Draft Conditions – 122 - 126 Herring Road, Macquarie Park

CONCEPT PLAN APPROVAL

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

- Concept Development Application. Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a concept development application applying to 122 – 126 Herring Road Macquarie Park (Lot 41 DP 1247523) Subsequent development application(s) are required for any work on the site.
- 2. **Approved Plans/Documents Concept DA Plan.** Pursuant to Clause 4.22 of the *Environmental Planning and Assessment Act 1979* this Notice of Determination approves the concept proposal for the development of the site in accordance with the following plans (stamped by Council):

| Drawing Title | Drawing Number | Date | Rev |
|--|----------------|----------|-----|
| Basement 3 Floor Plan | ar-0100 | 14/08/20 | b06 |
| Basement 2 Floor Plan | ar-0101 | 14/08/20 | b06 |
| Basement 1 Floor Plan/Lower ground level | ar-0102 | 14/08/20 | b06 |
| Mid ground Floor Plan | ar-0103 | 14/08/20 | b06 |
| Herring Road Ground Floor Plan | ar-0104 | 14/08/20 | b06 |
| Level 1 Floor Plan | ar-0105 | 14/08/20 | b06 |
| Level 2 Floor Plan | ar-0106 | 14/08/20 | b06 |
| Level 3 Floor Plan | ar-0107 | 14/08/20 | b06 |
| Typical Floor Plan | ar-0108 | 14/08/20 | b06 |
| Upper Floor Plan | ar-0109 | 14/08/20 | b06 |
| Top Floor Plan | ar-0110 | 14/08/20 | b06 |
| Roof Plan | ar-0111 | 14/08/20 | b06 |
| Site A Sections | ar-2000 | 14/08/20 | b02 |
| Site B Sections | ar-2001 | 14/08/20 | b02 |
| Site B Sections | ar-2002 | 14/08/20 | b02 |
| Site Sections | ar-2100 | 14/08/20 | b04 |
| Site A Elevations | ar-2500 | 14/08/20 | b04 |
| Site B Elevations | ar-2501 | 15/11/19 | b03 |
| Site A Deep Soil Diagram | ar-8300 | 14/08/20 | b02 |

| Site A Soil Depth Diagram | arsk8301 | 14/08/20 | b02 |
|--|----------|----------|------|
| Site B Deep Soil Diagram | ar-8302 | 14/08/20 | b02 |
| Site B Soil Depth Diagram | ar-8303 | 14/08/20 | b02 |
| Scenario 1 | ar-2900 | 21/01/20 | b03. |
| Scenario 2 | ar-2901 | 21/01/20 | b03. |
| Scenario 3 | ar-2902 | 21/01/20 | b03. |
| Scenario 4 | ar-2903 | 21/01/20 | b03. |
| Scenario 5 | ar-2904 | 21/01/20 | b03. |
| Landscape Concept Plan – Ground Level | la-0500 | 18/08/20 | b04 |
| Baptist Community Hub | | | |

- 3. **Building Envelopes**. Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelopes and provide an appropriate relationship with neighbouring buildings.
- 4. **Floor space ratio for the site**. The Floor Space Ratio (FSR) of the proposal must not exceed the maximum permissible floor space (60,633m² for the site) and shall be calculated in accordance with the Ryde LEP 2014 for any development across the entire site. Details of the Gross Floor Areas (by use) in the development (i.e. across the entire development site), is to be provided for every subsequent Development Application, and the maximum GFA must not exceed that shown on the approved architectural floor plans.

5. Building height.

- a) The height of the buildings must not exceed the maximum heights as shown in the approved architectural plans.
- b) Building Height shall be calculated in accordance with Clause 4.3 and 4.3A of the Ryde Local Environmental Plan 2014, applicable at the time of development consent.
- 6. **Consistency of future development applications**. While this consent remains in force, the determination of any future development application in respect of the site cannot be inconsistent with this consent.
- 7. **Matters not Approved.** The following items are not approved and do not form part of the concept approval:
 - a. Any demolition, excavation and/or construction;
 - b. Any tree removal;

