

Our Ref: PR110976
Date: 22 December 2011

Attn: Mr Ben Lusher
Senior Planner, Metropolitan Regional Planning - South

Department of Planning
23-33 Bridge Street
Sydney NSW 2000

Via: hand delivery

Dear Mr Lusher

RE: Macquarie Park - MP 09_0218
120-128 Herring Road, Macquarie Park, Ryde

**Section 75W Modification – Building A- Apartment Mix, Car parking and Clothes Dryer
(Modification No 3)**

In accordance with the provisions of Section 75W (s75W) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and on behalf of our client Toga Group, we hereby submit this s75W Application to modify Minister's approval MP 09_0218 which was granted on 20 January 2011, for *demolition of existing structures, excavation, and the construction of a 12 storey residential/retail building (Building A) and private/public infrastructure works for Stage 1*, at 120-128 Herring Road, Macquarie Park.

The proposed modifications relate to the change in dwelling mix at Levels 10 and 11 and the consequential increase in the number of apartments and car parking spaces by 2. It is also proposed to modify Condition 30 and 34 relating to the energy rating of clothes dryers. Importantly, the proposed modifications do not involve any changes to the envelope of the building and will not result in any adverse impacts on the amenity of apartments. Additionally, the ability of the development to achieve a 4 Star Green Star design under the Sustainability Energy Development Authority (SEDA) Australian building greenhouse rating will not be compromised by the proposed changes.

This report describes and explains the proposed modifications and assesses the impacts of the changes. The application includes:

- 4 x copies of this letter.
- 4 x A3 copies of revised plans prepared by Turner and Associates (**Attachment A**).
- 4 x copies of correspondence from Cundall in relation to SEDA rating dated 09/12/2011 (**Attachment B**).
- 4 x copies of the revised BASIX Certificate prepared by Cundall (**Attachment C**).
- A completed Request to Modify a Major Project Application form.
- 2 x CDs of the Application.

1. BACKGROUND

A Concept Plan (MP09_0195) for the height, bulk and configuration of 5 residential apartment buildings (Buildings A-E) including a new local access road, landscaping and car parking was approved on 20 January 2011 by the Minister for Planning and modified on 11 July 2011. Relevant to this application, the approved Concept Plan included requirements for the provision of parking within *Schedule 4 – Revised Statement of Commitments*.

On 20 January 2011, the Minister for Planning granted approval subject to conditions to Major Project Application (MP09_0218), comprising of the construction of a 12 storey mixed use residential/retail building (Building A) providing 123 apartments, ground floor retail space, basement car parking for 152 cars and construction a new local access road.

On 11 July 2011 the Minister for Planning approved a s75W Application to MP09_0218 to increase apartment numbers from 123 to 127 units, change the dwelling mix, and increase the Gross Floor Area by 93sqm, with minor changes within the basement car park including removal of double loaded parking spaces and minor external façade changes (Modification 1).

A s75W Application (Modification 2) for minor changes to the basement levels of Building A, resulting from the need to increase the size of structural columns required to support the building, was submitted to the Department of Planning and Infrastructure on 2 December 2011. This application is currently being assessed by the Department.

2. PROPOSED MODIFICATIONS

This amendment seeks to modify minor aspects of the Project Approval (MP09_0215) as detailed and justified below.

Apartment number and mix

Reduction in the number of two (2) bed units by four and increase in the number of one (1) bed units by 6, resulting in a net increase in apartments by two (2), as follows:

Type	Approved	Proposed
Studio	7	7
1 Bedroom	67	73
2 Bedroom	45	41
3 Bedroom	8	8
Total	127	129

Justification

Recent market advice has identified a greater demand for one (1) bedroom apartments on the site. This is reflective of the proximity of the site to Macquarie University and the demographics of Macquarie Park which has a higher percentage of lone person households and a lower percentage of family households than for Sydney and NSW.

Basement Levels

Changes to the layout of the basement levels to accommodate an additional two (2) parking spaces and extra bicycle/storage cages.

These changes are described below and take into account the proposed Modification 2 basement

layout amendments which is currently being assessed by the Department.

- Level 1 Car Park . Addition of two (2) motorbike spaces, reconfigure and add two (2) bicycle storage spaces
- Level 2 Car Park- Addition of two (2) motorbike spaces
- Level 3 Car Park- Deletion of four (4) motorbike spaces, addition of two (2) car spaces, and reconfigure and add bicycle storage spaces.

Justification

The changes to the apartment numbers and mix result in some minor modifications to the layout of the basement required to accommodate the required car spaces and bicycle/storage cages in accordance with the Statement of Commitments within the approved Concept Plan (MP09_0195). Statement No. 4 provides the parking provisions for the site, stating ~~1~~ space per one or two bedroom apartment. With the addition of two (2) one bedroom units, two (2) car park spaces are required.

Rating of Clothes Dryer

The provision of 2 star clothes dryers instead of 2.5 star clothes dryers.

Justification

The provision of 2.5 star clothes dryers has been explored. Two types of domestic 2.5 star clothes dryers are available in the market, condenser and vented.

The technology used within condenser dryers require them to be located on the floor rather than mounted on the wall. This is not achievable as the approved layout of the apartments assumed that clothes dryers would be wall mounted above other laundry services such as the washing machine and laundry sink.

2.5 star vented dryers are large in size and too heavy to be hung on walls. Therefore these dryers are not appropriate for apartments.

As such, there is insufficient space to accommodate the provision of 2.5 star clothes dryers within apartments.

