

SCHEDULE 2

PART A – TERMS OF APPROVAL

A1 DEVELOPMENT DESCRIPTION

Concept approval is granted to the development as described below:

- demolition of all existing structures;
- remediation of the land;
- retention, ~~and~~ rehabilitation and dedication to Council of 1.35ha of bushland and the provision of a walking trail and associated infrastructure;
- a basement car park for approximately ~~645~~ 596 spaces;
- approximately 400 residential apartments including 10% 'affordable housing' apartments;
- ~~769-258~~ sqm of retail floor space;
- ~~800-650~~ sqm of commercial floor space;
- ~~1,850-816~~ sqm of community floor space;
- up to ~~31,615~~ 33,310 sqm of residential floor space;
- subdivision to create a development lot and open space lot; and
- open space, internal vehicular/pedestrian access and associated landscaping.

Note: The number of apartments and car spaces may vary by a maximum of 10% without any change to the approved gross floor area or building envelopes.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10_0148 and the Environmental Assessment prepared by Perica & Associates 28 June 2011 , and the revised Statement of Commitments (refer to Schedule 4), except where amended by the Preferred Project Report prepared by Perica and Associates dated 5 March 2012, and the following drawings:

| Architectural Drawings prepared by CM + (Conybeare Morrison International Pty Ltd) | | | |
|--|-------|------------------------|--------------|
| Drawing No. | Issue | Title of Plan | Date |
| A010 | 2 | Building Envelope Plan | 27 July 2012 |
| A101 | 2 | Roof Plan | 27 July 2012 |
| A102 | 2 | Plan at RL 30.5 | 27 July 2012 |
| A103 | 2 | Plan at RL 27.5 | 27 July 2012 |
| A104 | 2 | Plan at RL 24.5 | 27 July 2012 |
| A105 | 2 | Plan at RL 22 | 27 July 2012 |
| A106 | 2 | Plan at RL 19 | 27 July 2012 |
| A201 | 2 | Site Elevation – North | 27 July 2012 |
| A202 | 2 | Site Elevation – West | 27 July 2012 |
| A203 | 2 | Site Elevation – East | 27 July 2012 |
| A204 | 2 | Site Section A | 27 July 2012 |
| A205 | 2 | Site Section B | 27 July 2012 |
| A601 | 2 | Schedule of Areas | 27 July 2012 |

As amended by the following drawings approved under MOD1:

| Architectural Drawings prepared by CM + (Conybeare Morrison International Pty Ltd) | | | |
|--|--------------|-------------------------------|--------------------------|
| <u>Drawing No.</u> | <u>Issue</u> | <u>Title of Plan</u> | <u>Date</u> |
| <u>A010</u> | <u>4</u> | <u>Building Envelope Plan</u> | <u>16 September 2013</u> |
| <u>A101</u> | <u>6</u> | <u>Roof Plan</u> | <u>16 September 2013</u> |
| <u>A102</u> | <u>3</u> | <u>Plan at RL 30.5</u> | <u>6 June 2013</u> |
| <u>A103</u> | <u>4</u> | <u>Plan at RL 27.5</u> | <u>16 September 2013</u> |
| <u>A104</u> | <u>3</u> | <u>Plan at RL 24.3</u> | <u>6 June 2013</u> |
| <u>A105</u> | <u>3</u> | <u>Plan at RL 21.1</u> | <u>6 June 2013</u> |
| <u>A106</u> | <u>3</u> | <u>Plan at RL 18</u> | <u>6 June 2013</u> |
| <u>A201</u> | <u>5</u> | <u>Site Elevation – North</u> | <u>19 August 2013</u> |
| <u>A202</u> | <u>5</u> | <u>Site Elevation – West</u> | <u>19 August 2013</u> |
| <u>A203</u> | <u>5</u> | <u>Site Elevation – East</u> | <u>19 August 2013</u> |
| <u>A204</u> | <u>6</u> | <u>Site Section A</u> | <u>19 August 2013</u> |

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| <u>Architectural Drawings prepared by CM + (Conybeare Morrison International Pty Ltd)</u> | | | |
|---|--------------|--------------------------|-----------------------|
| <u>Drawing No.</u> | <u>Issue</u> | <u>Title of Plan</u> | <u>Date</u> |
| <u>A205</u> | <u>6</u> | <u>Site Section B</u> | <u>19 August 2013</u> |
| <u>A601</u> | <u>4</u> | <u>Schedule of Areas</u> | <u>19 August 2013</u> |

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

A3 LAPSING OF APPROVAL

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 which concept approval has been given prior to the lapsing of the Concept Plan.

