

**JOINT REGIONAL PLANNING PANEL  
(Region East)**

<b>JRPP No</b>	2011SYE046 2011SYE047 2011SYE049
<b>DA Number</b>	LDA2011/0174 - Top Ryde Apartments - Building D LDA2011/0164 - Top Ryde Apartments - Building C LDA2011/0110 - Top Ryde Apartments - Building E
<b>Local Government Area</b>	City of Ryde.
<b>Proposed Development</b>	<p>Construction of three residential towers known as building C, D &amp; E as part of the Top Ryde Shopping Centre development.</p> <p>Building C (LDA2011/0164) contains a total of 139 apartments (9 storeys) consisting of 65x1 bedroom, 66x2 bedroom, 8x3 bedroom apartments.</p> <p>Building D (LDA 2011/0174) will contain a total of 99 apartments (6 storeys) consisting of 29x1 bedroom, 60x2 bedroom and 10x3 bedroom apartments.</p> <p>Building E (LDA 2011/0110) will contain a total of 81 apartments (6 storeys) consisting of 18x1 bedroom, 51x2 bedroom and 12x3 bedroom apartments.</p>
<b>Street Address</b>	5 Pope Street, RYDE  (Top Ryde Shopping Centre)
<b>Applicant/Owner</b>	Crown Top Ryde Pty Ltd.
<b>Number of Submissions</b>	Eight (8) submissions received.
<b>Recommendation</b>	Approval with Conditions.
<b>Report by</b>	Sanju Reddy Senior Town Planner CITY OF RYDE



## **Assessment Report and Recommendation**

### **1. EXECUTIVE SUMMARY**

The following report is an assessment of the above three development applications for construction of three residential towers known as building C, D & E as part of the Top Ryde Shopping Centre Stage 2 development.

The development will contain 3 residential flat building towers on the existing podium level adjacent to Residential Towers A & F which were approved by Council in 2009 and are currently under construction. The podium level is located on Level 5 at RL75.7 (AHD). This level is approximately 20m above the ground level 'La Strada' which provides street interface between Pope Street and Blaxland Road.

Tower C achieves a total height of RL 104.85 equating to 9 storeys above the podium containing a total of 139 apartments (65x1 bedroom, 66x2 bedroom, 8x3 bedroom units).

Tower D achieves a total height of RL 91 equating to 6 storeys above the podium containing a total of 99 apartments (29x1 bedroom, 60x2 bedroom and 10x3 bedroom units).

Tower E achieves a total height of RL 91 equating to 6 storeys above the podium containing a total of 81 apartments (18x1 bedroom, 51x2 bedroom and 12x3 bedroom apartments).

The development is a continuation of the overall redevelopment of the Top Ryde City Shopping Centre, which will create a defined town core within the Ryde Town Centre. The building envelopes within which the three towers are situated have been pre-approved under LDA 2006/672 which considered the buildings as part of a conceptualised staged development.

Included as part of the stage 1 development was the establishment of the southern half of the landscaped podium located on the roof of the shopping centre. This area forms a communal landscaped open space for the occupants of the residential buildings. The northern half of the landscaped area has been included under the current applications.

The application also seeks the allocation of 373 of the approved 631 car parking spaces on Levels 3 & 4 of the shopping centre for Buildings 'C', 'D' & 'E'.

The buildings form the final stage in the overall development of a total of five (5) residential flat buildings.

As the application has a capital investment value in excess of \$10 million, the development is of regional significance under the provisions of State Environmental Planning Policy (Major Developments) 2005. The consent



authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel.

The development generally complies with the objectives of the planning controls and is unlikely to result in any unacceptable adverse impact on the amenity of the locality. A number of variations in relation to the Residential Flat Design Guidelines have been adequately justified with supporting specialist reports.

During the notification period, eight (8) submissions were received which raised concerns in respect of floor space, overshadowing, and car parking.

The development application is recommended for approval subject to appropriate conditions of consent.

## **2. APPLICATION DETAILS**

**Name of Applicant:** Crown Top Ryde Pty Ltd

**Owner of the Site:** Crown Top Ryde Pty Ltd

**Estimated value of works is:** Building E: \$18,137,500.00  
Building C: \$27,328,590.00  
Building D: \$20,721,947.00

**Disclosures:** No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made any persons.

## **3. SITE DESCRIPTION & LOCALITY**

The subject site is known as 5 Pope Street RYDE and the legal description of the land is:

Lot 10 in DP 1152688 (Building C)  
Lot 11 in DP 1152688 (Building D)  
Lot 12 in DP 1152688 (Building E)

The site is also known as the Top Ryde Shopping Centre and is located on the block of land surrounded by Blaxland Road, Tucker Street, Pope Street and Devlin Street.

The new shopping centre has been substantially built on the site which was approved as stage 1 of the development.



**Figure 1: Location Map (Ryde)**



#### **4. SITE DETAILS**

##### Area

Total Site Area: 33,555m<sup>2</sup>

##### Frontages:

Frontage to Devlin Street: 243m,  
Frontage to Pope Street: 194m,  
Frontage to Tucker Street: 213m,  
Frontage to Blaxland Road: 38m.

##### Depth of allotment:

The site is approximately 244m deep measured between Pope Street and Blaxland Road and is 151m measured between Devlin Street to Tucker Street.

#### **5. PROPOSAL**

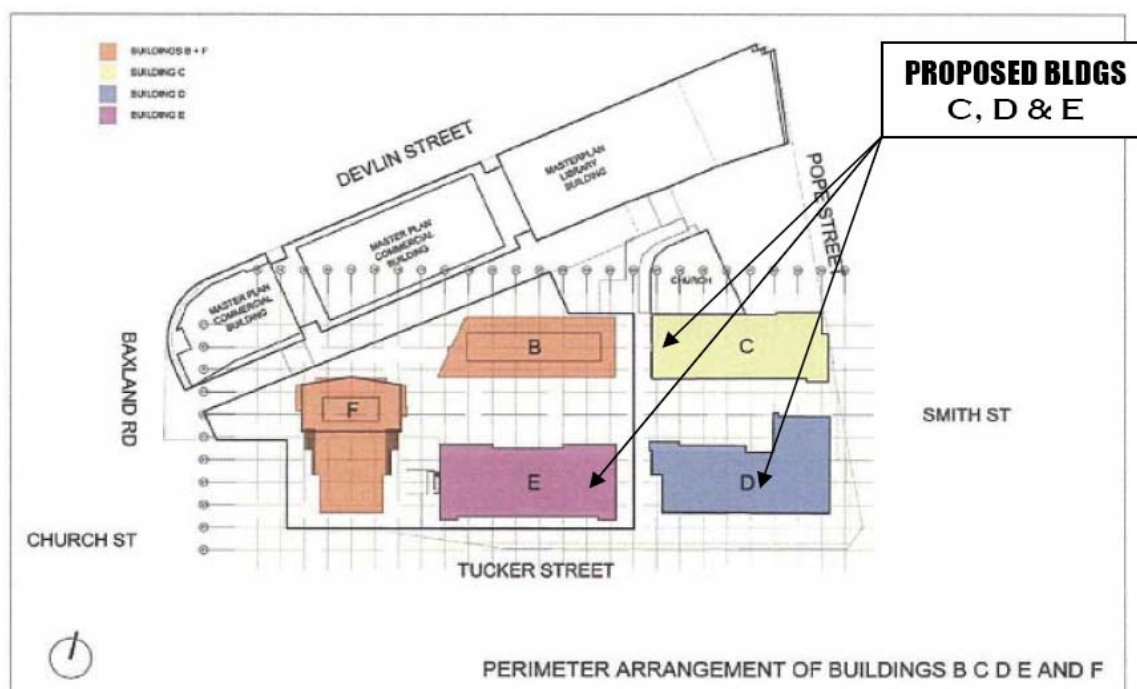
Consent is sought for the construction of three (3) building towers known as buildings C, D & E located on the roof top of the existing shopping centre.

##### The Residential Towers C, D & E



The development will contain 3 residential flat building towers on the existing podium level adjacent to Residential Towers B & F which were approved by Council in 2009. The podium level is located on Level 5 at RL75.7 (AHD). This level is approximately 20m above the ground level with respect to Blaxland Road.

The diagram below shows the location and layout of the above buildings within the podium (roof) level of the shopping centre.



The details of each tower are indicated in the table below:

	LDA2011/0164	LDA2011/0174	LDA2011/0110
Building	TOWER 'C'	TOWER 'D'	TOWER 'E'
No. of Storeys	9 Storeys	6 Storeys	6 Storeys
Maximum RL	104.85 AHD	91.0 AHD	91.0 AHD
No. of Units	139	99	81
1 bedroom units	65 (46.8%)	29	18
2 bedroom units	66 (47.5%)	60	51
3 bedroom units	8 (5.7%)	10	12
Footprint (L v W)	65m X 26.2m	'L' Shape = 66m & 39m	60m X 29.5m
Footprint Area	1974m <sup>2</sup>	2178.2m <sup>2</sup>	1770m <sup>2</sup>
Net Usable Floor	10,245m <sup>2</sup>	8221m <sup>2</sup>	7000m <sup>2</sup>
Unit Sizes – 1 bed	57m <sup>2</sup> – 71m <sup>2</sup>	50m <sup>2</sup> – 61m <sup>2</sup>	52m <sup>2</sup> – 61m <sup>2</sup>
Unit Sizes - 2 bed	80m <sup>2</sup> – 125m <sup>2</sup>	78m <sup>2</sup> – 105m <sup>2</sup>	82m <sup>2</sup> – 109m <sup>2</sup>
Unit Sizes – 3 bed	103m <sup>2</sup>	105m <sup>2</sup> – 106m <sup>2</sup>	104m <sup>2</sup> – 110m <sup>2</sup>
Car parking allocation	157	117	99
Associated works & Amendments to	Landscaping of podium level in association with the	Landscaping of podium level in association with the residential towers	Landscaping of podium level in association with the



Stage 1 Approval	residential towers.  Amend the building envelope approved under Stage 1.	including a swimming pool.  Amend the building envelope approved under Stage 1.	residential towers.  Amend the building envelope approved under Stage 1.
------------------	--	---	--

### Changes to Concept Approval (Stage 1)

The development is part of the Top Ryde Shopping Centre Stage 2 development and is a continuation of the overall redevelopment of the Top Ryde City Shopping Centre, which will create a defined town core within the Ryde Town Centre. The building envelopes within which the three towers are situated have been pre-approved under LDA 2006/672 which considered the buildings as part of a conceptualised staged development. These development applications propose to amend the pre-approved building envelopes by increasing the area of each floor in buildings C, D and E. The variations to the building envelope are discussed in greater detail in the background of the report.

### External Materials and Finishes

The materials and finishes are intended to integrate with the Shopping Centre building. The principal materials and finishes are:

- Frames and slabs – metal cladding or similar;
- Feature frames – timber panels or similar;
- Window framing – powdercoated aluminium or similar;
- Balustrades – powdercoated metal framed glazing or similar;
- Privacy louvers – powdercoated aluminium or similar;
- Plant room louvers – powdercoated aluminium or similar.

### Landscape Works (Podium)

The Podium Level apartments each include landscaped courtyards which provide a soft edge around the communal landscaped area. These courtyards also enhance visual and acoustic privacy to those apartments.

As part of LDA 585 /2008, a Landscape Plan was approved which included a communal residential roof garden located on the podium at Level 5, providing 1,816m<sup>2</sup> of communal open space. The communal residential roof garden was designed to be further extended when Buildings C, D and E are constructed.

As part of each development application a landscape plan has been submitted. These landscape plans relates and marries with the revised scheme for Buildings B and F. Each landscape plan is a component of a greater landscape scheme that will cover the entire Level 5 podium. The overall landscape scheme for the residential development will comprise a variety of spaces and external areas, each offering different aesthetic qualities and opportunities for people to gather, relax or play. A total of 6 separate areas are proposed. These areas are described as: - the swimming pool



zone, the sitting area, the communal gathering space, the palm court, the play area and the viewing pavilions. In addition to these spaces, the landscape area also includes circulation pathways and significant plantings.

The landscaping plan submitted with Building E (LDA2011/0110) covers the southern portion of the site. Consent for the north-western portion of the landscaping scheme is sought by the DA for Building C (LDA2011 /0164), while consent for the north-eastern portion of the scheme is sought by the DA for Building D (LDA 2011/0174).

## **6. BACKGROUND**

- LDA 2006/672 was granted on 8 May 2007 for:

*Mixed use development to be carried out in stages. The amalgamation of lots within Precinct 2 and Precinct 3 and the detailed design and construction over the whole of Precinct 2 and parts of Precincts 1 & 3 of a mixed use development including shops, refreshment rooms, commercial premises, recreation areas, community facilities, cinemas (place of assembly), child care centre and church (place of public worship), with associated car parking, pedestrian and vehicular access arrangements and public domain improvement works, including road works referred as the "Stage 1 Development".*

The Stage 1 is now completed with the first group of shops opened October 2009.

