



Environmental Assessment

Modification of Concept Plan Approval
MP10_0110 under Section 75W of
Environmental Planning & Assessment
Act

74-76 Belmore Street
RYDE

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1.0 Introduction

Major Projects Approval No. MP10_0110 was issued on 14 November 2012, under the terms of Part 3A of *State Environmental Planning Policy (Major Development) 2005, (Major Projects SEPP)*, for a Concept Plan for the following residential development on the land at 74-76 Belmore Street, Ryde:

- 35,000m² of residential gross floor area;
- five (5) residential building envelopes and a community facilities building envelope;
- three level basement car parking envelope;
- retention and reuse of the Tellaraga cottage; and
- public domain works, including a through site link and road upgrades.

The approved development was subsequently modified on 14 March and 16 May 2013.

The proponent for the approval was Achieve Australia, who has subsequently entered into agreements with Legacy Property for the development of the land.

DeiCorp Pty Ltd has recently entered into an agreement with Legacy Property to construct the development generally in accordance with the approved Concept Plan.

DeiCorp Pty Ltd has a proven record of implementing and completing major developments approved under Part 3A of the *Major Projects SEPP* in the Redfern-Waterloo area having been involved in large-scale developments at:

- 157 Redfern Street, Redfern; and
- 7-9 Gibbons Street, Redfern.

In reviewing the development design, it has become evident that modifications are required to refine the approved Concept Plan:

- to improve the complex's overall design and meet solar access targets;
- to meet market demands for apartments in this locality;
- to improve the amenity of apartments; and
- to rationalise the design in terms of its construction methods and costs to make the development economically viable.

The development is to be carried out in accordance with the following two (2) development applications to be submitted to and approved by Ryde City Council:

- an application for the construction of all of the apartment buildings approved in the Concept Plan approval; and
- an application for the restoration of Tellaraga House.

The staging of the construction of the apartment buildings is to be facilitated by a number of Construction Certificates.

To facilitate the required changes, it is proposed to modify a number of conditions contained in Major Project Approval No. MP10_0110, under the terms of Section 75W of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Meetings to discuss the proposed modifications were held with:

- Council's officers on 15 August 2013; and
- officers of the Department of Planning & Infrastructure on 3 September 2013.

This application has been prepared in the context of matters that were discussed at those meetings.

This assessment:

- examines the issues associated with the proposed modifications to the consent;
- analyses the impact of the proposed modifications in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details

2.1 The Site

The property known as 74-76 Belmore Street, Ryde, is situated on the eastern side of Belmore Street between Junction Street and Constitution Road.

The site is also known as 8 Junction Street.

The land comprises all of the land contained in:

- Lot 13 and 14, DP 4481;
- Lot 1, DP 921633;
- Lots 11 and 12, DP 51349; and
- Lot 1, DP 1109537.

The site is generally rectangular in shape and has:

- a frontage of some:
 - 164m to Belmore Street;
 - 98m to Junction Street;
 - 167m to Porter Street; and
- an area of 16,143m².

The site has been used as a residential care facility, known as Crowle Home, for people with a disability since 1950.

The site is currently in the process of being decommissioned with residents being relocated to more appropriately designed accommodation.

There are a number of buildings scattered across the site, ranging from one (1) to three (3) storey in height, and the site includes:

- a Federation cottage, known as Tellaraga House, which has been identified as a heritage item; and
- a war memorial garden comprising various garden features and monuments fronting the western entrance from Belmore Street.

Vehicular access to the site is available from all of the street frontages, with two (2) accesses to Belmore Street, one (1) to Junction Street and two (2) to Porter Street.

Mature trees are located predominantly along the site's frontages to Junction and Belmore Streets, with a scatter of trees throughout the remainder of the site.

The trees range in size and provide significant shading and screening from the surrounding road network.

The land is not affected by any easements or rights of carriageway.

2.2 Development Consent Details

Major Projects Approval No. MP10_0110 was issued on 14 November 2012, under the terms of Part 3A of the *Major Projects SEPP*, for a Concept Plan for the following residential development on the land:

- 35,000m² of residential gross floor area;
- five (5) residential building envelopes and a community facilities building envelope;
- three level basement car parking envelope;
- retention and reuse of the Tellaraga cottage; and
- public domain works, including a through site link and road upgrades.

The approved development was subsequently modified on 14 March and 16 May 2013.

