

APPENDIX 1 Concept approval MP09_0216 (as modified) compliance table

Schedule 2 Part A - Administration Conditions	Comments
<p>Development Description</p> <p>A1</p> <p>Concept approval is granted to the development as described below: Use of the site for a mixed-use development including residential, retail, commercial and community uses incorporating:</p> <ul style="list-style-type: none"> • building envelopes for 12 buildings incorporating basement level parking; • infrastructure works to support the development including: • upgrades to the local road network; • stormwater infrastructure works; • publicly accessible open space and through site links; and • pedestrian and cycle pathways. 	<p>The proposal seeks modification to the Stage A building envelope only. The precinct will remain 'mixed-use' in nature. The precinct's operational nature and character will not be substantially altered by the proposed modification, other than the inclusion of serviced apartments.</p>
<p>Mod 1</p> <ul style="list-style-type: none"> • Amendment to Building Storeys Plan to allow for additional storeys at ground level in Stages 1 to 3-4; • Expand/ connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5; • Revision to construction staging; • Revised timing of the delivery of 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 to ESD measures; and • Amendments to terms of approval, future environmental assessment requirements and Statement of Commitments. 	<p>The proposal does not seek to modify any previously approved building envelopes, or number of storey plans, except in relation to Stage A. Previously agreed infrastructure commitments, or DA related assessment criteria are not proposed to be modified.</p>
<p>Mod 2</p> <ul style="list-style-type: none"> • Increase of the site-wide maximum dwelling yield development cap; • Varying increases of the number of storeys contained within Stages 2 and 3 building envelopes and increase in the height of part of the Stage 2 building envelope by 30mm; • Updating FEAR 21 to refer to the current Apartment Design Guidelines; and 	<p>The proposal includes the provision of 42 residential dwellings, and therefore does not exceed the site-wide maximum dwelling yield cap of 2,033 dwellings.</p> <p>The plans and supporting documentation indicate that the dwellings will benefit from high amenity and achieve compliance with SEPP 65 and the ADG.</p>

- Deletion of the exception within FEAR 3A that allows the inclusion of an additional storey within buildings on steeply sloping land.

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 MP09_0216 MOD2:

- 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 S75W Modification Application dated January 2015 prepared by City Plan Services including all documents and reports, except where amended by the:
 - Preferred Projects Reports dated 3 May 2016 and 13 May 2016 prepared by City Plan Services;
 - letter titled Response to Council's Submission dated 26 August 2016 prepared by City Plan Services; and
 - response to submissions by TfNSW and RMS prepared by City Plan Services received by the Department on 9 September 2016.
- 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:

Drawings Prepared by Robertson + Marks Architects		
Drawing No	Name of Plan	Date
FIGURE 11 REV 2	PREFERRED CONCEPT PLAN	July 2012
PPR 001-D-G	MAXIMUM HEIGHT WITH SETBACKS	02/11/13 08/09/16
PPR 002-E	Maximum Number of Storeys Above Ground Level (Finished) Plan	08/09/16
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 4.5	STAGE 1 BUILDING ENVELOPE CONTROLS DIAGRAMS	28/06/2012 07/06/16
FIGURE 15 REV 4.5	STAGE 2.4 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 07/06/16
FIGURE 16 REV 4.5	STAGE 3.2 BUILDING ENVELOPE CONTROLS	01/18/12

The proposed development is generally consistent with the Concept Approval, Modification Approvals and associated documentation/ plans.

The proposal seeks to modify:

- Stage A Building Envelope Control Diagrams, to allow for a 15-storey building;
- Maximum Height within Setbacks Plan, to allow for maximum heights of RL 23.50, RL 27.80, RL 40.20 and RL 68.10;
- Maximum Number of Storeys Above Ground Level (Finished) Plan, to allow for a 15-storey tower.

These modifications are considered appropriate within the context of the site and Concept Plan. Justification for these modifications are discussed in detail at **Section 4**. The modifications will not alter the character or operational nature of Shepherds Bay.

