

Modification of Minister's Approval

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

As delegate of the Minister for Planning, I approve the modification application referred to in schedule 1, subject to the conditions in schedules 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Chris Wilson
Executive Director
Infrastructure and Industry Assessments

Sydney

2015

SCHEDULE 1

Application Number:	MP09_0165
Proponent:	Urbis Pty Ltd
The Authority:	Minister for Planning
The Land:	Lot 6 DP 260000, Lot 3 DP 25688 & Lot 4 DP25688 5 Whiteside Street and 14 and 16 David Avenue, North Ryde
Concept Approval:	Residential flat development concept granted on 10 September 2013 by the Planning Assessment Commission
Modification:	MP 10_0165 MOD 1: the modification includes: <ul style="list-style-type: none">• increase the total number of dwellings from 135 to 165 units (an additional 29 units);• amendment of building envelopes A, B, D and basement car parking building envelope;• amend vehicular access arrangements and inclusion of car parking rates; and• amendment of balcony requirements for Building B.

The Concept Plan for MP10_0165 is modified as follows:

SCHEDULE 2 PART A – TERMS OF APPROVAL

- (a) Schedule 2 Part A – Term 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:

A1 DEVELOPMENT DESCRIPTION

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

- a) Use of the site for residential flat buildings;
- b) Indicative building envelopes for 4 building with a maximum height to RL78.6m, as follows:
 - a. Building A: RL 78.6 (excluding building plant, lift overruns and similar) **which shall not exceed RL 79.8**
 - b. Building B: RL 71.60 **(excluding building plant, lift overruns and similar)**
 - c. Building C&D: RL 71.97
- c) Two basement levels of car parking;
- d) Road works to support the development; and
- e) Landscaping and associated works

~~subject to compliance with the modifications in Part B of this approval.~~

- (b) Schedule 2 Part A – Term 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 the Plans and Documentation

The approval shall be generally in accordance with MP10-0165 and the Environmental Assessment prepared by Urbis Pty Ltd, dated June 2011, except where amended by:

- a) the Preferred Project Report, ~~the Statement of Commitments~~ dated 17 July 2011;
- b) **the S75W Report prepared by Urbis Pty Ltd and Statement of Commitments, dated October 2014;** and
- c) the following drawings:

Architectural Drawings prepared by SJB Architects <u>Marchese Partners International</u>			
Drawing No.	Revision	Name of Plan	Date
DA-01	06	Cover Sheet	22.02.2013
DA-02	06	Locality Plan	22.02.2013
DA-04 <u>0.03</u>	06	Envelope Plan (includes RL's)	22.02.2013 <u>18.02.2015</u>
DA-05	06 <u>Rev. A</u>	Basement Levels <u>Plan</u>	22.02.2013 <u>30.10.2014</u>
DA-06	06 <u>Rev. A</u>	Ground Floor <u>Plan</u>	22.02.2013 <u>30.10.2014</u>
DA-07	06 <u>Rev. A</u>	First Floor <u>Level One Floor Plan</u>	22.02.2013 <u>30.10.2014</u>
DA-08	06 <u>Rev. A</u>	Second Floor <u>Level Two Floor Plan</u>	22.02.2013 <u>30.10.2014</u>
DA-09 <u>A</u>	06 <u>Rev. A</u>	Third Floor <u>Level Three Floor Plan</u>	22.02.2013 <u>30.10.2014</u>