Additionally, consent was also granted for:

*Concept proposals for commercial and residential land uses, net useable floor area, building envelopes and car parking provision for development above the Stage 1 development (the concept proposals will be the subject of further development applications).*

The approval of the concept is subject to eight (8) conditions:-

Condition 317: Consent is granted to the concept proposal for subsequent stages of the proposed development comprising:

- a) Commercial and residential land uses;

Comment:

This development comprises residential use and is consistent with this condition.

- b) A maximum of 10,000m<sup>2</sup> net useable floor area (NUFA) for the purposes of commercial premises accommodated within two towers on the south-west portion of the site fronting Devlin Street;

Comment:

Modification of this consent was approved in LDA 2009/169 to change the commercial floor space limit of 10,000m<sup>2</sup> to that of



12,000m<sup>2</sup> (approved 19 September 2009.) These development applications do not involve any changes to this condition.

- c) *A maximum of 45,000m<sup>2</sup> NUFA for the purposes of residential flat buildings (a total of approximately 450 apartments) on the eastern portion of the site;*

Comment:

The approved Buildings 'B' & 'F' represent a total NUFA of 15,742m<sup>2</sup> and a total of 183 apartments. This results in a remaining 29,258m<sup>2</sup> and 267 apartments to be allocated to the three residential buildings subject to this application.

Buildings C, D & E will have a total NUFA of 25,466m<sup>2</sup> and a total of 319 apartments. This results in a total of 41,208m<sup>2</sup> of NUFA for the purposes of residential flat buildings and 502 apartments. The development does not exceed the maximum NUFA but does exceed the number of apartments by 52. Given that the condition only provide an approximate number of apartments, this is considered to be consistent with the intent of the original condition of consent.

- d) *Building envelopes for the commercial and residential towers as depicted on the plans accompanying the development application and as described in Section 6.0 of the 'Staged Mixed Use Development Statement of Environmental Effects' dated November 2006 prepared by JBA Urban Planning Pty Ltd, within which the detailed building design will later be developed and will be the subject of separate future development applications;*

Comment:

These development applications propose to amend the building envelope as follows:

Building C:

The proposed footprint of Building C is varied from that approved in May 2007 in that:

- Increase in the area of the approved envelope on Levels 6-13 from approximately 1,762m<sup>2</sup> to 1,974m<sup>2</sup>;
- Moving the envelope approximately 0.5m closer towards the retail Strada (greatest extent);
- Moving the envelope approximately 2m closer towards Pope Street (greatest extent);
- Moving the envelope 1.85m further away from Blaxland Road (greatest extent) and
- Moving the envelope approximately 3.74m towards Tucker Street (greatest extent).

The result of the amendments reduce the setback of the building to the retail Strata, Pope Street, retail podium and the separation of Building C to Building D. However, this also increases the building separation between Building B & C.



#### Building D:

The proposed footprint of Building D is varied from that approved in May 2007 in that:

- increasing the area of the approved envelope on Levels 6 -9 from approximately 2,212m<sup>2</sup> to 2,726m<sup>2</sup> (gross envelope area);
- moving the envelope approximately 5.15 metres closer towards the Building C (greatest extent);
- moving the envelope approximately 4.72 metres closer towards Pope Street (greatest extent);
- moving the envelope approximately 0.95 metres closer towards Blaxland Road (greatest extent); and
- moving the envelope approximately 2.66 metres towards Tucker Street (greatest extent).

In summary, the result of the amendments is to reduce the setback of the building envelope to the Tucker Street, Pope Street and the retail podium facades and moderately reduce the separation of Building D and Building C to the west and Building E to the south.

#### Building E:

The proposed footprint of Building E is varied from that approved in May 2007 in that:

- increasing the width of the approved envelope on Levels 6 - 7 from 25.2m to a maximum of 28.5m (21.5m - 28.5m);
- increasing the length of the approved envelope on Levels 5 - 9 from 60m to 67.2m;
- moving the envelope 3 metres closer towards Tucker Street;
- moving the envelope 1.2 metres closer towards Blaxland Road;
- moving the envelope 1.2 metres closer towards Pope Street; and
- moving the envelope 3.6 metres into the central podium area.

In summary, the result of the amendments reduce the setback of the building envelope to the Tucker Street retail podium facade and moderately reduce the separation of Building E to the building envelopes of Building F to the south, and Building D to the north.

The changes in the footprint of the building envelope is demonstrated on the following plan which also illustrates the shadow of the approved and proposed development.

The proposed development conforms with the approved concept envelope height.

As demonstrated further in the report, although the building envelope will be changed from the approved layout, the development will still provide acceptable amenity for the occupants



of the building in terms of privacy, ventilation, amenity and solar access while optimising outlook of views towards the CBD. Also the amendments are unlikely to adversely impact on the amenity of any adjoining property. The design of the proposed buildings is not likely to have an adverse impact upon the overall design or functionality of the TRSC.

- e) *Car parking allocation comprising two commercial/residential car parking levels (at Levels 3 and 4 of the development) to service the commercial and residential towers.*

Comment:

The residential car parking is located on levels 3 & 4 of the shopping centre building. The development is consistent with this condition.

Condition 318: *This consent does not authorise the carrying out of the subsequent stages of the development described in Condition 317 [see above]. Detailed proposals for those subsequent stages are to be the subject of subsequent development applications.*

The three development applications that are subject of this assessment report fulfils the objective of this condition.

Condition 319: *Future development applications for the residential component of the development shall consider solar access to residential apartments, solar access to the podium landscaped area between the residential buildings and the southward view corridor from Smith Street between the northern residential buildings. The applicant is to submit full details as part of the future development applications demonstrating that the above issues have been considered in the design and are reflected in the documentation accompanying the relevant development applications.*

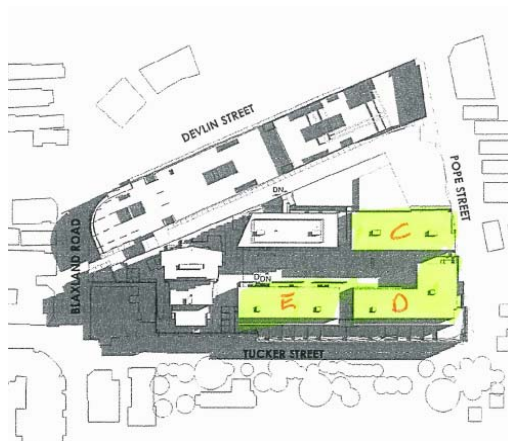
The application was accompanied by a detailed solar access analysis which indicates that the development will achieve the following levels of solar access for 21 June:

- Residential apartments:
  - Building 'C' – 3 hours = 58%, 2 hours = 65%
  - Building 'D' – 3 hours = 34%, 2 hours = 40%
  - Building E – 3 hours = 26%, 2 hours = 36%.

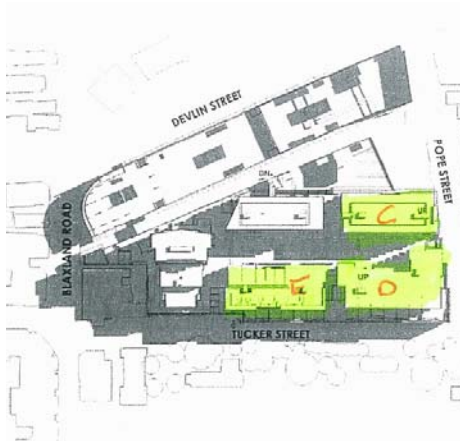
The above figures represent an increase in the number of units that will achieve adequate daylight access when compared to the concept approval.

Following are shadow drawings which provide a comparison between the approved Stage 1 overshadowing and the proposed Buildings C, D & E which are the subject of the application.





**Approved Stage 1 DA 21 June 10.30am**



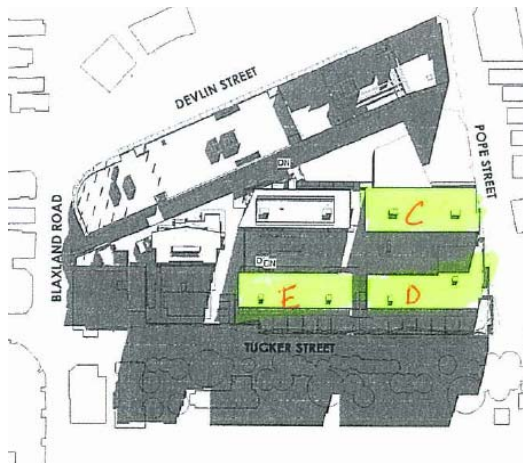
**Proposed DA 21 June 10.30am**



**Approved Stage 1 DA 21 June 12pm**

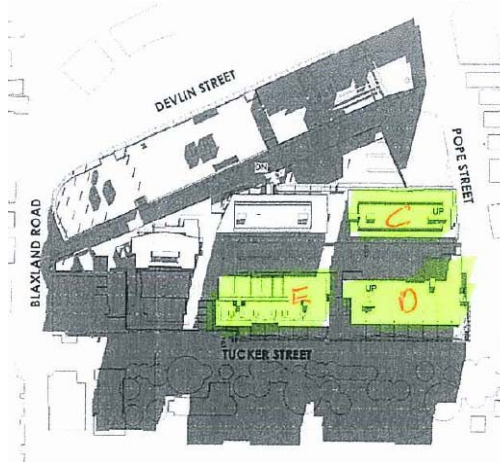


**Proposed DA 21 June 12pm**



**Approved Stage 1 DA 21 June 2pm**

Source: JBA - Statement of Environmental Effects



**Proposed DA 21 June 2pm**

The proposed development does not greatly modify the extent of shadow cast over the adjoining development and the public domain from that which was approved under Stage 1.

The shadow cast and amount of daylight access is considered to be consistent with the above condition.



Condition 320: *Future development applications for the residential component of the development must demonstrate that the residential apartments are capable of accommodating 50% of residential storage in accordance with the Residential Flat Design Code 2002, outside the apartments.*

Adequate additional storage space has been provided on Basement 3 for the purposed of storage.

Condition 321: *Future development applications for the commercial office towers shall include a street front entry lobby for better legibility and address.*

This condition is not applicable to the current development applications.

Condition 322: *The applicant shall provide, where practical, part natural ventilation of the commercial office components of the development to ensure a satisfactory amenity is enjoyed by prospective occupiers of the buildings and reduce energy used in mechanical ventilation.*

This application does not propose the construction of the commercial towers and is not applicable to the current development applications.

Condition 323: *Future development applications for the residential and commercial components of the development shall demonstrate to Council's satisfaction that adequate areas are provided for the storage of waste and recyclables in areas of the development which are easily accessible for collection by waste contractors from the loading and garbage collection dock areas. The provision of waste collection shall be consistent with Council's Waste Management Policy for the residential and commercial uses.*

Council's Environmental Health Officer has reviewed the development applications and advised that the proposed storage of waste and recyclable arrangements are acceptable. A waste room is to be provided on each level of each residential building which will house two recycling bins and a chute for general waste. Each general waste chute feeds directly into 1,100 litre bins, located under each chute in a dedicated garbage room located on level 3 (approved in DA2008/585).

Condition 324: *Applications for future stages of the development must be accompanied by reports from suitably qualified persons that demonstrate to the satisfaction of the Council, that the wind impacts of these future stages will be adequately mitigated through appropriate design solutions.*

The application submitted a Pedestrian Wind Environment Study for Buildings C, D and E prepared by Windtech Consultants. The report, dated 25 May 2011 presents the results of a detailed investigation into the wind environment impact of the proposal. The report found that:



*The initial wind tunnel results indicate that wind conditions for the majority of the outdoor areas within and around the development site exceed the appropriate wind comfort and safety criteria due to the effect of wind from the south, west-south-west, and north-east. This is largely due to the orientation and exposure of Buildings C, D and E with respect to the prevailing winds.”*

However, treatments were recommended to mitigate the adverse wind effects. These treatments included the use of screens, landscaping and impermeable balustrades on the balconies. With the imposition of an appropriate condition of consent requiring the treatments as recommended in above report, the proposal is considered satisfactory in terms of this condition (refer to Condition 29 – Attachments 1 & 3 and condition 30 – attachment 2)

In summary, the development satisfies the conditions imposed under LDA 2006/672.

- Local Development Application 585/2008 for Top Ryde City - Stage 2 consisting of residential Buildings 'B' & 'F' to accommodate 185 apartments including the allocation of car parking spaces for all of the residential towers, associated facilities and communal landscaping works was approved by Council on 17 February 2009. The proposed towers were also contained within pre-defined building envelopes which were conceptually approved under LDA 2006/672 approved 8 May 2007 and formed the first stage to construct 2 out of 5 residential towers on the podium of the building. A Section 96 modification (MOD2010/0174) was approved on 8 March 2011 which reduced the number of apartments to 183. A further Section 96 modification (MOD2011/0056) was approved on 24 June 2011 which modifying the total car parking numbers on levels 3 and 4 as well as modifying the number of car parking spaces allocated to the residential component of the entire development.
- Local Development Application 2009/169 for the construction of two x 4 storey commercial towers above the approved Top Ryde Shopping Centre was approved 19 September 2009. This DA also involved a modification of condition 317 of the original 2007 consent by changing the commercial floor space limit of 10,000m<sup>2</sup> to 12,000m<sup>2</sup>.

