

Statement of Environmental Effects

Construction of a Mixed-Use
Building containing Shop/Commercial
Tenancies and Sixty-seven (67)
Apartments

52-78 Rowe Street &
20 First Avenue
EASTWOOD

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Figure 1 Locality Plan

1.0 Introduction

Ryde City Council issued Development Consent No.2008/0744, which became effective on 27 August 2009, for the demolition of the existing buildings on land at 52-78 Rowe Street and 20 First Avenue, Eastwood, and for the construction of a mixed-use retail/commercial/residential complex and its strata subdivision.

The development design has been reviewed in the context of *Ryde Local Environmental Plan 2010 (RLEP 2010)* which was made on 30 June 2010.

The increase in the building height standard in *RLEP 2010* from 12m to 15.5m provides an opportunity to increase the extent of residential development in the approved building fronting Rowe Street and to significantly improve the urban design outcome for the development when viewed from Rowe Street.

The proposal will increase the number of apartments in the Rowe Street building from thirty-eight (38) to fifty-five (55) apartments and the total number of apartments in the complex from fifty (50) to sixty-seven (67).

This is to be achieved by one (1) storey additions and lofts over part of the Rowe Street building.

The outcome of this proposal is consistent with the objective of the land's B4 Mixed Use zoning under *RLEP 2010* which seeks to integrate residential, retail and commercial development so as to maximise public transport patronage and encourage walking and cycling.

The proposed additions will also significantly improve the development's Rowe Street streetscape presentation by providing a highly modulated and articulated front elevation.

The development is otherwise identical to the development approved by Development Consent No.2008/0744, with the exception that the floor levels within the Rowe Street building have been generally lowered by up to 530mm.

The proposal is consistent with the aims, objectives and desired future character of the Town Centre expressed in *RLEP 2010* and Part 4.1 - Eastwood Town Centre of *Ryde Development Control Plan 2010 (RDCP 2010)*.

The development has been designed:

- to meet the desired future character of the Town Centre;
- to be consistent with the provisions contained in the recently made *RLEP 2010* and *RDCP 2010*;
- to significantly enhance the amenity and streetscape of the area; and
- to create a diversity of housing opportunities in the manner contemplated by Council's planning policies.

Pre-application consultations were held with Council's officers and its Design Review Panel on 17 June and 16 July 2010 concerning the proposal and the application, as presented, has been formulated in terms of the outcomes of these discussions.

The proposal and its design are justified on the basis of:

- the nature and extent of development approved by virtue of Development Consent No.2008/0744;
- the opportunities and constraints offered by the site and its setting;
- increasing the variety of housing types in this locality to meet emerging market demands;
- the high degree of accessibility the site enjoys to public transport services and shops and other services and facilities in the immediate vicinity; and
- the consistency of the proposal with the future development context for development in the Town Centre as expressed in the recently adopted town planning regime controlling its redevelopment.

This report:

- examines the issues associated with the proposed development;
- analyses the impact of the proposal in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details

2.1 The Site

The site, known as 52-78 Rowe Street and 20 First Avenue, Eastwood, is located on the southern side of Rowe Street between East Parade and Blaxland Road.

The land is located some 200m east of the Eastwood Railway Station.

A locality plan is contained in **Figure 1**.

The site comprises all of the land contained in:

- Lots 1 and 2, DP 214786;
- Lot 9, DP 3962;
- Lots 1 and 2, DP 395709;
- Lot B, DP 371880; and
- Lot 25, DP 660052.

The main body of the land fronting Rowe Street is generally rectangular in shape and has:

- a frontage of some 71.02m to Rowe Street; and
- a depth of 50.29m relative to its Rowe Street frontage.

The section of the site comprising 20 First Avenue is rectangular in shape and has:

- a frontage of some 20.1m to First Avenue; and
- an average depth of 37.5m relative to its First Avenue frontage.

The site has an overall area of 4,326m².

The property contains a number of obsolete retail/commercial buildings that have been used by Complete Hardware Ltd as a hardware store and for the storage and sale of building materials, sand, blue metal, timber and cement.

The buildings are one (1) and two (2) storey and constructed of brick and metal cladding.

The buildings are currently vacant.

The remainder of the site is paved to provide off-street parking and loading facilities and vehicular manoeuvring and circulation areas.

The section of the land known as 20 First Avenue is paved and accommodates twenty-six (26) off-street car parking spaces.

The vehicular access to the site is obtained via:

- two (2) driveways in Rowe Street between the building and its eastern boundary; and
- a driveway in Rowe Street located between the two (2) buildings.

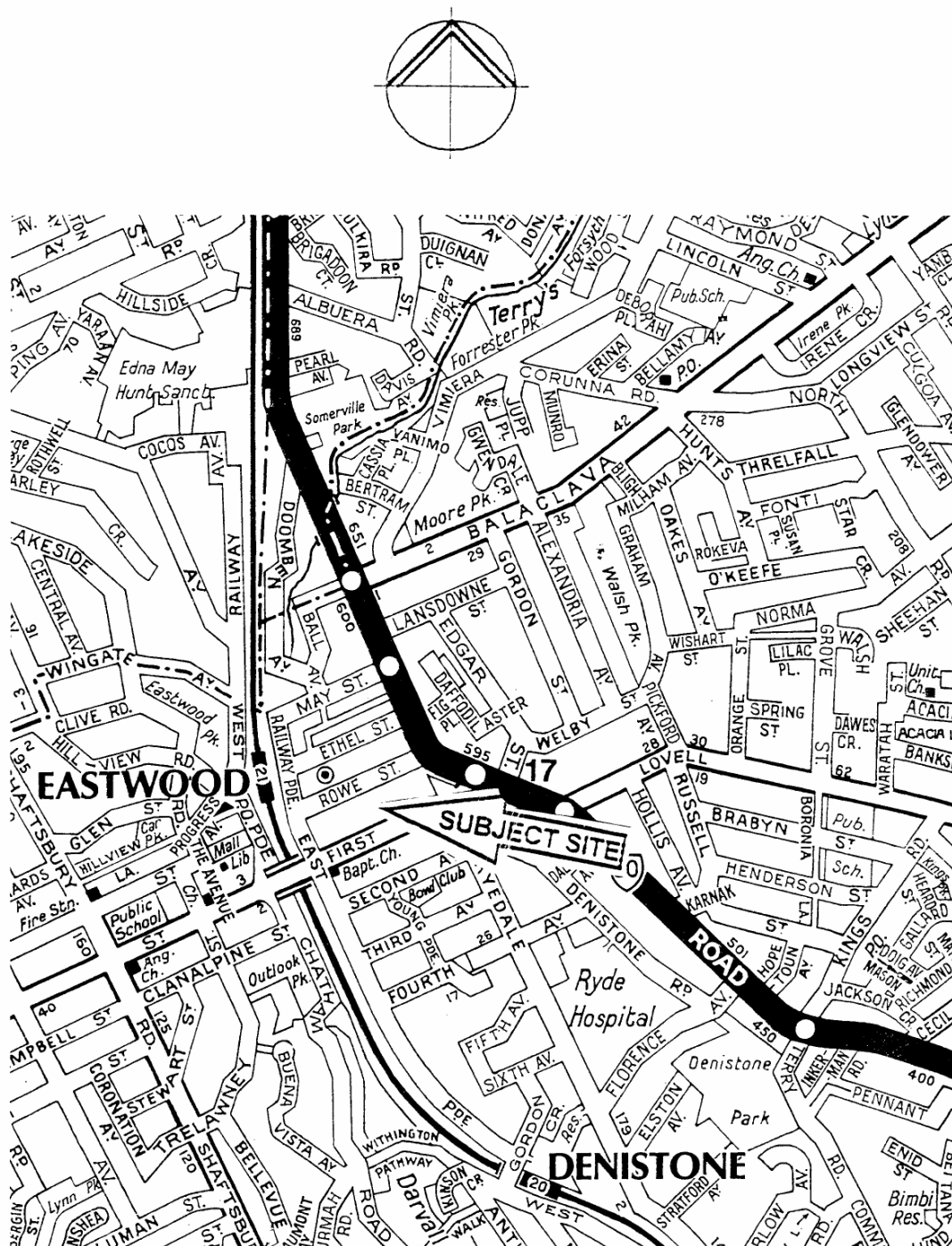


Figure 1
Locality Plan

The only vegetation on the land comprises landscaping adjacent to the eastern and western boundaries of the car park on 20 First Avenue and a large gum tree in the south-eastern corner of 20 First Avenue.

The site does not contain any vegetation significant in its local or district context.

The site experiences a moderate fall in the order of 4m from its eastern side boundary to the western side boundary.

This represents a grade of 1 in 18, or 5.5%.

There are no easements or rights of carriageway affecting the property.

2.2 Site Context

The site is situated in the section of the Eastwood Town Centre between the Eastwood Railway Station and Blaxland Road.

This area displays a significant degree of diversity in terms of the nature, height and scale of development.

The land immediately to the east of the site comprises the properties known as 42-50 Rowe Street and 22 First Avenue.

