

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 11th July 2011

SCHEDULE 1

Project Application Approval:

MP09_0218 granted by the Deputy Director General on 20 January 2011

For the following:

- Demolition and excavation;
- Construction of a 12 storey residential/retail building (Building A) providing 10,357m² of GFA, 123 dwellings and a 96m² retail tenancy;
- 3 level basement carpark for 152 cars and ancillary services and facilities; and,
- Construction of the south-eastern portion of the new local public access road, footpath and cycleway off Herring Road.

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_0218 MOD1:

- Reconfiguration of apartment numbers and mix to incorporate an additional 4 apartments including deletion of 4 (1 x 1 bedroom, 2 x 2 bedroom and 1 x 4 bedroom) apartments and the addition of 7 studio and 1 x 3 bedroom apartments.
- Internal building changes to reflect changes to apartment mix and numbers;
- A 93m² increase in GFA as a result of solar access requirement modifications required by Condition B1 (Design Modifications) and the addition of studio apartments;
- Minor changes within the basement car park including removal of three double-loaded parking spaces to ensure all spaces are single-loaded, provision of additional 4 bicycle/storage spaces to service the additional 4 apartments, and rearrangement of motorcycle parking; and
- Minor external façade changes comprising the removal of one balcony opening on floors 1 and 2, the setback of glazing along the south-eastern façade of floor 9, the re-design of the glazing and balconies within the podium base on the northern façade, and the redesign of glazing location on floors 10 and 11 and glazing proportions on floors 5 to 11 on the western elevation.
- Inclusion of reference to Environmental Assessment Plan No. A320 - A.

SCHEDULE 2 CONDITIONS

The above approval is modified as follows:

- (A) **Condition A1** is amended by the deletion of the struck-out words and insertion of the **bold and underlined** words as follows

A1 Development Description

- (1) Project Approval is granted to the development as described below;
- (a) demolition and excavation;
 - (b) construction of a 12 storey residential/retail building (Building A) providing 40,367 **10,450**sqm of GFA, 423 **127** dwellings and a 96sqm retail tenancy;
 - (c) 3 level basement carpark for 152 cars and ancillary services and facilities; and,
 - (d) construction of the south-eastern portion of the new local public access road, footpath and cycleway off Herring Road.

- (B) **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

The development will be undertaken in accordance with MP No. 09_0218 and the Environmental Assessment dated 7 May 2010 by Lipman Properties Pty Ltd, except where amended by the Preferred Project Report (September 2010) and additional information to the Preferred Project Report (October 2010), and drawings prepared by Turner and Associates, Turf Design and Taylor Thomson Whiting **as amended by the Section 75W modification dated 24 March 2011 prepared by Urbis, BASIX Certificate No. 287704M 07 including amended plans prepared by Turner and Associates Architects and associated documentation;**

Architectural Drawings prepared for the Preferred Project Report			
Drawing No.	Revision	Name of Plan	Date
A211	H <u>J</u>	09047 <u>Car Park Level 3 Plan</u>	27/08/10 <u>17/03/11</u>
A212	H <u>J</u>	09047 <u>Car Park Level 2 Plan</u>	27/08/10 <u>17/03/11</u>
A213	H <u>J</u>	09047 <u>Car Park Level 1 Plan</u>	27/08/10 <u>17/03/11</u>
A214	N <u>P</u>	09047 <u>Ground Floor Plan</u>	7/09/10 <u>25/02/11</u>
A215	J <u>M</u>	09047 <u>First Floor Plan</u>	7/09/10 <u>14/03/11</u>
A216	F <u>I</u>	09047 <u>Second Floor Plan</u>	7/09/10 <u>14/03/11</u>
A217	G <u>J</u>	09047 <u>Third Floor Plan</u>	7/09/10 <u>14/03/11</u>
A218	H <u>K</u>	09047 <u>Fourth Floor Plan</u>	7/09/10 <u>14/03/11</u>
A219	G <u>I</u>	09047 <u>Fifth Floor Plan</u>	7/09/10 <u>25/02/11</u>
A220	G <u>I</u>	09047 <u>Sixth Floor Plan</u>	7/09/10 <u>25/02/11</u>
A221	G <u>I</u>	09047 <u>Seventh Floor Plan</u>	7/09/10 <u>25/02/11</u>
A222	H <u>J</u>	09047 <u>Eighth Floor Plan</u>	7/09/10 <u>25/02/11</u>
A223	G <u>I</u>	09047 <u>Ninth Floor Plan</u>	7/09/10 <u>25/02/11</u>

