

ATTACHMENT 1

Proposed Modified Consent conditions. LDA2016/0602 – MOD2018/0126

That the Section 4.55 application No. MOD2018/0126 to modify Local Development Application No.LDA2016/0602 at 82-84 Waterloo Road, Macquarie Park be approved subject to the following:

A. The description of the development be amended to read as follows:

Development: ~~Construction of a mixed use development as follows:~~
~~• Two x 20 storey towers including a shared 2 storey podium;~~
~~• 357 residential units comprising of 62 x 1 bedroom, 271 x 2 bedroom & 24 x 3 bedroom apartments;~~
~~• 167m² of retail space;~~
~~• 4 levels of basement car parking for 362 cars;~~
~~• Construction of a riparian edge with a shared pedestrian/cycle path along the northern alignment of the site;~~
~~• Landscaping works.~~

~~Integrated Development under the Environmental Planning & Assessment Act 1979 – NSW Department of Primary Industries – Office of Water.~~

Construction of a mixed use development as follows:
• Two x 20 storey towers including a shared 2 storey podium;
• 334 residential units comprising of 57 x 1 bedroom, 230 x 2 Bedroom, 31 x 3 bedroom & 16 4 bedroom apartments;
• 167m² of retail space;
• 4 levels of basement car parking for 350 cars;
• Construction of a riparian edge with a shared pedestrian/cycle path along the northern alignment of the site;
• Landscaping works.

Integrated Development under the Environmental Planning & Assessment Act 1979 - NSW Department of Primary Industries - Office of Water.

B. The following conditions are to be amended as outlined below with ***bold italics*** identifying additional wording and ~~strike through~~ identifying words to be deleted.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Site Plan	16.11.16 <i>24.04.18</i>	DA0005, Issue A <i>DA0005, Issue B</i>

Basement 1 Plan	28.04.17 19.02.19	DA1000, Issue D DA1000, Issue L
Basement 2 Plan	28.12.12 13.07.18	DA1001, Issue B D1001, Issue H
Basement 3 Plan	28.12.12 13.07.18	DA1002, Issue B DA1002, Issue H
Basement 4 Plan	28.12.12 24.04.18	DA1003, Issue B DA1003, Issue G
Ground Floor Plan	27.03.17 27.04.18	DA1004, Issue C DA1004, Issue H
Upper Ground Floor Plan	16.11.16 26.04.18	DA1004A, Issue A DA1004A, Issue E
Level 1 Plan	13.02.17 26.04.18	DA1005, Issue C DA1005, Issue H
Level 2 Plan	13.02.17 26.04.18	DA1006, Issue B DA1006, Issue E
Level 3 Plan	13.02.17 26.04.18	DA1007, Issue B DA1007, Issue E
Level 5 Plan	13.02.17 26.04.18	DA1008, Issue B DA1008, Issue E
Level 6 Plan	13.02.17 24.04.18	DA1009, Issue C DA1009, Issue F
Level 7 Plan	13.02.17 24.04.18	DA1010, Issue B DA1010, Issue D
Level 8 Plan	13.02.17 24.04.18	DA1011, Issue B DA1011, Issue D
Level 9 Plan	13.02.17 24.04.18	DA1012, Issue B DA1012, Issue D
Level 10 Plan	13.02.17 26.04.18	DA1013, Issue B DA1013, Issue E
Level 11 Plan	13.02.17 26.04.18	DA1014, Issue B DA1014, Issue F
Level 12 Plan	13.02.17 26.04.18	DA1015, Issue B DA1015, Issue E
Level 13 Plan	13.02.17 26.04.18	DA1016, Issue B DA1016, Issue F
Level 15 Plan	13.02.17 26.04.18	DA1017, Issue B DA1017, Issue F
Level 16 Plan	13.02.17 24.04.18	DA1018, Issue B DA1018, Issue E
Level 17 Plan	13.02.17 26.04.18	DA1019, Issue B DA1019, Issue F
Level 18 Plan	13.02.17 24.04.18	DA1020, Issue B DA1020, Issue E
Level 19 Plan	13.02.17 26.04.18	DA1021, Issue B DA1021, Issue F
Level 20 Plan	13.02.17 26.04.18	DA1022, Issue B DA1022, Issue F

