

Attachment 1

Proposed Modified Consent conditions

LDA 2019/0149 – MOD 2023/0021

That the Section 4.56 application No. MOD2023/0021 to modify Local Development Application No.LDA2019/0149 at 155 Church Street, Ryde be approved subject to the following:

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

Development: Demolition of structures, excavation, site remediation and construction of a 10 storey (including mezzanine level) mixed use building comprising a supermarket, 5 retail shops, ~~2 commercial spaces~~, 43 residential dwellings and ~~72~~ 84 serviced apartments over four levels of basement parking and associated works.

- B. The following conditions are to be amended as outlined below with bold italics identifying additional wording and strikethrough 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 Revision/date
Architectural Plans by Cox/Kennedy Architects		
DA00	Cover Page	Revision H J dated 12/5/21 12/12/2022
DA01	Introduction	Revision N P dated 12/5/21 12/12/2022
DA02	Location Plan	Revision H dated 12/5/21
DA03	Site photo	Revision H dated 12/5/21
DA04	Site plan – existing	Revision H dated 12/5/21
DA05	Design Analysis	Revision H dated 12/5/21
DA06	Demolition Plan	Revision H dated 12/5/21
DA06.1	Existing site images	Revision H dated 12/5/21
DA07	Basement 05_residential	Revision I K dated 12/5/21 12/12/2022
DA08	Basement 04_residential	Revision H J dated 12/5/21 12/12/2022
DA09	Basement 03_commercial	Revision H J dated 12/5/21 12/12/2022
DA10	Basement 02_commercial	Revision H J dated 12/5/21 12/12/2022

DA11	Basement 01_supermarket	Revision N P dated 12/5/21 12/12/2022
DA12	Lower Ground Levels	Revision Q Q dated 12/5/21 12/12/2022
DA13	Ground Level	Revision Q R dated 12/5/21 12/12/2022
DA14	Level 01	Revision N R dated 12/5/21 12/12/2022
DA15	Level 02	Revision N R dated 12/5/21 12/12/2022
DA16	Level 03	Revision N R dated 12/5/21 12/12/2022
DA17	Level 04	Revision N R dated 12/5/21 12/12/2022
DA18	Level 05	Revision Q S dated 12/5/21 12/12/2022
DA19	Level 06	Revision Q S dated 12/5/21 12/12/2022
DA20	Level 07	Revision Q S dated 12/5/21 12/12/2022
DA21	Level 08	Revision Q S dated 12/5/21 12/12/2022
DA22	Level 09	Revision N R dated 12/5/21 12/12/2022
DA 23	Mezzanine Level	Revision N R dated 12/5/21 12/12/2022
DA24	Roof terrace	Revision N Q dated 12/5/21 12/12/2022
DA24.1	Roof	Revision N Q dated 12/5/21 12/12/2022
DA25	Church Street elevation	Revision H J dated 12/5/21 12/12/2022
DA26	Well Street Elevation	Revision H J dated 12/5/21 12/12/2022
DA27	Parsonage Street	Revision N P dated 12/5/21 12/12/2022
DA28	The Loop Road Waterview Street Elevation	Revision N P dated 12/5/21 12/12/2022
DA29	Section 01	Revision H J dated 12/5/21 12/12/2022
DA30	Section 02	Revision H J dated 12/5/21 12/12/2022
DA31	Section 03	Revision H J dated 12/5/21 12/12/2022
DA32	Section 04	Revision H J dated 12/5/21 12/12/2022
DA33	3D Views	Revision H J dated 12/5/21 12/12/2022

