



***MODIFICATION REQUEST:***

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

***MP09\_0218 MOD 3 - Modifications to  
Building A***



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

April 2012

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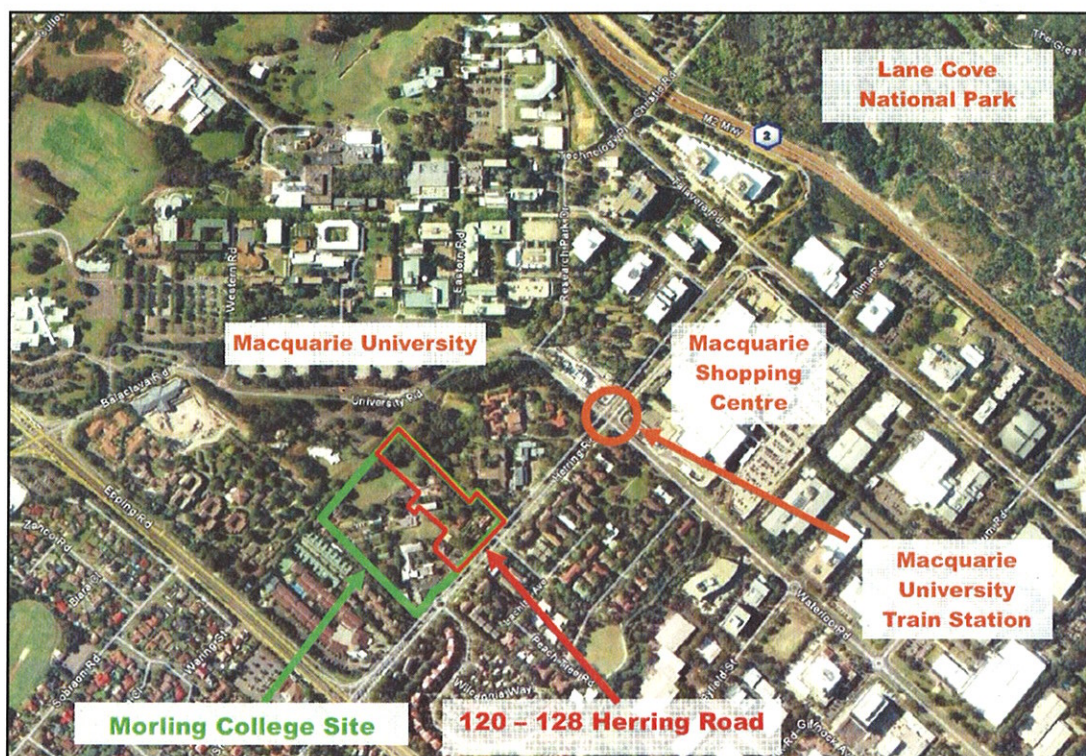
# 1. BACKGROUND

## 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 17,253m<sup>2</sup>.



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



**Figure 2:** Site Locality Plan

## 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 10,367 sqm of GFA, 123 dwellings and a 96m<sup>2</sup> 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 the Project Approval to change the subdivision type from Torrens Title to Community Title Subdivision; and
- **Project Application (MP09\_0218 MOD 2)** for modifications to the configuration of the basement levels of Building A.

On 23 March 2012, the Acting Director, Metropolitan and Regional Projects South approved the following modification application:

