

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2015/SYE003
<b>DA Number</b>	LDA 2014/0522
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Construction of 3 residential flat buildings comprising 131 units and 2 levels of basement parking for 187 vehicles; construction of 15 dwellings; landscaping and public domain works; extension of services and infrastructure on the site; subdivision and establishment and use of temporary carpark during construction
<b>Street Address</b>	110 Princes Street, Ryde
<b>Applicant/Owner</b>	Frasers Putney
<b>Number of Submissions</b>	15 submissions received
<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>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Ryde Local Environmental Plan 2014;</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 three (3) residential flat buildings containing 131 units, 187 basement/ground level parking spaces and fifteen (15) dwellings at 110 Princes Street and 259 Morrison Road, Ryde. The proposal forms Phase 1 of Stage 2 of the Royal Rehabilitation Centre Sydney (RRCS) redevelopment.

The RRSC redevelopment of the overall 17.7 hectare site 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 MP05\_0001 dated 23 March 2006 with Section 75W modifications subsequently approved on 8 March 2013 and 14 October 2014.

The original Concept Plan gave approval for a new specialised rehabilitation and disability facility, residential development restricted to no more than 50 dwellings per hectare (excluding land for the new rehabilitation and disability facility), landscaped public and private open space, and associated services and infrastructure. The approval also included provisions for land use distribution, building heights, densities, dwelling mixes and types.

The most recent modified Concept Plan, approved 14 October 2014, facilitated the lodgement of future development applications for Stage 2 and included the approval of new development parameter plans, removal of gross floor area controls and the approval of the Putney Hill Architectural & Landscape Design Guidelines. A new condition of approval (B17) was added to the Concept Approval to regulate the built form of Stage 2 principally through the approved number of dwellings, building envelopes, landscaping, basement parking and reference to the Putney Hill Architectural & Landscape Design Guidelines.

The development application proposes the construction of three (3) residential flat buildings comprising 131 units (14 x 1 bedroom, 105 x 2 bedroom, and 12 x 3 bedroom). The flat buildings will extend to between 6 and 7 storeys in height. Two (2) levels of basement car parking for 187 vehicles are proposed across the flat buildings. Fifteen (15) dwellings with associated car parking are also proposed extending to 2 and 3 storeys in height. The application also includes associated landscaping and public domain works, extension of services and infrastructure on the site including the construction of internal roads (numbered 21, 22, 27 and 28) and the establishment and use of a 100 space temporary carpark during construction. Subdivision into four (4) lots including three (3) superlots is also proposed together with the further subdivision of Lot 1 (containing the proposed 15 dwellings) into single lots for each dwelling.

During the notification period, Council received 15 submissions. The submissions raise various concerns including overdevelopment, an increase in the number of dwellings on the site to that approved by the Concept Plan, height, traffic and access, road layout, setbacks, privacy and overshadowing. All of the issues raised have been addressed in the report.

The proposed development is generally consistent with the modified Concept Plan Approval (MP05\_0001 Mod 2). 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:** Frasers Putney