## **7. APPLICABLE PLANNING CONTROLS**

The following legislation, planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Major Developments) 2005;
- State Environmental Planning Policy 65;
- State Environmental Planning Policy (BASIX);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;



- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010.

## **8. PLANNING ASSESSMENT**

Matters for consideration pursuant to Section 79C of the Environmental Planning & Assessment Act 1979:

### **8.1 State Environmental Planning Policy (Major Developments) 2005**

The provisions of State Environmental Planning Policy (Major Developments) 2005 apply to the proposed development as the capital investment value is in excess of \$10 million. In accordance with the requirements of Section 13B(1)(a) of the SEPP, the application is defined as 'regional development'. In this case the determining authority is the Joint Regional Planning Panel (Region East) as provided for under Clause 13F(1) of this Policy.

### **8.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

SEPP 65 came into force on 26 July 2002 and applies to the proposed development.

The Policy aims to improve the design quality of residential flat development in New South Wales. This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposal has been assessed against the following matters for consideration:

- a) the advice of Council's Urban Design Review Panel,
- b) the 10 design quality principles outlined in SEPP 65, and
- c) the Residential Flat Design Code published by Department of Planning and the NSW Government Architect (September 2002).

### **Design Review Panel Comments:**

The development application for Building E (with preliminary design for Buildings C & D) was considered by the Council's Design Review Panel on 16 March 2011. The Panel provided the following comments:

*"The Panel noted that the building configuration had changed from the original concept approval (Stage 1 DA) in that the indicative building configuration provided at the time of the Stage 1 DA showed two separate building cores, typically each with a small common access corridor serving seven apartments.*



*This arrangement achieved a good proportion of dual aspect through ventilating apartments and minimised the number of single aspect apartments. The Panel regarded this earlier indicative building configuration as superior to that now proposed.*

*The DA proposal for Building E (and Buildings C & D) is configured with the two existing cores but differs with a single, central corridor. The building circulation system is therefore entirely double loaded, with primarily single aspect apartments either side of the central corridor. On a typical floor, each of the four corner apartments benefit from dual aspects and through ventilation, while the remaining 11 apartments are all single aspect. Of these, five have only a south-easterly aspect and will not achieve adequate solar access during the winter months.*

*This configuration, with the two escape stairs separated at each end of the building requires a fire-engineered solution to provide adequate emergency egress.*

*The relatively long central corridor serving 15 apartments on a typical floor risks being a less successful common access space than the smaller corridors indicated at the time of the Stage 1 DA. Smaller common access corridors also improve general building yield efficiency.*

*The common access corridor is configured to admit natural light at each end. The Panel supports this aspect of the proposal, noting that it could be retained in a more successfully configured floor plan.*

*The Panel recommends the applicant amend the typical floor plan to reintroduce two separate lobbies and eliminate the long central corridor. The Panel believes the desired increase in the proportion of one and two bedroom apartments is achievable within this altered building configuration.*

*The detailed planning for many of the proposed one and two bedroom apartments includes a generous study area, in many cases a space with operable walls able to be enclosed. While the Panel generally encourages the inclusion of such spaces for informal living, media or study, in this instance the Panel is concerned for the ability to convert such spaces into habitable rooms, which would not receive any natural light or ventilation. The Panel recommends some replanning to address this concern. For instance the study spaces might be zoned with other living areas within the apartments rather than being zoned with bedrooms as is currently the case in several instances. Similarly, the proposed study might be reduced in size or treated in a way that makes it not possible to be fully enclosed.*

*Further, the Panel notes that these windowless rooms are, in part, a result of the proposed building reconfiguration. Effectively, the proposal is aiming for an additional number of apartments within approximately the same floor plate, leading to an average reduction in external wall area for each apartment.*



*Although there is no scale indicated on the drawings the Panel reviewed, it appears that parts of the proposal are approaching or exceeding 25m overall building depth from glass line to glass line. The proposal for Building E seeks to exceed the currently approved envelope. In order to do so, the applicant should generally be demonstrating improvements and refinements to the existing Stage 1 consent.*

*The architectural expression of Building E – at 6 storeys in height – has been designed to remain consistent with approved Buildings B and F. The Panel supports this general approach and notes that the composition and resolution of the facades of Building E are simple and clear, comprising a combination of horizontal and vertical elements, which are acceptable.*

*Air conditioning fan coil units are shown on balconies of many apartments. In some cases these are screened by masonry elements. In other cases they appear to sit behind glazed balustrades and should be more appropriately screened from view.*

*The communal open space provided on the podium rooftop will be important for residential amenity, outlook and ease of way finding. The design strategies evident in the landscape drawings are clear and legible and are acceptable.*

*A challenge exists with the detailed design of facades for Buildings C and D, which at 10 storeys will present as buildings of almost double the bulk and scale of Building E and will require design strategies to mitigate the impact of this additional bulk.*

*Note: While these comments are made in response to the DA lodged for Building E, many of the issues raised and recommendations made by the Panel are immediately applicable to Buildings C and D due to be lodged in the near future."*

The Urban Design Review Panel raised several concerns in respect of the development applications. In summary these issues are in respect to the following:

- The buildings propose a central corridor resulting in the building circulation system being double loaded.
- The possibility of the studies being converted to habitable rooms. In which case the rooms would not receive any natural light or ventilation.
- Parts of the building appear to exceed 25m overall building depth from glass line to glass line.
- Air conditioning units should be screened from view.

The applicant has provided additional information to address the above issues. These issues and the additional information is addressed in detail under the section of the report entitle Residential Flat Design Code.



## **Design Quality Principles** (under SEPP 65)

The following table provides an assessment of the development against the ten Principles of the SEPP:

<b>PLANNING PRINCIPLE</b>	<b>COMMENTS</b>	<b>COMPLY</b>
<p><b>Context</b> Context can be defined as the key natural and built features of an area.</p> <p>Good design responds and contributes to its context.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The site is of regional significance due to the Shopping Centre. The site is surrounded by a mix of different building types, heights, uses and styles. To the southwest is Church Street which is a local shopping street containing low scale street retail uses with some commercial space on upper floors. To the southeast is a large school premises that contains sporting ovals and some low scale heritage buildings. To the north-east are low scale residential buildings stretching along Smith Street that typify the historic type of residential development in Ryde area. To the north-west is the prominent City Council Chambers building across Devlin Street.</p> <p>The location of the tower is defined by its location on top of the regional shopping centre (Top Ryde Shopping Centre) with scope for immense views in all directions. Contextually, the proposed Buildings C, D &amp; E are part of the five residential tower envelopes approved on the retail podium. Two other residential towers (B &amp; F) have already been approved. The purpose of residential towers is to add to the residential base that will be able to use retail, recreation, learning, social and entertainment functions within the retail complex.</p> <p>It is appropriate to this location, and contributes positively to the desired future character of the area and complies with the development envisaged for the site.</p>	Yes
<p><b>Scale</b> Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In</p>	<p>The concept approval for the residential towers set the parameters for appropriate scale and height. The general layout and maximum height of these towers have already been determined under the previous approval (Stage 1).</p> <p>The retail podium creates human scale to the surrounding streetscapes. Above this, the residential towers have their highest scale</p>	Yes



PLANNING PRINCIPLE	COMMENTS	COMPLY
precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	toward the middle of the site and respect the LEP height controls. The building envelope height of each building is consistent with the Stage 1 DA and the applicable planning controls.	
<p><b>Built Form</b> Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The development incorporates design features and an architectural quality generally consistent with the <i>Residential Flat Design Pattern Book</i> published by the NSW Government (2001). This design is also identified as a preferable built form for the Ryde Town Centre as determined by the 'Precinct 2 Town Core' controls under Council's DCP.</p> <p>Additionally, the design and appearance of the development is consistent to that proposed, and approved as a concept, under LDA 2006/672 in that the residential flat buildings will collectively provide a distinctive and defining contemporary landmark to the Top Ryde Town Centre.</p> <p>Not only will the new buildings be visible from the surrounding neighbourhood but, because of their naturally elevated position and proposed building height, they will also be highly visible from more distant locations such as Chatswood, Olympic Park, Parramatta and the surrounding northern ridgelines of Lane Cove National Park.</p> <p>At a micro level, the residential towers are arranged to add strength and predictability, creating clear precincts which break up the scale of the development. Building C is a linear building, running parallel to the northern edge of the podium. Building E runs along south eastern edge. Together with Building D, which marks the north eastern edge reinforces the linear composition of the development along its northern edge and provides enclosure around the central landscaped courtyard. Articulation of the building facade has been achieved by using both horizontal and vertical elements and differing materials and finishes. Strong horizontal lines (slab edges and balcony balustrades) create a predominantly linear</p>	Yes



PLANNING PRINCIPLE	COMMENTS	COMPLY
	character of the facade, which is broken up with vertical blade walls and frame elements.	
<p><b>Density</b> Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Building C, D &amp; E contributes to the Top Ryde City development through the provision of 502 apartments, comprising a mix of 1, 2 and 3 bedroom units.</p> <p>The residential density is appropriate in the context of the existing retail complex and the future character of the site envisaged in Development Consent 672/2006 and the Ryde DCP.</p>	Yes
<p><b>Resource, energy and water efficiency</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The provision of a residential development of this density at the Top Ryde site, with good transport links and immediate proximity to retail, education, entertainment, recreation and employment, provides an avenue for efficient use of existing resources and facilities.</p> <p>Stormwater detention, retention and re-use are proposed for the site, and the harvested water will be used for the irrigation of landscaped areas and in the carwash bay.</p> <p>BASIX commitments for Building C, D &amp; E exceed the prescribed threshold in terms of water and energy use.</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code.</p>	Yes
<p><b>Landscape</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity</p>	<p>The design of the common open space across the level 5 podium incorporates a number of recreational features, which promote different uses within lush landscaping and creates a resort style open space surrounding the residential towers.</p>	Yes



PLANNING PRINCIPLE	COMMENTS	COMPLY
<p>for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>Due to the large size of the landscaped podium, features which will assist orientation and legibility have been thoughtfully considered and included in the design concept.</p> <p>The landscaping and pavilion buildings soften the residential towers' architecture thereby achieving a human scale. The use of natural materials like timber and stone, both internally and externally, integrate the common facility areas with the outdoor landscaped gardens.</p>	
<p><b>Amenity</b></p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires 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 for all age groups and degrees of mobility.</p>	<p>Lift access is provided to all apartments within the development linking residential levels with the landscaped podium, common facilities and car park. Access to the retail component is via "shuttle" lifts that link the podium with La Strada level.</p> <p>Two residential lobbies are located on La Strada and one on Pope Street. These lobbies present a grand entry and street address to the residential buildings, and create a secure environment for residents and their visitors. Efficient layouts, generous apartment sizes, elevated city views to the SE, create a unique environment for the development and level of amenity.</p> <p>Reports prepared by Windtech Consultants demonstrate that all the apartment buildings will achieve natural ventilation as per details discussed later in this report.</p>	Yes



PLANNING PRINCIPLE	COMMENTS	COMPLY
	The development has provided adequate building separation and views to the CBD and Olympic Park.	
<p><b>Safety and Security</b> Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, 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>Vehicular access is via an entry point at the level three car park, which is controlled through the use of electronic security devices.</p> <p>Pedestrian access is via the three residential entry lobbies situated at La Strada and on Pope Street. Shuttle lifts, which are accessed using the security devices, take residents and visitors from the ground floor residential lobbies to the level 5 podium. From there, residents and their guests will be able to proceed through the podium landscaped areas and enter each of the buildings. At this second building entry lobby, another form of electronic security will be applied to control access to the individual floors of the residential buildings.</p> <p>All common areas are to be well lit, with clearly defined pathways between the buildings. Car park areas are to be well lit and lifts will have security control and close circuit television cameras.</p> <p>The development applications have also been reviewed by NSW Police who have recommended version conditions on the consent. This matter has been discussed in greater detail under referrals.</p>	Yes
<p><b>Social Dimensions and Housing Affordability</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability</p>	<p>The development will include the following housing mix:</p> <ul style="list-style-type: none"> <li>- 112 x 1 Bedroom</li> <li>- 177 x 2 Bedroom</li> <li>- 30 x 3 Bedroom</li> </ul> <p>A variety of apartment sizes and types are proposed across each building. The proposed mix of housing results in an affordable range of housing which should attract single, couples and family occupants alike into an area which is highly accessible to public transport and local shopping.</p> <p>There are a wide range of unit types available, at a number of price points, which will attract</p>	Yes



PLANNING PRINCIPLE	COMMENTS	COMPLY
by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	different types of households and promote diversity in social mix.  The proposed residential building will be in close proximity to employment opportunities and retail amenities, which by its nature promotes efficient use of resources. Significant common facilities, including recreation and entertainment, have been provided within the development for residents to use. The scale, materials and building facades' detailing contribute to the desired future character of the area.	
<b>Aesthetics</b> Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	Residential Buildings C, D & E architecturally blends with the other 2 (Buildings B & F) towers already approved on the podium. It presents a contemporary design which is compatible with the existing identity of the Top Ryde residential development. The proposed facade treatments, with the use of differing materials and finishes, provide variety in the context of the approved buildings. The predominant horizontal lines on the building facade are articulated through the use of framed elements and vertical blade walls. The façade modelling that presents to the landscape podium provides a base which reinforces the 1-2 storey plant canopies, water and pavilion concepts.	Yes

### **Residential Flat Design Code (RFDC).**

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code.

