

JOINT REGIONAL PLANNING PANEL (Region East)

JRPP Ref No	2012SYE081
DA Number	LDA2012/0285
Local Government Area	City of Ryde.
Summary of Proposed Development	<p>Construction of 2 residential buildings above the existing shopping centre podium in the south west portion of the site (to replace 2 approved commercial buildings).</p> <ul style="list-style-type: none"> ▪ Building A (southern building) will comprise 6 levels and contain a total of 56 (16x1 bedroom & 40x2 bedroom) apartments. ▪ Building A1 (north of proposed building A) will comprise 5 levels and contain a total of 90 (20x1 bedroom & 70x2 bedroom) apartments.
Street Address	<p>4-6 Blaxland Road, RYDE</p> <p>(Top Ryde Shopping Centre)</p> <p>(Top Ryde Apartments - Building A & A1)</p>
Applicant/Owner	Crown Top Ryde City Pty Ltd
Number of Submissions	<p>14 submissions received to original proposal.</p> <p>3 submissions to amended proposal (including 2 repeat submissions and 1 new submission).</p>
Recommendation	Approval subject to conditions.
Report by	<p>Sanju Reddy</p> <p>Senior Town Planner</p> <p>CITY OF RYDE</p>

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of the above development application for construction of two residential flat buildings known as Building A and A1 within the Top Ryde Shopping Centre site.

The proposed buildings will be located on the existing podium level (roof level of the shopping centre) adjacent to Buildings A & F which were approved by Council in 2009. There are another 3 residential buildings (C, D & E) which were approved by the Joint Regional Planning Panel in 2011 and are currently under construction.

The podium level is located approximately 20m above the ground level (at RL75.7). The ground level 'La Strada' and Devlin Street frontage provides street interface for the development.

Building A which is located at the corner of Devlin Street and Blaxland Road will have one residential floor level below the podium. All levels of this building will have an outlook to Devlin Street, Blaxland road and the La Strada. The building achieves a total height of RL 91 equating to 6 storeys above existing level 4. The building will contain a total of 56 apartments (16x1 bedroom & 40x2 bedroom apartments).

Building A1 achieves a total height of RL 91 which equates to 5 levels above the podium. This building will contain a total of 90 apartments (20x1 bedroom, 70x2 bedroom apartments).

The development is a continuation of the overall redevelopment of the Top Ryde City Shopping Centre. The building envelopes within which the two residential flat buildings are proposed have been pre-approved by virtue of previous development consents for two commercial buildings in the same location via LDA 2006/672 (Stage 1 approval) and LDA2009/169 (detailed approval). The proposed height and building footprint is generally similar to the earlier approvals.

As part of Stage 1 development, a landscaped podium was established on the south eastern half of the site situated on the roof of the shopping centre. This area forms a communal open space for the occupants of all the residential buildings on the site. As the podium is in two sections, Buildings A and A1 will access the common open space area via a new pedestrian access bridge to be constructed as part of the current DA.

The application has a capital investment value in excess of \$20 million. The consent authority for the purposes of determining the subject application is the Sydney East Region Joint Regional Planning Panel in accordance with Schedule 4A of the Environmental Planning & Assessment Act 1979 (as amended).

The development generally complies with the objectives of the planning controls and is unlikely to result in any unacceptable adverse impact on the locality. Minor variations with respect to some of the requirements under the Residential Flat Design Code have been adequately justified with supporting technical information.

The Local Development Application (DA) was publicly exhibited between 5 September 2012 and 26 September 2012. During this time, 14 submissions were received from the local residents raising concerns in relation to car parking, impact on amenity, construction noise, overdevelopment, traffic, impact on existing facilities and economic impact.

The application was amended by the applicant upon request from Council Officers. The amendments included changes to the façade, replacement of the balcony louvers with aluminium screening and deletion of four apartments. The amended plans were advertised and re-notified for 14 days between 31 October 2012 and 14 November 2012. A total of 3 submissions were received including 1 new and 2 repeat submissions.

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: \$33.353 million.

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

3. SITE DESCRIPTION & LOCALITY

The subject site is known as 4 – 6 Devlin Street, Ryde, and the legal description of the land is Lots 6 & 7 SP1152688.

The site is located as a stratum above the Top Ryde Shopping Centre (TRSC). The TRSC is located on the block of land surrounded by Blaxland Road, Tucker Street, Pope Street and Devlin Street.



Figure 1: Location Map (Ryde)

4. SITE DETAILS

Area

Total Land Area: 33,555m²

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.

Strata Lots 6 & 7 SP1152688

This is located on the podium on the south western corner of existing shopping centre facing Devlin Street.

The development involves the construction of two residential flat buildings to be known as Buildings A & A1 located on the roof level of the existing shopping centre.



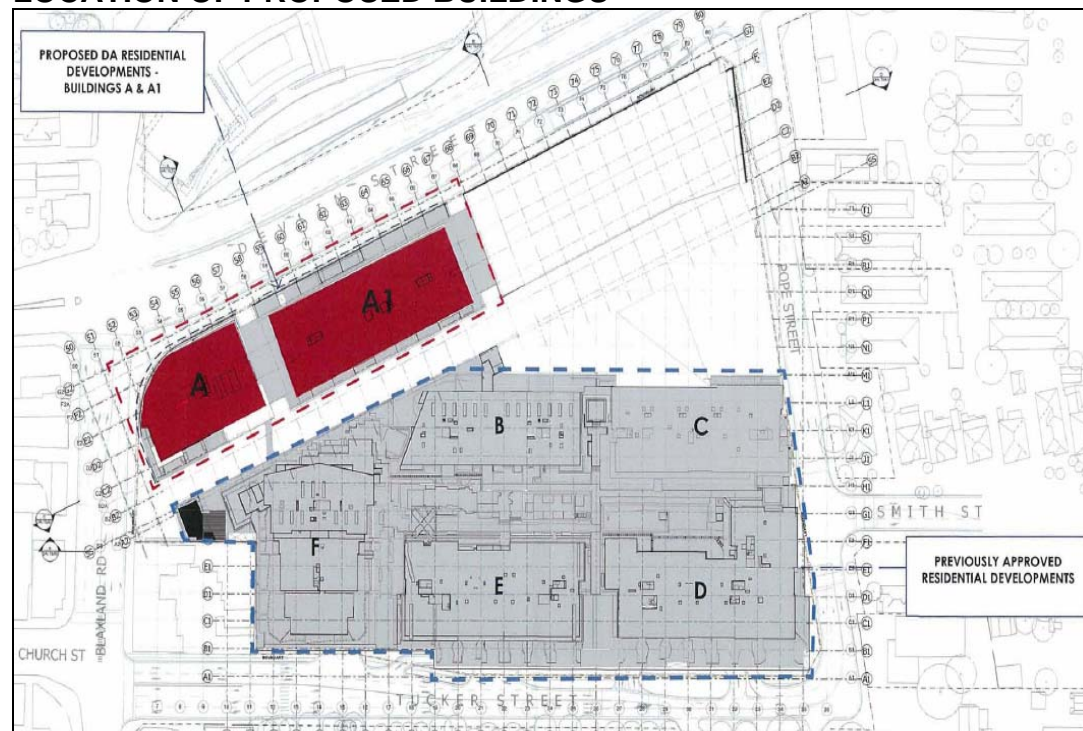
Consent is sought for the following:

- Modification of the existing development consent (DA 672/2006) to delete reference to the two commercial buildings approved for construction in the southwest sector of the Top Ryde City Shopping Centre.
- Increase the maximum number of apartments and maximum Net Useable Floor Area (NUFA) for residential purposes.
- Construction of Building A (the southern building) of 6 Levels to accommodate a total of 56 apartments (16 x 1 bedroom units and 40 x 2 bedroom units),
- Deletion of 51 car spaces at the southern end of the Level 4 car park and development of this space for 7 apartments. This work includes pouring a second floor slab 500mm above the existing Level 4 slab, as the new first floor level of Building A.
- Construction of Building A1 (the northern building) of 5 Levels to accommodate a total of 90 apartments (20 X 1 bedroom units and 70 x 2 bedroom units). This work includes a new roof slab to form the Level 5 podium to provide the first floor level of Building A1.

- Construction of a pedestrian bridge to connect western and eastern podium (at Level 5) to provide connection from proposed Buildings A and A1 to the communal facilities and open space.
- Use of 172 car spaces (previously allocated to the commercial towers) on car park Levels 3 and 4 for residential parking for the proposed apartments.

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

LOCATION OF PROPOSED BUILDINGS



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

Building	A (southern building)	A1(northern building)
No. of Storeys	6 Storeys	5 Storeys
Maximum RL	RL91.0	RL91.0
No. of Units	56	90
1 bedroom units	16 (28%)	20
2 bedroom units	40 (72%)	70
3 bedroom units	0	0
Footprint (L v W)	42m X 28m	68.5m & 25.5m
Footprint Area (approx)	1176m ²	1746.75m ²
Building Depth	10.5m – 29m	19.5m - 25m
Net Usable Floor	3, 910m ²	6186m ²
Unit Sizes – 1 bed	49m ² – 57m ²	42m ² – 55m ²
Unit Sizes - 2 bed	80m ² – 125m ²	73m ² – 78m ²
Unit Sizes – 3 bed	N/A	N/A
Car parking allocation	172 (Required: 121-168)	

6. BACKGROUND

- Development Consent was granted by Council 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 in October 2009.

Additionally consent was also granted for concept proposals for commercial and residential land uses, net usable floor area, building envelopes and car parking provisions for development above the Stage 1 development (the concept proposals will be the subject of further development applications).

