

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2013SYE057
DA Number	LDA 2013/0260
Local Government Area	City of Ryde
Proposed Development	Demolition of all existing buildings and structures and the construction of a residential flat building comprising 5 buildings accommodating 179 dwellings over basement parking for 216 vehicles
Street Address	1-9 Allengrove Crescent, North Ryde 116A-122B Epping Road, North Ryde 259-263 Lane Cove Road, North Ryde
Applicant/Owner	Gordon Five Pty Ltd, c/- SJB Planning
Number of Submissions	1
Recommendation	Approval with Conditions
Report by	Brad Roeleven - City Plan Strategy & Development on behalf of City of Ryde

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

This report considers a proposal to construct a multi storey residential flat building on a large site, prominently located at the intersection of Lane Cove and Epping Roads, North Ryde.

This proposal was declared to be the subject of Part 3A of the Environmental Planning and Assessment Act on 21 April 2010. The site has the benefit of Concept Approval MP10_0037, dated 23 November 2012, as subsequently amended on 15 January, 2014. The project described in this development application is consistent with that Concept Approval.

Assessment of the application against the relevant planning framework, and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes this application is sound in terms of its design, function, and relationship with its neighbours.

This report recommends that consent be granted to this application, in accordance with conditions provided at Attachment 1.

2. APPLICATION DETAILS

Applicant: Gondon Five Pty Ltd

Owner: Gondon Five Pty Ltd

Estimated value of works: \$69.9 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 DETAILS

The development site is legally described as:

- Lots 3, 4, 5, 6 and 7 DP 28702
- Lots 23 and 24, DP 869002
- Lot 1 DP 504970
- Lots 100 and 101 DP 739172
- Lot 2 DP 371325
- Lots 1 and 2 DP 845242
- Lot 10 DP 606927
- Lots 1 and 2 DP 524945

The application also seeks consent to embellish and upgrade Nimbin Reserve which is under the care control and management of Ryde City Council.

4. SITE DESCRIPTION

The development site comprises the consolidation of 16 allotments as shown at Figure 1 below. It has frontages to Epping Road, Lane Cove Road and Allengrove Crescent North Ryde. Total site area is 12,297.1m². The land falls from south to north with a change in level of approximately 8.5m. Each of the lots presently supports a single dwelling and various ancillary structures.



Figure 1: Locality plan

Nimbin Reserve is shown hatched, and is located at the northern corner of the site.

5 SITE CONTEXT

The area south of Epping Road is typically low density residential development, characterised by a mix of single and two (2) storey dwellings and occasional villa and townhouse developments. Land north of Epping Road is characterised by a broad range of commercial uses associated with the Macquarie Park corridor.



Figure 2: Aerial photo showing site and its immediate setting

6. PROPOSAL

The scope of works for which consent is sought comprises:

- Demolition of all existing buildings and structures;
- Construction of a residential flat building development of 5 buildings, 3-5 storeys in height, comprising 179 dwellings with basement parking for 216 vehicles;
- Dedication of land for the road widening of Allengrove Crescent;
- Associated landscaping works.

The application also seeks consent to upgrade Nimbin Reserve. Those works are required via the Statement of Commitments associated with Concept Approval MP10_0037, discussed below at section 7 of this report.

Photomontages of the proposed development are provided below.



Figure 3: Elevation to Lane Cove Road, looking southeast from Epping Road



Figure 4: Elevation to Lane Cove Road and Allengrove Crescent, looking northeast from Lane Cove Road

7. BACKGROUND

7.1 Concept Approval

This project was declared to be the subject of Part 3A of the Environmental Planning and Assessment Act on 21 April 2010. The site has the benefit of Concept Approval MP10_0037, dated 23 November 2012, however that matter has a complex history, as summarised below:

- The original scheme was submitted in 2010 and comprised 3 rows of buildings ranging between 3 and 11 storeys;
- Significant amendments were made in May 2011 under the Preferred Project Report, reducing the maximum building heights to 8 storeys and altering the scheme to comprise 5 buildings. The amended scheme was recommended for approval by the Director-General (DG) subject to further reductions in the height of a number of the buildings.
- The DG's report was referred to the Planning Assessment Commission (PAC) for determination. Following a public meeting in April 2012 the PAC refused the Concept Plan on 3 May 2012.
- An appeal was subsequently lodged to the Land and Environment Court of NSW and a Section 34 conference was held. Further amendments were made, reducing the proposed building heights to a maximum of 5 storeys stepping down to 2 and 3 storeys adjacent to the neighbouring properties; and
- In September 2012, the Court agreed to consent orders to allow the appeal and the PAC subsequently granted approval to the Concept Plan on 28 September 2012.