The development generally complies with the rule of thumb specified under this document with the exception of the building depth, deep soil zones, solar access & natural ventilation. Notwithstanding, the proposed development depicts an improved amenity for individual apartments compared to the level of amenity that would have been achieved based on the stage 1 approval.

As demonstrated below, despite not complying with the numeric requirements, these aspects of the development comply with the general intent of these controls and are considered satisfactory.



Primary Development Control and Guideline	Comment	Comply
<b>Building Height</b> Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The development is not subject to FSR controls.	N/A
<b>Building Depth</b> In general, an apartment building depth of 10 -18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	<p>The approved concept development resulted in the following building depth:  Building C – 19.5m – 23.5m  Building D – 20.5m – 23.5m  Building E - 20m – 23.5m.</p> <p>The current development applications will result in the building depth being increased to:  Building C – 21.0m to 25.3m  Building D – 21.2m to 25.4m  Building E – 21.5m to 28.5m.</p> <p>Although the development exceeds 18 metres, each building will provide satisfactory daylight and natural ventilation. These aspects have been discussed further in this report. As these aspects are satisfactory, no objection is raised to the variation.</p>	No.  (Variation acceptable).
<b>Building Separation</b> <i>Design and test building separation controls in plan and section.</i>  The suggested separation provided within the RFDC is as follows:  ‘...up to four storeys/12 metres - 12 metres between habitable rooms/balconies - 9 metres between habitable/balconies and non-habitable rooms	<p>The proposed towers have separation as follows:  Buildings ‘F’ (approved)–‘E’= 17.3m-21.66m  Buildings ‘B’(approved)–‘E’ = 24.75m-28.4m  Buildings ‘B’(approved)–‘C’=12.42m-13.67m  Buildings ‘C’ – ‘D’ = 11.51m–27.7m  Buildings ‘D’ – ‘E’ = 9.9m – 15m</p> <p>These separation distances are demonstrated on the plan included below.</p> <p>It is noted that the location of each of the above towers were approved as part of Stage 1 development and the separation distance is generally consistent with the original approval.</p> <p>General compliance is achieved for the</p>	No.  (Variation acceptable).



Primary Development Control and Guideline	Comment	Comply
<p>- 6 metres between non-habitable rooms</p> <p>five to eight storeys/up to 25 metres</p> <p>- 18 metres between habitable rooms/balconies</p> <p>- 13 metres between habitable rooms/balconies and non-habitable rooms</p> <p>- 9 metres between non-habitable rooms....'</p> <p>nine storeys &amp; above storeys/up to 25 metres</p> <p>- 24 metres between habitable rooms/balconies</p> <p>- 18 metres between habitable rooms/balconies and non-habitable rooms</p> <p>- 12 metres between non-habitable rooms....'</p>	<p>majority of the buildings. There are three areas of non compliance. The first of these areas is between buildings B &amp; C. This part of the building is separated by 12.425m between windows and a balcony. This distance does not satisfy the requirements of the RFDC which requires a separation of 18m - 24m between habitable rooms and balconies of 6 storey and 9 storeys respectively. However, the development is supported based on the context of the site and merits of the proposal. In order to address privacy issue in the small section of the building where the separation is less than required, horizontal adjustable louvre panels have been proposed which will enhance visual &amp; acoustic privacy.</p> <p>The other non compliance also occurs between buildings C and D which is separated by a distance of 11.519m for a small portion of the building, owing to the 'L' shape of the building D envelope approved under the Stage 1 DA. The reminder of the building has separation distance in excess of 25m. To ensure minimal impact on visual &amp; acoustic privacy, there are no windows in this part of building D.</p> <p>The final non-compliance relates to, the distance between buildings D &amp; E. A minimum of 9.9m and maximum of 15.09m is proposed between these 2 building towers. In order to address privacy issues and minimise any potential overlooking the design incorporates privacy screens and Balconies are minimised on the side of the building that face each other.</p>	







Primary Development Control and Guideline	Comment	Comply
	This arrangement complies with the exceptions provisions as the site is located in the town centre and is built to boundary.	
<p><b>Open Space</b> The area of communal open space required should generally be at least between 25% and 30% of the site area.</p> <p>Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park is 25m<sup>2</sup>.</p>	<p>The communal open space at the Podium Level has an area of 5,359.5m<sup>2</sup> (being 589.6m<sup>2</sup> adjacent to Building C, 3,555m<sup>2</sup> adjacent to Building E &amp; 1214.9m<sup>2</sup> adjacent to Building D), which equates to 31% of the site area.</p> <p>In addition to the above, each apartment at the Podium Level has a courtyard/terrace area and the apartments on the upper levels all have balconies.</p> <p>The development provides adequate open space areas to meet the intent of this requirement.</p>	Yes
<p><b>Planting on Structures</b> In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes:</p> <ul style="list-style-type: none"> <li>Large trees such as figs (canopy diameter of up to 16m at maturity) - minimum soil volume 150m<sup>3</sup> - minimum soil depth 1.3m -</li> </ul>	<p>The landscaped communal open space area located on the Podium Level includes the provision of evergreen trees (with a mature height ranging between 4.0m – 12.0m and a mature canopy diameter ranging between 4.0m – 10.0m) which define the edges of the lawn areas. In addition, the landscape communal open space will provide shrubs, ground covers and turf areas.</p> <p>Planting beds will be provided with sufficient soil depth to allow sustained plant growth. A condition has been recommended which requires that the proposed landscape</p>	Yes

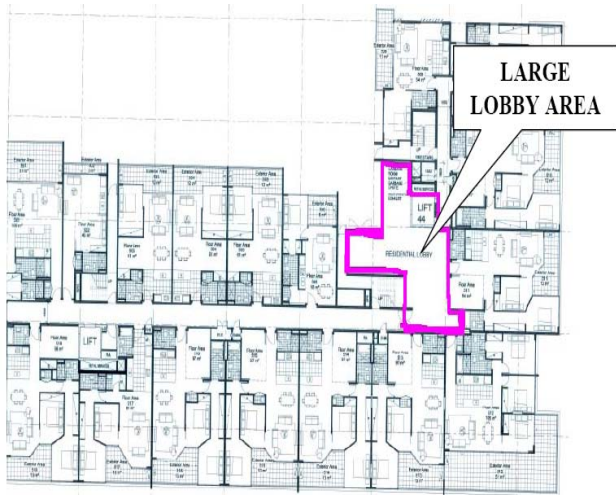


Primary Development Control and Guideline	Comment	Comply
<p>minimum soil area 10m x 10m area or equivalent</p> <ul style="list-style-type: none"> <li>▪ Medium trees (8.0m canopy diameter at maturity) - minimum soil volume 35m<sup>3</sup> - minimum soil depth 1.0m - approximate soil area 6.0m x 6.0m or equivalent</li> <li>▪ Small trees (4.0m canopy diameter at maturity) - minimum soil volume 9.0m<sup>3</sup> - minimum soil depth 800mm - approximate soil area 3.5m x 3.5m or equivalent</li> <li>▪ Shrubs - minimum soil depths 500 -600mm</li> <li>▪ Ground cover - minimum soil depths 300 - 450mm</li> <li>▪ Turf - minimum soil depths 100-300mm.</li> <li>▪ Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.</li> </ul>	<p>scheme, and specifically, the planting of trees, comply with the required soil depths as indicated for large and medium sized trees, shrubs, ground cover, turf (See Condition 15 in Attachments 1, 2 &amp; 3).</p>	
<p><b>Pedestrian Access</b> Provide barrier free access to at least 20% of dwellings in the development</p> <p>Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum.</p>	<p>Barrier free access is provided within the development.</p> <p>Details of accessibility are discussed elsewhere in this report. Subject to an appropriate condition of consent, the development will comply with the standards set out in AS1428.</p>	<p>Yes</p>
<p><b>Apartment Layout</b> Single-aspect apartments should be limited in depth to 8.0m from a window.</p> <p>Back of kitchen to be no more than 8m from window.</p>	<p><u>Building D:</u> The single aspect apartment depths are between 6.5m – 12m. However all exceed the maximum depth of 8m. 46.5% of apartments have kitchen with 8m of window.</p> <p><u>Building E:</u> All single aspect apartments exceed a depth of 8m and range in depth from 9m – 12.5m. 30% of units have back of kitchen with 8m of window.</p> <p><u>Building C:</u> All single aspect apartments exceed a depth of 8m and range in depth from 6.5m – 12.3m. 12.2% of the units have kitchen with 8m of window.</p>	<p>No.</p> <p>(Variation acceptable).</p>



Primary Development Control and Guideline	Comment	Comply
	Full compliance with this numerical requirement is not possible given the width of the towers approved under stage 1. Notwithstanding, a variety of layout of the units, private open space, balconies and communal recreation has been proposed for improved amenity of the residents. This arrangement is considered satisfactory given the context and location of the development where the major emphasis is on optimising views and resort style living.	
<b>Balconies</b> Provide primary balconies for all apartments with a minimum depth of 2.0m.  Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	Balconies and terraces have been provided to all units. However, not all balconies are 2m wide. Some balconies are 1.8m in width.  <u>Building C:</u> 36.5% apartments meet this requirement.  <u>Building D:</u> 74% apartments meet this requirement.  <u>Building E:</u> 67% apartments meet this requirement.  Privacy and acoustic issues between balconies & terraces have been adequately addressed. The non-compliance is deemed satisfactory given the high percentage of studio/single bed units which have proportionately smaller balconies with an average size of approximately 12m <sup>2</sup> and width of 1.8m.  The air conditioning condenser units will be located within the balconies. However, they will be adequately screened (architecturally treated enclosures) for aesthetic and acoustic reasons.	No.  (Variation acceptable).
<b>Ceiling Heights</b> In mixed use buildings: <ul style="list-style-type: none"> <li>in general, 2.7m minimum for all habitable rooms on all floors,</li> </ul>	Every apartment has a floor to ceiling height of 2.7m to ensure improved amenity.	Yes
<b>Internal Circulation</b>		



Primary Development Control and Guideline	Comment	Comply
<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight (8).</p> <p>Exceptions may be allowed:</p> <ul style="list-style-type: none"> <li>• for adaptive re-use buildings.</li> <li>• where developments can demonstrate the achievement of the desired streetscape character and entry response</li> <li>• where developments can demonstrate a high level of amenity for common lobbies, corridors and units.</li> </ul>	<p><u>Building C:</u> Does not comply as a single corridor provides access 12 to 16 units on a typical floor. However, 2 separate lifts have been provided each servicing 8 units.</p> <p><u>Building D:</u> Does not comply as single corridor runs along the 'L' shaped building with total loading of 18 units on each typical floor. However, 2 separate lifts have been provided each servicing 8 or 9 units.</p> <p><u>Building E:</u> Does not comply as a single corridor provides access to 14 – 15 units. However, 2 separate lifts have been provided each servicing 7 - 8 units on each floor.</p> <p>The development does not comply with the requirement, however, has demonstrated a high level of amenity through provision of larger common lobby areas &amp; balconies.</p>  <p>Other reasons to support this design are as follows:</p> <ul style="list-style-type: none"> <li>• access corridor is linear with windows on both ends of Tower E and one end of towers D &amp; E to ensure safety.</li> <li>• The layout had already been approved under Stage 1.</li> <li>• The design will ensure functionality</li> </ul>	<p>No.</p> <p>(Variation acceptable).</p>



