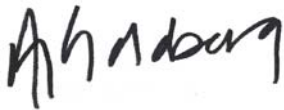


# Modification of Minister's Approval

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

As delegates of the Minister for Planning under delegation executed on 14 September 2011, the NSW Planning Assessment Commission approves the modification of the Concept Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2.



Abigail Goldberg  
**MEMBER OF THE COMMISSION**



Richard Thorp  
**MEMBER OF THE COMMISSION**

Sydney

16 October 2014

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### SCHEDULE 1

**Application Number:** MP09\_0216 granted by the Planning Assessment Commission on 6 March 2013

**Proponent:** Holdmark Property Group

**The Authority:** Minister for Planning

**The Land:**

- 41 Belmore Street, Ryde (Lot 1 DP 1072555);
- 116 Bowden Street, Meadowbank (Lot 2 DP 792836);
- 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638);
- 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743);
- 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574);
- 8-14 Constitution Road, Ryde (Lot 1, DP 713706);
- 16 Constitution Road, Ryde (Lot 3, DP 7130);
- 18 Constitution Road, Ryde (Lots 1-2, DP 810552);
- 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641);
- 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130);
- 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130);
- 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130);
- 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130);
- 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585);
- 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP 809282, Lot 100, DP 851723 and Lot 15, DP 738232);
- 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858); and
- 11 Rothesay Avenue, Ryde (Lot 18, DP 7130)

**Project:**

Concept Plan for mixed use residential, retail and commercial development incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- Infrastructure works to support the development;
- publically accessible open space and through site links; and
- pedestrian and cycle pathways.

**Modification 1:**

MP09\_0216 MOD1:

- amendment to Building Storeys Plan to allow for additional storeys at ground level in Stages 1 to 3 –4 and to reflect the approved height of Stage 1;
- ~~expansion of the basement building envelope of each Stage beneath landscaped/open space areas and~~ also to expand/connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5;
- revision to the construction staging;
- revised timing of the delivery of the open space to be in conjunction with Stage 3 (rather than Stage 1);
- provision of an additional storey to provide a 6 storey element to the building on the corner of Belmore Street and Constitution Road;
- flexible application of the solar access requirement of the RFDC;
- amendment of ESD measures; and
- amendments to terms of approval, future environmental assessment requirements and Statement of Commitments.

## SCHEDULE 2

The Concept Plan for MP09\_0216 is modified as follows:

### SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS

- (a) 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:

#### **Development in Accordance with the Plans and Documentation**

A2. The development shall be undertaken generally in accordance with **MP09 0216, as modified by MP09 0216 MOD1, and:**

- the Environmental Assessment dated 7 January 2011 prepared by Robertson + Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;
- **the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:**
  - **Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and**
  - **Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.**
- the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, **except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014;** and
- the following drawings:

<b><i>Drawings Prepared by Robertson + Marks Architects</i></b>		
<b><i>Drawing No</i></b>	<b><i>Name of Plan</i></b>	<b><i>Date</i></b>
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
<b><u>PPR 001-D</u></b> <b><u>PPR 001-A</u></b>	<del>MAXIMUM HEIGHT WITH SETBACKS</del> <del>PREFERRED PROJECT MASTER PLAN: MAXIMUM HEIGHTS WITH SETBACKS</del>	<del>02/11/13</del> <del>11 Feb 2013</del>
<del>PPR 002-B</del> <b><u>A</u></b>	<del>INDICATIVE CONCEPT PLAN STOREY PLAN</del> <del>PREFERRED PROJECT MASTER PLAN: INDICATIVE CONCEPT PLAN STOREYS PLAN</del>	<del>21/10/2013</del> <del>11 Feb 2013</del>
<b><u>PPR 007-E</u></b>	<b><u>INDICATIVE STAGING</u></b>	<b><u>09/24/13</u></b>
<b><u>S 001/B</u></b>	<b><u>SLOPES ON SITE</u></b>	<b><u>03/25/2014</u></b>
FIGURE 14 REV <del>4</del> <b><u>2</u></b>	STAGE 1 BUILDING ENVELOPE CONTROLS	<del>28/06/2012</del> <del>July 2012</del>
FIGURE 15 REV <del>4</del> <b><u>2</u></b>	STAGE 2 BUILDING ENVELOPE CONTROLS	<del>01/18/12</del> <del>July 2012</del>
FIGURE 16 REV <del>4</del> <b><u>2</u></b>	STAGE 3 BUILDING ENVELOPE CONTROLS	<del>01/18/12</del> <del>July 2012</del>
FIGURE 17 REV <del>4</del> <b><u>2</u></b>	STAGE 4 BUILDING ENVELOPE CONTROLS	<del>01/18/12</del> <del>July 2012</del>
FIGURE 18 REV <del>4</del> <b><u>2</u></b>	STAGE 5 BUILDING ENVELOPE CONTROLS	<del>01/18/12</del> <del>July 2012</del>
FIGURE 19 REV <del>4</del>	STAGE 6 BUILDING ENVELOPE CONTROLS	<b><u>01/18/12</u></b>