	DIAGRAMS	29/04/16
FIGURE 17 REV 4.6	STAGE 4.5 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 07/06/16
FIGURE 18 REV 4.5	STAGE 5 A BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 10/06/16
FIGURE 19 REV 4.6	STAGE 6.3 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 26/04/16
FIGURE 20 REV 4.5	STAGE 7.8 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 07/06/16
FIGURE 21 REV 4.5	STAGE 8.6 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 07/06/16
FIGURE 22 REV 4.7	STAGE 9 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 08/09/16
FIGURE 23 REV 4.5	STAGE 10.7 BUILDING ENVELOPE CONTROLS DIAGRAMS	01/18/12 07/06/16
FIGURE 29 REV 2	LANDSCAPE PLAN	July 2012
FIGURE 30 REV 2	VEHICULAR ACCESS AND PUBLIC TRANSPORT PLAN	July 2012
SK01 REV E	PEDESTRIAN & CYCLEWAY ROUTES	18 JUNE 2013
FIGURE 32A REV 2	INDICATIVE ACCESSIBLE CIRCULATION PLAN	July 2012
FIGURE 33 REV 2	INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP	July 2012
FIGURE 50 REV 1	CONCEPT PLAN LANDSCAPE PLAN	28/07/14
PPR 003-5	OPEN SPACE AREA PLAN	11/01/13

<p>Inconsistencies Between Documentation</p> <p>A3</p> <p>In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.</p>	<p>Noted. Mod 1 and Mod 2 prevails over original approval.</p>
<p>Building Envelopes</p> <p>A4</p> <p>Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.</p>	<p>The proposed building footprints and setbacks are consistent with the building envelope parameter diagrams for Stage A identified within the Modification of Part B. However, the maximum RLs, and number of storeys are proposed to be amended.</p>
<p>Maximum Gross Floor Area (GFA) and Dwelling Cap</p> <p>A5</p> <p>1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m2</p>	<p>Superseded by Mod 1 below.</p>
<p>Mod 1</p> <p>Maximum Gross Floor Area (GFA) and Dwelling Cap</p> <p>A5</p> <p>The maximum GFA for commercial, retail or community uses shall not exceed 10,000m2</p> <p>The maximum number of dwellings shall not exceed 2,005</p>	<p>Superseded by Mod 2 below.</p> <p>To date, 1,878m2 of commercial GFA has been approved for the purposes of the concept approval. The proposal, at DA stage, will result in additional 3438.3m2. Therefore, the total remains below the 10,000m2 cap.</p>
<p>Mod 2</p> <p>Maximum Gross Floor Area (GFA) and Dwelling Cap</p> <p>A5</p> <p>1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m2</p> <p>2. The maximum number of dwellings shall not exceed 2,033</p>	<p>The proposal does not exceed the maximum GFA of 10,000m2 for commercial, retail or community uses.</p> <p>As mentioned under Section 3.10 of this report, there are separate DAs and modifications lodged for the ‘Shepherds Bay’ site, as well as an existing approval for Stage 1. The Stage 1 approval and subsequent</p>