The Stage 1 consent also included a number of requirements in relation to all Stage 2 developments. These are summarised in the table below:

Condition	Requirement	Comments
<i>Consent is granted to the concept proposal for subsequent stages of the proposed development comprising</i>	<i>Retail, Commercial and residential land uses;</i>	The current application is for residential development
	<i>A maximum of 10,000m² 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;</i>	The proposal seeks to amend this requirement by proposing residential buildings in place of the commercial including a minor increase in maximum nett usable floor area to 10,500m ² . This matter has been discussed in detail later in this report.
	<i>A maximum of 45,000m² NUFA for the purposes of residential flat buildings (a total of approximately 450 apartments) on the eastern portion of the site;</i>	The applicant seeks to modify the condition so that the overall nett usable floor area for residential development is increased to 50,391m ² . No issues are raised to this amendment (and the amendment above) since Council's LEP2010 imposes no maximum

Condition	Requirement	Comments
		restrictions on residential NUFA. The LEP in fact prescribes a minimum of 15% NUFA within the site to be residential. The proposal is consistent with this requirement. Condition 2 in Attachment 1 details the amended wording for condition 317 of the development consent 2006/627.
	<i>Building envelopes for the commercial and residential towers as depicted on the plans accompanying the development application.</i>	The buildings are smaller than the approved footprint.
	<i>Car parking allocation for commercial/residential car parking to be on Levels 3 and 4 of the development.</i>	Car parking exists on Level 3 & 4 and will be utilised by the proposed Buildings A & A1.
	<i>Detailed proposal be submitted for subsequent stage 2 development.</i>	<ul style="list-style-type: none"> ▪ LDA2008/585 – Residential Buildings B & F ▪ LDA2009/169 – Commercial Buildings A and B ▪ LDA2011/164 – Building C ▪ LDA2011/174 – Building D ▪ LDA2011/110 – Building E ▪ Building A & A1 - Detailed proposal is under consideration.
	<i>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 and amenity of the residents will be maximised.</i>	Detailed reports have been received by Council and have been discussed later in this report.

This development consent also included other conditions that related to the future stages. The applicable conditions required that the residential component considered solar access, storage spaces within the units, waste requirements and wind impacts. These aspects have all been discussed in detail further in the report. The development is satisfactory in respect of these conditions.

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 65 - Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010 (Ryde DCP 2010).

8. PLANNING ASSESSMENT

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

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:

A preliminary proposal was considered by the Council's Design Review Panel on 19 April 2012. The Panel raised some concerns in relation to the preliminary proposal with respect to the following:

- *The Panel acknowledges constraints of the existing lift core locations; however, the long kinked corridors are a concern.*
- *The change of use from commercial to residential undermines the mixed use principles behind the development of the shopping centre.*
- *The building envelopes for the 2 buildings were originally designed to support commercial buildings which are not optimum for residential flat buildings.*
- *Proposal includes a high percentage of single aspect units.*
- *The design does not encourage natural ventilation and solar access to significant part of the building.*
- *The length of the wall and flat roof line further emphasises the canyon like effect of the building form.*

As part of the information submitted with the DA, the applicant provided detailed reports including an economic impact assessment, natural ventilation and solar access reports. Peer reviews of these reports were undertaken and further consideration has been undertaken in the report. Council's Urban Designer raised a number of issues with the applicant and the applicant subsequently lodged amended plans to address these issues and achieve a greater compliance with SEPP 65.

Details of compliance are presented in the sections below.

Design Quality Principles (under SEPP 65)

The following tables provide an assessment of the development against the ten principles of the SEPP:

PLANNING PRINCIPLE	COMMENTS	COMPLY
Context Context can be defined as the key natural and built features of an area. Good design responds and contributes to its context. 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	The site is of regional significance due to the shopping centre and 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 east 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 the Ryde area and are likely to change into RFB developments. To the west is the prominent	Yes

PLANNING PRINCIPLE	COMMENTS	COMPLY
<p>policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>City Council Chambers building across Devlin Street.</p> <p>The location of the two buildings, defined by its location on top of the regional shopping centre, has scope for immense views to the south and the west. Contextually, the proposed Buildings A & A1 will complement the other five residential towers approved on the podium level. The benefit of the proposed residential development will be to add to the residential base that will be able to use retail, recreation, learning, social and entertainment functions within the retail complex. The buildings are appropriate to this location, contribute positively to the desired future character of the area and comply with the development envisaged for the site.</p>	
<p>Scale</p> <p>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 precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The concept approval (Stage 1) for the shopping centre and residential Buildings B, F, C, D & E set the parameters for appropriate scale and height. The general layout and maximum height of the proposed buildings are consistent with the approved height for the site.</p> <p>The retail podium creates human scale to the surrounding streetscapes. Above this, the residential towers have their highest scale 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>	Yes
<p>Built Form</p> <p>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 design and appearance of the development is consistent with the other residential buildings previously approved on the site. The residential flat buildings located on top of the podium will collectively provide a distinctive and defining contemporary landmark to the 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</p>	Yes

PLANNING PRINCIPLE	COMMENTS	COMPLY
	<p>surrounding northern ridgelines of Lane Cove National Park.</p> <p>At a micro level, the existing residential towers are arranged to add strength and predictability, creating clear precincts which break up the scale of the development with respect to the bulk and scale of the shopping centre below.</p> <p>The proposed buildings involve a linear and a corner building. The other existing Buildings B, F, C, D & E are strategically positioned on the podium providing enclosure around the central landscaped courtyard.</p> <p>Articulation of the building facade has been achieved by using both horizontal and vertical elements and differing materials and finishes. The proposed built form is considered acceptable.</p>	
<p>Density 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>The proposed residential apartment buildings will contribute to the viability of the Ryde City Shopping Centre by the provision of additional accommodation. The residential density is appropriate in the context of the existing retail complex and the future character of the site. In terms of the floor space, the development does not result in any increase in floor space than that already approved on the site (Note: the proposed residential buildings will replace the previously approved two commercial buildings).</p>	Yes
<p>Resource, energy and water efficiency 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</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 have been approved for the site for irrigation of</p>	Yes

PLANNING PRINCIPLE	COMMENTS	COMPLY
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>the landscaped areas.</p> <p>BASIX commitments for the building will further enhance the environmental performance of the development.</p> <p>The matter of passive solar design principles, cross ventilation and sunlight access is further discussed later in this report under the Residential Flat Design Code.</p>	
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design 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>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. This existing communal area will be shared by the residents of the proposed Buildings A & A1.</p> <p>The design principles of the open space on the site has been previously considered and approved via LDA2011/110, LDA2011/164 & LDA2011/174.</p> <p>The utilisation of the approved communal open space by the proposed buildings is considered satisfactory.</p>	Yes
<p>Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p>	<p>Lift access is provided to all apartments within the development. Each building is serviced by two lifts. The development will be linked to the landscaped podium and common facilities via a</p>	Yes

PLANNING PRINCIPLE	COMMENTS	COMPLY
<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>pedestrian bridge over the La Strada (pedestrian mall).</p> <p>Two residential lobbies are located at ground floor level. Pedestrian entry is provided via Devlin Street and from the Level 3 & 4 car park.</p> <p>The efficient unit layout, generous apartment sizes, and elevated views to the SW create a unique environment for the proposed two buildings.</p> <p>Reports prepared by Windtech Consultants demonstrate that 62% of the apartments will achieve natural ventilation as per details discussed later in this report.</p>	
<p>Safety and Security 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 two residential entry lobbies situated at ground level fronting Devlin Street.</p> <p>The lifts, which are accessed using the security devices, take residents and visitors from the ground floor residential lobbies to the foyer of each 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 conditions on the consent. This matter has been discussed in greater detail under referrals section and appropriate conditions have been recommended accordingly.</p>	Yes
<p>Social Dimensions and Housing Affordability 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>The development will include the following housing mix:</p> <ul style="list-style-type: none"> - 26 X 1 bedroom - 10 X 1 bed plus study - 98 X 2 bedroom 	Yes

PLANNING PRINCIPLE	COMMENTS	COMPLY
<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 by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>- 12 X 2 bedroom plus study</p> <p>A variety of apartment sizes and types are proposed across each building as indicated above. 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. There are a wide range of unit types available, at a number of price points, which will attract different types of households and promote diversity in social mix.</p> <p>The proposed residential building will be in close proximity to employment opportunities and retail amenities, which by its nature promotes efficient use of resources and affordability.</p>	
<p>Aesthetics</p> <p>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.</p>	<p>The proposed Buildings A & A1 architecturally blend with residential Buildings B, F, C, D & E already approved on the podium (B & F have already been completed). 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 and screening.</p>	Yes

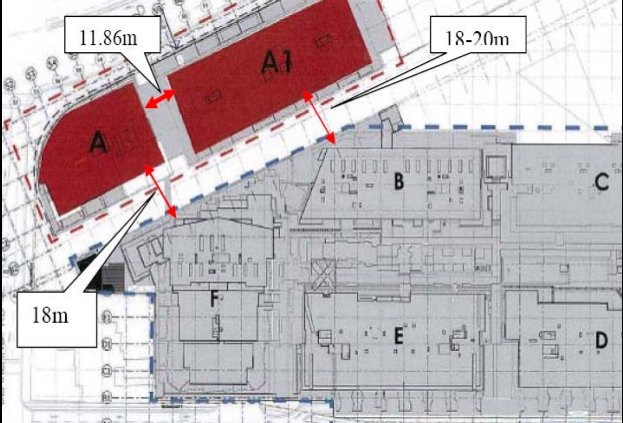
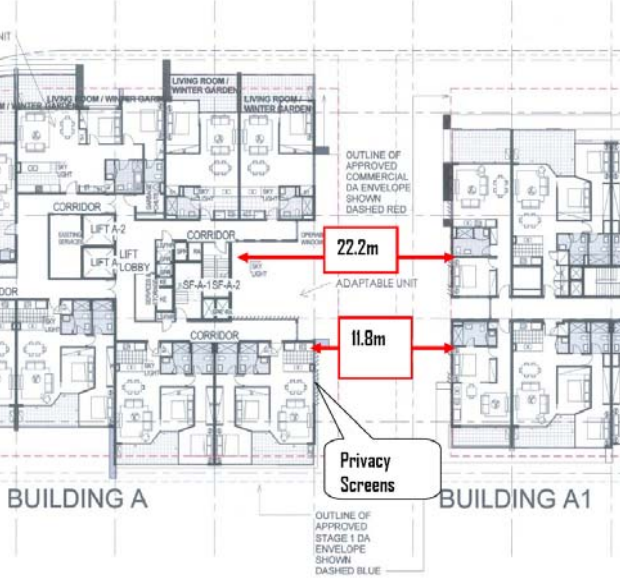
Residential Flat Design Code (RFDC).