<u>DA-09-B</u>	<u>Rev. A</u>	<u>Level Four Floor Plan</u>	<u>30.10.2014</u>
<u>DA-10</u>	<u>06 Rev. A</u>	<u>Fourth & Fifth Floor</u>	<u>22.02.2013</u>
<u>DA-11</u>	<u>06 Rev. A</u>	<u>Typical Apartment Plans</u>	<u>22.02.2013</u>
<u>DA-12</u>	<u>06 Rev. A</u>	<u>Section A + B Site Sections</u>	<u>22.02.2013</u> <u>30.10.2014</u>
<u>DA-13</u>	<u>06 Rev. A</u>	<u>Elevations N/E/S/W (includes RL's) Site Elevations</u>	<u>22.02.2013</u> <u>30.10.2014</u>
<u>DA-19</u>	<u>06</u>	<u>Shadow Analysis 01- June 22nd</u>	<u>22.02.2013</u>
<u>DA-20</u>	<u>06</u>	<u>Shadow Analysis 02- June 22nd</u>	<u>22.02.2013</u>
<u>DA-22</u>	<u>06</u>	<u>Materials Palette</u>	<u>22.02.2013</u>

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

- (c) Schedule 2 Part A – Term of Approval A3 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A3 BUILDING ENVELOPES AND SEPARATION

Building footprints and setbacks are to be generally consistent with the **Concept** Envelope Plan **DA-04 0.03 referred to in Condition A2, except where amended by the Modifications in Part B.**

- (d) Schedule 2 Part A – Term of Approval A5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

A5 ROOFTOP PLANT MAXIMUM HEIGHT

The maximum height for the development shall be consistent with the Envelope Plan reference DA-0.03, and

- a) the maximum height specified excludes any plant, lift overruns, or similar projections;**
- b) All rooftop plant on Buildings A and B shall be generally restricted to the area identified as the 'service zone' shown on the building envelope plan DA-04 referred to in Condition A2. 'Lift and Plant Enclosure';**
- c) the building plant, lift overruns and similar of Building A shall not exceed RL 80.60; and**
- d) the building plant, lift overruns and similar of Building B shall not exceed RL 73.60.**

Drawings indicating heights to AHD shall be provided with future applications.

- (e) Schedule 2 Part A – new Term of Approval A8A is inserted by the **bold and underlined** words / numbers as follows:

A8A WORKS WITHIN EPPING ROAD ROAD RESERVE

No consent is granted for any works, pedestrian pathways or landscaping beyond the boundary of the site within the Epping Road road reserve.

SCHEDULE 2 PART B – MODIFICATIONS

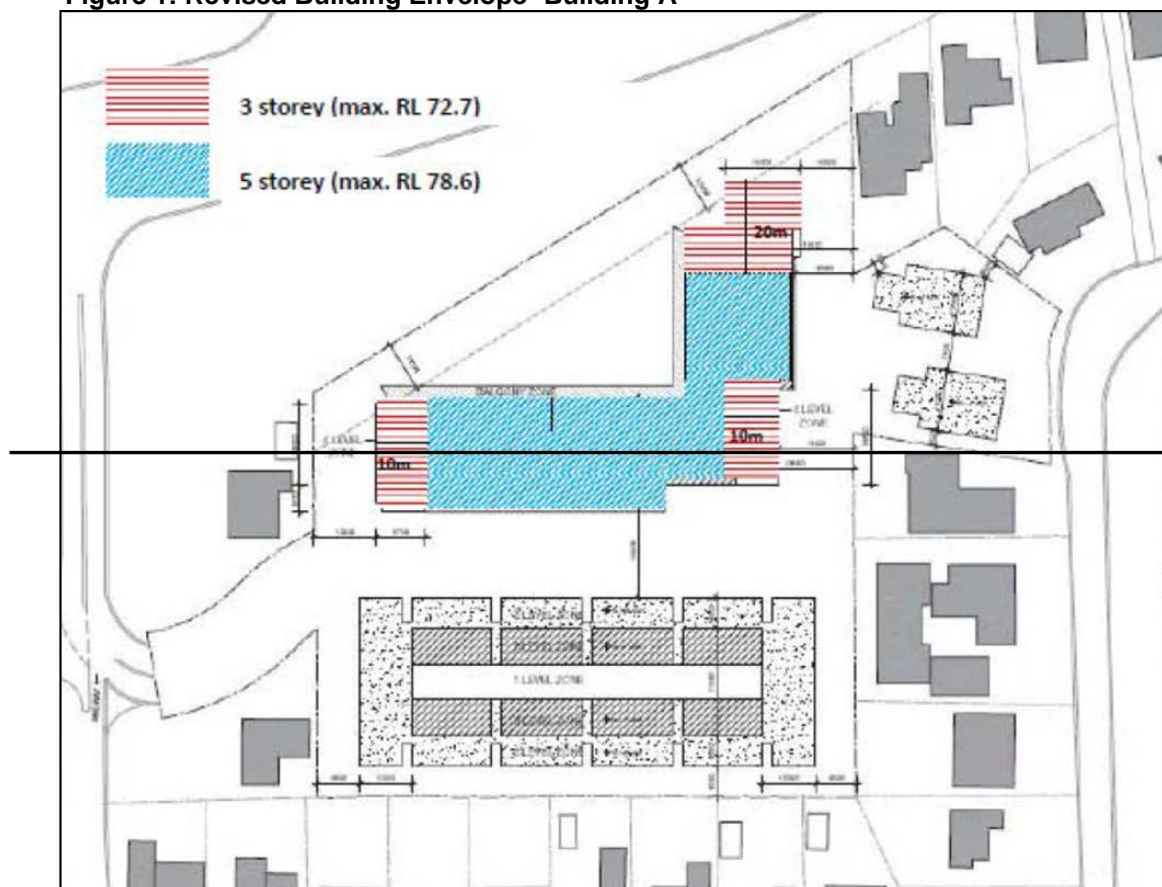
- (f) Schedule 2 Part B - Modification B1 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~B1 BUILDING ENVELOPE HEIGHT MODIFICATIONS~~