7.2 Section 75W Application

A Section 75W Modification Application (s75W) was lodged with the Department of Planning and Infrastructure (DOPI) on 7 June 2013, seeking the following modifications to the Concept Approval:

- Modify the approved building envelopes, vertically and horizontally, to accommodate minor variations to stair/lift locations, plant equipment and minor adjustments to the design;
- Reduce the number of buildings from 7 to 5, due to the deletion of the gap between two of the buildings and the enclosure of the basement ramp entry;
- Increase the number of basement levels from two (2) to three (3);
- Modify the floor layout of the indicative floor plans and mix of units.
- Increase the number of units from the indicative 154 units to 179 units;
- Increase the number of car parking spaces from the indicative 205 car spaces to 218;
- Modify the basement entry ramp design and general basement design.

The s75W application was approved by the PAC on 14 January, 2014.

7.3 Consistency with the Concept Approval plans

The proposal, as revised by the submission lodged with Council on 13 February, 2014 is consistent with the s75W approval and associated plans in terms of:

- Number of buildings;
- Total number of dwellings and parking spaces;
- Building footprints and boundary setbacks;
- Internal separation distances (other than reductions of 500mm - 700mm between Buildings A and B);
- RL's for each basement level, floor level, roof level, plant, overruns and the like;
- Total gross floor area; and
- Total landscape area, deep soil zones and private courtyards.

7.4 Consistency with terms of the Concept Approval

Schedules 2 and 3 of the Concept Approval set out various matters to be satisfied by any future development application to implement that consent. Those matters are addressed at Table 1 below:

Table1: Consistency with Concept Approval

Schedule 2	
Terms of approval	Comment
Development Description	The DA is consistent with the development description as revised by the section 75 Application.
Approved plans and documentation	The DA is consistent with the plans approved with section 75 Application.
Building envelopes	The DA is consistent with the building envelopes approved with the section 75 Application.
Private open space	Private open space for each dwelling satisfies nominated design criteria.
Adaptable units	10% of apartments (18 units) are adaptable as required.
Roadways	The DA includes details for the required widening of Allengrove Crescent
Lapsing of approval	Noted.

Schedule 2	
Terms of approval	Comment
Inconsistency between documentation	Noted.
Schedule 3 - Future environmental assessment requirements	
Matter	Comment
Building design	<p>The building design incorporates sufficient horizontal and vertical modulation.</p> <p>An acoustic report has been provided addressing nominated guidelines and measures needed to achieve noise attenuation from road traffic noise.</p> <p>SEPP 65 + RFDC compliance is addressed at section 9.7, however the issue of solar access requires discussion - see comments at the end of this table.</p> <p>Site planning acknowledges the need for land dedication along Allengrove Crescent.</p>
Privacy	Refer to section 9.7 and 9.14 below
Landscaping	Arrangements for landscaping confirmed as satisfactory by Council's Landscape Architect

Construction and operational impacts	The application is accompanied by the required documentation, except for dilapidation surveys. Such information is not essential to assist with assessment of the DA. Instead, condition 40 and 41 recommend that such reports be completed prior to the issue of any Construction Certificate..
Sustainable travel plan	The application includes a single parking space to be dedicated for use by car share scheme for residents.
ESD	The application is accompanied by the required documentation.
Public domain	Required public domain works are addressed by conditions provided by Council's Public Works Team (Condition No. 44). Pedestrian linkages are provided within the site. Documentation has been provided for the upgrade of Nimbin Reserve.

Car parking	Assessed as satisfactory by Council's Development Engineer.
Stormwater and drainage	Assessed as satisfactory by Council's Development Engineer.
Ground water	The geotechnical report does not identify the need for a tanked basement design.
Servicing	Arrangements for garbage collection and storage assessed as satisfactory by Council's Development Engineer and Public works (waste) team
Staging of development	No staging proposed.
Schedule 4 - Statement of Commitments	
<p>The Concept Plan Approval for MP 10_0037 includes, at Schedule 4, numerous matters which the applicant has committed to undertake or provide. Many of those issues are addressed through the development application. The remaining matters are addressed in the conditions at Attachment 1 to this report, requiring completion consistent with the timing specified in the Concept Application Approval. Key matters in include:</p> <ul style="list-style-type: none"> • Upgrading and embellishment of adjoining Nimbin Reserve; and • Public art installation. 	

Solar access to apartments

The DOPI assessment of the section 75W application indicated the building design maximised the site's orientation to the sun, and that 86% of apartments received 3 hours sunlight.

The apartment layouts nominated on the plans approved with that section 75W application are consistent with the current development application plans. However the development application achieves the following solar access outcomes:

- 26% of units achieve 3hrs solar access to living rooms;
- 72% of units achieve 2hrs solar access to living rooms; and
- 85% of units achieve 3hrs solar access to balconies or courtyards

It is unclear why the solar access figures have altered given the apparent consistency between the s75W plans and the development application plans, however the applicant advises:

- The inconsistency with the 3 hour solar access 'rule of thumb' is not a function of the density of the development or building separation, but a consequence of building design and balcony depth; and
- Greater solar access could be achieved, however this would require amendment to the balcony depths, which would itself be an inconsistency with another 'rule of thumb' in the RFDC.

