

ATTACHMENT 1 – Conditions of Consent

LDA2020/0187 – 112 Talavera Road, Macquarie Park

CONCEPT PLAN APPROVAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on the Concept Plan Approval for the site

- 1. Concept Development Application.** Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000*, this Notice of Determination relates to a concept development application applying to 112 Talavera Road, Macquarie Park (Lot 422 DP 1221081). Subsequent development application(s) are required for any work on the site.
- 2. Approved Plans/Documents – Concept DA Plan.** Pursuant to Clause 4.22 of the *Environmental Planning and Assessment Act 1979* this Notice of Determination approves the concept proposal for the development of the site in accordance with the following plans (stamped by Council):

Drawing Title	Drawing Number	Date	Rev
Site Overview Plan	SK-201	16.07.2020	2
Setbacks Plan	SK-202	30.04.2020	1
Height Plan	SK-204	30.04.2020	1
Building Envelope Plan	SK-205	30.04.2020	1
Site Elevation Plan	SK-301	30.04.2020	1

- 3. Building Envelopes.** Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings.
- 4. Construction Staging.** For any staging of the future development within Stage 2, the applicant shall provide a detailed construction management and staging plan.
- 5. Floor space ratio for the site.** The Floor Space Ratio (FSR) of the proposal must not exceed the maximum permissible FSR and shall be calculated in accordance with the Ryde LEP 2014 for any development across the entire site. Details of the Gross Floor Areas (by use) in the development (i.e. across the entire Stage 1 and Stage 2 development site), is to be provided for every subsequent Development Application, and the maximum GFA must not exceed that shown on the approved Site Overview Plan.

- 6. Positive Covenant.** Pursuant to the relevant section of the Conveyancing Act 1919, a Positive Covenant must be created on Proposed Lot 1 and 2 created under LDA2020/0239 in relation to the floor space ratio for the building or building erected on the site. The positive covenant is to be worded to ensure that the floor space for the Stage 1 area (Proposed Lot 1) is not to exceed 22,985m², and that the floor space for the Stage 2 (Proposed Lot 2) is not to exceed 103,992.5m². The wording and terms of the Positive Covenant are to be submitted to Council for approval and are to be registered prior to the lodgement of any future development application on the site.
- 7. Building height.**
- a) The height of the buildings must not exceed the maximum heights as shown in the approved Height Plan under Condition 2.
 - b) Building Height shall be calculated in accordance with Clause 4.3 and 4.3A of the Ryde Local Environmental Plan 2014, applicable at the time of development consent.
- 8. Consistency of future development applications.** While this consent remains in force, the determination of any future development application in respect of the site cannot be inconsistent with this consent.
- 9. Matters not Approved.** The following items are not approved and do not form part of the concept approval:
- (a) Any demolition, excavation and/or construction;
 - (b) Any tree removal;
 - (c) The layout, number of, and gross floor area allocation for apartments/commercial/retail tenancies;
 - (d) The number of parking spaces, bicycle spaces, car share or loading spaces/areas;
 - (e) The design and materials of the building exteriors including facades and roofs;
 - (f) Public Domain and landscape design;
 - (g) Stormwater and Drainage design;
 - (h) Detailed access design for Stage 2; and
 - (i) The final arrangement of land uses.
- 10. Public Art.** A detailed public art strategy is to be developed and submitted for relevant development applications for Stage 2 in accordance with Part 4.5 Macquarie Park Corridor DCP 2014.

11. **BASIX.** A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with any relevant Stage 2 Development Application.
12. **Waste Collection.** Any future Development Application for the site shall demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.
13. **State public infrastructure contributions.** Documentation is to be submitted with any future development application for the purposes of residential accommodation (including by way of subdivision) to demonstrate compliance with Clause 6.10 of the Ryde Local Environmental Plan.
14. **Architectural Design Excellence.** Any future development is to demonstrate compliance with Clause 6.13 – Design Excellence of the Ryde Local Environmental Plan.
15. **Wind Environment Statement.** Any future application for Stage 2 that includes a building over 5 storeys in height shall be accompanied by a Wind Environment Statement.
16. **Acoustic Impact Assessment.** Any future application for residential development or a noise generating use is to be accompanied by an Acoustic Impact Assessment report. The report must be prepared by a suitably qualified Acoustic Consultant and is to demonstrate that the development complies with the applicable controls under SEPP (Infrastructure).
17. **SEPP 65.** The residential components of the future development for Stage 2 must address the principles of "State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development" and the controls within the accompanying Apartment Design Guide.
18. **Access.** An access report shall be submitted with any Stage 2 Development Application to demonstrate that the building has been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Disability Discrimination Act, Part 9.2 of the Ryde Development Control Plan 2014 and the Building Code of Australia.
19. **Ecologically Sustainable Design Statement.** An Ecologically Sustainable Development Design Statement is to be submitted with the future development application for Stage 2 that demonstrates the development complies with Clause 6.6 of the Ryde Local Environmental Plan 2014.

