

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2014SYE085
<b>DA Number</b>	LDA 2014/0258
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Construction of 5 residential flat buildings comprising 416 dwellings and basement parking over 3 levels and part 4 <sup>th</sup> level for 478 vehicles. Restoration of Tellaraga House.
<b>Street Address</b>	74 to 78 Belmore Street, Ryde
<b>Applicant/Owner</b>	Combined Projects (Ryde) Pty Ltd
<b>Number of Submissions</b>	9 submissions received including 1 petition containing 145 signatures
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant s79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2000;</li> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• State Environmental Planning Policy (Major Developments) 2005;</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX);</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;</li> <li>• State Environmental Planning Policy (Infrastructure) 2007;</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Ryde Local Environmental Plan 2014;</li> <li>• Ryde Local Environmental Plan 2010;</li> </ul>

	<ul style="list-style-type: none"> <li>• City of Ryde Development Control Plan 2014; and</li> <li>• Section 94 Development Contributions Plan 2007.</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Conditions of consent
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Andy Nixey, Senior Town Planner

## **Assessment Report and Recommendation**

### **1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the construction of five residential flat buildings and basement parking at 74 to 78 Belmore Street, Ryde. The site was previously used as a residential care facility, known as Crowle Home, for people with a disability by Achieve Australia.

The redevelopment of the site for residential purposes was declared to be a Major Project under the terms of Part 3A the *State Environmental Planning Policy (Major Development) 2005* on 1 October 2010. The site has the benefit of Concept Approval MP10\_0110 dated 14 November 2012 with Section 75W modifications subsequently approved on 14 March 2013, 16 May 2013 and 27 May 2014. The project described in this development application is generally consistent with that modified Concept Approval.

The modified Concept Plan gave approval for 35,000m<sup>2</sup> of residential gross floor area, five (5) residential building envelopes, a communal facility building envelope, a three (3) level basement parking envelope, retention and re-use of Tellaraga House, and public domain works.

The development application proposes the construction of five (5) residential flat buildings comprising 416 dwellings (164 x 1 bedroom, 248 x 2 bedroom, and 4 x 3 bedroom). As amended, four (4) levels of basement car parking for 478 vehicles (instead of 3 levels with parking for 450 vehicles) are also proposed together with the restoration of the heritage item on the site, Tellaraga House.

During the notification period, Council received 9 submissions including 1 petition containing 145 signatures. The submissions raise concerns regarding

height, bulk and scale, traffic, parking, overshadowing, noise, loss of privacy and lack of public open space provided within the development. All of the issues raised have been addressed in the report.

The proposed development is generally consistent with the modified Concept Plan Approval (MP10\_0110 Mod 3). In addition, the relevant Statement of Commitments has been satisfied.

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:** Combined Projects (Ryde) Pty Ltd

**Owner:** Combined Projects (Ryde) Pty Ltd

**Estimated value of works:** \$93,154,433

**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 CONTEXT**

The site is located within the Meadowbank Employment Area (MEA). The area is currently undergoing a significant transformation from an obsolete industrial area to a relatively high density mixed use residential/retail/commercial precinct. **Figure 1** below provides an aerial view of the site and its context.

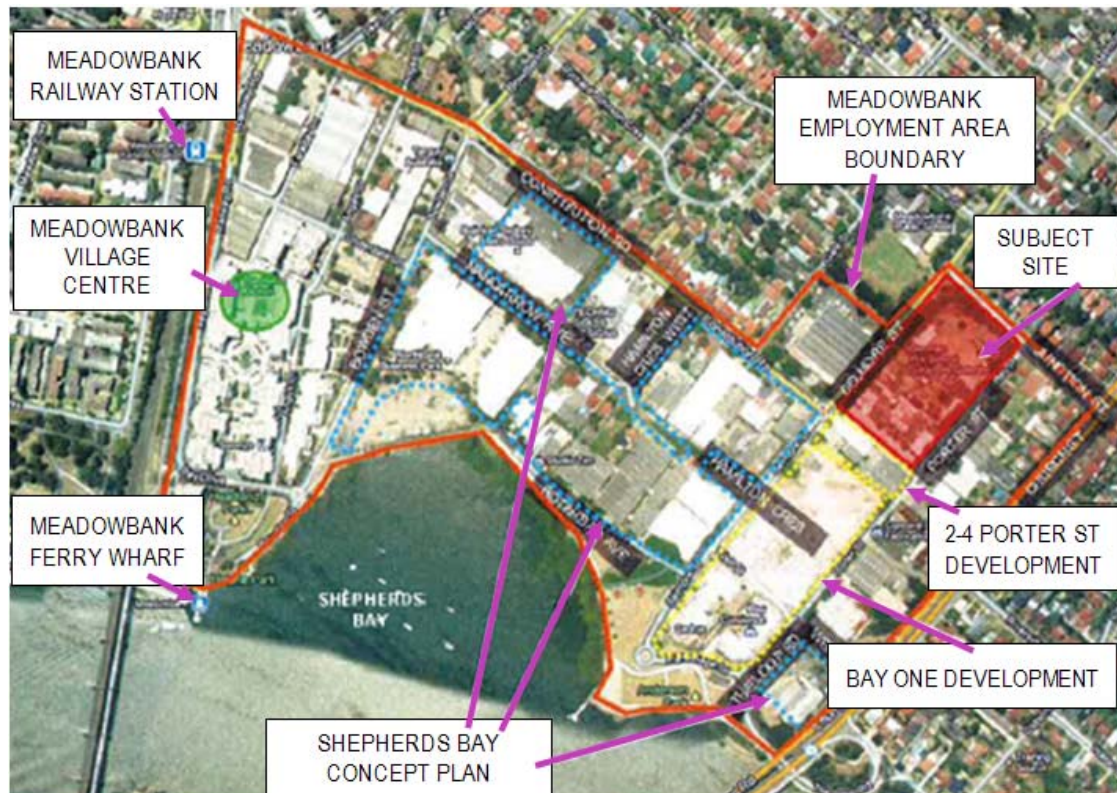


Figure 1: Aerial photograph of the site and surrounding area (Source D.G's Assessment Report MP10\_0110)

Meadowbank Public School and the Ryde Council Operations Centre (No.1 Constitution Road) are located to the west of the site on the opposite side of Belmore Street. The school is zoned '*SP2 Educational Establishment*' and contains playing fields and single storey classrooms on land opposite the site. The Council Operations Centre site contains a part 1/part 2 industrial building, is zoned '*B4 Mixed Use*' and forms part of the MEA.

A church and one and two storey dwellings are located to the north of the site on the opposite side of Junction Street. These properties are located within the '*R2 Low Density Residential zone*' and are outside the MEA.

To the east of the site, a mixture of single storey residential dwellings and one and two storey industrial buildings are located on the opposite side of Porter Street. This land is zoned '*B4 Mixed Use*' and forms part of the MEA.

The MEA extends south from the site to the Parramatta River. Immediately to the south of the site, on land known as 2-4 Porter Street and 80 Belmore Street, two (2) x six (6) storey mixed-use residential/commercial buildings are currently under construction. Further to the south, extending up to seven (7) storeys, is a large scale mixed-use development at 82-102 Belmore Street.

#### 4. SITE DETAILS

The development site is legally described as:

- Lots 13 and 14, DP 4481
- Lots 11 and 12, DP 51349
- Lot 1, DP 921633
- Lot 1, DP 1109537

The total area of the site is 16,154m<sup>2</sup>.

## 5. SITE DESCRIPTION

The subject site is located at 74 to 78 Belmore Street and includes the consolidation of the Lots detailed above. The site is bounded by Belmore Street to the west (164m frontage), Junction Street to the north (98m), and Porter Street to the east (167m). The southern border (96m) adjoins 80 Belmore Street and 2 – 4 Porter Street which contain residential apartment buildings currently under construction. The total site area is 16,154m<sup>2</sup>. An aerial photo of the site is shown in **Figure 2** below.



**Figure 2: Aerial photo showing site and its immediate setting** (Source D.G's Assessment Report MP10\_0110 MOD 3)

The site was previously used as a residential care facility, known as Crowle Home, for people with a disability by Achieve Australia. The site has recently been decommissioned with all residents relocated to more appropriately designed accommodation.



As demonstrated in **Figure 2**, there are a number of buildings located throughout the site. These range in height from one to three storeys and include the heritage listed 'Tellaraga House'. A war memorial garden is also located on the site, fronting the western entrance from Belmore Street.