These properties contain:

- a contemporary two (2) storey brick shop on 42-50 Rowe Street occupied by Plumbers' Supplies Co-operative Ltd for the display and sale of plumbing fittings; and
- a two (2) storey residential flat building, with parking under it, containing six (6) dwellings, constructed circa 1970, on 22 First Avenue.

The land immediately to the west of the site comprises the properties known as 82 Rowe Street and 14-18 First Avenue.

These properties contain:

- a two (2) storey brick shop/residential building on 82 Rowe Street occupied by La Vigne as a baker's shop;
- a three (3) storey residential flat building, with parking under it, containing twelve (12) dwellings, constructed circa 1970, on 14 First Avenue; and
- a three (3) storey residential flat building, with parking under it, containing twelve (12) dwellings, constructed circa 1970, on 16-18 First Avenue.

The land to the north, on the opposite side of Rowe Street, comprises the properties known as 45-75 Rowe.

These properties contain:

- two (2) storey older-styled brick shop/commercial buildings on 45-51 Rowe Street occupied as a medical centre, a grocery store, a butcher's shop, a mixed business/video hire outlet and residences;
- *Rowe Street Car Park*, a public car park;
- a single storey shop/commercial building on 73 Rowe Street occupied by a video hire outlet and fruit shop; and
- a single storey shop on 75 Rowe Street occupied by the Young Mart supermarket.

The land to the south, on the opposite side of First Avenue, comprises the properties known as 17-21 First Avenue.

These properties contain older-styled single storey dwelling houses of brick and weatherboard construction.

Blaxland Road represents the eastern extremity of the Eastwood Town Centre and Rowe Street provides the major entry into the eastern sector of the Centre.

Access at the Rowe Street/Blaxland Road intersection is restricted to left-in/left-out only.

There is an existing vehicular access from First Avenue to the rear of commercial properties fronting Rowe Street between 10 and 12 First Avenue.

The Eastwood Railway Station and associated transport interchange are located some 200m to the west of the site.

The Station is located on the Main Northern Railway Line, which is an integral part of Sydney's heavy rail network connecting Hornsby and the Sydney CBD.

Council's planning initiatives for the Town Centre will see a dramatic change, transforming the area from an aging commercial/retail precinct to an attractive and vibrant mixed-use precinct dominated by apartment buildings enlivened at street level by active retail and commercial frontages.

The area:

- is serviced by a wide range of retail/commercial facilities;
- is in close proximity to the recreation and leisure facilities; and
- is conveniently located to public transport and the arterial road network, both in a district and regional context.

The site is located in an area that is eminently suitable for redevelopment involving higher residential densities.

3.0 The Proposal

3.1 Building Works

The application seeks development consent for:

- the demolition of the existing improvements on the land;
- the construction of a mixed-use retail/apartment complex containing two (2) buildings containing three (3) to five (5) levels of retail and/or residential development comprising:
 - a number of tenancies with a total retail/commercial floor space of some 4,450m² on two (2) levels arranged to take advantage of the site's topography to provide direct access from Rowe Street to both retail levels;
 - a total of sixty-seven (67) apartments, consisting of 25 x 1-bedroom, 33 x 2-bedroom and 9 x 3-bedroom dwellings;
 - a total of two hundred and forty-one (241) off-street car parking spaces in three (3) basement levels under the buildings; and
 - loading dock facilities and a garbage storage area; and
- the strata subdivision of the development upon completion of the development.

Pre-application consultations were held with Council's officers and its Design Review Panel on 17 June and 16 July 2010 concerning the proposal and the application, as presented, has been formulated in terms of the outcomes of these discussions.

The development has been designed by Brooks Projects Architects, and details of the complex are depicted on Plans No.Sk20b, 21b, 22a, 23b, 24b, 25b, 26b, 27d, 28b, 29b and 30a.

The buildings contain significant horizontal and vertical modulation to create interesting and attractive facades.

The building fronting Rowe Street is to present a four (4) to five (5) storey façade to Rowe Street, while the secondary building is to present a three (3) storey residential façade, over ground floor car parking, to First Avenue.

The development has been designed to establish an interesting and attractive mixed-use streetscape element in the Town Centre in Rowe Street and a residential character compatible and consistent with the higher residential character of development in First Avenue.

A photomontage of the proposal is to be submitted with the application.

The floor area of the apartments is to range between 53m² and 108m².

Seven (7) of the apartments have been designed to be adaptable for use by people with a disability in accordance with *Australian Standard AS 4299 - 1995 - Adaptable Housing*.

Lifts are to be installed to provide a vertical connection to all of the floors, including the basement car parking areas.

The main walls of the retail/commercial section of the Rowe Street building are to abut the Rowe Street and eastern and western side boundaries, while the upper residential sections of the building are to be setback:

- between 3m and 6.125m from Rowe Street, with the exception of stairways and lifts, which abut the boundary; and
- between 3m and 8.845m from the eastern and western side boundaries.

The main walls of the residential building fronting First Avenue are to be setback:

- 5.1m from First Avenue;
- between 3.3m and 7.5 from the eastern side boundary; and
- between 3.1m and 6m from its western side boundary.

The buildings are to have a gross floor area of some 9,905m², comprising a retail/commercial floor area of 4,450m², a residential floor area of 5,455m² and a floor space ratio of 2.29:1.

The Rowe Street building is to range up to 15.5m in height, while the First Avenue will maintain its approved maximum height of 11.35m.

The materials and finishes to be used in the construction of the buildings are to include:

Element	Finish
Walls	Partly face brick/partly rendered and painted masonry with glazed features
Windows, Doors and Shopfront	Pre-finished powdercoat aluminium
Awning	Painted metal frame
Balconies	Pre-finished powdercoat aluminium with glazed infills
Roof	Colorbond steel roofing

A total of two hundred and forty-one (241) off-street car parking spaces are to be provided in the three (3) basement levels under the buildings including:

- ninety-nine (99) spaces allocated for use by the residents of the building, including sixteen (16) visitor spaces, two (2) of which are capable of being used by people with a disability, two (2) visitor/car wash spaces and seven (7) spaces capable of being used by people with a disability; and
- one hundred and forty-three (143) spaces allocated for use in connection with the retail/commercial floor space, five (5) of which have been designed for use by people with a disability.

Two hundred and twenty-five (225) of the spaces are to be provided in three (3) basement levels under the Rowe Street building accessed via a driveway off Rowe Street, while sixteen (16) spaces are to be located at a ground floor level under the First Avenue building accessed from a driveway off First Avenue.

Loading and waste storage facilities for the retail/commercial tenancies are to be established at the Basement 2 level.

Vehicular manoeuvring areas associated with these facilities are to be accommodated in a basement level under the First Avenue building.

The car spaces associated with the proposed apartments are to be located at Basement 3 level and access to these spaces is to be restricted by a security roller shutter door.

In addition, bicycle parking is to be provided on Basement Levels 2 and 3.

The waste storage area has been designed to satisfy the waste storage and recycling requirements of all of the apartments within the complex as well as those associated with the retail/commercial tenancies.

The public domain improvements involved in the proposal include the construction of new footpaving and the establishment of landscaping along the Rowe Street and First Avenue frontages of the site and the provision of awnings along the Rowe Street frontage.

The application is to be accompanied by:

- architectural plans, a design verification statement, a finishes board, a photomontage of the proposed development and a waste management plan prepared by Brooks Projects Architects;
- an environmental assessment of the site prepared by Environmental Investigations;
- a traffic and parking assessment prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd;
- an acoustical assessment prepared by Day Design Pty Ltd;
- a landscape plan prepared by Urban Landscape Planners Pty Ltd, Landscape Design, Horticultural & Vegetation Consultants;
- a tree management report prepared by Terrance Arnold Machin, Horticulture & Arborist Consultants;
- an access report prepared by Australian Disabled Access Consultants;
- a BASIX Certificate issued by the Home Energy Rating Company;
- a survey plan prepared by Alan G. Turner & Associates, Surveyors; and
- stormwater drainage plans prepared by Healey Castle & Associates Pty Ltd, Consulting Civil Engineers.