2.3 Site Context

The land is situated in the *Meadowbank Employment Area (MEA)*, an area which comprises a wide range of development in term of its use and nature.

The *MEA* is currently in transition from an industrial/employment area to a vital higher-density mixed-use residential/retail/commercial precinct.

The land immediately to the south of the site comprises the property known as 2-4 Porter Street and 80 Belmore Street.

Development Consent No.2010/331 was issued on 15 April 2011 for the construction of two (2) x six (6) storey mixed-use residential/commercial buildings on the land.

A public pathway connecting Belmore Street to Porter Street is to be established as part of that development.

Work associated with the construction of the development has commenced.

The property further to the south known as 82-102 Belmore Street contains a large-scale mixed-use residential/commercial development comprising in excess of three (300) hundred apartments.

The complex contains buildings up to seven (7) storeys in height with parking under them.

The land to the north of the site, on the opposite side of Junction Street, of the site comprises the properties known as 72 Belmore Street and 7-13 Junction Street.

These properties contain:

- a single storey brick dwelling house and the recently completed single storey St. Michael & Gabriel Antiochian Church on 72 Belmore Street; and
- one (1) and two (2) storey dwelling houses of brick and weatherboard construction on 7-13 Junction Street.

The land to the east of the site, on the opposite side of Porter Street, comprises the properties known as 6 Junction Street and 3-15 Porter Street.

These properties contain:

- single storey dwelling houses of weatherboard and fibro construction on 6 Junction Street and 3 Porter Street;
- a single storey brick villa homes development containing three (3) dwellings on 5 Porter Street;
- one (1)/part two (2) storey industrial buildings on 7-11 and 15 Porter Street, occupied for a variety of light industrial and warehouse uses; and
- a single storey industrial building on 13 Porter Street occupied by the Kingdom Covenant Church Australia.

The land to the west of the site, on the opposite side of Belmore Street, comprises the property known as 1 Constitution Road and the Meadowbank Public School.

The one (1)/part two (2) storey industrial building on 1 Constitution Road is occupied as Ryde Council's Operations Centre.

The Meadowbank Public School contains playing fields and single storey classroom buildings on the section of the School's land opposite the site.

Adjacent to the site, there are footpaths in Belmore and Junction Streets, but not in Porter Street.

The Meadowbank Railway Station and ferry terminal are located some 1 kilometre to the west of the site.

The Station is located on the Main Northern Railway Line, which is an integral part of Sydney's heavy rail network connecting Hornsby and the Sydney CBD.

Nearby to the east, Church Street accommodates bus routes.

Council's planning initiatives for the *MEA* envisage dramatic change, transforming the area from an aging obsolete industrial/employment precinct to an attractive and vibrant mixed-use precinct dominated by apartment buildings enlivened at street level by active retail and commercial frontages.

This transformation is well underway.

The area:

- is serviced by a wide range of retail/commercial facilities;
- is in close proximity to recreation and leisure facilities; and
- is conveniently located to public transport and the arterial road network, both in a district and regional context.

3.0 Proposed Modification of Consent

3.1 Proposed Modification of Consent

This application seeks to modify the conditions of Major Project Approval No. MP10_0110, under the terms of Section 75W of the *EP&A Act*, as indicated below.

The amendments to the conditions involve the deletion of the words/numbers shown **~~bold and struck out~~** and the inclusion of the words/numbers shown **bold and underlined**.

Approval No. MP10_0110, issued on 14 November 2012 and as subsequently modified on 14 March and 16 May 2013, is proposed to be modified by:

- (a) amending the description of the Project in Schedule 1 to read:

“Concept Plan for Residential Development, including:

- *35,000m² of residential gross floor area;*
- *5 residential building envelopes and a ~~communal~~-facility building envelope;*
- *3 level basement car park envelope;*
- *retention and reuse of the Tellaraga cottage; and*
- *public domain works including ~~a through site link and~~ road upgrades.”+
A 2 lot stratum Subdivision.*

- (b) amending Condition A1 in Part A of Schedule 2 to read:

“A1. Development Description

Concept approval is granted to the development as described below:

- (a) a residential development involving a maximum Gross Floor Area of 35,000m²;*
- (b) 5 residential building envelopes ranging in height from 4 to 8 storeys and a 1 storey ~~communal~~-facility envelope;*
- (c) 3 level basement car park envelope;*
- (d) retention and reuse of the Tellaraga College and other associated significant features;*
- (e) landscaping and open space areas;*
- (f) ~~provision of a pedestrian/bicycle through site link~~; and*
- (g) road upgrades at the intersection of Constitution Road and Belmore Street.”*
- (h) Creation of a 2 lot Stratum Subdivision*

(c) amending Condition A2 in Part A of Schedule 2 to read:

“A2. Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with:

- the Environmental Assessment dated August 2011 prepared by Don Fox Planning, except where amended by the Preferred Project Report dated May 2012 including all associated documents and reports, and additional information submitted 27 June 2012, 6 August 2012, 23 August 2012, and 7 September 2012;
- the Statement of Commitments prepared by Don Fox Planning as last amended 9 November 2012 and attached to this approval; **and**
- the Environmental Assessment for MP10_0110 MOD2 dated 8 April 2013 and addendum dated 24 April 2013 modification;
- **the Environmental Assessment for MP10_0110 MOD3 dated September 2013 prepared by Ludvik & Associates Pty Ltd;** and
- the following drawings:

Concept Plan Drawings prepared by NBRSPartners/Nordon Jago Architects			
Drawing No.	Revision	Name of Plan	Date
09002-EA02-C	C	Concept Plan Zoning	03/04/2012
09002-EA03-C CA003	D A	Above Ground Primary Development Controls – Depth, Separation & Setbacks	23/04/2013 17/09/2013
09002-EA04-C CA004	D A	Above Ground Primary Development Controls – Height	23/04/2013 17/09/2013
09002-EA05-C CA005	D A	Below Ground Building Envelopes	23/04/2013 17/09/2013
09002-EA06-C CA006	D A	Accommodation Types & Site Access/Exit Zones	23/04/2013 17/09/2013
09002-EA07-C CA007	D A	Street Elevations	03/04/2012 17/09/2013
09002-EA08-C CA008	C A	Street Elevations	23/04/2013 17/09/2013
09002-EA09-C CA009	C A	Sections	03/04/2012 17/09/2013
09002-EA10-C CA010	C A	Sections	03/04/2012 17/09/2013
09002-EA11-C CA011	C A	Sections	03/04/2012 17/09/2013
09002-EA12-C CA012	D A	Belmore Street Elevation	23/04/2013 17/09/2013
09002-EA13-C CA013	D A	Staging Plan	23/04/2013 17/09/2013
09002-EA51-C CA051	D A	Potential Communal Open Space	23/04/2013 17/09/2013
09002-EA53-C CA053	D A	Deep Soil Area	23/04/2013 17/09/2013
09002-EA54-C CA054	D A	Public Accessways	23/04/2013 17/09/2013

- (d) amending Condition A6 in Part A of Schedule 2 to read:

“A6. Maximum Height

The maximum height for the development shall be consistent with the Concept Plan height plans for each building as detailed in the table below.

Building	Maximum Building Height
<i>Building A</i>	<i>Maximum RL of 45.5 metres AHD (4-7 storeys + plant)</i>
<i>Building B</i>	<i>Maximum RL of 43.5 metres AHD (4-7 storeys + plant)</i>
<i>Building C</i>	<i>Maximum RL of 43.8 metres AHD (4-6 storeys + plant)</i>
<i>Building D</i>	<i>Maximum RL of 46.8 metres AHD (Part 7/8 storeys + plant)</i>
<i>Building E</i>	<i>Maximum RL of 46.8 metres AHD (7 storeys + plant)</i>
<i>Building F</i>	<i>Maximum RL of 28.5 metres AHD (1 storey + plant)</i>

*The maximum height specified excludes any lift overrun to ~~Building B~~ **the buildings**, which may be permitted to project to a maximum extent of ~~300~~ **700**mm above the nominated RL as set out in the table above.*

- (e) deleting Condition B1 in Part B of Schedule 2 which reads:

“B1. Through Site Link

A publicly accessible pedestrian/bicyclist through site link shall be provided, as shown on plans, between Porter Street and Belmore Street.”