With the exception of the heritage item, all of the buildings on the site, including unsympathetic alterations and additions to the heritage item (excluding nib walls), were approved for demolition on 19 September 2014 under LDA2014/0267.

The land falls moderately from the centre of the site to the north towards Junction Street and to the south towards 80 Belmore Street and 2 – 4 Porter Street.

There are a large number of trees within the site. These trees are generally located along the street frontages with a scatter of trees throughout the remainder of the site.

Vehicular access to the site is currently provided via two accesses from Belmore Street, two from Porter Street, and one from Junction Street.

## **6. PROPOSAL**

The scope of works for which consent is sought comprises:

- Construction of five (5) residential flat buildings, 4-8 storeys in height, comprising 416 dwellings;
- Construction of three (3) levels of basement parking and part 4<sup>th</sup> level for 478 vehicles, 148 bicycles; 24 motorbikes and waste storage and collection facilities;
- Restoration of Tellagara House and the war memorial garden;
- Use of Tellagara House as a community facility building;
- Consolidation of the six (6) allotments into one (1) allotment;
- Removal of trees and associated landscaping works;
- Public domain works including:
  - \* dedication of 1.495m wide strip of land along the Porter Street frontage for the widening of the road to facilitate the construction of a footpath on the western side of the road;
  - \* construction of a new footpath along the Belmore Street and Porter Street frontages;
  - \* extension of the right-turn facility from Belmore Street into Constitution Road from 45m to 90m;

- \* the adjustment of phasing of the traffic signals at the Belmore Street/Constitution Road intersection in accordance with RMS requirements.

**Figure 3** below identifies the characteristics of the proposed five residential flat buildings (A to E).

Element	Building A	Building B	Building C	Building D	Building E	
<b>Height</b>						
No. of Storeys	4 to 7	4 to 7	4 to 6	7 to 8	7	
Maximum RL	RL 45.5	RL 43.5	RL 43.5	RL 46.8	RL 46.8	
Maximum Lift Overrun	0.7m	0.7m	0.7m	0.7m	0.7m	
<b>Dwellings</b>						<b>Total</b>
1-bed	15	19	17	20	27	98
1-bed + study	22		1	30	13	66
2-bed	62	58	37	29	55	241
2-bed + study	6				1	7
3-bed		4				4
Total	105	81	55	79	96	416
Adaptable Dwellings	13	8	4	8	9	42
<b>Gross Floor Area</b>	<b>8,197m<sup>2</sup></b>	<b>6,924m<sup>2</sup></b>	<b>4,588m<sup>2</sup></b>	<b>6,046m<sup>2</sup></b>	<b>8,220m<sup>2</sup></b>	<b>33,975m<sup>2</sup></b>

Figure 3: Table of residential flat building characteristics (Source: SEE)

The development is proposed to be carried out in two stages:

- Stage 1: Construction of apartment buildings A and E (total of 201 dwellings), all basement car parking, and restoration of Tellaraga House.
- Stage 2: Construction of apartment buildings B, C and D (total of 215 dwellings).

Photomontages of the proposed development are provided in **Figure 4** and **Figure 5** below.



**Figure 4: Intersection of Belmore Street and Junction Street looking south-east**



**Figure 5: Belmore Street entrance looking towards Tellaraga House**



## **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 1 October 2010. A redevelopment of the site for (indicatively) 430 units and conversion of the heritage item was considered by the Planning Assessment Commission (PAC) and the concept plan (MP10\_0110) was subsequently approved on 14 November 2012 for the following form of development:

- *35,000m<sup>2</sup> of residential gross floor area;*
- *5 residential building envelopes ranging in height from 2 to 8 storeys and a 1 storey communal facility building envelope;*
- *3 level basement car park envelope;*
- *retention and reuse of the Tellaraga cottage and other significant features;*
- *landscaping and open space areas;*
- *provision of a pedestrian/bicycle through site link; and*
- *road upgrades at the intersection of Constitution Road and Belmore Street.*

### **7.2 Section 75W Applications**

1) A Section 75W Modification Application (s75W) was approved by the Director of the then Department of Planning and Infrastructure on 14 March 2013.

MP10\_0110 MOD1 allowed the following modification to the Concept Approval:

- *Increase the number of dwellings that may comprise a development application (from 150 to 160 dwellings) before a conservation management plan and application for the restoration works for Tellagara House is required.*

2) A second s75W application was approved by the Director of the Department on 16 May 2013. MP10\_0110 MOD2 allowed the following modifications to the Concept Approval:

- *An increase in height of the building envelope at the southern end of Building B from 2 storeys to 4 storeys;*
- *Reduction of the 7<sup>th</sup> floor setback of buildings fronting Belmore and Porter Streets from 4 metres to a minimum of 3 metres, as measured from the building façade;*
- *An increase in the height of any lift overruns to Building B by an additional 300mm above the maximum envelope height (to RL 43.8); and*
- *vehicular servicing for the apartments to be carried out at grade (instead of within the basement) and within the building.*

3) A third s75W application was approved by the PAC on 27 May 2014. MP10\_0110 MOD3 allowed the following further modifications to the Concept Approval:

- *Amendment of Blocks A to E and basement car parking building envelopes;*
- *deletion of Block F building envelope;*
- *amendment of building setbacks;*
- *increase of lift overrun height allowance and application of allowance to all Blocks;*
- *amendment of solar access requirement;*
- *provision of an additional vehicle entry point on Porter Street;*
- *amendment of the requirement for the timing of the restoration of Tellaraga House;*
- *deletion of commitment to provide through site pedestrian link;*
- *revised development staging from 6 to 2 stages; and*
- *associated new, reworded and deleted conditions.*

### **7.3 Consistency with the Concept Approval plans**

The subject application is based on Concept Plan MP10\_0110 MOD 3. A list of the applicable Conditions of Consent and Statement of Commitments from the Approved Concept Plan (MP10\_0110 Mod 3) has been discussed below.

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**

<b>Schedule 2</b>	
<b>Terms of approval</b>	<b>Comment</b>
A1. Development Description	Although a part 4 <sup>th</sup> level of basement parking is now proposed as opposed to a 3 level basement carpark referred to in the development description, the 4 <sup>th</sup> level contains only 30 parking spaces (compared to 238 spaces in level 3 above) and the number of parking spaces proposed remains below with the maximum rate of car parking allowed under the Concept Approval. This is considered a relatively minor variation to the proposal and the overall DA is considered consistent with the development description as revised by the most recent section 75W Application.

<b>Schedule 2</b>	
<b>Terms of approval</b>	<b>Comment</b>
A2. Development in Accordance with Plans and Documentation	The DA is generally consistent with the drawings, Environmental Assessment, and the Statement of Commitments approved with the most recent section 75W Application.
A3. Inconsistencies between Documentation	Noted.
A4. Building envelopes	The DA is consistent with the building envelopes approved with the most recent section 75W Application.
A5. Maximum Gross Floor Area (GFA)	The maximum GFA for the development is approximately 34,000m <sup>2</sup> .
A6. Maximum Height	The DA is consistent with the maximum building heights approved with the most recent section 75W Application.
A7. Lapsing of Approval	The Concept Plan approval has not lapsed.
<b>Schedule 3 - Future environmental assessment requirements</b>	
<b>Matter</b>	<b>Comment</b>
C1. Built Form	<p>The building design incorporates a high level of modulation/articulation and a range of high quality materials and finishes.</p> <p>Requirements with regard to upper storey setbacks, the 6<sup>th</sup> storey element of Building A, use of light colours and light weight external appearance for all storeys above the 4<sup>th</sup> storey, and provision of a soft landscape presentation to the street for courtyards within the setback area, have been complied with.</p>
C2. Residential Amenity	SEPP 65 + RFDC compliance is addressed at section 9.7 of this report.
C3. Adaptable Housing	15 adaptable apartments (10.3%) are to be provided.
C4. Resident Relocation	Documentary evidence has been provided demonstrating that all residents have been satisfactorily relocated from the site.
C5. Achieve Australia Housing onsite for Persons with a Disability	15 adaptable apartments are to be provided in Buildings A and E in Stage 1 of the development. Achieve Australia have confirmed that they are in the process of purchasing 15 apartments from the