**Owner:** Frasers Putney

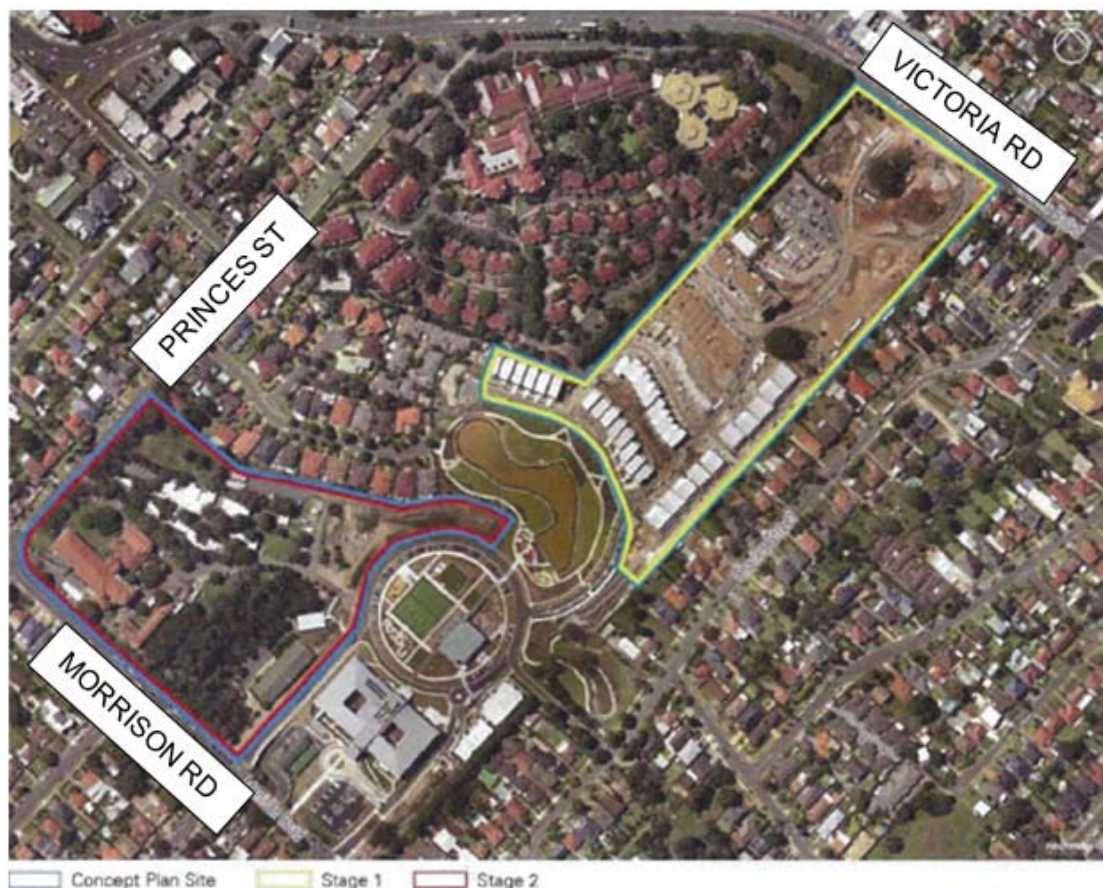
**Estimated value of works:** \$57,272,000

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

### **3. SITE DESCRIPTION & CONTEXT**

The overall site subject to Concept Approval MP05\_0001 is bounded by Victoria Road to the north, Charles Street to the east and Morrison Road to the south. The western border is bound by the Little Company of Mary (Calvary Retirement Village) on the north-west and Princes Street on the south-west.

**Figure 1** below provides an aerial view of the site and its context.



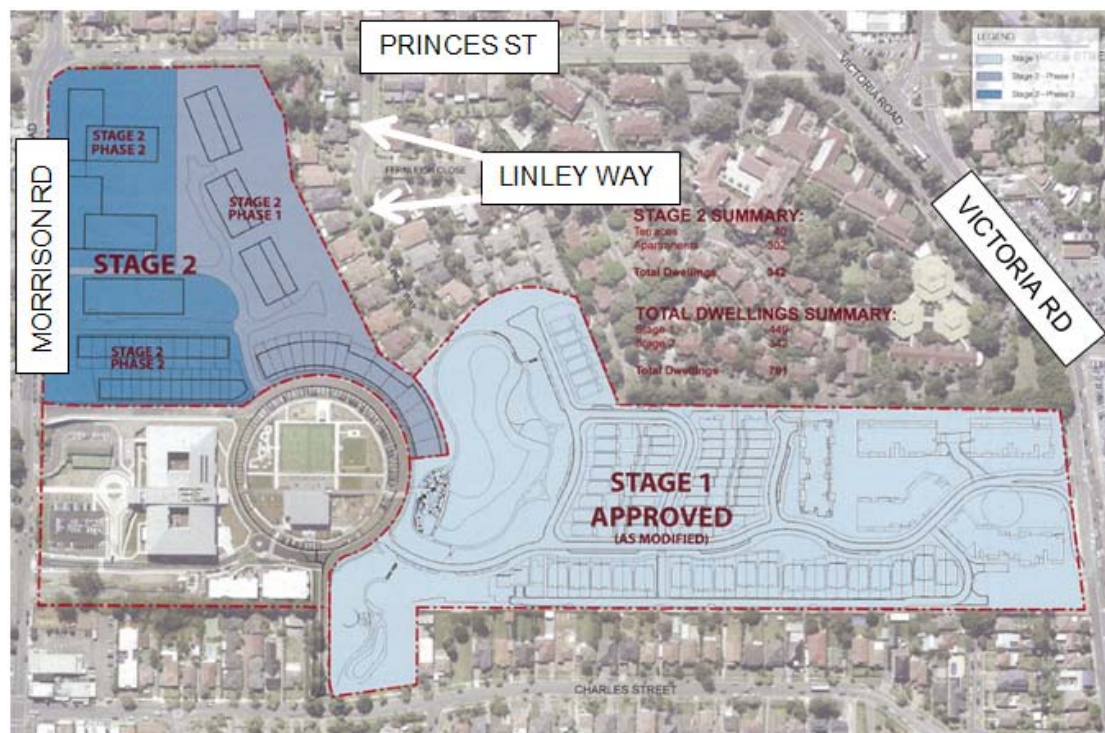
**Figure 1: Aerial photograph of the site and surrounding area** (Source: SEE)