Level 21 Plan	13.02.17 29.03.18	DA1023, Issue B DA1023, Issue C
Roof Plan	13.02.17 24.04.18	DA1024, Issue B DA1024, Issue C
Section_A	16.11.16 24.04.18	DA2000, Issue A DA2000, Issue C
Section_B	16.11.16 24.04.18	DA2001, Issue A DA2001, Issue C
Section_C	16.11.16 24.04.18	DA2002, Issue A DA2002, Issue C
Section_D	16.11.16 24.04.18	DA2003, Issue A DA2003, Issue C
Section_E	16.11.16 24.04.18	DA2004, Issue A DA2004, Issue C
North East Elevation	16.11.16 24.04.18	DA3000, Issue A DA3000, Issue C
South East Elevation	16.11.16 24.04.18	DA3001, Issue A DA3001, Issue C
South West Elevation	16.11.16	DA3002, Issue A
North West Elevation	16.11.16	DA3003, Issue A
Basement Ramp Section	28.04.17 24.04.18	DA4000, Issue G DA4000, Issue F
Detail Elevations	16.11.16	DA4007, Issue A
Adaptable Apartment Plans – Sheet 01	13.02.17 24.04.18	DA6800, Issue B DA6800, Issue E
Adaptable Apartment Plans – Sheet 02	24.04.18	DA6801, Issue C
Liveable Apartment Plans – Sheet 01	16.11.16 24.04.18	DA6900, Issue A DA6900, Issue E
Liveable Apartment Plans – Sheet 02	24.04.18	DA6901, Issue D
Finishes Schedule	16.11.16	DA8000, Issue A
Landscape Strategy Concept prepared by ASPECT Studios	25.05.17 18.04.2018	Issue G -
Waterloo Road – Linear Park Strategy	24.05.17	Revision B
Study View	09.08.16	SK-DA-001
Ausgrid Substation Plan	06.05.2018	SC09150, Sheet 2 of 8

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) **Studies.** The proposed study rooms located in unit types 2B.04, 2B.07C, 2B.10, and 2B.11 are to be amended to ensure the room is not capable of being used as a bedroom. To do this it will be necessary to delete the door and short wall facing the hallway and replace the short wall with a clear glass panel to prevent it from being used as a 2nd bedroom, as shown in Drawing No. SK-DA-001 dated 16/08/16.

~~(b) **Studies.** All studies in unit types 2B.12 and 2B.16 are to be amended so that the room is not capable of being used as a bedroom. This is to be achieved by deleting the door and wall facing the hallway, and for Unit type 2B.16 reconfiguring the storage, as indicated in red on Level 1 Plan, Drawing No. DA1005.~~

~~(c) **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.~~

(a) Planting - Unit W001 & W002. *The planting bed located along the south-western edge of Unit W001 & W002 private open spaces is to be a minimum width of 2 metres and is to contain a series of shrub and tree plantings to provide a high level of visual privacy to the dwelling and private open space areas. Details of compliance are to be shown on the plans for Construction Certificate.*

(b) Tree Planting – Green Lane. *The planting bed along the south-eastern side boundary adjacent the driveway is to include a row of locally endemic canopy tree plantings capable of reaching a minimum height of 15 metres planted at a minimum pot size of 100 litres and spaced at minimum of 8m centres. Details of compliance are to be shown on the plans for Construction Certificate.*

(c) Sun Protection – Level 5 Roof Terrace. *The communal open space at Level 5 is to include additional sun protection in the vicinity of the banquet table, such as a shade sail, to ensure a high level of amenity is provided to the terrace area. Details of compliance are to be shown on the plans for Construction Certificate.*

(d) Outdoor Cooking Facilities – Level 5 Roof Terrace. *The communal open space at Level 5 is to include barbeque facilities including associated sink to allow for outdoor cooking. Details of compliance are to be shown on the plans for Construction Certificate.*

(e) Disabled Parking Spaces. *All disabled parking spaces must be designed with a shared zone with a minimum width of 2.4 metres as illustrated in Figure 2.2 of AS/NZS 2890.6:2009. Note – one shared area can be used for two parking spaces if the shared area is located in the middle.*

(f) Small Car Space. *The two residential small car spaces shall be designated as a secondary car space to units that have been allocated two parking spaces.*

(g) Unsuitable species. The following species proposed as shown on the Landscape Plans prepared by Taylor Brammer (18.04.2018) are deemed unsuitable for use due to potential for spread into the adjoining bushland areas and must not be planted on site on site.