3.2 Variations from Approved Development

The extent to which the proposed development varies from the development approved by virtue of Development Consent No.2008/0744, which became effective on 27 August 2009, is as follows:

Variation	Reasons for the Variation																																
<p>The floor levels of the Rowe Street building have been adjusted as follows:</p> <table><tr><td>Level</td><td>Approved</td><td>Proposed</td><td>Change</td></tr><tr><td>Basement 3</td><td>64.50</td><td>64.72</td><td>+ 220mm</td></tr><tr><td>Basement 2</td><td>67.20</td><td>67.27</td><td>+ 70mm</td></tr><tr><td>Basement 1</td><td>69.90</td><td>69.82</td><td>- 80mm</td></tr><tr><td>Level 1</td><td>72.60</td><td>72.37</td><td>- 230mm</td></tr><tr><td>Level 2</td><td>76.60</td><td>76.07</td><td>- 530mm</td></tr><tr><td>Level 3</td><td>80.90</td><td>80.40</td><td>- 500mm</td></tr><tr><td>Level 4</td><td>83.80</td><td>83.30</td><td>- 500mm</td></tr></table>	Level	Approved	Proposed	Change	Basement 3	64.50	64.72	+ 220mm	Basement 2	67.20	67.27	+ 70mm	Basement 1	69.90	69.82	- 80mm	Level 1	72.60	72.37	- 230mm	Level 2	76.60	76.07	- 530mm	Level 3	80.90	80.40	- 500mm	Level 4	83.80	83.30	- 500mm	<p>The basement parking levels in the Rowe Street building have been adjusted to comply with <i>Australian Standard 1428.1 - 2009</i> and to better relate the retail/commercial floor space at Levels 1 and 2 with the footpath levels in Rowe Street</p>
Level	Approved	Proposed	Change																														
Basement 3	64.50	64.72	+ 220mm																														
Basement 2	67.20	67.27	+ 70mm																														
Basement 1	69.90	69.82	- 80mm																														
Level 1	72.60	72.37	- 230mm																														
Level 2	76.60	76.07	- 530mm																														
Level 3	80.90	80.40	- 500mm																														
Level 4	83.80	83.30	- 500mm																														
<p>Level 1: Individual tenancy layouts have been shown for the Level 1 retail/commercial floor space in the Rowe Street building</p>	<p>To provide more defined information concerning the retail/commercial tenancies</p>																																
<p>Level 2: The following changes have been made to the Level 2 floor plan in the Rowe Street building:</p> <ul style="list-style-type: none">the stairs to Rowe Street have been deleted;the proposed offices have been deleted;the ramp has been re-aligned;individual tenancy layouts have been shown; anda kiosk area has been included	<p>Design refinement and to provide more defined information concerning the retail/commercial tenancies</p>																																
<p>Level 3: No change</p>																																	
<p>Level 4: Units 401, 402, 403, 405, 406, and 407 added</p>																																	
<p>Level 5: Units 501, 502, 503, 505, 506, 507, 508, 509, 510, 511 and 512 added</p>																																	
<p>First Avenue Building: No change</p>																																	

4.0 Ryde Local Environmental Plan 2010

4.1 Zoning

The vast majority of the site, represented by 52-78 Rowe Street, is zoned B4 Mixed Use under the terms of *Ryde Local Environmental Plan 2010 (RLEP 2010)*, which was made on 30 June 2010.

The remainder of the land, represented by 20 First Avenue, is zoned R4 High Density Residential under the terms of the *Plan*.

The building to be constructed fronting Rowe Street, which contains all of the retail and commercial elements of the proposed complex and the majority of the apartments, is located entirely on land within the B4 Mixed Use zone.

This building represents development for the purposes of “*business premises*”, “*office premises*”, “*residential flat buildings*”, “*retail premises*” and/or “*shop top housing*” under the definitions contained in the Dictionary accompanying the *Plan*.

Development for these purposes is permissible, with Council’s consent, within the B4 Mixed Use zone.

The building to be constructed fronting First Avenue is to contain only apartments and, as such, represents development for the purposes of a “*residential flat building*”, development which is permissible, with Council’s consent, within the R4 High Density Residential zoning of the land.

This section of the land is also to be used, at a subterranean level, to accommodate vehicular manoeuvring of trucks using the loading and waste storage facilities associated with the retail and commercial space to be established in the Rowe Street building and its use for this purpose would generally not be permissible within the R4 High Density Residential zone.

However, the use of 20 First Avenue for access and parking purposes associated with retail operations conducted on 52-78 Rowe Street was approved by Council in 1969 and Council issued Development Consent No.2008/0744 on 27 August 2009 for a development which included an identical subterranean area.

This application does not, in any way, alter the nature of the development on 20 First Avenue approved by virtue of Development Consent No.2008/0744.

Consequently, the land benefits from the “*existing use*” provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the *Environmental Planning and Assessment Regulation 2000 (Regulations)* and the use of 20 First Avenue for vehicle manoeuvring associated with the proposed retail/commercial component of the development is permissible, with Council’s consent, under the terms of the *Act* and the *Regulations*.

Clause 2.3(2) of *RLEP 2010* requires consideration to be given to the objectives for development in a zone when determining a development application.

The objectives for development in the B4 Mixed Use zone are:

- to provide a mixture of compatible land uses;
- to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;
- to create vibrant, active and safe communities and economically sound employment centres;
- to create safe and attractive environments for pedestrians; and
- to recognise topography, landscape setting and unique location in design and land-use.

The objectives for development in the R4 High Density Residential zone are:

- to provide for the housing needs of the community within a high density residential environment;
- to provide a variety of housing types within a high density residential environment;
- to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- to allow higher density development around transport nodes and commercial and retail centres; and
- to allow for revitalisation, rehabilitation and redevelopment of residential areas while ensuring that building design does not adversely affect the amenity of the locality.

The proposed development is clearly consistent with the objectives for development in the B4 Mixed Use and R4 High Density Residential zones.

None of the buildings on the land, or in its vicinity, have been identified as a “*heritage item*” in Part 1 of Schedule 5 of the *Plan*, nor is the land located within any “*heritage conservation area*” identified in Part 2 of Schedule 5.

Accordingly, the proposal is permissible, with Council's consent, under the terms of *RLEP 2010*, the *EP&A Act* and the *Regulations*.

4.2 Provisions of the Plan

A summary assessment of the application under the relevant provisions of *RLEP 2010* is as follows.

Provisions of Ryde Local Environmental Plan 2010

Clause	Consideration	Proposed	Compliance
1.2(2)	Aims of the <i>Plan</i>	The proposal is consistent with the aims of the <i>Plan</i>	✓
1.4	Definitions - Land Use	The proposal represents development for the purposes of “business premises”, “office premises”, “residential flat buildings”, “retail premises” and/or “shop top housing” under the definitions contained in Dictionary accompanying the <i>Plan</i>	✓
2.2	Zoning as shown on <i>Land Zoning Map</i>	The land is indicated as being largely in the B4 Mixed Use zone and partly in the R4 High Density Residential zone on <i>Land Zoning Map</i> . See Section 4.1	✓
2.3(2)	The objectives for development in the B4 Mixed Use and R4 High Density Residential zones	The proposal is consistent with the objectives for development in the B4 Mixed Use and R4 High Density Residential zones. See Section 4.1	✓
	Land Use Table - B4 Mixed Use and R4 High Density Residential zones	Development for the purposes of “business premises”, “office premises”, “residential flat buildings”, “retail premises” and/or “shop top housing” is permissible, with Council’s consent, in the B4 Mixed Use and R4 High Density Residential zones. See Section 4.1	✓
2.6(1)	Consent is required for the subdivision of land	This application seeks approval for the strata subdivision of the development upon its completion	✓
2.6AA	Consent is required for the demolition of buildings	This application seeks approval for the demolition of the existing buildings on the site	✓
4.3(2)	The height of buildings is not to exceed the height shown on the <i>Height of Buildings Map</i> , which in this case is 15.5m for the building fronting Rowe Street and 11.5m for the building fronting First Avenue	<p>The building fronting Rowe Street is to have a highly modulated and articulated roof form with a maximum building height of 15.5m, while the building fronting First Avenue is to have a height of 11.35m.</p> <p>The height of the latter building is commensurate and compatible with adjoining residential flat buildings fronting First Avenue and will be identical to the building approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009</p> <p>A detailed height analysis of the Rowe Street building is contained on Drawing No.Sk30a</p>	✓

Provisions of Ryde Local Environmental Plan 2010

Clause	Consideration	Proposed	Compliance
4.4(2)	The floor space ratio of buildings is not to exceed the ratio shown on the <i>Floor Space Ratio Map</i> , which in this case is 0.75:1 for the building fronting First Avenue. There is no maximum floor space ratio relating to the building fronting Rowe Street	The building fronting First Avenue is to have a floor space ratio of 0.97:1. The bulk and scale of this building is commensurate and compatible with adjoining residential flat buildings fronting First Avenue and will be identical to the building approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009	See Clause 4.6(2) and Section 7.1
4.5B	Consent is not to be granted to a “residential flat building” in the R4 High Density Residential zone exceeding the density shown on the <i>Residential Density Area Map</i> , which in this case requires a site area based on: 1-bed dwelling: 70m ² 2-bed dwelling: 100m ² 3+-bed dwelling: 130m ²	The building on the section of the site zoned R4 High Density Residential contains 9 x 1-bed and 3 x 2-bed apartments and requires a site area of 930m ² . This section of the site has an area of some 755.2m ² . The height, bulk, scale and design of this building is commensurate and compatible with adjoining residential flat buildings fronting First Avenue and will be identical to the building approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009	See Clause 4.6(2) and Section 7.1
4.6(2)	Consent may be granted for development even though it would contravene a development standard imposed by the <i>Plan</i> or other environmental planning instrument	See Section 7.1	✓
5.9(3)	Consent is required for the lopping or removal of trees and vegetation	This application seeks approval for the removal of those trees required to be removed to facilitate the development as proposed	✓
5.10(2)	Consent is required for development involving a “heritage item” or in a “heritage conservation area”	The existing buildings on the land have not been identified as “heritage items” in Schedule 5 of the <i>Plan</i> nor is the land located in a “heritage conservation area”	✓
5.10(5)	A heritage impact statement may be required for development on land: <ul style="list-style-type: none"> • which contains a “heritage item”; • within a “heritage conservation area”; • within the vicinity of a “heritage item” or a “heritage conservation area” 	No “heritage items” have been identified in Part 1 of Schedule 5 in the vicinity of the site	✓
6.1	Consent is required for specified works on land shown on the <i>Acid Sulfate Soils Map</i>	The soil on the land is classified as Class 5 on the <i>Acid Sulfate Soils Map</i> . This application does not propose any works of the nature specified for land containing Class 5 soils	✓