A4 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.

PART B -MODIFICATIONS TO THE CONCEPT PLAN

B1 FULL COMPLIANCE WITH SEPP 65

The concept approval is subject to each building (including any townhouses included in the building) strictly complying with *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. BUILDING DESIGN

- a) Future applications for development on the site shall achieve design excellence in accordance with the requirements of the Director General's Design Excellence Guidelines.
- b) The development shall demonstrate compliance with sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency and meet the applicable requirements of BASIX.
- c) The development 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*.
- d) The key design principles in the *NSW Premiers Council for Active Living, Development and Active Living: Designing Projects for Active Living* shall be considered and where relevant inform the detailed design to create an active living environment.

2. LANDSCAPING

- a) A detailed Landscape Plan, prepared by a suitably qualified landscape architect detailing the location, types and treatments for landscaping and public domain elements.

3. NOISE MANAGEMENT ASSESSMENT

- a) A detailed Noise Management Assessment, prepared by a suitably qualified acoustic consultant in accordance with the NSW Industrial Noise Policy. The noise assessment shall identify which buildings or parts of buildings require acoustic treatment to habitable spaces to provide satisfactory indoor noise levels. The assessment is to include all noise sources surrounding the site including traffic and industrial activities. The mitigation measures to minimise noise impacts (e.g. landscape buffers, building design, enclosure of balconies, construction techniques) are to inform the detailed design stage of the development.

4. CONTAMINATION

Any Future DA shall have regard to the following:

- a) Preparation of a detailed contamination assessment, prepared by a suitably qualified person including a Sampling, Analysis and Quality Plan.
- b) A Remediation Action Plan, prepared by a suitably qualified person in accordance with *Managing Land Contamination: Planning Guidelines SEPP 55 -Remediation of Land* (DUAPIEPA 1998), based on recommendations and conclusions in the Contamination Assessment Report, prepared by AECOM, dated 4 March 2011.
- c) Should contamination be identified through intrusive monitoring a comprehensive human health risk assessment taking into account pathways of human exposure shall be conducted to inform the remediation plan.

5. STORMWATER

- a) A detailed Stormwater Plan, prepared by a suitably qualified consultant is to conform with the requirements of Lane Cove Council's Development Control Plan Part O -Stormwater Management.

6. GROUNDWATER

- a) A detailed Groundwater Investigation shall be undertaken to confirm the current depth of groundwater beneath the site. ~~If required from the investigation, The integrity of~~ the existing bore on the site should be monitored and in the event there is a significant rise in the watertable since 2006 a monitoring bore network will need to be designed.
- b) ~~Any-If required or proposed, any~~ proposed groundwater works including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must obtain approval from NSW Office of Water (NOW) prior to their installation.
- c) The Groundwater investigation will need to identify the location of Groundwater Dependent Ecosystems (GDEs) in accordance with NOWs requirements. The Investigation should not be limited to only on-site impacts but give consideration to potential impacts on GDEs along Stringybark Creek. The works that intercept the groundwater will be subject to the provisions under the Water Act 1912.
- d) In the event there is significant interception of groundwater due to excavation for the basement, details of a waterproof retention system will need to be provided with the Groundwater Investigation.

7. AIR QUALITY

- a) A detailed Air Quality Assessment, prepared by a suitably qualified consultant is to provide mitigation measures that can be incorporated into the design of the buildings to minimise odour impacts from the National Starch facility to future residents on the site. The assessment must be based on the current activities and analysis should be undertaken using the facility specific data from the National Pollution Inventory. The mitigation measures to minimise odour impacts are to inform the detailed design stage of the development (and may include measures such as enclosed balconies, location of air intake etc).