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 and solar access. Notwithstanding, the application demonstrates that an acceptable level of amenity will still be achieved and depicts an improvement in the amenity for the overall number of individual apartments compared to the other buildings previously approved on the site.

As demonstrated below, despite not complying with some of 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
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The building heights have already been considered and approved for the site at RL91. Both buildings comply with the height.	Yes
Building Depth 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 proposed buildings will have the following building depths: Building A: 10.5m – 29m Building A1: 19.5m – 25m</p> <p>The maximum depth for Building A occurs in the area where there is existing central stairs. The central stairs and corridor constitutes approximately 12.5m width of the building. The individual units on either side of the stairs have an approximate depth of 8.5m – 10m. 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).
Building Separation <i>Design and test building separation controls in plan and section.</i> The suggested separation provided within the RFDC is as follows: <i>five to eight storeys/up to 25 metres</i> - <i>18 metres between habitable rooms/balconies</i> - <i>13 metres between habitable</i>	<p>The proposed Buildings A & A1 will have separation as follows: Bldg 'F' (existing) to 'A' (proposed): = 18m (min) Bldg 'B'(existing) to 'A1' (proposed) = 18m – 20m (min) Bldg 'A'(proposed) to 'A1'(proposed) = 11.86m – 22.2m</p> <p>These separation distances are demonstrated on the plan included below.</p>	No. (Variation acceptable).

Primary Development Control and Guideline	Comment	Comply
<p>rooms/balconies and non-habitable rooms</p> <p>- 9 metres between non-habitable rooms....'</p> <p>nine storeys & 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>The required separation between the buildings is 18m between habitable rooms/balconies and 9m between non-habitable rooms. The only variation occurs in respect of Buildings A & A1. This is further demonstrated on the following diagram. Where this is varied, adequate design measures should be implemented to ensure privacy is addressed.</p>  <p>The 11.8m separation between windows and balcony/windows does not satisfy the numerical requirements of the RFDC which requires a separation of 18m between habitable rooms and balconies. In order to address privacy issue in the small section of the building where the separation is less than required, horizontal adjustable louvre panels (privacy screens) have been proposed which will enhance visual &</p>	

Primary Development Control and Guideline	Comment	Comply
	acoustic privacy. The development is supported based on the context of the site and merits of the proposal.	
<p>Street Setbacks Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</p>	<p>The establishment of streetscape setbacks was addressed under the previous approval for Stage 1 development via LDA 2006/672.</p> <p>The location of the proposed Buildings A & A1 was also established by approval of the commercial buildings which set the general footprint.</p> <p>The proposal generally complies with the requirements and is unlikely to impact on the streetscape given that it is being located on the roof level of the existing shopping centre. Building A will be setback 2m from the edge of the existing podium. Building A1 will be setback (excluding the balcony) 8m from the alignment of the shopping centre building with respect to Devlin Street.</p>	Yes
<p>Deep Soil Zones A minimum of 25% of the open space area of a site should be deep soil zone.</p> <p>Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the RFB.</p>	<p>Because of the roof-top nature of the site there is no ability to provide a deep soil zone. Instead, a centrally located communal landscaped zone is provided which incorporates sufficient soil depths to facilitate the planting of large and medium sized trees. This has already been approved as part of the previous approval for Buildings C, D & E. The development includes measures to address stormwater detention and the retention and re-use of water for irrigation of the landscaped areas at the Podium Level, Plaza Level and the perimeter of the site at street level.</p> <p>This arrangement complies with the exceptions provision as the site is located in the town centre and is built to boundary.</p>	Yes
<p>Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area.</p>	<p>The RFDC recommends as a rule of thumb that communal open space of an area equivalent to between 25% and 30% of site area be provided. The subject site has an area of 33,550m² however almost half this area is occupied by non-residential uses. The actual area of the site (podium level)</p>	Yes

Primary Development Control and Guideline	Comment	Comply
<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 25m².</p>	<p>occupied by residential uses (both approved and proposed) is 17,288m² of which some 5,788m² or 29% comprises communal open space.</p> <p>The extent of communal open space is therefore more than adequate for the existing and proposed number of apartments. Neither SEPP 65 nor the accompanying RFDC include any recommendations as to the extent of supporting shared facilities that should be provided. However, the site includes a range of communal leisure facilities such as meeting rooms, lounges, recreation rooms, gyms, swimming pools, children's play area, viewing pavilion, BBQ area, theatrettes and the like.</p> <p>The proposed shared facilities are generous in size and capable of accommodating expected numbers of people associated with group activities such as gym groups, functions and meetings. All residents will have equal access to shared facilities, including arrangements for booking rooms.</p>	
<p>Pedestrian Access Provide barrier free access to at least 20% of dwellings in the development 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>	Yes
<p>Apartment Layout Single-aspect apartments should be limited in depth to 8.0m from a window.</p>	<p><u>Building A:</u> Bldg A - Unit depth: generally range from 7.5-10m with 6 units having 12m depth.</p> <p><u>Building A1:</u> Single aspect apartments range in depth from 7.5m – 10m.</p> <p>The variation is considered minor and the unit depths are similar to the approved units</p>	<p>No.</p> <p>(Variation acceptable).</p>

Primary Development Control and Guideline	Comment	Comply
	in the other buildings on the site. A variety of layout of the units with larger balconies (winter gardens) has been proposed for improved amenity for 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 with various communal facilities available on the site.	
Back of kitchen of single aspect apartment to be no more than 8m from window.	Ranges from 7.5 – 8.5m. Majority is located less than 8m and is considered satisfactory.	Yes
Balconies 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. Balconies range from 1.8m width to 5.6m. Only 10 out of the 146 units have its balcony less than 2m in width. These units have 1.8m wide balconies. The non-compliance is deemed satisfactory given the high percentage of single bed units which have proportionately smaller balconies. In addition the respective units are the more affordable smaller units within the development. Privacy and acoustic issues between balconies & terraces have been adequately addressed. 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. This is consistent with other residential buildings on the site (see condition 18).	No. (Variation acceptable).
Ceiling Heights In mixed use buildings: <ul style="list-style-type: none"> in general, 2.7m minimum for all habitable rooms on all floors, 	Every apartment has a floor to ceiling height of 2.7m to ensure improved amenity.	Yes
Internal Circulation In general, where units	<u>Building A:</u>	

Primary Development Control and Guideline	Comment	Comply												
<p>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">• for adaptive re-use buildings.• where developments can demonstrate the achievement of the desired streetscape character and entry response• where developments can demonstrate a high level of amenity for common lobbies, corridors and units.	<p>Up to 10 units are served by two lifts equating to 5 units per lift. Proposal complies with the RFDC.</p> <p><u>Building A1:</u> Up to 18 units are served by a single long corridor. However, two separate lifts have been provided each servicing 9 units. Other reason to support this design is that the design will ensure functionality and ease of access should one of the lifts fail. The development ensures that every residential tower has two separate lifts.</p> <p>The variation is considered acceptable in relation to the above.</p>	<p>Yes</p> <p>No (but variation is supported)</p>												
<p>Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none">• studio apartments - 6.0m³• one-bedroom apartments - 6.0m³• two-bedroom apartments - 8.0m³• three plus bedroom apartments - 10m³	<p>Total storage required is 1096m². Total storage provided is 1485m²</p> <p>Storage space for individual units has been provided within the unit and as well as externally on levels 3 & 4. These spaces will be allocated to specific tenants and included on title.</p> <p>The above arrangement is considered satisfactory (refer to condition 36).</p>	<p>Yes</p>												
<p>Daylight Access 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 & location of the development, a minimum of 2 hours sunlight is considered acceptable. The daylight access has been assessed as follows:</p> <table><tr><td></td><td>A</td><td>A1</td><td>Overall</td></tr><tr><td>DA as submitted</td><td>Proposed 56 units</td><td>Prop 90 units</td><td></td></tr><tr><td>• 2 hours sunlight</td><td>60% 34 units</td><td>60% 54 units</td><td>60% 88/146</td></tr></table> <p>The above table shows that 60% of the overall number of units will receive at least 2 hours of sunlight on 21 June.</p> <p>Compared to the above, it is noted that the sunlight access achieved by the adjoining buildings (C, D & E) approved in 2011 was</p>		A	A1	Overall	DA as submitted	Proposed 56 units	Prop 90 units		• 2 hours sunlight	60% 34 units	60% 54 units	60% 88/146	<p>No.</p> <p>(Variation acceptable).</p>
	A	A1	Overall											
DA as submitted	Proposed 56 units	Prop 90 units												
• 2 hours sunlight	60% 34 units	60% 54 units	60% 88/146											

Primary Development Control and Guideline	Comment	Comply
	<p>50%.</p> <p>Even though the proposal does not strictly comply with the rule of thumb, the variation is supported for the following reasons:</p> <ul style="list-style-type: none"> ▪ The proposal is based on an existing approved orientation & layout on the podium which cannot be significantly changed to make any meaningful difference to the compliance level. The podium extends south to north, resulting in narrow northerly elevation and long east and west elevations. Such a site configuration and orientation, limits the extent of direct sunlight access that can be provided to apartments. ▪ All top floor level apartments will be fitted with skylights, which increase daylight access to living rooms and kitchens. ▪ The proposed residential towers are located within a high density urban town centre on top of an existing shopping centre where the context and approved site density is different. ▪ It is acknowledged that the SEPP only considers sunlight between 9:00am – 3:00pm. However, additional sunlight can also be achieved during the extended hours from 8am to 4pm. ▪ The proposal has placed greater emphasis on design and orientation to maximise views to the south and west. 	
<p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.</p> <p>Proposals which seek to vary from the minimum standards must</p>	<p>Building A=16 units have southerly aspect that is 28% of the units.</p> <p>Building A1=35 units have southerly aspect ie 38% of the units.</p> <p>TOTAL of 51 units (34%) have single aspect on southerly aspect.</p> <p>The southerly (SWSE) aspect units are directly attributed to the approved footprint/</p>	<p>No</p> <p>(Variation is supported)</p>