The Concept Plan Approval requires any future development application to demonstrate that solar access complies with the RFDC, and it is noted that Code nominates two outcomes which can be acceptable, being:

- 3 hours to 70% of apartments; or
- In more dense urban areas, 2 hours to 70% of apartments.

While it is apparent the DOPI based its assessment on the 3 hour outcome, the Concept Plan approval is not specific in terms which threshold the development application is to achieve. While an outcome of 72% of apartments receiving 2 hours solar access at midwinter is acceptable under the RFDC, that is only for dense urban areas, which is not the case in this instance.

Notwithstanding, insistence on a redesign of the entire development to meet the 3 hour target would likely result in an outcome that was not consistent with the Concept Plan approval. Further, we note that the opportunity exists to provide roof windows or skylights to 30 apartments, which should result in 43% of apartments receiving 3 hours solar access. Such a design amendment is reasonable, and is addressed by condition 15.

8. APPLICABLE PLANNING CONTROLS

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

- Environmental Planning and Assessment Regulation 2000;
- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy (Major Developments) 2005;
- State Environmental Planning Policy (State and Regional Development) 2011;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Draft Ryde Local Environmental Plan 2011;
- City of Ryde Development Control Plan 2010; and
- Section 94 Development Contributions Plan 2007.

9. PLANNING ASSESSMENT

9.1 Environmental Planning and Assessment Regulation

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the nominated documentation for development seeking consent for a residential flat building, including:

- A design verification statement from a qualified designer;
- An explanation of the design in terms of the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development; and
- Relevant drawings and montages.

9.2 Environmental Planning and Assessment Act 1979

Section - 5A Threatened species, populations or ecological communities, or habitats

This section of this Act requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. Noting the assessment undertaken for the Concept Approval, and the review undertaken for this development application, it is apparent the site does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat.

9.3 State Environmental Planning Policy (Major Developments) 2005

Part 3A of the Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to 'transitional Part 3A projects'. As the Director-General's environmental assessment requirements for this project were issued prior to 8 April 2011, the project is a transitional Part 3A project.

No additional matters arise under this Policy for the purposes of the assessment of this application.

9.4 State Environmental Planning Policy (State and Regional Development) 2011

This proposal has a Capital Investment Value of more than \$20 million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

Ryde City Council also has an interest in this matter, being the owner of Nimbin Reserve.

9.5 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, the consent authority must consider

if the land is contaminated and, if so, whether is it suitable, or can be made suitable, for the proposed use.

The application is accompanied by a Phase 2 contamination assessment which considers the potential for soil and/or groundwater contamination and the need, if any, for remediation and/or management strategies. In summary, that investigation revealed:

- Based on the site history and the field observations there was a low potential for contamination from past site activities. Historical information indicates that the site has had an agricultural past followed by residential development;
- The subsurface conditions encountered at the sample locations indicated relatively shallow filling/topsoil overlying natural clays with no signs of gross contamination observed (e.g. odours, staining);
- All soil data have recorded low concentrations for all analytes, with all results within the adopted health based SAC, other than for limited minor exceedences, which are not significant; and
- Whilst no asbestos was identified in any of the samples analysed, visual observations were limited due to vegetation and the presence of the buildings. Therefore following demolition and removal of all current buildings, an environmental consultant / occupational hygienist be engaged to assess the footprints for the presence of asbestos and/or any other indicators of contamination.

That report subsequently provided the following conclusion:

On the basis of the outcomes of this Phase 2 contamination assessment, and the proviso that the works discussed above in Section 11 are undertaken, the site is considered to be suitable for its proposed use as a high density residential development with basement car parking.

Council's Environmental Health Officer has raised no objections to this development subject to conditions of consent. (See condition numbers 28, 82, 91, 98, 99, 100, 101 and 102).

9.6 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The Policy seeks to ensure that new dwellings are designed to use less water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets, which are based on the NSW average benchmark. The Policy also sets minimum performance levels for the thermal comfort of a dwelling.

This application as lodged was accompanied by Basix Certificate Nos. 325082M_02 and 465754M_03, which confirmed that required targets would be met.

However, those certificates were not updated to reflect the amended proposal lodged in February 2014. Included within the recommendation to this report is a condition requiring

updated certificates to be provided prior to the issue of any Construction Certificate, and for compliance with the nominated Basix commitments. (See condition numbers 21 and 80).

9.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel (prior to lodgement);
- The 10 SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines.

Urban Design Review Panel

The application was considered by Council's Design Review Panel at a meeting on 19 March 2013, prior to the lodgement of the development application. Since that time the Concept Plan approval has been modified.

The proposal has generally responded to the comments provided by the Panel, notably with the deletion of lightwells from Building A, B and C.