- c. The layout, number of, and gross floor area allocation for apartments/commercial/retail tenancies;
- d. The number of parking spaces, bicycle spaces, car share or loading spaces/areas;
- e. The design and materials of the building exteriors including facades and roofs;
- f. Public Domain and landscape design;
- g. Stormwater and Drainage design;
- h. The final arrangement of land uses.
- 8. **Parking Capacity and Allocation.** Each development must provide parking in accordance with the applicable Council DCP controls at the time of lodgement of each subsequent development applications for each of the buildings and is to also include:
 - a) At least two 2 loading bays capable of accommodating an MRV vehicle (as per AS 2890.2 dimensions must be provided for each basement footprint.
 - b) Each building must have a dedicated waste loading area capable of accommodating the largest Council waste vehicle (dimensions available from Council's Waste Department).
 - c) A minimum of 1 car space per 50 spaces allocated for the residential use are to be provided for the exclusive use of car share scheme vehicles.
 - d) Bicycle Parking. Bicycle parking and end of trip facilities is to be provided. At a minimum the number of bicycle parking is to be consistent with Council's requirements.
 - e) The provision of carparking must be staged relative to the level of development being undertaken and must be in accordance with the above parking rates such that there is no over supply of offstreet parking be provided at any stage of development.
- 9. Herring Road Setback. The front setback area of Building 1, facing Herring Road is to include deep soil planting in accordance with Clause 7.4 (h) in Part 4.5 – Macquarie Park Corridor of the Ryde DCP 2014.
- 10. **SEPP 65.** The residential components of any future development in each of the subsequent development application of each of the buildings must address the principles of "State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development" and the controls within the accompanying Apartment Design Guide.
- 11. **BASIX.** A BASIX Certificate in accordance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with any relevant subsequent Development Application.
- 12. **Acoustic Impact Assessment.** Any future applications for residential development or a noise generating use is to be accompanied by an Acoustic

Impact Assessment report. The report must be prepared by a suitably qualified Acoustic Consultant and is to demonstrate that the development complies with the applicable controls under SEPP (Infrastructure).

- 13. **Geotechnical Report.** Any future applications for excavation and/or construction of the basements levels and buildings is to be accompany by a Geotechnical Report.
- 14. Access. An access report shall be submitted with any subsequent Development Application to demonstrate that the building, roadway, and pedestrian pathways have been designed and is capable of being constructed to provide access and facilities for people with a disability in accordance with the Disability Discrimination Act, Part 9.2 of the Ryde Development Control Plan 2014 and the Building Code of Australia.
- 15. **Contamination.** A Detailed Environmental Site Assessment (DESA) must be submitted for Council's consideration with any future development application. The DESA must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.
- 16. **Ecologically Sustainable Design Statement.** An Ecologically Sustainable Development Design Statement is to be submitted with the future development applications that demonstrates the development complies with Clause 6.6 of the Ryde Local Environmental Plan 2014.
- 17. **Crime Prevention Through Environmental Design.** All future Development Applications are to comply with the principles of Crime Prevention Through Environmental Design.
- 18. **Public Art.** A detailed public art strategy is to be developed and submitted with the development applications for each of the buildings in accordance with Part 4.5 Macquarie Park Corridor DCP 2014.
- 19. Water Sustainable Urban Design Strategy Plan. A Water Sustainable Urban Design Strategic Plan (WSUDSP) must be prepared detailing WSUD components to be implemented throughout the development. The WSUDSP is to be submitted for any future development application for the site and must address Part 8.2 of Council's DCP 2014 and the Water Sensitive Urban Design Guidelines.
- 20. **Waste Collection.** Any future Development Application for the site shall demonstrate compliance with Council's requirements for waste collection and Part 7.2 of DCP 2014 Waste Minimisation and Management. This is to include the submission of a Waste Management Plan and detailed architectural plans which address Council's requirements.