	<p>DAs/modifications (including the subject application) propose:</p> <p>Stage 1 – 246 units</p> <p>Staged 2 & 3 – 454 units</p> <p>Stages 4 & 5 – 511 units</p> <p>Staged 6 & 7 – 311 units</p> <p>Stages 8 & 9 – 422 units</p> <p>Stages 2 & 3 (MOD 2) – 45 units</p> <p>Stage A (proposed) – 42 units</p> <p>This results in 2,031 units which is within the maximum dwellings permitted for the site.</p>
<p>Publicly Accessible Open Space, Drainage Reserves and Through Site Links</p> <p>A6</p> <p>All public open spaces, drainage reserves and through site links shall be publicly accessible and maintained in private ownership by the future body corporate unless otherwise agreed by the Council.</p>	<p>The development features a publicly accessible plaza which will be maintained in private ownership by future body corporate.</p>
<p>Lapsing of Approval</p> <p>A7</p> <p>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 for which concept approval has been given.</p>	<p>Noted.</p>
<p>Schedule 2</p> <p>Part B - Modifications</p>	<p>Comments</p>
<p>Amended Concept Plan</p> <p>B1</p> <p>The Concept Plan shall be amended to:</p> <p>(a) comply with the modified maximum heights (as per plans in Schedule 5), setbacks etc. under this approval and the project application approval for Stage 1 (MP09_0219). The maximum building height applies to either the number of storeys or RL levels, whichever is the lower;</p> <p>(b) provide at least one contiguous open space, of a minimum of 3,000m², to accommodate both active and passive recreational needs. The open space shall include deep soil area and receive a minimum of 2 hours of sunlight to a minimum of 50% of the area on 21 June;</p> <p>(c) provide a public domain plan which illustrates the proposed public domain treatment including streets and setback areas, landscaping, lighting and public and communal open spaces and which is in accordance with</p>	<p>This condition has been satisfied in accordance with the Department of Planning correspondence to the applicant dated 24 June 2013.</p>

<p>Ryde City Council's Public Domain Technical Manual;</p> <p>(d) increase the width of the proposed through site links/view corridors to a minimum width of 20m;</p> <p>(e) provide an integrated water sensitive urban design (WSUD) strategy for the entire site; and</p> <p>(f) include a pedestrian and cycleways plan that demonstrates that the proposed routes are both viable and integrated with Council's plans for the surrounding area. The amended concept plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of the first construction certificate.</p>	
<p>Mod 1</p> <p>Amended Foreshore Link</p> <p>B1A</p> <p>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</p>	<p>Not applicable - proposal relates to Stage A.</p>
<p>Mod 2</p> <p>Maximum Building Height of Stage A</p> <p>B1B</p> <p>The Concept Plan building envelope shall be amended so that a maximum of 10 storeys shall apply to the 24-storey element on Stage A, Church Street site. The following Concept Plan drawing shall be amended to demonstrate compliance with this modification and shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.</p> <p>a) PPR 001 Maximum Heights with Setbacks;</p> <p>b) PPR 002 Maximum Number of Storeys Above Ground Level (Finished) Plan; and</p> <p>c) Figure 18 Stage A. Building Envelope Control Diagrams</p>	<p>As discussed in detail at Section 4, the proposal seeks to modify:</p> <ul style="list-style-type: none"> - Stage A Building Envelope Control Diagrams, to allow for a 15-storey building; - Maximum Height within Setbacks Plan, to allow for maximum heights of RL 23.50, RL 27.80, RL 40.20 and RL 68.10; - Maximum Number of Storeys Above Ground Level (Finished) Plan, to allow for a 15-storey tower. <p>As such, this condition is proposed to be deleted.</p> <p>These modifications are considered appropriate within the context of the site and Concept Plan. Refer to Section 4 for detail.</p>

<p>Sustainable Travel Plan</p> <p>B2</p> <p>Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site shall be submitted to and approved by the Council. Options for provision of a Car Sharing Scheme for the site are to be explored and incorporated into the Sustainable Travel Plan as is a Parking Management Strategy.</p>	<p>This condition will be met with any future Development Application for the subject proposal.</p>
<p>Schedule 3</p> <p>Future Environmental Assessment Requirements</p>	<p>Comments</p>
<p>Design Excellence</p> <p>1</p> <p>Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.</p>	<p>Superseded by Mod 1 below.</p>
<p>Mod 1</p> <p>Design Excellence</p> <p>1</p> <p>Future Development Application/s for Stage A (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.</p> <p>Dwelling Cap</p> <p>1A</p> <p>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).</p> <p>Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total</p>	<p>Stage A has already been the subject of a Design Excellence Competition. The 19-storey entry by Cox Kennedy Architects was the winning scheme. As part of the competition, and the subsequent Design Integrity Panel process, it was determined that the original 10 storey envelope could not deliver design excellence as it would not realise the locality's attributes. Further, 10 storeys was considered to be too bulky particularly with regard to the site's size.</p> <p>The proposed 15 storey envelope is consistent with the winning design excellence competition entry, as has been determined by the Design Integrity Panel.</p> <p>Superseded by Mod 2 below.</p>

