

Concept Approval

Section 750 of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) determines:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the Proponent's Revised Statement of Commitments in Schedule 4, pursuant to Section 750 of the *Environmental Planning and Assessment Act 1979*; and
- (b) that pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, further environmental assessment requirements for approval to carry out the development as set out in Schedule 3 are required.



Abigail Goldberg
Member of the Commission



Donna Campbell
Member of the Commission



Garry Payne AM
Member of the Commission

Sydney

6 March 2013

SCHEDULE 1

PART A: PARTICULARS

- Application No.:** MP09_0216
- Proponent:** Holdmark Property Group
- Approval Authority:** Minister for Planning & Infrastructure
- Land:**
- 41 Belmore Street, Ryde (Lot 1 DP 1072555);
 - 116 Bowden Street, Meadowbank (Lot 2 DP 792836);
 - 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638);
 - 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743);
 - 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574);
 - 8-14 Constitution Road, Ryde (Lot 1, DP 713706);
 - 16 Constitution Road, Ryde (Lot 3, DP 7130);
 - 18 Constitution Road, Ryde (Lots 1-2, DP 810552);
 - 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641);
 - 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130);
 - 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130);
 - 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130);
 - 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130);
 - 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585);
 - 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP

Project:

- 809282, Lot 100, DP 851723 and Lot 15, DP 738232);
 - 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858); and
 - 11 Rothesay Avenue, Ryde (Lot 18, DP 7130).
- Mixed use residential, retail and commercial development incorporating:
- building envelopes for 12 buildings incorporating basement level parking;
 - Infrastructure works to support the development;
 - publically accessible open space and through site links; and
 - pedestrian and cycle pathways.

PART B: NOTES RELATING TO THE DETERMINATION OF MP No. 09_0216

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

PART C: DEFINITIONS

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means City of Ryde Council

Department means the Department of Planning & Infrastructure or its successors.

Director General means the Director General of the Department or his nominee.

Environmental Assessment means the Environmental Assessment prepared by Robertson + Marks Architects and PLACE Design Group, Revision C and dated 7 January 2011.

GFA means gross floor area.

Ground Level (Finished) is as defined in the Ryde Local Environmental Plan 2010

Maximum Building Height is to be measured from AHD to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flutes and the like.

Minister means the Minister for Planning & Infrastructure.

MP No. 09_0216 means the Major Project described in the Proponent's Preferred Project Report.

Preferred Project Report (PPR) means the Preferred Project Report and Response to Submissions prepared by Robertson + Marks Architects and PLACE Design Group, Revision 2 and dated July 2012.

Proponent means Holdmark Property Group or any party lawfully acting upon this approval.

Certifying Authority has the same meaning as Part 4A of the Act.

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

Subject Site has the same meaning as the land identified in this Schedule.

End of Schedule 1

SCHEDULE 2

PART A - TERMS OF APPROVAL

Development Description

A1 Concept approval is granted to the development as described below:

Use of the site for a mixed use development including residential, retail, commercial and community uses incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- infrastructure works to support the development including:
 - upgrades to the local road network;
 - stormwater infrastructure works;
 - publically accessible open space and through site links; and
 - pedestrian and cycle pathways.

Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
- the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012; and
- the following drawings:

<i>Drawings Prepared by Robertson + Marks Architects</i>		
<i>Drawing No</i>	<i>Name of Plan</i>	<i>Date</i>
Figure 11 Rev 2	Preferred Concept Plan	July 2012
PPR 002-A	Preferred Project Master Plan: Indicative Concept Plan Storeys Plan	11 Feb 2013
PPR 001-A	Preferred Project Master Plan: Maximum Heights with Setbacks	11 Feb 2013
Figure 14 Rev 2	Stage 1 Building Envelope Controls	July 2012
Figure 15 Rev 2	Stage 2 Building Envelope Controls	July 2012
Figure 16 Rev 2	Stage 3 Building Envelope Controls	July 2012
Figure 17 Rev 2	Stage 4 Building Envelope Controls	July 2012
Figure 18 Rev 2	Stage 5 Building Envelope Controls	July 2012
Figure 19 Rev 2	Stage 6 Building Envelope Controls	July 2012
Figure 20 Rev 2	Stage 7 Building Envelope Controls	July 2012
Figure 21 Rev 2	Stage 8 Building Envelope Controls	July 2012
Figure 22 Rev 2	Stage 9 Building Envelope Controls	July 2012
Figure 23 Rev 2	Stage 10 Building Envelope Controls	July 2012
Figure 28 Rev 2	Indicative Building Setbacks	July 2012
Figure 29 Rev 2	Landscape Plan	July 2012
Figure 30 Rev 2	Vehicular Access and Public Transport Plan	July 2012
Figure 32 Rev 2	Pedestrian and Cycle Access Plan	July 2012
Figure 32A Rev 2	Indicative Accessible Circulation Plan	July 2012
Figure 33 Rev 2	Indicative Community, Retail & / or Commercial uses Location map	July 2012
Figure 52	Open Space Area and Deep Soil Zones	July 2012

except for as modified by the following pursuant to Section 75O(4) of the Act.

Inconsistencies Between Documentation

- A3 In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.

Building Envelopes

- A4 Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.

Maximum Gross Floor Area (GFA)

- A5 The maximum GFA for commercial, retail or community uses shall not exceed 10,000m².

Publicly Accessible Open Space, Drainage Reserves and Through Site Links

- A6 All public open spaces, drainage reserves and through site links shall be publicly accessible and maintained in private ownership by the future body corporate unless otherwise agreed by the Council.

Lapsing of Approval

- A7 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.

PART B - MODIFICATIONS

Amended Concept Plan

B1 The Concept Plan shall be amended to:

- (a) comply with the modified maximum heights (as per plans in Schedule 5), setbacks etc. under this approval and the project application approval for Stage 1 (MP09_0219). The maximum building height applies to either the number of storeys or RL levels, whichever is the lower;
- (b) provide at least one contiguous open space, of a minimum of 3,000m², to accommodate both active and passive recreational needs. The open space shall include deep soil area and receive a minimum of 2 hours of sunlight to a minimum of 50% of the area on 21 June;
- (c) provide a public domain plan which illustrates the proposed public domain treatment including streets and setback areas, landscaping, lighting and public and communal open spaces and which is in accordance with Ryde City Council's Public Domain Technical Manual;
- (d) increase the width of the proposed through site links/view corridors to a minimum width of 20m;
- (e) provide an integrated water sensitive urban design (WSUD) strategy for the entire site; and
- (f) include a pedestrian and cycleways plan that demonstrates that the proposed routes are both viable and integrated with Council's plans for the surrounding area.

The amended concept plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of the first construction certificate.

Sustainable Travel Plan

B2 Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site shall be submitted to and approved by the Council. Options for provision of a Car Sharing Scheme for the site are to be explored and incorporated into the Sustainable Travel Plan as is a Parking Management Strategy.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Design Excellence

1. Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.
2. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.

Built Form

3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:
 - (a) buildings along Constitution Road are a maximum of 5 storeys; and
 - (b) the southern building element of Stage 7 is a maximum of 5 storeys.
4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint and do not encroach into street setback areas.
5. Future Development Applications shall demonstrate an appropriate interface with surrounding streets and public domain areas at pedestrian level, and an appropriate design treatment to provide an adequate level of privacy to ground level apartments.
6. Future Development Application/s for Stage 6 shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue):
 - (a) 6 metres up to 4 storeys; and
 - (b) 9 metres above 4 storeys.
7. Future Development Application/s for Stage 5 shall provide the following minimum setbacks to Parsonage and Wells Streets:
 - (a) Podium – 4 metres
 - (b) Tower – 5 metres
8. Future Development Application/s for Stage 6 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.
9. Future Development Application/s for Stage 9 shall provide a minimum 4 metre building setback to the single storey building fronting Bowden Street. Eaves, pergolas, outdoor seating areas or other unenclosed structures are permitted to encroach into the setback providing that the design does not result in unacceptable impacts to the streetscape or view lines.
10. Future Development Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.

Landscaping

11. Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas and for the landscape treatment of all adjoining public domain areas and road reserves in accordance with the approved Public Domain Plan.

Public Domain

12. Future Development Applications shall provide the detailed design for the upgrade of all road reserves adjacent to the development to the centre line of the carriageway, including landscaping, street trees, accessible pedestrian pathways, street lighting, cycle ways on Constitution Road and Nancarrow Avenue, and any other necessary infrastructure in accordance with the approved Public Domain Plan. Where the detailed design necessitates an increase in the width of the road reserve, building setbacks are to be increased to retain the approved setback to the road reserve alignment. The road reserve works are to be completed by the proponent prior to occupation of each stage.

Cycle Facilities

13. Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.
14. Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments in accordance with Council's requirements.

Open Space/Public Access

15. Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.
16. Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park and a second path either along the Central Spine or the public pathway associated with Stage 1. Landscape plans will also include the detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.
17. Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space, drainage reserves and through site links, with the relevant instrument/s to be executed prior to the issue of the occupation certificate.

Community Facilities

18. Future Development Application/s for the Stage 5 development shall include, at no cost to Council, an appropriate community space within the development on the ground floor level with street frontage, which can be used by Council or nominated community organisation(s) for community purposes.
 - a. The amount and configuration of floorspace should be designed in consultation with Council or a Council nominated community organisation(s). Any dispute in the quantum of floorspace to be provided should be referred to the Director-General, whose decision shall be final.
 - b. The designated community floor space must not be used for any other commercial, retail or residential use unless Council decides not to accept the designated floorspace.
 - c. The provision of the community floorspace is in addition to Council's Section 94 Contributions for future development.