Primary Development Control and Guideline	Comment	Comply
<p>demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</p>	<p>layout of the originally approved commercial buildings on the podium. Thus the orientation of the buildings and the number of units with southerly aspect cannot be reduced to a maximum of 10%.</p> <p>The layout of all other buildings had similar orientation to maximise spectacular views to the east, south and the west. The residential buildings located on top of the shopping centre will maximise views to the south and the west and 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 and larger balconies. Further, the proposal complies with BASIX in terms of water & energy efficiency.</p> <p>Note: Compared to the above, it is noted that the single aspect apartment with southerly aspect approved for the adjoining buildings (C, D & E) was as follows: <u>Building C</u>: 39% of apartments have southerly aspect. <u>Building D</u>: 42% of apartments have southerly aspect. <u>Building E</u>: 44% of apartments have southerly aspect.</p> <p>In light of the above, the proposal is considered acceptable.</p>	
<p>Natural Ventilation 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 (through Windtech) to ensure and demonstrate satisfactory compliance with this requirement.</p> <p>The original application indicated that 60% (amended plan 62%) of units would be naturally ventilated in accordance with the RFDC requirement. 60% of the units satisfy the dual air quality and thermal comfort criteria based on SEPP65 and AS 1668.2:2002 as demonstrated in the</p>	<p>Yes</p>

Primary Development Control and Guideline	Comment	Comply
	<p>Ventilation Report submitted by Windtech and peer reviewed by Cundall.</p> <p>Compliance level in each building: Building A=38/56=67% cross ventilated. Building A1= 53/90=58% cross ventilated.</p> <p>It is noted that the poorly performing apartments are the ones located on the south eastern side of the two buildings where wind flow is impeded by existing built form. As part of the assessment, the applicant was requested to delete four of the worst performing apartments (units 606, 706, 806 & 906) which also had privacy and building separation/depth issues. The applicant amended the plans and submitted a revised Ventilation Report confirming a 2% improvement in the overall performance of the development.</p> <p>In addition to the above, the screening along the balconies has been re-designed to include aluminium screens instead of glass louvers. The original fixed louvered screens would have been controlled by the occupants by means of changing the angle of the louvre opening. The aluminium screens will be able to be moved along the balcony edge, unobstructed opening areas will be enabled when they are in a stacked configuration allowing sufficient air flow. This will effectively remove the otherwise throttling of the flow through the louvered opening previously observed. As such, the inclusion of the aluminium louvered openings which are moveable along the balcony edge will enable natural ventilation for the associated apartments to be equivalent to or better than the results presented in the original ventilation report submitted by Windtech.</p> <p>Council conducted a peer review of the ventilation report submitted with the application. The review conducted by Cundall confirms that 62% of the units (91 out of 146) will be naturally ventilated with</p>	

Primary Development Control and Guideline	Comment	Comply
	<p>an air flow velocity of a minimum of 0.4m/s through the apartments (AS1668.2-2002). Cundall has also advised that using the alternative methodology (air change per hour), the proposal achieves a 74% compliance level. The applicant's have adopted the air flow velocity of 0.4m/s methodology to demonstrate compliance.</p> <p>The following has been noted in relation to the proposed screening on the balconies:</p> <p>For air to flow into the units, the proposed screens on the balconies will have to be operable. For single aspect units the screens should be able to be moved such that they are located in the middle of the balcony. The Peer review report recommends that further tests should be carried out prior to the issue of a Construction Certificate, to factor in the operable modes of the proposed aluminium screens (refer to condition 29 & 30).</p>	

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 two residential buildings do not involve any further excavation (as they are located on the roof of the existing shopping centre) 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. 404810M dated 26 June 2012
- BASIX No. 404779M dated 26 June 2012

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. 12 & 70 in Attachments 1).

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.

Comments from the Roads and Maritime Services (RMS) were sought in relation to this matter. Initially the RMS was concerned regarding the proposed construction access from the Devlin Street frontage and the impact of the operation of the road and bus services.

Revised comments received on 9 November 2012 indicated the following:

Two conditions could be included in the consent that would allow the consent process to proceed.

The first would be one that requires a construction management plan be agreed by RMS prior to the issue of a CC. This would set out all of the normal construction activities. It is suggested that discussions occur in the development of the plan so that it covers the issues that have been raised by RMS with Council. The plan will provide a clear framework for the construction people to work within and minimise disruption of traffic by ensuring that works and therefore the need for Road Occupancy Licences (ROLs) are coordinated.

Condition

- 1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime Services and Council for approval prior to the issue of a construction certificate.*

Condition

- 2. Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours. The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530. Note: This relates to applications for ROLs being approved by TMC to undertake specific works for a limited duration as determined by TMC.*

If the above two conditions were applied as conditions of the consent then RMS would have no objections to the process proceeding.

In light of the above the proposal could be supported subject to conditions (refer to Conditions 38 & 48).

- 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 as 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 identifies that sections of the development is likely to be affected by the road noise primarily as a result of noise transfer through windows and doors.

As internal noise level cannot be achieved with windows open, the report recommends installation of air-conditioning for all units in Building A and all west, south and north facing units in Building A1 (Note: air-conditioning will be installed to all units). In addition the report recommends the following design measures should be incorporated:

- Special glazing with acoustic seals as per part 4.3.1 of the Acoustic Report;
- Use of 40mm solid core timber for all external doors with minimum 6mm toughened glass.
- All mechanical ventilated system should be acoustically designed.
- Details must be reviewed prior to the issue of Construction Certificate

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 50 & 63 in the Attachments 1).

The applicant also submitted an Air Quality Assessment Report in respect of vehicle emissions. The study involved the physical modelling of exhaust from road vehicles on the nearby Devlin Street and Blaxland Road to determine the impact of the exhaust on the proposed development. This study found that the concentrations of carbon monoxide and nitrogen dioxide did not exceed the relevant national criteria as adopted by the National Environment Protection Council.

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 development is identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services for comment. The advice from RMS has been discussed earlier in this section of the report. Essentially as the development is not generating any additional traffic (note that parking has already been allocated on Level 3 and Level 4 and 51 parking spaces are being deleted), no further issues are raised in relation to this matter. With respect to the construction access, appropriate conditions have been recommended by the RMS to seek a Construction Management Plan prior to the issue of any Construction Certificate.

8.6 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 original consent condition (for the shopping centre) with the provisions of Part 8.2 of Council's DCP. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

8.7 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 proposed residential flat building is a permitted use on the site subject to 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 Ryde Shopping Centre comprises a mixed use development which has incorporated a range of compatible land uses such as retail, commercial, recreational, child care 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.

A maximum height of RL91 was approved for the site as part of the Stage 1 development through amalgamation of all the respective allotments. The development does not exceed the maximum height limit of RL91.

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 Floor Space Ratio Map provides no FSR restrictions for this site subject to the nett usable floor limitations under Clause 6.7 (detailed below).

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 150,000m² and must have the following land use mix:

- A minimum 15% being residential development;*
- A maximum 45% being development for the purpose of shops;*
- The remainder, if any, being uses permitted on land in Precinct 2.*

The site currently has approval for development of a total NUFA of 133,276m². This includes 11,736m² of NUFA in the office buildings A and B approved via LDA2009/169. The current proposal will delete the two commercial buildings and replace them with two residential buildings with a marginally smaller NUFA of 10,096.2m². This results in a total NUFA of

131,637m² which is well under the maximum 150,000m² NUFA permitted for the site.

Residential NUFA will increase from 40,295m² to 50,391.2m², or some 33.5% of total floor space which readily complies with the required minimum of 15% of total NUFA that must be residential.

There is no change to the NUFA provided for shops (56,757m²) and this remains less than 45% of total NUFA.

In relation to the rest of the requirements under Schedule 6 (Precinct 2), it is noted that the requirements were already met as part of the Stage 1 development of the shopping centre. These include public domain enhancement and consideration of integrated traffic solution for the precinct. The proposed residential buildings do not result in any changes to existing arrangements for vehicular access. Some reduction in traffic generation and parking demand is anticipated due to the deletion of the commercial floor space and consequential deletion of 51 car parking spaces. Under Council's car parking controls, less car parking is required for residential floor space, compared to commercial floor space.

The development satisfies the requirements under this clause.

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 application was reviewed by Council's Heritage Officer who raised no objections to the proposed development on the roof level of the existing shopping centre.

8.8 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 against the applicable sections of the DCP.