dwelling numbers will adhere to the dwelling cap.	
Mod 2 Dwelling Cap 1A Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,033 across the Concept Plan site (including Stage 1).	The proposal provides for 42 new dwellings, and does not exceed the maximum, with a total of 2,031 dwellings across the Concept Plan site.
2 Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.	<p>Design guidance provided by the DIP, whom appointed the proposed scheme (as modified) as the winning competition scheme, have been incorporated in the proposal where possible.</p> <p>The proposal comprises a high standard of architectural design including articulation and a range of high quality materials. Furthermore, the proposed layout and detailed design will provide an enhanced living environment to future residents.</p>
Mod 1 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: <p>a) the overall building height satisfies the maximum permitted RL;</p> <p>b) no more than 1 additional storey is provided;</p> <p>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</p> <p>d) the additional storey is required to appropriately activate the ground level.</p>	Superseded by Mod 2 below.
Mod 2 Maximum Storeys 3A Future Development Applications shall satisfy the 'Maximum Number of Storeys Above Ground Level (Finished) Plan'.	The proposal seeks to amend the 'Maximum Number of Storeys Above Ground Level (Finished) Plan', from 10 storeys approved by the PAC in Mod 2, to 15 storeys, for Stage A only. The proposed 15-storey envelope is considered appropriate within the context of the site and Concept Plan.
Built Form	Superseded by Mod 1 below.

<p>3</p> <p>Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:</p> <p>a) buildings along Constitution Road are a maximum of 5 storeys; and</p> <p>b) the southern building element of Stage 7 is a maximum of 5 storeys.</p>	
<p>Mod 1</p> <p>Built form</p> <p>3</p> <p>Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:</p> <p>(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;</p>	<p>Not applicable to Stage A.</p>
<p>4</p> <p>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 and do not encroach into street setback areas.</p>	<p>Superseded by Mod 1 below.</p>
<p>Mod 1</p> <p>4</p> <p>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.</p>	<p>Subject to any future Development Application, the proposed basement car parking levels are not anticipated to exceed 1 metre above ground level (finished). The proposed shared basement extends internally within the site and beyond the building footprint at the north marginally. This will be mitigated with a high standard or public domain finishes.</p>
<p>5</p> <p>Future Development Applications shall demonstrate an appropriate interface with surrounding streets and public domain areas at pedestrian level, and an appropriate design treatment to provide an adequate level of privacy to ground level apartments.</p>	<p>The proposal provides for a desirable interface with surrounding streets and public domain areas at pedestrian level in terms of the relationship between the Lower Ground and Upper Ground Levels and the adjoining footpaths, with the building addressing and integrating with its street frontages through the inclusion of active facades, and with the proposed architectural treatment and landscaping elements that will provide for suitable streetscape presentation. Further, the provision of a publicly accessible plaza at ground level will invite the shared use of the space.</p> <p>The proposal does not include ground level apartments, nonetheless, the proposed envelope maintains privacy between the occupants of the building and the adjacent</p>

	properties with the provision of generous separation. Also, many apartments enjoy a direct visual connection which overlooks the plaza and surrounding public domain ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces in and around the site.
6 Future Development Application/s for Stage 6 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.	Superseded by Mod 1 below.
Mod 1 6 Future Development Application/s for Stage 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.	Not applicable to Stage A.
7 Future Development Application/s for Stage 5 shall provide the following minimum setbacks to Parsonage and Wells Streets: (a) Podium – 4 metres (b) Tower – 5 metres	Superseded by Mod 1 below.
Mod 1 7 Future Development Application/s for Stage A shall provide the following setbacks to Parsonage and Wells Streets: a) Podium – 4 metres b) Tower – 5 metres	The proposed envelope is consistent with these setback requirements.
8 Future Development Application/s for Stage 6 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.	Not applicable to Stage A.
Mod 1 8 Future Development Application/s for Stage 3 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.	Not applicable to Stage A.
9 Future Development Application/s for Stage 9 shall provide a minimum 4 metre building setback to the single storey building fronting	Not applicable to Stage A.

