

Modification of Minister's Approval

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

As delegate of the Minister for Planning, I modify the Approval referred to in Schedule 1, subject to the Terms of Approval in Schedule 2 and the Amended Statement of Commitments in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979* (the Act).



David McNamara
Director
Key Sites Assessments

Sydney 20 November

2018

SCHEDULE 1

Schedule 1 is amended by the insertion of **bold and underlined** words/numbers and deletion of ~~struck out~~ words/numbers as follows:

Concept Approval:	MP 09_0029 granted by the delegate of the Minister for Planning on 19 October 2012
Proponent:	NSW Land and Housing Corporation
Consent Authority:	Minister for Planning
Land:	Lots 1-8 in DP 19985 63-77 West Parade, West Ryde, NSW 2114
For the following:	<p>Concept Approval for:</p> <ul style="list-style-type: none">• Excavation of the site• Construction and use of a mixed use residential, commercial and retail development comprising approximately 138 residential units (social housing, private housing and potential affordable housing), associated commercial and retail areas, parking and services• <u>Use of site for residential purposes for up to 150 dwellings</u>• <u>Excavation of the site for the construction of basement car parking area</u>• <u>Construction of a residential flat development comprising a 12 storey (Building A), a 9 Storey (Building B) and a 6 Storey (Building C) buildings</u>• <u>Landscaping</u>
Modification:	<p>MP 09_0029 MOD 2, comprising amendments to the Concept Approval, including:</p> <ul style="list-style-type: none">• delete approved commercial and retail floor space• increase dwellings from 138 to a maximum of 150• revise approved concept plan and building envelopes accordingly• car parking number to be determined in future applications• extend the concept plan approval for a period of two years from 18 June 2018.

SCHEDULE 2

Schedule 2 Part A – Terms of Approval – Condition A1, A2, A3, A4, A5 and A6 is amended by the insertion of **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers as follows:

PART A – TERMS OF APPROVAL

A1 Development Description

Concept approval is granted to the development described below:

- Use of the site for residential, ~~retail, and commercial~~ purposes **for a maximum of 150 dwellings**;
- Excavation of the site for the construction of the basement car parking area;
- Construction of the following:
 - A ~~part 6/part~~ 12 storey residential building ~~with ancillary retail on the ground floor at the southern end of the site~~ (Building A);
 - An 8-9 storey residential building ~~with commercial on the ground floor~~ (Building B);
 - A 5-6 storey residential building at the northern end of the site (Building C);
 - ~~Commercial office floorspace~~
 - ~~Retail floorspace~~; and,
 - ~~Car parking~~;
- Landscaping.

A2 Development in Accordance with Plans and Documentation

The approval shall be generally in accordance with MP 09_0029 and with the Environmental Assessment, except where amended by the Preferred Project Report, and additional information further to the Preferred Project Report **and the S75W Modification Application Planning Report (MP 09_0029 MOD 2) prepared by Family and Community Services dated 14 March 2018, and the conditions of consent and the following drawings prepared by Caldis Cook Group and Architectus:**

Concept Plan Drawings prepared by the Caldis Cook Group			
Drawing No.	Revision	Name of Plan	Date
SK-01	A	Site Plan – Level 2	Undated
SK-02	A	Floor Plan – Level 1 & 2	Undated
SK-03	A	Composite Plans	Undated
SK-04	A	West Elevation	Undated
SK-05	A	Section A-A, B-B	Undated
SK-06	-	Site Analysis	Undated
SK-20	-	Carpark Level 1, 2	Undated

<u>Concept Plan Drawings prepared by Architectus</u>			
<u>Drawing No.</u>	<u>Issue</u>	<u>Name of Plan</u>	<u>Date</u>
<u>MOD0000</u>	<u>D</u>	<u>Cover Sheet</u>	<u>18 October 2018</u>
<u>MOD0001</u>	<u>D</u>	<u>Site Plan and Building Envelope</u>	<u>18 October 2018</u>
<u>MOD0002</u>	<u>D</u>	<u>West Parade Elevation and Building Envelope</u>	<u>18 October 2018</u>
<u>MOD0003</u>	<u>D</u>	<u>Design Objectives and Controls 1</u>	<u>18 October 2018</u>
<u>MOD0004</u>	<u>D</u>	<u>Design Objectives and Controls 2</u>	<u>18 October 2018</u>
<u>MOD0005</u>	<u>D</u>	<u>Design Objectives and Controls 3</u>	<u>18 October 2018</u>
<u>MOD0006</u>	<u>D</u>	<u>Design Objectives and Controls 4</u>	<u>18 October 2018</u>

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

A3 Building Envelope Modifications

The plans as described above in A2 shall be modified as follows:

- The building envelope of Building A shall be amended by increasing the front setback to West Parade at levels 7-12 inclusive by a minimum of 2 metres, between the street boundary and the main building line.
- The building envelope of Building B shall be amended by increasing the front setback to West Parade at levels 7 and 8 by a minimum of 2 metres, between the street boundary and the main building line.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General prior to the submission of any future Development Application.

A4 A3 Maximum Gross Floor Area

The redevelopment of the site for a mixed use residential development shall have a maximum Gross Floor Area (GFA) of approximately 13,149sq.m (including approximately 649sq.m of commercial and 74sq.m of retail floorspace).

A5 A4 Inconsistencies between Documentation

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents including Revised Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail. the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency.

A6 A5 Date of Approval Liable to lapse

Notwithstanding the details within Part A of Schedule 1, the approval will lapse on ~~18 June 2018~~ 18 June 2020 unless the development has physically commenced.

