

# Concept Approval

## Section 75O and Section 75P of the *Environmental Planning & Assessment Act 1979*

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms and modifications in Schedule 2, and the Statement of Commitments in Schedule 4 pursuant to section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, that the further environmental assessment requirements for approval to carry out the development are as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are subject to Part 4.



**Kevin Sproats**  
Member of the Commission



**Richard Thorp**  
Member of the Commission

Sydney

28 September 2012

### SCHEDULE 1

<b>Application No.:</b>	MP10_0037
<b>Proponent:</b>	EGC Custodian Services Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 9 DP576484, Lot 2 DP371325, Lot 1 DP845252, Lot 2 DP524945, Lot 10 DP739172, Lot 1 DP504970, Lot 24 DP869002, Lot 1 DP656171, Lot 2 DP656172, Lots 3-7 DP28702, 116a – 122b Epping Road, 259 – 263 Lane Cove Road and 1 – 9 Allengrove Crescent, North Ryde.
<b>Project:</b>	Residential flat development concept, including: <ul style="list-style-type: none"><li>• Use of the site for residential flat buildings;</li><li>• Indicative building envelopes for 7 buildings to a maximum height of 89.25m AHD;</li><li>• Two basement levels of car parking;</li><li>• Road works to support the development; and</li><li>• Landscaping areas throughout the site.</li></ul>

### NOTES RELATING TO THE DETERMINATION OF MP No. 10\_0037

#### ***Responsibility for other approvals/ agreements***

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

***Legal notices***

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

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## DEFINITIONS

<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
<b>Advisory Notes</b>	means advisory information in relation to the approved development.
<b>BCA</b>	means the <i>Building Code of Australia</i> .
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means City of Ryde Council.
<b>Department</b>	means the Department of Planning and Infrastructure or its successors.
<b>Director-General</b>	means the Director-General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by Urbis Pty Ltd dated 26 November 2010.
<b>Minister</b>	means the Minister for Planning & Infrastructure.
<b>MP No. 10_0037</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report and as amended in the description and plans in Schedule 2, Conditions 1 and 2.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report prepared by Urbis Pty Ltd dated 24 May 2011.
<b>Proponent</b>	means EGC Custodian Services Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

## SCHEDULE 2

### TERMS OF APPROVAL

#### 1. DEVELOPMENT DESCRIPTION

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

- a) Use of the site for residential flat buildings;
- b) Indicative building envelopes for 7 buildings to a maximum height of 89.25m AHD;
- c) Two basement levels of car parking;
- d) Road works to support the development; and
- e) Landscaping areas throughout the site,

subject to compliance with the modifications of this approval.

#### 2. DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10\_0037 and the Environmental Assessment prepared by Urbis Pty Ltd dated 26 November 2010, except where amended by the Preferred Project Report prepared by Urbis Pty Ltd dated 24 May 2011, and except where amended by the following drawings:

Architectural Drawings prepared by Candalepas Associates			
Drawing No.	Revision	Name of Plan	Date
DA-1100	D	Concept Plan Envelopes	29.08.2012
DA-1101	D	Basement Floor Plans	29.08.2012
DA-1102	D	Ground Floor Plan	29.08.2012
DA-1103	D	Level 1 - 4 Floor Plans	29.08.2012
DA-1201	D	Site Sections	29.08.2012
DA-1202	D	Site Sections	29.08.2012
DA-1301	D	Elevations	29.08.2012
DA-1302	D	Elevations	29.08.2012
DA-1701	D	Development Analysis	29.08.2012
DA-1801	D	Shadow Analysis	29.08.2012

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

#### 3. BUILDING ENVELOPES

Building envelopes are to be generally consistent with the Concept Plan Envelopes.

#### 4. PRIVATE OPEN SPACE

All apartments must be provided with private open space with a minimum depth of 2 metres. Private open space at ground level shall not be less than 25m<sup>2</sup>, with a minimum dimension of 4 metres.

#### 5. ADAPTABLE UNITS

At least 10% of all dwellings provided across the site must be adaptable apartments.

#### 6. ROADWAYS

- (a) Allengrove Crescent is to be widened in accordance with Council's specifications and requirements (see also Schedule 3 Condition 7(a)).
- (b) Allengrove Crescent is to have "No Stopping" and "No Parking" restrictions in accordance with Schedule 3(7(a)).