DA34	3D Views	Revision H J dated 12/5/21 12/12/2022
DA35	Finishes	Revision H J dated 12/5/21 19/08/2022
DA36	Finishes	Revision H B dated 12/5/21 19/08/2022
DA37 and 37.1	GFA Summary	Revision N P & B dated 12/5/21 12/12/2022
DA38	Adaptable Units	Revision H J dated 12/5/21 12/12/2022
DA39	Shadows diagrams _ 21 st June 9am	Revision H dated 12/5/21
DA40	Shadows diagrams _ 21 st June 12pm	Revision H dated 12/5/21
DA41	Shadows diagrams _ 21 st June 3pm	Revision H dated 12/5/21
DA42	Cross vent/solar access	Revision H dated 12/5/21
DA43	Views from the sun 9am – 10am	Revision H dated 12/5/21
DA44	Views from the sun 11am – 12am	Revision H dated 12/5/21
DA45	Views from the sun 1pm – 2pm	Revision H dated 12/5/21
DA46	Views from the sun 2.45pm – 3pm	Revision H dated 12/5/21
DA47	BASIX commitments	Revision H J dated 12/5/21 12/12/2022
Landscape Plans prepared by Site Image		
000	Cover Sheet	Revision L dated 23/3/21
001 BB-LA-LP-07/04	Deep Soil Calculations	Revision G 04 dated 23/3/21 01/06/2023
401 BB-LA-LP-001/06 & 02/06	Ground Floor West & East Landscape Plan	Revision L 06 dated 23/3/21 01/06/2023
402 BB-LA-LP-03/06	Level 1 Landscape Plan	Revision H 06 Dated 4/12/19 01/06/2023
103 BB-LA-LP-04/06 & 05/06	Level 7 & Roof Landscape Plan	Revision K , 05 & 06 dated 10/3/21 01/06/2023
501	Landscape Details	Revision H, dated 4/12/19
502	Landscape Details	Revision H, dated 4/12/19
BB-LA-LP-06/04	Legend Notes/Plant Schedule	Revision H 04 , dated 4/12/19 01/06/2023
Stormwater Concept Plan prepared by Australian Consulting Engineers Telford Civil Design & Construction Excellence		
000	Cover Sheet Plan Legend & Notes	Revision G C dated 12/3/21 30/05/2022
101	Basement Level 5 Sheet 1 of 2	Revision G D dated 12/3/21 25/07/2022

102	Basement Level 5 Sheet 2 of 2	Revision G C dated 12/3/21 30/05/2022
103	Basement Level 4	Revision G D dated 12/3/21 25/07/2022
104	Basement Level 3	Revision G D dated 12/3/21 25/07/2022
105	Basement Level 2	Revision G D dated 12/3/21 25/07/2022
106	Basement Level 1	Revision G D dated 12/3/21 25/07/2022
107	Lower Ground Level	Revision G E dated 12/3/21 25/07/2022
108	Ground Level	Revision G E dated 12/3/21 25/07/2022
109, 110 & 111 120, 121, 122	OSD/WDUD Detail Sheets 1 to 3	Revision G E & D dated 12/3/21 25/07/2022
112-123	Catchment Plan	Revision G C dated 12/3/21 30/05/2022
113	Miscellaneous Details Sheet	Revision G dated 12/3/21
Traffic Plan prepared by McLaren Traffic Engineering		
2020-399-06C	B99 Right Turn Manoeuvre	Revision D, dated 8/4/21
DA 49	Easement Plan	Revision B - C Dated 18/6/2021 12/12/2022
702957M_07 702957M_10	BASIX Certificate	15 April 2021 15 December 2022

4. BASIX. Compliance with all commitments listed in BASIX Certificate(s) numbered ~~702957M_07~~, dated 15 April 2021 **702957M_10 dated 15 December 2022.**

14. Construction requirements - All acoustical treatments nominated in the Noise Assessment report prepared by DK Acoustics Pty Ltd with reference number 151209 Rev F dated 31 August 2020 and **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** any related project documentation must be implemented during construction.

57. Acoustic Requirements. The recommendations contained in the Acoustic Reports prepared by DK Acoustics dated 26 March 2021 and **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.