Control	Comments
Section 3 – Public Domain	
Pedestrian Access and Through-site 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.
Environmental Management and the Public Domain 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.	Solar access to the ground plane and surrounding public domain areas was addressed under LDA2006/672. The proposed buildings will not result in any overshadowing of the school playgrounds, landscaped grounds of heritage items. The development was accompanied with a Pedestrian Wind Environment Study. This report was generally supportive of the development with the following treatments: <ul style="list-style-type: none"> ▪ Inclusion of 1.2m high impermeable balustrade in certain areas; (see condition 31 – Attachment 1)
Architecture and Urban Form	
Building Height 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.	The development complies with the height requirements in LEP 2010. The height planes do not apply at this location. The proposed buildings will be setback generally as per the approved building envelope. The development incorporates a floor to ceiling height of 2.7 metres.
Architectural and Design Quality 1. Windows and entries shall be placed to overlook public spaces and streets to provide	The development includes a podium level landscaped area for use by all residents of the development. The landscaped area is highly visible due

Control	Comments
<p>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>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. The façade is articulated.</p> <p>The development has incorporated measures to provide shading particularly along the western façade. These measures include the use of screen and blade walls.</p> <p>The amenity of the adjoining developments will not be significantly affected.</p>
Sustainable Development	
<p>Environmental Management</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 BASIX Certificates which prescribes the type of energy and water efficiency measures that should be implemented in the proposed buildings. 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 condition number 59).</p>
<p>Waste Management</p> <p>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>	<p>A Waste Management Plan has been provided with the development that meets Council's requirements.</p> <p>A chute system will be utilised on each floor for the waste, with a recycling bin placed in the chute room for the disposal of recyclable material. The bins at the base of the chutes will be taken across the pedestrian ramp to the bin storage room used for the other buildings.</p> <p>From a waste perspective there are</p>

Control	Comments
	<p>no objections to approval of this application subject to the following:</p> <ul style="list-style-type: none"> • 6 X 1100L bins required. • 40 X 240L bins be provided for recycling. <p>These arrangements are considered to be satisfactory by Council's Waste Coordinator and the Environmental Health Officer (refer to 39, 71 & 74).</p>
Residential Amenity	
<p>Visual Privacy</p> <p>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.</p>	<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 louvres/ privacy screening or has provided no window openings in that part of the area which does not meet the rule of thumb.</p>
<p>Acoustic Privacy</p> <p>1. Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the BCA.</p> <p>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.</p>	<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 37 – Attachment 1).</p>
<p>Buildings facing Devlin Street, Lane Cove Road, Blaxland Road and Victoria Road</p> <p>1. Development is to comply with AS3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction.</p>	<p>This matter has been considered in detail as per the Acoustic Report discussed elsewhere in this report. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report submitted with the DA (See condition number 37 Attachment 1).</p>
<p>Housing Choice</p> <p>1. Development is to provide a diverse mix of dwelling sizes generally within the following ranges: 3 bedroom – 5-35%</p>	<p>The development incorporates a range of apartments. The following mix will be provided: 36 x 1 bedroom (25%) 110 x 2 bedroom (75%)</p>

Control	Comments
2 bedroom – 40-80% 1 bedroom / studio – 5-35%	There a 3 bedroom apartments within the other 5 RFB previously approved on the site. The current mix is based on the market demand for smaller sized units. No issues are raised in relation to this matter.
Precinct 2 – Town Centre Controls	
Land Use 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.	The development has provided approximately 33.5% of the NUFA as residential use. This complies with the requirement. The design incorporates articulated facades which includes extensive balconies and terraces which will enhance both the internal and external amenity and outlook. The design is considered suitable as advised by Council's Urban Design Planner.

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

The Waste Management Plan (WMP) has been reviewed by Council's Environment Officer and the Waste Management Coordinator and is considered satisfactory.

Appropriate conditions of consent have been recommended to ensure that wastes will be disposed off satisfactorily (see conditions 39, 40, 41, 71, 74).

This DCP also requires that appropriate space be provided for the storage of waste bins. The main waste storage room has already been approved as part of the original development and is located on Level 3.

A chute system will be utilised on each floor of the proposed buildings, with a recycling bin placed in the chute room for the disposal of recyclable material. The bins at the base of the chutes will be taken across the pedestrian ramp to the bin storage room used by the other buildings.

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 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.

A total of 15 units are required to be adaptable and this has been provided as part of the development.

An Access Report has been submitted with the application (prepared by Morris-Goding Accessibility Consulting) which confirms that the development is capable of being compliant with the accessibility requirement. Conditions are recommended to ensure details are submitted to show compliance prior to the issue of any Construction Certificate (refer to condition 11 & 32).

Part 9.3 Car Parking

The amount of car parking for the residential component of the Top Ryde Shopping Centre was approved under LDA2006/0672. As part of that LDA, visitor parking for the residential component was to be located within the retail parking area (shared). A specific provision of visitor car parking for each residential building was not required.

Car Parking is required at the rate of:

- 0.6 to 1 resident car space per 1 bedroom unit;
- 0.9 to 1.2 resident car spaces per 2 bedroom unit;
- 1.4 to 1.6 resident car spaces per 3 bedroom unit; and
- 1 visitor car space per 5 units.

The residential buildings are proposed to contain 36 X 1 bedroom apartments and 110 X 2 bedroom apartments which will require between 121 to 168 spaces for the units. A total of at least 172 resident car spaces are allocated for the development on existing Level 3 and Level 4 car parks, located on the levels below the podium.

A total of 223 parking spaces were allocated for the two commercial buildings previously approved on the site. These spaces were 93 spaces on Level 3 and 130 spaces on Level 4. Additional 41 surplus parking spaces were also

available at that time after allocation to Buildings B, F, C, D & E. This results in 92 surplus parking spaces on the site of which 51 spaces will be removed to make way for the first level of Building A. This still leaves a number of surplus spaces which could be allocated based on demand.

The application indicates that each unit will have a minimum of 1 car space allocated, with 22 of the two bedroom units having 2 car spaces each. A total of 15 disabled car spaces are provided for residents of those 15 apartments designated as accessible units.

The Stage 1 Development Consent (DA672/2006) approved a total of 3,870 car parking spaces on the site. After allocation of 803 parking spaces to the residential use (Buildings B, F, C, D, E, A & A1) and proposed deletion of 51 spaces, close to 3000 parking spaces remains for the retail & associated use. The retail parking spaces are located on Level 2 and below. The residential parking is located exclusively of Levels 3 and Level 4 with access possible only by authorised residents.

Under the DCP, the proposed residential development would generate a visitor parking demand of 29 spaces. The development of the shopping centre has been approved on the basis that visitors will utilise existing retail car parking, as this makes more efficient use of public car parking provided, particularly given the generous supply of retail parking available on the site. This is consistent with the intent of Council's DCP to make high density developments less reliant on private car use. The approved arrangement with respect to the use/sharing of retail car space for visitor parking is not being changed as part of the current proposal. The arrangement is already in place in accordance with the previous development consent. During the normal business hours, the retail parking can be easily accessed. When the shopping centre is closed, the intercom system can be used to call the apartment occupant. Once through the roller shutter the visitor can drive to level 2 or level 1 and pull a ticket at the retail car park entry and park as normal. This arrangement has been confirmed by the applicant.

No issues are raised by Council's Traffic Engineer in relation to this arrangement as it is consistent with the arrangement for all other residential buildings.

The proposed parking arrangement is considered satisfactory.

8.9 Draft Local Environmental Plan

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property remains unchanged. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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 has been registered against the title of the property. The terms of 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 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.

Approval of Buildings C, D & E has already exceeded the above threshold. The proposed development application will result in the total number of residential apartments in the entire development being 636, that is, 186 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 contributions may apply. However, in relation to the time of payment of S94 contribution, the VPA specifies that the:

- *Developer will only be obliged to pay additional Contributions under clause 15.1(b)(i) if after completion of Stage 2 of the Development the net effect of all Section 96 Modifications is that the number of apartments in the residential component of the Development exceeds 450 apartments.*

In the past, after approval of each building, various Section 96 Applications have been approved for reduction in the number of apartments via amalgamation of 2 units to make a single larger unit. As the final number of units is not yet known (or could change) the Section 94 contribution cannot be accurately determined. S94 contribution will be worked out at the time of payment after completion of Stage 2 of the development as provided for under the terms of the VPA. Condition No. 82 has been recommended to ensure that this matter is noted by the developer. This matter will be satisfactorily dealt with via the above VPA.

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 have been designed to reflect those standards and contribute positively to the built form. The proposed built form is considered satisfactory.

(b) Economic Impact

The proposal involves a change of use from the approved two commercial buildings to two residential flat buildings. The change of use and the quantum of overall residential development on the site is permissible under Council's LEP2010.

However, the conversion of the approved commercial space (11,736m² NUFA) is likely to alter the mix of land uses that was considered appropriate under the Stage 1 concept approval.

As part of the application the applicant provided a report entitled Assessment of Economic Impacts by URBIS justifying the proposed change in the floor space composition of the overall development.

Council engaged an independent consultant to carry out a peer review of the applicant's report. The review was conducted by Hill PDA.

The peer review generally indicated that there is not a strong commercial market in this location and the site will face difficulty in attracting commercial uses given strong competition from other, better located, established and larger commercial markets in the surrounding area accessible by rail such as Macquarie Park and Rhodes. Detailed comments from Hill PDA are on file and have been included under referrals section of this report.

Essentially, if the change in use is not supported, the commercial buildings may not get built in the short to medium term. The proposed change in use is likely to improve the viability of the shopping centre by bringing more people closer to the shopping centre to live and work. It is unlikely that the proposed change will result in any significant economic impact detrimental to the locality.

Overall, the proposed development will have a positive economic and social impact on the locality.

(b) Natural Environment

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

11 REFERRALS

Development Engineer, 7 September 2012:

No objection has been raised to the development subject to the following conditions being included on the consent:

- Car space 90 be removed or relocated to improve sightlines and minimise conflict between north bound vehicles on the aisle and vehicles exiting ramp 13.

- Stormwater runoff from the proposal shall be collected and piped to the existing stormwater system designed for a minimum 5 minutes 1 in 100 year storm event with provision to convey any surcharge flows safely to the public road system.
- The car parking layout be designed to comply with relevant sections of AS 2890. The design shall ensure all vehicles can enter and leave in a forward direction. (See condition numbers 25, 26 & 27 in Attachment 1).

Environmental Health Officer, 2 October 2012:

No objection has been raised to the development subject to appropriate conditions of consent. The following comments were received:

This stage of the development utilises the existing facilities of the earlier stages – with access via a proposed pedestrian bridge. The communal facilities include a substantial swimming pool, circulation pathways and barbecue areas, a children's play area and community rooms.

This stage therefore is totally residential with some landscaping and open space provided between Buildings A & A1.

The recommendations from the acoustic consultant's report must be incorporated into the design to ensure that the traffic noise is not a problem to the residents (see condition 37).