Public Art

19. Future Development Applications shall provide the detailed design of public art in locations throughout open space areas generally in accordance with the Public Art Strategy submitted with the PPR.
20. Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:
 - (a) materials to be used, with particular attention to durability;
 - (b) location and dimension of artwork;
 - (c) public art themes to respond to site history and or social, cultural or natural elements;
 - (d) integration into the site and surrounds;
 - (e) budget and funding; and
 - (f) Council's Public Art Guide for Developers.

Residential Amenity

21. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002* (RFDC).

ESD

22. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development must comply with the stretch target.

Car Parking

23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan. Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and designed for the proposed use.

Road Infrastructure and Road Reserve Upgrades

24. Future Development Application/s for Stage 2 shall include the following infrastructure works:
 - (a) Nancarrow Avenue extension;
 - (b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all road reserve upgrades including associated pedestrian footpaths and cycleways;
 - (c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;
 - (d) Underdale Lane Local Area Traffic Management (LATM) measures;
 - (e) installation of a pedestrian crossing facility at Bowden Street/Nancarrow Avenue; and
 - (f) installation of roundabout at Belmore Street/Rothesay Avenue.

The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.

25. Future Development Application/s for the fourth stage of development shall provide the detailed design for the implementation of left-in/left-out arrangement at Belmore Street/Yerong Street intersection. The works are to be completed prior to issue of the first occupation certificate of any building of this stage.

Roads and Maritime Services Requirements

26. Future Development Application/s for each stage of development following the first two stages shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road / Bowden Street intersection. The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage. Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to the issue of first occupation certificate of any building of that stage.
27. Future application/s for Stage 5 shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.

Site Specific Sustainable Travel Plan

28. Future Development Applications for each stage shall include a site specific sustainable travel plan incorporating a workplace travel plan and/or travel access guide. The travel plan will be in accordance with the Concept Plan Sustainable Travel Plan required by Modification B2.

Heritage

29. Future Development Application/s for Stage 8 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:
 - (a) a detailed heritage assessment of the site which includes a professionally written history of the site;
 - (b) a full photographic record; and
 - (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.
30. Future Development Application/s for Stage 5 shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.

Section 94 Contributions

31. Future Development Applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.

Noise and Vibration

32. Future Development Application/s for Stage 5 shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

Adaptable Housing

33. Future Development Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4229-1995.

Stormwater Infrastructure Upgrades

34. Future Development Applications for Stage 7, 8, 9 or 10 (whichever occurs first) shall provide the detailed design of the following infrastructure works:
- (a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and
 - (b) works to eliminate the risk of embankment failure of Constitution Road.

The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.

Flooding and Stormwater

35. Future Development Applications for each stage of the development shall include flood assessments to determine the minimum floor levels, any required mitigation measures and evacuation strategy required.
36. Future Development Applications for each stage of the development shall include a Stormwater Management Plan in accordance with Council's requirements.

Sydney Water Requirements

37. Future Development Applications shall address Sydney Water's requirements in relation to:
- (a) required amplification works to existing drinking water mains;
 - (b) required amplification works to the wastewater system;
 - (c) approval for discharge of trade wastewater (where necessary); and
 - (d) application for Section 73 certificates as necessary.

Contamination, Acid Sulphate Soils and Salinity

38. Future Development Applications shall include a detailed contamination assessment (involving sampling and testing of soil) including an assessment of the presence of acid sulphate soils and salinity.
39. A groundwater assessment (involving sampling and testing of groundwater) shall be undertaken across the entire Concept Plan prior to the first Development Application being lodged for Stage 2 or any other stage of the development.
40. Future Development Applications where necessary shall include a targeted groundwater assessment for the specific stage (based on the recommendations of the groundwater assessment undertaken for the entire Concept Plan).

End of Schedule 3

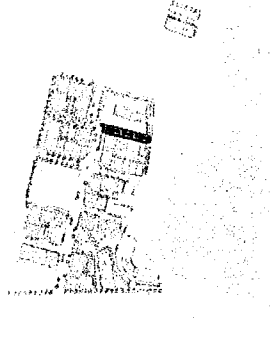

SCHEDULE 4

Proponent's Statement of Commitments

SHEPHERDS BAY RENEWAL CONCEPT PLAN APPLICATION MP 09_0216 - DRAFT STATEMENT OF COMMITMENTS 05/10/2012

The Draft Statement of Commitments details the various contributions, additional studies, applications and works the proponent commits to undertake in association with the project. The mechanics of how and when these commitments will be delivered will be subject to ongoing consultation.

SUBJECT CONCEPT PLAN	DESCRIPTION OF COMMITMENT
Staging of Development and Occupation	The development is to be constructed in ten indicative stages as illustrated on Figure 63 of the Preferred Project Report An updated Development Staging Plan will be submitted with each subsequent Project Application.
Approval Conditions	The proponent will ensure that all relevant parties engaged to carry out work are aware of and will comply with relevant conditions of consent issued under Major Project No. 09_0216.
Accessibility	The proponent commits to providing access to and within buildings within the Concept Plan site in accordance with the Building Code of Australia. Where topography permits, publicly accessible open spaces within the Concept Plan are to be designed to provide appropriate access to people of all mobility levels as illustrated on Figure 31A of the Preferred Project Report.
Landscaping	Prior to commencement of construction of Project or Development Applications within the Concept Plan site detailed documentation and specifications will be prepared for all landscape works and public space improvements. The landscaping is to be designed so that the view corridors identified on the Concept Plan are maintained.
Community Benefits	A Voluntary Planning Agreement will be entered into with the City of Ryde Council.
Housing choice	A mix of apartment sizes will be provided including one bedroom units. The increased housing supply in the area and proposed apartment mix will increase housing choice and ease affordable housing issues in the area. The opportunity for locals to "downsize" together with the additional availability will promote affordability.
Adaptable Housing	The Proponent commits to approximately 10% of apartments within the concept Plan site being designed to be accessible. Pathways from development to communal areas and car parking will also be designed to be accessible.

<p>Publicly accessible open spaces</p>	<p>The proponent commits to providing a total of 19,660sqm of publicly accessible public domain with the Concept Plan site that will be owned and maintained by the various owners' corporations. These areas will include 4 new publicly accessible open spaces, landscaped pedestrian connections, landscaped overland flow paths and new sections of roadway, to be owned and maintained in community title by the relevant stage development owner groups. These will include:</p> <p>NEW PUBLICLY ACCESSIBLE OPEN SPACES:</p> <ol style="list-style-type: none"> 1. New Foreshore Link publicly accessible open space (Development Stage 1 and Stage 3) <p>This new publicly accessible open space provides a new pedestrian link between the foreshore reserve and the future Nancarrow Ave road link above and will be constructed as part of Development Stages 1 and 3 as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. This publicly accessible open space will include areas of informal seating and passive recreation. Refer Map 1.</p> <p><i>Landscape Design Principles</i></p> <ul style="list-style-type: none"> ▪ Turf and paved plazas respond directly to the architectural alignments for a seamless transition between landscape and residential building ▪ Structured planting and specimen shade trees frame spaces ▪ Open lawn platforms provide areas for relaxation ▪ Furniture elements will match the bold, simple lines of the design and contrast with the textures of the planting palette ▪ Moving water bodies provide associated relaxation and acoustic benefits ▪ Existing fig trees are retained to Rotheray Avenue with manicured lawn understorey ▪ Streetscape trees reinforce the defined Streetscape character <ol style="list-style-type: none"> 2. New Upper Level Public Square (Development Stage 3, 4 & 5) <p>This new publicly accessible open space will be delivered as part of Indicative Development Stages 3, 4 & 5, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. Located at the southern end of the formal entry avenue, the public square will be a focus of identity and include a signature art work at the central roundabout. There will be a modern European feel to the plaza which could incorporate pop jets, signature bollards and seating elements. Views toward the river to the south are integral to the space. This Development Stage includes the construction of the new road link to connect Nancarrow Ave through to Hamilton Crescent which will involve the landscape treatment of the Rotheray Ave road verge and lower level publicly accessible open space below the Nancarrow extension link road. Also included is the construction of the other half of the new foreshore link publicly accessible open space. Refer Map 2.</p> <p><i>Landscape Design Principles:</i></p> <ul style="list-style-type: none"> ▪ Protection from Southerly & Westerly winds through tree planting ▪ Opportunity for interactive children's water play ▪ Iconic sculpture on axis ▪ Signage palette and interpretive boards relating to the view ▪ Shared zone to ensure slow speeds and pedestrian safety ▪ High quality European hardscape palette ▪ Introduction of significant evergreen specimen trees <div data-bbox="391 347 662 705">  <p>Map 1: New Foreshore Link</p> </div> <div data-bbox="774 347 1045 705">  <p>Map 2: New Upper Level Public Square</p> </div>
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3. New Central Spine (Development Stage 3 & 6)

This new publicly accessible open space will be delivered as part of Indicative Development Stages 3 & 6, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. The central spine links the public square with the central foreshore plaza and performs a largely transitional function combined with a wide pedestrian linear grand staircase that navigates the changes in level. A narrow water fill would reinforce the pedestrian movement while also visually connecting water to the North & South. Refer Map 3.

Landscape Design Principles:

- Incorporation of water storage and movement relating directly to the river
- Raised trees in planters create shade and enforce/frame linear nature of space
- Simple design with high quality hardscape
- Integrated lighting / water feature.



4. New upper eastern pedestrian link (Stages 2 and 4)

This space includes a secondary pedestrian link between Constitution Road and Hamilton Crescent. It will be delivered as part of Indicative Development Stages 2 & 4, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. It is to be a predominantly linear, formal space with a sequence of shaded courtyards for rest and contemplation, shade trees and communal spaces. Refer Map 4.