3. SECTION 75W MODIFICATION TO CONDITIONS

In order to facilitate the proposed changes, the Project Approval is to be amended by replacing the Basement Level, Level 10 and Level 11 plans and to modify the wording of the approval as indicated in bold, underline and strikethrough below.

Condition A2 Development in accordance with Plans and Documentation

Architectural Drawings prepared for the Preferred Project Report			
Drawing No	Rev	Name of Plan	Date
A211	K <u>L</u>	09047 Car Park Level 3 Plan	17/03/2011 <u>08/12/2011</u>
A212	K <u>L</u>	09047 Car Park Level 2 Plan	17/03/2011 <u>08/12/2011</u>
A213	K <u>L</u>	09047 Car Park Level 1 Plan	17/03/2011 <u>08/12/2011</u>
A224	L <u>M</u>	09047 Tenth Floor Plan	25/02/2011 <u>08/12/2011</u>
A225	L <u>M</u>	09047 Eleventh Floor Plan	25/02/2011 <u>08/12/2011</u>

Condition B4 Monetary Contributions

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

(1) Amount of Contribution

Contribution Category	Amount
Community and Cultural Facilities	\$286,587.17 <u>\$294,064.15</u>
Open Space and Recreations Facilities	\$1,142,818.70 <u>\$1,179,639.42</u>
Civic and Urban Improvements	\$148,675.97 <u>\$151,743.87</u>
Roads and Traffic Management Facilities	\$161,284.33 <u>\$162,858.86</u>
Cycleways	\$20,553.26 <u>\$20,978.57</u>
Stormwater Management Facilities	\$18,400.48 <u>\$18,571.82</u>
Plan Administration	\$5,542.12 <u>\$5,657.08</u>
Total Contribution	\$1,783,861.70 <u>\$1,833,513.77</u>

Condition B23 Number of Car Spaces

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car Parking Allocation	Number
Residential Car parking spaces	128 <u>130</u>
Number of residential car spaces to be disabled spaces	13
Retail car parking spaces	3
Number of retail car spaces to be disabled spaces	1
Commercial Spaces	0
Number of commercial car spaces to be disabled spaces	0
Visitor Spaces	21
Car Wash Bay	1

Condition B30 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more (excluding clothes dryers which are to have a rating of ~~2.5~~ 2 stars or more). The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

Condition 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_07-08 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.

Condition B34 Clothesline and Clothes Dryers

- (2) Based on the percentages shown in Column 1 for units with clotheslines installed, the Proponent shall install in all units a clothes dryer corresponding with the energy rating in Column 2,

Column 1: Percentage of units in each site with clotheslines installed	Column 2: Minimum energy rating for a clothes dryer in non-clothes line units
0% - 49%	3-2 Star energy rating or more
50% - 74%	2.5-2 Star energy rating or more
75% - 100%	2 Star energy rating or more

4. LIKELY ENVIRONMENTAL IMPACTS FROM PROPOSED MODIFICATION

The proposed modifications are limited to minor changes to the dwelling mix at Level 10 and 11, an increase of 2 car parking spaces and a change of energy rating to clothes dryers. The proposed modifications will make no changes to the building envelope, form, material or finishes to the building and does not result in a change to the approved gross floor area.

The proposed modifications will provide for two (2) additional car spaces in accordance with the number of car spaces required under the Concept Plan (MP09_0195). The traffic implications for this will be minor, having little to no effect of traffic volumes accessing the basement levels.

These proposed change to the rating of the clothes dryers will not affect the ability of the development to achieve the 4 Star Green Star design under the Sustainable Energy Development Authority (SEDA). Refer to correspondence from Cundall at **Attachment B**.

The subject apartments are all north facing and increase the percentage of apartments which have a north facing aspect.

5. RELEVANT PLANNING CONTROLS

The proposed modifications maintain compliance with SEPP 65 and the Residential Flat Design Code, as follows:

- The apartments affected by the proposed modifications are all north facing and therefore ensure that the requirements for daylight access in mid winter are met,
- Each of the new one bedroom units (minimum 55.5sqm) meet the minimum area of requirements for one bedroom units (50sqm).

The proposal also meets the requirements of the Statement of Commitments within the approved Concept Plan (MP09_0195) which demands an additional two (2) car spaces for the additional two (2) units.

As such, the proposed modifications comply with all relevant planning controls which apply to the proposed changes.

6. CONCLUSION

The proposed modifications relate to changes of the dwelling mix, car parking and clothes dryer rating. As outlined above the proposed modifications will retain the intent of the original project approval dated 20 January 2011 and therefore will result in a development that is consistent with that previously approved by the Minister.

The modifications are considered minor and appropriate. The amended design does not raise any issues in relation to the planning controls which relate to the site. The changes will have a beneficial impact in terms of meeting the demand of one bedroom units in the area, close to Macquarie University.

We trust that the above information will enable a prompt decision in this matter. However, should further information be required please do not hesitate to contact the undersigned on TEL 8270 8300 or Steve Jakubiw at Toga Group on TEL 0404 044 739.

Yours sincerely
RPS



Peter Mangels
Planner

Enc:

Attachment A – Revised plans prepared by Turner and Associates

Attachment B - Correspondence from Cundall in relation to SEDA rating dated 09/12/2011

Attachment C - Revised BASIX Certificate prepared by Cundall



Attachment A – Revised plans prepared by Turner and Associates

Attachment B – Correspondence from Cundall in relation to SEDA rating dated 09/12/2011

Attachment C – BASIX Certificate prepared by Cundall