As demonstrated in Figure 1 above, the overall site to which the Concept Approval applies is divided into two parcels of land which are separated by a detention basin and wetlands. The two parcels are known as Stage 1 (the northern parcel adjoining Victoria Road) and Stage 2 (the southern portion adjoining Morrison Road and Princes Street). Stage 1 of the redevelopment has a street address of 600 Victoria Road, Ryde. The subject Stage 2 site has a street address of 110 Princes Street, Ryde.

Stage 1 of the Concept Approval has largely been completed and with many dwellings and units now occupied. The recreation circle and new RRCS facilities are also now complete.

Demolition of all existing buildings within the Stage 2 portion of the site was approved by Council on 17 September 2014 under LDA2014/0108. Demolition work has since commenced.

The current development application relates to the northern portion of the Stage 2 parcel and is known as Stage 2, Phase 1. **Figure 2** below illustrates the staging plan for the overall site.



**Figure 2: Staging Plan** (Source: DA drawing A-DA-3H5A6A-SP-06)

The Phase 1 of Stage 2 portion of the site (hereon referred to as 'the site') is bounded by Linley Way to the north, Princes Street to the west, Morrison Road to the south and the new RRCS facilities and recreation circle to the east. Detached and semi-detached dwellings are located on the southern side of Linley Way and directly abut the northern boundary of the site. Low density residential dwellings are also located on the opposite side of both Princes Street and Morrison Road.

The site slopes steeply down to the north, east and south-east, with an approximate 25m change in levels across the overall Stage 2 site. An extensive number of trees are located on the site. A number of these trees were permitted to



be removed under the demolition consent (LDA2014/0108) and are largely within the footprint of the buildings approved under the most recent s75W approval (MP05\_0001 MOD 2) for the site.

Vehicular access to the site was previously provided via Morrison Road and Princes Street.

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

Total site area of the RRCS site – 17.7 ha

Total site area of the two residential components (Stage 1 and Stage 2) of the RRCS site – 11.52 ha

This DA relates to Phase 1, Stage 2 the RRCS site only. The development site is legally described as Lot 4 in DP 1129793. The total area of the site is 30,416m<sup>2</sup>.

#### **5. PROPOSAL**

The scope of works for which consent is sought comprises:

- Construction of three (3) residential flat buildings extending to between 6 and 7 storeys in height and comprising 131 units (14 x 1 bedroom, 105 x 2 bedroom, and 12 x 3 bedroom);
- provision of two (2) levels of basement car parking for 187 vehicles across the flat buildings;
- construction of fifteen (15) dwellings comprising eight (8) attached dwellings extending to 3 storeys in height, six (6) semi-detached two storey dwellings and one (1) two storey detached dwelling (note: all dwellings contain 4 bedrooms and either a double garage or a single space garage with 2<sup>nd</sup> space on the driveway);
- associated landscaping and public domain works;
- extension of services and infrastructure on the site including the construction of internal roads 21 (to be dedicated to Council), 22, 27 and 28 and new vehicular access at the intersection of Morrison Road and Boulton Street (via Road 21);
- establishment and use during construction of a 100 space temporary carpark to be located at the northern end of the site setback approximately 7m from the boundary with properties in Linley Way; and
- subdivision of the site (Stage 2, Phase 1) into three (3) superlots (plus a fourth Lot for Road 21) together with the further subdivision of Lot 1 into single lots for each of the proposed 15 dwellings.