Landscape Design Principles

- Split level high quality landscape with raised planter beds
- Incorporate safe, open outdoor seating areas to activate the precinct
- Canopy trees and possible structures that comply with CPTED and provide shade & amenity
- Use of deciduous trees for solar access in winter



5. Gateway Building Central Plaza and pedestrian link (Development Stage 5)

This new publicly accessible plaza will be delivered as part of Indicative Development Stage 5 as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. The Signature Building precinct publicly accessible central plaza incorporates strong linear pedestrian link path and formal tree planting around the perimeter with clear sight lines. The pedestrian link is to be punctuated by formal water features that align with the linear paths. The shade trees and water features are intended to soften the built form and provide soothing acoustics to the space and the surrounding residents. Refer Map 5.

Landscape Design Principles:

- Clear linear paths with high quality central open space
- Safe, open outdoor seating areas to activate the precinct
- Canopy trees and possible structures that comply with CPTED and provide shade & amenity
- Use of deciduous trees for solar access in winter



Map 3: New Central Spine

Map 4: New upper eastern pedestrian link

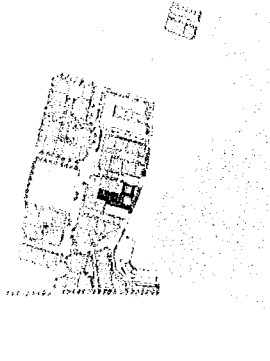
Map 5: Gateway Building Central Plaza

6. New Central Foreshore Plaza (Development Stage 6)

This new publicly accessible open space will be delivered as part of Indicative Development Stage 6 as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. This publicly accessible plaza is intended to act as the main activity core and place of celebration of the new development. The central plaza is to maximise various level changes through the use of cascading water features, elevated platforms with views, terracing and multi-functional, adaptable spaces that promote social interaction and help to create a strong sense of place and community. The integration with the river and mangroves set the backdrop to what will be a high quality landscape space with a heavy pedestrian focus. Refer Map 6.

Landscape Design Principles:

- Maximise views to the river and associated vegetative communities
- Combined soft/hard landscape for varied uses
- High quality spaces to encourage interaction and community values
- Attractive, robust, sustainable and low maintenance landscape finishes
- Provide and integrate artwork
- Provide interpretive signage to reflect upon adjoining riverside vegetative Community
- Provide spaces that bring people together where they can share (views, activities, uses) and interact
- Maximise views to the river and associated vegetative communities
- Multi-functional and adaptable spaces and treatments
- Provide ample seating with a variety of outlooks through benches, incidental edges and turf
- Night time lighting and activation
- Attractive, robust, sustainable and low maintenance landscape finishes
- Provide and integrate artwork
- Provide interpretive signage to reflect upon adjoining riverside vegetative community



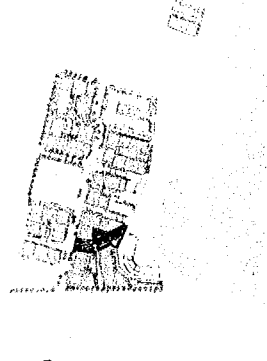
Map 6: New Central Foreshore Plaza

7. New Lower Riparian Foreshore Link publicly accessible open space (Development Stages 7 & 9)

This new publicly accessible open space will be delivered as part of Indicative Development Stages 7 & 9, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. This publicly accessible open space continues to generally follow the natural overland flow path, terminating at the foreshore reserve. This publicly accessible open space provides more water features and soft plantings interspersed with a sequence of passive recreation lawns with specimen tree planting for shade. The orange orchard reflects the past uses of this site and creates a desirable area to sit and relax away from the more urban landscapes to the east. Refer Map 7.

Landscape Design Principles:

- Heritage interpretation of past land use
- Natural creek-like water features and plantings
- Low maintenance softscape & hardscape elements
- Temporary stormwater detention ponds and ephemeral creek beds



Map 7: New Lower Riparian Foreshore Link

8. New Pedestrian Spine 1 South publicly accessible open space (Development Stages 6 & 7)

This new publicly accessible open space will be delivered as part of Indicative Development Stages 6 & 7, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. The pedestrian link south continues the formal character of the northern portion of this publicly accessible open space, becoming more informal closer to the foreshore reserve, with swathes of low and mid height native shrub and low maintenance hybrid grass planting. Tree planting is orchard style is recommended in the lower portion of this publicly accessible open space, reflecting the previous orchards on the Concept Plan site while retaining clear sightlines from top to bottom. Refer Map 8.

Landscape Design Principles:

- Performs as formal linear open space in addition to its role as a pedestrian link
- Low maintenance, high quality hard cape surface treatments
- Formal modern alignment with informal garden bed design
- Incorporates heritage orchard tree planting - Clear sight lines through the publicly accessible open space to maximise pedestrian safety
- Formal water features

9. New Pedestrian Spine 2 publicly accessible open space (Development Stage 8)

This publicly accessible open space will be delivered as part of Indicative Development Stage 8 as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. This through site publicly accessible open space and pedestrian connection is intended to be simple in design and character allowing ease of movement through the space. The recommended main water body at the southern edge of this publicly accessible open space acts as an elevated focal point in the Concept Plan site and would assist in the creation of a sense of place, providing a distinct connection to the foreshore to the south. Refer Map 9.

Landscape Design Principles:

- Performs as formal linear open space in addition to its role as a pedestrian link
- Incorporates formal avenue tree planting as a way of screening the adjoining existing building
- Includes clear sight lines through the publicly accessible open space to maximise pedestrian safety
- Includes large reflection pond / water body

10. New Upper Riparian Foreshore Link publicly accessible open space (Development Stages 8 & 10)

This new publicly accessible open space will be delivered as part of Indicative Development Stages 8 & 10, as illustrated in the Landscape Plan Report in Annexure 10 of this Preferred Project Report. This new publicly accessible open space is located between Constitution Rd and Nancarrow Ave in a natural overland flow path and includes part of Council's main stormwater easement for the area. The intent of this publicly accessible open space is to create a natural landscape with meandering 'riparian' gardens and water features. Natural water features will be designed to account for seasonal fluctuations in water volumes. Swathes of native grass and shrubs will provide interest along the pedestrian pathways which traverse this open space. It is intended that water features about some of the buildings to accentuate the architecture within a riparian environment. Open lawns and shade trees provide space for residents and visitors to stay and enjoy the peaceful surrounds. Refer Map 10.

Landscape Design Principles:

- The provision of an easy, safe and enjoyable pedestrian connection with peaceful places to stop and relax
- Optimise ecological functionality through planting of endemic species
- Incorporate overland flow paths into water features within the publicly accessible open space
- Combined active and passive recreation spaces
- Provision of contemplative lawns with shade

The following are to accompany all Project or Development Applications within the Concept Plan site:

- A detailed Landscape Plan demonstrating the proposed landscape scheme is consistent with the Landscape Concept and Report prepared by PLACE Design Group, dated October 2011.



Map 8: New Pedestrian Spine 1 South



Map 9: New Pedestrian Spine 2 North



Map 10: Upper Riparian Foreshore Link

Road works	The proponent commits to providing the following new road infrastructure and up-gradings which are illustrated on Map 11 below.	Timing of delivery
	Road works	Timing of delivery
	<p>1. Pedestrian signals replacing the zebra crossing on Railway Road at the Station.</p> <p>Works:</p> <ul style="list-style-type: none"> ▪ Installation of traffic signals ▪ Advance warning signs ▪ Lighting adjustments ▪ Pavement re-sheet – 20mm AC10 	To be completed prior to the issue of an Occupation Certificate for Stage 3 of the Development.
	<p>2. Signalling Bowden Street/Constitution Road.</p> <p>Works:</p> <ul style="list-style-type: none"> ▪ Removal of existing roundabout ▪ Kerb realignment ▪ Pavement construction and revitalisation ▪ Utility adjustments incl. lighting ▪ Installation of traffic signals ▪ Pavement markings ▪ Signposting ▪ Footway modification 	To be completed prior to the issue of an Occupation Certificate for Stage 6 of the Development.
	<p>3. Roundabout at Rothesay Ave/Belmore Street.</p> <p>Works:</p> <ul style="list-style-type: none"> ▪ Removal of existing signposting ▪ Central island dowelled to existing pavement – Inscribed radius min. 8m (dependent upon the turning path of a 12.5m service vehicle) ▪ Single lane circulating ▪ Splitter island in each approach (painted or raised kerb) ▪ Significant kerb realignment ▪ Drainage adjustments ▪ Utility modification ▪ Signage ▪ Pavement markings ▪ Intersection pavement re-sheet – 20mm AC 10 	To be completed prior to the issue of an Occupation Certificate for Stage 2 of the Development.
	<p>4. Yerong/Belmore left in/out</p> <p>Works:</p> <ul style="list-style-type: none"> ▪ Removal of southern most splitter island in Belmore Street, south of Yerong Street ▪ Removal of existing signposting ▪ Installation of a painted or raised splitter island in Yerong Street (dowelled to existing pavement if raised) ▪ Installation of signposting ▪ Preparation and pavement re-sheet 20mm AC10 ▪ Pavement markings 	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the Development.