~~The building heights shown on 'Envelope Plan' DA-04 prepared by SJB Architects and referred to in condition A2 shall be modified as follows:~~

- a) ~~the building envelope for Building A (fronting Epping Road) shall be reduced to 3 and 5 storeys (maximum RLs 72.2, and 78.6, respectively) as illustrated in Figure 1 below, excluding any plant, lift overruns, or similar projections). Drawings indicating heights to AHD shall be provided with the future application/s.~~

~~Figure 1: Revised Building Envelope - Building A~~



- (g) Schedule 2 Part B - Modification B2 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~B2 BUILDING ARTICULATION - Building A~~

~~Building A shall include strong elements of vertical and horizontal articulation to assist in reducing the visual mass of the development when viewed from Epping Road and from within the site. The vertical articulation shall not exceed 3 storeys in height when measured from the ground floor. To further assist in breaking down the scale and physical length of the building, the three-storey height of Building A is to be modulated into elements of no greater than 20 metre.~~

~~Levels 4-6 shall be designed to be recessive and setback from the Level 1-3 building line. The use of varied materials and finishes shall be used to accentuate these level changes.~~

~~**Note: the design shall ensure that the building reads from Epping Road as a series of integrated smaller elements rather than one continuous façade.**~~

- (h) Schedule 2 Part B - Modification B3 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~**B3 — DEVELOPMENT YIELD**~~

~~A maximum of 135 units is permitted.~~

~~**Note: Section 94 Contributions shall be payable based on the ultimate unit mix included in future development applications in accordance with Councils' DCP.**~~

- (i) Schedule 2 Part B - Modification B4 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~**B4 — ROADWAYS**~~

~~The internal driveway between the townhouses fronting David Avenue shall be designed to accommodate two way traffic.~~

~~**Note: This modification is imposed to ensure full access to both Whiteside Street and David Avenue to share the traffic load on the surrounding road network.**~~

- (j) Schedule 2 Part B - Modification B5 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~**B5 — CAR PARKING RATE**~~

~~The provision of on-site parking shall be in accordance with the lower limit requirements of Ryde DCP 2010.~~

- (k) Schedule 2 Part B - Modification B6 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~**B6 — BALCONIES LEVEL 2, BUILDING B**~~