Design Quality Principles

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the Environmental Planning and Assessment Regulation, this application is accompanied by a response to the design principles, as prepared by the project architect.

The following table provides an assessment of the proposal against the 10 design principles of the SEPP:

Design Quality Principle	Comment
Context	Assessed as appropriate by the Department of Planning and Infrastructure via the Concept Plan Approval for MP 10_0037, as subsequently amended. The DA is consistent with that Concept Plan approval.
Scale	As above.
Built Form	As above.

Design Quality Principle	Comment
Density	As above.
Resource, energy and water efficiency	<p>Energy and water efficiency targets under SEPP (Basix) 2004 are achieved.</p> <p>A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Public Works Section.</p> <p>The design is generally consistent with best practice 'rules of thumb' for cross ventilation and solar access under the Residential Flat Design Code.</p>
Landscape	Landscape works within the site have been assessed as consistent with Concept Plan Approval, and satisfactory for SEPP 65/RFDC purposes by Council's Landscape architect.
Amenity	Amenity for the apartments is satisfactory in terms of unit size, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, and ease of access.
Safety and Security	The application is accompanied by a Crime Prevention through Environmental Design (CPTED) report. Appropriate outcomes can be achieved through conditions in any consent.
Social dimensions and housing affordability	<p>The proposal comprises 179 apartments as follows:</p> <ul style="list-style-type: none"> • 17 x studio apartments; • 2 x 1 bedroom apartments; • 70 x 1 bedroom + study apartments; • 40 x 2 bedroom apartments; • 44 x 2 bedroom + study apartments; and • 6 x 3 bedroom apartments. <p>Of those 18 apartments (10%) will be adaptable.</p> <p>This is considered to be a suitable mix of housing.</p>
Aesthetics	The composition of building elements and materials is satisfactory.

Residential Flat Design Code

The SEPP requires consideration of the "Residential Flat Design Code" (RFDC) which supports the 10 design quality principles by giving greater detail as to how those principles might be achieved. The following table provides an assessment of the proposal against the matters in the RFDC:

Part 01 – Local Context		
	Comments	Consistent
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The height control under Ryde LEP 2010 is set aside by the Concept Plan Approval MP10_0037. The proposed building height is consistent with that approval, as modified.	Yes
Building Depth In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	Building depths range generally from 12m to 19m, consistent with Concept Plan Approval MP10_0037 as modified.	Yes
Building Separation Building separation for buildings up to 8 storeys or up to 25 metres should be: -18m between habitable rooms/balconies -13m between habitable/balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.	Building separation distances generally accord with the RFDC, otherwise noting that the boundary setbacks and building footprints are consistent with Concept Plan Approval MP10_0037 as modified.	Yes
Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	Consistent with Concept Plan Approval MP10_0037 as modified.	Yes
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.	Consistent with Concept Plan Approval MP10_0037 as modified.	Yes

Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	Building setbacks, footprints, heights and total apartment yield are consistent with Concept Plan Approval MP10_0037 as modified.	Yes
Part 02 – Site Design		
	Comments	Consistent
Deep Soil Zones A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	38.6% of the site is set aside as landscaped area/open space. Of that, 46.8% is available as deep soil zone, being located to the perimeter of the site outside of the building/basement footprint.	Yes
Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	<p>The site edge to Lane Cove Road is defined by a terraced landscaped treatment, forward of adjoining private courtyards which are setback 5m-6m. For the buildings addressing Allengrove Crescent and Epping Road, enclosing walls to the ground floor courtyards are typically setback 3m and 5m respectively, behind landscaping.</p> <p>The 5 communal pedestrian entry points from the various street frontages have an alternative design treatment to the private courtyards, and are also set closer to the street edge. This provides for visual interest at street level, and ensures common entry points are readily identified as such.</p> <p>The overall fencing and landscape treatment therefore provides clear delineation to the private and public domain.</p>	Yes
Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	Council's Landscape Architect has confirmed the landscape treatment is satisfactory.	Yes

Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. 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.	The distribution of open space is consistent with site planning arrangements via the Concept Plan Approval (MP10-0037). Private open spaces are provided for each unit in the form of a balcony for above ground units and terrace areas for ground floor dwellings. Those spaces satisfy design criteria in the RFDC.	Yes
Orientation Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.	The design does maximise orientation to the north, noting the building envelopes are consistent with the Concept Plan Approval (MP10-0037).	Yes
Planting on Structures In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: • Shrubs - minimum soil depths 500 - 600mm	The extent of the basement necessitates landscaping for private and common areas, between buildings to be located over hardstand areas. Council's Landscape Architect is satisfied with arrangements for landscaping in those areas of the development	Yes
Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Council's Development Engineer is satisfied with arrangements for the collection and disposal of stormwater, subject to conditions (See condition numbers 35, 36, 86, 87 and 88).	Yes
Safety Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	The design properly responds to the principles which underpin CPTED considerations. Conditions of consent have been included to reflect appropriate safety and security measures. (See condition numbers 72 to 76).	Yes
Visual Privacy The building separation requirements should be adopted.	Separation distances are satisfactory, noting the building envelopes are consistent with the Concept Plan Approval (MP10-0037).	Yes