Provisions of Ryde Local Environmental Plan 2010

Clause	Consideration	Proposed	Compliance
6.2	Consent is required for earthworks	This application seeks approval for the earthworks required to facilitate the proposed development	✓
6.4(2)	Consent should not to be granted for development on land shown as “ <i>Development Intensification Restricted</i> ” on the <i>Eastwood Urban Village Map</i> that would increase the intensity of use, unless Council is satisfied that the extent of stormwater inundation and access during the 100 year ARI storm event would not constitute a hazard or increase a hazard to persons or property	The land is not identified as “ <i>Development Intensification Restricted</i> ” on the <i>Eastwood Urban Village Map</i>	✓
6.4(4)	Consent should not to be granted for development on land shown as “ <i>Development Intensification Constrained</i> ” on the <i>Eastwood Urban Village Map</i> that would increase the intensity of use, unless Council is satisfied that the extent of stormwater inundation and access during the 100 year ARI storm event would not constitute a hazard or increase a hazard to persons or property	The land is not identified as “ <i>Development Intensification Constrained</i> ” on the <i>Eastwood Urban Village Map</i>	✓
6.5(3)	Development is to be consistent with the following objectives for development in the Eastwood Urban Village: <ul style="list-style-type: none"> the creation of a safe and attractive environment for pedestrians the creation of a mixed use precinct with emphasis on uses that promote pedestrian activity and safety at ground level the creation of a precinct that contains opportunities and facilities for living, working, commerce, leisure, culture, community services, education and public worship 	<p>The proposal is to create a safe and attractive environment for pedestrians and establish the same public domain environment as approved by Development Consent No.2008/0744 issued on 27 August 2009</p> <p>The proposal is to contribute to the mixed-use character of this precinct by providing active and safe street frontages in Rowe Street and establishing the same public domain environment as approved by Development Consent No.2008/0744 issued on 27 August 2009</p> <p>The proposal is to create opportunities for living, working, commerce and leisure</p>	<p>✓</p> <p>✓</p> <p>✓</p>

Provisions of Ryde Local Environmental Plan 2010

Clause	Consideration	Proposed	Compliance
	<ul style="list-style-type: none">the increase in the number of people living within walking distance of high frequency public transport services	The proposal will increase the number of apartments approved by Development Consent No.2008/0744 issued on 27 August 2009 from 50 to 67 apartments and will increase the potential patronage of the nearby public transport services offered by the Railway Station and transport interchange	✓
	<ul style="list-style-type: none">the increased use of public transport	<p>The proposal will increase the number of people living in close proximity to the Railway Station and associated transport interchange.</p> <p>In this regard, the proposal is expected to promote increased use of public transport by the residents of the proposed apartments</p>	✓

The proposal complies with the relevant provisions of *RLEP 2010*, with the exception of the floor space ratio and site area development standards relating to the part of the development located in the R4 High Density Residential zone.

Issues relating to these matters are addressed in Section 7.1 of this statement.

The approval of this proposal can be facilitated under the existing use provisions applying under the *EP&A Act* and/or Section 4.6(2) of *RLEP 2010*.

5.0 Other Environmental Planning Instruments

5.1 State Environmental Planning Policy No.65

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development, (SEPP 65), which was made on 26 July 2002, applies to this proposal.

The aim of *SEPP 65* is to improve the design quality of residential flat development in NSW.

A design verification statement relating to the project under the terms of *SEPP 65*, prepared by the Project Architect, is to be submitted with the application.

A summary assessment of the proposal in terms of the design quality principles contained in Part 2 of *SEPP 65* is as follows.

Principle	Response
Principle 1: Context Good design responds to the context defined by key natural and built features of an area and involves identification of desirable elements of the location's current character or the desired future character specified in planning and design policies in precincts undergoing change	<p>The design responds to the desired future character of this precinct as envisaged by <i>RLEP 2010</i> and Part 4.1 of <i>RDCP 2010</i>, which became effective on 30 June 2010, and the Eastwood Centre Planning Study and Master Plan.</p> <p>This recently enacted planning regime was adopted following an extensive community consultation process which included the local community, relevant public authorities and landowners.</p> <p>The proposal will be compatible and consistent with the desired future built form character of development in this locality.</p> <p>The proposal will not lead to the removal of any significant natural or landscape features</p>
Principle 2: Scale Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and surrounding buildings and involves the establishment of an appropriate scale relative to the scale of existing development or the proposed bulk and height to achieve the scale identified for the desired future character of an area undergoing change	<p>The proposal is consistent with the height and planning controls contained in <i>RLEP 2010</i>, Part 4.1 of <i>RDCP 2010</i> and the Eastwood Centre Planning Study and Master Plan and is to be of a height, bulk and scale contemplated for the appropriate development of this area under the terms of those plans.</p> <p>See also Section 7.1 of this statement</p>

Principle	Response
<p>Principle 3: Built form</p> <p>Good design achieves an appropriate built form in terms of building alignments, proportions, building type and the manipulation of building elements which:</p> <ul style="list-style-type: none"> define the public domain; contribute to the character of streetscapes and parks, including their views and vistas; and provide internal amenity and outlook 	<p>The design represents an appropriate built form in terms of building alignments and modulation and articulation.</p> <p>See the design verification statement prepared by the Project Architect to be submitted with the application.</p> <p>The development will significantly improve the streetscape in both Rowe Street and First Avenue and will provide an attractive and interesting streetscape element.</p> <p>The proposal will not detract from the heritage significance of any heritage item in the vicinity of the site.</p> <p>The built form will provide a desirable level of amenity for the prospective residents of the buildings</p>
<p>Principle 4: Density</p> <p>Good design has a density appropriate for the site and its context in terms of floor space yield and densities are to be sustainable and consistent with existing density or stated desired future density in an area undergoing change.</p> <p>Sustainable densities respond to:</p> <ul style="list-style-type: none"> regional context; availability of infrastructure; public transport; community facilities; and environmental quality 	<p>The proposed density of the development responds to:</p> <ul style="list-style-type: none"> the desired future density of residential development in this area as contemplated by <i>RLEP 2010</i> and Part 4.1 of <i>RDCP 2010</i>; the availability of the required utility infrastructure to support the development; the site's convenient location relative to public and private transport facilities, shopping, service and community facilities; and the environmental quality of this locality
<p>Principle 5: Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction, and involves consideration of recycling and selection of appropriate materials, passive solar design, energy efficient appliances, soil zones for vegetation and reuse of water</p>	<p>The proposal will embrace best practice for resource conservation in the construction of the buildings.</p> <p>The design optimises solar access and through-flow ventilation.</p> <p>See the BASIX Certificate issued by the House Energy Rating Company to be submitted with the application.</p> <p>See also Section 6.3 relating to Part 7.1 - Energy Smart, Water Wise of <i>RDCP 2010</i></p>

Principle	Response
<p>Principle 6: Landscape</p> <p>Good design recognises that landscape and buildings operate as an integrated and sustainable system resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design:</p> <ul style="list-style-type: none"> • builds on the site's existing features; • enhances the development's natural environmental performance in terms of water and soil management, solar access, micro-climate, tree canopy and habitat values; • contributes to a positive image and contextual fit of development; • optimises useability, privacy and social opportunity and equitable access; • respects neighbours' amenity; and • provides for practical establishment and long term management 	<p>The proposal will be compatible and consistent with the desired future built form environment in this locality and will be satisfactorily integrated into that environment.</p> <p>The proposal will significantly improve the scenic quality of the area.</p> <p>The nature and extent of landscaping is commensurate with that anticipated in a mixed-use residential/commercial development in this area.</p> <p>The site is to be landscaped in accordance with the landscape plan prepared by Urban Landscape Planners Pty Ltd.</p>
<p>Principle 7: Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development with appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access</p>	<p>The design will provide a satisfactory level of amenity for the prospective residents of the complex with the optimisation of solar access, natural ventilation and privacy throughout the site.</p>
<p>Principle 8: Safety and security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain and can be achieved by maximising overlooking of public and communal spaces, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces</p>	<p>The proposal has been designed to optimise safety and security both internally within the development and in the public domain by the casual surveillance that would be available of those areas from apartments in the complex.</p>

Principle	Response
<p>Principle 9: Social dimensions</p> <p>Good design responds to social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.</p> <p>New development should optimise housing to suit the social mix and needs in a neighbourhood or the desired future community in precincts undergoing change</p>	<p>The proposal will:</p> <ul style="list-style-type: none"> • provide additional housing opportunities; • widen the range of affordable housing choice in this locality; • create employment opportunities during both the construction and operational phases of the development; and • increase housing densities in proximity of services, facilities and public transport. <p>The proposal provides for additional housing opportunities, meeting the goals of the <i>Metropolitan Strategy</i> relating to urban consolidation and urban containment, and achieves this desirable social outcome without any adverse environmental impact</p>
<p>Principle 10: Aesthetics</p> <p>Quality aesthetics require appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of development and should respond to the environment and context, particularly to desirable elements of the existing streetscape or the desired future character of an area undergoing change</p>	<p>The application is to be accompanied by:</p> <ul style="list-style-type: none"> • information regarding the composition of building elements, textures, materials and colour to be used in construction of the development; • the Project Architect's design verification statement; and • a photomontage depicting the proposed development

In conclusion, the proposal represents an appropriate design response to the opportunities and constraints offered by the site and its setting and is consistent with the design quality principles enunciated in Part 2 of *SEPP 65*.

