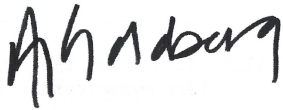



Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 November 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1, subject to the condition in Schedule 2.



Abigail Goldberg
MEMBER OF THE COMMISSION



Gabrielle Kibble AO
MEMBER OF THE COMMISSION

Sydney

27 May date 2014

SCHEDULE 1

Concept Plan:

MP10_0110 granted by the Planning Assessment Commission on 14 November 2012

For the following:

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.

Modification:

MP10_0110 MOD3 including:

- amendment of Blocks A to E and basement car parking building envelopes;
- deletion of Block F building envelope;
- amendment of building setbacks;
- increase of lift overrun height allowance and application of allowance to all Blocks;
- amendment of solar access requirement;
- provision of an additional vehicle entry point on Porter Street;
- amendment of the requirement for the timing of the restoration of Tellaraga House;
- deletion of commitment to provide through site pedestrian link;
- revised development staging from 6 to 2 stages; and
- associated new, reworded and deleted conditions.

SCHEDULE 1 PROJECT

The Concept Plan for MP10_0110 is modified as follows:

- (a) Schedule 1, Project, the project description is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

Project

Concept Plan for Residential Development, including:

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

SCHEDULE 2 TERMS OF APPROVAL

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

A1. Development Description

Concept Approval is granted to the development 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 building envelope;
- (c) 3 level basement car park envelope;
- (d) retention and reuse of the Tellaraga cottage **as a communal facility building** and other associated significant features; ~~and~~
- (e) landscaping and open space areas; **and**
- (f) ~~provision of a pedestrian/bicycle through site link; and~~ road upgrades at the intersection of Constitution Road and Belmore Street.

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

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 7 September 2012;
- the Environmental Assessment for MP10_0110 MOD2 dated 8 April 2013 and addendum dated 24 April 2013 modification; **and**
- **the Environmental Assessment for MP10_0110 MOD3 dated September 2013 and the response to submissions dated 21 January 2014 prepared by Ludvik and Associates Pty Ltd and the report prepared by Nordon Jago Architects dated 21 January 2014; and**

- the following drawings:

| Concept Plan Drawings prepared by NBRSPartners | | | |
|--|-----------------------|---|--|
| Drawing No. | Revision | Name of Plan | Date |
| 09002-EA02 | C | Concept Plan Zoning | 03/04/2012 |
| 09002-EA03-C <u>CA003</u> | D <u>B</u> | Above Ground Primary Development Controls – Depth, Separation & Setbacks | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA04-C <u>CA004</u> | D <u>B</u> | Above Ground Primary Development Controls – Heights | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA05-C <u>CA005</u> | D <u>B</u> | Below Ground Building Envelopes | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA06-C <u>CA006</u> | D <u>C</u> | Accommodation Types & Site Access/ Exist Zones | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA07-C <u>CA007</u> | C | Street Elevations | 03/04/2012 <u>21/01/2014</u> |
| 09002-EA08-C <u>CA008</u> | C | Street Elevations | 23/04/2013 <u>21/01/2014</u> |
| 09002-EA09-C <u>CA009</u> | C | Sections | 03/04/2012 <u>21/01/2014</u> |
| 09002-EA10-C <u>CA010</u> | C | Sections | 03/04/2012 <u>21/01/2014</u> |
| 09002-EA11-C <u>CA011</u> | C | Sections | 03/04/2012 <u>21/01/2014</u> |
| 09002-EA12-C <u>CA012</u> | D <u>C</u> | Belmore Street Elevation | 23/04/2013 <u>21/01/2014</u> |
| 09002-EA13-C <u>CA013</u> | D <u>B</u> | Staging Plan | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA51-C <u>CA051</u> | D <u>B</u> | Potential Communal Open Space | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA53-C <u>CA053</u> | D <u>B</u> | Deep Soil Area | 23/04/2013 <u>07/01/2014</u> |
| 09002-EA54-C <u>CA054</u> | D <u>C</u> | Public Accessways | 23/04/2013 <u>07/01/2014</u> |

- (d) Schedule 2 Part A – Terms of Approval, A6 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck out~~** words / numbers as follows:

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

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~~ 700mm above the nominated RL as set out in the table above.