<b>Schedule 2</b>	
<b>Terms of approval</b>	<b>Comment</b>
	owner. To ensure compliance, condition 99 requires confirmation of the purchase of the 15 adaptable apartments to be provided prior to issue of an occupation certificate.
C6. Environmental Performance	The ESD report submitted with the application demonstrates that all 5 proposed buildings will achieve a minimum 4 Star Green Star certified rating.
C7. Section 94 Contributions	Condition 18 relates to Section 94 contributions.
C8. Traffic	The required works to the right hand turn facility at the intersection of Belmore Street and Constitution Road are to be undertaken in Stage 1 of the development. Council's Traffic Engineer has assessed the proposed works as satisfactory and condition 66 is to be imposed in relation to this work.
C9. Car Parking	Proposal complies with the maximum specified rates and has been assessed as satisfactory by Council's Senior Development Engineer.
C10. Bicycle Parking	148 bicycle spaces have been provided in the basement car park plus a total of 35 spaces have been provided at grade near the entrances of each building.
C11. Sydney Water Requirements	Condition 112 will ensure compliance with this requirement.
C12. Roads and Maritime Services Requirements	RMS has raised no objection to the proposal. Assessed as satisfactory by Council's Traffic Engineer. Acoustic report assessed as satisfactory by Council's Environmental Health Officer. Appropriate casual surveillance provided over pedestrian pathways.
C13. Apartment Servicing	All service vehicle access will be via the vehicle entry point at the south eastern corner of Block E on Porter Street. Arrangements for garbage collection and storage assessed as satisfactory by Council's Development Engineer and Public works (waste) team.
C14. Archaeological Assessment	Assessed as satisfactory by Council's Heritage Officer.



<b>Schedule 2</b>	
<b>Terms of approval</b>	<b>Comment</b>
C15. Conservation Management Plan and Restoration of Tellaraga House	Assessed as satisfactory by Council's Heritage Officer.
<b>Schedule 4 - Statement of Commitments</b>	
<p>The Concept Plan Approval for MP10_0110 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 include:</p> <ul style="list-style-type: none"> <li>Retention of Tree 92, Tree 105 and retention of as many trees as possible elsewhere on the site (commitment 3). <i>Comment:</i> This commitment has been satisfied as Tree 92 and Tree 105 are to be retained and the application includes retention of existing trees where possible including notably trees located along the Belmore Street frontage.</li> <li>Restoration of Tellagara House and other heritage elements (commitments 23 &amp; 24). <i>Comment:</i> The application proposes the restoration of Tellagara House and the retention of the other specified heritage elements namely, the circular driveway, the memorial gardens, the palisade fences and gateposts and the existing avenue of trees along Belmore Street where practical.</li> <li>Dedication of land for widening of Porter Street and construction of footpath along the full Porter Street frontage (commitment 31). <i>Comment:</i> The application includes the required dedication of land for the widening of Porter Street and construction of a footpath along the full Porter Street frontage.</li> </ul>	

#### **7.4 Current Development Application**

The development application was submitted to Council on 24 June 2014.

A letter was sent to the applicant on 6 August 2014 requesting further information and/or consideration in respect of the following issues:

- Landscaping/trees to be retained
- Waste
- Traffic
- Heritage
- Portion of 2 units in Building B located within the 10m setback above the 4<sup>th</sup> storey
- Balcony sizes and depths
- Visitor parking allocation

Following a meeting on 19 August 2014, amended architectural plans and additional information were submitted to Council on 24 September 2014 and 1 October 2014. The amended plans included the following changes:

- Provision of 4<sup>th</sup> basement level containing 30 additional parking spaces. Due to the loss of 2 parking spaces on the 3<sup>rd</sup> basement level, the total number of parking spaces proposed increased from 450 to 478. The additional 28 parking spaces are to be provided for visitor parking resulting in a total of 60 spaces allocated to visitors (1 space per 7 units).
- Changes to Tellaraga House plans and Conservation Management Plan to reflect changes made during the assessment of LDA2014/267 for demolition of buildings on the site.
- Revised landscaping plans ensuring retention of trees referred to in commitment 3 and retention of additional trees located along the Belmore Street frontage referred to in commitment 24.
- Relocation of access to bulky waste store, changes to waste storage area, turning paths for waste vehicles shown on plans, and details of turning, passing and manoeuvring areas in the basement parking areas shown.
- Changes to northern elevations of units B017 and B019 to ensure compliance with 10m setback control.
- Revisions to balconies serving units E029, E030 and E035.

This report addresses the amended plans.

## **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 2014;
- Ryde Local Environmental Plan 2010;
- City of Ryde Development Control Plan 2014; 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 \$20million, and consequently the Joint Regional Planning Panel is the consent authority for this application.

#### **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 it is suitable, or can be made suitable, for the proposed use.

LDA2014/267 for demolition works on the site was accompanied by a Preliminary Site Investigation which was prepared by SMEC Testing Services Pty Ltd in connection with the Concept Plan approval issued on 14 November 2012. This investigation concluded that the site was suitable for residential use but recommended that further soil sampling occur when the buildings on the site are demolished.

LDA2014/267 was approved by Council on 19 September 2014 and a condition was imposed requiring a detailed site investigation report to be undertaken following demolition of structures to demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions of consent. However, given demolition works have not been completed at the current time, conditions are recommended requiring a copy of the site validation report be submitted to Council for consideration and remediation work to be carried out as required prior to issue of a Construction Certificate (see condition numbers 37 to 40).

#### **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 No. 512793M which confirmed that required targets would be met.

Appropriate conditions are to be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see condition numbers 3, 56 and 98).



## **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**

Following lodgement of the most recent s75W application with the then Department of Planning and Infrastructure on 19 September 2013, the proposed modifications were considered by Council's Urban Design Review Panel at a meeting on 30 October 2013.

The Panel raised numerous concerns with the proposed modifications and concluded that the changes to the envelopes would generally reduce amenity for neighbouring lots and within the site itself. These concerns were included in Council's submission to the Department in response to notification of the s75W application. The application was subsequently amended on 21 January 2014 and approved by the PAC on 27 May 2014.

Notwithstanding the amendments made to the scheme on 21 January 2014, Council maintained its objection to the application. As detailed in section 7.3 of this report, the current development application is consistent with the approved concept plans. Given the proposal remains fundamentally the same as the one previously considered by the Panel, the development application has not been referred back to the Panel for further consideration.

### **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:

<b>Design Quality Principle</b>	<b>Comment</b>
<b>Context</b>	Assessed as appropriate by the Department of Planning and Infrastructure via the Concept Plan Approval for MP 10_0110, as subsequently amended. The DA is consistent with that Concept Plan approval.
<b>Scale</b>	As above.
<b>Built Form</b>	As above.
<b>Density</b>	As above.
<b>Resource, energy and water efficiency</b>	<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>
<b>Landscape</b>	As amended, the proposed landscape works within the site have been assessed as consistent with the Concept Plan approval, and satisfactory for SEPP 65/RFDC purposes by Council's Consultant Landscape Architect.
<b>Amenity</b>	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.
<b>Safety and Security</b>	The application is accompanied by a Crime Prevention through Environmental Design (CPTED) report. Appropriate outcomes can be achieved through conditions (see condition numbers 114 to 122).
<b>Social dimensions and housing affordability</b>	<p>The proposal comprises 416 apartments as follows:</p> <ul style="list-style-type: none"> <li>• 98 x 1 bedroom apartments;</li> <li>• 66 x 1 bedroom + study apartments;</li> <li>• 241 x 2 bedroom apartments;</li> <li>• 7 x 2 bedroom + study apartments; and</li> <li>• 4 x 3 bedroom apartments.</li> </ul> <p>Of those, 42 apartments (10%) will be adaptable.</p>

Design Quality Principle	Comment
	This is considered to be a suitable mix of housing.
<b>Aesthetics</b>	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
<b>Building Height</b> 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 2014 is set aside by the Concept Plan Approval MP10_0110. The proposed building height is consistent with that approval, as modified.	Yes
<b>Building Depth</b> 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 18m to 25m, consistent with Concept Plan Approval MP10_0110 as modified. Notwithstanding the depths proposed, the design provides for sufficient cross ventilation (67%) and 3 hours of solar access (70%).	Yes
<b>Building Separation</b> 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_0110 as modified. Where separation distances are less than the distances prescribed, adequate daylight access, urban form and visual and acoustic privacy has been achieved.	Yes

