

Development Consent

Section 75W of the Environmental Planning and Assessment Act 1979

As Minister for Planning, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, 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

The Hon. Tony Kelly MLC
Minister for Planning

Sydney

18 June 2010

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	MP09_0029
Applicant:	Land and Housing Corporation Billbergia Group
Consent Authority:	Minister for Planning (now Minister for Planning and Public Spaces)
Site:	Lots 1-8 DP 19985 (now Lot 1 DP 1272136) 63-77 West Parade, West Ryde, NSW 2114
Development:	Concept Approval for: <ul style="list-style-type: none">• Use of site for residential purposes for up to 150 dwellings• Excavation of the site for the construction of basement car parking area• Construction of a residential flat development comprising a 12 storey (Building A), a 9 Storey (Building B) and a 6 Storey (Building C) buildings• Landscaping

CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP09_0029 MOD 1	20 October 2014	Secretary	Modification to extend the approval lapse date by 3 years from 18 June 2015 to 18 June 2018 unless the development has physically commenced.
MP09_0029 MOD 2	20 November 2018	Director	Amendments to the Concept Approval including: <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
MP09_0029 MOD 3	14 May 2019	Director	Modification to change the action required to prevent the approval lapsing from the development physically commencing to the submission of development application.
MP09_0029 MOD 4	27 July 2021	Director	Modification to increase the approved building heights of Buildings A and B to accommodate the lift overruns.

CONSOLIDATED CONSENT

DEFINITIONS

Applicant	Housing NSW, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation, including but not limited to internal demolition, unless limited by the consent (Condition A19)
Council	City of Ryde Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising internal demolition, construction and public domain works, as modified by the conditions of this consent
EA	The Environmental Assessment, prepared by Worley Parsons dated August 2009, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>

CONSOLIDATED CONSENT

SCHEDULE 2

PART A TERMS OF APPROVAL

DEVELOPMENT DESCRIPTION

A1. Concept approval is granted to the development described below:

- Use of the site for residential 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 12 storey residential building (Building A);
 - A 9 storey residential building (Building B);
 - A 6 storey residential building at the northern end of the site (Building C);
- Landscaping.

DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

A2. 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, the S75W modification request Planning Report (MP 09_0029 MOD 3) prepared by FPD Pty Ltd dated 3 April 2019, and the s75W Modification to the Height of Buildings (MP09_0029 MOD 4) prepared by Urbis dated 21 April 2021, and the conditions of consent** and the following drawings prepared by Caldis Cook Group, **Architectus** and PTW Architects:

Concept Plan Drawings prepared by PTW Architects			
Drawing No.	Issue	Name of Plan	Date
MOD0000	A	Cover Sheet	15 March 2021
MOD0001	A	Site Plan and Building Envelope	15 March 2021
MOD0002	A	West Parade Elevation and Building Envelope	15 March 2021
Concept Plan Drawings prepared by Architectus			
MOD0000	D	Cover Sheet	18 October 2018
MOD0001	D	Site Plan and Building Envelope	18 October 2018
MOD0002	D	West Parade Elevation and Building Envelope	18 October 2018
MOD0003	D	Design Objectives and Controls 1	18 October 2018
MOD0004	D	Design Objectives and Controls 2	18 October 2018
MOD0005	D	Design Objectives and Controls 3	18 October 2018
MOD0006	D	Design Objectives and Controls 4	18 October 2018

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

MAXIMUM GROSS FLOOR AREA

A3. The redevelopment of the site for a **residential** development shall have a maximum Gross Floor Area (GFA) of approximately 13,149sq.m.

INCONSISTENCIES BETWEEN DOCUMENTATION

A4. In the event of any inconsistency between **the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency.**

CONSOLIDATED CONSENT

DATE OF APPROVAL LIABLE TO LAPSE

- A5. Notwithstanding the details within Part A of Schedule 1, the approval will lapse on 18 June 2020 unless a development application is submitted to carry out any part of the project or development for which concept approval has been given.

End of Section

FOR INFORMATION

CONSOLIDATED CONSENT

PART B FUTURE ASSESSMENT REQUIREMENTS

Pursuant to Section 75P(1)(a) of the Act the following future environmental assessment requirements apply.

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.

2. Privacy

Future Development Application 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. 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 – MOD 0006, 18 October 2018).

7. Car Parking

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

End of Section

CONSOLIDATED CONSENT

SCHEDULE 3

MP090029 (MOD 2)

CONCEPT PLAN APPLICATION FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT

63-77 WEST PARADE, WEST RYDE

AMENDED STATEMENT OF COMMITMENTS

(SOURCE: MODIFICATION APPLICATION)

FOR INFORMATION

CONSOLIDATED CONSENT

AMENDED STATEMENT OF COMMITMENTS

14 March 2018

Proposed redevelopment of 63 – 77 West Parade, West Ryde

Modification Application – **Amended** Statement of Commitments

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

- 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.
- 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.
- LAHC undertakes that good trade practices and methodologies will be implemented throughout the project.
- 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.
- 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.
- 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

- LAHC undertakes to incorporate high standards of environmentally sustainable design (ESD) and construction within the project.
- 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.**
- LAHC will undertake a preliminary environmental site assessment (PESA) and a hazardous materials assessment (HAZMAT).
- Dependent upon the findings of the PESA and HAZMAT, LAHC will undertake further studies and if necessary, carry out remediation works as are considered appropriate to accord with acceptable industry standards and practices.
- 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.
- 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.