<p>Bowden Street. Eaves, pergolas, outdoor seating areas or other unenclosed structures are permitted to encroach into the setback providing that the design does not result in unacceptable impacts to the streetscape or view lines.</p>	
<p>10</p> <p>Future Development Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.</p>	<p>Any future Development Application will provide for utility infrastructure, with two kiosk substations anticipated to be located at the church Street boundary and appropriately screened.</p>
<p>Landscaping</p> <p>11</p> <p>Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas and for the landscape treatment of all adjoining public domain areas and road reserves in accordance with the approved Public Domain Plan.</p>	<p>Any future Development Application will be consistent with these requirements. The Landscape and Public Domain Plans that accompany this application at Appendix 4 indicate the proposed landscaping treatment across the site, including for the public and private open space areas, street setback areas and all adjoining public domain areas and road reserves. The proposal is consistent with the approved Open Space Area Plan.</p>
<p>Public Domain</p> <p>12</p> <p>Future Development Applications shall provide the detailed design for the upgrade of all road reserves adjacent to the development to the centre line of the carriageway, including landscaping, street trees, accessible pedestrian pathways, street lighting, cycle ways on Constitution Road and Nancarrow Avenue, and any other necessary infrastructure in accordance with the approved Public Domain Plan. Where the detailed design necessitates an increase in the width of the road reserve, building setbacks are to be increased to retain the approved setback to the road reserve alignment. The road reserve works are to be completed by the proponent prior to occupation of each stage.</p>	<p>Any future Development Application will be consistent with these requirements.</p>
<p>Cycle Facilities</p> <p>13</p> <p>Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.</p>	<p>Any future Development Application will be consistent with these requirements, with the required provision of bicycle parking included within the basement levels.</p>
<p>14</p> <p>Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non- residential developments in accordance with Council's requirements.</p>	<p>Any future Development Application will be consistent with these requirements.</p>

<p>Open Space/Public Access</p> <p>15</p> <p>Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.</p>	<p>Any future Development Application will be consistent with these requirements. The public domain plans included as part of this application (Appendix 4) indicate that a high standard of amenity will be provided within the publicly accessible plaza, and around the proposed footprint generally.</p>
<p>Mod 1</p> <p>15A</p> <p>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.</p> <p>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.</p>	<p>Not applicable to Stage A.</p>
<p>Foreshore Link Easement for Public Access</p> <p>15B</p> <p>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)</p>	<p>Not applicable to Stage A.</p>
<p>16</p> <p>Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park and a second path either along the Central Spine or the public pathway associated with Stage 1. Landscape plans will also include the detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.</p>	<p>Not applicable to Stage A.</p>
<p>17</p> <p>Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space, drainage reserves and through site links, with the relevant instrument/s</p>	<p>Any future Development Application will be consistent with this requirement. Previously, the applicant has proposed that public rights of access are to be created through dedicated easements. Council has accepted this approach.</p>

<p>to be executed prior to the issue of the occupation certificate.</p>	
<p>Community Facilities</p> <p>18</p> <p>Future Development Application/s for the Stage 5 development shall include, at no cost to Council, an appropriate community space within the development on the ground floor level with street frontage, which can be used by Council or nominated community organisation(s) for community purposes. a. The amount and configuration of floorspace should be designed in consultation with Council or a 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 designated community floor space must not be used for any other commercial, retail or residential use unless Council decides not to accept the designated floorspace. c. The provision of the community floorspace is in addition to Council's Section 94 Contributions for future development.</p>	<p>Superseded by Mod 1 below.</p>
<p>Mod 1</p> <p>Community Facilities</p> <p>18</p> <p>Any future Development Application/s for the 1000th dwelling Stage 5 development shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council or for community purposes and related uses.</p> <p>a) The community facility must be a minimum of 1,000m² in area and be primarily located on ground level. The configuration of floorspace should be designed in consultation with Council or Council nominated community organisation(s).</p> <p>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.</p> <p>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.</p> <p>d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.</p>	<p>Not applicable to Stage A.</p>