Land to be dedicated	<p>5. Hamilton "Lane" and Nancarrow "Lane" LATM and two-way construction between Belmore and Bowden</p> <p>Works:</p> <ul style="list-style-type: none"> Installation of raised 'Watts' profile speed humps or raised thresholds Single lane circulating roundabout Inscribed radius capable of accommodating the swept path movement of a 12.5m service vehicle Painted splitter island in each approach Kerb realignment Drainage adjustments Utility modification Signage Pavement markings 	To be completed prior to the issue of an Occupation Certificate for Stage 2 of the Development.
	<p>6. Underdale Lane LATM scheme</p> <p>Works:</p> <ul style="list-style-type: none"> Installation of two (2) raised 'Watts' profile speed humps Kerb realignment Drainage adjustments Signage Pavement markings 	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the Development.
	<p>7. Hamilton Lane/Belmore Street left in/left out</p> <p>Works:</p> <ul style="list-style-type: none"> Installation of a painted or raised splitter island in Hamilton Crescent (dowelled to existing pavement if raised) Installation of signposting Pavement markings 	To be completed prior to the issue of an Occupation Certificate for Stage 2 of the Development.
	<p>8. Introduction of a pedestrian facility on Bowden Street at Underdale Lane</p> <p>Works:</p> <ul style="list-style-type: none"> Raised threshold and marked foot crossing 	To be completed prior to the issue of an Occupation Certificate for Stage 4 of the Development.
	<p>9. Lowering of Constitution Road</p> <p>Works in accordance with:</p> <ul style="list-style-type: none"> Constitution Road, Road & Drainage Reconstruction, Plan (Option 1), Sheet 1 of 3, dated June 2008. Constitution Road, Road & Drainage Reconstruction, Cross Sections (Option 1), Sheet 2 of 3, dated June 2008. Constitution Road, Road & Drainage Reconstruction, Cross Sections (Option 1), Sheet 3 of 3, dated June 2008. 	To be completed prior to the issue of an occupation certificate for Stage 8 of the Development.
	<p>10. Re-grading works associated with the construction of the new Nancarrow Avenue Link Road.</p> <p>Works in accordance with:</p> <ul style="list-style-type: none"> Civil Layout, General Arrangement Plan, Drawing No.C100, Rev.A, prepared by BG&E. Road Plan, Longsection, Pavement Details and Typical Section, Drawing No.C101, Rev.A, prepared by BG&E. Road Cross Sections, Drawing No.C102, Rev.A, prepared by BG&E. 	To be completed prior to the issue of an Occupation Certificate for Stage 3 of the Development.
	Land comprising the two-way road link to be constructed between Belmore and Bowden Streets, being the connection of Nancarrow Ave to Hamilton Crescent. This requires the dedication by the Proponent an area of land of approximately 325sqm to the Council.	To be dedicated to Council prior to the issue of an occupation certificate for Stage 2 of the Development.

MEA TRAFFIC NEEDS ASSESSMENT - ROAD INFRASTRUCTURE WORKS PLAN:



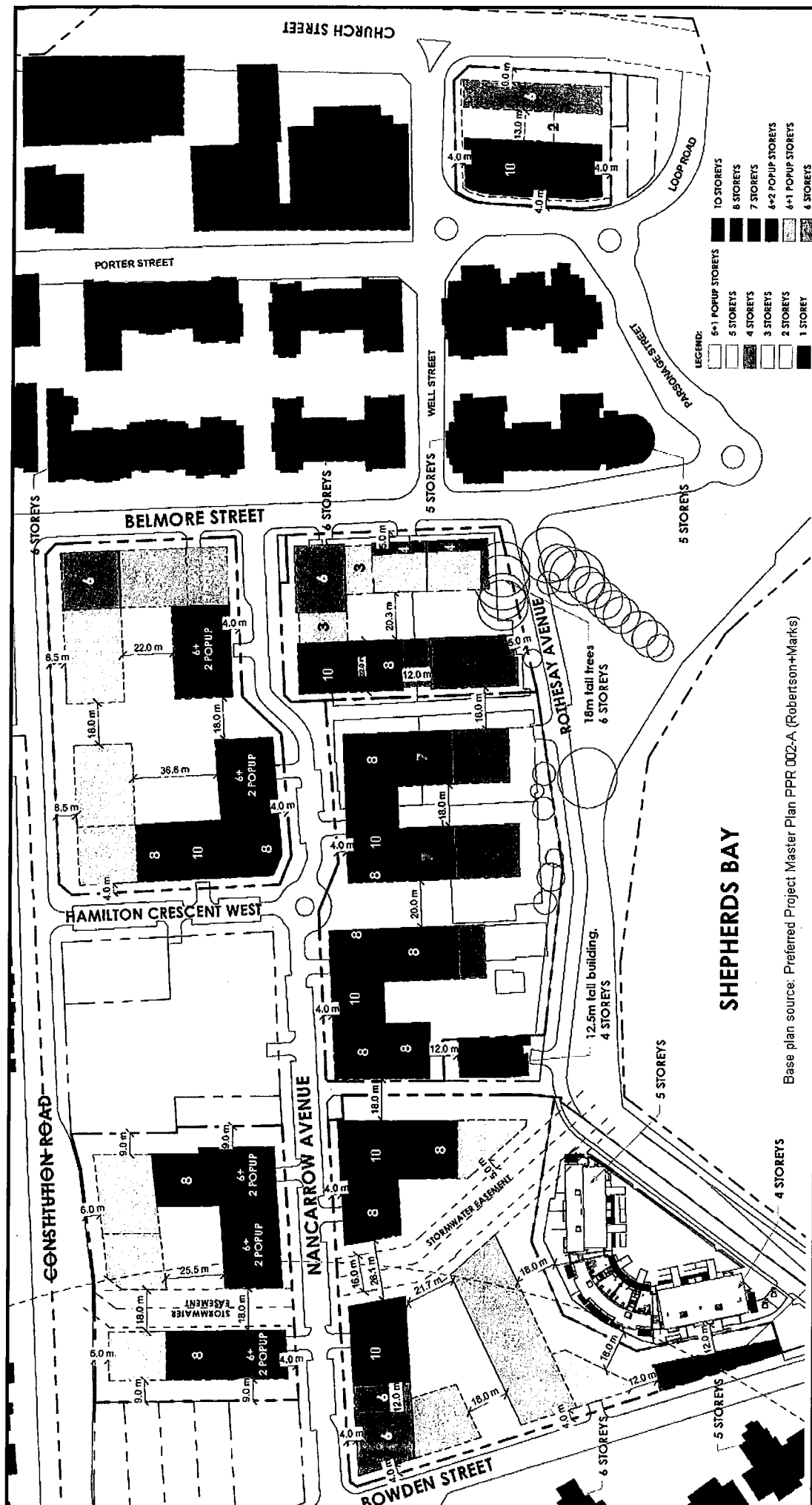
Tree Management	Tree protection measures will be implemented for trees to be retained as recommended in the Arborist Report at Annexure 23 to the submitted EA.
Crime Prevention Through Environmental Design	The design of the public domain, landscaping and building design facilitates the achievement of CPTED principles. Prior to commencement of construction of any subsequent Project Applications CPTED Assessments will be provided.
Environmentally Sustainable Development	Planting near footpaths will need to be maintained on a regular basis to avoid concealment opportunities for criminals who may hide in dense shrubbery. All Residential development within the Concept Plan site will meet the following Sustainability targets: <ul style="list-style-type: none"> • The BASIX water consumption benchmark • The BASIX energy consumption benchmark In addition, the proponent commits to further investigate the opportunity for including the following ESD principles: <ul style="list-style-type: none"> • Design internal apartment layouts to maximise natural ventilation and to capture prevailing winds; • Utilise roof forms to capture natural light and ventilation; • Use of high thermal mass materials within apartments; • Ensure natural light and ventilation is provided to common areas to minimise energy consumption; • Divide the layout of the apartments into zones to reduce heat and cooling energy consumption; • Utilise low water flow fixtures and tap ware; • Harvesting of stormwater where feasible; and • Recycling of water where feasible
Stormwater Management	The Proponent is committed to providing the necessary stormwater upgrades, the details of which will be included in the final VPA when negotiated with Council. Prior to commencement of construction of all Project or Development Applications within the Concept Plan site the Proponent commits to preparation of an Integrated Stormwater Management Plan for the relevant development stage.
Noise	All Project or Development Applications within the Concept Plan site for all development stages are to comply with the relevant acoustic standards and controls contained in the BCA.
Site Contamination	All Project or Development Applications within the Concept Plan site for all development stages will be required to comply with the requirements of SEPP 55 <i>Remediation of Land</i> .
Construction Management	Prior to commencement of construction of all Project or Development Applications within the Concept Plan site a Construction Management Plan will be prepared by the proponent for each development stage and will be submitted to the satisfaction of the Principal Certifying Authority prior to any new building work within the Concept Plan site. All construction materials, vehicles, waste and the like will be stored within the site. All demolition and all construction and associated work will be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays. Prior to commencement of construction of all Project or Development Applications within the Concept Plan site a Traffic Management Plan (TMP) for the relevant development stage, which addresses construction access and egress to the site, including vehicle routes and parking for workers, staging and timing of construction of internal road network and other relevant issues, will be prepared and submitted to the satisfaction of Principal Certifying Authority. The TMP will be prepared in accordance with the RTA's guidance on TMP's. A Section 73 Certificate from Sydney Water will be obtained as required.
Utilities	All existing aerial services (including low voltage Energy Australia electricity and subscriber television services) along the frontage of the Concept Plan Site are to be relocated underground prior to the occupation of the development stages. The cost of this work is to be borne by the developer. Documentary evidence will be obtained from Energy Australia to confirm that they have been consulted and that their requirements have been met by the Concept Plan and all subsequent Project or Development Applications within the Concept Plan site. All subsequent development stages will be required to comply with the requirements of the Arborist Report (Annexure 23 to the submitted Environmental Assessment).
Arborist Report	Prior to commencement of construction of Project or Development Applications within the Concept Plan site, a development Stage-specific Environmental Management Plan (EMP) will be prepared and submitted to and approved by the Principal Certifying Authority. The EMP will comprise:
Environmental Management	