- 21. **Wind Environment Statement.** The recommendations contained in the Wind Assessment Report prepared by Windtech dated 11 March 2020 to be incorporated in any future applications that includes a building over 5 storeys in height and an updated Wind Report submitted with each application.
- 22. **Traffic Impact Assessment Report.** To ensure that traffic and parking impacts are addressed for each building, a traffic impact assessment report shall be submitted with each future Development Application.
- 23. **Swept Path Analysis**. Temporary on-site loading bay and manoeuvring area, overhead clearance shall be designed for safe forward in/out access of 11.0m Council's waste vehicle. A plan showing the swept path diagram of 11.0m Council's waste vehicle and location of the on-site loading bay shall be submitted to Council's Transport Department with each future Development Application. The height clearance required is 4.5m. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.
- 24. **Public Domain.** A public domain detailed design plans must be lodged with the development applications for all future stages of this development and should be conditioned accordingly based on future submissions.

According to the City of Ryde Development Control Plan DCP 2014 Part 4.5 -Macquarie Park Corridor, a new Road 3 (with a 20m road reserve) is to be designed, built and dedicated to Council as part of any future redevelopment of this site.

The detailed road design shall be generally in accordance with the already submitted Civil Engineering Design for the future Road 3, prepared by James Taylor & Associates (Civil & Structural Consulting Engineers), drawings Nos C.22 – Rev.E, C.23 – Rev.E, C.25 – Rev.E and C.26 – Rev.E.

The public infrastructure works along the new Road 3 and along the Herring Road frontage are to be in accordance with City of Ryde Development Control Plan DCP 2014 Part 4.5 - Macquarie Park Corridor, and the City of Ryde Public Domain Technical Manual (PDTM) Section 6 – Macquarie Park.

- 25. **Right of Way.** A splayed corner of 2.5m by 2.5m (under a ROW) will be required at the intersection of the future Road 3 with Herring Road to accommodate the disabled pedestrian access on the public footpath at the signalised intersection envisaged at that point by TfNSW.
- 26. **Servicing of 120 Herring Road**. As part of any future development application, the proponent will provide detailed information addressing council's requirement for an uninterrupted domestic waste service for the existing multiunit complex at 120 Herring Road. The proponent will ensure that adequate provision will be made for Council's contractor to enter the site, service bins,

manoeuvre and exit back onto Herring Road in a forward facing direction. A swept path diagram for each stage of the development which will impact the existing waste service at 120 Herring Road must be provided.

27. Vehicle Access & Parking. All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards) AND Council's DCP sections relevant to vehicle access.

To ensure this, the following documentation must be provided with any future development application for works on the site;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV 3.5m / MRV & HRV 4.5m) is achieved along this path.
- c) A vehicle swept path analysis must be prepared for all forms of vehicle access (loading bay, garage, etc) demonstrating safe and clear vehicle access may be attained throughout the proposed development parking areas.

This documentation must be submitted with any future development application for the proposed works encompassed under this Concept Approval, for the approval by the consent authority.

28. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Kikkiya Creek, in accordance with Council's DCP Part 8.2 (*Stormwater and Floodplain Management*) and associated documentation.

The detailed plans and documentation of the drainage system for each subsequent development application must be prepared by a suitably qualified Civil Engineer and is to be submitted to the consent authority for approval. The stormwater management system must comply with the following;

- Incorporate onsite detention having design parameters compliant with Council's development controls.

- The submitted design is consistent with the submitted architectural and landscape plan.
- For Buildings 1 & 2, the stormwater system must incorporate WSUD (water sustainable urban design) components integrated into the landscaped open space areas. This is to ensure such features are easily maintained and not reliant on a manufactured, proprietary product.
- The subsurface drainage system must be designed to preserve the predeveloped groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

29. Flood and Overland Flow Protection – Building 5 Loading Bay Access. A portion of the property on the western perimeter is susceptible to flooding and overland flow during extreme storm events. To ensure that the development of Building 5 is adequately protected from inundation and the works do not exacerbate flood impacts on adjoining property, the following measures must be implemented in the design of Building 5.