e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.	
Public Art 19 Future Development Applications shall provide the detailed design of public art in locations throughout open space areas generally in accordance with the Public Art Strategy submitted with the PPR.	Any future Development Application will be consistent with this requirement.
20 Future Development Application/s for Stage 3 shall include an 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.	Superseded by Mod 1 below.
Mod 1 Public Art 20 Future Development Application/s for Stage 2 shall include an 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.	Not applicable to Stage A.
Residential Amenity 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).	Superseded by Mod 1 below.
Mod 1 21 Future Development Applications shall demonstrate compliance with the provisions of	Superseded by Mod 2 below.

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 10% 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.

Mod 2

21

Future Development Applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the accompanying Apartment Design Guide (ADG), 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:

This will be determined as part of any future DA. However, as demonstrated in the preliminary SEPP 65 & ADG compliance assessment provided by Cox Kennedy Architects, the proposal is expected to satisfy the standard solar and ventilation requirements of the ADG. As such, the higher amenity requirements of Condition 21 are not expected to apply.

<ul style="list-style-type: none"> - including extensive glazing (minimum 70% of the external façade) to living rooms; - permitting cross-ventilation specifically to those apartments; and - exceeding ADG guidelines by at least 20 10% 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. <p>d) a minimum of 25% of open space area of the site is deep soil zone</p> <p>e) the proposed landscaped areas provide sufficient deep soil in accordance with the ADG.</p>	
<p>ESD</p> <p>22</p> <p>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 stretch target.</p>	<p>Superseded by Mod 1 below.</p>
<p>Mod 1</p> <p>22</p> <p>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 should strive to achieve the stretch target (where relevant and feasible).</p> <p>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.</p>	<p>The development will commit to achieve 'industry best practice' for water and energy, and will be confirmed with any future Development Application.</p>
<p>Car Parking</p> <p>23</p> <p>Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan. Provision</p>	<p>Superseded by Mod 1 below.</p>

<p>shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and designed for the proposed use.</p>	
<p>Mod 1 23</p> <p>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.</p> <p>Future Development Applications shall provide: 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 a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.</p> <p>Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.</p>	<p>As outlined in Section 3.10, the Stage 1 approval and subsequent DAs/modifications (including the subject application) propose:</p> <p>Stage 1 – 342 spaces Staged 2 & 3 – 605 spaces Stages 4 & 5 – 647 spaces Staged 6 & 7 – 422 spaces Stages 8 & 9 – 573 spaces Stages 2 & 3 (MOD 2) – 33 spaces Stage A (proposed) – 329 spaces</p> <p>This results in 2,951 spaces which is within the maximum spaces permitted for the site.</p>
<p>Road Infrastructure and Road Reserve Upgrades 24</p> <p>Future Development Application/s for Stage 2 shall include the following infrastructure works:</p> <ul style="list-style-type: none"> (a) Nancarrow Avenue extension; (b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all 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 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>Superseded by Mod 1 below.</p>
<p>Mod 1 24</p> <p>Future Development Application/s for Stage 4 shall include the following Infrastructure works:</p>	<p>Not applicable to Stage A.</p>