- (f) amending Condition C2 in Schedule 3 to read:

“C2. Residential Amenity

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 by this Concept Plan approval. In particular, future applications shall demonstrate that:

- (a) a minimum of 70% of apartments within ~~each building~~ **the site** shall receive a minimum of 3 hours solar access to living areas and balconies mid winter;*
- (b) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated;*
- (c) appropriate building depths in accordance with the objectives of the RFDC; and*
- (d) buildings separations achieve the distances set out in the RFDC. Where any variations to the rules of thumb occur the proposal should demonstrate that the objectives of the building separation control are achieved.”*

- (g) amending Condition C13 to read:

“C13. Apartment Servicing

*Future development applications shall demonstrate that vehicular servicing vehicles and waste receptacles and collection for the residential apartments can be **satisfactorily** accommodated within the basement car park. Such facilities may be alternatively located at ground level within the approved building envelope, subject to an assessment of whether they are:*

- (a) wholly contained within the building envelope,*
- (b) appropriately and sympathetically designed; and*
- (c) accessed in an appropriate manner.”*

- (h) amending Condition C15 in Schedule 3 to read:

“C15. Conservation Management Plan and Restoration of Tellaraga House

*The restoration of Tellaraga House must be provided for no later than the ~~development application for the 160th dwelling~~ **issue of the first occupation certificate for apartments in the development** ~~and may be required as a condition of approval prior to that date.~~*

The development application providing for the restoration must include a Conservation Management Plan for Tellaraga House, and associated garden and curtilage, to be prepared in accordance with the NSW Heritage Guidelines.

~~Note: It may be appropriate for the consent authority to require the restoration at an earlier stage if the site is developed by more than one developer.”~~

3.2 Purpose of the Proposed Modifications

The purpose of the modifications is to refine the approved Concept Plan:

- to improve the complex’s overall design and meet solar access targets;
- to meet market demands for apartments in this locality;
- to improve the amenity of apartments; and
- to rationalise the design in terms of its construction methods and costs to make the development economically viable.

The modifications are minor in the context of the project’s overall approved design and layout.

The development, as modified, represents substantially the same development as was approved by Major Project Approval MP10_0110.

3.3 Modifications Proposed

3.3.1 Project Description

The description of the Project in Schedule 1 and in Condition A1 in Part A of Schedule 2 is to be modified to remove reference to the *“through site link”*.

The *“through site link”* was proposed in the context of Commitment 34 contained in the *Statement of Commitments* adopted in Schedule 4 of Major Project Approval No. MP10_0110.

This commitment, which was made on 9 November 2012, involved the provision of *“a through site link along the southern edge of the subject site. However, should the through site link on the adjoining development site at 2-4 Porter Street be provided before Achieve Australia’s project has commenced, then Achieve Australia will not incorporate a duplicate through site link on the subject site”*.

Development Consent No.2010/331 was issued on 15 April 2011 for the construction of two (2) x six (6) storey mixed-use residential/commercial buildings on 2-4 Porter Street and 80 Belmore Street.

A voluntary planning agreement associated with that development requires a public pathway connecting Belmore Street to Porter Street to be constructed as part of that development.

Work associated with the construction of the development on 2-4 Porter Street and 80 Belmore Street has commenced and substantial works have been carried out, including:

- the demolition of the former industrial buildings on the land;
- extensive excavation to accommodate basement car parking areas; and
- the construction of retaining walls, part of the ground floor level and the supporting structure for the public pathway linking Belmore and Porter Streets .

In these circumstances, the through site link described in Schedule 1 and in Condition A1 in Part A of Schedule 2 will not be required.

The removal of the through site link is one of the reasons for the modifications required to the Concept Plan Drawings referred to in the table associated with Condition A2 and the reason for deleting Condition B1.

3.3.2 Solar Access

Condition C2(a) requires future development applications to demonstrate that a minimum of *“70% of apartments within each building”* receive a minimum of 3 hours of solar access to living rooms and balconies in mid-winter.

More detailed design of the buildings has resulted in the number of apartments to be provided on the site being reduced from the indicative number of 430 apartments in the Concept Plan approval to 416 apartments in the proposed modified plans.

Overall, the modified proposal will achieve the desired minimum level of solar access to 70% of apartments

Condition C2(a) also requires this level of solar access to be obtained in each of the apartment buildings.

This requirement is onerous because of the extent of the approved south-facing residential building envelopes, particularly the envelopes associated with Buildings A and E.

The specified solar access standard should be applied as a percentage of the total number of apartments on the site and not the percentage of apartments in each building.

Condition C2(a) of the Concept Plan approval is proposed to be modified accordingly.