The proposal will achieve the aim of improving the design quality of residential flat development.

5.2 Other State Environmental Planning Policies

A summary assessment of the proposed development under the terms of other State environmental planning policies applying to the land and the development is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	A BASIX Certificate prepared by the Housing Energy Rating Company is to be submitted with the application. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	An environmental assessment of the site prepared by Environmental Investigations is to be submitted with the application. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The site is not located adjacent to the railway infrastructure in this area and will have no effect on any railway infrastructure. An acoustic assessment prepared by Day Design Pty Ltd is to be submitted with the application which provides the specifications for achieving an acceptable acoustic environment within the apartments as a result of any noise emanating from the surrounding road network in First Avenue and from the nearby railway line. A traffic report prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd is to be submitted with the application. This assessment indicates that the proposal will represent a modest increase of some 84 PM peak hour vehicle trips and will have minimal impact on nearby intersections. The assessment concludes that the proposal will not have any unacceptable traffic, parking or traffic-related environmental implications. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓

The proposal is satisfactory in terms of relevant State environmental planning policies.

6.0 Ryde Development Control Plan 2010

6.1 General

Ryde Development Control Plan 2010 (DCP 2010), which came into force on 30 June 2010, applies to this proposal.

The purpose of the *Plan*, as expressed in Section 1.4 of Part 1, is to provide consolidated guidelines, objectives and controls for future development in the City of Ryde.

The objectives of *DCP 2010*, as expressed in Part 1.5, are:

- to achieve a responsible development control system that has sustainable environmental outcomes;
- to enhance the existing amenity and character of the City;
- to create vibrant, viable and economically sound employment and living centres;
- to ensure new development is appropriate for its site and context;
- to ensure that urban centres and special areas are identified and their special qualities protected and enhanced; and
- to provide guidelines for specific development types and development sites to ensure appropriate high quality development in the City.

The relevant provisions of *DCP 2010* are contained in:

- Part 3.4 – Residential Flat Buildings
- Part 4.1 – Eastwood Town Centre
- Part 7.1 – Energy Smart, Water Wise
- Part 7.2 – Waste Minimisation and Management
- Part 8.1 – Construction Activities
- Part 8.2 – Stormwater Management
- Part 9.1 – Signage
- Part 9.2 – Access for People with Disabilities
- Part 9.3 – Car Parking

6.2 Part 4.1 - Eastwood Town Centre

Part 4.1 - Eastwood Town Centre of *RDCP 2010* specifically applies to the development proposed in this application.

The purpose of Part 4.1, as expressed in Section 1.1, is to provide policies relating to the future development of Eastwood.

Its objectives, expressed in Clause 1.2, are to revitalise Eastwood through policies which:

- facilitate the creation of a “community convenience retail centre”;
- encourage new development or the re-use of existing buildings containing a mix of land uses;
- describe the desired maximum scale and bulk of new buildings;
- improve the appearance of existing buildings;
- improve pedestrian amenity and develop a sense of community place;
- create a people-friendly place with active street life;
- increase the number of people living within walking distance of public transport services;
- provide for safe and convenient motor vehicle access and parking;
- protect and enhance items of environmental heritage;
- provide for safe, well used and attractive public spaces; and
- accord with the planning principles, objectives and standards espoused in the Eastwood Centre Planning Study and Master Plan.

A summary assessment of the application in terms of the planning principles contained in Section 2.1.1 of Part 4.1 is as follows.

Planning Principles - Section 2.1.1 of Part 4.1 - Ryde Development Control Plan 2010

Planning Principle	Proposed	Consistency
Regional Role: Development should contribute to the status of Eastwood as an important business, employment and residential location	The proposal will positively contribute to the status of the Town Centre as an important business, employment and residential location	✓
Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure	The proposal will contribute to a compact working and living environment and maximises the use of established physical and social infrastructure in this area	✓

Planning Principles - Section 2.1.1 of Part 4.1 - Ryde Development Control Plan 2010

Planning Principle	Proposed	Consistency
Integrated Planning & Development: Social, economic, environmental and urban design issues are to be considered together and for their mutual and cumulative impacts	The proposal appropriately balances social, economic, environmental and urban design issues to provide a development which is consistent and compatible with the desired future character contemplated for the development of this section of the Town Centre by the contemporary town planning framework applying to its redevelopment	✓
Planning, design and development must take account of and effectively respond to linkages and interfaces between public space and private land	There are no linkages proposed in this area under the existing planning framework and the proposal provides a satisfactory interface with the public domain	✓
Public Domain: Development is to define and contribute to the public domain so as to create a high quality physical setting for buildings, which is safe and accessible and can be enjoyed by shoppers, residents and workers	The proposal is to establish a satisfactory interface with the public domain in Rowe Street, significantly enhancing the streetscape qualities of Rowe Street with an attractive accessible development	✓
Development of the public domain is to enhance the integration between individual precincts and their surrounding areas	Proposed public domain improvements in Rowe Street outside the property will enhance the role of this precinct in the context of development in the Town Centre and surrounding areas	✓
Public space areas should be set aside for public use and enjoyment. Development that enhances the enjoyment of these public spaces, such as kiosks, restaurants and recreation facilities, is to be encouraged	Proposed public domain improvements in Rowe Street outside the property will enhance the role of this precinct in the context of development in the Town Centre and surrounding areas	✓
Car parking facilities should be set back away from the public spaces and should not prejudice pedestrian and cycle use of the public space	Car parking facilities will not be visible from the public domain in Rowe Street and the vehicular access arrangements have been designed to maximise pedestrian/cyclist safety in Rowe Street	✓
Public streets and spaces should be created generally in accordance with the <i>Eastwood Master Plan</i>	No new streets or public spaces have been identified in the <i>Eastwood Master Plan</i> in this locality	✓
Urban Form: Urban form is to reflect its location in relation to transport nodes, existing residential and commercial precincts, and be architecturally rich and diverse, defining and enhancing the public domain and allowing for mixed uses	The form of the proposed development reflects its proximity to Eastwood Railway Station and the desired future character of development in this precinct contemplated by the contemporary town planning framework applying to its redevelopment	✓
Building form within specified blocks is to be articulated both in height and mass to provide interest, resolve urban design and environmental issues and satisfy other planning principles	The retail/commercial elements of the building provide a built-edge definition to Rowe Street, while the upper residential levels contain significant architectural articulation and modulation, in terms of its vertical and horizontal elements	✓

Planning Principles - Section 2.1.1 of Part 4.1 - Ryde Development Control Plan 2010

Planning Principle	Proposed	Consistency
Buildings are to be of high quality and adaptable to a variety of uses over time, to ensure their long life	The complex is to be of high quality construction and elements of it have been designed to accommodate a wide range of activities over its life	✓
Buildings are to support and be integrated into the public domain network to achieve coherence and purpose	Proposed public domain improvements in Rowe Street will ensure that the development is integrated into the public domain in this precinct	✓
The integrity of heritage items and significant landscape elements is to be protected and enhanced	The proposal will not have any effect on any heritage items or significant landscape elements in this area	✓
Land Use Mix: Development is to provide a variety of housing types and employment-based activities and contribute to the character of the Village	The proposal is to provide an appropriate mix of housing opportunities and retail/commercial facilities to create the desired future character contemplated by the contemporary town planning framework applying to the redevelopment of the land	✓
Development is to contribute to an integrated mixed use development pattern (both vertical and horizontal) containing a wide range of housing, employment and recreational opportunities	The proposal is to provide an appropriate mix of housing opportunities and retail/commercial facilities to create the desired future character contemplated by the contemporary town planning framework applying to the redevelopment of the land	✓
Development is to facilitate the increase and diversity of employment opportunities, which is to be compatible with achieving a high quality mixed shopping, living and working environment	The proposal is to provide an appropriate mix of housing opportunities and retail/commercial facilities to create the desired future character contemplated by the contemporary town planning framework applying to the redevelopment of the land	✓
Transport and Access: Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling	The location of additional housing opportunities within 200m of the Eastwood Railway Station and the associated transport interchange will promote and encourage greater use of public transport services	✓
An accessible environment for people with disabilities and mobility difficulties is to be created to ensure access equity	An access report, prepared by Australian Disabled Access Consultants, is to be submitted with the application. The proposal will satisfactorily accommodate access by all members of the community	✓
The intensity of development is to be in accordance with the capacity of existing and proposed public transport and road systems	A traffic and parking assessment, prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd, is to be submitted with the application. The extent of development proposed is within the capacity and capability of the existing transport and access infrastructure	✓