Waste Management Officer, 5 October 2012: The following comments were received:

From a waste perspective there are no objections to approval of this application subject to the following conditions:

1. *The Waste Management Plan be amended to allow for the following:*
 - *The number of 1100L bins required for 150 units – serviced three times per week is 6*
 - *The number of 240L recycle bins required for 150 units – serviced weekly is 40*

Note: Conditions recommended - refer to condition No.39 in Attachment 1.

Heritage Officer, 12 September 2012: No objection has been raised to the proposed development as the development will have little to no impact on the significance of the heritage items in the vicinity.

Traffic Engineer, 12 October 2012:

Council engaged an Independent Traffic Consultant to review the traffic implications of the proposed development. The review was undertaken by Bitzios Consulting which provided the following comments:

The “change of use” from “commercial” to “residential” reduces the number of vehicle trips by approximately 160 vehicle trips an hour (in the peak). This implies (from a traffic generation perspective) that the development does not reduce the amenity in the area (a “positive” impact).

The number of car parking spaces proposed as a result of the “change in use” is equal to one hundred and seventy two (172) spaces. The provision of car parking spaces provided onsite is consistent with a rate of 1 car space per “1 Bedroom” unit and 1.2 car spaces per “2 bedroom” unit which is considered acceptable.

Accessibility and movement of bins from one holding area to another will be managed by building management and it will be their responsibility to get residential waste to Level 3 for Council collection and ease of access.

From a traffic perspective there are no objections to approval of this application.

Roads and Maritime Services, 8 & 9 November 2012:

On 8 November the RMS advised that the proposed construction access from Devlin Street was not acceptable to the RMS and the bus service providers and requested the applicant to provide more information in relation to alternative options.

Subsequently, the applicant provided additional information to the RMS in terms of the constraints on the site and indicated that looking at all new options would cause possible delay in the assessment process. The applicant also informed the RMS of the presence of an existing consent for the construction of commercial building in exactly the same location which was approved via LDA2009/169 subject to the following condition:

1. The New South Wales Roads & Traffic Authority has advised Council in the following terms:

The RTA will not support the provision of a ‘Works Zone’ along Devlin Street. However, it is suggested that should there be a need to occupy part of Devlin Street during construction, then the applicant should apply for a Temporary Road Occupancy Licence by contacting the TMC’s Planned Incidents Unit on (02) 8396 1513 during office hours (8am to 4pm) or 131 700 after hours.

Following consideration of the above, RMS provided the following response:

Approvals of Road Occupancy Licences (ROL) by Traffic Management Centre (TMC) are for a limited time and for specific works. If you were to get a ROL before the Construction Certificate (CC) was issued then it would have expired before you had done any works. In that respect the condition that relates to the existing consent is probably not the

most appropriate. Therefore two conditions could be included in the consent that would allow the consent process to proceed.

The first would be one that requires a construction management plan be agreed by RMS prior to the issue of a CC. This would set out all of the normal construction activities. It is suggested that discussions occur in the development of the plan so that it covers the issues that have been raised by RMS with Council. The plan will provide a clear framework for the construction people to work within and minimise disruption of traffic by ensuring that works and therefore the need for ROLs are coordinated.

Condition

1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime Services and Council for approval prior to the issue of a construction certificate.

The second would be related to applications for ROLs being approved by TMC to undertake specific works for a limited duration as determined by TMC.

Condition

2. Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours. The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

If the above 2 conditions were applied as conditions of the consent then RMS would have no objections to the process proceeding.

In light of the above, it is recommended that the application could be approved subject to the above conditions (see Conditions 38 & 48 in Attachment 1).

Urban Design Planner, 2 November 2012:

No objection was raised to the development. The following comments were received:

The amended facades show greater articulation and subtlety in the modelling that breaks down the apparent bulk of the buildings particularly A1. The proposed finishes now show consideration of the existing buildings on the site.

Changes to Building A have reduced the bulk of the building and provided an improved outlook for residents opposite in Building A1.

The corner of Devlin Street and Blaxland Road on Building A is highly visible and marks the town centre. It is critical that the architectural detailing of this corner is successful. A higher quality of finish and detail to this part of the building is appropriate. More clarity around the final configuration and finishes is required than is currently available particularly in respect of the louvre system.

As such it is recommended that the final approval of materials and finishes be submitted to Council once final selection is made by the applicant for this part of Building A (refer to condition 29).

NSW Police, 5 November 2012: NSW Police raised no objections to the development, however they have supplied comments and recommendations. These matters are discussed below:

NSW Police Comment	Comment
Surveillance	
Entry points should be designed to maximise surveillance opportunities to and from these areas from both inside as 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.	There are two ground floor entry points located along the Devlin Street frontage. These entry points are considered to satisfy the Police requirement. The foyers are similar in size to that approved for other residential buildings on the site.
Security cameras should be installed: <ul style="list-style-type: none"> ▪ In lobbies to building A & A1 ▪ On the podium level ▪ Residential parking level 	This will be imposed as a condition of consent. (See condition number 51 in Attachment 1)
Landscaping	
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 and in accordance with the previous approval for Buildings C, D & E.
Lighting	
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 the recommended conditions of consent (refer to condition 52 in Attachment 1).
A lighting maintenance policy should be established for the development.	This will be a required as a condition of consent. (See condition number 67 in Attachment 1).

NSW Police Comment	Comment
The walls and ceilings of the car park areas should be painted a light colour.	The car park level has already been built as part of the shopping Centre approval and this requirement was complied with that approval. 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 the recommended conditions of consent (refer to condition 52 in Attachments 1).
Territorial Reinforcement	
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 is recommended as a condition on the consent. (See condition 53 in Attachment 1).
Signage needs to identify the private and semi-public area within the complex and any applicable restrictions.	The development will comply with the requirements of the Security Design Report that forms part of the site wide security design and management for the residential component of the development. Signage to identify private areas within the development will be a matter for the applicant to determine.
Environmental Maintenance	
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 and addressed via conditions of consent where applicable.
Space Activity Management	
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.	Access to the podium and residential car park will be limited and security controlled. The development complies with this requirement.
Police recommend a central control	The applicant has advised that this will

NSW Police Comment	Comment
room be allocated for management of the site's security technology (CCTV, access control and communications etc.).	take place in the Building Managers office. This will satisfy the NSW Police requirement.
Access Control	
Glass 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 55 of Attachment 1).
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 56 of Attachment 1).
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 56 of Attachment 1)
The windows to individual units should also be fitted with key operated 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 57 of Attachment 1)
Other Matters	
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.

Hill PDA (Peer Review of Economic Impacts), 19 September 2012:

Prior to the development application being submitted to Council, the applicant was advised of Council's concerns about the deletion of the commercial component in the entire development.

Accordingly, as part of the application the applicant provided a report entitled Assessment of Economic Impacts by URBIS justifying the proposed change in the floor space composition of the overall development.

Council engaged an independent consultant to carry out a peer review of this report. The review was conducted by the Hill PDA. The following general findings were made in the review report received by Council from Hill PDA:

- *Planning policy indicates that high density residential uses are an appropriate use for Buildings A and A1 dependent upon whether the loss of commercial floor space is acceptable in terms of economic impact. That is, if no market for commercial uses exists in this location*

the contribution of the buildings towards employment targets is likely to be modest and if residential demand is strong, the buildings may make a greater contribution towards the economic growth targets set by the Department of Planning through the proposed development;

- *There is not a strong commercial market in this location and Top Ryde faces difficulties in attracting commercial uses given strong competition from other, better located, established and larger commercial markets in the surrounding area accessible by rail. In this regard the proposed development is unlikely to displace commercial uses to out-of-centre locations should it proceed;*
- *There is strong demand for residential units in Top Ryde and the provision of additional units in Buildings A and A1 would increase supply and may help to alleviate affordability issues locally, particularly as small units are proposed which are the most affordable dwelling type;*
- *Based on the rental levels likely to be achieved if Buildings A and A1 were used for commercial uses (which in itself is indicative of the low level of market demand in this location), construction of commercial uses as a stand-alone development would not be financially viable for Crown. Having said that, the development is part of a wider mixed use scheme;*
- *Commercial uses could support up to 432 workers but would take some time to reach that number. By comparison residential uses would support an estimated 195 jobs including around 31 retail-related jobs;*
- *The AEI has not considered the extent to which impacts on transport and social infrastructure would be mitigated by provisions made within the DA but we have assumed that the net economic impact would be nil;*
- *On balance, we are of the view that in light of the lack of demand for commercial uses in this location, the high level of demand for residential units at Top Ryde and our assessment of jobs supported and retail expenditure created through the proposed development compared to the base case, the proposed development would make a greater contribution towards achieving economic development in the area in the short to medium-term. However, as population grows locally and opportunities for commercial floor space in established clusters decline over time, commercial uses in this location may become a more viable prospect in the medium to longer term.*

Cundall (Peer Review of Natural Ventilation Study)

The applicant provided a Natural Ventilation Assessment Report prepared by Windtech which had concluded that 60% of the units would satisfy the requirements for natural ventilation under State Environmental Planning Policy

No. 65. Due to the number of single aspect apartments and the use of glass louvres along the edge of the balconies, Council's Officers were concerned with the findings of this report. Accordingly, Council sought a peer review of the Ventilation Report. During the assessment process the applicant amended the proposal to replace the glass louvers with aluminium screening.

The peer review was conducted by Cundall. The detailed report is on file but the conclusion/recommendation is repeated below:

The methodologies for assessment of natural ventilation appear to be in line with best practice methods for assessing wind driven natural ventilation through dwellings using wind tunnel data. The calculation of compliance of SEPP65 appears to be in line with typical practice for demonstrating compliance where single aspect apartments are present. Similar to the situation in the previous design with louvres, if all the western facing apartments of Building A only had their airflow reduced by 20% because of the screens on the balcony edge then based on the revised acceptance criteria of 73% above 3ac/h (air change per hour), then 61% compliance would still be achieved. However, if the impact is more like 25% then the development would fall into non compliance.