- 20. Crime Prevention Through Environmental Design.** All Stage 2 Development Applications are to comply with the principles of Crime Prevention Through Environmental Design.
- 21. Future Stormwater Management Plan.** To ensure that the development's generated stormwater runoff is collected and discharged appropriately, a stormwater management plan, in accordance with Part 8.2 of Council's DCP 2014, must be submitted with any subsequent development application.
- 22. Water Sustainable Urban Design Strategy Plan.** A Water Sustainable Urban Design Strategic Plan (WSUDSP) must be prepared detailing WSUD components to be implemented throughout each stage of the development. The WSUDSP is to be submitted for any future development application for the site, and must address Part 8.2 of Council's DCP 2014 and the Water Sensitive Urban Design Guidelines.
- 23. Loading Bay / Service Delivery Management Plan.** To ensure the service requirements of the commercial and residential floor area are satisfied at each stage of the development, a Loading Bay / Service Delivery Management Plan is to be submitted with each future Development Application. The Plan must specify the location of service bay areas / loading bay docks, analyse the number and frequency of service vehicle movements for the existing and proposed commercial floor area and demonstrate that such service requirements can be satisfied on the site.
- 24. Future Parking Generation & Allocation.** To ensure that the development's generated parking allocation is in accordance with Part 9.3 of Council's DCP 2014, a traffic assessment must be submitted with any subsequent development application.
- 25. Arborist Report.** An Arboricultural Impact Assessment (AIA) is required to be submitted with any future Stage 2 development application to assess all trees on site, trees on adjoining sites where any part of the development will encroach into the Tree Protection Zone of those trees and any street trees. This Assessment is to be carried out as per the requirements of Australian Standard AS4970-2009 Protection of trees on development sites.

In the AIA must consider the impacts of the development including:

- Stormwater proposals.
- Cut and fill.
- Retaining Walls that will be required.
- Car parking and driveway.
- Any encroachment on the Tree Protection Zone and Structural Root Zone of trees on site or on adjoining sites.

The Report must also include a tree protection plan (drawing) showing the TPZs for the trees as required by Australian Standard AS4970-2009. Protection of trees on development sites. It is best if this plan also shows the Structural

Root Zones and is superimposed on the Site Plan showing the development and the assessed trees.

- 26. Landscape Plan.** A Landscape Plan is required prepared for any future Stage 2 development application by a qualified Landscape Architect and is to conform to the requirements of the Apartment Design Guide – NSW Department of Planning. The Landscape Plan is to include calculations showing planting on structures conform to the minimum soil standards for plant types and sizes as show in the Guide.
- 27. Transport for NSW requirements.** Prior to the submission of any future development application, the proponent shall:
- Undertake detailed traffic modelling using an appropriate modelling tool to assess road network performance within the area of influence of the site. The traffic model is to be prepared to the satisfaction of City of Ryde and TfNSW;
 - Identify local and regional impacts using traffic modelling and propose mitigation measures to ameliorate the identified impacts;
 - In the event that mitigation measures are identified as being required, the proponent shall make contributions or works in kind for regional road and signalised intersections.
- 28. Traffic Impact Assessment Report.** A Traffic Impact Assessment (TIA) Report shall be submitted to Council for future Development Application(s). The TIA needs to address traffic, transport and parking impacts associated with the entire Stage 2 development in conjunction with other major developments in the vicinity of the site.
- 29. Road Safety Audit.** If the Traffic Impact Assessment requires it, the proponent shall submit a Road Safety Audit (RSA) for any modifications to the existing public road infrastructure, proposed as part of any future Stage 2 Development Application(s). The RSA shall be undertaken by accredited road safety auditors at no cost to Council. The RSA is to be submitted to Council for review. All applicable recommendations/Corrective Action Responses identified in the RSA shall be addressed by the applicant to the satisfaction of Council's Transport Department.
- 30. Framework (Green) Travel Plan.** A Framework (Green) Travel Plan is to be submitted with any Stage 2 Development Application that involves a 10,000m² increase in GFA. The Framework Travel Plan is to be prepared in accordance with the requirements of Part 4.5 Macquarie Park Corridor DCP 2014 and must include (but not be limited to):
- (a) Details of the car sharing scheme on the site (in accordance with the conditions of this consent);
 - (b) Measures/ incentives to encourage occupants to enter into the car sharing scheme to be located on the site;

- (c) Measures/ incentives for public transport usage;
- (d) Extension of the current parking management plan in effect at the centre, addressing the resident parking component; and
- (e) Measures incentives to encourage cycling, including detailing end of trip facilities, bicycle parking facilities, signage and notification to residents and patrons to the centre.

31. Draft Construction Pedestrian and Traffic Management Plan. As part of any future Stage 2 Development Application(s), the proponent shall prepare a draft Construction Pedestrian and Traffic Management Plan (CPTMP) prepared by an accredited TfNSW designer. The CPTMP needs to specify, but not be limited to the following:

- Location of all proposed work zones.
- Proposed crane locations and methods of erection and dismantling.
- Haulage routes.
- Construction vehicle access arrangements.
- Proposed construction hours.
- Details of any required hoardings.
- Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of demolition and construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

32. Flooding - Flood and Overland Flow Protection. A Flood Impact Assessment for any future development application for Stage 2 shall be submitted and is to address the following points:

- Compliance with Part 8.2 of Ryde Development Control Plan 2014;
- Computer model files used (HEC-RAS/TUFLOW/DRAINS/etc.) shall be provided. Including .2dm files for TuFlow models and any DEM file used to run the model.
- VxD maps (Velocity x depth) to be included in the Flood Report. City of Ryde DCP requires VD to be restricted below 0.4 m² /s.
- The pre and post development flood levels are to be included in the Flood Report, inside the property and inside the neighbouring properties. The applicant shall prove that the proposed development is not adversely affecting the flood conditions of neighbouring properties or upstream and downstream catchment. To demonstrate that, Flood Impact Map showing the difference between the pre-development and post-development flood depths should be prepared
- The Flood Report shall consider the last Construction Certificate plans approved for Stage 1.

- Blockage factors have to be reviewed considering the Trash Rack approved for the inflow headwall at Talavera Road. If the blockage factors are considered to be different, the model and the report shall reflect this.

33. Public Domain Design and Construction Standards. A draft Public Domain plan for the site shall be submitted with any Stage 2 development application and is to be designed in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works, the City of Ryde Public Domain Technical Manual Section 6, and relevant Development Control Plans.

End of Conditions