

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 14 November 2011, the Planning Assessment Commission approves the modification of the project application referred to in Schedule 1, subject to the condition in Schedule 2.

MEMBER OF THE COMMISSION

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Sydney

2014

SCHEDULE 1

Application Number: MP09_0219 granted by the Planning Assessment Commission on 6 March 2013

Proponent: Holdmark Property Group

The Authority: Minister for Planning

The Land: 41 Belmore Street, Ryde
Part Lot 1 DP 1072555

Project: Project application, Stage 1 for 3 to 10 storey residential flat building development incorporating basement car parking, communal open space and publicly accessible foreshore link

Modification 1: MP09_0219 MOD1:

- modification of dwelling mix and increase in dwelling yield (from 207 to 246 dwellings);
- revision of the grading of the foreshore link and provision of a stairway at its northern end connecting it to Nancarrow Road;
- provision of apartments located at the lowest levels fronting Belmore Street, Hamilton Crescent and the foreshore link;
- provision of an additional underground car parking level, reduction of the basement setback to the north and increase of 65 car parking spaces (from 277 to 342);
- revised timing of the delivery of the open space to be in conjunction with Stage 3 rather than Stage 1;
- rearrangement of internal building layouts, car parking layout and provision of balconies;
- revision of schedule of external finishes;
- amendment of ESD measures; and
- amendments to conditions and Statement of Commitments.

The Project Application for MP09_0219 is modified as follows:

**SCHEDULE 2
TERMS OF APPROVAL
PART A – ADMINISTRATIVE CONDITIONS**

- (a) Schedule 2 Part A – Administrative Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

Development Description

- A1. Development approval is granted only to carry out the development described in detail below:
- Construction of two attached residential flat buildings between 3 and ~~10~~ **12** storeys in height;
 - basement car parking over ~~three~~ **four** levels;
 - landscaped communal open space between the two buildings;
 - a new landscaped publicly accessible foreshore link from Hamilton Crescent to Rothesay Avenue;
 - stormwater and infrastructure/utility works.

- (b) Schedule 2 Part A – Administrative Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck out**~~ words/numbers as follows:

Development in Accordance with Plans and Documentation

- A2. The development shall be undertaken generally in accordance with:
- 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
 - **the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:**
 - **Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and**
 - **Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services.**
 - the Draft Statement of Commitments prepared by Robertson + Marks Architects, **except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014;** and
 - the following drawings:

Architectural Drawings prepared for the Preferred Project Report by Robertson + Marks (Job No. 10068-2)			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<u>A-000/D</u>	<u>D</u>	<u>Lower Basement Floor Plan</u>	<u>07.11.2013</u>
<u>A-001/K</u> <u>A101/7</u>	<u>K</u> <u>7</u>	Basement Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-002/K</u> <u>A102/6</u>	<u>K</u> <u>6</u>	Upper Basement Plan	<u>27.02.2014</u> <u>31.07.2012</u>
<u>A-003/K</u>	<u>K</u>	Lower Ground Floor Plan	<u>27.02.2014</u>