3.3.3 Apartment Servicing

The need to provide for service vehicles to enter basement car parks wholly within building envelopes results in:

- increased building heights to provide sufficient clearance for service vehicles, particularly garbage trucks, and the clearance required for lifting mechanisms to transfer waste from bins into the vehicles; and
- increased driveway lengths and grades to accommodate the manoeuvring of service vehicles on the site.

Extensive discussions have been held with Council's officers to determine the most appropriate solution for accommodating service vehicles associated with the ongoing operation of the site.

The proposed service vehicle management strategy for the development involves the construction of a centralised facility located largely under Building A serviced by a driveway located adjacent to the site's southern boundary to be solely used by service vehicles.

This service area will require the car parking under it to be lowered from RL 15 in the approved Concept Plan to RL 13.5.

The proposed modifications to Condition C13 are designed to eliminate the need for service vehicles to be accommodated with the basement car parks and to provide for a servicing regime acceptable to Council.

3.3.4 Building Footprints

The footprints of the buildings in the approved Concept Plan have been modified:

- to ensure that 70% of the apartments receive 3 hours of solar access during the winter solstice;
- to optimise internal accessibility; and
- to reflect market research and more detailed design development of the residential buildings.

This has resulted in a connection being provided between the footprints of Buildings A and E and an extension of the footprint of Building E in a southerly direction..

The walls of the connection between Buildings A and E are to be of glass construction to make the link visually permeable.

It is proposed to provide a suitably designed pedestrian way at ground floor level under the connection to provide access from the public pathway being constructed on 2-4 Porter Street and 80 Belmore Street, which links Belmore and Porter Street, to the central area of the development to provide access to all of the apartments to be constructed on the site.

The refined designed has also resulted in:

- minor variations to the footprints of the other residential buildings in the development as well as the basement car park; and
- a reduction in the number of apartments to be provided on the site from the indicative number of 430 apartments in the Concept Plan approval to 416 apartments in the proposed modified plans.

The modifications to the buildings' footprints are to be highlighted on drawings prepared by Nordon Jago Architects to be submitted with the application.

In addition, an architectural analysis and assessment, prepared by the Project Architects, of the impact of the modifications on the development under construction on 2-4 Porter Street and 80 Belmore Street in terms of building separation and solar access is to be submitted with the application.

The changes to the building footprints:

- will not be readily discernible from view from the public domain in Porter or Belmore Streets;
- will address building separation issues associated with Buildings A and E;
- will not be discernible in terms of the overall urban design outcome of the development on the land; and
- will maintain the principal purpose for the separation of Buildings A and E, which is to provide a pedestrian link from the public pathway linking Porter and Belmore Streets to the central part of the site to optimise pedestrian accessibility.

To achieve these outcomes, it is proposed to modify footprints of the approved building and basement car park envelopes and the access diagrams contained in the Concept Plan Drawings in Condition A2.

3.3.5 Tellaraga House

Condition C15 requires the restoration of Tellaraga House no later than the development application for the 160th dwelling in the complex.

Only one (1) development application is to be submitted for the construction of the residential component of the project, i.e. the application will involve over 400 dwellings.

The restoration of Tellaraga House is to be included in Stage 1 of the redevelopment of the land and the most appropriate time within which restoration should be required is prior to the issue of the first occupation certificate for apartments in the development.

It is, therefore, proposed to modify Condition C15 accordingly.

3.3.6 Staging

It is proposed to change the staging sequence of the approved Concept Plan.

The development is to be carried out in the following two (2) stages.

Stage	Buildings
1	Buildings A & E and the restoration of Tellaraga House, Building F & Full Basement
2	Buildings B, C & D

The changing of the staging sequence is one of the reasons for the modifications required to the Concept Plan Drawings referred to in the table associated with Condition A2.

3.3.7 Stratum Subdivision

To provide a base for the future stratum subdivision:

Stratum Lot 1: To Contain Tellaraga House, Block F, the Memorial Gardens, Heritage Curtilage and associated car parking

Stratum Lot 2: To contain the remaining 5 building envelopes and 3 level basement car parking envelope excluding the car parking for Stratum 1.