Planning Principles - Section 2.1.1 of Part 4.1 - Ryde Development Control Plan 2010

Planning Principle	Proposed	Consistency
Parking provision is to acknowledge accessibility by foot, bicycle and public transport	A traffic and parking assessment, prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd, is to be submitted with the application. The proposal will provide an appropriate balance between parking provision and other transport options	✓
Environmental Performance: Development is to create a safe and comfortable environment for shoppers, residents and workers in both private and public space, by "best practice" design to ensure buildings and spaces achieve maximum environmental performance and minimum resources use	The proposal will establish a safe and comfortable environment for shoppers, residents and workers in both the private and public domain	✓
Development is to be designed having regard to the following: <ul style="list-style-type: none"> • wind effect, • reflectivity, • noise attenuation, • solar access and energy conservation, • water conservation and re-use, • stormwater management, • use of recycled materials, • waste reduction 	The Project Architects have designed the development satisfactorily addressing these design elements	✓
The development of public spaces is to contribute to greater biodiversity, habitat protection and enhancement and better air and water quality	The proposal will not have any effect in terms of these environmental considerations	✓

The proposal is consistent with the planning principles relating to redevelopment in the Eastwood Town Centre.

The desired future character of Eastwood is identified in Section 2.2.2 as a place which:

- is specifically designed for the enjoyment and utility of pedestrians;
- allows for convenient access for people between home, work, shopping and leisure;
- has a high level of aesthetic amenity at street level;
- has safe, attractive and convenient public spaces;
- is a vibrant, viable and profitable commercial centre;
- contains an appropriate mix and arrangement of uses; and
- satisfactorily integrates with existing surrounding activities.

The proposal is strongly consistent with this desired future character of the Town Centre.

A summary assessment of the proposal in terms of the development policies contained in Section 3 of Part 4.1 of *RDCP2010* is as follows.

Development Policies - Section 3 of Part 4.1 - Ryde Development Control Plan 2010

Section	Consideration	Proposed	Compliance
3.1	<u>Mixed Use Development</u> Car parking is to be either at street level or in basement levels and is to be masked from view by shops or architectural detailing	The proposed parking areas are provided in basement levels under the buildings and will not be visible from Rowe Street	✓
	Retail and active public activities are to be located at or around street level	Proposed retail/commercial tenancies are to take up the entire Rowe Street frontage	✓
	Upper levels of buildings may accommodate public, commercial, leisure or residential uses	The upper levels of the Rowe Street building are to be used for shop top housing	✓
	Buildings are to be designed to overlook streets and public areas	The complex has been designed to provide casual surveillance of streets and public areas from both the retail/commercial tenancies and apartments	✓
	Private, public and communal spaces are to be clearly identified and defined	All private, public and communal spaces associated with the development are to be clearly identified and defined	✓
	Developments are to provide a high level of safety and security for residents and visitors at night	A lighting and security access system is to be installed to achieve a satisfactory level of safety and security	✓
	Access to residential components of developments should be separate from other uses in a building	Discrete accesses are to be provided to residential sections of the complex	✓
	Outdoor eating facilities are to be encouraged	Not applicable to this application	✓
3.2	<u>Stormwater Management</u> If land is identified as “ <i>Development Intensification Restricted</i> ” or “ <i>Development Intensification Constrained</i> ”, issues relating to stormwater drainage are to be satisfactorily addressed	The land is not designated as “ <i>Development Intensification Restricted</i> ” or “ <i>Development Intensification Constrained</i> ”	✓
	A stormwater inundation management strategy is required	The land is not subject to stormwater inundation	✓
	<u>Architectural Characteristics</u> Height:		
3.3.1	Buildings are to comply with maximum height limits shown on <i>Height of Buildings Map</i> contained in <i>RLEP 2010</i> , which in the case of the Rowe Street building is 15.5m	The Rowe Street building is to have a highly modulated and articulated form and is to have a maximum building height of 15.5m. The height of the building is generally well below its maximum height	✓

Development Policies - Section 3 of Part 4.1 - Ryde Development Control Plan 2010

Section	Consideration	Proposed	Compliance
	Parapets fronting retail/pedestrian priority streets are to remain at their existing level and vertical extensions designed so that they cannot be seen from the opposite side of the street	The site does not contain a continuous parapet line of the nature indicated on Figure 4.1.02 and it is inevitable that any building on the site will be visible from the northern side of Rowe Street. The proposal will markedly improve the Rowe Street elevation of the building approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009 due to increased modulation and articulation	Substantial compliance. See provision for variations referred to below
	Development should not exceed a "sun altitude height plane" projected at an angle of 26° measured from the property boundary on the opposite side of the road	The land is located on the southern side of Rowe Street and the proposed building will not have any effect on the northern side of the street in terms of the "sun altitude height plane"	✓
	Buildings may project above the height plane controls in specified circumstances	The proposal represents a satisfactory and appropriate design response to the redevelopment of the land	✓
3.3.2	Setbacks: The first 2 storeys of new buildings are to be built predominantly to the street alignment and may be constructed to the side and rear boundaries	The first 2 storeys of the Rowe Street building are to be built predominantly to the street alignment and to the side and rear boundaries	✓
	Buildings, including balconies, above the first 2 storeys, are to be setback 3m from all boundaries	A minimum setback of 3m is to be observed at the upper residential levels and the Rowe Street building has been designed to achieve a desirable streetscape outcome in Rowe Street. The proposal substantially comply with this control. See the following provision	✓
	Buildings may encroach on the setback controls in specified circumstances	Setbacks at the upper levels have been designed to achieve a desirable streetscape outcome in Rowe Street and achieves the objectives of the setback control	✓
3.3.3	Urban Design/Exterior Finishes: Extensive expanses of blank walls are to be avoided	The proposal does not involve extensive areas of blank walls	✓
	Balconies and terraces are to be provided to overlook public spaces	The proposal involves balconies and terraces which overlook public spaces	✓
	Appropriate external finishes are to be used	A finishes board prepared by the Project Architects is to be submitted with the application	✓
	Issues relating to amenity, shadowing and visual privacy of adjoining development and public spaces are to be considered	The proposal does not have any undue or unreasonable affect on the amenity, shadowing and/or visual privacy of adjoining residential development or public spaces. See Section 7.4	✓

Development Policies - Section 3 of Part 4.1 - Ryde Development Control Plan 2010

Section	Consideration	Proposed	Compliance
	The tops of buildings are to be designed to conceal plant and equipment and promote a visually distinctive and interesting skyline	The complex has been satisfactorily designed to conceal plant and equipment and provides a visually interesting skyline	✓
3.3.4	Corner Allotments: Buildings on corner allotments are to consider the height of adjacent buildings, step up where the building turns the corner, incorporate distinctive features and remove the clutter of power poles and signage around intersections	Not applicable to this application	✓
3.4.1	Access & Parking Parking Design & Location: Additional on-street car parking is encouraged	The proposal will not result in any diminution of existing on-street car parking	✓
	Car parking associated with non-retail uses is to be located below ground level, not visible from the street, and residential parking is to be provided separately from non-residential uses	Proposed parking facilities are not to be visible from Rowe Street and residential and non-residential parking is to be satisfactorily separated	✓
	Car parking for various land uses is to be provided at specified rates	A traffic and parking assessment prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd, is to be submitted with the application which indicates that adequate off-street car parking is to be provided to meet Council's requirements	✓
3.4.2	Contributions: A contribution is to be paid in respect of car parking spaces which are not provided on-site	Not applicable to this application	✓
3.4.3	Footpath Crossings: Conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority streets, is to be minimised and, where practical, should be located off lanes or minor streets	The vehicular access proposed is via Rowe Street, which has been identified as a pedestrian priority street. The access has been designed to minimise conflict between pedestrians and vehicles. See the traffic and parking assessment prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd	✓
	Vehicular access should minimise visual intrusion and disruption of streetscape continuity	The vehicular access arrangements have been designed to minimise visual intrusion and disruption of the streetscape	✓
	Vehicular access should be restricted to a maximum of one access point per building	Vehicular access is to be limited to one section of the site in Rowe Street	✓
3.4.4	Design of Vehicle Access: Vehicular access should be appropriately designed	The vehicular access has been appropriately designed. See the traffic and parking assessment prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd	✓

Development Policies - Section 3 of Part 4.1 - Ryde Development Control Plan 2010