Primary Development Control and Guideline	Comment	Comply																				
	<p>and ease of access should one of the lifts fail. The development ensures that every tower has 2 separate lifts.</p> <ul style="list-style-type: none"><li>The design ensures maximum views for the future residents.</li></ul> <p>The variation is considered acceptable in relation to the above.</p>																					
<p><b>Storage</b></p> <p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"><li>studio apartments - 6.0m<sup>3</sup></li><li>one-bedroom apartments - 6.0m<sup>3</sup></li><li>two-bedroom apartments - 8.0m<sup>3</sup></li><li>three plus bedroom apartments - 10m<sup>3</sup></li></ul> <p>50% of the above areas may allocated within each respective apartment while the remaining 50% is to be located within the car parking area.</p>	<p>Storage space has been provided for all internally as well as externally on levels 3 &amp; 4.</p> <p>The controls require at least 50% of the storage space to be within the apartment, however, a number of apartments do not strictly comply with this numerical requirement and are deficient by up to 1.69m<sup>2</sup> internal storage space per unit.</p> <p>To compensate for this additional storage space have been provided on the car parking levels at a rate of approximately 3.9m<sup>2</sup> per apartment. These spaces will be allocated to specific tenants and placed on title.</p> <p>A previous Section 96 Application has sought an increase in storage areas after deletion of gym and other facility, resulting in total external storage area for buildings C, D &amp; E of 1200m<sup>2</sup>.</p> <p>The above arrangement is considered satisfactory.</p>	<p>No</p> <p>(Variation is supported)</p>																				
<p><b>Daylight Access</b></p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</p>	<p>Given the context &amp; location of the development, a minimum of 2 hours sunlight is considered acceptable. The daylight access has been assessed as follows:</p> <table><tr><th></th><th>Tower C</th><th>Tower D</th><th>Tower E</th><th>Overall</th></tr><tr><td>Stage 1 DA Concept Approval</td><td>Proposed 120 units</td><td>Proposed 81 units</td><td>Proposed 61 units</td><td></td></tr><tr><td>• 3 hour daylight access</td><td>32% 38 units</td><td>28% 23 units</td><td>13% 8 units</td><td>26% 69 units</td></tr><tr><td>• 2 hrs daylight access</td><td>49% 59 units</td><td>41% 33 units</td><td>20% 12 units</td><td>40% 104/262</td></tr></table>		Tower C	Tower D	Tower E	Overall	Stage 1 DA Concept Approval	Proposed 120 units	Proposed 81 units	Proposed 61 units		• 3 hour daylight access	32% 38 units	28% 23 units	13% 8 units	26% 69 units	• 2 hrs daylight access	49% 59 units	41% 33 units	20% 12 units	40% 104/262	<p>No.</p> <p>(Variation acceptable).</p>
	Tower C	Tower D	Tower E	Overall																		
Stage 1 DA Concept Approval	Proposed 120 units	Proposed 81 units	Proposed 61 units																			
• 3 hour daylight access	32% 38 units	28% 23 units	13% 8 units	26% 69 units																		
• 2 hrs daylight access	49% 59 units	41% 33 units	20% 12 units	40% 104/262																		



Primary Development Control and Guideline	Comment	Comply																														
	<table><tr><td>DA as submitted</td><td>Proposed 139 units</td><td>Proposed 99 units</td><td>Proposed 81 units</td><td></td></tr><tr><td>• 3 hours daylight</td><td>49% 68 units</td><td>18% 18 units</td><td>14% 11 units</td><td>30% 97 units</td></tr><tr><td>• 2 hours daylight</td><td>60% 84 units</td><td>31% 33 units</td><td>26% 21 units</td><td>43% 136/319</td></tr><tr><td>DA with skylights as recommended by Council</td><td>Proposed 139 units</td><td>Proposed 99 units</td><td>Proposed 81 units</td><td></td></tr><tr><td>• 3 hours daylight</td><td>58% 80 units</td><td>34% 34 units</td><td>26% 21 units</td><td>42% 135 units</td></tr><tr><td>• 2 hours daylight</td><td>65% 90 units</td><td>40% 40 units</td><td>36% 29 units</td><td>50% 159/319</td></tr></table>	DA as submitted	Proposed 139 units	Proposed 99 units	Proposed 81 units		• 3 hours daylight	49% 68 units	18% 18 units	14% 11 units	30% 97 units	• 2 hours daylight	60% 84 units	31% 33 units	26% 21 units	43% 136/319	DA with skylights as recommended by Council	Proposed 139 units	Proposed 99 units	Proposed 81 units		• 3 hours daylight	58% 80 units	34% 34 units	26% 21 units	42% 135 units	• 2 hours daylight	65% 90 units	40% 40 units	36% 29 units	50% 159/319	
	DA as submitted	Proposed 139 units	Proposed 99 units	Proposed 81 units																												
	• 3 hours daylight	49% 68 units	18% 18 units	14% 11 units	30% 97 units																											
	• 2 hours daylight	60% 84 units	31% 33 units	26% 21 units	43% 136/319																											
	DA with skylights as recommended by Council	Proposed 139 units	Proposed 99 units	Proposed 81 units																												
	• 3 hours daylight	58% 80 units	34% 34 units	26% 21 units	42% 135 units																											
	• 2 hours daylight	65% 90 units	40% 40 units	36% 29 units	50% 159/319																											
<p>The above table shows a comparison of the level of solar access achieved for Stage 1 approval (concept approval for the proposed towers including layout, location and general configuration) compared with the proposed detailed application. Council requested the applicant to further incorporate measures to improve solar access, which is reflected in the table showing significant improvement in solar access through the use of skylight on the top floor of the buildings.</p>																																
<p>If the skylights are incorporated then 50% of the units within the 3 residential towers will achieve daylight access compared to 43% of the units initially proposed and 40% as approved under the original stage 1 concept.</p>																																
<p>Given that the layout and the concept had already been approved under Stage 1, it would be difficult to achieve the 70% compliance with this requirement. As this level of solar access represents an improvement from the concept approval, the variation is supported with the provision of skylights on the roof.</p>																																
Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.																																
Proposals which seek to vary from the minimum																																
	<p><u>Building C</u>: 39% of apartments have southerly aspect.</p> <p><u>Building D</u>: 42% of apartments have southerly aspect.</p> <p><u>Building E</u>: 44% of apartments have southerly aspect.</p> <p>The footprint/ layout of the towers were</p>	<p>No</p> <p>(Variation is supported)</p>																														



<b>Primary Development Control and Guideline</b>	<b>Comment</b>	<b>Comply</b>
standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	<p>already approved under stage 1 approval. Thus the orientation of the buildings and the number of units with southerly aspect cannot be reduced to a maximum of 10%. The residential towers located on top of the shopping centre with maximised views to the Sydney CBD and the surrounding areas.</p> <p>Despite the above, overall solar amenity to individual units has improved significantly compared to the scheme approved under stage 1 and has been further enhanced by use of skylights on top floor levels. Further, the proposal complies with BASIX in terms of water &amp; energy efficiency. Additional mechanical ventilation, air-conditioning and water recycling have been incorporated within the design.</p> <p>In light of the above, the proposal is acceptable.</p>	
<p><b>Natural Ventilation</b> Building depths, which support natural ventilation, typically range from 10 to 18m.</p> <p>Sixty percent (60%) of residential units should be naturally cross ventilated</p>	<p>Since the proposed buildings exceed the building depth, intensive ventilation modelling has been conducted by the applicant to ensure satisfactory compliance with this requirement.</p> <p>The application indicates that 59% of the units (189 of 319) satisfy the dual air quality and thermal comfort criteria based on SEPP65 and AS 1668.2:2002. However, Windtech recommends that some design changes to units 616, 716, 816 and 916 of Building C &amp; units 609 and 709 be conducted by changing the fixed glazing. This will then ensure full compliance with this requirement. These changes have been included as a condition of consent. (See condition 30 in Attachments 1 &amp; 3 and Condition 31 in Attachment 2).</p>	Yes

### 8.3 State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council



must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediate to a standard such that it will be made suitable for the proposed use.

As part of the Stage 1 development, an Environmental Site Investigation Report was provided. The assessment, based on its investigation, considered the site suitable for its proposed use as a mixed residential and commercial development, subject to conditions (which was included in the original consent for the proposed development of the Top Ryde Shopping Centre).

The proposed 3 residential buildings do not involve any further excavation and no further site investigation is required in relation to site contamination.

#### **8.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The development is defined as 'BASIX Affected Development' under the *Environmental Planning and Assessment Regulation 2000*.

The applicant has provided Assessor Certificates and BASIX Certificates:

- BASIX No. 366501M dated 18 March 2011, Assessor Certificate No. 96181747 for Building D
- BASIX No. 366509M dated 18 March 2011, Assessor Certificate 87315449 for Building C
- BASIX No. 360038M dated 21 February 2011, Assessor Certificate 35438952 for Building E

The certificates indicate that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency.

A condition has been imposed in accordance with the *Environmental Planning & Assessment Regulation, 2000* requiring compliance with the *Schedule of BASIX Commitments* made in the Certificates (See Condition No. 4 in the Attachments 1, 2 & 3).

#### **8.5 State Environmental Planning Policy (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

- (a) *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) *providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) *allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) *identifying the environmental assessment category into which different types of infrastructure and services development fall (including*



- identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
  - (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Clause 101 – Development with frontage to a classified road

The site has a frontage to Devlin Street which is defined as a classified road. Clause 101 of this SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied of the following:

- 1. Where practicable, vehicular access is to be provided by a road other than the classified road.*

Vehicular access has already been approved as part of LDA2006/672. The development does not propose any new access points.

- 2. The safety, efficiency and ongoing operation of the classified road is not to be adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development or the nature, volume or frequency of vehicles using the classified road to gain access to the land.*

The original development consent included an Integrated Traffic Solution that incorporated all components of the development. The development is consistent with the Integrated Traffic Solution and will not adversely impact on the classified road.

- 3. The consent authority must be satisfied that the development is of a type that is not sensitive to traffic noise or vehicle emissions, it is appropriately located and designed, or includes measures to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The use of the site for residential is a type of development that would be considered to be sensitive to traffic noise or vehicle emissions. The applicant has prepared a report in respect of the traffic noise from the surrounding roads. This report identified that that the top two floors of Building C would be adversely affected by traffic noise. The report recommends that these apartments be designed as per the requirements of AS3671-1989 "Traffic Noise Intrusion – Building Siting and Construction". A condition will be imposed on the consent to ensure the recommendations of this report are incorporated (see condition number 13 in the Attachments).

Clause 102 – Impact of road noise or vibration on non-road development

Clause 102 of the SEPP specifies various noise levels which are not to be exceeded for a residential development adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles. These noise levels



have been considered in the applicant's acoustic report. As discussed above, subject to compliance with the recommendations of the report, the development will achieve acceptable noise levels.

#### Clause 104 – Traffic Generating Development

The proposed developments were identified within Schedule 3 of this SEPP and in accordance with Clause 104 were referred to the Roads and Traffic Authority for comment. On 14 July 2011, the RTA advised as follows:

*“The RTA has reviewed the submitted documentation and raises no objection to the additional dwellings as Council is satisfied with the parking calculation and allocation.”*

#### **Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

#### **8.8. Local Environmental Plan 2010 (LEP 2010)**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Planning Scheme Ordinance.

#### **Zoning and Objectives**

The site is zoned B4 – Mixed Use under Ryde LEP 2010. The use would be defined as a residential flat building. This use is permissible in the zoning with the consent of the consent authority.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use zone are as follows:

- 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.
- To recognise topography, landscape setting and unique location in design and land-use.

The Top Ryde Shopping Centre is a mixed use development which has incorporated a range of compatible land uses such as retail, commercial, recreational and residential uses within the site. The development has assisted in revitalising and reactivating the town centre as well as being able to take advantage of the public transport opportunities in the locality. The development is considered to be consistent with the above zone objectives.

### **Mandatory Requirements**

#### **Clause 4.3: Height of Buildings**

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The development will not result in any changes to the heights of the building approved under the concept plan.

#### **Clause 4.4(2)– Floor Space ratio**

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The site has no FSR control.

#### **Clause 6.7 Planning Controls for Ryde Town Centre**

Development consent is not to be granted for development on land in a precinct shown on the Ryde Town Centre Precincts Map unless the consent authority is satisfied the development complies with the planning controls for the precinct set out in Schedule 6.

The site is located in Precinct 2. The requirements stipulated within Schedule 6 is that the total net useable floor area in Precinct 2 must not exceed 150,000m<sup>2</sup> and must have the following land use mix:

- a) A minimum 5% being residential development;
- b) A maximum 45% being development for the purpose of shops;
- c) The remainder, if any, being uses permitted on land in Precinct 2.

The total development on the site proposes a NUFA of 109,713m<sup>2</sup> which does not exceed the maximum NUFA of 150,000m<sup>2</sup>. The above clause requires that a minimum of 22,500m<sup>2</sup> of NUFA is to be provided for residential development and a maximum of 67,500m<sup>2</sup> being provided for shops. The development proposes a maximum NUFA of 41,208m<sup>2</sup> for the residential component which exceeds the above minimum requirement and 56,769.15m<sup>2</sup> of NUFA for shops which does not exceed the above requirement. The



remainder of uses within the development are permitted within the B4 Mixed Use zoning. The development satisfies the above requirements.

#### Clause 5.10(2) Heritage Provisions

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned.

The site is identified as a local heritage item as well as the site being in the vicinity of a number of heritage items. In regard to the potential heritage impact arising from the proposed development on the setting of other heritage items, consideration needs to be given to Ryde Public School, Ryde Park, Hattons Cottage at 158 Blaxland Road and the Masonic Temple at 142 Blaxland Road.