<b>Street Setbacks</b> Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	Consistent with Concept Plan Approval MP10_0110 as modified.	Yes
<b>Side and Rear Setbacks</b> 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_0110 as modified.	Yes
<b>Floor Space Ratio</b> 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_0110 as modified.	Yes
<b>Part 02 – Site Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<b>Deep Soil Zones</b> 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.	24% of the site is set aside as landscaped area/open space. Of that, 80% is available as deep soil zone.	Yes
<b>Fences and Walls</b> 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.	For all buildings, enclosing walls and screens to the ground floor courtyards are typically setback behind landscaping.  The 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.  The overall fencing and landscape	Yes



	treatment therefore provides clear delineation to the private and public domain.	
<b>Landscape Design</b> Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	Council's Consultant Landscape Architect has confirmed the landscape treatment, as amended, is satisfactory.	Yes
<b>Open Space</b> 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.	<p>The distribution of communal open space is consistent with site planning arrangements via the Concept Plan Approval (MP10-0110).</p> <p>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. All courtyards and balconies are of a useable size and all balconies have a minimum depth of approximately 2m. These spaces satisfy design criteria in the RFDC. Conditions are recommended regarding the minimum height of shrubs and separating walls between courtyards to ensure privacy. (See condition number 50).</p>	Yes
<b>Orientation</b> Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.	<p>The building envelopes are consistent with the Concept Plan Approval (MP10-0110). This results in approximately 60% of the units not being able to be orientated in a northerly direction.</p> <p>The design however does optimise solar access and cross ventilation by maximising provision of dual access units (59%).</p>	Yes
<b>Planting on Structures</b> In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: • Shrubs - minimum soil depths	Deep soil planting has been provided to the three street frontages and internal courtyard areas. Council's Consultant Landscape Architect is satisfied with arrangements for landscaping in those areas of the development	Yes

500 - 600mm		
<b>Stormwater Management</b> Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Council's Senior Development Engineer is satisfied with arrangements for the collection and disposal of stormwater, subject to conditions (See condition numbers 34 to 35).	Yes
<b>Safety</b> 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 CEPTED considerations.  Conditions of consent have been included to reflect appropriate safety and security measures. (See condition numbers 114 to 122).	Yes
<b>Visual Privacy</b> The building separation requirements should be adopted.	Separation distances are satisfactory, noting the building envelopes are consistent with the Concept Plan Approval (MP10-0110). Given the street separation and distances involved, there will be no unreasonable privacy impacts to neighbouring properties to the east, north or west of the site. To the south, setbacks comply with the RFDC and the balconies on the podium above level 5 have been reduced in size to ameliorate any privacy/amenity impacts.	Yes
<b>Building Entry</b> 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.	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 issues can be addressed at construction certificate stage and condition no. 49 is recommended in this regard.	Yes
<b>Parking</b> Determine the appropriate car parking numbers. Where possible	The Concept Plan Approval (MP10_0110) requires parking	Yes

<p>underground car parking should be provided.</p>	<p>supply to be consistent with the maximum rates specified in Condition C9 of Schedule 3. These are as follows:</p> <p><i>1 car space per 1 bedroom apartment/studio; 1 car space per 2 bedroom apartment; 1.6 car spaces per 3 bedroom apartment; and 1 visitor car space per 5 apartments.</i></p> <p>With regard to the proposed unit numbers and mix (see <b>Figure 3</b> previously in this report), the above rates would allow for a maximum of 500 parking spaces on the site. The proposal as amended provides 478 spaces being:</p> <ul style="list-style-type: none"> <li>• 418 resident spaces</li> <li>• 60 visitor spaces</li> </ul> <p>In addition, 148 bicycle spaces are provided.</p> <p>The number of parking spaces proposed is compliant with the provisions of C9. In addition, Council's Senior Development Engineer is satisfied with the revised proposed parking supply and allocation and condition no. 16 is recommended in this regard.</p>	
<p><b>Pedestrian Access</b> 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>42 (10%) adaptable apartments are provided as required by the Concept Plan Approval (MP10-0110). Condition no. 50 is recommended in this regard.</p>	<p>Yes</p>
<p><b>Vehicle Access</b> 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</p>	<p>All residential vehicle access to the site is via two driveways from Porter Street. A further driveway, providing access for service vehicles only, is also located on</p>	<p>Yes</p>

away from main pedestrian entries and on secondary streets.	Porter Street, adjacent to the southern boundary of the site. This is consistent with the Concept Plan Approval (MP10-0110).  Council's Public Works Team and Senior Development Engineer are satisfied with access arrangements for cars and service vehicles.	
<b>Part 03 – Building Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<b>Apartment Layout</b> Single aspect apartments should be limited in depth to 8m from a window.  The back of kitchen should be no more than 8m from a window  The minimum sizes of the apartments should achieve the following; 1 bedroom – 50m <sup>2</sup> 2 bedroom – 70m <sup>2</sup> 3 bedroom – 95m <sup>2</sup>	Although some single aspect apartments do exceed 8m in depth, the overall proposed apartment layout is considered reasonable and responds satisfactorily to the orientation and location of the approved building envelopes.  Although not 100% compliant, in most instances for each building, the back of the kitchen is no more than 8m from a window.  All apartments exceed the minimum size requirements.	No  No  Yes
<b>Apartment Mix</b> The development should provide a variety of types.	Apartments mix is: <ul style="list-style-type: none"> <li>• 98 (23%) x 1 bedroom apartments;</li> <li>• 66 (16%) x 1 bedroom + study apartments;</li> <li>• 241 (58%) x 2 bedroom apartments;</li> <li>• 7 x 2 (2%) bedroom + study apartments; and</li> <li>• 4 (1%) x 3 bedroom apartments.</li> </ul> 42 apartments (10%) will be adaptable. Overall the proposed mix is considered reasonable.	Yes
<b>Balconies</b> 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

<b>Ceiling Heights</b> The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL). <ul style="list-style-type: none"> <li>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.</li> </ul>	Floor to ceiling heights are at least 2.7m for habitable rooms and 2.4m for non-habitable rooms.	Yes
<b>Flexibility</b> Provide apartment layouts which accommodate the changing use of rooms.	Floor plates are considered satisfactory.	Yes
<b>Ground Floor Apartments</b> 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.	Ground floor apartments have residential street entries or access from the internal courtyards.	Yes
<b>Internal Circulation</b> 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          Yes
<b>Storage</b> In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> <li>studio apartments - 6.0m<sup>3</sup></li> <li>one-bedroom apartments - 6.0m<sup>3</sup></li> <li>two-bedroom apartments - 8.0m<sup>3</sup></li> <li>three-bedroom apartments - 10.0m<sup>3</sup></li> </ul> Options including providing at least 50% within each respective	A matrix provided by the project architect indicates that each apartment will have storage which meets these requirements. Approximately 50% of the required storage is proposed within each apartment. The application states that the remainder will be provided within the basement. Condition no.54 is recommended to ensure sufficient storage is provided.	Yes





entries.		
<b>Facades</b> Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.	The facade composition and mix of materials is satisfactory. All storeys above the 4 <sup>th</sup> storey addressing the streetscape achieve a light weight appearance that reduces the visual bulk of the buildings.	Yes
<b>Roof Design</b> Roof design is to relate to the desired built form as well as the size and scale of the building.	Satisfactory.	Yes
<b>Energy Efficiency</b> 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.	The energy efficiency of the buildings is consistent with the requirements under BASIX. The development will achieve a 4 star green rating.	Yes
<b>Maintenance</b> The design of the development is to ensure long life and ease of maintenance.	Satisfactory.	Yes
<b>Waste Management</b> A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the application. Condition numbers 136 and 137 are recommended with regard to waste management.	Yes
<b>Water Conservation</b> Reduce mains consumption of potable water. Reduce quantity of urban stormwater runoff.	The water conservation methods of the buildings are consistent with the requirements under BASIX.	Yes

## 9.8 State Environmental Planning Policy (Infrastructure) 2007

### 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 comments for Council's consideration in the determination of the application. These comments were included in Council's Traffic Engineer's consideration of the proposal and recommended conditions.

## 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 2014**

Ryde Local Environmental Plan 2014 (RLEP 2014) commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing development applications un-determined as of 12 September 2014, this instrument contains a Savings Provision (clause 1.8A) which states:

*'If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.'*

The application was lodged on 24 June 2014, before the commencement of this Plan and so it must be determined as if RLEP 2014 had not commenced and RLEP 2014 is to be considered as a draft instrument for the purposes of this assessment.