Section	Consideration	Proposed	Compliance
3.4.5	Bicycle Facilities: Developments in the Station Interchange Area are to provide bicycle parking facilities	Not applicable to this application. However, provision has been made for bicycle parking in the basement levels of the complex	✓
	Road improvements should be designed and installed to be safely negotiated by cyclists	Not applicable to this application	✓
	<u>Pedestrian Access & Amenity</u> <u>Street Frontage Activities:</u>		
3.5.1	Buildings are to contribute to the liveliness and vitality of streets	Active retail/commercial frontages are proposed in the building's Rowe Street frontage	✓
	Ground floor uses and the main entry are to coincide the footpath level	Ground floor uses and the main entry are to coincide the footpath level	✓
	Shopfronts are to be appropriately designed	The shopfronts have been appropriately designed in the context of the land falls of the site	✓
	<u>Circulation:</u>		
3.5.2	Circulation should be provided in accordance with the <i>Circulation Strategy</i>	There are no circulation arrangements proposed in the <i>Circulation Strategy</i> affecting the site	✓
	<u>Street Furniture:</u>		
3.5.3	Development which entails the provision of new public spaces is to incorporate new street furniture	Not applicable to this proposal	✓
	<u>Landscaping & Trees:</u>		
3.5.4	Development incorporating landscape elements is to be accompanied by a landscape plan	A landscape plan prepared by Urban Landscape Planners Pty Ltd, is to be submitted with the application	✓
	<u>Awnings & Colonnades:</u>		
3.5.5	An appropriately designed awning or colonnade is to be incorporated along street frontages	An appropriately designed awning is to be constructed over the footpath area in Rowe Street	✓
3.6	<u>Signage</u> Signage attached to a building should be appropriately designed and relate to the use of the building	A separate application is to be submitted prior to the erection or display of any signage	✓
	<u>Environmental Management</u> <u>Sunlight:</u>		
3.7.1	Major public spaces are to receive a minimum of 50% sunlight for at least 2 hours between 10am and 2pm at the winter solstice	The proposed complex will not overshadow any major public space	✓
	North-facing living areas in residential developments should receive 3 hours sunlight between 9am and 5pm over a portion of their surface at the winter solstice	The proposal will has been designed to comply with this criterion	✓

Development Policies - Section 3 of Part 4.1 - Ryde Development Control Plan 2010

Section	Consideration	Proposed	Compliance
	North-facing windows to living areas of neighbouring dwellings should receive 3 hours sunlight between 9am and 5pm over a portion of their surface at the winter solstice	See shadow diagrams to be submitted with the application	✓
	Shadow diagrams are to be submitted with the development application	Shadow diagrams are to be incorporated with the development application drawings	✓
3.7.2	Wind Standards: Buildings are to be designed to minimise adverse wind effects on recreation facilities and open terraces within developments	The complex has been designed to minimise adverse wind effects on recreation facilities and open terraces	✓
3.7.3	Energy Efficiency of Buildings: Buildings should be designed to minimise energy use	The buildings have been designed to conform with Part 7.1 of <i>DCP 2010</i> . See also the BASIX certificate prepared by the Home Energy Rating Company to be submitted with the application	✓
3.7.4	Vibration & Noise Mitigation: Buildings should be designed to provide a satisfactory acoustical environment	The complex is to be constructed in accordance with the recommendations of the acoustic report prepared by Day Design Pty Ltd	✓
3.7.5	Reflectivity: The reflectivity of building materials used in construction should not exceed 18%	This matter can be addressed by an appropriate condition of development consent	✓
3.7.6	External Lighting of Buildings: An appropriate external lighting system is to be installed	This matter can be addressed by an appropriate condition of development consent	✓
3.7.7	Waste Management: Waste emanating from the development is to be appropriately managed in accordance with a waste management plan submitted with the application	A waste management plan is to be submitted with the application to comply with Council's requirements	✓

The proposal is consistent with the objectives and planning principles for development in the Eastwood Town Centre contained in Part 4.1 of *RDCP 2010* and substantially complies with the development policies contained in Section 3 of Part 4.1 of the *Plan*.

6.3 Other Parts of Ryde Development Control Plan 2010

A summary assessment of the proposal in terms of the other applicable Parts of *DCP 2010* is as follows.

Provisions of Ryde Development Control Plan 2010

Part	Consideration	Proposed	Compliance
3.4	Residential Flat Buildings and Multi-Dwelling Housing:	<p>Part 3.4 of <i>RDCP 2010</i> applies to the part of the development located on 20 First Avenue, which is located in the R4 High Density Residential zone.</p> <p>The proposal does not involve any change to the building approved by virtue of Development Consent No.2008/0744, issued on 27 August 2009, under controls identical to those currently contained in Part 3.4.</p> <p>The provisions of Part 3.4 do not relate to the design and construction of the apartments in the Rowe Street building which form part of the mixed-use building on land within the B4 Mixed Use zone.</p>	✓
7.1	Energy Smart, Water Wise:	<p>The proposal has embraced the principles espoused in Part 7.1 by, among other things:</p> <ul style="list-style-type: none"> • the adoption of best practice water conservation measures in terms of the installation of water efficient fittings and equipment; • the maximisation of the use of the site's northerly orientation; • the minimisation of the width of the buildings to allow daylight penetration and the use of less intense internal illumination; and • the adoption of best practice energy conservation measures in terms of the use of energy efficient lighting and other electrical fittings and equipment. <p>A BASIX Certificate issued by the House Energy Rating Company is to be submitted with the application.</p> <p>Accordingly, the proposal is consistent with the aim and principal objectives of Part 7.1</p>	✓
7.2	Waste Minimisation and Management:	<p>A waste management plan prepared by the Project Architect is to be submitted with the application in accordance with the provisions of Part 7.2</p>	✓
8.1	Construction Activities:	<p>Construction activities can adequately be managed within the constraints of the site in accordance with established building practices.</p> <p>Issues relating to such management can satisfactorily be addressed by appropriate conditions of consent</p>	✓

Provisions of Ryde Development Control Plan 2010

Part	Consideration	Proposed	Compliance
8.2	Stormwater Management:	Stormwater drainage plans prepared by Healey Castle & Associates Pty Ltd, Consulting Civil Engineers, conforming with the requirements of Part 8.2 are to be submitted with the application. The resolution of stormwater drainage issues associated with the development are capable of being addressed within the scope of established engineering practice in accordance with the proposed stormwater drainage plans	✓
9.1	Signage:	Signage associated with the complex is yet to be finalised and a separate application for development consent is to be submitted to and approved by Council prior to the erection and display of any sign	✓
9.2	Access for People with Disabilities:	The building has been designed to be accessible by people with a disability in accordance with <i>Australian Standard 1428 - Design for Access and Mobility</i> . An access report prepared by Australian Disabled Access Consultants is to be submitted with the application. The proposal will comply with the aims and provisions of Part 9.2	✓
9.3	Car Parking:	A traffic and parking assessment of the proposed development has been prepared by Ray Dowsett Traffic & Transport Planning Pty Ltd, a copy of which is to be submitted with the application. This report indicates that the proposal will represent a modest increase of some 84 PM peak hour vehicle trips and will have minimal impact on nearby intersections. The assessment indicates that adequate off-street car parking is to be provided to meet Council's requirements and concludes that the proposal will not have any unacceptable traffic, parking or traffic-related environmental implications.	✓

The proposed development is consistent with the aims and provisions of the other relevant Parts of *RDCP 2010*.

7.0 Issues

7.1 First Avenue Building

Clauses 4.3(2), 4.4(2) and 4.5B of *RLEP 2010* provide the following standards for development on the section of the land known as 20 First Avenue, which is zoned R4 High Density Residential and which is to contain a three (3) storey residential flat building containing 9 x 1-bedroom and 3 x 2-bedroom apartments:

- a building height standard of 11.5m;
- a floor space ratio standard of 0.75:1; and
- a site area requirement of 930m² for the number and nature of apartments proposed.

The objectives of the floor space ratio standard, expressed in Clause 4.4(1) of *RLEP 2010*, are:

- to provide effective control over the bulk of future development;
- to allow appropriate levels of development for specific areas; and
- to enable Council to assess and respond appropriately to future infrastructure needs.

There are no objectives specified in *RLEP 2010* for the site area standard.

However, it would be reasonable to assume that its purpose is similar to the objectives expressed for the floor space ratio standard.

The building to be constructed on the section of the land zoned R4 High Density Residential:

- has a building height of 11.35m;
- has a floor space ratio of 0.97:1; and
- is located on 755.2m² of land within this zone.

Clause 4.6(2) of *RLEP 2010* enables consent to be issued for development that varies from the standards contained in the *Plan*, if it can be demonstrated that:

- compliance with the standards is unreasonable or unnecessary in the circumstances of the case; and
- there is sufficient environmental planning grounds to justify the variation.

The building to be erected on this section of the site has been designed in the context of the existing residential flat buildings fronting First Avenue adjoining the site.

The building is to be identical to the building approved by virtue of Development Consent No.2008/0744, issued on 27 August 2009, and is to be consistent with the prevailing height, floor space ratio and site area standards of the adjoining residential flat developments.

The same site area standard formerly applied under the terms of Clause 55(2)(a) of the *Ryde Planning Scheme* prior to the making of *RLEP 2010* when Development Consent No.2008/0744 was issued.