3.3.8 General

The proposed modifications do not propose any change to:

- the maximum gross floor area for residential development of 35,000m²;
- the approved building envelopes in terms of their height, with the exception of minor increases for lift overruns;
- the approved vehicular access arrangements from the surrounding road network, with the exception of the new service vehicle access from Porter Street adjacent

- to the site's southern boundary;
- the restoration of Tellaraga House;
- the public domain works in terms of road upgrades;
- the need to relocate residents still residing at Crowle Home;
- the provision of a minimum of 3 adaptable apartments in each building in the ownership of Achieve Australia, with a minimum of 15 adaptable apartments over the entire site;
- the environmental performance of the buildings with a 4 Star Green Star certified rating; or
- the extent of car parking to be provided on-site.

The modifications will not have any discernible effect on the amenity enjoyed by residents of surrounding or nearby residential properties in terms of:

- privacy;
- solar access;
- views; or
- visual impact.

The modifications are minor in the context of the Concept Plan's overall approved design and layout.

The development, as modified, represents substantially the same development as was approved by Major Project Approval MP10_0110.

4.0 Environmental Planning Instruments/Policies

A summary assessment of the proposed modifications under the terms of relevant environmental planning instruments and development policies applying to the land is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Major Projects) 2005</i>	The modifications do not involve any significant change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Policy</i>	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The modifications do not involve any change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Policy</i>	✓
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The modifications do not involve any change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	The modifications do not involve any change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Policy</i>	✓
<i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development</i>	The modifications do not involve any significant change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Policy</i>	✓
<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment)</i>	The modifications do not involve any change to the approved Concept Plan in terms of the aims and provisions contained in the <i>Plan</i>	✓
<i>Ryde Local Environmental Plan 2010</i>	The modifications do not involve any significant change to the approved Concept Plan in terms of the relevant aims and provisions contained in the <i>Plan</i>	✓
<i>Draft Ryde Local Environmental Plan 2013</i>	The modifications do not involve any significant change to the approved Concept Plan in terms of the relevant aims and provisions contained in the <i>Plan</i>	✓
<i>Ryde Development Control Plan 2010 – Part 4.2 – Meadowbank Employment Area – Master Plan</i>	The modifications do not involve any significant change to the approved Concept Plan in terms of the relevant aims and provisions contained in the <i>Plan</i>	✓

The proposed modifications are satisfactory in terms of relevant environmental planning instruments and development policies applying to it and do not raise any additional issues relating to the applicable instruments and policies to those associated with the Concept Plan approved by Major Project Approval MP10_0110.

5.0 Statutory Compliance Assessment

The following is a summary assessment of the proposed modifications under the heads of consideration contained in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

Section	Consideration	Proposed	Compliance
79C(1)(a)(i)	The provisions of any environmental planning instrument	No relevant change to the approved development	✓
79C(1)(a)(ii)	The provisions of any proposed instrument that is or has been subject to public consultation	No relevant change to the approved development	✓
79C(1)(a)(iii)	The provisions of any development control plans	No relevant change to the approved development	✓
79C(1)(a)(iiia)	The provisions of any planning agreement under Section 93F	No change to the approved development	✓
79C(1)(a)(iv)	Matters prescribed by the Regulations	No change to the approved development	✓
79C(1)(b)	Likely impacts of the development	No discernible change to the approved development	✓
79C(1)(c)	Suitability of the site for the development	No change to the approved development	✓
79C(1)(d)	Submissions	No change to the approved development	✓
79C(1)(e)	Public interest	No change to the approved development	✓

The proposed modifications do not raise any additional issues relating to the relevant heads of consideration contained in Section 79C(1) of the *Act* to those associated with the Concept Plan approved by Major Project Approval MP10_0110.

6.0 Conclusion

The development, as modified, represents substantially the same development as the Concept Plan approved by virtue of Major Project Approval No.MP10_0110 issued on 14 November 2012 and as subsequently modified.

The proposed modifications will have no adverse environmental impact and do not raise any additional issues relating to the relevant provisions of *State Environmental Planning Policy (Major Projects) 2005* or the matters required to be considered under the terms of Section 79C of the *Environmental Planning and Assessment Act 1979* to those considered in the issuing of the Concept Plan approval.

The modifications will not have any discernible effect on the amenity enjoyed by residents of surrounding or nearby residential properties in terms of:

- privacy;
- solar access;
- views; or
- visual impact.

The modifications are minor in the context of the Concept Plan's overall approved design and layout.

Accordingly, the application is suitable for approval.