<p>a) Nancarrow Avenue extension;</p> <p>b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;</p> <p>c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;</p> <p>The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be approved by Council before the 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 4.</p>	
<p>Mod 1</p> <p>Road and Pedestrian Infrastructure Upgrades</p> <p>24A</p> <p>Future Development Application/s for Stage 2 shall include the following Infrastructure works:</p> <p>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).</p> <p>b) Underdale Lane Local Area Traffic Management (LATM) measures;</p> <p>c) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and</p> <p>d) installation of roundabout at Belmore Street / Rothesay Avenue.</p> <p>The detailed design is to be prepared be 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>	<p>Not applicable to Stage A.</p>
<p>25</p> <p>Future Development Application/s for the fourth stage of development shall provide the detailed design for the implementation of 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.</p>	<p>Superseded by Mod 1 below.</p>

<p>Mod 1</p> <p>Yerong Street/Belmore Street Intersection Upgrade</p> <p>Future Development Applications for the stage of development containing the 800th 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.</p>	<p>Not applicable to Stage A.</p>
<p>Roads and Maritime Services Requirements 26</p> <p>Future Development Application/s for each stage of development following the first two stages shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road / Bowden Street intersection.</p> <p>The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage. Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to the issue of first occupation certificate of any building of that stage.</p>	<p>Superseded by Mod 2 below.</p>
<p>Mod 2</p> <p>26</p> <p>Future Development Application/s shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road / Bowden Street intersection. The traffic study shall be provided for:</p> <p>a) each stage of development following the first two stages; and</p> <p>b) any Section 96 application(s) relating to the provision of additional dwellings within Stages 2 and 3 that are a result of approved amendments with modification application MP09_0216 MOD2.</p> <p>The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage.</p>	<p>A Traffic Assessment prepared by Road Delay Solutions has been submitted with the application at Appendix 9, which confirms consistency with this clause.</p> <p>In relation to the Railway Road pedestrian crossing, the assessment confirms that <i>"with the addition of pedestrian and vehicle generation projected from Stage A, the mid-block site does not satisfy the warrant for the installation of traffic signals, at this stage. While vehicle traffic is relatively high during each commuter peak, the traffic and pedestrian volumes drop markedly in the shoulder hour, either side of peaks. The site should be further monitored with future growth, following occupancy of all stages of development, to assess further, the warrant for traffic signal installation"</i>.</p> <p>With regard to the Constitution Road / Bowden Road intersection, the report recommends that <i>"the operational performance of the site be</i></p>

Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to the issue of first occupation certificate of any building of that stage.	<i>monitored for a number of years, following the installation of traffic signals and completion of the residential component of the development, to ensure a satisfactory level of service and identification of any possible 'triggers' for future upgrade".</i>
27 Future application/s for Stage 5 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.	Superseded by Mod 1 below.
Mod 1 27 Future application/s for Stage 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.	The Traffic Assessment at Appendix 9 confirms consistency with this clause. The ground floor plan has been developed following extensive liaison with RMS and TfNSW.
Site Specific Sustainable Travel Plan 28 Future Development Applications for each stage shall include a site specific sustainable travel plan incorporating a workplace travel plan and/or travel access guide. The travel plan will be in accordance with the Concept Plan Sustainable Travel Plan required by Modification B2.	This condition will be met with any future Development Application for the subject proposal.
Heritage 29 Future Development Application/s for Stage 8 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.	Superseded by Mod 1 below.
Mod 1 29 Future Development Application/s for Stage 8 and 6 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:	Not applicable to Stage A.

<p>a) a detailed heritage assessment of the site which includes a professionally written history of the site;</p> <p>b) a full photographic record; and</p> <p>c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>	
<p>30</p> <p>Future Development Application/s for Stage 5 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.</p>	Superseded by Mod 1 below.
<p>Mod 1</p> <p>30</p> <p>Future Development Application/s for Stage 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.</p>	<p>The Heritage Impact Statement (HIS) provided at Appendix 10 concludes that the proposal will have a minimal effect on the nearby heritage listed Ryde Bridge.</p> <p>Alternatively, the HIS considers that the proposed design respects the heritage significance of the Bridge with the proposal's linear form reflective of the Bridge, the uniform grid of the façade providing a neutral backdrop to the Bridge, and the low scale plaza providing greater links and views to the Bridge.</p>
<p>Section 94 Contributions</p> <p>31</p> <p>Future Development Applications shall be required to pay developer contributions to the 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.</p>	S94 contributions will be required by way of condition of any future Development Consent.
<p>Noise and Vibration</p> <p>32</p> <p>Future Development Application/s for Stage 5 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'. NSW Government Department of Planning & Infrastructure</p>	Superseded by Mod 1 below.