- a) The area of the loading bay access ramp anticipated to be impacted by overland flow must ramp up and be suspended above flood waters. The ramp must achieve a freeboard of 500mm between the flood water to the underside of the structure.
- b) The footing details of the ramp must respect the future final road boundary (ie the extension of the road onwards). There must be clear demarcation between the public domain and private infrastructure and the ramp structure must be wholly clear of the future public domain.
- c) To maximise flood storage, the underside of the ramped section must be surface treated to prevent the growth of vegetation and to permit the safe conveyance of flood water at any time.
- d) Portions of the ramp which are unable to be elevated to satisfy the freeboard (such as the base of the ramp at the loading bay manoeuvring area) must be constructed as an open grated platform to allow for the conveyance of flood water.
- e) All access / entries in the loading bay area must be designed having a crest threshold equal to the PMF flood level. This is to prevent *any* inundation of the development (basement levels) due to an extreme storm event.
- f) Areas of the development exposed to floodwaters must be constructed of flood compatible building components,

A Flood Impact Statement prepared in accordance with Councils DCP Part 8.2 (*Stormwater and Floodplain Management*) must be submitted with any development application encompassing the construction of Building 5, located in the south western corner of the site, adjoining Kikkiya Creek. The Flood Impact Statement must incorporate detailed flood analysis utilising 2D flood modelling (TUFLOW or similar) of the pre and post development conditions, for both the proposed roadworks and a conceptual, connected road network extending westwards. The flood model must incorporate the new road turning head (cul-desac) and the works prescribed under the condition "*Flood and Overland Flow Protection – New Road Turning Head*".

The intent of these requirements is to ensure the development does not exacerbate impacts of flooding on the subject site or neighbouring properties and that the development is adequately protected from flooding, that is anticipated to arise from large storm events. The above measures may need to be adjusted, or additional measures required, so as to achieve this objective pending on the outcome of detailed flood modelling.

The documentation is to be submitted to Council for review and approval prior to any development consent being issued for such works.

30. Flood and Overland Flow Protection – New Road Turning Head. A portion of the turning head (cul-de-sac) at the end of the new road, adjacent to Kikkiya Creek, is located in the flood and overland flowpath. To ensure that the infrastructure does not adversely impact the flood regime on the subject site and neighbouring properties, by diversion or damming of flood waters, the works will require the implementation of box culverts under the roadspace to ensure the conveyance of flood waters are unhindered.

The following measures must be implemented;

- a) To ensure that the flood regime (in terms of flood depth and flow velocity) is maintained, if not improved in the sense of reduced risk, a series of box culverts are to be located under the roadway, aligned with the direction of overland flow. The width of the culverts is to extend to the prolongation of the flow boundary downstream from the footprint of Building 5.
- b) The entry to the culverts must incorporate grates and be angled horizontally to the flow such to deflect large debris (anticipated during extreme flood events) back to Kikkiya Creek.
- c) The culvert incorporate flow dissipaters/ rip-rap downstream.
- d) The structure and surrounding batters must incorporate vegetation and natural materials (ie sandstone blockwork) where possible so as to aesthetically blend with the surrounding natural environment of the creek.
- e) The footing details of the infrastructure must respect the future final road boundary (ie the extension of the road onwards). There must be clear demarcation between the public domain and private infrastructure and the infrastructure must be wholly founded inside the future, final, roadspace.
- f) The culvert must achieve a minimum of freeboard of all the following, in both the proposed road and the foreseeable connected roadlink westwards;

- No less than 500mm clearance to the underside of the culvert for the 1% event.

Capacity to accommodate the PMF event. Or as varied to Council's satisfaction.

A Flood Impact Statement prepared in accordance with Councils DCP Part 8.2 (*Stormwater and Floodplain Management*) must be submitted with any development application encompassing the construction of Building 5, located in the south western corner of the site, adjoining Kikkiya Creek. The Flood Impact Statement must incorporate detailed flood analysis utilising 2D flood modelling (TUFLOW or similar) of the pre and post development conditions, for both the proposed roadworks and a conceptual, connected road network extending

westwards. The flood model must incorporate the works prescribed under the condition "Flood and Overland Flow Protection – Building 5 Loading Bay Access".

The intent of these requirements is to ensure the infrastructure does not exacerbate impacts of flooding on the subject site or neighbouring properties and that it is adequately protected from flooding, anticipated to arise from large storm events. The above measures may need to be adjusted, or additional measures required, so as to achieve this objective pending on the outcome of detailed flood modelling.