The proposed building:

- is to have a height, bulk, scale and setback commensurate with the standards prevailing with established residential flat developments on adjoining properties fronting First Avenue;
- is to be indistinguishable in the context of the character and streetscape created by residential development in First Avenue when viewed from the public domain;
- is to contain an appropriate density of residential development in this locality; and
- can be accommodated within the capacity and capability of existing social, physical and utility service infrastructure serving this area.

In these circumstances:

- the proposal meets the objectives of the floor space ratio and site area standards despite varying from their numerical values;
- compliance with the standards is unreasonable or unnecessary; and
- there is sufficient environmental planning grounds to justify the variations.

In any event, the section of the land zoned R4 High Density Residential benefits from the “existing use” provisions of the *EP&A Act* and, in relation to the development standards contained in the *Ryde Planning Scheme*, the Council officer’s report upon which Development Consent No.2008/0744 was based, indicated that:

- “As this site benefits from existing use rights, Section 108(3) of the *Environmental Planning and Assessment Act* specifies that any provision of a planning instrument that would derogate or have the effect of derogating from the provisions of the Regulations in respect to existing use rights, have no force or effect while these provisions remain in force”;
- “these controls are considered to be appropriate as a guide”;
- “the development on 20 First Avenue has been designed in context with the adjoining residential flat buildings”; and
- “In these circumstances, the above non compliances are considered appropriate”.

In this context, the proposal meets the objectives of the relevant standards and is suitable for approval under the terms of the *Act* and/or Clause 4.6(2) of *RLEP 2010*.

7.2 Urban Design

The proposed development has been designed to achieve a desirable urban design outcome for the development of this site in the manner contemplated by *RLEP 2010* and Part 4.1 of *DCP 2010* and in the context of the desired future character of the area.

The design has been formulated following pre-application consultations held with Council's officers and its Design Review Panel on 17 June and 16 July 2010.

The development represents a significant improvement on the development approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009 by:

- providing a building of the height contemplated by *RLEP 2010*, which provides the framework for the desired future built form character of development in this locality;
- providing highly modulated and articulated elevations, roof forms and architectural elements and high quality finishes; and
- establishing additional housing opportunities in an area conveniently located to retail and commercial services and public transport.

The development will provide an interesting and attractive element in this section of the Eastwood Town Centre, particularly in the Rowe Street streetscape, and will provide a catalyst for future development in the locality.

The buildings have been designed to provide a satisfactory and appropriate juxtaposition between them and development on adjoining and surrounding properties and no significant trees need to be removed to facilitate the proposed development.

The proposal represents a satisfactory and appropriate design response to the opportunities and constraints offered the site and its setting and will produce a desirable urban design outcome for the redevelopment of this land in a manner compatible and consistent with the area's planned future character.

7.3 Public Domain Improvements

There are a number of public domain improvements inherent in the proposed development.

These include:

- new and/or upgraded footpaving in Rowe Street and First Avenue outside the site; and
- landscaping in the footpath areas.

These works will improve the public domain surrounding the site.

7.4 Residential Amenity Considerations

The proposed complex will not have any additional effects on adjoining residential flat buildings fronting First Avenue to those created by the development approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009.

The proposed development will, therefore, not have any undue or unreasonable effect on the amenity of surrounding and nearby residential properties in terms of:

- privacy;
- solar access;
- views; or
- visual impact.

The proposal adequately provides for the off-street car parking demands generated by the development and will not have any adverse impact on the efficiency and effectiveness of the surrounding road network.

The development will not have any effect on the natural environment.

In summary, the development does not raise any relevant considerations in terms of its effect on the environment or amenity enjoyed by residents of surrounding and nearby properties.

8.0 Statutory Compliance Assessment

The following is a summary assessment of the proposal under the heads of consideration contained in Section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

Section 79C(1)(a)(i) - The provisions of any environmental planning instrument

The proposal is permissible, with Council's consent, and conforms with the relevant provisions of the environmental planning instruments applying to this land. See Sections 4.0, 5.0 and 7.1.

Section 79C(1)(a)(ii) - The provisions of any proposed instrument that is, or has been, publicly exhibited and notified to the consent authority

There are no relevant instruments applicable to this proposal.

Section 79C(1)(a)(iii) - The provisions of any development control plans

The proposal is consistent with the objectives and planning principles contained in the relevant development control plan and substantially complies with the development policies contained in it. See Section 6.0.

Section 79C(1)(a)(iia) - The provisions of any planning agreement under Section 93F

The application does not involve any planning agreement.

Section 79C(1)(a)(iv) - Matters prescribed by the Regulations

There are no relevant matters prescribed by the *Regulations* applicable to this matter. All building work is to be carried out in accordance the *Building Code of Australia*.

Section 79C(1)(b) - Likely impacts of the development

The proposal will have no adverse or identifiable impact in terms of:

- context and setting;
- access, transport and traffic;
- the public domain;
- utilities;
- heritage;
- other land resources;
- water;
- soils;
- air and microclimate;
- flora and fauna;
- waste;
- energy;
- noise and vibration;
- natural hazards;
- technological hazards;
- safety, security and crime prevention;
- social impact;
- economic impact;

- site design and internal design;
- construction; or
- cumulative impacts.

Section 79C(1)(c) - Suitability of the site for the development

The site is suitable for the proposed development in accordance with the requirements of *Ryde Local Environmental Plan 2010*, *Ryde Development Control Plan 2010* and the *Eastwood Town Centre Master Plan*.

Section 79C(1)(d) - Submissions

Any submission received by Council following the notification of the application in accordance with Council's notification policy is to be considered in the determination of this application.

Section 79C(1)(e) - Public interest

There is no issue of public interest that should preclude the approval of this proposal.

In fact, the public interest would best be served by the approval of this application having regard to:

- the proposal representing a desirable urban design solution for the development of this site in the context of the desired future character of the Eastwood Town Centre and providing a catalyst for future development in the locality;
- the proposal's consistency with the objectives of the zoning of the land under *RLEP 2010*, the planning principles relating to redevelopment of this area and the desired future character of development in this area specified in Part 4.1 of *RDCP 2010*;
- the provision of additional housing opportunities;
- the widening of housing choice;
- the increase in housing densities in an area planned for more intensive development;
- the proposal's positive benefit of providing additional housing opportunities without any adverse environmental effects;
- the significant enhancement of the urban design and streetscapes in this area resulting from the proposed development;
- the economic development and use of available land resources in this area in the manner contemplated by *RLEP 2010*; and
- the employment opportunities that will result during both the construction and operational phases of the development.

9.0 Conclusion

The proposal is permissible, with Council's consent, under the terms of *Ryde Local Environmental Plan 2010* and complies with the relevant provisions of the *Plan*.

The proposal is consistent with:

- the objectives and planning principles for development in the Eastwood Town Centre contained in Part 4.1 of *RDCP 2010*;
- substantially complies with the development policies contained in Section 3 of Part 4.1 of the *Plan*; and
- complies with the other relevant Parts of the *Plan*.

The proposal represents an appropriate and satisfactory addition and modification of the development approved by virtue of Development Consent No.2008/0744 issued on 27 August 2009.

The development represents a significant improvement on the development approved by virtue of Development Consent No.2008/0744 by:

- providing a building of the height contemplated by *RLEP 2010*, which provides the framework for the desired future built form character of development in this locality;
- providing highly modulated and articulated elevations, roof forms and architectural elements and high quality finishes; and
- establishing additional housing opportunities in an area conveniently located to retail and commercial services and public transport.

The development will provide an interesting and attractive element in this section of the Eastwood Town Centre, particularly in the Rowe Street streetscape, and will provide a catalyst for future development in the locality.

The buildings have been designed to provide a satisfactory and appropriate juxtaposition between them and development on adjoining and surrounding properties.

The proposal represents a satisfactory and appropriate design response to the opportunities and constraints offered the site and its setting and will produce a desirable urban design outcome for the redevelopment of this land in a manner compatible and consistent with the area's planned future character.

The proposal will not have any unreasonable or undue effect:

- on the amenity of surrounding properties in terms of overshadowing, loss of privacy, visual impact or view loss; or
- on the streetscape presentation of the property.

The public interest would best be served by the approval of this application having regard to:

- the proposal representing a desirable urban design solution for the development of this site in the context of the desired future character of the Eastwood Town Centre and providing a catalyst for future development in the locality;
- the proposal's consistency with the objectives of the zoning of the land under *RLEP 2010*, the planning principles relating to redevelopment of this area and the desired future character of development in this area specified in Part 4.1 of *RDCP 2010*;
- the provision of additional housing opportunities;
- the widening of housing choice;
- the increase in housing densities in an area planned for more intensive development;
- the proposal's positive benefit of providing additional housing opportunities without any adverse environmental effects;
- the significant enhancement of the urban design and streetscapes in this area resulting from the proposed development;
- the economic development and use of available land resources in this area in the manner contemplated by *RLEP 2010*; and
- the employment opportunities that will result during both the construction and operational phases of the development.

The proposal will not compromise traffic safety in this locality and adequately satisfies the off-street parking needs generated by the development.

The proposal conforms with the statutory heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979*.

Accordingly, the application is suitable for approval.