#### **7. LAPSING OF APPROVAL**

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

#### **8. INCONSISTENCY BETWEEN DOCUMENTATION**

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

## SCHEDULE 3

### FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

#### 1. BUILDING DESIGN

- a) Future 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*.
- b) Future buildings shall be designed to incorporate greater horizontal and vertical articulation and modulation. Such articulation/modulation shall incorporate a variety of architectural techniques including variable material and colour choice, building stepping and the incorporation of appropriate openings. The modulation/articulation shall provide for visual interest, quality and definition to street walls.
- c) Future applications shall ensure that the buildings fronting Allengrove present a built form, mass, scale and design that is consistent with the existing and future residential character of Allengrove Crescent. Particular regard shall be given to addressing Allengrove Crescent, including provision of individual access to each ground floor flat, where appropriate.
- d) Future applications shall demonstrate that solar access complies with the provision of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.
- e) The detailed design shall incorporate durable materials to mitigate road traffic noise from Lane Cove and Epping Roads in accordance with The Environmental Criteria for Road Traffic Noise (EPA, May 1999), the Environmental Noise Management Manual (RTA, 2001) and Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).
- f) Future applications shall include an acoustic assessment that demonstrates how the proposed development will comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
- g) The detailed design shall incorporate any changes necessitated as result of any dedication to Council for the widening of Allengrove Crescent (see Condition 7(a) below).

#### 2. PRIVACY

Future applications shall demonstrate that adequate privacy screening and treatment will be provided to minimise privacy impacts between buildings located on the site and adjoining properties.

#### 3. LANDSCAPING

Future applications shall include detailed landscape plans demonstrating consistency with Council's requirements, except where amended following any further discussion between the Proponent and Council.

#### 4. CONSTRUCTION AND OPERATIONAL IMPACTS

Any future applications shall include construction management plans and dilapidation surveys.

Any future application shall address any potential contamination on the site and implement the recommendations of the Environmental Investigation Services report dated April 2008.

Details are to be submitted with future applications of the acoustic treatments to be implemented to address the recommendations of the Acoustic Assessment prepared by Heggies dated September 2010.

## **5. SUSTAINABLE TRAVEL PLAN**

Future applications shall provide details of a Sustainable Travel Plan, including investigation of car sharing schemes and the on-site provision of a car share parking space.

## **6. ESD**

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction, and ongoing operation phases, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

## **7. PUBLIC DOMAIN**

Future applications shall address the following:

- a) The provision by the proponent at no cost to Roads and Maritime Services (RMS) or Council of all necessary street works, including:
  - the dedication to Council of a 2m strip of land along the site's south western boundary for the widening of Allengrove Crescent in consultation with Council;
  - the widening of the carriageway of Allengrove Crescent along the site frontage, with new kerb and gutter;
  - the upgrade of the footpath along the site's frontage to Lane Cove Road and Allengrove Crescent to match the existing RMS works along the Epping Road off-ramp;
  - a pedestrian refuge at the intersection of Lane Cove Road and Allengrove Crescent (subject to Local Traffic Committee approval);
  - the removal of all redundant driveways along Lane Cove Road and Epping Road off-ramp and replacement with kerb and gutter to match existing to the satisfaction of RMS;
  - the removal of all redundant driveways along the site frontage to Allengrove Crescent, to the satisfaction of Council;
  - to implement "No Stopping" restrictions on both sides of Allengrove Crescent between Lane Cove Road and the western property boundary, where the road widening, referred to in Schedule 2, Condition 6(a), commences in consultation with Council' and
  - to implement "No Parking" restrictions on Allengrove Crescent between the western property boundary and the access to the basement carpark in consultation with Council.
- b) The development shall provide pedestrian and cycle linkages through the site in accordance with the approved Concept Plan.
- c) The landscape embellishment of Nimbin Reserve adjoining the site on the corner of Epping and Lane Cove Roads in consultation with RMS with evidence of consultation and any proposed embellishment submitted with future applications.

## **8. CAR PARKING**

Future applications shall address the following:

- a) the provision of on-site parking in accordance with the requirements of Ryde DCP 2010;
- b) the layout of the proposed car parking areas associated with the development, including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions should be in accordance with Australian Standards AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage; and



- c) the design of parking facilities so that all vehicles, including service vehicles, enter and exit the site in a forward direction.

## **9. STORMWATER AND DRAINAGE**

Future applications shall address the design of stormwater drainage facilities generally in accordance with Council's requirements.

## **10. GROUNDWATER**

Future applications are to demonstrate that the development does not impact upon the health of groundwater dependent ecosystems; and where basements intercept groundwater, they are to be tanked.

Monitoring of ground water levels is to commence prior to basement design and continued through to construction.

## **11. SERVICING**

Future applications shall provide details of suitably located and landscaped on-site storage areas for waste bins.

## **12. STAGING OF DEVELOPMENT**

Details of the intended staging of the development are to be submitted with the first application to ensure the orderly and coordinated development of the site.

## **ADVISORY NOTES**

### **1. SYDNEY WATER SERVICING**

The proponent is required to apply to Sydney Water for a Section 73 Certificate regarding any works, amplification and/or changes to the system required. It is recommended the proponent engage a Water Servicing Coordinator to obtain the certificate and manage the servicing aspects of the approved development. The proponent is also required to fund any adjustments needed to Sydney Water infrastructure as a result of the development.

### **2. CONSTRUCTION TRAFFIC MANAGEMENT**

A construction zone for demolition and construction vehicles is not permitted on Lane Cove Road or the Epping Road off-ramp.