The applications were reviewed by Council's Heritage Officer. The following comments were received:

*It is noted that the Top Ryde Shopping Centre (item No. 15) has been demolished and will soon be removed from the LEP listing and that the Obelisk (item No. 49) has been relocated away from Blaxland Road, therefore neither of these two items would be impacted by the proposed works on the site.*

*Ryde Public School is located across the road from the subject site, due to the nature of the proposal and the history of this development; it is considered that the proposed residential towers will not adversely impact on the heritage item and significance of Ryde Public School. The newly constructed Top Ryde Shopping Centre is located beneath the proposed towers which has since changed the surrounding streetscape.*

*The development application is assessed as having little or no impact on the heritage significance of the previously named Great North Road (item No.54). There are no special heritage recommendations with this development application.*

### **8.7 City of Ryde DCP 2010**

The following sections of DCP 2010 are relevant to the proposed development:

#### **Part 4.5 of DCP 2010 – Ryde Town Centre**

The aim of this part of the DCP is to facilitate the revitalisation of Ryde Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities. Many of the controls in the DCP relate to the already approved ground level and shopping centre component of the development and were addressed in the assessment of LDA2006/672. The following table provides an assessment of the relevant parts and sections of the DCP only.



Control	Comments
<b>Section 3 – Public Domain</b>	
<b>Pedestrian Access and Through-site</b> 1. Provide pedestrian through-site routes and public domain areas in accordance with the Public Domain Control Drawing.	The drawing does identify pedestrian through-site routes. This however was satisfactorily addressed in the redevelopment of the Top Ryde Shopping Centre under LDA2006/672.
<b>Environmental Management and the Public Domain</b> 1. Provide solar access to no less than 80% of the ground plane for at least 2 hours between 10am and 2pm on June 21 to school playgrounds, landscaped grounds of heritage items, Ryde Park including bowling greens, required public plaza and squares. 2. Building design should ensure that summer breezes are not blocked to private open spaces, such as courtyards and balconies, as well as to the public domain.	<p>Solar access to the ground plane and surrounding public domain areas was addressed under LDA2006/672. This development will result in a similar extent of overshadowing as what occurred in the approved development.</p> <p>The development was accompanied with a Pedestrian Wind Environment Study. This report was generally supportive of the development however did include recommendations for certain treatments such as screening, landscaping and the use of impermeable balustrades on certain balconies. These measures should ensure that adverse wind impacts are minimised. In addition the proposal will comply with recommendations in the Wind Report (see condition 29 – Attachment 1, Condition 30 Attachment 2 &amp; Condition 29 Attachment 3)</p>
<b>Architecture and Urban Form</b>	
<b>Building Height</b> 1. Buildings must comply with the maximum heights described in Ryde LEP 2010. 2. Height Planes A, B, C and D apply where indicated on the Building Height Control Drawing in this plan. 3. Floor to ceiling height must be a minimum of 2.7m for residential uses.	<p>The development complies with the height requirements in LEP 2010. The height planes require an architectural design zone or setback to be provided to the upper levels of the building. These development applications comply with this requirement. The development incorporates a floor to ceiling height of 2.7 metres.</p> <p>The development complies with the requirements of this clause.</p>
<b>Building Depth</b> 1. Achieve natural ventilation in residential buildings by having	The development will achieve the natural ventilation requirements as specified in the RFDC.



<p>window openings in opposite directions and walls where possible.</p> <p>2. The maximum overall depth of residential buildings is 18m unless design excellence can be demonstrated and natural ventilation is achieved.</p>	<p>The depth of buildings will be as follows:  Building C – 20.5m to 24.5m  Building D – 21m to 26m  Building E – 22m to 28m.  All of these buildings will exceed the 18m requirement. It should be noted that all of the buildings approved as part of the concept plan also exceeded this dimension. Given that the building achieves adequate ventilation and daylight, no objection is raised to this variation.</p>
<p><b>Architectural and Design Quality</b></p> <p>1. Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.</p> <p>2. Balconies may not be continuous along the whole length of building facades.</p> <p>3. Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.</p> <p>4. Development should protect the existing level of amenity of adjacent development as well as for all users of the site.</p>	<p>The development includes a podium level landscaped area for use by all residents of the development. The landscaped area is highly visible due to the close proximity of the surrounding residential towers and has been designed to encourage safe pedestrian movement throughout the area.</p> <p>The development does not provide balconies for the entire length of the façade.</p> <p>The development has incorporated measures to provide shading particularly along the western and northern façade. These measures include the use of louvre screen and overhangs.</p> <p>Amenity of the adjoining developments will not be adversely affected.</p>
<p><b>Sustainable Development</b></p>	
<p><b>Environmental Management</b></p> <p>1. New development is required to submit an Energy Efficiency Performance Report to indicate overall environmental performance and management in relation to solar access, energy efficiency, hot water usage and water recycling.</p>	<p>The applicant has provided a BASIX Certificate in respect of each building which demonstrates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency. A condition of consent will be imposed on each application requiring compliance with the Schedule of BASIX Commitments made in the Certificate. (See</p>



	condition number 4).
<b>Water Management</b> 1. New development is to submit a Integrated Water Cycle Management Plan for proposals more than 15 dwellings.	Water Cycle Management was considered in the assessment of the original DA. The development will incorporate rainwater re-use for on-site irrigation.
<b>Waste Management</b> 1. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.	<p>A Waste Management Plan has been provided with the development that meets Council's requirements. A waste room is to be provided on each level of the buildings which will house two recycling bins and a chute for the general waste. Each chute will feed directly into a dedicated garbage room on level 3 of the building. Cleaners will transport the recycling to the garbage room. Wastes will be removed from the garbage rooms three times a week.</p> <p>These arrangements are considered to be satisfactory by Council's Environmental Health Officer.</p>
<b>Alternatives to Private Vehicle Transport</b> 1. Provide secure bicycle storage in all residential developments.	The residential development does not provide a separate area for the storage of bikes. Each apartment however does provide storage requirements in line with the requirements in the RFDC. This storage space would be able to accommodate a bicycle.
<b>Residential Amenity</b>	
<b>Residential Private Open Space</b> 1. Provide at least one balcony, terrace or deck for each dwelling where direct access to ground level private open space is not available. 2. Primary above ground open space is to be accessible from a family room, lounge, dining room or kitchen, and be north, east or west facing, in the form of balconies. 3. The depth of the primary above ground open space is to be in the range of 2 to 4m.	Each apartment has access to either a balcony or an external area. These spaces are all accessed from the living area of the unit. In each of the buildings however approximately 33% of the units do not comply with the minimum depth of 2 metres. The depth of these balconies generally ranges from 1.6m to 1.8m. These balconies are generally located on the smaller sized apartments. Combining the size of the balcony with the communal open space located on the podium, would however ensure that the development provides adequate open space for future occupants.
<b>Solar Access and Sun Shading</b>	50% of the apartments will receive 2



<ol style="list-style-type: none"> <li>1. Maximise the number of dwellings orientated toward north.</li> <li>2. Optimise solar access to principal living rooms and private open spaces of all dwellings.</li> <li>3. Provide appropriate sun protection to glazing depending on orientation.</li> </ol>	<p>hours of daylight access. This represents an improvement from what was approved as part of the concept approval. Solar access to the apartments is limited due to the desire to maximum units with views of Sydney Harbour and the CBD. In these circumstances the extent of solar access to the development is considered adequate.</p>
<p><b>Visual Privacy</b></p> <ol style="list-style-type: none"> <li>1. Direct overlooking of rooms and private outdoor space of on-site or neighbouring housing is to be minimised through building layout and location and design of windows and balconies.</li> </ol>	<p>The development is considered to provide adequate separation to ensure visual privacy. Where the requirements of the RFDC have not been met, the development has incorporated louvre screening or has provided no window openings in that part of the area which does not meet the standards.</p>
<p><b>Acoustic Privacy</b></p> <ol style="list-style-type: none"> <li>1. Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the BCA.</li> <li>2. New development is to meet or exceed the recommendations of Australian Standard 3671-1987: Acoustic – Recommended Design Sound Levels and Reverberation Times for Building Interiors.</li> </ol>	<p>Appropriate conditions of consent have been imposed to ensure that the development will meet the requirements of the BCA as well as requiring the development to comply with AS2107-2000: Acoustic – Recommended Design Sound Levels and Reverberation Times for Building Interiors. (See condition number 13 – Attachment 1, 2 &amp; 3).</p>
<p><b>Buildings facing Devlin Street, Lane Cove Road, Blaxland Road and Victoria Road</b></p> <ol style="list-style-type: none"> <li>1. Development is to comply with AS3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction.</li> </ol>	<p>A condition of consent will be imposed to require the development comply with AS3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction. (See condition number 28 –Attachment 1&amp;3 and Condition 29–Attachment 2).</p>
<p><b>Housing Choice</b></p> <ol style="list-style-type: none"> <li>1. Development is to provide a diverse mix of dwelling sizes generally within the following ranges: 3 bedroom – 5-35% 2 bedroom – 40-80% 1 bedroom / studio – 5-35%</li> </ol>	<p>The development incorporates a range of apartments. The following mix will be provided: 112 x 1 bedroom (35%) 177 x 2 bedroom (55%) 30 x 3 bedroom (10%).</p> <p>The development complies with the permitted ranges of dwelling sizes.</p>



<b>Precinct 2 – Town Centre Controls</b>	
<b>Land Use</b> 1. A mix of land uses may be permitted or required including residential development not less than 15% of the permissible nett useable floor area of the precinct. 2. Residential development should incorporate the principles the Coastal Apartment Building type outlined in the Residential Flat Design Pattern book.	<p>The development has provided approximately 37.5% of the NUFA as residential use. This complies with the clause.</p> <p>The architectural theme of each residential flat building is consistent with the style of the Coastal Apartment Building as defined in the Residential Flat Design Pattern Book. The design incorporates articulated facades which includes extensive balconies and terraces which will enhance both the internal and external amenity and outlook.</p>

### **Part 7.1 Energy Smart, Water Wise**

The DA has been reviewed in relation to the relevant standards and policies in Part 7.1 Energy Smart, Water Wise of the Ryde DCP 2006. This DCP provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied potable water, or reduce emissions of greenhouse gases or improve the thermal performance of a building have no effect. For this reason, there is no additional requirements that impact on the development.

### **Part 7.2 Waste Minimisation and Management**

As the development involves the construction of buildings, the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Environment Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed off satisfactorily.

This DCP also requires that development provide an appropriate space for the storage of wastes. The development proposes to provide a waste room on each level of the residential development which will house two recycling bins and a chute for the general waste. Each general waste chute feeds directly into 1,100 litre bins located under each chute in a dedicated garbage room located on level 3. Garbage waste is then compacted. These bins will be monitored and transferred to the waste and recycling storage area where the waste will be collected three times a week. The recycling waste will be



relocated to the main waste storage area on level 3 by the collectors for collection. No objection is raised to the storage of wastes.

## **Part 9.2 Access for People with Disabilities**

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299.

Council's Access Consultant has reviewed the development application and has confirmed that the development will provide a continuous accessible path of travel.

While an adequate number of adaptable units have been provided concerns have been raised about the adequacy of spaces within the adaptable units with some rooms being too small to meet the requirements for adaptable units. Council's Access Consultant has recommended that a condition of consent be imposed requiring compliance with all of the spatial requirements for adaptable units as outlined in DCP 2010 Part 9.2 (and AS4299) to address this concern. (See condition number 33 – Attachment 1, Condition 38 in Attachment 2 and Condition 34 in Attachment 3).

A condition of consent will also be imposed to ensure that an accessible toilet in conjunction with the toilet proposed as part of the sauna pavilion in the communal area is provided. (See condition number 32 – Attachment 2).

A final concern was raised in respect of the landscaping plan that accompanied towers C and E. There appears to be steps located in the pathway that will access several of the features. A condition on the consent will be imposed to ensure that the pathways within the landscaped area will provide an accessible path of travel to all facilities within the landscaped area in accordance with the above conditions. (See Condition number 49 in Attachment 1, Condition 54 in Attachment 2 and Condition 50 in Attachment 3).

## **Part 9.3 Car Parking**

The amount of car parking for the residential component of the Top Ryde Shopping Centre was approved as part of LDA2006/0672. As part of this LDA, visitor parking for the residential component was to be located within the retail parking area and a specific provision of visitor car parking for each residential building was not required. 576 car parking spaces were approved as part of LDA2006/0672 for the residential towers.

The stage 2 development consent for buildings B and F (LDA2008/0585) included the design and embellishment of the residential allocated car parking (576 spaces) and part of the commercial allocated car parking (41 spaces) on levels 3 and 4. Two additional bays were required resulting in a total of 619 spaces. This consent allocated a maximum of 233 designated residential car



parking spaces for building B and F with the remaining 345 spaces allocated to future buildings C, D and E.

In accordance with the car parking requirements the development is required to provide car parking at the following rates:

- 1 bed units – 1 space per dwelling.
- 2 bed units – 1.2 spaces per dwelling.
- 3 bed units – 1.6 spaces per dwelling.

This results in the 3 buildings being required to provide a total of 373 car parking spaces.