It is therefore vitally important that Windtech provide a quantitative analysis of the impact of the screens. It is difficult to determine the actual impact of the layout changes in the revised design without any further modelling from Windtech, however given that the changes made were requested by council for aesthetic reasons, and that the demonstrated SEPP65 cross ventilation compliance is 60-62% (without the screens), it is suggested that the proponent do further natural ventilation studies during detailed design taking into account the final selection of aluminium screens rather than at this approval stage. It is suggested that the natural ventilation assessment report (Windtech) be revised to include the selection and operation modes of the aluminium screens and resubmitted with the construction certificate application.

In light of the above, condition 30 is recommended to ensure compliance with SEPP 65 requirement.

12 PUBLIC NOTIFICATION & SUBMISSIONS

The development application was notified and advertised in accordance with Council's Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 5 September 2012 for a period of 14 days. During this time, 14 submissions were received from the local residents (including residents within the adjoining RFB on the podium) raising concerns in relation to car parking, impact on amenity, construction noise, overdevelopment, traffic, impact on existing facilities and economic impact.

Minor changes were made to the proposal with respect to the articulation of the facades, deletion of the louvered balcony screening, inclusion of aluminium screening and deletion of four apartments from Building A. The amended plans were advertised and re-notified for 14 days between 31 October 2012 and 14 November 2012. Three (3) submissions were received (1 new, 2 repeat submissions).

The issues raised in the submissions are discussed below:

- *The development will cause a reduction of car parking space within the shopping centre.*

Assessment Officer's Comments:

The proposal will comply with the number of car parking required for the proposed 146 apartments as per Council's Development Control Plan 2010.

Levels 3 and 4 provide parking spaces which are wholly for the residential component of the Top Ryde Shopping Centre. Retail parking is provided elsewhere on different floor levels within the development.

A total of 223 parking spaces was allocated for the two commercial buildings previously approved (which are being replaced by the proposed residential) on the site. These spaces were 93 spaces on Level 3 and 130 spaces on Level 4. Additional 41 surplus parking spaces were also available at that time after allocation to Buildings B, F, C, D & E. A total of 92 bicycle parking is also available on level 3 & 4.

Based on Council's DCP, the proposed development requires parking in the range of 126 to 168 spaces. From the existing allocated stock of 223 (plus 41) spaces, 172 will be utilised for the proposed 146 unit in Buildings A & A1 resulting in 51 (plus 41) unallocated spaces. The 51 spaces will be removed to make way for the first level of Building A which still leaves a number of surplus spaces which could be allocated based on demand. The DA does not propose to delete car parking spaces from any other uses within the TRSC. Accordingly, the allocation of parking spaces within Levels 3 and 4 will have no impact on the TRSC retail parking allocation except that extra visitors will park within these spaces. No separate visitor parking spaces are provided. This is acceptable because this is considered a more efficient utilisation of the existing parking spaces on the site.

- *Increased traffic in the area and decrease in parking availability on 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 the apartments) and the redevelopment of the adjoining Council site to the west of Devlin Street.

The current proposal will not result in an increase in traffic above levels that were modelled, assessed and approved under the Stage 1 DA.

The current proposal does not make any significant changes to the approved traffic and parking arrangement on or around the site. Parking is fully catered for on the site. Council's Traffic Engineer has reviewed the application and has advised that the proposed development (change from commercial to residential) will actually result in a reduction in the traffic generation.

The application was also referred to the Roads and Maritime Services. The RMS has raised no issues in relation to the number of parking on the site or the traffic generated by the development.

- *The proposal will result in overdevelopment of the site.*

Comments:

The proposed residential development (Buildings A & A1) will replace the previously approved commercial buildings (A & B) which did not proceed to construction because of lack of market demand for office space.

Essentially the proposed residential buildings will be built to the same height as the previously approved commercial building (that is maximum height to RL 91.0) but will occupy a smaller footprint resulting in a marginal reduction in the overall approved nett usable floor area. Essentially the NUFA will be reduced from 11,736m² (commercial building being deleted) to 10,096.2m² (proposed residential).

The proposal complies with the Council's planning controls in relation to bulk & scale, height and density applicable to the site and does not constitute an overdevelopment.

- *Contention that buyers of the residential units in buildings B & F were advised that there will not be another RFB. This is how the development was sold to them and the basis on which they invested. The developer has deliberately waited until after settlement of Building B to disclose this plan*

to build additional residential units. The affected unit looks out over the proposed two buildings which are now proposed to be residential rather than commercial.

Assessment Officer's Comments:

The applicant has advised that at the exchange date for most apartments (including B605, B608 and F507 where the objection has come from) the previous owner of the commercial site was proceeding with the commercial DA. When this developer was unable to proceed with the project, Crown purchased the commercial site on 7th February 2011. Given the timing of these proceedings, representation was accurate at the time of purchase.

Notwithstanding the above, the proposed development is a permitted form of development on the site and is based on the same height and similar footprint of the commercial buildings. The impact of the development on adjoining residents has been considered as part of the assessment process. Details of compliance are contained in this report. No issues are raised in relation to this matter that would warrant further modifications or refusal of this application.

- *At point of sale they were told that residents would be able to use the commercial car parking facilities after hours and on weekends as our visitor parking spaces. This will not be the case as per the new DA.*

Comment:

The original approval always intended that the visitor car parking would use the retail parking spaces. There was no condition on the consent in terms of the communal spaces being used as a residential visitor space on the weekend. This is not the relevant matter in terms of the assessment of this development application.

- *Too many residents sharing common facilities.*

Assessment Officer's Comments:

An assessment of the development has been carried out against the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and the Residential Flat Design Code.

As mentioned earlier in this report, the RFDC recommends as a guide that at least 25% of the site area be provided as communal open space. This requirement is not based on the number of apartments or the density of development. The subject site has a site area of 33,550m² however almost half this area is occupied by non-residential uses. The actual area of the site (podium level) occupied by residential uses (both approved and proposed) is 17,288m² of which some 5,788m² (over 30%) comprises communal open space and associated amenities.

The extent of communal open space is therefore more than adequate for the existing and proposed number of apartments and the amenities such as the gym, video rooms, theatrettes, music room, reading room, multi-function room, meeting room, common lounge, spa, sauna, children's play area, BBQ area, viewing pavilion and the pool are services over and above that required under Council's planning controls. Neither SEPP 65 nor the accompanying RFDC include any recommendations as to the extent of supporting shared facilities that should be provided.

The proposed shared facilities are generous in size and capable of accommodating expected numbers of people associated with group activities such as gym groups, functions and meetings. All residents will have equal access to shared facilities, including arrangements for booking rooms.

- *Loss of privacy of the residents in the adjoining RFB.*

Assessment Officer's Comment

The proposed development is separated by a minimum distance of 20 – 22m from the existing Buildings B & F (nearest corner of the adjoining building). This is considered a reasonable separation distance in accordance with the requirements under State Environmental Planning Policy No. 65 to address visual and acoustic privacy. It is noted that Buildings B & F are located on the western side of the La Strada and its layout ensures significant separation and minimises any potential overlooking. The provision of screening on the balconies provide an additional design feature that would prevent any privacy conflicts.

- *The DA is misleading regarding visitor parking as it states "ample parking is available for visitors" but the visitors have to pay after 3 hours and also retail car park is closed during major public holiday.*

Assessment Officer's Comments:

The visitor parking for the residential component of the development is located within the retail parking area. This was considered to be more efficient use of parking space on the site and this arrangement was approved as part of the Stage 1 approval for the site.

Visitor parking is generally intended to be for temporary usage. This is consistent with the intent of Council's DCP to make high density developments less reliant on private car use. The approved arrangement with respect to the use/sharing of retail car space for visitor parking is not being changed as part of the current proposal. The arrangement is already in place in accordance with the previous development consent.

In addition to the above, the applicant has advised that the following arrangement is in place:

- *when the roller shutter is closed the intercom system can be used to call the apartment occupant. Once through the roller shutter the visitor can drive to level 2 and pull a ticket at the retail car park entry and park as normal.*

No issues are raised in relation to this matter.

- *Detrimental effect on property value and rental value.*

Assessment Officer's Comments

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.

- *Only those residents close to the TRSC were notified, and the notification period was too short. This application has obviously already been approved by Council and it is likely that the objections will be ignored.*

Assessment Officer's Comments:

The public exhibition of the application was carried out in accordance with Council's Notification DCP. The application was advertised in the local newspaper (Ryde City View as an insert in the Northern District Times) for a period of 14 days and approximately 4000 letters were sent out to the local residents, businesses and property occupiers. Minor amendments to the proposal was notified and advertised again for 14 days. The notification period is considered reasonable.

The issues raised in the submissions have been considered in the assessment of the proposal and copies of the submissions have been forwarded to the Joint Regional Planning Panel Secretariat at the end of each notification period.

The application cannot be determined by the City of Ryde as it is not the consent authority for this DA. In this instance the application and the assessment report is being forwarded to the JRPP for determination.

- *The RMS has already identified this location/road intersection around Blaxland Road and Lane Cove Road as being most congested. 172 extra car parking spaces mean more cars coming in and out of these congested intersections.*

Assessment Officer's Comments:

This matter has been discussed in detail elsewhere in this report. The application results in a nett reduction in the approved car parking spaces

on the site. The residential use will actually generate less car parking than what the commercial development would have generated.

The application was forwarded to the RMS for review. The RMS has raised no objection in relation to the proposed reduction and utilisation of the approved car parking on the site.