Plan	<p>a. Hours of construction work</p> <p>b. Sediment and Erosion Control;</p> <p>c. Waste Management;</p> <p>d. Noise and Vibration Management;</p> <p>e. Air Quality and dust control;</p> <p>f. Use of cranes, plant and machinery</p> <p>g. Use of ladders, tapes, scaffolding and plant /machinery of conductive material</p> <p>h. Excavation and boring</p> <p>i. Plant and vehicle movements including - ingress and egress of vehicles to the site, loading and unloading, including construction zones, transportation of material, including contaminated material, predicted traffic volumes, types and routes</p> <p>j. TMP;</p> <p>k. Piling, sheet piling, batter and anchors</p> <p>All Development or Project Applications for individual development stages within the Concept Plan site are to be accompanied by a detailed Flood Impact Assessment Report using the Concept Plan Flood Study Report findings. These studies are to include such safety management measures as safe flood evacuation routes and refuge areas.</p>
Flooding	
Waste Management	<p>Prior to commencement of construction of all Project or Development Applications within the Concept Plan site, a Waste Management Plan will be prepared for the relevant development stage which includes demonstration of the fact that the road network is capable of being serviced by Council's Waste vehicles</p>
Sustainable Travel Plan	<p>Prior to issue of Occupation Certificates for any habitable areas in any development within the Concept Plan site a Sustainable Travel Plan for the Concept Plan site will be submitted to and approved by the Department of Planning. Individual Project or Development Applications will be accompanied by Development stage- specific Sustainable Travel Plans that are consistent with the Concept Plan Sustainable Travel Plan.</p>
Ground water	<p>As required by the NSW Office of Water:</p> <p>Groundwater:</p> <p>Licences under Part V of the Water Act 1912 are required for the works for the purposes of temporary dewatering as part of the proposed construction.</p> <p><i>General and Administrative Issues</i></p> <ol style="list-style-type: none"> 1. Groundwater shall not be pumped or extracted for any purpose other than temporary construction watering. 2. Pumped water (tailwater) shall not be allowed to discharge off-site (eg. adjoining roads, stormwater system, sewerage system etc) without the controlling authorities approval and/or owners consent. 3. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/ bore field), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and property maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater. 4. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water. 5. Suitable documents are to be supplied to the NSW Office of Water of the following: <ol style="list-style-type: none"> a) a report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified. b) A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. c) Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water. d) Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected. e) Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

	<p>Specific Conditions</p> <ol style="list-style-type: none"> 1. The design and construction of the structure must preclude the need for permanent dewatering. 2. The design and construction of the structure that may be impacted by any water table must include a water proof retention system (ie a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitable qualified professional. 3. Construction methods and material used in and for construction are not to cause pollution of the groundwater. 4. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level. 5. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria. 6. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The methods of disposal of pumped water (ie street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application. 7. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing: <ol style="list-style-type: none"> a) The treatment to be applied to the pumped water (tailwater) to remove any contamination. b) The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified. 8. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent: <ol style="list-style-type: none"> a) Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater. b) Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions. c) Locations of settlement monitoring points, and schedules of measurement. <p>Formal Application Issues</p> <ol style="list-style-type: none"> 9. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations. 10. Upon receipt of a Consent from the Department of Planning and prior to commencement of work, a fully completed licence application form is to be formally lodged with the Office of Water (accompanied by documentation clearly explaining the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows; and therefore preclude any need for permanent or semi-permanent pumping). Based on the licence application assessment meeting the Office of Water statutory requirements, the NSW Office of Water will then be in a position to issue a Water Licence under Part 5 of the Water Act 1912.
Voluntary Planning Agreement	<p>The Proponent commits to entering into a Voluntary Planning Agreement with the City of Ryde Council, under Part 4 Division 6, Subdivision 2 of the Environmental Planning & Assessment Act 1979 and the City of Ryde Planning Agreements Policy for the provision of area wide road works, stormwater and other public domain works and affordable housing which will be of benefit to the wider community of Shepherds Bay and Meadowbank.</p>

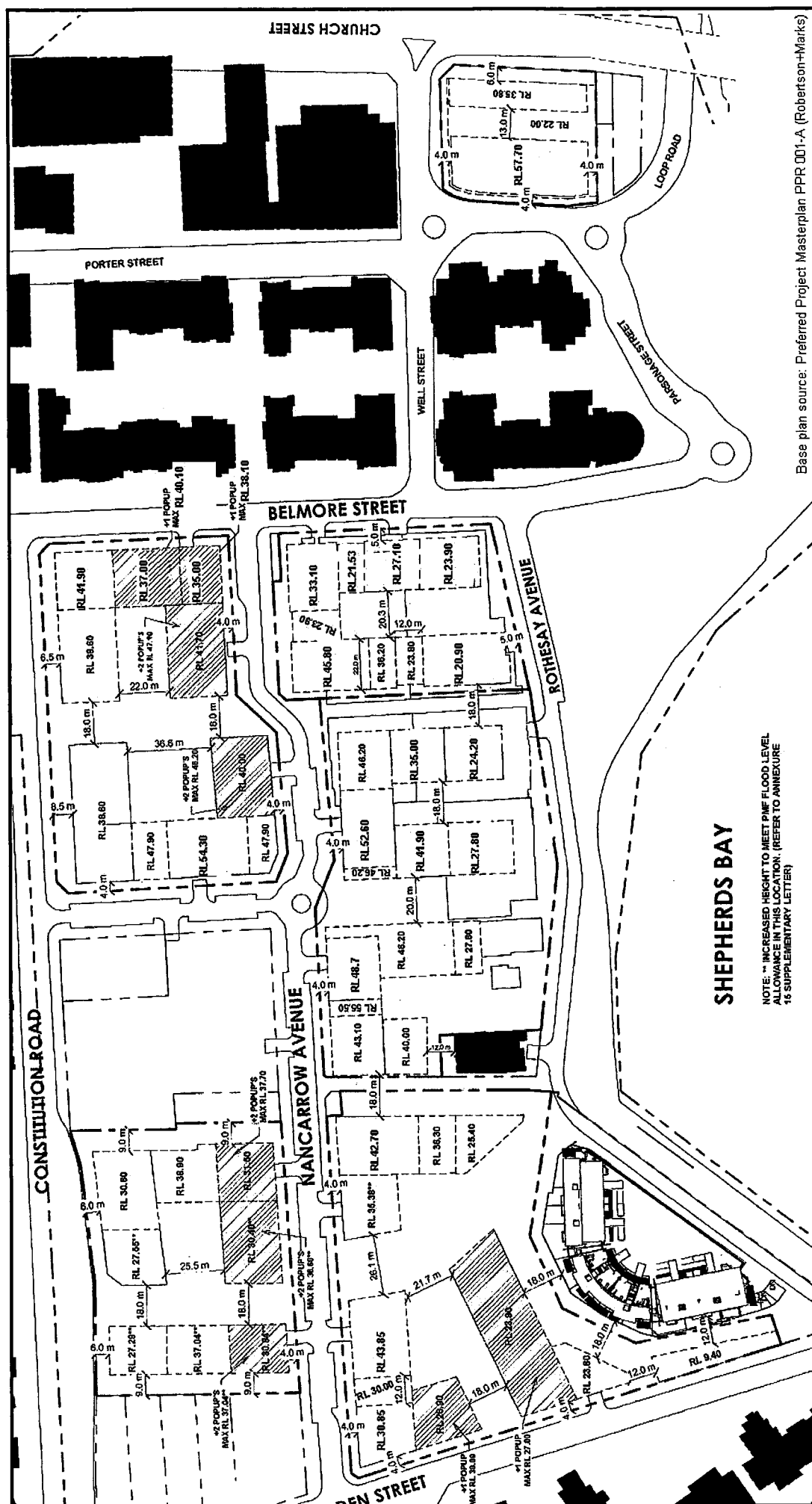
SCHEDULE 5

Maximum Building Height Control Plans



PLAN 1 MAXIMUM NUMBER OF STOREYS ABOVE GROUND LEVEL (FINISHED) AS APPROVED BY THE PLANNING ASSESSMENT COMMISSION (March 2013)

SCHEDULE 5 – PLAN 2



Base plan source: Preferred Project Masterplan PPR 001-A (Robertson+Marks)

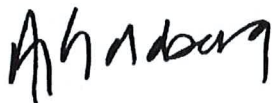
PLAN 2 **MAXIMUM RL HEIGHT CONTROLS AS APPROVED BY THE PLANNING ASSESSMENT COMMISSION (March 2013)**

Modification 1.

Modification of Minister's Approval

Section 75W of the Environmental Planning & Assessment Act 1979

As delegates of the Minister for Planning under delegation executed on 14 September 2011, the NSW Planning Assessment Commission approves the modification of the Concept Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Abigail Goldberg
MEMBER OF THE COMMISSION



Richard Thorp
MEMBER OF THE COMMISSION

Sydney

16 October 2014

SCHEDULE 1

Application Number: MP09_0216 granted by the Planning Assessment Commission on 6 March 2013

Proponent: Holdmark Property Group

The Authority: Minister for Planning

The Land:

- 41 Belmore Street, Ryde (Lot 1 DP 1072555);
- 116 Bowden Street, Meadowbank (Lot 2 DP 792836);
- 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638);
- 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743);
- 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574);
- 8-14 Constitution Road, Ryde (Lot 1, DP 713706);
- 16 Constitution Road, Ryde (Lot 3, DP 7130);
- 18 Constitution Road, Ryde (Lots 1-2, DP 810552);
- 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641);
- 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130);
- 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130);
- 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130);
- 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130);
- 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585);
- 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP 809282, Lot 100, DP 851723 and Lot 15, DP 738232);
- 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858); and
- 11 Rothesay Avenue, Ryde (Lot 18, DP 7130)

Project:

Concept Plan for mixed use residential, retail and commercial development incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- Infrastructure works to support the development;
- publically accessible open space and through site links; and
- pedestrian and cycle pathways.