- ***Pennisetum alopecuroides* (Swamp Foxtail)**
- ***Cupaniopsis anacardoides* (Tuckeroo)**
- ***Miscanthus sinensis* 'Gracillimus' (Maiden Grass)**

The Development must be carried out in accordance with the amended plans approved under this condition.

- 3. BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered ~~754794M~~ **754794M_02**, dated ~~Wednesday, 30 November 2016~~ **Tuesday, 01 May 2018.**

- 22. Stormwater connection details.** Rock armouring and stormwater connection works shall be constructed generally in accordance with ~~Job Number 161614, drawings DA-C4.01, Revision 3 and DA-C4.21, Revision 2 dated 20 March 2017 and prepared by Northrop~~ **the plans completed by WSP Australia Pty Ltd, drawing number PS105984 C010, and C020, Revision P2, dated 6th April 2018.**

- 45. Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$522,476.51 \$474,461.49
Open Space & Recreation Facilities	\$3,882,853.57 \$3,707,185.85
Civic & Urban Improvements	\$62,964.53 \$77,795.81
Roads & Traffic Management Facilities	\$80,501.72 \$83,494.56
Cycleways	\$8,667.85 \$10,755.95
Stormwater Management Facilities	\$8,103.91 \$9,521.73
Plan Administration	\$2,278.86 \$2,899.90
The total contribution is	\$4,567,846.95 \$4,366,115.30

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section

94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

Note: The above Section 94 monetary contribution amount in Column B allows for an amount equivalent to the contribution attributable to the existing commercial development on the site.

- 58. Compliance with Access Report.** The development is to comply with the requirements contained in the ~~St Design Review – Accessibility prepared by Philip Chun Building Compliance, dated 24 November 2017 (ref: AN16-2-7384)~~ **Disability Access & Mobility Review prepared by DIX Gardner Group Pty Ltd, dated 30 April 2018 (ref: DDA17/0062 Revision 3)** and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the **Construction Certificate** plans.
- 59. Adaptable Units.** ~~Thirty-nine (39)~~ **Thirty-four (34)** adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the **Construction Certificate** plans. Prior to the issue of the Construction, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
- 88. Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) ~~All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890.1. To demonstrate~~

~~compliance with this Standard, the development's structural details must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle. NOTE: The driveway profiles depicted on the approved architectural plans incorrectly show a vertical height clearance. The actual height clearance is perpendicular to the plane of travel (refer to AS 2890.1).~~

- ~~b) All internal driveways must be modified to provide a 2m by 2m splay on the inside corner of the right-angled sections of each ramp, so as to accommodate the inside swept path of a vehicle and enable two way vehicle flows on the ramp.~~
 - ~~c) To ensure the vehicle turntable for the loading bay area may be safely operated, the plans are to detail a minimum 1m. clearance envelope around the largest vehicle to be located on the turntable. Detailed section views are to be prepared demonstrating compliance with this requirement. The section views must show the rotated envelope of the largest vehicle to be accommodated and any surrounding structural elements and service ducts at the worst (most imposing) sections.~~
- a) ***All disabled parking spaces must be designed with a shared zone with a minimum width of 2.4 metres as illustrated in Figure 2.2 of AS/NZS 2890.6:2009. Note – one shared area can be used for two parking spaces if the shared area is located in the middle.***
 - b) ***All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890.1. To demonstrate compliance with this Standard, the development's structural details must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.***
 - c) ***All internal driveways must be modified to provide a 2m by 2m splay on the inside corner of the right-angled sections of each ramp, so as to accommodate the inside swept path of a vehicle and enable two way vehicle flows on the ramp.***
 - d) ***To ensure the vehicle turntable for the loading bay area may be safely operated, the plans are to detail a minimum 1m. clearance envelope around the largest vehicle to be located on the turntable. Detailed section views are to be prepared demonstrating compliance with this requirement. The section views must show the rotated envelope of the largest vehicle to be accommodated and any surrounding structural elements and service ducts at the worst (most imposing) sections.***

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a **Construction Certificate**.

90. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to the inground public drainage infrastructure in Waterloo Road, generally in accordance with the plans by ~~Northrop Consulting Engineers (Refer to Project No. 161614 Dwg's DA-C1.01, DA-C4.01, DA-C4.11, DA-C4.21 and DA-C8.01 Rev 2 dated 20 March 2017)~~ **WSP Australia Pty Ltd, drawing number PS105984 C000, C010, C020, C025, C030, C040, C060 and C061, Revision P2, dated 6th April 2018** subject to any variations marked in red on the approved plans and noted following;

- To minimise the extent of stormwater runoff from the vehicle accessway entering the basement garage, the vehicle entry point must incorporate a raised threshold/ driveway crossover treatment at the intersection with the accessway.
- Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council's Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

92. Geotechnical Design, Certification and Monitoring Program. The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the

excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,

- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of the Douglas Partners Geotechnical Investigation Report dated ~~November 2016~~ **10 August 2018**.