A Section 96 application in respect to the car parking as part of LDA2008/0585 was approved by Council on 24 June 2011. As part of this application the number of parking spaces within levels 3 and 4 was increased by 12 spaces resulting in a total of 631 car parking spaces of which 588 were allocated for the residential component. This Section 96 application also adjusted the car parking numbers required for buildings B and F. All of the units within buildings B and F have been sold with at least one or more parking spaces. This has resulted in a surplus of 24 unallocated spaces for buildings B and F which will be reallocated to buildings C, D and E. As a result of this Section 96 application, a total of 381 car parking spaces are available for Buildings C, D and E. This exceeds Council's requirement by 8 car parking spaces. As this represents a numerically small variation, no objection is raised to this number of car parking spaces.

## **8.10 Draft Local Environmental Plan**

There are no draft planning instruments to be considered for this development application.

## **9.0 Section 94 Development Contributions Plan 2007 (2010 Amendment)**

A Voluntary Planning Agreement (VPA) between Ryde City Council and Bevillesta Pty Ltd was signed on 14 May 2007. The VPA commits the developer to contributions which included the design, construction and commissioning of the City of Ryde Centre, the public domain works and Plaza works at the cost of the developer.

Schedule 2 - *Public Benefits Offer verses Section 94 Contributions*, in the VPA identified the residential component of the Top Ryde City development as including a total yield of 450 apartments at a project value of \$3,862,350.00.

The proposed development applications will result in the total number of residential apartments in the entire development being 502, 52 apartments more than what was considered in the original VPA. Clause 15 of the VPA (as amended in 2008) specifies that if the development exceeds 450



apartments, Section 94 will apply. The VPA also provides the criteria for determining the time of payment for any Section 94 Contribution. Any contribution is to be calculated and payable in accordance with the terms of the VPA, i.e. for the shopping centre component at completion of stage 1 (shopping centre) and the commercial and residential components at completion of stage 2 (commercial & residential). In other words, Section 94 contribution can only be sought after completion of Stage 2 of the development if as a result of the various S96 and DA approvals; the number of apartments in the residential component of the development exceeds 450 apartments. As this matter is subject to the VPA it cannot be included as a condition of consent.

## **10 LIKELY IMPACTS OF THE DEVELOPMENT**

### **(a) Built Environment**

The site is located within a designated Town Centre which is subject to specific development standards and controls which determine the built form and scale of the development. The proposed residential flat buildings are commensurate to those standards and controls and, as such, represent a pre-defined core to the Town Centre.

In this regard, the development should not be subject to comparison with development in surrounding areas outside of the Town Centre, which consists of low-to-medium residential and commercial uses.

It is not proposed to include any conditions of consent in respect of the upgrading of the public domain as this matter has already been addressed in LDA2006/0672.

### **(b) Natural Environment**

The proposed development will have no significant impacts on the natural environment.

## **10 REFFERRALS**

**Development Engineer, 18 May 2011:** No objection has been raised to the development subject to one condition being included on the consent. This condition is as follows:

- All stormwater runoff generated from the proposals being collected and piped to the existing underground drainage system in accordance with AS3500 and Development Control Plan 2010 Part 8.2. (See condition number 50 of Attachment 1, Condition 55 of Attachment 2 and Condition 51 of Attachment 3).

**Environmental Health Officer, 26 June 2011:** No objection has been raised to the development subject to appropriate conditions of consent.



**Building Surveyor, 2 May 2011:** No objection has been raised to the development subject to appropriate conditions of consent.

**Waste Management Officer, 8 April 2011:** The following comments were received:

*The waste from these three towers will be taken across to the waste holding room originally approved in Stage 1 of the residential development.*

*On looking at the plans, it should be noted that the bin chute room on each floor of each of the towers should be large enough to also store a recycling receptacle for residents to place their recycling as per the new DCP which is currently under review. The recycling would then be taken down to the holding bay for collection by the caretaker of the building on a regular basis.*

Note: The proposal complies with Council's requirements as detailed in the body of this report.

**Heritage Officer, 21 July 2011:** No objection has been raised to the proposed development. The following comments were received:

*It is noted that the Top Ryde Shopping Centre (item No. 15) has been demolished and will soon be removed from the LEP listing and that the Obelisk (item No. 49) has been relocated away from Blaxland Road, therefore neither of these two items would be impacted by the proposed works on the site.*

*Ryde Public School is located across the road from the subject site, due to the nature of the proposal and the history of this development; it is considered that the proposed residential towers will not adversely impact on the heritage item and significance of Ryde Public School. The newly constructed Top Ryde Shopping Centre is located beneath the proposed towers which has since changed the surrounding streetscape.*

*The development application is assessed as having little or no impact on the heritage significance of the previously named Great North Road (item No.54).*

*There are no special heritage recommendations with this development application.*

**Roads and Traffic Authority, 14 July 2011:** No objection was raised to the proposed developments.

**NSW Police, 11 May 2011:** NSW Police have raised no objections to the development however they have raised a lot of comments and recommendations. These matters are discussed below:

NSW Police Comment	Comment
<b>Surveillance</b>	
Entry points should be designed to maximise surveillance opportunities to and from these areas from both inside as	There are two ground floor entry points located along the retail strada and a third entry point adjacent to the plaza on Pope



well as outside. The placement and orientation of common entry areas such as foyers, lobbies and lifts should maximize opportunities for natural supervision by caretakers, tenants and other guardians.	Street. These entry points are considered to satisfy the Police requirement.
Security mirrors should be installed within corridors and on blind corners to enable users to see around blind corners, particularly around the driveway ramp leading from level 3 to 4 of the residential car park.	This will be imposed as a condition as a condition on the consent. (See condition number 52, 57 & 53 in Attachments 1, 2 & 3 respectively)
A responsive and skilled security team should be engaged to manage, monitor and patrol the security of the development. Due to the size of the residential development police recommend the employment of an in-house security team. This would ensure formal surveillance of the residential development.	It is proposed to include a number of security control measures including in-house security team. This will be a matter that will be required to be determined by the Body Corporate.
The main visitor parking for residential towers, which is to be located within the retail parking precinct requires the installation of CCTV.	The retail car park already has the CCTV installed.
<p>The development's proposed CCTV cameras should be positioned at key vantage spots, such as foyers and sensitive car park access points. It is recommended that CCTV cameras should be installed to monitor;</p> <ul style="list-style-type: none"> <li>▪ all residential lobbies on all levels ,</li> <li>▪ all lift and shuttle lift lobbies;</li> <li>▪ outside the entrance to all buildings on Level 5 Podium;</li> <li>▪ throughout the level 5 podium;</li> <li>▪ outside the Pope Street residential entrance to monitor the doors and footpath;</li> <li>▪ the loading bays;</li> <li>▪ all car park entry/exit points (including Level 3 roller shutter door);</li> <li>▪ throughout (strategically placed) the levels in the retail parking allocated for residential visitor's;</li> </ul> <p>throughout (strategically placed) the residential car park levels 3 and 4.</p>	<p>The applicant has advised that CCTV will be provided in the following locations:</p> <ul style="list-style-type: none"> <li>• the residents car park;</li> <li>• all transfer lobbies on ground;</li> <li>• all transfer lobbies on level 5;</li> <li>• all building lobbies on level 5;</li> <li>• loading bays; and</li> <li>• the level 3 car par entry/exit point.</li> </ul> <p>The applicant does not propose to provide the CCTV on all residential lobbies other than level 5 or throughout the podium landscaped area. Before reaching the podium level, residents are required to pass through two points of secure access. The first point is at the ground floor transfer lobby and the second is on the level 5 building lobby. Given the existence of the security access, CCTV on the podium and each residential lobby would be unnecessary. It is however proposed to include a condition on the consent to require the CCTV in accordance with the locations provided by the applicant. (See condition number 51, 56, &amp; 52 in Attachments 1, 2 &amp; 3 respectively)</p>
Cameras should be installed in and around the property to maximise	The applicant has advised that the CCTV system has automated digital recording



surveillance opportunities. Digital technology should be used to record images from the cameras. Recording equipment should be installed in a secure area to avoid tampering.	technology, longer video storage capacity, video motion detection and advanced camera technology allowing greater video resolution and coverage. This will satisfy the Police requirement.
Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. It should be maintained in working order and regularly tested. Staff should be trained in the correct use of the system.	This will be imposed as part of conditions of consent. (See condition number 51, 56, & 52 in Attachments 1, 2 & 3 respectively)
Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.	This will be imposed as condition of consent (as above).
Ensure that the requirements of the Surveillance and Privacy Act are adhered to.	This is not a matter for the development application.
<b>Landscaping</b>	
This development needs a 'landscape maintenance plan'. Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.	The maintenance of the landscaping will be a matter for the Body Corporate.
There should be 3 - 5 metres of cleared space on either side of pathways and bicycle routes. Thereafter, vegetation should be stepped back in height to maximise sightlines. Lower tree limbs should be above average head height, and shrubs should not provide easy concealment. Police recommended that mature scrubs along pathways should be no more than one metre high.	This requirement will not be met. This would adversely impact on the landscaping theme for the podium. Given that access to the podium is secured, this requirement is not considered necessary.
The Landscape Building Plans for Building C (LAO2); Building D (LAO2), & Building E (LAOI) depict extensive planting along the eastern along the eastern and northern sides of the buildings. A number of the plants on the schedule grow to between 5 to 20 metres in height. These plants could inhibit passive surveillance from and into Level 5, ground floor units 501 - 509, and could provide concealment opportunities for persons to enter the external areas of these units. The trees could also act as a natural ladder to help gain access to the balconies or terraces attached to and assist in gaining access to these units.	The tree plantings that the Police have raised concerns with have the benefit of providing some privacy for residents using the pool as well as the ground floor units. Given that there is security measures in place to limit access to this podium and the benefits that the tree will provide, this Police requirement will not be incorporated as a condition of consent.
<b>Lighting</b>	



Lighting which has been designed to the Australian Standard should be installed in and around the proposed development.	This will be incorporated as part of recommended condition of consent (refer to Conditions 72, 80 & 76 of Attachments 1, 2 & 3).
A lighting maintenance policy should be established for the development.	This will be a required as a condition of consent. (See condition number 69, 77 & 70 of Attachments 1, 2 & 3 respectively).
The walls and ceilings of the car park areas should be painted a light colour.	This is not part of this DA.
Lighting should be provided to all common areas including the car parking levels, the stairs, access to external courtyards and balconies and Level 5 Podium landscaped areas. Police recommend that the lighting should be automatically controlled by time clocks and sensors to provide an energy efficient and controlled environment for residents.	This will be incorporated as part of recommended condition of consent (refer to Conditions 72, 80 & 76 of Attachments 1, 2 & 3).
<b>Territorial Reinforcement</b>	
Entry design should be clear, legible and inviting.	Noted. The development satisfies this requirement.
Signage needs to be provided at entry/exit points and throughout the development to assist users and warn intruders they will be prosecuted. Warning: these premises are under constant surveillance Warning: trespassers will be prosecuted	This will be imposed as a condition on the consent. (See condition number 67, 75 & 68 of Attachments 1, 2 & 3 respectively).
Signage needs to identify the private and semi-public area within the complex and any applicable restrictions.	One of the recommendations of the Security Design Report is to prepare a signage plan that identifies these areas. A condition of consent will be imposed to require compliance with the recommendations in this report. This will satisfy this issue raised by NSW Police.
Signage needs to be provided within the residential car park and the retail car park where spaces are allocated for residential visitors, to facilitate way finding to users of these areas.	Signage within these areas will be a matter for the applicant to determine.
Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.	Signage on the fire doors is a matter for the BCA.
The signage strategy should include a colour co-ordinated signage brief, utilising text and symbol styles. The signs should be linked to lighting points for ease of night time identification. The signage design should be uniform for all five buildings and for all vehicle and	Noted.



pedestrian access/egress points to these buildings.	
<b>Environmental Management</b>	
A maintenance plan should be created for the entire Top Ryde City Residential development. The plan should ensure security devices, including CCTV cameras, security communications devices, card readers, lighting and signage are all scheduled for regular monitoring and maintenance.	These matters have been raised separately.
<b>Space Activity Management</b>	
The number of entry/exit points to unauthorised areas should be restricted.	The development complies with this requirement.
It is recommended that below street level activities be properly monitored and used by authorized persons only to limit intruder/s access, not only to the car park but to other parts of the building.	As previously discussed, access to the podium will be limited. There is also a roller door to limit access to the residential car parking areas. The development complies with this requirement.
Consideration should be taken as to how below street level car parking can be restricted appropriately to properly monitor unauthorized access to this area. NB: Once in the car park, access to other parts of the building may take place if not properly controlled.	As detailed above, a roller door will be provided which will limit the access to the car parking areas. The development complies with this requirement.
Police recommend a central control room be allocated for management of the site's security technology (CCTV, access control and communications etc.).	The applicant has advised that this will take place in the Building Managers office. This will satisfy the NSW Police requirement.
<b>Access Control</b>	
Glass within these doors should be laminated to enhance the physical security of the doors.	A condition of consent will be imposed requiring additional security measures. (See condition number 53, 58 & 54 of Attachments 1, 2 & 3 respectively).
Fire exit doors to the development should also be fitted with single cylinder Locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.	The fire doors will be required to meet the BCA requirements.
The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the units.	A condition of consent will be imposed to ensure compliance with this requirement. (See condition number 59, 54 & 55 of Attachments 1, 2 & 3 respectively).
The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the units.	A condition of consent will be imposed to ensure compliance with this requirement. (See condition 54, 59 & 55 of Attachments 1,2 & 3 respectively)
The windows to individual units should also be fitted with key operated Locksets (Australia and New Zealand Standard -	A condition of consent will be imposed to ensure compliance with this requirement. (See condition 54, 59 & 55 of