Notwithstanding its draft status for the purposes of assessing this DA, RLEP 2014 does not propose changes to the zoning or permissible uses on the site. However, the following controls apply to the site:

**Height:** *Ranging from 15.5m at the northern end of the site to 21.5m over the rest of the site.*

Proposed building heights range from a maximum of 22.8m for Building A, 21.8m for Building B, 18.6m for Building C, 25m for Building D and 25.4m for Building E (excluding the approved maximum lift overrun allowance of 700mm). The proposed building heights do not exceed the heights allowed under the maximum RLs specified in Condition A6 of Schedule 2 of the Concept Approval.

**Floor Space Ratio:** *2:1 for the northern portion of the site and 2.3:1 for the southern portion of the site.*

These controls allow for a maximum achievable gross floor area (GFA) on the site of 34,917m<sup>2</sup>. A GFA of 33,975m<sup>2</sup> is proposed which equates to an FSR of 2.06:1.

The proposed GFA therefore does not exceed the maximum of 35,000m<sup>2</sup> specified in Condition A5 of Schedule 2 of the Concept Approval.

In any event, these development standards are set aside by virtue of the Concept Plan Approval. The proposal is consistent with the Concept Plan Approval.

### **9.11 Ryde Local Environmental Plan 2010**

#### **Permissibility and principal development standards**

The land is zoned "*B4 Mixed Use*" within which a "*residential flat building*" is a permissible form of development. The only applicable development standard relates to building height (9.5m). This development standard is set aside by virtue of the Concept Plan Approval.

#### **Other provisions**

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

<b>Provision</b>	<b>Comment</b>
<b>Clause 5.9 Preservation of trees and vegetation</b>	The application seeks the removal of trees as detailed in section 9.14 of this report. The development is satisfactory in terms of the provisions of Clause 5.9.
<b>Clause 5.10 Heritage conservation</b>	The application involves the restoration and use of Tellagara House as a community facility. Tellagara House is identified as a ' <i>heritage item</i> ' in Schedule 5 of the LEP. This issue is considered in section 9.14 of this report. The development is satisfactory in terms of the provisions of Clause 5.10.
<b>Clause 6.1 Acid sulfate soils</b>	The site contains soils classified as Class 5. The application does not propose any works of the nature specified for land containing Class 5 soils.
<b>Clause 6.2 Earthworks</b>	Relevant matters nominated in this clause have been considered and no concerns were identified.

### **9.12 City of Ryde DCP 2014**

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\_0110). 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 4.2 - Shepherd's Bay, Meadowbank
- 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

With regard to Parts 7.1 to 9.3, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters.

With regard to Part 4.2, given the site is located within Shepherd's Bay (formally the Meadowbank Employment Area) and this section of the DCP reflects Council's current direction for the area, it is considered appropriate to provide a full assessment of the application under these controls.

#### ***Part 4.2 Shepherd's Bay, Meadowbank***

The following sections are applicable for this part of the DCP.

##### 2.2 Desired Future Character

The DCP contains a number of objectives with regard to the desired future character of Shepherd's Bay. The proposed development is consistent with the objectives with particular regard to providing for a higher density transit-orientated neighbourhood and providing an improved public domain and level of amenity in the area.

##### 3.0 Design Excellence Provisions

A suitable site analysis has been submitted with the application.

##### 4.0 General Development Controls

The general development controls are applicable to all development within the Shepherd's Bay area and include the public domain interface, architectural characteristics, noise and vibration attenuation and car parking. The applicable controls to this development are discussed in the following table.

Control	Comments	Comply
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Control	Comments	Comply
<b>4.1 – The Public Domain Interface</b>		
<b><i>Public Domain, Access and Pedestrian &amp; Cyclist Amenity</i></b>		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.	The maximum building heights and density for the development have been previously approved under the Concept Plan Approval (MP10-0110). Figure 4.2.03 in the DCP identifies the provision of a new/improved public footpath on Belmore Street and Porter Street. The proposed development incorporates these public domain improvements and relevant conditions are recommended (see conditions 62, 63 and 125).	Yes
New development must be provided with a minimum of one barrier free access point to the main entry.	Barrier free access points are provided to the main entry points on Belmore Street, Junction Street and Porter Street.	Yes
Publicly accessible pedestrian and cycle ways must be provided through large sites (even if not envisioned by this plan).	The provision of a publically accessible footpath within the site to link Porter Street and Belmore Street formed one of the original conditions of consent for the Concept Approval. However, a publically accessible footpath has since been provided through the 2-4 Porter Street development adjacent to the southern boundary of the site. Accordingly, the requirement to provide a publically accessible footpath within the subject site was deleted as part of the most recent Section 75W modification application.	N/A
New pedestrian and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	All proposed access points are designed to be fully accessible by all.	Yes
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	Figure 4.2.03 identifies the provision of a new/improved public footpath on Belmore Street and Porter Street. The proposed development incorporates these public domain improvements and relevant conditions are recommended (see conditions 62, 63 and 125).	Yes
Constitution Road, Faraday Lane and Porter Street are to be widened.  The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06.	The proposed development includes the dedication of a 1.5m wide strip of land along the Porter Street frontage to allow for the widening of the road and to facilitate the construction of a footpath on the western side of the road.	Yes
The design and location of vehicle access to developments should minimise conflicts	Vehicular access to the basement car park is provided via 2 new entry driveways from Porter Street. A 3 <sup>rd</sup> driveway entry from	Yes

Control	Comments	Comply
between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.	Porter Street adjacent to the southern boundary will only be for use by service vehicles. The design of the vehicular driveways is in accordance with the relevant Australian Standard. The existing vehicular entry driveway from Belmore Street to Tellaraga House will be retained essentially in its current form. This entry will be retained as part of the heritage curtilage of Tellaraga House and will involve minimal use.	
Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	All service vehicle entry will occur from a separate driveway entry from Porter Street adjacent to the southern boundary. This is as per the Concept Approval which specifically required service and parking entries from Porter Street to be separated.	No
Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	The size of the site and proposed development is significant and three vehicle crossings are proposed from Porter Street. These will be perpendicular to the kerb alignment. The existing perpendicular entry from Belmore Street will be retained.	No
Vehicle access ramps parallel to the street frontage will not be permitted.	The vehicular access driveways/ramps are perpendicular to the kerb alignment.	Yes
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	It is proposed to include a condition on the consent to ensure that the walls of the vehicle entries that will be visible from Porter Street will have high quality finishes and do not contain any service ducts or pipes (see condition 53).	Yes
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	Ground floor setbacks are consistent with the Concept Approval i.e. 6m to Junction Street, 6m to Belmore Street and 4.5m to Porter Street. Given only residential use is proposed, the proposed landscaped setbacks are appropriate in this instance.	No
Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	The roller doors will be inset 5m from the Porter Street boundary. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. The recess that is provided will not affect the streetscape nor will it adversely affect the safety of any pedestrians.	Yes
<b>Implementation – Infrastructure, Facilities and Public Domain Improvements</b>		
The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken	The public domain adjacent to the site on Belmore Street, Junction Street and Porter Street will be embellished as part of the proposed development. Conditions of consent have been imposed to require these areas to be upgraded to Council's requirements (see conditions 62, 63 and	Yes

Control	Comments	Comply
in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.07.	125).	
The Access Network being the roads, pedestrian connections and open space network as shown on Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP.	The proposed development includes the dedication of a 1.5m wide strip of land along the Porter Street frontage to allow for the widening of the road and to facilitate the construction of a footpath on the western side of the road. A condition of consent has been imposed to require all proposed footpaths within the public domain to be constructed in accordance with Council's requirements (see condition 62).	Yes
Section 94 contributions still apply throughout the area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.	An appropriate condition of consent is recommended to reflect the required Section 94 contributions (see condition 18).	Yes
<b>Views &amp; Vistas</b>		
Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.	The development will not interfere with any views from the specified parks.	Yes
Development is to ensure that vistas towards Parramatta River are maintained.	Views of Parramatta River will not be affected by this development.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area and will not adversely affect views from the Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
Provide a four (4m) metre setback along both sides of Bowden Street and Belmore Street from the north at Constitution Road towards the south at the junction of Parramatta River. (Refer to section 4.2.08)	A 6m setback is proposed to Belmore Street.	Yes



