


Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Alan Bright
A/Director
Metropolitan & Regional Projects South

Sydney 10 APRIL 2012

SCHEDULE 1

Project Approval:

MP09_0218 granted by the Deputy Director-General, Development Assessment and Systems Performance on 20 January 2011.

For the following:

Project Approval for a retail / residential development including:

- demolition and excavation;
- construction of a 12 storey residential / retail building (Building A) providing 10,367m² of GFA, 123 dwelling 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.

Modification:

MP09_0218 MOD 3: modification includes:

- amendments to the dwelling mix via the reduction of 4 x 2 bedroom units and addition of 6 x 1 bedroom units;
- 2 additional dwellings to a total of 129 dwellings;
- additional parking spaces to a total of 154 spaces and storage space; and
- amendments to the energy rating of clothes dryers.

SCHEDULE 2

CONDITIONS

The above approval is modified as follows:

- a) Condition A1 is amended by the insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words / numbers 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 10,450sqm of GFA, 427 **129** dwellings and a 96sqm retail tenancy;
 - (c) 3 level basement carpark for 452 **154** 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 insertion of the **bold** words / numbers and deletion of the ~~struck-out~~ words / numbers 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 MP09_0218 MOD 1 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; as amended by MP09_0218 MOD 2 the Section 75W Modification dated 2 December 2011 prepared by RPS; **as amended by MP09_0218 MOD 3 the Section 75W Modification dated 22 December 2011 prepared by RPS (and correspondence received on 21 February 2012);** and the following drawings:

Architectural Drawings prepared for the Preferred Project Report			
Drawing No.	Revision	Name of Plan	Date
A211	K L	9047 Car Park Level 3 Plan	29/11/11 08/12/11
A212	K L	09047 Car Park Level 2 Plan	29/11/11 08/12/11
A213	K L	09047 Car Park Level 1 Plan	29/11/11 08/12/11
A214	P	09047 Ground Floor Plan	25/02/11
A215	M	09047 First Floor Plan	14/03/11
A216	I	09047 Second Floor Plan	14/03/11
A217	J	09047 Third Floor Plan	14/03/11
A218	K	09047 Fourth Floor Plan	14/03/11
A219	I	09047 Fifth Floor Plan	25/02/11
A220	I	09047 Sixth Floor Plan	25/02/11
A221	I	09047 Seventh Floor Plan	25/02/11
A222	J	09047 Eighth Floor Plan	25/02/11
A223	I	09047 Ninth Floor Plan	25/02/11
A224	L M	09047 Tenth Floor Plan	25/02/11 08/12/11

A225	<u>L M</u>	09047 Eleventh Floor Plan	25/02/11 08/12/11
A226	H	09047 Roof Plan	25/02/11
A241	M	09047 East Elevation (Herring Road)	25/02/11
A242	K	09047 North Elevation	25/02/11
A243	M	09047 West Elevation	14/03/11
A244	L	09047 South Elevation	25/02/11
A251	E	09047 Section FF	01/12/11
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
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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 B4 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers as follows:

B4 Monetary Contribution

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 \$293,625.24
Open Space and Recreation Facilities	\$1,142,818.70 \$1,170,943.22
Civic and Urban Improvements	\$148,675.97 \$152,319.55
Roads and Traffic Management Facilities	\$161,284.33 \$165,223.06
Cycleways	\$20,553.26 \$21,057.32
Stormwater Management Facilities	\$18,400.48 \$18,849.85
Plan Administration	\$5,542.12 \$5,678.06
Total Contribution	\$1,783,861.70 \$1,827,696.30

This contribution is a contribution under the provisions of Section 94 of the Act, as specified in Section 94 Development Contributions Plan 2007 **(2010 Amendment)** adopted by City of Ryde on ~~11 December 2007~~ **16 March 2011**.

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.

- d) Condition B23 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers as follows:

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	428 130
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

- e) Condition B30 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers as follows:

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.

- f) Condition B31 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers 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_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.

- g) Condition B34 is amended by the insertion of the **bold** words / numbers and deletion of the struck-out words / numbers as follows:

B34 Clothesline and Clothes Dryers

- (1) The Proponent shall submit to the Certifying Authority a plan and written statement identifying those units to have clothes drying lines installed that are:
 - (a) not visible from the public domain, and
 - (b) preferably on secondary balconies or secondary areas of main balconies.
- (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 <u>2</u> Star energy rating or more
50%-74%	2.5 <u>2</u> Star energy rating or more
75%-100%	2 Star energy rating or more

End of Modifications to MP09_0218