A224	J <u>L</u>	09047 <u>Tenth Floor Plan</u>	7/09/10 <u>25/02/11</u>
A225	J <u>L</u>	09047 <u>Eleventh Floor Plan</u>	9/09/10 <u>25/02/11</u>
A226	G <u>H</u>	09047 <u>Roof Plan</u>	7/09/10 <u>25/02/11</u>
A241	K <u>M</u>	09047 <u>East Elevation (Herring Road)</u>	7/09/10 <u>25/02/11</u>
A242	I <u>K</u>	09047 <u>North Elevation</u>	7/09/10 <u>25/02/11</u>
A243	J <u>M</u>	09047 <u>West Elevation</u>	7/09/10 <u>14/03/11</u>
A244	J <u>L</u>	09047 <u>South Elevation</u>	7/09/10 <u>25/02/11</u>
A251	G <u>D</u>	09047 <u>Section FF</u>	6/09/10 <u>01/03/11</u>
A281	A	09047	5/05/10
A320	A	0907	5/05/10

Landscape Plans by Turf Design, Landscape Architect

Drawing No	Revision	Number of Plan	Date
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

Stormwater Engineering Plans by Taylor Thomson Whitting, Consulting Engineers

Drawing No	Revision	Number of Plan	Date
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:

- (1) any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and,
- (2) otherwise provided by the conditions of this approval.

(C) **Condition B1** is removed by the deletion of the ~~struck-out~~ words as follows;

~~B1~~ — Design Modifications

~~The building envelope and/or unit layouts and mix of Building A shall be amended to ensure the building complies with the requirement that 70% of units achieve 2 hours solar access in mid-winter as prescribed by the provisions of the RFDG.~~

(D) **Condition B4** is amended by the deletion of the ~~struck-out~~ words and insertion of the **bold and underlined** words as follows;

B4 Monetary Contributions

The Proponent shall pay the following monetary contributions prior to the issue of the Construction Certificate.

Amount of Contribution

Contribution Category	Amount
Community and Cultural Facilities	\$285,374.48 <u>\$286,587.17</u>
Open Space and Recreation Facilities	\$1,131,382.66 <u>\$1,142,818.70</u>
Civic and Urban Improvements	\$148,808.44 <u>\$148,675.97</u>
Roads and Traffic Management Facilities	\$159,637.72 <u>\$161,284.33</u>
Cycleways	\$20,572.14 <u>\$20,553.26</u>
Stormwater Management Facilities	\$18,212.68 <u>\$18,400.48</u>
Plan Administration	\$5,546.54 <u>\$5,542.12</u>
Total Contribution	<u>\$1,769,534.30</u> <u>\$1,783,861.70</u>

This contribution is a contribution under the provisions of Section 94 of the Act, as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11 December 2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer price Index published by the Australian Bureau of Statistics (Catalogue No. 5206.0) on the basis of the contribution rates that are applicable at time of payment.

(2) **Timing and Method of Payment**

The contribution shall be paid in the form of cash or bank cheque, made out to Council accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.

Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

(3) **Indexing**

The contribution for land will be adjusted in accordance with the latest annual valuations.

- (E) **Condition B31** is amended by the deletion of the ~~struck-out~~ words and insertion of the **bold and underlined** words as follows

B31 ***BASIX Certificate requirements***

Prior to the issue of a Construction Certificate for Building A, details of all amendments and treatments outlined in the *BASIX Certificate No. 287704M_06 07* to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA.

- (F) **Condition B41** to be added by the insertion of the **bold and underlined** words as follows

B41 **Studio apartments**

The windows to the studio apartments shall be fully openable incorporating bi-folds, or similar, above sill height. The proportions and materials of solid walling below sill height shall be consistent with treatment provided elsewhere in the building elevations. The external walls and openable window treatment shall be designed to meet BCA requirements.

END OF MODIFICATIONS TO MP09_0218