End of Section

PART B- FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Under Section 75P(1)(b), all future stages of the project be subject to Part 4 of the *Environmental Planning & Assessment Act 1979*; and,

That future environmental assessment of the project be subject to the requirements set out in Schedule 2, pursuant to Section 75P(1)(a) of the Act.

Schedule 2 Part B – Future Environmental Assessment Requirements – Numbers 1 and 5 are amended by the deletion of ~~struck-out~~ words/numbers and Numbers 6 and 7 are inserted as shown in **bold and underlined** words/numbers as follows:

1. Building Design

Future Development Applications shall demonstrate that façade design on all elevations and the roof of buildings incorporates high quality architectural expression due to the highly visible location of the proposed development.

~~In addition, the Applicant shall respond to concerns raised regarding the area of blank façade on the western elevation of Building B and C as indicated on Drawing No. SK-04A. These facades are to be suitably treated with openings, balconies, materials or any other suitable architectural or design feature.~~

2. Privacy

Future Development Applications shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts between Building A, B and C, and the adjacent West Parade properties.

3. Driveways

Future applications shall clearly document the bus zone outside No. 75 West Parade which may need to be relocated as a result of the proposed driveway.

4. Travel Access Guide (TAG)/Green Travel Plan

Future Development Applications shall provide details of any Travel Access Guide (TAG)/Green Travel Plan prior to the occupation of any building on site. This should include an investigation of car sharing schemes.

5. ESD

~~Future Development Applications shall demonstrate compliance with the City of Ryde Council's minimum energy performance, water use and stormwater quality standards of the City of Ryde Development Control Plan 2008. A minimum rating of 4.0 stars equivalent to the industry accepted Green Star Multi Residential Pilot Tool of the Green Building Council of Australia is recommended.~~

6.5. Landscaping

Future Development Applications shall include detailed landscape plans demonstrating that sufficient deep soil can be provided for landscaping, particularly along West Parade.

6. Design Objectives and Design Guidelines

Future Development Applications shall demonstrate compliance with the Proponent's Design Objectives and Design Guidelines (Concept Plan Drawings prepared by Architectus, drawing numbers MOD0003 – MOD0006, 18 October 2018).

7. Car parking

Future Development Applications shall apply car parking rates in accordance with either the City of Ryde's relevant car parking controls, car parking controls as specified in Part 3J of the Apartment Design Guide and the Affordable Rental Housing SEPP, whichever is less.

End of Section

SCHEDULE 3

MP 09_0029 (MOD 2)

**CONCEPT PLAN APPLICATION FOR CONSTRUCTION OF A ~~MIXED-USE~~
RESIDENTIAL, ~~COMMERCIAL AND RETAIL~~ DEVELOPMENT**

63-77 WEST PARADE, WEST RYDE

AMENDED STATEMENT OF COMMITMENTS

**(SOURCE: MODIFICATION APPLICATION / ~~PREFERRED PROJECT~~
~~REPORT~~)**

Schedule 3 – Statement of Commitments - are amended by the insertion of **bold and underlined** words/numbers and deletion of ~~struck-out~~ words/numbers.

AMENDED STATEMENT OF COMMITMENTS

~~10th February 2010~~ 14 March 2018

Proposed redevelopment of 63 – 77 West Parade, West Ryde Modification Application ~~PPR Submission~~ – Amended Statement of Commitments

Housing NSW The Land and Housing Corporation (LAHC) as the applicant for the redevelopment of 63 – 77 West Parade, West Ryde, makes the following Statement of Commitments in respect of the project.

General

- ~~Housing NSW~~ LAHC undertakes that the project **will assessed for consistency with the NSW Future Directions for Social Housing policy and** be designed with reference to all relevant codes, standards and regulations.
- ~~Housing NSW~~ LAHC will undertake the project, the delivery of all permanent social housing structures and elements together with all associated temporary works, in accordance with the conditions of approval and all associated documentation, codes, standards and regulations.
- ~~Housing NSW~~ LAHC undertakes that good trade practices and methodologies will be implemented throughout the project.
- ~~Housing NSW~~ LAHC will undertake the project in a manner to prevent or minimise harm to the environment resulting from the delivery and operation of the project.
- ~~Housing NSW~~ LAHC undertakes to protect public infrastructure which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project.
- ~~Housing NSW~~ LAHC undertakes to protect private property which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project.

Specific Environmental Considerations

- ~~Housing NSW~~ LAHC undertakes to incorporate high standards of environmentally sustainable design (ESD) and construction within the project. ~~Particular reference will be made to Housing NSW's strategic document "Environmental Sustainability in Housing NSW 2008/09 – 2013/14"~~
- **LAHC will have regard to the strategic priorities and actions outlined in the current Environmental Sustainability Strategy for LAHC during the design, construction and operation phases of the development.**
- ~~Housing NSW~~ LAHC will undertake a preliminary environmental site assessment (PESA) and a hazardous materials assessment (HAZMAT).
- Dependent upon the findings of the PESA and HAZMAT, ~~Housing NSW~~ LAHC will undertake further studies and if necessary carry out remediation works as are considered appropriate to accord with acceptable industry standards and practices.

- ~~Housing NSW~~ **LAHC** has undertaken preliminary acoustic, drainage and groundwater, geotechnical and wind assessment studies. The findings of such studies are incorporated within the Environmental Assessment. Further assessment studies will be undertaken if recommended or required. The recommendations of all such studies will be implemented to accord with acceptable industry standards and practices.
- ~~Housing NSW~~ **LAHC** as the owner of the project will implement appropriate environmental management strategies and practices to realise and maintain for the benefit of residents and the greater community the advantages resulting from the ESD design and construction principles embodied within the project.