The documentation is to be submitted to Council for review and approval prior to any development consent being issued for such works.

31. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by a Traffic Engineer having RMS accreditations and submitted to Council for approval with each of the subsequent applications. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction vehicle routes and rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Traffic section.
- Wherever the site is in proximity to a Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities). The modification of parking restrictions (Work Zones) and standing

heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Construction Traffic Management Plan is submitted.

32. Road Delivery and Dedication (Road 3). In accordance with Councils 2014 DCP Part 4.5 (*Macquarie Park Corridor*) the development will require the construction and dedication of public road as specified for "ROAD 3" in Figure 4.1.1 of the aforementioned document. Accordingly any subsequent development scenario entailing the extension of the central access drive, will require the dedication of this access as public roadway prior to occupation of the relevant stage. With exception to, the event that Building 2 is to be approved and constructed independently of Building 1, the road is to be constructed and dedicated to the stage as illustrated in scenario 4, Plan ar 2903 Rev no b03.

The road space must be no less than 20m in width, aligned with Road 3 (noted in the above DCP) and generally as depicted on the approved masterplan. Any variation to the alignment and levels, particular at the western end of the road, will be subject to Council consideration.

Any subsequent Development Applications must be accompanied by concept civil plans of the proposed road works for Council review and approval. Such plans are to incorporate longitudinal sections and cross sections depicting proposed levels, material specifications, provision for services and lighting, parking restriction details and drainage system. The infrastructure must be designed and constructed to comply with Council's current Public Domain standards, relevant DCP controls and Council guidelines.

At each stage, the road must provide a turning head or turning bay facility, sufficient to accommodate large service vehicles (HRV as defined by AS 2890.2 and as illustrated in the swept path diagrams no 1 to 4 submitted to Council on 9 November 2020) to safely exit the area. This will warrant the creation of a Right of Way over the private lot where the turning area is temporary and/ or extends beyond the area of future road dedication. Such a Right of Way may contain terms that it be extinguished on the progression of the future road dedication.

All documentation required for the required road dedication are to be to Council's satisfaction and the dedicated land free of any burdens or legal instruments. All costs associated with the registration or assessment (should independent legal advice be sought) of the road dedication must be borne by the applicant.

33. Restrictive Covenant – Future Road dedication. To ensure that any future development of the land respects the future road corridor, the first development consent for any works enacting on the masterplan will require a Restrictive Covenant to be registered on the title of the lot (or lots if the site is subdivided at the time) so as to prevent any further development works in the area of the future road. The area of the covenant must encompass the future road dedication, any potential deviation of the road alignment so as to continue on through the neighbouring

property to the west and is to encompass a turning circle / turning head to ensure vehicles may safely turn around. The covenant may be extinguished in parts, where such areas are dedicated as public road to Council's acceptation. The terms of the covenant must state that no works are permitted in the burdened land (other than maintenance of the existing structures) and that the landform must remain unaltered, unless approved otherwise by Council. Council is to be listed as the prescribed authority to vary, modify or extinguish the covenant. All costs associated with the review and registration of the covenant (including preparation, registration and an independent assessment as Council may require) are to be borne by the applicant.

- 34. Road Dedication Drainage Services and Easements. All road dedications must have a drainage system which is designed to a Public Domain standard and in accordance with Council's 2014 DCP Part 8.2 (*Stormwater and Floodplain Management*) and Part 8.5 (*Public Civil Works*). This will warrant the registration of a public drainage easement over the downstream portion of the drainage system which extends beyond the realm of the road dedication, to the point of discharge to a receiving waterway (creek) or other legal point of discharge. The downstream drainage services must be designed to Public Domain standards and will require an easement in accordance with the Council's DCP controls, respecting the required clearance from any adjoining buildings or structures.
- 35. Updated Arboricultural Information. Prior to the lodgement of any Development Application as related to this Concept Masterplan, a new or updated Arboricultural Impact Assessment (AIA) must be prepared by a suitably qualified AQF5 Consultant Arborist. The AIA is to provide a full assessment of the anticipated impacts to Trees 8, 9, 62, 63 and all trees on neighbouring allotments within 5m of the site boundaries. The AIA shall provide clear and concise recommendations for tree retention and removal and ensure no conflicting information. Recommendations for tree retention and removal are to be accompanied by sound discussion of the anticipated development impact. Trees already removed or not assessed are to be omitted from the report.