- *Overburdening of the drainage, sewerage and pollution of the area.*

Assessment Officer's Comments

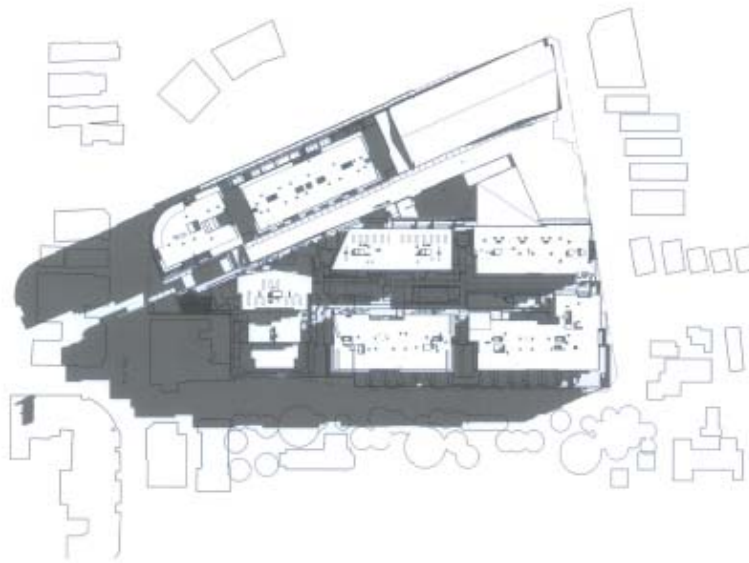
The capacity of the existing system to accommodate the proposed shopping centre and the residential development was considered as part of the overall staged development. Maximum nett usable floor space limits have been set for the entire site. The overall development (including the proposed development) sits well below the maximum density of development that could be approved for the site.

Further, comments from Sydney Water was sought by Council. The application will have to comply the Sydney Water requirements. No issues were raised by Sydney Water subject conditions (recommended condition 64).

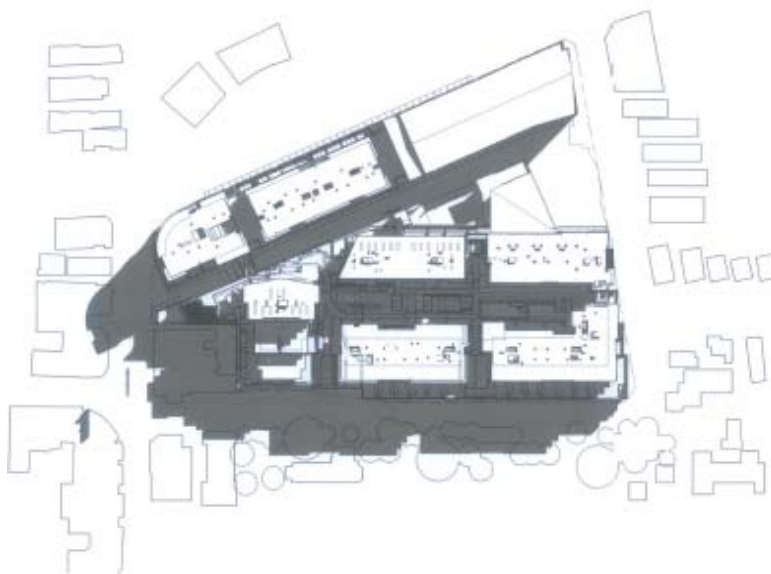
- *Overshadowing and loss of views.*

Assessment Officer's Comment

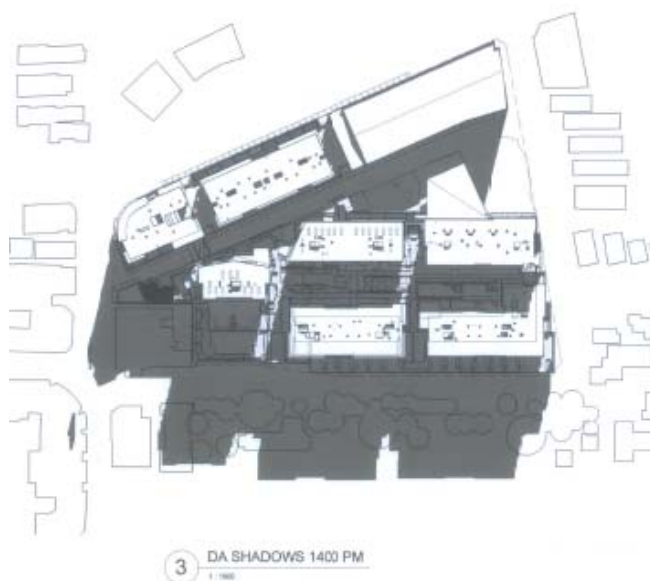
Possible overshadowing impacts on the existing residential buildings on the site has been considered. An analysis of the shadow diagrams indicate that the nearest buildings (Buildings B & F) will not be significantly affected by the proposed Buildings A & A1 (refer to shadow diagrams below for 10am and 12pm):



1 DA SHADOWS 1000 AM
1:1000



2 DA SHADOWS 1200 PM
1:1000



The shadow diagrams illustrate that shadows cast by the proposed buildings are generally confined to the south western section of the podium and over the La Strada on 21 June. The overshadowing impact will not be significantly different from the impact that would have emanated from the approved commercial building on the site.

The proposed development does not greatly modify the extent of shadow cast over the adjoining development and the impact on views from that which was approved under Stage 1 and the subsequent detailed approval for the two commercial buildings. An acceptable level of solar amenity will still be retained for the adjoining residential buildings.

In relation to the impact on views, the proposed buildings are of the same height and length as the commercial buildings that have already been approved in the same location. The obstruction to the western views from adjoining building will be no different to that resulting from the currently approved commercial buildings.

- *Will the additional apartments cater for low cost housing or is it just the developer profiteering?*

Assessment Officer's Comment

The developer has a right to develop the land and to realise the maximum potential economic benefit from their land subject to the constraints of the planning controls.

The application is not seeking any bonus provisions under the Affordable Housing SEPP and the proposal is not classified as affordable housing. However, a mix of housing types are proposed to suit different needs of

the community. At least 15 adaptable units will also be provided within the proposed buildings.

- *Creation of a micro-climate that radiates heat & reflecting light impacting surrounding residents.*

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 most of the time, 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.

Solar light reflectivity analysis was undertaken by Windtech Consultants Pty Ltd and submitted for Council's review. 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 18% 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. A condition of consent is recommended to ensure compliance with this requirement (Condition 33).

- *The bridge over La Strada will bring some inconvenience for existing residents.*

Assessment Officer's Comment

Similar to any other major development, there will be some inconvenience during construction, however, once completed, this bridge will link both portions of the site providing further amenity to all residents within the complex.

- *Overcrowded public transport and lack of rail line.*

Assessment Officer's Comments:

The comprehensive DA 672/2006 (for the construction of TRSC 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.

It should be noted that during the strategic planning for the site, Council was required to consult with various Government Departments including Sydney Buses. Comments received at that time were considered as part of the planning of the site.

Council's Policies encourage use of public transport. However, addressing the matter of lack of public transport is beyond the scope of the proposed development.

- *The traffic report is out of date.*

Assessment Officer's Comment

The current application does not seek to increase the number of parking spaces or alter the vehicular entry/ exit points to the site. The traffic and parking aspect of the DA has been reviewed by Council's Traffic Engineer and no issues have been raised.

- *The DA (increase in residential apartments) results in the breach of original agreement and conditions of consent. Should be refused on the basis that the proposal involves a greater number of apartments than permissible on the property.*

Assessment Officer's Comments:

The site is located in Precinct 2 as identified under Council's Local Environmental Plan 2010. The requirements stipulated within Schedule 6 of the LEP states that the total net useable floor area in Precinct 2 must not exceed 150,000m² with a minimum 15% being residential development.

The proposed development will result in a total net usable floor area of 131,637m² which is well under the 150,000m². The residential NUFA will increase from 40,295m² to 50,391.2m², or some 33.5% of total floor space. This readily complies with the required minimum of 15% of total NUFA that must be residential. The proposal could not be refused on the grounds contained in the submission.

- *Eye sore/ visual Pollution*

Assessment Officer's Comment

The proposed buildings will enhance the built form and aesthetics of the shopping centre precinct. The residential buildings will be better articulated than the commercial buildings as it has been subject to design review as required under State Environmental Planning Policy No. 65.

- *Potential signage on the bridge over Devlin Street will be an eyesore.*

Assessment Officer's Comment

The proposal does not include the construction of any bridge or signage over Devlin Street.

- *Will Council impose further stormwater controls?*

Assessment Officer's Comment

The stormwater management for the site has already been considered and approved as part of the Stage 1 of the development. There is no additional impervious area being created as the Buildings A and A1 will be constructed on the roof level of existing shopping centre. Stormwater will be connected to existing system.

- *Absent landlords- apartments will serve as ghettos.*

Assessment Officer's Comment

The matter raised in the submission is considered not relevant to the proposed development.

- *Resident affected by construction noise*

Assessment Officer's Comment

Similar to any major redevelopment work, some level of inconvenience may result once construction commences (note that construction of Buildings C, D & E is currently underway).

Working hours would conform with Council's standard requirement, that is, all construction and associated work would be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work would be allowed on Sunday or public holidays. The above hours will achieve a reasonable balance between the impact on amenity of residents and the viability of development/ construction projects. Conditions 5 have been recommended to reflect the above.

13 CONCLUSION

The development is a continuation of the overall redevelopment of the Ryde Shopping Centre site, which will create a defined town core within the Ryde Town Centre. The proposed two buildings on the podium form the final stage in the overall building development on the site.

Proposed Buildings A and A1 will deliver a total of 146 apartments making the overall total of 636 apartments on the site. The 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 west 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 building. The proposal complies with the height and density requirement under the Ryde Local Environmental Plan 2010.

Although some of the numerically based “Rules of Thumb” from the Residential Flat Design Code have not been met, the application has demonstrated that many of these issues arise from constraints present on the site, in particular the layout of the predefined building footprint on the podium.

The application has further demonstrated that the level of amenity have significantly been improved under the current proposal compared to the other approved residential buildings D & E. 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, maximum views, access to communal facilities and energy efficiency achieved through compliance with BASIX.

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

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

14 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 application LDA2012/0285 for the construction of two residential flat buildings located at 4- 6 Devlin Street subject to the conditions of consent in Attachment 1 of this report.

B. That the submitters be notified of this decision.

C. That a copy of the development consent be forwarded to the Roads and Maritime Services.

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