<p>Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment.</p>	<p>Equitable and secure access is available onto the site and within the development. The Access Report accompanying the application has identified various minor design changes necessary to ensure that relevant standards are met in terms of equitable access. These are matters of details, properly addressed with any Construction Certificate.</p>	<p>Yes</p>
<p>Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.</p>	<p>The Concept Plan Approval (MP10-0037) initially required parking supply to be consistent with Ryde DCP 2010. However the amendment to that approval prescribed a maximum of 218 spaces are to be provided. The proposal provides 216 spaces being:</p> <ul style="list-style-type: none"> • 179 resident spaces • 36 visitor spaces • 1 car share space <p>In addition 185 bike spaces are provided.</p> <p>Council's Development Engineer is satisfied with the parking supply.</p>	<p>Yes</p>
<p>Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.</p>	<p>The development provides accessible paths of travel within the building and to public areas.</p> <p>18 adaptable apartments are provided as required by the Concept Plan Approval (MP10-0037).</p>	<p>Yes</p>
<p>Vehicle Access To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.</p>	<p>All vehicle access to the site, including for service vehicles, is via a combined entry/exit driveway to Allengrove Crescent, consistent with the Concept Plan Approval (MP10-0037).</p> <p>Council's Public Works Team and Development Engineer are satisfied with access arrangements for cars and service vehicles.</p>	<p>Yes</p>

Part 03 – Building Design		
	Comments	Consistent
Apartment Layout Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following; 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 95m ²	Single aspect apartments do not exceed 8m in depth. All apartments exceed the minimum requirements. In most instances the back of the kitchen is no more than 8m from the window.	Yes
Apartment Mix The development should provide a variety of types.	Apartments mix is: <ul style="list-style-type: none"> • 17 x studio apartments; • 2 x 1 bedroom apartments; • 70 x 1 bedroom + study apartments • 40 x 2 bedroom apartments; • 44 x 2 bedroom + study apartments • 6 x 3 bedroom apartments. Of those 18 apartments (10%) will be adaptable.	Yes
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2m should be provided.	Each unit is provided with a primary balcony that is accessed from the main living areas. All balconies have a minimum depth of 2 metres.	Yes
Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). <ul style="list-style-type: none"> • in general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. 	Floor to ceiling heights are at least 3.1m	Yes
Flexibility Provide apartment layouts which accommodate the changing use of rooms.	Floor plates are considered satisfactory.	Yes

Ground Floor Apartments Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	Only the ground floor apartments to Allengrove Crescent have individual entries at street level. This is acceptable as a lack of such entry points for ground floor units to Epping and Lane Cove Roads does not result in any adverse streetscape outcomes.	Yes
Internal Circulation In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight.	Achieved. Achieved.	Yes
Mixed Use The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems.	Not applicable	N/A
Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: • studio apartments - 6.0m ³ • one-bedroom apartments - 6.0m ³ • two-bedroom apartments - 8.0m ³ • three-bedroom apartments – 10.0m ³ Options including providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.	A matrix provided by the project architect indicates that each apartment will have storage which meets, and often exceeds, these requirements.	Yes
Acoustic Privacy Apartments to be arranged to minimise noise transitions.	Appropriate acoustic privacy will be provided for each apartment.	Yes

<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>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10%</p>	<p>The building achieves the following outcomes:</p> <ul style="list-style-type: none"> • 26% of units achieve 3hrs solar access to living rooms • 72% of units achieve 2hrs solar access to living rooms • 85% of units achieve 3hrs solar access to balconies or courtyards <p>Whilst not strictly in accordance with the RFDC the outcomes are satisfactory, as noted above.</p> <p>4.5% of apartments are single aspect south facing.</p>	<p>Yes</p> <p>Yes</p>
<p>Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres.</p> <p>60% of residential units should be naturally cross ventilated.</p>	<p>12m to 19m - Achieved</p> <p>61% - Achieved</p>	<p>Yes</p> <p>Yes</p>
<p>Awning Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>Not applicable</p>	<p>N/A</p>
<p>Facades Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.</p>	<p>The facade composition and mix of materials is satisfactory</p>	<p>Yes</p>
<p>Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.</p>	<p>Satisfactory</p>	<p>Yes</p>
<p>Energy Efficiency Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.</p>	<p>The energy efficiency of the buildings is consistent with the requirements under BASIX.</p>	<p>Yes</p>

Maintenance The design of the development is to ensure long life and ease of maintenance.	Satisfactory	Yes
Waste Management A waste management plan is to be submitted with the development application.	The application is supported by: <ul style="list-style-type: none"> • Operational waste management plan • Site waste minimisation & management plan • Demolition report 	Yes