~~8. VEHICULAR ACCESS~~

- a) ~~A Stage 2 Road Safety Audit, prepared by a suitably qualified consultant is to review the proposed access arrangements for vehicles entering and exiting the site. The safety audit is to be undertaken in consultation with the RTA and any relevant findings are to inform the final design of the vehicular access arrangements.~~

9. TRAFFIC IMPACT

- a) A Traffic Impact Analysis, prepared by a suitably qualified traffic consultant detailing the impact of the proposed development on the operation of the intersection at Mowbray Road/Centennial Avenue having regard to cumulative impacts from the Mowbray Road Precinct. In the event the traffic analysis determines the proposed development contributes to the need to upgrade the intersection then the proponent shall negotiate with Lane Cove Council to ascertain proportionate monetary contributions to fund the upgrade of the intersection.

10. PARKING PLAN

- a) A Parking Plan showing the proposed car parking areas including driveways, grades, turning paths, site distance requirements, aisle widths, aisle lengths and parking bay dimensions in accordance with AS 2890.1 – 2004 and AS2890.2 – 2002 for heavy vehicle usage.
- b) Details of bicycle storage in the basement of apartments and bicycle lockers and bicycle parking areas for the retail ~~and commercial~~ components in accordance with Lane Cove Councils Development Control Plan.

11. TRAVEL ACCESS GUIDE

- a) A Travel Access Guide for residents and visitors prepared by a suitably qualified traffic consultant, to encourage public and active transport use in accordance with resources available on the Roads and Maritime Services website <http://www.rta.nsw.gov.au/>
- b) The principles of the Travel Access Guide are to be developed in consultation with Lane Cove City Council, Roads and Maritime Services, Sydney Buses and other relevant stakeholders with a view to reducing car travel and encouraging use of public transport buses and bicycle paths along Epping Road.

12. CONSTRUCTION MANAGEMENT PLAN

- a) A detailed Construction Management Plan (CMP) shall be provided for ~~both stages of~~ the development on the site to a level of detail commensurate to the type of application lodged. The CMP shall address, but not be limited to, the following matters where relevant: hours of work; contact details of site manager; erosion and sediment control; traffic management; noise and vibration management; waste management and flora and fauna management.
- b) The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and will not cause erosion or sedimentation. All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialised field. This also relates to vegetation rehabilitation practices in the eastern part of the site.
- c) The CMP shall be prepared in consultation with the RMS and NSW State Transit Authority.
- d) A Construction Environmental Management Plan (CEMP) shall provide details on measures to avoid, minimise, mitigate, manage and if required offset residual environmental impacts of the proposed construction works on surrounding bushland. The CEMP shall include the measures identified in the Flora and Fauna Assessment, prepared by Aecom, dated 7 March 2011.

13. EROSION AND SEDIMENTATION CONTROL

- a) A detailed Soil and Water Management Plan, prepared by a suitably qualified consultant. It should include measures to divert and treat sediment leaving the site to minimise impact on water quality and riparian vegetation along Stringybark Creek and the Lane Cove River. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the watercourse. These control measures are to follow relevant management practices as outlined in the Landcom manual *"Managing Urban Stormwater: Soils and Construction - Volume 1"* (4th Ed., 2004) – the "Blue Book".

14. STAGING PLAN

- a) If staging is proposed, A-a detailed Staging Plan showing the development being carried out in a sequential manner. ~~The first stage should include all~~ All road works to Epping Road for the entire development, ~~(within Epping Road and associated with the development) and~~ access arrangements for new residents ~~and provision of a suitable buffer to the second stage shall be completed prior to an occupation certificate.~~

15. GEOTECHNICAL ASSESSMENT

- a) A Geotechnical Assessment is required to assess the impact of the development on the Lane Cove Tunnel during and after development construction. The assessment will need to include detailed information on the proposed final design, depth and type of footings and foundations of all the buildings. The Geotechnical Assessment is to be submitted to the ~~Roads and Traffic Authority (RTA)~~ Roads and Maritime Services for review and comment prior to being finalised, with any comments received within 30 days of being submitted to the RTA included in the report.