Modification 1:

MP09_0216 MOD1:

- amendment to Building Storeys Plan to allow for additional storeys at ground level in Stages 1 to 3 –4 ~~and to reflect the approved height of Stage 1;~~
- ~~expansion of the basement building envelope of each Stage beneath landscaped/open space areas and~~ also to expand/connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5;
- revision to the construction staging;
- revised timing of the delivery of the open space to be in conjunction with Stage 3 (rather than Stage 1);
- provision of an additional storey to provide a 6 storey element to the building on the corner of Belmore Street and Constitution Road;
- flexible application of the solar access requirement of the RFDC;
- amendment of ESD measures; and
- amendments to terms of approval, future environmental assessment requirements and Statement of Commitments.

SCHEDULE 2

The Concept Plan for MP09_0216 is modified as follows:

SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (a) Schedule 2 Part A – Terms of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck-out~~ words/numbers as follows:

Development in Accordance with the Plans and Documentation

A2. The development shall be undertaken generally in accordance with **MP09 0216, as modified by MP09 0216 MOD1, and:**

- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
- **the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:**
 - **Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and**
 - **Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.**
- the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, **except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014;** and
- the following drawings:

<i>Drawings Prepared by Robertson + Marks Architects</i>		
<i>Drawing No</i>	<i>Name of Plan</i>	<i>Date</i>
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
PPR 001-D PPR-001-A	MAXIMUM HEIGHT WITH SETBACKS <u>PREFERRED PROJECT MASTER PLAN: MAXIMUM HEIGHTS WITH SETBACKS</u>	02/11/13 11 Feb 2013
PPR 002-B A	INDICATIVE CONCEPT PLAN STOREY PLAN <u>PREFERRED PROJECT MASTER PLAN: INDICATIVE CONCEPT PLAN STOREYS PLAN</u>	21/10/2013 11 Feb 2013
PPR 007-E	<u>INDICATIVE STAGING</u>	09/24/13
S 001/B	<u>SLOPES ON SITE</u>	03/25/2014
FIGURE 14 REV 2	STAGE 1 BUILDING ENVELOPE CONTROLS	28/06/2012 July 2012
FIGURE 15 REV 2	STAGE 2 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 16 REV 2	STAGE 3 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 17 REV 2	STAGE 4 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 18 REV 2	STAGE 5 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 19 REV 2	STAGE 6 BUILDING ENVELOPE CONTROLS	01/18/12

2		July 2012
FIGURE 20 REV 4 2	STAGE 7 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 21 REV 4 2	STAGE 8 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 22 REV 4 2	STAGE 9 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 23 REV 4 2	STAGE 10 BUILDING ENVELOPE CONTROLS	01/18/12 July 2012
FIGURE 28 REV 2	INDICATIVE BUILDING SETBACKS	July 2012
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E FIGURE 32 REV 2	PEDESTRIAN & CYCLEWAY ROUTES PEDESTRIAN AND CYCLE ACCESS PLAN	18 JUNE 2013 July 2012
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
FIGURE 50 REV 1	CONCEPT PLAN LANDSCAPE PLAN	28/07/14
PPR 003-5 FIGURE 52	OPEN SPACE AREA PLAN AND DEEP SOIL ZONES	11/01/13 July 2012

except for as modified by the following pursuant to Section 75O(4) of the Act.

SCHEDULE 2 PART B – MODIFICATIONS

- (b) Schedule 2 Part B – Modification A5 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Maximum Gross Floor Area (GFA) and Dwelling Cap

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²
2. **The maximum number of dwellings shall not exceed 2,005**

- (c) Schedule 2 Part B – Modification B1A is added by the insertion of the **bold and underlined** words / numbers as follows:

Amended Foreshore Link

B1A. The delivery of the foreshore link shall be split between Stage 1 and Stage 2 in accordance with the Response to Submissions prepared by City Plan Services for MP09 0216 MOD1 dated 29 April 2014.

- (d) Schedule 2 Part B – Modification B3 is added by the insertion of the **bold and underlined** words / numbers as follows:

Amended Maximum Number of Storeys Above Ground Level (Finished) Plan

B3 The plan entitled Indicative Concept Plan Storeys Plan shall be amended to:

- (a) Change the title to “Maximum Number of Storeys Above Ground Level (Finished Plan’, and

The amended plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.

SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (e) Schedule 3 – Future Environmental Assessment Requirement 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Design Excellence

1. Future Development Application/s for Stage **5 A** (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General’s Design Excellence Guidelines.

- (f) Schedule 3 – Future Environmental Assessment Requirement 1A is added by the insertion of the **bold and underlined** words / numbers as follows:

Dwelling Cap

- 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).**

Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.

- (g) Schedule 3 – Future Environmental Assessment Requirement 3A is added by the insertion of the **bold and underlined** words / numbers as follows:

Maximum Storeys on Steeply Sloping Topography

- 3A. Future Development Applications shall satisfy the ‘Maximum Number of Storeys Above Ground Level (Finished) Plan’. An exception to the maximum storey height may be given to buildings within Stages 2 and 3 on steeply sloping topography (being at the locations indicated on drawing S 001/B not including the area shown within Stage 4) where it can be demonstrated that:**

- a) **the overall building height satisfies the maximum permitted RL;**
- b) **no more than 1 additional storey is provided;**
- c) **an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and**
- d) **the additional storey is required to appropriately activate the ground level.**

- e) Schedule 3 – Future Environmental Assessment Requirements 3, 4, 6, 7 and 8 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Built Form

3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:
- (a) buildings along Constitution Road are a maximum of 5 storeys, **with the exception of the element of Stage 4 located on the corner of Constitution Road and**

- Belmore Street (as shown on PPR 002-B), which is permitted to a maximum of 6 storeys;** and
- (b) the southern building element of Stage ~~7~~ **8** is a maximum of 5 storeys.
4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint **(with the exception of basements connecting Stages 2 and 3 and Stages 4 and 5)** without encroachment into street setback areas.
6. Future Development Application/s for Stage ~~6~~ **3** shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue):
- (a) 6 metres up to 4 storeys; and
- (b) 9 metres above 4 storeys.
7. Future Development Application/s for Stage ~~5~~ **A** shall provide the following setbacks to Parsonage and Wells Streets:
- (a) Podium – 4 metres
- (b) Tower – 5 metres
8. Future Development Application/s for Stage ~~6~~ **3** shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.
- (h) Schedule 3 – Future Environmental Assessment Requirements 15A and 15B are added by the insertion of the **bold and underlined** as follows:

Open Space Provision

15A. The contiguous open space required in Modification B1(b) shall be completed, delivered and handed over to Council prior to the issue of the first Occupation Certificate for Stage 3.

The land is to be dedicated, at no cost, to Council. Arrangements for the dedication shall be finalised before the issue of the Occupation Certificate for Stage 3. If Council does not accept the dedication, the land shall provide access to the public and be in private ownership by the relevant body corporate and appropriately maintained.

Foreshore Link Easement for Public Access

15B Prior to the issue of an Occupation Certificate for Stage 2 an easement shall be registered over the foreshore link, which is located between Stage 1 and Stage 2 (in favour of Council) providing for public access. The terms of the easement are to be approved by Council.

- (i) Schedule 3 – Future Environmental Assessment Requirement 18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Community Facilities

18. **Any** future Development Application/s for the **1000th dwelling** ~~Stage 5 development~~ shall include, at no cost to Council, **the delivery of** an appropriate community space within the development ~~on the ground floor level~~, which can be used by Council or ~~nominated community organisation(s)~~ **members of the community** for community purposes ~~and related uses~~.
- a) **The community facility must be a minimum of 1,000m² in area and be primarily located on ground level.** The amount and configuration of floorspace should be designed in consultation with Council or Council nominated community

organisation(s). ~~Any dispute in the quantum of floorspace to be provided should be referred to the Director-General, whose decision shall be final.~~

- b) The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.
- c) The designated community floor space must not be used for any other-commercial, retail or residential use unless Council decides not to accept the designed floorspace.
- d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.
- e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.

- (j) Schedule 3 – Future Environmental Assessment Requirement 20 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words / numbers as follows:

Public Art

20. Future Development Application/s for Stage ~~3~~ 2 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:
- (a) materials to be used, with particular attention to durability;
 - (b) location and dimension of artwork;
 - (c) public art themes to respond to site history and or social, cultural or natural elements;
 - (d) integration into the site and surrounds;
 - (e) budget and funding; and
 - (f) Council's Public Art Guide for Developers.

- (k) Schedule 3 – Future Environmental Assessment Requirement 21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words / numbers as follows:

Residential Amenity SEPP65 and RFDC

21. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002* (RFDC), **except where modified below:**

In particular, future application/s shall demonstrate that:

- (a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and**
- (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; and**
- (c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:**
 - including extensive glazing (minimum 70% of the external façade) to living rooms;**
 - permitting cross-ventilation specifically to those apartments; and**
 - exceeding RFDC guidelines by at least 20 40% in at least one both of the following areas:**
 - increased floor to ceiling height; ~~or~~ and**
 - increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments.**

- (d) a minimum of 25% of open space area of the site is deep soil zone
- (e) the proposed landscaped areas provide sufficient deep soil in accordance with the RFDC.