~~No south facing balconies or terraces are to be provided at Level 2 of Building B.~~

~~**Note: this modification is imposed to preserve the amenity of existing residential properties to the south by minimising opportunities for overlooking.**~~

- (l) Schedule 2 Part B - Modification B7 is deleted by the ~~bold struck out~~ words/numbers as follows:

~~**B7 — FINAL CONCEPT PLAN**~~

~~A final Concept Plan including Statement of Commitments reflecting the modification B1, B2, B3, B4, B5 and B6 above shall be submitted for the Director General's approval within 3 months of this approval~~

~~**Note: this is in order to provide certainty as to the final form of the approved Concept Plan, to guide Council's future assessment of a development application.**~~

SCHEDULE 3 FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- (m) 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:

1. BUILDING DESIGN

- a) The future development application/s 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*, except where modified by this Concept Plan approval.
- b) The future development application/s shall achieve design excellence in accordance with the Director General's Design Excellence Guidelines.
- c) The future development application/s shall demonstrate sufficient building modulation and articulation to provide an acceptable built form, and varied horizontal building planes to provide visual interest, quality and definition to street walls and shall be no less than that illustrated on the concept plans ~~DA-060 to DA-010~~ **DA-01 to DA-19** referenced in Condition A2.
- d) The detailed design shall incorporate durable materials to mitigate road traffic noise from Epping Road in accordance with *The Environmental Criteria for Road Traffic Noise* (EPA, May 1999), the *Environmental Noise Management Manual* (RTA, 2001) and *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
- e) The future development application/s shall include an acoustic assessment that demonstrates how the proposed development will comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

- (n) Schedule 3 – Future Environmental Assessment Requirement 8 is amended by the deletion of the ~~bold struck out~~ words/numbers as follows:

8. PUBLIC DOMAIN

The future development application/s shall address the following:

- a) The provision by the proponent at no cost to Roads and Maritime Services (RMS) or Council of all necessary street works, including:
 - the upgrade of the footpath surrounding the site to the satisfaction of Council.
 - the removal of all redundant driveways and replacement with kerb and gutter to match existing to the satisfaction of RMS and Council, as appropriate.
- ~~b) The landscape embellishment of RMS owned land fronting Epping Road. The design shall be prepared in consultation with RMS. Any proposal shall not compromise the site's access or be a maintenance issue for the RMS.~~

- (o) Schedule 3 – Future Environmental Assessment Requirement 9 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

9. CAR PARKING

The future development application/s shall address the following:

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

- c) the design of parking facilities so that all vehicles, including service vehicles, enter and exit the site in a forward direction; and
- d) the provision of on-site car parking shall not exceed the following car parking rates:
- i. 0.6 spaces per one bedroom dwelling;
 - ii. 0.9 spaces per two bedroom dwelling;
 - iii. 1.4 spaces pre three bedroom dwelling; and

1 visitor car parking space shall be provided per five dwellings

- (p) Schedule 3 – Future Environmental Assessment Requirement 10 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

10. SUSTAINABLE TRAVEL PLAN

Prior to the lodgement of the first development application a Sustainable Travel Plan shall be prepared, including investigation of car sharing schemes and the on-site provision of a car share parking spaces, and any other actions designed to encourage safe, healthy and sustainable travel options and reduce car dependency. The Plan shall include a commitment to implement its recommendations as part of any future development applications on the site.

~~The Plan is to give consideration to the provision of a community bus service between the development and the train stations within the Macquarie Park Corridor.~~

The Plan is to be developed in consultation with Council.

- (q) Schedule 3 – Future Environmental Assessment Requirement 22 is added by the insertion of the **bold and underlined** words / numbers as follows:

22. DEVELOPMENT CONTRIBUTIONS

Future Development Applications shall be required to pay Section 94 developer contributions to Council. The amount of the contribution shall be determined by Council in accordance with the requirements of Council's Section 94 Development Contribution Plan.

End of Modifications to MP10_0165