9.8 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 - Development with Frontage to a Classified Road

Both Lane Cove Road and Epping Road are classified roads. Clause 101 of this SEPP requires that consent must not be granted to development on land with a frontage to a classified road unless it is satisfied of the following:

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

In response it is noted:

- All vehicle access is only via Allengrove Road;
- Roads and Maritime Services (RMS) considered the proposal and raised no objections in terms of impacts for the operational efficiency of those classified roads; and
- Impact from road traffic noise was considered by the Department of Planning in its assessment of MP10_0037. Further this application is accompanied by an Acoustic assessment which confirms that:
 - Compliance with relevant noise criteria can be achieved with standard building design and construction methods such that road noise impacts do not preclude the use of the site for residential purposes; but that
 - Certain parts of the building will require upgraded glazing, frames and seals, or alternative means of ventilation to some living rooms and bedrooms.

Council's Environmental Health Officer as reviewed the acoustic report and has nominated conditions to ensure its recommendations are implemented. (See condition number .28 and 29).

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

This clause specifies the need to consider guidelines issued by the Director-General and nominates noise levels that are not to be exceeded within a residential development that is adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles.

As noted for clause 101 above, this matter has similarly been addressed by the acoustic report accompanying the application.

Clause 104 – Traffic Generating Development

Consistent with the requirements of this clause, the application was referred to RMS for comment. RMS raised no objections and provided conditions for inclusion in any approval.

9.9 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of this project and the location of the site there are no specific controls that directly apply to this proposal.

9.10 Ryde Local Environmental Plan 2010

Permissibility and principal development standards

The land is zoned "R2 Low Density Residential" within which a "residential flat building" is a prohibited use. That circumstance however is resolved by the approval granted under Part 3A of the Environmental Planning and Assessment Act, 1979, to Concept Plan Approval (MP10_0037).

Similarly key development standards of building height (9.5m) and floor space ratio (0.5:1) are set aside by virtue of the Concept Plan Approval.

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes
Clause 5.10 Heritage conservation	The land does not comprise any listed heritage item, nor is it within any heritage conservation area. Further the land is not in the vicinity of any heritage item or conservation area.
Clause 6.1 Acid sulfate soils	The land is not mapped as comprising such soils.
Clause 6.2 Earthworks	Relevant matters nominated in this clause have been considered and no concerns were identified.

9.11 Draft Ryde Local Environmental Plan 2011

This Draft plan was adopted by Council on 12 March 2013 and is waiting gazettal by the Department of Planning and Infrastructure.

The suite of planning controls proposed for this site under this Draft Plan reflects those presently within Ryde Local Environmental Plan 2010.

9.12 City of Ryde DCP 2010

Whilst this Plan applies to all land within the Ryde local government area, in this instance its provisions are not strictly applicable due to the site benefitting from the Concept Plan Approval (MP10_0037). The DCP has therefore been considered only where there is no direct conflict with matters resolved via that Approval. In that context, the following sections of the DCP are of relevance, being:

- Part 7.1 - Energy Smart, Water Wise
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 8.3 - Driveways
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking

Noting the advice received from the various technical departments within Council the proposal is satisfactory in relation to those matters.

9.13 Section 94 Development Contributions Plan 2007

This Plan enables Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density /floor area, and that circumstance is not altered by the terms of the Concept Plan approval (MP10-0037).

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate (see condition 20).

9.14 LIKELY IMPACTS OF THE DEVELOPMENT

The analysis provided in the preceding sections of this report generally addresses matters internal to the site. However other elements of the project require consideration, as set out below:

Site Isolation

The development site excludes No. 253-257 Lane Cove Road, North Ryde (being Lots 1 and 2 DP 656172) as shown in red at Figure 5 below. That land has an area of about 1,660m².