- (l) Schedule 3 – Future Environmental Assessment Requirement 22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

ESD

22. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development ~~must comply with the~~ **should strive to achieve the** stretch target **(where relevant and feasible).**

In accordance with the EnviroDevelopment philosophy, four of the categories will be targeted to show 'industry best practice'. Where the categories of water and energy are applied, BASIX will be used to test 'industry best practice' for water and energy, which will be treated as 10% better than the BASIX pass mark.

- (m) Schedule 3 – Future Environmental Assessment Requirement 23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Car Parking

23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, **up to a maximum of 2,976 spaces across the Concept Plan site.**

Future Development Applications shall provide:

- (a) **a car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976; and**
- (b) **a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.**

Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.

- (n) Schedule 3 – Future Environmental Assessment Requirement 24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Road Infrastructure Nancarrow Road Extension and Road Reserve Upgrades

24. Future Development Application/s for Stage ~~2~~ **4** shall include the following Infrastructure works:
- (a) Nancarrow Avenue extension;
 - (b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;
 - (c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;
 - ~~(d) Underdale Lane Local Area Traffic Management (LATM) measures;~~
 - ~~(e) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and~~
 - ~~(f) installation of roundabout at Belmore Street / Rothesay Avenue~~

The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be ~~submitted to Council for approval~~ **approved by**

Council before the ~~lodgement of any future development application for Stage 2~~
issue of the first Occupation Certificate for Stage 1. All works must be completed by
the proponent prior to the issue of the occupation certificate for Stage ~~2~~ 4.

- (o) Schedule 3 – Future Environmental Assessment Requirement 24A is added by the insertion of the **bold and underlined** words / numbers as follows:

Road and Pedestrian Infrastructure Upgrades

24A. Future Development Application/s for Stage 2 shall include the following Infrastructure works:

- (a) **installation of a temporary east/west pedestrian link, which connects the stairway at the northern end of the foreshore link between Stages 1 and 2 to Nancarrow Avenue along the northern boundary of Stage 2. The pedestrian link shall provide access to residents the public on a 24 hour basis and maintained until the provision of the Nancarrow Avenue extension (note: this temporary pedestrian access is not a public right of way access).**
- (b) **Underdale Lane Local Area Traffic Management (LATM) measures;**
- (c) **installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and**

- (d) **installation of roundabout at Belmore Street / Rothesay Avenue.**

The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council's for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.

- (p) Schedule 3 – Future Environmental Assessment Requirement 25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Yerong Street/Belmore Street Intersection Upgrade

Future Development Applications for the ~~fourth~~ stage of development **containing the 800th dwelling** shall provide the detailed design for the implementation of the left-in/left-out arrangement at Belmore Street/Yerong Street intersection. The works are to be completed prior to issue of the first occupation certificate of any building of this stage.

- (q) Schedule 3 – Future Environmental Assessment Requirement 27 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

27. Future application/s for Stage ~~5~~ **A** shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.

- (r) Schedule 3 – Future Environmental Assessment Requirements 29 and 30 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

Heritage

29. Future Development Application/s for Stage ~~8~~ **6** involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:

- (a) a detailed heritage assessment of the site which includes a professionally written history of the site;

- (b) a full photographic record; and
- (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.

30. Future Development Application/s for Stage **5 A** shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.

- (s) Schedule 3 – Future Environmental Assessment Requirement 32 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

Noise and Vibration

32. Future Development Application/s for Stage **5 A** shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

- (t) Schedule 3 – Future Environmental Assessment Requirement 34 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

Stormwater Infrastructure Upgrades

34. Future Development Applications for Stage ~~7, 8, 9 or 10~~ **6, 7, 8 or 9** (whichever occurs first) shall provide the detailed design of the following infrastructure works:

- (a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and
- (b) works to eliminate the risk of embankment failure of Constitution Road

The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.

End of Modification to MP09_0216

Modification 2

Modification of Minister's Approval

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

As delegate of the Minister for Planning, we approve the modification application referred to in Schedule 1, subject to the condition in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Mr Joe Woodward PSM
Commission Member (Chair)

Professor Zada Lipman
Commission Member

Mr Stephen O'Connor
Commission Member

Sydney

16 January 2017

SCHEDULE 1

Application Number:

MP09_0216

Proponent:

Holdmark NSW Pty Ltd

The Authority:

Minister for Planning

The Land:

- 41 Belmore Street, Ryde (Lot 1 DP 1072555);
- 116 Bowden Street, Meadowbank (Lot 2 DP 792836);
- 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638);
- 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743);
- 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574);
- 8-14 Constitution Road, Ryde (Lot 1, DP 713706);
- 16 Constitution Road, Ryde (Lot 3, DP 7130);
- 18 Constitution Road, Ryde (Lots 1-2, DP 810552);
- 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641);
- 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130);
- 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130);
- 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130);
- 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130);
- 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585);

- 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP 809282, Lot 100, DP 851723 and Lot 15, DP 738232);
- 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858); and
- 11 Rothesay Avenue, Ryde (Lot 18, DP 7130)

Concept Approval:

Shepherds Bay Concept Plan granted by the Planning Assessment Commission on 6 March 2013

Project:

Mixed use residential, retail and commercial development incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- Infrastructure works to support the development;
- publically accessible open space and through site links; and
- pedestrian and cycle pathways.

Project:

MP09_0216 MOD2: the modification includes:

- increase of the site-wide maximum dwelling yield development cap;
- varying increases of the number of storeys contained within Stages 2 and 3 building envelopes and increase in the height of part of the Stage 2 building envelope by 300mm;
- updating FEAR 21 to refer to the current Apartment Design Guidelines; and
- deletion of the exception within FEAR 3A that allows the inclusion of an additional storey within buildings on steeply sloping land.

The Concept Plan for MP09_0216 is modified as follows:

SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (a) Schedule 2 Part A – Terms of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Development in Accordance with the Plans and Documentation

- A2. The development shall be undertaken generally in accordance with MP09_0216, as modified by MP09_0216 MOD1, and **MP09_0216 MOD2**:
- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
 - the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:
 - Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and
 - Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.
 - **the S75W Modification Application dated January 2015 prepared by City Plan Services including all documents and reports, except where amended by the:**
 - **Preferred Project Reports dated 3 May 2016 and 13 May 2016 prepared by City Plan Services;**
 - **letter titled Response to Council's Submission dated 26 August 2016 prepared by City Plan Services; and**
 - **response to submissions by TfNSW and RMS prepared by City Plan Services received by the Department on 9 September 2016.**
 - the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014; and
 - the following drawings:

<i>Drawings Prepared by Robertson + Marks Architects</i>		
<i>Drawing No</i>	<i>Name of Plan</i>	<i>Date</i>
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
PPR 001- D <u>G</u>	MAXIMUM HEIGHT WITH SETBACKS	02/11/13 <u>08/09/16</u>
<u>PPR 002-E</u>	<u>Maximum Number of Storeys Above Ground Level (Finished) Plan</u>	<u>08/09/16</u>
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 4 <u>5</u>	STAGE 1 BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	28/06/2012 <u>07/06/16</u>
FIGURE 15 REV 4 <u>5</u>	STAGE 2 <u>4</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	01/18/12 <u>07/06/16</u>
FIGURE 16 REV 4 <u>6</u>	STAGE 3 <u>2</u> BUILDING ENVELOPE CONTROLS	01/18/12

	<u>DIAGRAMS</u>	<u>29/04/16</u>
FIGURE 17 REV <u>4 6</u>	STAGE <u>4 5</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>07/06/16</u>
FIGURE 18 REV <u>4 5</u>	STAGE <u>5 A</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>10/06/16</u>
FIGURE 19 REV <u>4 6</u>	STAGE <u>6 3</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>26/04/16</u>
FIGURE 20 REV <u>4 5</u>	STAGE <u>7 8</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>07/06/16</u>
FIGURE 21 REV <u>4 5</u>	STAGE <u>8 6</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>07/06/16</u>
FIGURE 22 REV <u>4 7</u>	STAGE 9 BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>08/09/16</u>
FIGURE 23 REV <u>4 5</u>	STAGE <u>10 7</u> BUILDING ENVELOPE CONTROLS <u>DIAGRAMS</u>	<u>01/18/12</u> <u>07/06/16</u>
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E	PEDESTRIAN & CYCLEWAY ROUTES	18 JUNE 2013
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
FIGURE 50 REV 1	CONCEPT PLAN LANDSCAPE PLAN	28/07/14
PPR 003-5	OPEN SPACE AREA PLAN	11/01/13

except for as modified by the following pursuant to Section 75O(4) of the Act.

- (b) Schedule 2 Part A – Terms of Approval A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

Maximum Gross Floor Area (GFA)

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²
2. The maximum number of dwellings shall not exceed **2,005- 2,033**

**SCHEDULE 2
PART B – MODIFICATIONS**

- (c) Schedule 2 Part B – Modification B1B is added by the insertion of the **bold and underlined** words / numbers as follows:

Maximum Building Height of Stage A

B1B The Concept Plan building envelope shall be amended so that a maximum of 10 storeys shall apply to the 24 storey element on Stage A, Church Street site. The following Concept Plan drawings shall be amended to demonstrate compliance with this

modification and shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.