<b>2</b>		<b>July 2012</b>
FIGURE 20 REV <b>4</b> <b>2</b>	STAGE 7 BUILDING ENVELOPE CONTROLS	<b>01/18/12</b> <b>July 2012</b>
FIGURE 21 REV <b>4</b> <b>2</b>	STAGE 8 BUILDING ENVELOPE CONTROLS	<b>01/18/12</b> <b>July 2012</b>
FIGURE 22 REV <b>4</b> <b>2</b>	STAGE 9 BUILDING ENVELOPE CONTROLS	<b>01/18/12</b> <b>July 2012</b>
FIGURE 23 REV <b>4</b> <b>2</b>	STAGE 10 BUILDING ENVELOPE CONTROLS	<b>01/18/12</b> <b>July 2012</b>
<b>FIGURE 28 REV 2</b>	<b>INDICATIVE BUILDING SETBACKS</b>	<b>July 2012</b>
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
<b>SK01 REV E</b> <b>FIGURE 32 REV 2</b>	<b>PEDESTRIAN &amp; CYCLEWAY ROUTES</b> <b>PEDESTRIAN AND CYCLE ACCESS PLAN</b>	<b>18 JUNE 2013</b> <b>July 2012</b>
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
<b>FIGURE 50 REV 1</b>	<b>CONCEPT PLAN LANDSCAPE PLAN</b>	<b>28/07/14</b>
<b>PPR 003-5</b> <b>FIGURE 52</b>	OPEN SPACE AREA <b>PLAN AND DEEP SOIL ZONES</b>	<b>11/01/13</b> <b>July</b> <b>2012</b>

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

## SCHEDULE 2 PART B – MODIFICATIONS

- (b) Schedule 2 Part B – Modification A5 is amended by the insertion of the **bold and underlined** words / numbers as follows:

### **Maximum Gross Floor Area (GFA) and Dwelling Cap**

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m<sup>2</sup>
2. **The maximum number of dwellings shall not exceed 2,005**

- (c) Schedule 2 Part B – Modification B1A is added by the insertion of the **bold and underlined** words / numbers as follows:

### **Amended Foreshore Link**

**B1A. The delivery of the foreshore link shall be split between Stage 1 and Stage 2 in accordance with the Response to Submissions prepared by City Plan Services for MP09 0216 MOD1 dated 29 April 2014.**

- (d) Schedule 2 Part B – Modification B3 is added by the insertion of the **bold and underlined** words / numbers as follows:

### **Amended Maximum Number of Storeys Above Ground Level (Finished) Plan**

**B3 The plan entitled Indicative Concept Plan Storeys Plan shall be amended to:**

- (a) Change the title to “Maximum Number of Storeys Above Ground Level (Finished) Plan’, and

The amended plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.

### SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (e) Schedule 3 – Future Environmental Assessment Requirement 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Design Excellence**

1. Future Development Application/s for Stage **5 A** (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General’s Design Excellence Guidelines.