<b>Control</b>	<b>Comments</b>	<b>Comply</b>
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views from adjacent properties.	Yes
Orientate new development to take advantage of water views and vistas.	Views towards Parramatta River may be available from the upper level apartments.	Yes
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	Given the location of the site, it will not materially compromise views of the northern ridgeline of Meadowbank.	Yes
<b>Landscaping &amp; Open Space</b>		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an Arborist report in respect of trees.	The development has provided an appropriate landscape plan and Arborist report.	Yes
Roof gardens are encouraged and must be considered in any landscaping plan.	Roof top terraces are not proposed.	N/A
All existing mature trees that enhance the quality of the area are to be retained.	The proposed development involves the removal of 103 trees. Of these, the submitted Arborist report lists 9 that are 'important'. Council's Consultant Landscape Architect has reviewed the proposal and considers the removal of these trees acceptable in the circumstances. Notably, 83 new trees including 15 significant trees with a mature height of 35m are proposed to be planted along the Porter Street and Junction Street frontages. See also consideration of 'Trees' in Section 9.15 below).	Yes
Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.	Appropriate deep planting zones are proposed above the basement car parking.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	Private ground level courtyards are proposed. Where the courtyards face into the development, a number of them will be contiguous with the large central area of communal open space.	Yes
Where appropriate, developments should incorporate landscaping like planter boxes integrated into the upper levels of building to soften building form.	Planter boxes are not proposed to the upper levels of the buildings. However, in accordance with condition C1 in Schedule 3 of the Concept Approval, the levels above the 4 <sup>th</sup> storey use light colours and architectural treatment to achieve a light weight external appearance. As such, the proposed building	No

Control	Comments	Comply
	forms are considered appropriate without the provision of planter boxes to the upper levels.	
Building setbacks are to allow for landscaping/planting as in Section 4.2.2 Setbacks. For corner buildings a reduction of the landscape setback on one side will be considered on its merit.	Proposed building setbacks comply or exceed the setbacks specified in Section 4.2.2. The proposed setbacks are sufficient to provide for attractive landscaping/planting.	Yes
Where a proposal involves redevelopment of a site the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	A condition is recommended requiring undergrounding along the Belmont Street and Porter Street frontages (see condition 62).	Yes
Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers and shrubs.	The proposed development complies with this requirement.	Yes
<b>Street Furniture &amp; Public Art</b>		
All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.	The landscape plan has not addressed all aspects of the public domain. Public domain has traditionally been addressed via conditions of consent. These conditions identify what is required in respect of the public domain as well as requiring a plan to be submitted in respect of the public domain. This plan requires Council's approval prior to the issue of any Construction Certificate with works completed prior to the any Occupation Certificate (see condition 125).	Yes
Public domain finishes including the style, colour and installation methods of street furniture, paving and street lighting shall be in accordance with Ryde Public Domain Technical Manual.	This will be addressed by appropriate conditions of consent (see conditions 62 and 63).	Yes

Control	Comments	Comply
Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments.	A condition is recommended with regard to the provision of public art on the site (see conditions 22 and 110).	Yes
<b>Safety</b>		
Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) Principles.	The application has been referred to NSW Police for review under CPTED principles. Although no response was received, conditions are recommended in relation to CCTV cameras, site security, lighting and graffiti prevention (see conditions 114 to 122).	Yes
Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	The landscaping along the street frontages will not obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance from the units to the street frontages and open space within the development.	Yes
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night.	Appropriate conditions are recommended with regard to external lighting to the development (see conditions 59, 107 and 116).	Yes
<b>4.2 – Architectural Characteristics</b>		
<b>Height</b>		
The maximum building height is to comply with the heights shown in RLEP 2014 Height of Buildings Map. Buildings must comply with the maximum number of storeys shown in Figure 4.2.10.	The maximum building height development standard is set aside by virtue of the Concept Plan Approval. The proposal is consistent with the maximum RL's for each building specified in Schedule 2 of the Concept Plan Approval.	No
The ground floor height shall be four metres floor to floor regardless of use.	The proposed ground floor height for all buildings is 3.1m. Given the nature of the proposed development, it is considered highly unlikely that any of the ground floor units would potentially become commercial uses in the future. A 3.1m floor height is therefore considered acceptable for ground floor units in this instance.	No
Any car parking above ground will have a minimum three metres (floor to underside ceiling) to allow for potential future conversion.	The development does not propose any car parking above ground.	N/A

Control	Comments	Comply
<b>Setbacks</b>		
Setbacks must be consistent with the setback map. New development to have 4m setbacks.	The setback map (Figure 4.2.12) requires 4m setbacks to Belmore Street and Porter Street and a 6m setback to Junction Street. The proposed development is consistent with the setbacks approved under the Concept Approval which are 6m to Junction Street, 6m to Belmore Street and 4.5m to Porter Street. Further setback requirements are proposed for upper levels on these street frontages.	No
Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.	Figure 4.2.13 relates to development in Church Street and Porter Street. The proposal complies with the Concept Approval with regard to the upper 7 <sup>th</sup> storey of the buildings facing Porter Street providing a setback of 3m to the building façade. In addition, as per the Concept Approval, the buildings are setback 4.5m from Porter Street as opposed to the 4m specified in Figure 4.2.13.	No
<b>Roof Form</b>		
Buildings below RL15 must have articulated roofs as they will be viewed from buildings above.	This is not applicable to the development as the proposed buildings are not below RL15.	N/A
The use of solar panels on roofs is permitted where possible.	The application does not include the provision for the installation of solar roof panels. This may be considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.	N/A
Pitched roofs of up to 30% are permitted for buildings that are 3 storeys or less.	The proposed building exceeds 3 storeys.	N/A
Attic roofs are to be avoided– as they are not in character with the locale.	No attic roofs are proposed.	N/A
<b>Building Articulation</b>		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.	The development complies with this requirement.	Yes
Penthouses should be set a minimum of four metres from any building façade.	The setback of the top floor of each apartment building complies with the Concept Approval. Great setbacks cannot be imposed at this stage. The proposed buildings are nevertheless considered appropriately articulated at the upper levels.	No
Articulate buildings to respond to orientation, views, breezes,	The development complies with this requirement.	Yes

Control	Comments	Comply
privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.		
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The finishes and materials of the development will add to the vertical and horizontal articulation in the building. Upper storey setbacks comply with the Concept Approval.	Yes
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	The proposed building frontages are parallel with the street alignment and will address the street and the communal open space within the centre of the site.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each unit has been allocated a balcony or courtyard. Balconies and courtyards are provided along all street frontages of the development plus balconies will overlook the public through site link at No.2-4 Porter Street to the south of the site	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	The development complies with this requirement.	Yes
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent (see condition 45).	Yes
<b>Private and Communal Open Space</b>		
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials.	Approximately 20% of the proposed communal open space will be paved.	Yes
Landscaping to be in accordance with approved landscape plan.	A condition is recommended requiring landscaping to be provided in accordance with the approved landscape plan prior to the occupation of the development (see condition 109).	Yes
<b>Residential Amenity</b>		
In considering compliance with SEPP65, regard will be given to: i. limitations imposed by heritage items to be retained on the site; ii. sunlight access to adjoining balconies of living rooms; and iii. appropriate urban form, site orientation and other	The proposed development incorporates the restoration and reuse of Tellaraga House as a communal facility. This will not impact on SEPP65 compliance for the proposed apartment buildings. The application is acceptable with regard to the provisions of SEPP65 and the RFDC (see consideration previously in this report).	Yes

Control	Comments	Comply
constraints.		
Apartments below a sloping ground level shall apply the SEPP 65 guideline for lightwells.	No apartments are proposed below sloping ground level.	N/A
<b>Energy Efficient Design</b>		
Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX).	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes
<b>Noise and Vibration Attenuation</b>		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design.	The applicant has submitted an Acoustic Report which has identified that the development is impacted by relatively low volumes of traffic noise. This report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report (see condition 46).	Yes
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The site is not subject to high volumes of noise. Proposed balconies and other external building elements are appropriately located in this regard.	Yes
New units are to be constructed in accordance with: - AS 3671-1989 and -AS 3671-1987.	Condition 46 will ensure compliance with these standards.	Yes
<b>On site Loading and unloading facilities</b>		
All new buildings are required to provide on-site loading and unloading facilities. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	Appropriate loading and unloading facilities are proposed with the development.	Yes
<b>Flooding and Stormwater</b>		
Development must comply with Part 8.6 Floodplain Management of this DCP.	Only a small portion of the north-western corner of the site is flood affected. This issue has been fully considered in the application and Council's Senior Development Engineer is satisfied the application incorporates appropriate flood management measures.	Yes

### Precinct Specific Development Controls

The Shepherd's Bay area consists of 4 precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific

planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 2: Constitution Road Precinct. The planning objectives and controls are contained in the following table.