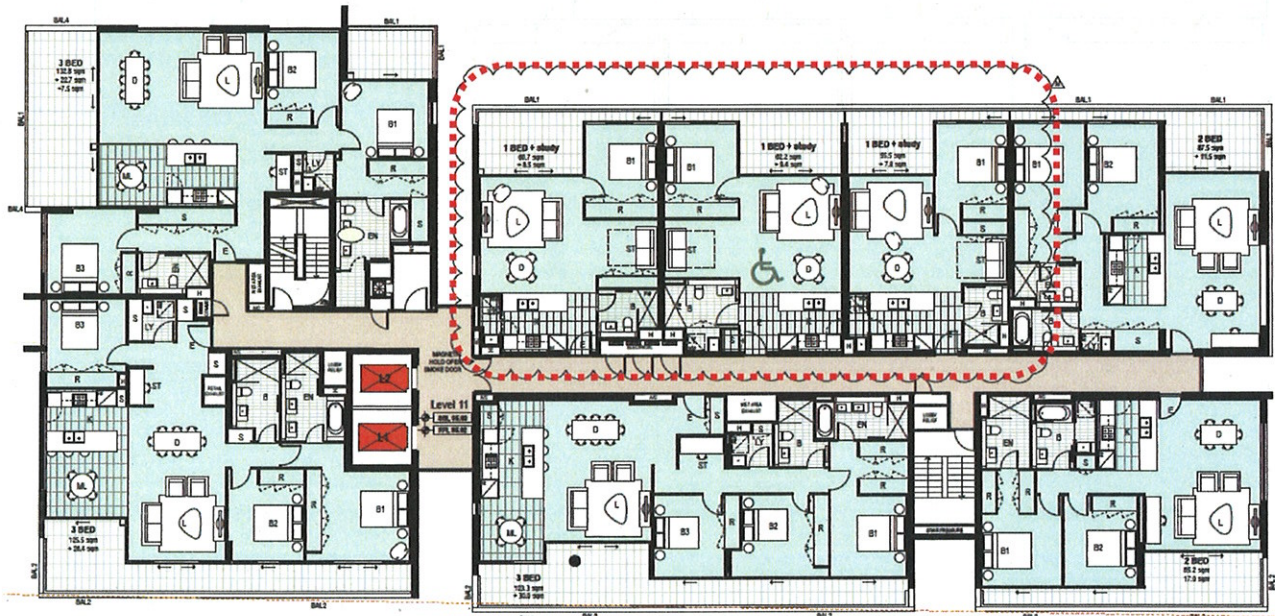
- **Concept Plan (MP09\_0195 MOD 2)** for modifications to the Concept Plan approval relating to Building C to provide seven additional residential units, increase the building height to part 12 / part 13 stories and provide an additional part level of parking.

The development is currently at pre-construction stage.

## 2. PROPOSED MODIFICATION

The application seeks to amend the project approval (MP09\_0218) with the following modifications to Building A:

- reduction in the number of 2 bedroom apartments by 4 and provide 6 additional 1 bedroom apartments, being an overall increase of 2 apartments (to a total of 129 apartments);
- amend the basement parking levels to provide 2 additional parking spaces and additional bicycle/storage areas; and
- amend the energy rating for clothes dryers from 3 to 2 stars.



**Figure 3:** Floor Plan of Level 10 demonstrating the location of the proposed amendments to the floor plan layout. As shown in red, 2 x 2 bedroom apartments are to be replaced by 3 x 1 bedroom apartments on this level.

## 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 Approval.

### **3.3 Consistency with the Concept Plan Approval**

The proposed modification of the Project Approval is generally consistent with the Concept Plan Approval (MP09\_0195) and will not result in significant changes to the development including the land use, building envelope and parking provision.

### **3.4 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.

### **3.5 Delegated Authority**

The Minister has delegated his functions to determine Part 3A applications to the Directors within the Major Projects Assessment Branch 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 although Council has made a submission this is only to recommend conditions and no objection has been raised. There has also been no political disclosure statement made for this application or for any previous related applications.

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

## **4. CONSULTATION AND SUBMISSIONS**

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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.

### **4.1 City of Ryde Council**

City of Ryde Council provided a submission to the modification including comments and recommend conditions. Council has not made an objection to the proposal. A summary of the comments provided is as follows:

- reiterated the point made in the submission to the original application that the proposed one bedroom apartments include a study which is large enough to be used as a bedroom and the apartments should be considered as two bedroom apartments for the s94 Contribution calculations;
- reiterated the point made in the submission to the original application that the change in dwelling mix should be addressed in a social impact statement as the character of Building A has changed; and
- the highest level of energy efficient appliances are preferred, however note that BASIX requirements are still achieved.

## 4.2 Proponent's Response to Submissions

The proponent provided a response to Council's comments and provided further information as follows:

- the design of the one bedroom apartments include an open plan study and storage area to supplement the limited storage available in the bedrooms, which are not intended for use as a second bedroom and should not be subject to s94 Contributions;
- the proposed modifications to the dwelling mix meet the current and anticipated market demand and is expected to have a beneficial social impact;
- the application seeks modification to the energy efficiency of the clothes dryers as the required 2.5 star clothes dryers are too large and heavy to be mounted on the walls of the laundry areas, and
- remaining Buildings B, C, D and E are to be designed to meet the target requirements of the BASIX Certificate.