- 58. Energy Efficiency.** The development is to comply with all recommendations of the Environmental Sustainability and Energy Efficiency Report prepared by Integreco Dated ~~May 2019~~ **December 2022**. Details are to be submitted on the relevant Construction Certificate plans.
- 61. Compliance with Access Report.** The development is to comply with the requirements contained in the Access Design Assessment Report P218_427-2 (Access) JLS prepared by Design Confidence dated 8 February 2019 **and the recommendations contained in letter and markups attached from Morris Goding Access Consulting dated 22 August 2022**. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements for Access -New Building Work. Australian Standard AS 4299 – 1995. Prior to the issue of any Construction Certificate, a suitably qualified access consultant is to certify that the development complies with the requirement of this condition.
- 84. Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure in Well Street, generally in accordance with the plans by ~~Australian Consulting Engineers~~ **Telford Civil Design & Construction Excellence** (Project 454430 **2021290** Dwgs 000, 101-443 **123** Revision **G C** dated ~~12 March 2024~~ **30/05/2022**). Subject to any variations marked in red on the approved plans or noted following;
- ~~-Amendment 1~~
 - ~~-Amendment 2~~
 - Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.
- The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate and prepared by a suitably qualified 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 predeveloped 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.

121. Viva Energy. The applicant / landowner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum, and
- b) NSW Pipelines Act 1967 and Pipeline Regulations 2013 and
- c) The Applicant shall cooperate with Viva Energy ~~to enable Viva Energy to undertake a Safety Management Study~~ **complete a Safety Management Study – As Per Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum Study** and complete any works or safety measures required by the Safety Management Study.

129. 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 ~~Australian Consulting Engineers Telford Civil Design & Construction Excellence~~ (Project 151430 ~~2021290~~ Dwgs 000, 101-443 **123** Revision **G C** dated ~~12 March 2024~~ **30/05/2022**) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

162. BASIX. The applicant must submit documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered ~~702957M_07, dated 15 April 2024.~~ **702957M_10 dated 15 December 2022.**

170. Acoustic privacy. Provide a compliance report from an appropriately qualified acoustic consultant confirming that the recommendations within the DK Acoustics letter dated 13 March 2020 reference number: 200313 **updated S4.55 Noise Impact Assessment report prepared by Wilkinson Murray (Final version) dated 18 January 2023** have been installed. Specifically, common walls separating bedrooms in one occupancy unit from living rooms in the adjoining occupancy unit will be constructed using the following acoustically rated wall:

- A wall comprising 75 mm thick ‘Hebel Powerpanel’ with –
- 13 mm plasterboard direct fixed to one side; and
- 13 mm plasterboard fixed to 64 mm steel studs at 600 mm centres built 20 mm from the wall on the other side; and
- 75 mm thick glasswool or polyester insulation (minimum density 10 kg/m³) installed between the studs; and
- Walls acoustically sealed to minimise flanking transmission.

197. Public Access. All public spaces within the site (generally in accordance with the area marked in purple on the plan identified as 'Easement Plan' – DA 49B C dated ~~18 June 2021~~ **12/12/2022** as prepared by Cox Richardson Architects and Kennedy Associates Architects) are to be publicly accessible at all times (subject to reasonable restrictions for safety and security) and maintained in private ownership by the future body corporate. Prior to the issue of any Occupation Certificate for the building, a public access easement permitting access at all times to all members of the public is to be created over the public space. Terms regarding the creation of the easement are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council and the PCA prior to the issue of any Occupation Certificate for the building.

Terms of the easement are to include:

- a) The public space will be adequately maintained and repairs at all times including the provision of lighting and power supply, by the occupier/ owner of the site at all times;
- b) The public space is accessible to the Public at all times
- c) The Council is the only authority empowered to release, vary or modify the terms of the Public Access.
- d) Maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

212. Acoustic Report. A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Acoustic Reports prepared by DK Acoustics dated 13 April 2019 (External noise) and dated 13 March 2020 (Internal noise) **and the recommendations contained in letter and markups attached from Morris Goding Access Consulting dated 22 August 2022** must be submitted to the PCA before the issue of an Occupation Certificate.

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

- Min. of 44 and max. 56 residential spaces
- Min 9 visitor spaces
- ~~Min. 18 Commercial spaces,~~
- ~~48~~ **56** Serviced Apartments
- Min. 160 retail spaces,
- 3 Car Share spaces, and,
- Min 81 bicycle parking spaces and 6 motorcycle spaces.

C. The following condition is added:

230A. Waste Collection. Residents are required to organise with the Building Manager to dispose of unwanted household items in the Bulky Waste Room as access is through the Waste Storage Room.