010
 Attachment C BASIX Certificate