

APPENDIX C RECOMMENDED INSTRUMENT OF MODIFICATION

The recommended conditions of consent can be found on the Department's website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8973

Modification of Minister's Approval

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

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, approves the modification of the Concept Approval referred to in Schedule 1, subject to the conditions in Schedule 2 and Schedule 3.

Member of the Commission

Member of the Commission

Sydney

2018

SCHEDULE 1

Concept Approval: **MP 09_0216** granted by the Planning Assessment Commission on 6 March 2013

For the following: Mixed use residential, retail and commercial development incorporating:

- building envelopes for 12 buildings incorporating basement level parking;
- Infrastructure works to support the development;
- publicly accessible open space and through site links; and
- pedestrian and cycle pathways.

Applicant: Rothesay Avenue Developments Pty Ltd

Consent Authority: Minister for Planning

The Land: The following sites:

- 41 Belmore Street, Ryde (Lot 1 DP 1072555)
- 116 Bowden Street, Meadowbank (Lot 2 DP 792836)
- 118-122 Bowden Street, Meadowbank (Lot 102, DP 1037638)
- 2 Constitution Road and 7-9 Hamilton Crescent, Ryde (Lot 2, DP 550006 and Lots 1-2, DP 982743)
- 4-6 Constitution Road, Ryde (Lot 1, DP 104280 and Lots 1-2, DP 930574)
- 8-14 Constitution Road, Ryde (Lot 1, DP 713706)
- 16 Constitution Road, Ryde (Lot 3, DP 7130)
- 18 Constitution Road, Ryde (Lots 1-2, DP 810552)
- 6 Nancarrow Avenue, Ryde (Lot 1, DP 322641)
- 8 Nancarrow Avenue, Ryde (Lot 11, DP 7130)
- 10 Nancarrow Avenue, Ryde (Lot 12, DP 7130)
- 12-16 Nancarrow Avenue, Ryde (Lots 13-15, DP 7130)

- 18 Nancarrow Avenue, Ryde (Lot 16, DP 7130)
- 37-53 Nancarrow Avenue, Ryde (Lot 9, DP 19585, Lot 1, DP 122205, Lots 1-7, DP 19585 and Lots 10-17, DP 19585)
- 8 Parsonage Street, Ryde (Lots 13-14 DP 738232, Lot 7, DP 809282, Lot 100, DP 851723 and Lot 15, DP 738232)
- 9-10 Rothesay Avenue, Ryde (Lot 1, DP 703858)
- 11 Rothesay Avenue, Ryde (Lot 18, DP 7130).

Modification:

MP 09_0216 MOD 3: the modification includes:

- introduction of 'serviced apartment' use
- increase of 1,300 m² non-residential GFA.

SCHEDULE 2

The Development Approval (MP 09_0216) is modified as follows:

- (a) Schedule 2 Part A – Terms of Approval 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 Concept approval is granted to the development as described below:

Use of the site for a mixed use development including residential, retail, ~~and commercial,~~ **and community and serviced apartment** uses incorporating:

- 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;
 - publically accessible open space and through site links; and
 - pedestrian and cycle pathways.

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

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,~~ **MP09 0216 MOD3:**

- 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 (**MP 09 0216 MOD 1**) 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 (**MP 09 0216 MOD 2**) dated January 2015 prepared by City Plan Services including all documents and reports, except where amended by the:
 - Preferred Project 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 S75W Modification Application (MP 09 0216 MOD 3) dated December 2017 prepared by City Plan Services including all documents and reports, except where amended by the Preferred Project Report dated 14 May 2018**
- 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-G PPR 001-I	MAXIMUM HEIGHT WITH SETBACKS	08/09/16 07/02/17
PPR 002-E PPR 002-G	Maximum Number of Storeys Above Ground Level (Finished) Plan	08/09/16 07/02/17
PPR 007-E	INDICATIVE STAGING	09/24/13
S 001/B	SLOPES ON SITE	03/25/2014
FIGURE 14 REV 5	STAGE 1 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 15 REV 5	STAGE 4 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 16 REV 6	STAGE 2 BUILDING ENVELOPE CONTROL DIAGRAMS	29/04/16
FIGURE 17 REV 6	STAGE 5 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 18 REV 5 FIGURE 18 REV 12	STAGE A BUILDING ENVELOPE CONTROL DIAGRAMS	10/06/16 23/02/17
FIGURE 19 REV 6	STAGE 3 BUILDING ENVELOPE CONTROL DIAGRAMS	26/04/16
FIGURE 20 REV 5	STAGE 8 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 21 REV 5	STAGE 6 BUILDING ENVELOPE CONTROL DIAGRAMS	07/06/16
FIGURE 22 REV 7	STAGE 9 BUILDING ENVELOPE CONTROL DIAGRAMS	08/09/16
FIGURE 23 REV 5	STAGE 7 BUILDING ENVELOPE CONTROL DIAGRAMS	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

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

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

Maximum Gross Floor Area (GFA)

A5

1. The maximum GFA for commercial, retail, **serviced apartment** or community uses shall not exceed ~~10,000~~ **11,300** m²
2. The maximum number of dwellings shall not exceed 2,033

- (d) Schedule 2 Part B – is amended by the deletion of Modification B1B as follows:

~~**Maximum Building Height of Stage A**~~

~~**B1B 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 drawings 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.**~~

- ~~a) PPR 001 Maximum Heights with Setbacks;~~
- ~~b) PPR 002 Maximum Number of Storeys Above Ground Level (Finished) Plan; and~~
- ~~c) Figure 18 Stage A. Building Envelope Control Diagrams~~

- (e) Schedule 3 Future Environmental Assessment Requirements – in amended by the insertion of FEAR 15C as follows:

Stage A Open Space / Plaza

15C Future development application(s) for Stage A shall include the provision of a publicly accessible open space / plaza, which shall be completed prior to the issue of the first Occupation Certificate.

- (f) Schedule 3 Future Environmental Assessment Requirements – in amended by the insertion of FEAR 15C as follows:

Gore Bay Pipeline

42. Future Development Application(s) for Stage A shall demonstrate compliance with Australian Standard 2885.0-2008 Pipelines-Gas and Liquid Petroleum. The Applicant shall also consult with Viva Energy to confirm whether any technical study (such as a Safety Management Study) may be required in order to comply with AS 2885.0-2008.

End of Modification
(MP 09_0216 MOD 3)