<u>A103/7</u>	<u>7</u>		<u>31.07.2012</u>
<u>A-004/H</u> <u>A104/5</u>	<u>H</u> <u>5</u>	Ground Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-005/H</u> <u>A105/5</u>	<u>H</u> <u>5</u>	Level 1 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-006/H</u> <u>A106/5</u>	<u>H</u> <u>5</u>	Level 2 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-007/H</u> <u>A107/5</u>	<u>H</u> <u>5</u>	Level 3 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-008/H</u> <u>A108/4</u>	<u>H</u> <u>4</u>	Level 4 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-009/H</u> <u>A109/2</u>	<u>H</u> <u>2</u>	Level 5 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-010/H</u> <u>A110/2</u>	<u>H</u> <u>2</u>	Level 6 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-011/H</u> <u>A111/2</u>	<u>H</u> <u>2</u>	Level 7 Floor Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-012/H</u> <u>A112/2</u>	<u>H</u> <u>2</u>	Level 8 Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-013/H</u> <u>A113/2</u>	<u>H</u> <u>2</u>	Level 9 Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-014/F</u> <u>A114/2</u>	<u>F</u> <u>2</u>	Level 10 Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A115/2</u>	<u>2</u>	<u>Level 11 Plan</u>	<u>31.07.2012</u>
<u>A-017/E</u> <u>A117/2</u>	<u>E</u> <u>2</u>	Roof Plan	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-151/13</u> <u>A118/4</u>	<u>13</u> <u>4</u>	Rothsay Avenue Elevation	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-152/13</u> <u>A119/4</u>	<u>13</u> <u>4</u>	Belmore Street Elevation	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-153/13</u> <u>A120/4</u>	<u>13</u> <u>4</u>	Hamilton Crescent Elevation	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-154/14</u> <u>A121/5</u>	<u>14</u> <u>5</u>	New Foreshore Link Elevation	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A-172/8</u>	<u>8</u>	<u>Sections</u>	<u>07.11.13</u>
<u>A122/4</u>	<u>4</u>	<u>Sections</u>	<u>31.07.2012</u>
<u>A123/4</u>	<u>4</u>	<u>Sections</u>	<u>31.07.2012</u>
<u>A 140-4</u> <u>A132/2</u>	<u>4</u> <u>2</u>	Adaptable Apartments	<u>07.11.2013</u> <u>31.07.2012</u>
<u>A 141 - 4</u> <u>A133/2</u>	<u>4</u> <u>2</u>	Adaptable Apartments	<u>07.11.2013</u> <u>31.07.2012</u>
<u>SK 14/07/27</u>	<u>REV A</u>	<u>STAGE 1 LANDSCAPING PLAN</u>	<u>27/07/2014</u>
<u>SK 14/07/28</u>	<u>REV A</u>	<u>FORESHORE LINK STAIR DRAWING</u>	<u>28/07/2014</u>

except for any modifications:

- which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and

- otherwise provided by the conditions of this approval.

SCHEDULE 2 PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (c) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B2A is deleted by the ~~bold struck out~~ words/numbers as follows:

~~Open Space~~

~~B2A. Prior to the issue of the Occupation Certificate for Stage 1, a contiguous open space is to be provided with a minimum area of 3,000m² within the site of the concept plan, to accommodated both active and passive recreational needs of the new community. The open space shall include deep soil area and received a minimum of 2 hours of sunlight to a minimum of 50% of the area on 21 June.~~

~~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 1. If Council does not accept the dedication, the land shall remain publicly accessible but in private ownership by the relevant body corporate and maintained in accordance with the Landscape and Public Domain Plan (Condition B3).~~

- (d) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B2A is added by the insertion of the **bold and underlined** words / numbers as follows:

Amended Foreshore Link

B2A. Prior to the issue of the relevant Construction Certificate the design of the foreshore link shall be amended in accordance with the Stage 1 Landscaping Plan SK 14/07/27 RevA and Foreshore Link Stair Drawing SK 14/07/28 RevA.

- (e) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B2B is added by the insertion of the **bold and underlined** words / numbers as follows:

Deletion of Apartment LG24

B2B. Prior to the issue of the relevant Construction Certificate amended plans shall be submitted for the department's endorsement that show the deletion of apartment LG24 from the lower ground floor level and the redesign of the building and landscaping/foreshore link in this location to achieve:

- a) **a building elevation of a high standard of design that avoids the creation of blank walls fronting the foreshore link;**
- b) **a safe and secure environment; and**
- c) **an appropriate landscaping response.**

- (f) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B2C is added by the insertion of the **bold and underlined** words / numbers as follows:

Raised sill heights

B2C. Prior to the issue of the relevant Construction Certificate plans shall be provided to the Certifying Authority showing the provision of increased sill heights (minimum of 1.5 metres above the finished floor level of the

apartment) to the north east facing bedrooms and living rooms of Apartments 3-20 and 4-06.