## 5. ASSESSMENT

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

- internal amenity;
- dwelling mix; and
- contributions.

### 5.1 Internal Amenity

The department considers the proposed modifications to the dwelling mix to increase the number of one bedroom apartments to be a satisfactory increase to the overall dwelling mix of the site. The proposed residential units reflect the intent of the Residential Flat Design Code and will provide dwellings of a suitable size and depth, usable balconies, solar access and privacy. In addition, the internal amenity of the proposed apartments are considered satisfactory given parking is being provided at the approved car parking rate, the proposal maintains the building envelope and gross floor area of Building A as previously approved and the overall development has appropriate facilities and services to cater for the additional apartments. Considering the above, the department supports the proposal.

### 5.2 Dwelling Mix

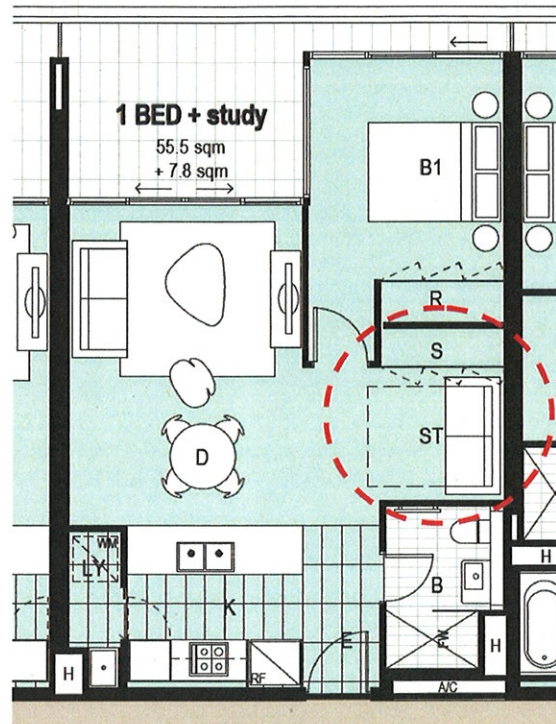
The proposal is for modifications to the dwelling mix of Building A to convert 4 x 2 bedroom apartments on levels ten and eleven to 6 x 1 bedroom apartments, being an increase of two apartments (refer to **Figure 3** above). The proposal results in a total of 80 studio and one bedroom apartments, being 62% of the total of 129 apartments in Building A. The proponent has advised that the proposed amendments to the dwelling mix are in response to market demand as the demographics of the area are single person households, in particular as the site is in close proximity to Macquarie University.

The proposed amendments to the dwelling mix 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 proposed amendments to the dwelling mix.

### 5.3 Contributions

The proposed amendments to the dwelling mix require the recalculation of the Section 94 Contributions. Ryde Council have also advised that it considers the proposed studies to be bedrooms with respect to calculating Section 94 Contributions.

The department does not consider the proposed studies to be bedrooms in calculating the Section 94 Contributions, as the studies are too small in size to be a bedroom and their design is open plan forming an extension of the living area (refer to **(Figure 4)**). In addition, the department seeks to be consistent with the application of the Section 94 Contributions as per the original application method. As a result, the Contributions for the proposed one bedroom apartments with a study will be treated as a one bedroom dwelling.



**Figure 4:** Floor Plan of the proposed one bedroom units with the studies indicated in red.

The proposed modifications to the dwelling mix and number of apartments increased the Section 94 Contributions from \$1,783,861.70 to \$1,827,696.30.

Council and the proponent have agreed to the Section 94 Contributions payable.

## 6. CONCLUSION

The proposal seeks to modify the dwelling mix for Building A, provide two additional car parking spaces and modify the energy efficiency requirements. The proposed modifications satisfy the parking requirements for Building A as previously approved and will benefit the residential amenity of future occupants. 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

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It is recommended that the A/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\_0218 (MOD 3).

Amy Watson 4/4/12

Amy Watson  
A/Team Leader  
Metropolitan & Regional Projects South

 10/04/12

Alan Bright  
A/Director  
Metropolitan & Regional Projects South

## **APPENDIX A      MODIFICATION REQUEST**

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See the department's website at

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=5117](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5117)

## **APPENDIX B SUBMISSIONS**

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## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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