Lock Sets) to restrict unauthorized access to the units.	Attachments 1,2 & 3 respectively)
There are two core lifts below each building in the residential car park on Levels 3 and 4. All lifts provide direct access to all apartments yet there is no mention of any electronic access controls for any of the core lifts. To restrict access from these residential car park levels, up to and down from all levels of Building C, D & E, the lifts should be controlled by electronic access control measures i.e. card operating electronic lock sets. The equipment should include proximity card readers to restrict access to the level the resident resides on, to the car park levels and the Podium area on Level 5.	All lifts will be controlled by proximity card readers. This will restrict access to the residential levels, the car park levels and the podium area on level 5. A condition of consent will be imposed to ensure compliance. (See condition 55, 60 & 56 of Attachments 1,2 & 3 respectively)
Video intercom connectivity and electronic access control should be installed at the residential lobby entrance to Building D & Building E on the level 5 Podium.	The applicant has advised that a video intercom system will be installed. A condition of consent will be imposed to ensure compliance with this requirement. (See condition number 56, 61 & 57 of Attachments 1, 2, & 3 respectively).
The external areas on Level 4 units of Building D (412-418) are isolated. Due to the design there is no opportunity for passive surveillance of these areas from other residential buildings in the development. There is a pavilion with a reflection pond along the southern boundary of Building D. The reflection pond has a 4 metre wall running down to the external area of Unit 418, which is the southern boundary fence of that external area. Police believe there is potential for easy access down into the exterior area of Unit 418 and potential for persons to break into units 412-418 undetected. Police recommend that adjustments be made to the plans to minimise this potential.	The applicant does not intend to make any revisions to the development to address this aspect. The applicant has advised that given that level 5 of the development is secure with various security measures and that it would not be possible for a person to access this space from the street, this aspect is considered satisfactory. This is supported.
The external areas on Level 4 units 409-415 are isolated. Due to the design there is minimal opportunity for passive surveillance. Occupants residing in the upper level corner units, on the western side of building F, partially overlook these external areas and can offer minimal passive surveillance. There is a viewing pavilion along the southern boundary of Building E. The landscape building plan LAOI depicts planting along the northern side of the viewing pavilion. The planting	As detailed above, this aspect of the development does not warrant any changes.



is in front of a 4 metre wall running down to the external area of Unit 415, which is the southern boundary fence of that external area. Police believe there is potential for concealment and the design allows easy access down into the exterior area of Unit 415. There is potential for persons to break into units 409 -415 undetected. Police recommend that adjustments be made to the plans to minimise this potential.	
The residential car park levels 3 and 4 have residential car spaces. These spaces should be individually enclosed and controlled by roller, tilt or panel lift doors to restrict unauthorised access. The doors should be kept closed and locked to restrict unauthorised access.	The development complies with this requirement as a roller door has been provided.
The plant schedule indicates that a number of the trees grow to between 5 to 20 metres in height. The planting of these trees should ensure that the trees cannot act as a natural ladder to help gain access to the balconies or terraces attached to the units and assist gain with gaining entry into the units.	The landscaping will be maintained on the site by the Body Corporate.
<b>Other Matters</b>	
Police recommend the use of security sensor lights and a security company to monitor the site while construction is in progress.	Adequate site monitoring will occur during construction phase as per the Construction Management Strategy.

## 11 PUBLIC NOTIFICATION & SUBMISSION

All three development applications were notified and advertised in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 27 April 2011. Notification of the proposal was from 15 April 2011 until 12 May 2011. During this period, eight (8) submissions were received.

The issues raised in the submissions included the following:

- *Amenities around Top Ryde will need to be significantly improved to accommodate the increased population. This includes access to park green space, cycleway and cycle facilities and the provision of a crèche near the library.*

### Assessment Officer's Comment:

This issue was considered in detail at the time of assessment of the Stage 1 application which also included a concept approval for the residential towers.



In order to address the need for additional amenity, a Voluntary Planning Agreement (VPA) between Ryde City Council and Bevillesta Pty Ltd has been adopted for the overall development. The VPA commits the developer to provide public facilities which include the design, construction and commissioning of the City of Ryde Centre, the public domain works and Plaza works at the cost of the developer.

In addition, the proposed development incorporates various recreational facilities on the site for its future residents. These include courtyards, communal landscaped areas, swimming pool, sitting areas, communal gathering areas, play areas and viewing pavilions.

- *The pedestrian lifts on the pedestrian over passes needs to be improved in terms of finishes and better wet weather protection. Also an additional elevator between G and B2 levels needs to be added and more signage provided.*

Assessment Officer's Comment

These were all matters that were addressed in LDA2006/672 and are not applicable to the current development applications.

- *The height of the towers is inconsistent with the character of the area.*

Assessment Officer's Comment

The height of the towers is consistent with the heights established under the concept plan approval of LDA2006/672 and these heights are consistent with the heights in the relevant planning instruments (Ryde Local Environmental Plan 2010). These heights have previously been determined by Council to be consistent with the future character of Top Ryde. The application complies with the maximum height limit provided for under the Ryde Local Environmental Plan.

- *Additional overshadowing which will adversely affect adjoining properties.*

Assessment Officer's Comment

Due to the site's relative distance from established residential areas to the south (the nearest being a residential flat building on Church Street, over 100m to the south) the development will not create any significant overshadowing that would result in a degradation of residential amenity. The shadow diagrams illustrate that shadows cast by the proposed buildings are generally confined within the Top Ryde Shopping Centre site boundary and the Tucker Street carriageway, with minor overshadowing occurring over Ryde Public School during midwinter after 12.00 noon.

The proposed development does not greatly modify the extent of shadow cast over the adjoining development and the public domain from that which was approved under Stage 1. An acceptable level of solar amenity will still be retained.

- *Overlooking to adjoining properties.*



Assessment Officer's Comment

Given the separation distances that exist between the proposed towers and the adjoining residential properties there will be no loss of amenity due to overlooking.

- *The additional towers will make parking and congestion in the area much worse. The traffic management plan needs to be designed to funnel traffic from the shopping centre and the towers directly onto major roads rather than local streets.*

Assessment Officer's Comment

The development is part of an approved comprehensive redevelopment of Precinct 2 which includes a mix of residential, recreation, civic and commercial uses.

The Stage 1 DA (for the construction of the Top Ryde City Shopping Centre and approval of commercial/residential building envelopes) included the provision of road and intersection improvements throughout Ryde Town Centre as part of an integrated traffic management solution. This system was developed to take into consideration the full development potential of the precinct (including Top Ryde City Apartments) and the redevelopment of the adjoining Council site to the west of Devlin Street.

Traffic modelling for the overall development of the Top Ryde Shopping Centre was undertaken as part of the Stage 1 DA by Mark Waugh Pty Ltd. This proposal will not result in an increase in traffic above levels that were modelled, assessed and approved under the Stage 1 DA. The residential towers including its location, footprint, density and height were already approved under stage 1 approval. Approval for maximum floor space, parking and access points were granted after detailed assessment and RTA concurrence as outlined above.

The current proposal does not make any significant changes to the approved traffic and parking arrangement on the site. The current proposal for the 3 residential towers has been reviewed by the RTA who has raised no further objections.

- *Concerned that there may not be any car parking allocated for this residential towers. This would cause further traffic problems.*

Assessment Officer's Comment

The development does provide car parking for the 3 towers. These spaces are located on levels 3 and 4 of the building. The development provides adequate car parking and will ensure that every apartment within the proposed towers C, D & E have car parking allocated as required under Council's DCP.

- *Increased pressure on public transport resulting in longer queues and waiting times for existing residents.*



#### Assessment Officer's Comment

This is not a relevant matter in the determination of the development applications. Public transport is provided by the State Transit Authority rather than Council.

- *No details have been provided in respect of garbage removal. Concerned in respect to the location of the garbage bins on the street.*

#### Assessment Officer's Comment

The applicant has provided a detailed Waste Management Report with each development application. A waste room will be provided on each level of each building and there will be a dedicated waste room on the car parking level for each building. Waste will be collected directly from the buildings with no bins being required to be stored along the street frontage.

- *The shopping centre forms a microclimate that will be exacerbated by the towers, radiating significant heat to surrounding areas as well as spreading light to the wider area.*

#### Assessment Officer's Comment

The level of natural ventilation that the apartments will achieve will ensure residents will be less reliant on air conditioning units, therefore diminishing any microclimatic impacts resulting from latent heat expelled from air conditioning units. Further the towers are located on the roof of the shopping centre and any heat emanating is likely to rise into the air rather than fall back to the adjoining street level.

- *Consideration should be given to solar reflectivity. There is no vegetation of any kind to block glare.*

#### Assessment Officer's Comments:

Solar light reflectivity analysis was undertaken by Windtech Consultants Pty Ltd and submitted with the application for Council's consideration. The report found that the proposed development will not cause adverse solar glare to vehicle drivers or pedestrians in any of the surrounding areas or to the occupants of other residential buildings. All facade glazing will have a normal reflectivity of visible light of 20% or less to avoid adverse glare to occupants of neighbouring buildings. In areas that have been identified as being within zones of sensitive vision, reflectivity will be further reduced.

In addition, the Landscape Plan for the Level 5 podium includes substantial planting throughout the Level 5 podium.

- *How will traffic be affected during construction?*

#### Assessment Officer's Comments:

Construction traffic methodology is outlined within the Construction Management Plan submitted with the applications. Throughout the



construction phase, vehicles travelling to and from the site will utilise Tucker Street and Pope Street. These movements will predominantly involve the delivery of materials and rubbish removal.

Prior to implementation of any road changes during construction, Council will be advised of the proposed change and a suitable traffic control plan detailing times and dates of changes, signage, road markings will be submitted to council for approval. A traffic strategy will be developed in consultation with the Council prior to implementation. Any temporary road closures are to be confined where possible to weekends or non peak-hour times and will be subject to the approval of Council.

- *Property value will be adversely affected.*

#### Assessment Officer's Comment

In accordance with the requirements of the Environment Planning & Assessment Act 1979 the applicants have a right to the orderly and economic use and development of land and that possible decreases in surrounding property values do not constitute a reasonable ground for refusal.

## **12 CONCLUSION**

The development is a continuation of the overall redevelopment of the centre, known as Top Ryde City, which will create a defined town core within the Ryde Town Centre as defined in the Ryde Local Environmental Plan and DCP 2010. The proposed 3 building towers on the podium form the final stage in the overall development of a total of five (5) residential flat buildings.

The proposed residential development comprising of Towers C, D & E that have been included in this planning assessment will deliver a total of 319 apartments as envisaged under the original scheme.

The overall development has been designed with a high degree of amenity for future occupants in terms of access to shopping centre & recreational facilities on the podium level as well as providing extensive outlook & views to the Sydney CBD and the surrounding areas.

The architectural design and finishing of the development will present a significant contribution to the precinct and visual amenity of the shopping centre. The proposal complies with the height and density requirement under the Ryde Local Environmental Plan 2010.

Although a number of the numerically based "Rules of Thumb" from the Residential Flat Design Code have not been met, all 3 applications have demonstrated that many of these issues arise from constraints present on the site, in particular the predetermined layout and orientation of the residential towers as part of stage 1 approval. The application has further demonstrated that the level of amenity have significantly been improved under the current proposal compared to the stage 1 approval. In addition, despite variation from



the 'Rule of Thumb' the impacts on residential amenity are adequately mitigated through innovative design responses such as provision of wider balconies, greater articulation of the facades, use of skylights, provision of mechanical air handling, improved ventilation, provision for water recycling and energy efficiency achieved through compliance with BASIX.

The issues raised in the public submissions have been adequately considered by Council. Refusal of the applications is not warranted based on the reasons contained in the submissions.

It is recommended that the application be approved subject to conditions.

### **13 RECOMMENDATIONS**

A. Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 the following is recommended:

(a) That the Sydney East Region Joint Regional Planning Panel grant consent to development applications LDA2011/0164, LDA2011/0174 & LDA2011/0110 for the construction of Residential Flat Buildings located at 5 Pope Street subject to the conditions of consent in Attachment 1, Attachment 2 & Attachment 3 respectively, of this report.

B. That the objectors be notified of this decision.

C. That a copy of the development consent be forwarded to the RTA.

#### **Report Prepared By:**

Sanju Reddy  
Senior Town Planner – City of Ryde

#### **Report Checked By:**

Sandra Bailey  
Team Leader – Major Development Team

#### **Report Approved By:**

Liz Coad  
Manager Assessment

Dominic Johnson  
Group manager Environment & Planning