96. Excavation and Construction Works - Sydney Trains Metro. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:

(a) Structural Drawings prepared by ~~Northrop~~ **WSP** numbered as follows:

- ~~S010 Revision 7~~ **PS 105984 S010_01 Rev B**
- ~~S012 Revision 3~~ **PS 105984 S010_11 Rev A**
- ~~S013 Revision 3~~ **PS 105984 S010_12 Rev A**
- ~~S014 Revision 3~~ **PS 105984 S010_13 Rev A**
- ~~SK 023 Revision 1~~
- ~~SK 024 Revision 1~~

(b) Vibration & Acoustic Monitoring Report Ref. TJ347-01 F02 prepared by Renzo Tonin & Associates.

(c) Geotechnical Monitoring Plan, Work Method Statement and Risk Analysis Plan prepared by Douglas Partners, reference ~~85568.01.R.002.Rev0 dated 12 May 2017~~ **85568.03. R.001.Rev5, dated 24 January 2019**.

(d) Electrolysis Testing Report prepared by Corrosion Control Engineers P/L Ref No.W14681NJ740 dated 23 May 2017.

(e) "Report on Numerical Modelling", Ref: ~~85568.01.R.001.Rev0~~, dated ~~11 May 2017~~ **85568.01.R.001.Rev1, dated 31 October 2018** prepared by Douglas Partners.

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains **Metro** under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains **Metro** that this condition has been complied with.

- 105. Dilapidation Survey Report - Sydney Trains **Metro**.** In accordance with Cl.10.1 of TfNSW standard ~~T HR CI 12051 ST~~ **T HR CI 12051 ST Version 2.0** "Developments near rail tunnels (issued ~~14.11.2016~~ **15 Nov 2018**)", for tunnel constructed within 30 years, a dilapidation survey report shall be submitted for Sydney Trains **Metro's** approval prior to the issue of a Construction Certificate, ***unless otherwise notified by Sydney Metro.***
- 146. Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by ~~Northrop Consulting Engineers (Refer to Project No. 161614 Dwgs DA-C1.01, DA-C4.01, DA-C4.11, DA-C4.21 and DA-C8.01 Rev 2 dated 20 March 2017)~~ **WSP Australia Pty Ltd, drawing number PS105984 C000, C010, C020, C025, C030, C040, C060 and C061, Revision P2, dated 6th April 2018**, submitted in compliance to the condition labelled "Stormwater Management." submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
- 147. Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by ~~Northrop Consulting Engineers (Refer to Project No. 161614 Dwgs DA-C2.01 & DA-C2.11 Rev 2 dated 20 March 2017)~~ **WSP Australia Pty Ltd, drawing number PS105984 C060 and C061, Revision P2, dated 6th April 2018** at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
- All relevant requirements of the plan must be implemented throughout the period of construction.
- 154. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered ~~754794M~~ **754794M_02**, dated ~~Wednesday, 30 November 2016~~ **Tuesday, 01 May 2018**.

198. Dilapidation Surveys - Sydney Trains Metro. Prior to the commencement of works, prior to the issue of an Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains **Metro**, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains **Metro** and the Applicant, **unless otherwise notified by Sydney Metro**. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed.

200. Parking Allocation. Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- ~~315~~ **273** residential spaces
- ~~36~~ **33** visitor spaces
- **34 disabled residential spaces**
- **1 disabled visitor space**
- **1 car-wash bay**
- **1 car-charge station**
- 7 car-share spaces,
- 2 retail spaces and
- 32 bicycle parking spaces.

204. Communal spaces. The indoor and outdoor communal spaces of the development are not to be used for commercial purposes including:

- function rooms, ~~games area~~ **business lounge**, deck BBQ area, outdoor lounge and communal outdoor area located on the ground floor;
- ~~music room and outdoor library~~ **gym** on Level 1;
- pool, spa and surrounding area on Level 2;
- ~~gym and gym shared deck~~ **meditation rooms** on Level 3; and
- communal roof garden and roof lounges on Levels 5 and 20.

C. Delete Condition 5.