- a) PPR 001 Maximum Heights with Setbacks;
- b) PPR 002 Maximum Number of Storeys Above Ground Level (Finished) Plan; and
- c) Figure 18 Stage A. Building Envelope Control Diagrams

- (d) Schedule 2 Part B – Modification B3 is deleted by the ~~bold and struck through~~ words / numbers as follows:

~~Amended Maximum Number of Storeys Above Ground Level (Finished) Plan~~

~~B3 The plan entitled Indicative Concept Plan Storeys Plan shall be amended to:~~

- ~~(a) Change the title to “Maximum Number of Storeys Above Ground Level (Finished) Plan”, and~~

~~The amended plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.~~

SCHEDULE 3
FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (e) Schedule 3 – Future Environmental Assessment Requirement 1A is amended by the insertion of the bold and underlined words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows

Dwelling Cap

- 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of ~~2,005~~ 2,033 across the Concept Plan site (including Stage 1).

~~Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.~~

- (f) Schedule 3 – Future Environmental Assessment Requirement 3A is amended by the deletion of the ~~bold struck out~~ words / numbers as follows:

~~Maximum Storeys on Steeply Sloping Topography~~

- 3A. Future Development Applications shall satisfy the ‘Maximum Number of Storeys Above Ground Level (Finished) Plan’. ~~An exception to the maximum storey height may be given to buildings within Stages 2, 3 and the south east portion of Stage 4 on steeply sloping topography (being at the locations indicated on drawing S-001/B) where it can be demonstrated that:~~

- ~~a) the overall building height satisfies the maximum permitted RL;~~
- ~~b) no more than 1 additional storey is provided;~~
- ~~c) an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and~~
- ~~d) the additional storey is required to appropriately activate the ground level.~~

- (g) Schedule 3 – Future Environmental Assessment Requirement 21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

X

21. Future Development Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat **Apartment** Development* (SEPP 65) and the accompanying ~~**Residential Flat Design Code 2002 (RFDC)**~~, **Apartment Design Guide (ADG)**, except where modified below:

In particular, future application/s shall demonstrate that:

- (a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and
 - (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; and
 - (c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:
 - including extensive glazing (minimum 70% of the external façade) to living rooms;
 - permitting cross-ventilation specifically to those apartments; and
 - exceeding ~~**RFDC ADG**~~ guidelines by at least 20% in both of the following areas:
 - increased floor to ceiling height; and
 - increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments.
 - (d) a minimum of 25% of open space area of the site is deep soil zone
 - (e) the proposed landscaped areas provide sufficient deep soil in accordance with the ~~**RFDC**~~ **ADG**.
- (h) Schedule 3 – Future Environmental Assessment Requirement 26 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

Roads and Maritime Services Requirements

26. Future Development Application/s ~~for each stage of development following the first two stages~~ shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road / Bowden Street intersection. **The traffic study shall be provided for:**
- a) each stage of development following the first two stages; and**
 - b) any Section 96 application(s) relating to the provision of additional dwellings within Stages 2 and 3 that are a result of approved amendments within modification application MP09_0216 MOD2.**

The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage. Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to the issue of first occupation certificate of any building of that stage.

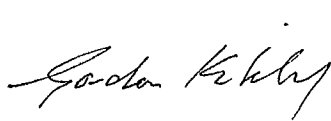
**End of Modification to MP09_0216
(MP09_0216 MOD2)**

Mod 3

Modification of Minister's Approval

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.



Gordon Kirkby
Member of the Commission



Prof Richard Mackay, AM
Member of the Commission



Ilona Millar
Member of the Commission

Sydney

31 August 2018

SCHEDULE 1

Concept Approval: MP 09_0216 granted by the Planning Assessment Commission on 6 March 2013

For the following: Mixed use residential, retail and commercial development incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- Infrastructure works to support the development;
- publicly accessible open space and through site links; and
- pedestrian and cycle pathways.

Applicant: Rothesay Avenue Developments Pty Ltd

Consent Authority: Minister for Planning

The Land: The following sites:

- 41 Belmore Street, Ryde (Lot 1 DP 1072555)
- 116 Bowden Street, Meadowbank (Lot 2 DP 792836)
- 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638)
- 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743)
- 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574)
- 8-14 Constitution Road, Ryde (Lot 1, DP 713706)
- 16 Constitution Road, Ryde (Lot 3, DP 7130)
- 18 Constitution Road, Ryde (Lots 1-2, DP 810552)
- 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641)
- 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130)
- 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130)

- 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130)
- 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130)
- 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585)
- 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP 809282, Lot 100, DP 851723 and Lot 15, DP 738232)
- 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858)
- 11 Rothesay Avenue, Ryde (Lot 18, DP 7130).

Modification:

MP 09_0216 MOD 3: the modification includes:

- introduction of 'serviced apartment' use
- increase of 1,300 m² non-residential GFA.

SCHEDULE 2

The Development Approval (MP 09_0216) is modified as follows:

- (a) Schedule 2 Part A – Terms of Approval A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

Development Description

A1 Concept approval is granted to the development as described below:

Use of the site for a mixed use development including residential, retail, commercial, **serviced apartment** and community uses incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- infrastructure works to support the development including:
 - upgrades to the local road network;
 - stormwater infrastructure works;
 - publically accessible open space and through site links; and
 - pedestrian and cycle pathways.

- (b) Schedule 2 Part A – Terms of Approval A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

Development in Accordance with the Plans and Documentation

- A2. The development shall be undertaken generally in accordance with MP09_0216, as modified by MP09_0216 MOD1, **and MP09_0216 MOD2, MP09_0216 MOD3:**
- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
 - the S75W Modification Application (**MP 09 0216 MOD 1**) dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:
 - Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and
 - Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.
 - the S75W Modification Application (**MP 09 0216 MOD 2**) dated January 2015 prepared by City Plan Services including all documents and reports, except where amended by the:
 - Preferred Project Reports dated 3 May 2016 and 13 May 2016 prepared by City Plan Services;
 - letter titled Response to Council's Submission dated 26 August 2016 prepared by City Plan Services; and
 - response to submissions by TfNSW and RMS prepared by City Plan Services received by the Department on 9 September 2016.
 - **the S75W Modification Application (MP 09 0216 MOD 3) dated December 2017 prepared by City Plan Services including all documents and reports, except where amended by the Preferred Project Report dated 14 May 2018**
 - the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, except where amended by the

Revised Draft Statement of Commitments prepared by Holdmark dated March 2014; and

- the following drawings:

<i>Drawings Prepared by Robertson + Marks Architects</i>		
<i>Drawing No</i>	<i>Name of Plan</i>	<i>Date</i>
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
<u>PPR 001-G</u> <u>PPR 001-I</u>	MAXIMUM HEIGHT WITH SETBACKS	<u>08/09/16</u> <u>07/02/17</u>
<u>PPR 002-E</u> <u>PPR 002-G</u>	Maximum Number of Storeys Above Ground Level (Finished) Plan	<u>08/09/16</u> <u>07/02/17</u>
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 5	STAGE 1 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 15 REV 5	STAGE 4 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 16 REV 6	STAGE 2 BUILDING ENVELOPE CONTROL DIAGRAMS	29/04/16
FIGURE 17 REV 6	STAGE 5 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
<u>FIGURE 18 REV 5</u> <u>FIGURE 18 REV 12</u>	STAGE A BUILDING ENVELOPE CONTROL DIAGRAMS	<u>10/06/16</u> <u>23/02/17</u>
FIGURE 19 REV 6	STAGE 3 BUILDING ENVELOPE CONTROL DIAGRAMS	26/04/16
FIGURE 20 REV 5	STAGE 8 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 21 REV 5	STAGE 6 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 22 REV 7	STAGE 9 BUILDING ENVELOPE CONTROL DIAGRAMS	08/09/16
FIGURE 23 REV 5	STAGE 7 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E	PEDESTRIAN & CYCLEWAY ROUTES	18 JUNE 2013
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
FIGURE 50 REV 1	CONCEPT PLAN LANDSCAPE PLAN	28/07/14
PPR 003-5	OPEN SPACE AREA PLAN	11/01/13

except for as modified by the following pursuant to Section 75O(4) of the Act.

- (c) Schedule 2 Part A – Terms of Approval A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck-out~~** words/numbers as follows:

Maximum Gross Floor Area (GFA)

A5

1. The maximum GFA for commercial, retail, **serviced apartment** or community uses shall not exceed **10,000 11,300** m²
2. The maximum number of dwellings shall not exceed 2,033

- (d) Schedule 2 Part B – is amended by the deletion of Modification B1B as follows:

~~Maximum Building Height of Stage A~~

~~B1B The Concept Plan building envelope shall be amended so that a maximum of 10 storeys shall apply to the 24 storey element on Stage A, Church Street site. The following Concept Plan drawings shall be amended to demonstrate compliance with this modification and shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.~~

- ~~a) PPR 001 Maximum Heights with Setbacks;~~**
- ~~b) PPR 002 Maximum Number of Storeys Above Ground Level (Finished) Plan; and~~**
- ~~c) Figure 18 Stage A. Building Envelope Control Diagrams~~**

- (e) Schedule 3 Future Environmental Assessment Requirements – in amended by the insertion of FEAR 15C as follows:

Stage A Open Space / Plaza

15C Future development application(s) for Stage A shall include the provision of a publicly accessible open space / plaza, which shall be completed prior to the issue of the first Occupation Certificate.

- (f) Schedule 3 Future Environmental Assessment Requirements – in amended by the insertion of FEAR 15C as follows:

Gore Bay Pipeline

42. Future Development Application(s) for Stage A shall demonstrate compliance with Australian Standard 2885.0-2008 Pipelines-Gas and Liquid Petroleum. The Applicant shall also consult with Viva Energy to confirm whether any technical study (such as a Safety Management Study) may be required in order to comply with AS 2885.0-2008.

End of Modification

(MP 09_0216 MOD 3)