- (g) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B8 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

Section 94 Contribution

- B8 A monetary contribution for services shall be made to Council prior to the issue of the first Construction Certificate as specified in the Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011 under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979. The monetary contributions are to be calculated on the final plans to be approved by the Director-General in accordance with condition B2 above **(as amended by MP09 0219 MOD1)**.

The rates to be paid are subject to quarterly adjustments for inflation on the basis of the contribution rates that are applicable at the time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0).

- (h) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B23 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the **~~bold struck out~~** words/numbers as follows:

Disabled Access

- B23. The recommendations of the Access Review undertaken by Morris-Goding Accessibility Consulting (Reference Final **v3 v7**) dated **October 2013** ~~6 August 2012~~ are to be incorporated into the relevant Construction Certificate drawings, **including:**
- (a) an accessible path of travel to lobby 2 from Rothesay Avenue;**
 - (b) provision of a clear width of 850mm to garbage holding room doors;**
 - (c) maximum ramp gradient of 1:14 for all access to garbage areas; and**
 - (d) provision of a hardstand letterbox area adjacent to lift lobby areas with 1550mm circulation area.**

Prior to the issue of a Construction Certificate for a building in Stage 1, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate drawings fully comply with Australian Standard AS1428 and Development Control Plan 2010 – Access for People with Disabilities. The report is to be provided to the Certifying Authority and Council.

- (i) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B26 is deleted by the **~~bold struck out~~** words/numbers as follows:

~~Wind Tunnel Testing~~

- ~~B26. Prior to the relevant Construction Certificate being issued, the Certifying Authority is to be provided with written documentation of wind tunnel testing undertaken which confirms that a minimum of 60% of apartments achieve natural cross ventilation, or equivalent natural ventilation conditions, in accordance with the Residential Flat Design Code.~~**

- (j) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B27 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words/numbers as follows:

Service Infrastructure/Utilities

B27. All new service infrastructure/utilities including electrical substations **(excluding the electrical sub-station shown in drawing A-003/K)**, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all the service infrastructure/utilities are to be approved prior to the issue of the relevant Construction Certificate.

- (k) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B29 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words/numbers as follows:

Road Works

B29 Prior to the issue of the **first relevant** Construction Certificate, the proponent shall submit detailed plans and specifications to Council for approval of:

- (a) Nancarrow Avenue extension;
- (b) Nancarrow Avenue Area Local Traffic Management (LAMT) measures and all road reserve upgrades including pedestrian footpaths and cycleways; and
- (c) Implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection.

The roadway and verge design of the Nancarrow Avenue extension shall take account of the approved level and location of the northern staircase of the foreshore link located between Stage 1 and Stage 2 and the Stage 1 building basement (as approved by MP09 0219 MOD1).

Note: The detailed design of the above works is required as part of this development application. Works are to be completed prior to the occupation of the Stage ~~2~~ **4** development pursuant to the Concept Plan.

- (l) Schedule 2 Part B – Prior to Issue of Construction Certificate condition B37 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~**bold struck-out**~~ words/numbers as follows:

ESD

B37. The **relevant** Construction Certificate Plan are to include ESD measures in accordance with the base targets within the ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development ~~must comply with the~~ **should strive to achieve the** stretch target **(where relevant and feasible).**

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

- (m) Schedule 2 Part B – Prior to Issue of Occupation Certificate condition E2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~bold struck out~~ words/numbers as follows:

Development in Accordance with Conditions of Approval

- E2 All parking (including accessible, motorcycle, bicycle and car share spaces), landscaping, lighting, public domain works **(including the element of the foreshore link within Stage 1)**, foot paving, signposting, security measures, drainage and road works shall be provided in accordance with the conditions of approval prior to the issue of the relevant Occupation Certificate.
- (n) Schedule 2 Part B – Prior to Issue of Occupation Certificate conditions E24 is deleted by the ~~bold struck out~~ words/numbers as follows:
- ~~**E24 Prior to any occupation certificate, an easement for public access in gross for the public to enter, pass, re-pass use and enjoy the publicly accessible foreshore link to the west of the building is to be registered over the land in favour of Council. The terms of the easement are to be approved by Council.**~~

End of Modification to MP09_0219