- (f) Schedule 3 – Future Environmental Assessment Requirement 1A is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **Dwelling Cap**

- 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).**

**Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.**

- (g) Schedule 3 – Future Environmental Assessment Requirement 3A is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **Maximum Storeys on Steeply Sloping Topography**

- 3A. Future Development Applications shall satisfy the ‘Maximum Number of Storeys Above Ground Level (Finished) Plan’. An exception to the maximum storey height may be given to buildings within Stages 2 and 3 on steeply sloping topography (being at the locations indicated on drawing S 001/B not including the area shown within Stage 4) where it can be demonstrated that:**

- a) the overall building height satisfies the maximum permitted RL;**
- b) no more than 1 additional storey is provided;**
- c) an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and**
- d) the additional storey is required to appropriately activate the ground level.**

- e) Schedule 3 – Future Environmental Assessment Requirements 3, 4, 6, 7 and 8 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Built Form**

3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:
- (a) buildings along Constitution Road are a maximum of 5 storeys, **with the exception of the element of Stage 4 located on the corner of Constitution Road and**

**Belmore Street (as shown on PPR 002-B), which is permitted to a maximum of 6 storeys;** and

(b) the southern building element of Stage ~~7~~ **8** is a maximum of 5 storeys.

4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint **(with the exception of basements connecting Stages 2 and 3 and Stages 4 and 5) without encroachment into street setback areas.**
6. Future Development Application/s for Stage ~~6~~ **3** shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue):
  - (a) 6 metres up to 4 storeys; and
  - (b) 9 metres above 4 storeys.
7. Future Development Application/s for Stage ~~5~~ **A** shall provide the following setbacks to Parsonage and Wells Streets:
  - (a) Podium – 4 metres
  - (b) Tower – 5 metres
8. Future Development Application/s for Stage ~~6~~ **3** shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.

(h) Schedule 3 – Future Environmental Assessment Requirements 15A and 15B are added by the insertion of the **bold and underlined** as follows:

#### **Open Space Provision**

**15A. The contiguous open space required in Modification B1(b) shall be completed, delivered and handed over to Council prior to the issue of the first Occupation Certificate for Stage 3.**

**The land is to be dedicated, at no cost, to Council. Arrangements for the dedication shall be finalised before the issue of the Occupation Certificate for Stage 3. If Council does not accept the dedication, the land shall provide access to the public and be in private ownership by the relevant body corporate and appropriately maintained.**

#### **Foreshore Link Easement for Public Access**

**15B Prior to the issue of an Occupation Certificate for Stage 2 an easement shall be registered over the foreshore link, which is located between Stage 1 and Stage 2 (in favour of Council) providing for public access. The terms of the easement are to be approved by Council.**

(i) Schedule 3 – Future Environmental Assessment Requirement 18 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Community Facilities**

18. **Any** future Development Application/s for the **1000<sup>th</sup> dwelling** ~~Stage 5 development~~ shall include, at no cost to Council, **the delivery of** an appropriate community space within the development ~~on the ground floor level~~, which can be used by Council or ~~nominated community organisation(s)~~ **members of the community** for community purposes **and related uses.**
  - a) **The community facility must be a minimum of 1,000m<sup>2</sup> in area and be primarily located on ground level.** The amount and configuration of floorspace should be designed in consultation with Council or Council nominated community

organisation(s). ~~Any dispute in the quantum of floorspace to be provided should be referred to the Director-General, whose decision shall be final.~~

- b) The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.
- c) The designated community floor space must not be used for any other-commercial, retail or residential use unless Council decides not to accept the designed floorspace.
- d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.
- e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.

- (j) Schedule 3 – Future Environmental Assessment Requirement 20 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck-out~~ words / numbers as follows:

### **Public Art**

20. Future Development Application/s for Stage ~~3~~ **2** shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:
- (a) materials to be used, with particular attention to durability;
  - (b) location and dimension of artwork;
  - (c) public art themes to respond to site history and or social, cultural or natural elements;
  - (d) integration into the site and surrounds;
  - (e) budget and funding; and
  - (f) Council's Public Art Guide for Developers.

- (k) Schedule 3 – Future Environmental Assessment Requirement 21 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck-out~~ words / numbers as follows:

### **Residential Amenity SEPP65 and RFDC**

21. 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 below:**

**In particular, future application/s shall demonstrate that:**

- (a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and**
- (b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; and**
- (c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:**
  - including extensive glazing (minimum 70% of the external façade) to living rooms;**
  - permitting cross-ventilation specifically to those apartments; and**
  - exceeding RFDC guidelines by at least 20 ~~40%~~ in at least one both of the following areas:**
    - increased floor to ceiling height; or and**
    - increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments.**

- (d) a minimum of 25% of open space area of the site is deep soil zone
- (e) the proposed landscaped areas provide sufficient deep soil in accordance with the RFDC.