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

- 36. **Updated Ecological Information.** Prior to the lodgement of any Development Application related to this Concept Masterplan, updated Ecological documentation prepared by a suitably qualified Ecologist must be provided. Specifically, the following information must be submitted:
 - An assessment of whether the proposal is likely to significantly affect threatened species under section 7.2, 7.3 and 7.4 of the NSW Biodiversity Conservation Act and with reference to parts 7.1, 7.2 and 7.3 (five-part test) of the Biodiversity Conservation Regulation. If the proposal is likely to significantly affect threatened species; a Biodiversity Development Assessment Report (BDAR) must accompany the DA. In

the 'five-part test' there should be a calculation of how much Sydney Turpentine-Ironbark Forest (STIF) canopy would be lost by referencing the updated ArboriculturalImpact Assessment or by calculating using aerial photo interpretation.

- 2. An assessment of whether the native vegetation on the site qualifies as Turpentine-Ironbark Forest of the Sydney basin Bioregion under the Commonwealth Environment Protection and conditions thresholds in the listing advice for the CEEC. If so, an assessment of impacts as per the "Matters of National Environmental Significance: Significant impact guidelines" should be referred to determine whether the proposed action is a controlled action requiring referral to the Federal Environment Minister.
- 3. If a BDAR is required, a tabulated assessment of the threatened species recorded within 5km of the site, their habitat requirements and the likelihood of occurrence at the subject site.
- 4. Clear representation of maps and figures and their relationship to the proposed development footprint. This must include mapping of extant STIF on site by canopy and threatened flora and fauna within 5km. Superfluous figures are to be omitted from the report.
- 5. Any report submitted to Council must align with the calculated impacts to existing trees as identified within the Arboricultural Impact Assessment (AIA) to accompany the Development Application.
- 37. Landscape Plan. A Landscape Plan is required to be prepared for each future development applications by a qualified Landscape Architect and is to conform to the requirements of the Apartment Design Guide NSW Department of Planning. The Landscape Plan is to include tree replacement strategy to offset any tree removal, calculations showing planting on structures conform to the minimum soil standards for plant types and sizes as show in the Guide.
- 38. **Transport for NSW requirements.** At the submission of the first development application for the site, the proponent shall:
 - 1. The land identified in pink on the attached sketch is required for the TfNSW intersection and road reserve design and should be identified on the submitted plans. The developer is to be dedicate this land to TfNSW at the full cost of the developer and shall be executed prior to the release of the Construction Certificate.
 - 2. Utilities for the proposed development need to be located outside the intersection design location shown on the TfNSW 80% concept design.
 - 3. All new buildings or structures, together with any improvements integral to the future use of the site are to be erected clear of the land required for the TfNSW intersection design.

- 39. **Framework (Green) Travel Plan**. A Framework (Green) Travel Plan is to be submitted with any Development Application that involves a 10,000m² increase in GFA. The Framework Travel Plan is to be prepared in accordance with the requirements of Part 4.5 Macquarie Park Corridor DCP 2014 and must include (but not be limited to):
 - (a) Details of the car sharing scheme on the site (in accordance with the conditions of this consent);
 - (b) Measures/ incentives to encourage occupants to enter into the car sharing scheme to be located on the site;
 - (c) Measures/ incentives for public transport usage and
 - (d) Measures incentives to encourage cycling, including detailing end of trip facilities, bicycle parking facilities, signage and notification to residents and patrons to the centre.
- 40. **Public Access Right of Way**. A public Right-of-Way is to be provided over the open space between Herring Road and adjacent to Buildings 1 & 2 that connects to Saunders Close as well as between Buildings 3 & 4 to Road 3. Each subsequent DAs is to show the location of the ROW. The Terms of Agreement are to be agree to at the time of the subsequent DAs.

End of Conditions