	Comments	Compliant
<b>Principles</b>		
To ensure uses along the Constitution Road precinct are compatible with surrounding residential uses.	The proposed development is entirely residential and is therefore compatible with surrounding residential uses.	Yes
To provide less dense a built form as the distance from the station and Church Street increases.	The proposed density and built form is consistent with the Concept Plan Approval (MP10-0110).	Yes
To provide public domain improvements that mitigate the impacts of increased density in the area.	The proposal incorporates improvements to the public domain on the Belmore Street, Junction Street and Porter Street frontages. This includes the dedication of a 1.5m wide strip of land along the Porter Street frontage for the widening of the road to facilitate the construction of a footpath on the western side of Porter Street and construction of a new footpath along the Belmore Street and Porter Street frontages. Extension of the right-turn facility from Belmore Street into Constitution Road from 45m to 90m is also proposed.	Yes
<b>Controls</b>		
Views from the highest point in this precinct to the south-west and Sydney Olympic Park should be maximised.	Views to the south-west and Sydney Olympic Park may be achieved from the upper levels of the development.	Yes
Minimum permeable landscaped area is to be 35% of site area.	24% of the site is set aside as landscaped area/open space. Of that, 80% is available as deep soil zone. The quantum of landscaped area available reflects the form of development approved under the Concept Plan Approval (MP10-0110).	No
Facades should be articulated within a zone of 3 metres and be built to street edge behind the required landscape setback.	Setbacks are consistent with by the Concept Plan Approval (MP10-0110). Appropriate articulation of the façades is proposed.	Yes

### **9.13 Section 94 Development Contributions Plan 2007**

Development Contributions Plan – 2007 (2010 Amendment) allows 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. That circumstance is not altered by the terms of the Concept Plan approval (MP10\_0110).

Included in the recommendation is a condition requiring payment of the relevant contribution prior the issue of any Construction Certificate (see condition 18). Where a study has been provided, an analysis of the plans indicates these cannot potentially be used as bedrooms in the future and therefore have not been considered as bedrooms for the purposes of Section 94 calculations.

It should be noted that the CPI for the June Quarter has been applied to the development. The CPI index for September quarter is likely be issued by Bureau of Statistics by 23 October 2014. Should a new rate be available prior to determination of this DA, the Joint Regional Planning Panel will be advised of the same via a separate memorandum with the revised Section 94 Contributions amount.

### **9.14 LIKELY IMPACTS OF THE DEVELOPMENT**

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those requiring further consideration are discussed below.

#### **Heritage**

The Concept Approval includes the retention and reuse of Tellaraga House as a community facility building. Condition C15 in Schedule 3 of the Concept Approval requires a Conservation Management Plan (CMP) for Tellaraga House, associated gardens and curtilage to be approved by the consent authority and for the conservation of the house and its curtilage to be completed prior to the issue of any occupation certificate for the site.

A CMP, Heritage Impact Statement (both prepared by Noel Bell Ridley Smith & Partners) and a Schedule of Heritage Conservation Works (prepared by Nordon Jago Architects) were submitted with the development application. The house is to be used a communal facility building in relation to the 416 residential units on the site and is to be controlled by the strata managers of the project within the development.



With the exception of the heritage item, all of the buildings on the site, including unsympathetic alterations and additions to the heritage item (excluding nib walls), were approved for demolition on 19 September 2014 under LDA2014/0267.

Following a review of the application and documentation by Council's Heritage Officer, revised plans relating to the heritage item and to trees within and adjacent to the heritage curtilage were received by Council on 24 September 2014 and 1 October 2014. A revised Schedule of Heritage Conservation Works was also received by Council on 3 October 2014.

Council's Heritage Officer has subsequently raised no objection to the proposed development subject to conditions of consent (see conditions 20, 62, 77 to 83, 105 and 106).

## **Trees**

The application involves the removal of a total of 103 trees. With regard to the submitted landscape plan and Arborist report, 94 of the trees to be removed are listed as 'unimportant' with the remaining 9 trees listed as 'important'. Of the 9 'important' trees to be removed, their removal is either required as a result of the building envelopes and/or consequent level variations approved under the Concept Approval or as a result of the requirement to install a major stormwater pipe from the development to Council's culvert at the low point at the north-western corner of the site.

As part of the Concept Plan approval (Commitment 3 in Schedule 4), Achieve Australia was required to preserve Tree 92 and Tree 105. Commitment 25 also requires the existing avenue of trees along Belmore Street to be retained where practical. The proposal satisfies both of these commitments.

The proposed landscape plan includes the planting of 83 new trees in addition to numerous palms, tree ferns and shrubs. Of the proposed trees, these include 11 Brush Box along the Porter Street frontage with a further 4 to be planted on the Junction Street frontage. These trees have an estimated mature height of 35m. A further 8 Jacarandas (mature height of 10m) are proposed on the Junction Street frontage extending around the corner of the intersection with Belmont Street. These trees together with 4 Native Blueberries (mature height 12m) will compensate for the removal of existing trees at this corner of the site. As the majority of existing trees will be retained along the Belmont Street frontage, no new tree planting is proposed in this location.

Council's Consultant Landscape Architect has reviewed the Arboricultural report and proposed landscape plans submitted with the application and has provided the following comments:

*‘With regards to tree removal, we are generally satisfied with the proposed tree removal on site and although some trees with a high retention value will require removal, we do not feel that this will significantly impact the existing landscape character of the subject site or surrounding area. Further, many of the trees on site are classified as exempt species or are of poor health and vigour with limited life expectancies. Additionally, a good level of replacement trees are being proposed as part of the new landscape design. I have recommended a condition be imposed to engage a project arborist to install appropriate tree protection measures for those trees to be retained.*

*In terms of the Landscaping scheme across the site, we are generally satisfied that it will result in high quality private and common open spaces. Appropriate species selection has been implemented across the site as well a good level of new tree plantings as mentioned above. The proposed landscape design for the heritage area of the site is to be in keeping with the heritage nature of Tellaraga House and will reinforce and reinstate the federation style gardens surrounding the house.’*

In accordance with the recommendations of Council's Consultant Landscape Architect, appropriate conditions of consent are recommended to ensure all tree protection measures are implemented and all works are carried out by an appropriately qualified arborist (see conditions 93 and 94).

## **Traffic**

The Concept Plan application (MP10\_0110) was accompanied by a traffic study that included an assessment of traffic impacts on the local road network. The assessment was undertaken by modelling the cumulative traffic impact on the network as a result of the proposal and the potential development allowable under the MEA Masterplan which includes the Shepherd's Bay Concept Plan.

The study found that the additional traffic generated by the development will contribute to capacity constraints at the signalised intersection of Belmore Street and Constitution Road. One of two recommended options to overcome the capacity constraints was to extend the right-turn facility from Belmore Street into Constitution Road from 45m to 90m. This was Council's preferred option.

Subject to the adoption of this recommendation, the traffic study concluded that the proposal will not have any material traffic implications in terms of the road network capacity. Notably, this traffic assessment was based on a traffic generation for a development containing 470 units which was the number of units indicated in the original Environmental Assessment for MP10\_0110 (this was subsequently reduced to 430 units in the Preferred Project Report).

The current application proposes 416 units which will clearly result in a reduced degree of traffic generation to that originally assessed as acceptable for the redevelopment of the site.

In consideration of the most recent s75W application, the PAC noted the following:

*‘With regards to cumulative traffic impacts, the Commission also accepts the Department’s assessment that no further strategic level cumulative traffic impact analysis is required for the proposal. The Commission is satisfied that given the proposed density is largely consistent with the Draft RLEP 2011 controls, the anticipated traffic impacts have been factored in.’*

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

- Extending the right-turn facility from Belmore Street into Constitution Road from 45m to 90m;
- maximum unit yield and parking supply;
- adjustment of phasing of the traffic signals at the Belmore Street/Constitution Road intersection in accordance with RMS requirements
- dedication of land, and the undertaking of works, necessary to enable the partial widening of Porter Street.