16. RIPARIAN LAND VEGETATION MANAGEMENT PLAN

- a) Prior to any Occupation Certificate being issued, A-a Vegetation Management Plan (VMP) shall be provided for riparian land in the undeveloped southern and eastern portions of the site. The VMP must consider the criteria identified in the *Vegetation Management Plan Guidelines*, prepared by the Department of Water and Energy, (February 2008). The VMP is to be prepared by a suitably qualified person and should address but not be limited to, the following:
 1. Provide details of vegetation to be retained and measures to protect riparian vegetation during the construction and operation phases of the development.
 2. Identify areas to be rehabilitated and details of the vegetation species, composition, planting, layout and densities of plants to re-vegetate these areas.
 3. Long term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this and costings.
 4. Outline ongoing management arrangements, including but not limited to responsibilities, funding and long term maintenance.
 5. Provide details on weed control, access control, rubbish control, planting, monitoring and timing of revegetation works within the retained vegetation and the areas to be revegetated.
 6. A plan showing the location of the Asset Protection Zone (APZ) around the southern developable portion of the site in relation to riparian land and the proposed walking track and associated infrastructure and sewer infrastructure.

17. BUSH FIRE

- a) A report demonstrating how the final design complies with the *New South Wales Planning for Bushfire Protection Guidelines 2006* and *AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas* ~~and has regard to the comments from the NSW RFS in their letter dated 25 July 2012 (S12/0013).~~

18. ABORIGINAL HERITAGE

- a) An Aboriginal Heritage Statement to assess the impact of the works to be undertaken for a walking trail and associated infrastructure in the eastern part of the site.
- b) Provide details of consultation with Aboriginal groups as set out in the draft *Guidelines of Aboriginal Cultural Heritage Impact Assessment and Community Consultation July 2005*.

19. HAZARD ANALYSIS

- a) A ~~detailed~~ Hazard Analysis to ensure impacts from neighbouring industrial facilities are appropriately controlled and do not exceed the risk criteria in the *Hazardous Industry Planning Advisory Paper No. 4 Risk Criteria for Land Use Safety Planning*, NSW Department of Planning.

20. SECTION 94 CONTRIBUTIONS

- a) Future applications shall be required to pay developer contributions to Lane Cove 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~~, and is to include off-sets as outlined in the Voluntary Planning Agreement.

21. VOLUNTARY PLANNING AGREEMENT

- a) The future application for the first stage of building development shall provide details in the form of discussions and/or correspondence with Lane Cove Council regarding the progress or otherwise of a voluntary planning agreement.

22. SYDNEY WATER

- a) Future development applications shall address Sydney Water's requirements in relation to the required upsizing of the existing 150 mm drinking water main and the required upsizing and/or relocation of the existing wastewater mains.

23. PUBLIC ACCESS

- a) The future application shall provide design details of a public walking trail with rest points, seats and information posts through the undeveloped riparian bush land portion of the site.
- b) The future application shall clearly set out the mechanism for creating rights of public access to the undeveloped riparian bushland with the relevant instrument/s to be executed prior to commencement of the final occupation/use of the development.

24. PUBLIC ART

- a) The future application shall provide details of the type and location of a permanent public art installation ~~commissioned by Gatra Pty Ltd~~ in accordance with Part L of the Lane Cove Development Control Plan adopted on 22 February 2010. The public art shall be constructed prior to the issue of the final occupation certificate for the development.

25. SUSTAINABILITY MEASURES

- a) The future application shall provide details on the provision of sustainability measures such as car share spaces, a community bus (funds for which may be provided as part of the VPA), charge points for electric cars, bicycle parking and storage.

26. HOUSING AFFORDABILITY

- a) The future development applications shall demonstrate that 10% of the apartments are affordable housing for a 10 year period and consistent with the State Environmental Planning Policy Affordable Rental Housing 2009. The affordable housing apartments shall be spread across the development and not contained solely within 1 or 2 buildings.
- b) Details shall be provided with the first development application for residential development showing how the delivery of 10% of apartments will be achieved taking into account the stages of the development.
- c) Details shall be provided with the future development application for each stage regarding the restriction to be registered on the title as a covenant and the commercial arrangement with a registered community housing provider for management and administration of the affordable housing apartments.

27 BUSHLAND REHABILITATION

- a) The future application shall provide details on the dedication, to Lane Cove Council, of the ~~whether the undeveloped riparian bushland portion of the site will be dedicated to Lane Cove Council or retained in private ownership and maintained by the landowner.~~

End of Schedule 3