- (l) Schedule 3 – Future Environmental Assessment Requirement 22 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **ESD**

22. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development **must comply with the should strive to achieve the** stretch target **(where relevant and feasible).**

**In accordance with the EnviroDevelopment philosophy, four of the categories will be targeted to show 'industry best practice'. Where the categories of water and energy are applied, BASIX will be used to test 'industry best practice' for water and energy, which will be treated as 10% better than the BASIX pass mark.**

- (m) Schedule 3 – Future Environmental Assessment Requirement 23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Car Parking**

23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, **up to a maximum of 2,976 spaces across the Concept Plan site.**

**Future Development Applications shall provide:**

- (a) **a car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976; and**
- (b) **a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.**

Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.

- (n) Schedule 3 – Future Environmental Assessment Requirement 24 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Road Infrastructure Nancarrow Road Extension and Road Reserve Upgrades**

24. Future Development Application/s for Stage ~~2~~ **4** shall include the following Infrastructure works:
- (a) Nancarrow Avenue extension;
  - (b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;
  - (c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;
  - ~~(d) Underdale Lane Local Area Traffic Management (LATM) measures;~~
  - ~~(e) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and~~
  - ~~(f) installation of roundabout at Belmore Street / Rothesay Avenue~~

The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be ~~submitted to Council for approval~~ **approved by**

Council before the ~~lodgement of any future development application for Stage 2~~  
issue of the first Occupation Certificate for Stage 1. All works must be completed by  
the proponent prior to the issue of the occupation certificate for Stage ~~2~~ 4.

- (o) Schedule 3 – Future Environmental Assessment Requirement 24A is added by the insertion of the **bold and underlined** words / numbers as follows:

#### **Road and Pedestrian Infrastructure Upgrades**

**24A. Future Development Application/s for Stage 2 shall include the following Infrastructure works:**

- (a) **installation of a temporary east/west pedestrian link, which connects the stairway at the northern end of the foreshore link between Stages 1 and 2 to Nancarrow Avenue along the northern boundary of Stage 2. The pedestrian link shall provide access to residents the public on a 24 hour basis and maintained until the provision of the Nancarrow Avenue extension (note: this temporary pedestrian access is not a public right of way access).**
- (b) **Underdale Lane Local Area Traffic Management (LATM) measures;**
- (c) **installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and**
- (d) **installation of roundabout at Belmore Street / Rothesay Avenue.**

**The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council's for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.**

- (p) Schedule 3 – Future Environmental Assessment Requirement 25 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Yerong Street/Belmore Street Intersection Upgrade**

Future Development Applications for the ~~fourth~~ stage of development **containing the 800<sup>th</sup> dwelling** shall provide the detailed design for the implementation of the left-in/left-out arrangement at Belmore Street/Yerong Street intersection. The works are to be completed prior to issue of the first occupation certificate of any building of this stage.

- (q) Schedule 3 – Future Environmental Assessment Requirement 27 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

27. Future application/s for Stage ~~5~~ **A** shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.

- (r) Schedule 3 – Future Environmental Assessment Requirements 29 and 30 are amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words / numbers as follows:

#### **Heritage**

29. Future Development Application/s for Stage ~~8~~ **6** involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:

- (a) a detailed heritage assessment of the site which includes a professionally written history of the site;

- (b) a full photographic record; and
- (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.

30. Future Development Application/s for Stage **5 A** shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.

- (s) Schedule 3 – Future Environmental Assessment Requirement 32 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

#### **Noise and Vibration**

32. Future Development Application/s for Stage **5 A** shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.

- (t) Schedule 3 – Future Environmental Assessment Requirement 34 is amended by the insertion of the **bold and underlined** words/ numbers and deletion of the ~~**bold struck out**~~ words / numbers as follows:

#### **Stormwater Infrastructure Upgrades**

34. Future Development Applications for Stage ~~7, 8, 9 or 10~~ **6, 7, 8 or 9** (whichever occurs first) shall provide the detailed design of the following infrastructure works:
- (a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and
  - (b) works to eliminate the risk of embankment failure of Constitution Road

The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.

**End of Modification to MP09\_0216**