The RMS has not objected to the proposed development. Council’s Traffic Engineer has also raised no objection subject to conditions.

Accordingly, the proposed development is considered acceptable with regard to potential traffic impacts.

## **Parking**

The Concept Plan Approval (MP10\_0110) requires parking supply to be consistent with the maximum rates specified in Condition C9 of Schedule 3. These maximum rates are:

- (a) 1 car space per 1 bedroom apartment/studio;
- (b) 1 car space per 2 bedroom apartment;
- (c) 1.6 car spaces per 3 bedroom apartment; and
- (d) 1 visitor car space per 5 apartments.

The current development application originally proposed 3 levels of basement parking for a total of 450 vehicles with 418 spaces allocated to residents and 34 spaces allocated to visitors. This complied with the above maximum rates.

However, the proposed number of visitor parking spaces equated to a rate of only 1 space per 12 units and was considered insufficient with regard to Council's DCP control (1 space per 5 units) and RMS guidelines for high density development in metropolitan centres of 1 space per 7 units.

It was further noted in the assessment that in the Preferred Project Report for the Concept Application, the indicative yield for the proposal was reduced to 430 units with 584 parking spaces with the spaces allocated as 490 residential and 94 visitor (a rate of 1 visitor space per 4.57 units). That rate of parking was specifically considered in the Director General's report and noted that the proposed visitor car parking rate fell within the range permitted under the then Draft RDCP 2014.

The application was subsequently amended to include the construction of a part 4<sup>th</sup> level of basement car parking containing 30 spaces. Due to the consequent loss of 2 spaces on basement level 3 to allow for the additional ramp, the application currently proposes basement parking for a total of 478 vehicles with 418 spaces allocated to residents and 60 spaces allocated to visitors (a rate of 1 visitor space per 7 units). This complies with the maximum parking rates specified in the Concept Approval and is considered acceptable by Council's Senior Development Engineer.

The provision of the additional visitor parking spaces will be highly unlikely to generate additional traffic given the number and size of proposed residential units remains unchanged and the likely number of visitors to these units would be anticipated to remain the same as originally proposed. The amendment will simply mean that the potential impact of the development on on-street parking spaces in the area has been reduced. For this reason, it was not considered necessary to re-notify the proposed increase in parking spaces from 450 to 478.

## **Public Domain Works**

The proposed development includes the following public domain works:

- dedication of 1.495m wide strip of land along the Porter Street frontage for the widening of the road to facilitate the construction of a footpath on the western side of the road;
- construction of a new footpath along the Belmore Street and Porter Street frontages;
- extension of the right-turn facility from Belmore Street into Constitution Road from 45m to 90m;
- the adjustment of phasing of the traffic signals at the Belmore Street/Constitution Road intersection in accordance with RMS requirements.

Council's Public Domain Officer has reviewed the proposal and has raised no objection subject to conditions. Conditions 62, 63 and 125 are recommended accordingly.

## **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\_0110. 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\_0110, 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:

<b>Internal</b>	
<b>Heritage Officer</b>	No objections – conditions provided
<b>Consultant Landscape</b>	No objections - conditions provided
<b>Environmental Health Officer</b>	No objections - conditions provided
<b>Senior Development Engineer</b>	No objections - conditions provided
<b>Public Works (Drainage)</b>	No objections - conditions provided
<b>Public Works (Traffic)</b>	No objections - conditions provided.
<b>Public Works( Public Domain)</b>	No objections - conditions provided
<b>Public Works (Waste)</b>	No objections - conditions provided
<b>External</b>	
<b>Roads and Maritime Services</b>	No objections
<b>Sydney Water</b>	No objections
<b>NSW Police</b>	No response was received from NSW Police however conditions have been included related to CCTV cameras, site security, lighting and graffiti

	prevention (see conditions 114 to 122).
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### **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 9 July, 2014 until 30 July, 2014.

9 submissions were received objecting to the proposal including one petition containing 145 signatures. The matters raised are summarised and addressed below:

#### ***Issue 1 Height of the proposed buildings***

##### Response:

The heights of the proposed buildings are within the maximum height limits specified in condition A6 of the Concept Approval. This issue cannot be re-visited by Council at the DA stage.

#### ***Issue 2 Bulk and scale***

##### Response:

The proposed buildings comply with the building envelope, FSR and maximum height controls specified in conditions A4, A5 and A6 respectively of the Concept Approval. This issue cannot be re-visited by Council at the DA stage.

#### ***Issue 3 Increased traffic including cumulative impacts from other developments in the area***

##### Response:

See section 9.14 of this report.

#### ***Issue 4 Existing on-street parking issues***

##### Response:

The proposed level of parking complies with the maximum parking rate specified in condition C9 of the Concept Approval. This issue cannot be re-visited by Council at the DA stage. However, as noted in section 9.14 of this report, the level of visitor car parking within the development has been increased from 34 to 60 during the

assessment process which will reduce potential increased demand for on-street parking spaces in the vicinity of the site. The proposed level of parking still complies with the maximum parking rate specified in condition C9 of the Concept Approval.

#### ***Issue 5 Noise***

##### Response:

Standard conditions will apply with regard to noise controls during development. An acoustic report submitted with the application demonstrates that the acoustic privacy between units within the development will be satisfactory. Given the distances involved to neighbouring properties, any noise impacts to these properties should be minimal and as to be reasonably expected within or adjacent to a residential area permitting apartment buildings.

#### ***Issue 6 Overshadowing***

##### Response:

Overshadowing impacts are set by the approved heights and setbacks of the buildings. The Department of Planning & Infrastructure noted in their consideration of this issue that all surrounding properties will achieve a minimum of 3 hours of solar access during the winter solstice.

#### ***Issue 7 Privacy***

##### Response:

Again, privacy impacts are essentially set by the approved heights and setbacks of the buildings. Given the distances involved, there will be no unreasonable privacy impacts to neighbouring properties to the east, north or west of the site. With regard to the residential apartment buildings currently under development at 2-4 Porter Street to the south, setbacks comply with the RFDC and the balconies on the podium have been reduced in size to limit any privacy impacts.

#### ***Issue 8 Lack of public open space within the development***

##### Response:

The provision of public open space within the development did not form part of the Concept Approval. Section 94 contributions will be payable which includes provision for open space and recreation facilities. In addition, significant private

communal open space is included in the development which should reduce the increased demand on existing public open space in the area.

***Issue 8 Lack of shops within the development***

Response:

Although the site is zoned '*mixed-use*' and retail is permissible, the Concept Approval provides only residential floorspace.

***Issue 9 The risk of a new additional car entrance via Junction Street directly opposite 2 residential driveways.***

Response:

No vehicular entrances are proposed on Junction Street. The existing vehicular access onto Junction Street will be removed. All vehicular access to the development will be via Porter Street with the exception of the existing access to Tellagara House from Belmore Street.

***Issue 10 Impact on surrounding roads during construction***

Response:

Condition no.23 is recommended requiring approval of a Construction Traffic Management Plan by Council prior to issue of a construction certificate. This will ensure that the impact on surrounding roads during construction is minimised as much as possible.

***Issue 11 Will there be any changes to bus or train services to cope with the additional population in the area?***

Response:

Council has no control over bus or train services. It would however be logical that an increase in the use of public transport services in the area may result in an increase in services provided.

***Issue 12 Retention of existing trees and planting of new trees***

Response:

See section 9.14 of this report.



### **Issue 13      *Impacts to Meadowbank Public School***

#### **Response:**

The height, density, and number of parking spaces within the development are as per the Concept Approval. Issues regarding traffic impacts have been considered in section 9.14 of this report whilst issues of public open space and construction traffic have been addressed above.

In terms of physical impacts, given the school is to the north-west of the site, shadow impacts will be limited. Distances involved will result in limited privacy impacts to the school grounds.

### **14. CONCLUSION**

This report considers an application to construct five residential flat buildings and associated basement car parking at 74 to 78 Belmore Street, 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 14 November 2012, as most recently modified on 27 May 2014. Although the application includes an additional part 4<sup>th</sup> level of car parking containing 30 parking spaces, the development application is considered consistent with the 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 LDA2014/0258 for the construction of five residential

flat buildings, basement car parking and restoration of Tellaraga House at 74 to 78 Belmore Street, 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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