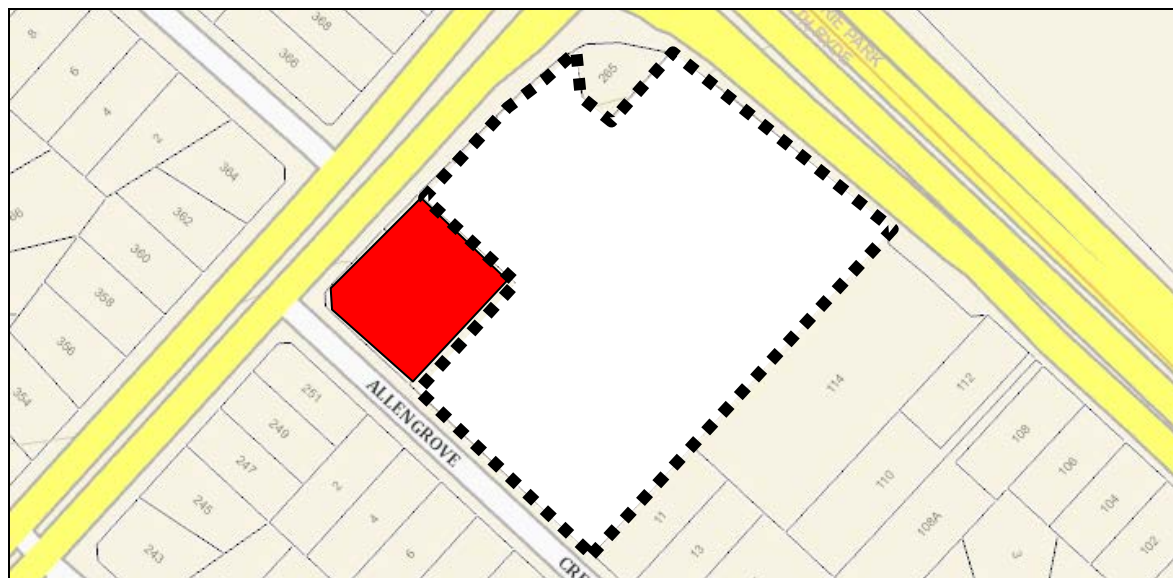


Figure 5: Nos. 253-257 Lane Cove Road, North Ryde

In its assessment of MP10_0037 the Department of Planning and Infrastructure found:

- The proponent had properly demonstrated unsuccessful attempts to amalgamate that land with subject site; and
- The future development of No. 253-257 Lane Cove Road, North Ryde would not be prejudiced.

It is noted that under Ryde LEP 2010 and DCP 2013 the relevant controls for multi unit dwellings in the R2 Low Density zone are:

- Density control of 300m² (1,2 or 3 bedroom dwelling) and 365m² for a 4 bedroom dwelling (LEP); and
- Minimum lot size of 600m² and street frontage of 20m (DCP).

It is therefore agreed that the capacity for redevelopment of Nos. 253-257 Lane Cove Road, North Ryde is not prejudiced by this proposal.

Traffic and parking

The section 75W Application to modify the Concept Plan Approval (MP10_0037) was accompanied by a traffic impact assessment, which was itself the subject of a peer review by a separate consultant. In supporting the section 75 application, the Department of Planning and Infrastructure noted:

- The RMS raised no objection to the proposal;
- The level of additional traffic is reasonable and within acceptable limits;
- Higher density development on the site is supported because of its proximity to public transport and a range of other facilities which will combine to reduce reliance upon private motor vehicles;
- The development includes bike facilities to further reduced impacts on the road network.

The development application is consistent with the Concept Plan approval, as modified, in terms of:

- Maximum unit yield and parking supply; and
- Dedication of land, and the undertaking of works, necessary to enable the partial widening of Allengrove Crescent.

Overshadowing of adjacent sites

Overshadowing of adjacent sites is directly connected to the site planning and built form outcomes of the project which, as noted, are consistent with the Concept Plan Approval, as modified. Nevertheless midwinter shadow diagrams demonstrate that:

- At 9am, shadow cast by the buildings will fall mostly within the site or the Allengrove Crescent road reserve, excepting for a small portion of the front yards of Nos. 18, 19, 20 and 21 opposite the site, and about 50% of the private open space of No. 253 Lane Cove Road. No north facing windows of adjacent dwellings are impacted;
- At 12 noon shadow cast by the buildings falls almost entirely within the subject site, with only minor exceptions. No north facing windows of adjacent dwellings are impacted; and

- At 3pm, some shade will fall onto the private open space and north facing windows 3 of 5 villas at adjacent No. 114 Epping Road. However the level of solar access for those dwellings remains consistent with Council's DCP controls for attached dwellings.

Overlooking of adjacent sites

The potential for impact is again dictated by site planning and built form outcomes as predetermined by the Concept Plan Approval to MP10_0037. Nevertheless the proposal properly addresses this matter as follows:

- For the eastern edge of the site, which adjoins No. 114 Epping Road and No. 11 Allengrove Crescent:
 - The built form is limited to 2-3 storeys;
 - Apartments are arranged to avoid directly addressing the neighbouring sites;
 - The eastern elevations of Buildings A-D do not contain any balconies at the upper levels. Windows are limited, and are vertically proportioned and well separated;
 - Setbacks from the common boundary are generally 9m, but range from 7.1m - 10.2m;
 - The setback from the eastern site boundary is afforded an appropriate landscape treatment.
- At the southwest corner of the site, where the development wraps around Nos. 253-257 Lane Cove Road, the same building design and landscape approach has been adopted.

Upgrade of Nimbin Reserve and public art

Schedule 4 (Statement of Commitments) of the Concept Approval for MP10_0037 requires the upgrading of Nimbin Reserve, at the proponents cost, with works to be completed prior the occupation of the development.

The embellishment of the Reserve is described on the landscape plans accompanying the application. Those plans have been assessed as satisfactory by both Council's Landscape Architect and Section Manager- Open Space Planning and Assets.