- (e) Schedule 2 Part B – Modifications, B1 is deleted:

~~B1. Through Site Link~~

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

SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (f) Schedule 3 Future Environmental Assessment Requirements, C1 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

C1. Built Form

Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation/articulation of the buildings and range of high quality materials and finishes. In particular

- (a) the upper 7th storey of buildings facing Belmore and Porter street are to provide a minimum setback of 3 metres from the building facade;
- (b) the upper 6th and 7th storey of Building E at the southern facade shall be setback a minimum of 5 metres from the building façade;
- (c) ~~the building separation between Building Envelopes B and C shall be increased to a minimum of 9 metres; and~~
the 6th storey element of Block A, measuring 12.5m wide by 5m deep, shall be deleted and no 6th storey element of Block A shall project closer to the neighbouring development at 2-4 Porter Street beyond the line of the south western building façade of the 7th storey;
- (d) all storeys above the 4th storey are to use light colours and an architectural treatment that achieves a light weight external appearance that reduces the visual bulk of the buildings; **and**
- (e) **ground floor courtyards including both soft and hard landscaping elements may be provided within setback areas where a soft landscaped presentation to the street is achieved.**

- (g) Schedule 3 Future Environmental Assessment Requirements, C2 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

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 were achieved.

- (h) Schedule 3 Future Environmental Assessment Requirements C6 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

C6. Environmental Performance

Future Development Applications shall demonstrate achievement of a minimum of 4 Star Green Star certified rating for Building A, B, C, D **and E** **~~and F~~**.

- (i) Schedule 3 Future Environmental Assessment Requirements C13 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

C13. Apartment servicing

The vehicle entry/exit point at the southern corner of Block E (directly adjacent to 2-4 Porter Street) shall be 'service vehicle only entry/exit' points.

Future development applications shall demonstrate that vehicular servicing and waste receptacles and collection for the residential apartments can be 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.

- (j) Schedule 3 Future Environmental Assessment Requirements C15 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the **~~bold struck-out~~** words / numbers as follows:

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 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.~~

The conservation of Tellaraga House and its curtilage must be completed no later than the issue of any occupation certificate for the site.

The first development application must include a Conservation Management Plan for Tellaraga House, associated gardens and curtilage which is prepared in accordance with the NSW Heritage Office Guidelines. The Conservation Management Plan shall:

- (a) **be submitted with the first development application for the site;**

- (b) provide conservation management guidelines consistent with the heritage significance of the place including the retention and reuse of Tellaraga cottage as a communal facility building, single residence and / or other alternate uses that would not jeopardise the conservation and ongoing maintenance of the item;
- (c) identify and provide a hierarchy of significant fabric for retention and removal. Where fabric is proposed to be removed the Conservation Management Plan shall provide guidelines for the design and implementation of future building works and/or restoration;
- (d) identify the responsible bodies required to upkeep and maintain the heritage item and associated curtilage; and
- (e) include details of the proposed protection zone around Tellaraga House during excavation, demolition and construction stages of the overall development, including significant garden features such as memorials, driveways and gate posts. This should include a full photographic recording of the Heritage Item and the garden features.

No demolition or excavation works shall commence, within 30 metres of Tellaraga House until the written endorsement of the Conservation Management Plan occurs by the consent authority.

Note: Any potential use of the heritage item may be limited by its potential impacts upon the amenity of surrounding residential properties, access, car parking, and other matters. These matters must be addressed and detailed within the first Development Application that includes any work to or use of Tellaraga House.

SCHEDULE 4 STATEMENT OF COMMITMENTS

- (k) Schedule 4 Statement of Commitments, commitment number 34 is deleted:

~~Achieve Australia commits to providing 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, the Achieve Australia will not incorporate a duplicate through site links on the subject site. Should the through site link be provided this will be incorporated into a Voluntary Planning Agreement or provided as a work in kind / material public benefit for works identified in the MEA under City of Ryde Section 94 Development Contributions Plan 2007, subject to the agreement with the City of Ryde Council.~~

End of Modification to MP10_0110