Concept Plan for Shepherds Bay Page 11 Adaptable Housing	
Mod 1 Noise and Vibration 32 Future Development Application/s for Stage 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'.	Any future Development Application will be accompanied by an acoustic assessment which will demonstrate that the development's residential apartments are not unduly affected by noise and vibration, and comply with the relevant requirements.
33 Future Development Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4229-1995.	Any future Development Application will demonstrate compliance with the requirement for 10% of apartments as adaptable units.
Stormwater Infrastructure Upgrades 34 Future Development Applications for Stage 7, 8, 9 or 10 (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.	Superseded by Mod 1 below.
Mod 1 34 Future Development Applications for Stage 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.	Not applicable to Stage A.
Flooding and Stormwater	A Flood Assessment has prepared by BG&E and is provided at Appendix 15 . The report identifies existing flood behaviour in the vicinity

<p>35</p> <p>Future Development Applications for each stage of the development shall include flood assessments to determine the minimum floor levels, any required mitigation measures and evacuation strategy required.</p>	<p>of the site to ensure flood risk is suitably managed during the proposed development, and provides for the following recommendations to be implemented.</p> <p>The report concludes that the proposal meets Council's requirements for flood risk management, and will not adversely impact existing flood behaviour, subject to implementation of the recommendations provided. It is noted that a revised flood assessment will be provided with any future Development Application.</p>
<p>36</p> <p>Future Development Applications for each stage of the development shall include a Stormwater Management Plan in accordance with Council's requirements.</p>	<p>Any future Development Application will be accompanied by a Stormwater Management Plan in accordance with Council's requirements.</p>
<p>Sydney Water Requirements</p> <p>37</p> <p>Future Development Applications shall address Sydney Water's requirements in relation to:</p> <ul style="list-style-type: none"> (a) required amplification works to existing drinking water mains; (b) required amplification works to the wastewater system; (c) approval for discharge of trade wastewater (where necessary); and (d) application for Section 73 certificates as necessary. 	<p>Greg Houston Plumbing has submitted a letter dated 27 November 2014 confirming engagement to lodge all applications to Sydney Water.</p>
<p>Contamination, Acid Sulphate Soils and Salinity</p> <p>38</p> <p>Future Development Applications shall include a detailed contamination assessment (involving sampling and testing of soil) including an assessment of the presence of acid sulphate soils and salinity.</p>	<p>The existing conditions of the site have been assessed by EI Australia in the Environmental Site Assessment provided at Appendix 13, which includes an assessment of the presence of contamination, acid sulfate soils and salinity at the site. The report concludes that the site is not considered to have widespread contamination, however can be made suitable for residential purposes upon implementation of the recommendations provided. Refer to Section 6.5 and Section 7.6 for detail.</p> <p>It is noted that a more detailed contamination assessment will be provided with any future Development Application for the site.</p>
<p>39</p> <p>A groundwater assessment (involving sampling and testing of groundwater) shall be undertaken across the entire Concept Plan prior to the first Development Application being lodged for Stage 2 or any other stage of the development.</p>	<p>The Geotechnical Desktop Study prepared by EI Australia at Appendix 13 considers that there is a low risk of widespread groundwater contamination within the site, and that it is unlikely that any groundwater impacts would prevent site development for residential and open space land uses.</p>
<p>40. Future Development Applications where necessary shall include a targeted groundwater assessment for the specific stage (based on</p>	<p>See comment above.</p>

the recommendations of the groundwater assessment undertaken for the entire Concept Plan).	
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