The development application is accompanied by:

- Advice from RMS noting that the Reserve was previously resumed and dedicated as Public Reserve; is under the care control and management of Council, and that it has no objection to the landscape works, subject to Council's approval; and
- Owners consent from Ryde City Council for the works proposed for this Reserve.

A related matter under Schedule 4 (Statement of Commitments) of the Concept Approval for MP10_0037 is the need for public art to be provided within the public domain, under the Epping Road overpass, with details of that commitment to be negotiated with both Council and RMS.

Rather than providing such artwork within the underpass, the proponent has instead nominated a public art installation as part of the Nimbin Reserve upgrade. Such is acceptable noting:

- Both Council and RMS have no objection to the upgrade of the reserve;
- The location noted for the art installation is prominent, and will contribute to the public domain.

Conditions regarding the design and selection process for the public art installation, consistent with the Concept Approval for MP10_0037, are included in the recommendation to this report (Condition.94).

10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The suitability of the site to support a land use of this type and scale was determined through the consent granted to Concept Plan Approval MP10_0337. This application is consistent with that Concept Plan approval.

11. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the Concept Plan Approval (MP10_0037, as modified) and subsequent assessment of this application has not identified any issues of concern.

12. REFERRALS

The following table provides a summary of internal and external referrals undertaken for this application:

Internal	
Landscape Architect	No objections - conditions provided
Environmental Health	No objections - conditions provided
Development Engineer	No objections - conditions provided
Public Works (Drainage)	No objections - conditions provided
Public Works (Traffic)	No objections - conditions provided
Public Works (Public domain)	No objections - conditions provided

Public Works (Waste)	No objections - conditions provided
Open Space Planning & Assets	No objections - conditions provided
External	
Roads and Maritime Services	No objections - conditions provided
Sydney Water	No response received
NSW Police	No objections - additional measures recommended to improve CPTED outcomes. Addressed by conditions.

13. PUBLIC NOTIFICATION AND SUBMISSIONS

The proposal was notified and advertised in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The exhibition period was from 26 February, 2014 until 12 March 2014.

One submission was received. The matters raised are summarised and addressed below:

Issue 1 The application as advertised was not accompanied by plans describing road works In Allengrove Crescent necessary to support the project as required by Concept Plan approval.

Response

In response to a request for further information, the applicant submitted concept plans for works within the Allengrove Crescent road reserve by submission dated 13 February 2013, ahead of the public notification of the application. These plans have been assessed as satisfactory by Council's Public works section.

Issue 2 Allengrove Crescent narrow and connects only with Lane Cove Road. The entry/exit point to Lane Cove Road will not alter, as road widening is limited only to the frontage of the subject site. Peak hour traffic, in the afternoons, already extends north of Allengrove Road. The increase in traffic movements (cars and heavy vehicles) will make the intersection even more hazardous. Ryde Council should engage a traffic engineer to advise on the application and traffic movement statistics.

Response

Traffic generation and impacts for the local road network was the subject of detailed assessment by the Department of Planning and Infrastructure in the evaluation of MP 10_0037, as modified. See comments at sections 9.8 and 9.14.

Issue 3 Many of the dwellings and associated structures on the site are constructed from fibro or similar materials. No details are provided as to how asbestos materials are to be identified within the demolition process.

Response

Confirmation of the existence of asbestos material across the site, and the need to ensure for proper management of demolition works is identified in the following documents accompanying the application:

- Phase 2 Contamination Assessment and Preliminary Waste Classification report; and
- Demolition report.

Council's Environmental Health Officer has considered this matter and has provided appropriate conditions for inclusion in any consent.

14. CONCLUSION

This report considers an application to construct a substantial residential development on a large, prominent site at the intersection of Epping and Lane Cove Roads, North Ryde.

The proposal is the subject of the transitional provisions of Part 3A of the Environmental Planning and Assessment Act, and benefits from a Concept Plan Approval granted on 21 April 2010, as modified on 15 January, 2014. The development application as lodged is consistent with that modified Concept Plan approval.

Most of the 'high level' contextual, site suitability site planning issues and the like have therefore been resolved through the Part 3A/Section 75W assessment and approval processes. Consequently provided this associated development application is consistent with those underlying approvals there are limitations upon the extent to which the consent authority is able to revisit those matters.

Given that circumstance, and noting the outcomes from the assessment, the proposal on balance is considered to be fundamentally sound in terms of its design, function and relationship with its neighbours.

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

15. RECOMMENDATION

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 LDA2013/0260 for the construction of a residential flat building at Nos. 1-9 Allengrove Crescent, 116A-122B Epping Road and 259-263

Lane Cove Road, North Ryde, subject to the conditions of consent in Attachment 1 of this report; and

- B. That a copy of the development consent be forwarded to the Roads and Maritime Services; and
- C. That those persons making a submission be advised of the decision.

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