## **SCHEDULE 4**

### **STATEMENT OF COMMITMENTS**

**MP 10\_0037**

**CONCEPT PLAN FOR A RESIDENTIAL DEVELOPMENT CONCEPT, 116A – 122B  
EPPING ROAD, 259 – 263 LANE COVE ROAD AND 1 – 9 ALLENGROVE CRESCENT,  
NORTH RYDE**

**(Source: Preferred Project Report)**

**DRAFT STATEMENT OF COMMITMENTS FOR CONCEPT PLAN (MP10\_0037) – 1-9 ALLENGROVE CRESCENT, 116A-122B EPPING ROAD AND 259-263 LANE COVE ROAD, NORTH RYDE**

Subject	Commitments	Timing
1. Section 94 Contributions	Section 94 Contributions to be made for the project will be in accordance with calculations provided in Section 8.8 of the Environmental Assessment Report.	Section 94 Contributions will be paid prior to the issue of the Construction Certificate.
2. Car Share	A parking space will be made available for use by shared vehicles.	The car share space will be documented in the Development Application drawings and noted on the title.
3. Bicycle Facilities	Bicycle facilities: the project will provide for bicycle facilities and parking in accordance with Council's standards	Bicycle facilities will be documented at the Development Application stage of the project.
4. Public Reserve	The upgrade of the adjoining public reserve is proposed at the proponent's cost (it is noted that the proponent does not own the public reserve and as such this proposal is a commitment only and not a part of the project to which this application formally applies).	Upgrades to the public reserve will be documented at the Development Application stage of the project and implemented prior to occupation.
5. Public Domain	A commitment is made to establish street trees along Lane Cove Road, Epping Road and Allengrove Crescent. In addition, upgrades to the turf verge and pedestrian footpath bounding sections of Epping Road, Lane Cove Road and Allengrove Crescent are also proposed (it is noted that the proponent does not own the public reserve and as such this proposal is a commitment only and not a part of the project to which this application formally applies).	Upgrades to the public domain will be documented at the Development Application stage of the project and implemented prior to occupation.
6. Community Gardens	A community garden will be provided in accordance with the Landscape Plan and Landscape Report at Appendix L.	Community garden will be constructed prior to occupation and a plan of management will be prepared to be approved by the DoP prior to the issuing of a construction certificate.
7. Public Art	It is proposed to incorporate functional and aesthetic public art installations in the public domain under the Epping Road overpass. Artwork will be selected from works prepared by Macquarie University art students and as part of this commitment a design competition will be run. Both the installations and the design competition will be provided at the proponent's cost. It is noted that the proponent does not own the public domain space under the overpass and as such this proposal is a commitment only and not a part of the project to which	Public art installations will be in place prior to occupation.

Subject	Commitments	Timing
	this application formally applies). Details of this commitment are to be negotiated with Council and the RTA.	
8. Water Sensitive Urban Design (WSUD)	WSUD measures will be implemented in accordance within the Stormwater Management and Flood Assessment prepared by Worley Parsons (refer to Appendix N).	WSUD measures will be documented at the Development Application stage of the project
9. Transport Management	A single and one-off yearly rail pass from Macquarie Park to the Sydney CBD will be provided to the purchaser/s of each apartment. Note, one (1) rail pass only will be provided per apartment.	Rail passes will be provided at the time of sale for each apartment.
10. Dilapidation Surveys of Adjoining Properties	A Dilapidation Report will be prepared on surrounding buildings, roads, pavements and structures prior to the commencement of any excavation works, to document existing conditions, so that claims for damage due to vibrations or construction related activities can be accurately assessed	The Dilapidation Report will be submitted prior to the commencement of work.
11. Ecologically Sustainable Development (ESD)	ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Built Ecology and located at Appendix M.	ESD principles and measures will be documented at the Development Application stage of the project.
12. Construction Management	The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like.	A Construction Management Plan shall be prepared prior to the issue of the Construction Certificate.
13. BCA Compliance	All building will be designed in accordance with the Building Code of Australia.	BCA compliance will be documented at the Development Application stage of the project
14. Augmentation of Utilities	The approval of all existing utility service providers (e.g. gas, electricity, telephone, water, sewer) will be obtained, and any required augmentation works undertaken.	The augmentation of services will be documented at the Development Application stage of the project
15. Noise Mitigation	Noise mitigation measures will be implemented in accordance with the Noise Impact Assessment prepared by Heggies (refer to Appendix Q)	Noise mitigation measure will be documented at the Development Application stage of the project
16. Remediation of Land	If necessary a Remedial Action Plan will be submitted for approval and audited upon implementation.	Details of land remediation will be documented at the Development Application stage of the project if necessary.

Subject	Commitments	Timing
17. Dedication of land for road reserve	Land will be dedicated to Council to allow the widening of Allengrove Crescent by 2 metres adjacent to the site.	This will be dedicated in accordance with Council and RTA requirements at the project application stage.