**Table 1** below identifies the numeric characteristics of the proposed development.

Component	Proposal
Site area	30,416m <sup>2</sup>
GFA	16,634m <sup>2</sup>
<b>Height</b>	
Houses (3H)	
▪ metres	7 - 10.5
▪ storeys	2/3 storeys
Apartment Building 5A1	
▪ metres	22.5 / 20
▪ storeys	Part 6/7 storeys
Apartment Building 5A2	
▪ metres	22.5 / 20
▪ storeys	Part 6/7 storeys
Apartment Building 6A	
▪ metres	22.5 / 20
▪ storeys	Part 6/7 storeys
<b>Apartment Building Setbacks/Separation</b>	
Apartment Building 5A1	
▪ Linley Way Boundary	34 metres
▪ Apartment Building 5A2	12.2 – 20.2 metres
Apartment Building 5A2	
▪ Linley Way Boundary	34 metres
▪ Apartment Building 5A1	12.2 – 20.2 metres
▪ Apartment Building 6A	17.9 - 24.9 metres
Apartment Building 6A	
▪ Princes Street	18.4 - 23.7 metres
▪ Linley Way Boundary	34 metres
▪ Apartment Building 5A2	17.9 - 24.9 metres
No. of apartments	131
No. of houses	15
Car Parking	
▪ Houses	15
▪ Apartment Buildings	187 (including 19 accessible spaces)
Landscaped Open Space Area	4,604m <sup>2</sup>

**Table 1: Table of Key Development Information** (Source: SEE)

Photomontages of the proposed development are provided in **Figures 3, 4, 5** and **6** below.



**Figure 3: Proposed residential flat building 5A-2 looking east**



**Figure 4: Landscaped setback between proposed flat buildings and Linley Way**





Figure 5: Street elevation of proposed 3 storey dwellings



Figure 6: Street elevation of proposed 2 storey dwellings

## 6. **BACKGROUND**

### 6.1 **Concept Approval**

On 23 March 2006, the then Minister for Planning approved Concept Plan application **MP05\_0001** for the following: -

- (1) *“A new, purpose built specialised rehabilitation and disability facility.*
- (2) *No more than 50 residential dwellings per hectare on land excluding the new, purpose built specialised rehabilitation and disability facility.*
- (3) *Landscaped public and private open space.*

- (4) *Associated services and infrastructure.*
- (5) *Land use distribution, building heights, densities, dwelling mixes and types.”*

On 2 August 2006, the site was listed as a State Significant Site. The listing provided a range of planning controls and land use zones written into Schedule 3 of the Major Development SEPP, consistent with the Concept Plan Approval.

On 30 June 2010, Ryde LEP 2010 was gazetted and the planning controls for the RRCS site were transferred across from Schedule 3 of the Major Development SEPP into the LEP.

## **6.2 Section 75W Applications**

1) A Section 75W Modification Application (s75W) was approved by the Acting Director General of the then Department of Planning and Infrastructure on 8 March 2013. **MP05\_0001 MOD 1** relates to the Stage 1 portion of the site fronting Victoria Road for revised built form controls including: -

- *“amendments to the layout of Stage 1 including:*
  - *new building envelopes and building layout;*
  - *changes to the internal road layouts;*
  - *changes to basement car parking; and*
  - *changes to the public domain and open space areas;*
- *replacement of existing density controls across the entire site with new floor space ratio (FSR) controls,*
- *staging plan for Stage 1;*
- *subdivision of Stage 1, Phase 2.”*

2) A second s75W application was approved by the Director of the Department on 14 October 2014. **MP05\_0001 MOD 2** allowed the following modifications to the Concept Approval:

- Amendments to the layout of the Stage 2 site including:
- new building locations and new building envelopes;
- changes to dwelling types and mix;
- changes to the internal road layout, site access points and hierarchy;
- changes to basement car parking locations; and
- changes to the public domain and open space areas including deletion of roof top landscaping on residential flat buildings.

- Replacement of existing density controls across Stage 2 with new floor space ratio controls.
- Staging plan for Stage 2.

### **6.3 Previous Major Project Approvals**

#### *Subdivision*

On 12 August 2008, the then Minister for Planning approved the subdivision of the RRCS site into seven Torrens Title super lots, associated rights of carriageway and service easements (**MP07\_0100**). A modification was approved on 5 July 2010, (**MP07\_0100 Mod 1**) to reflect the zone boundaries under the SEPP and the subsequent LEP controls. A further modification was approved on 31 October 2012 (**MP07\_0100 Mod 2**) to further subdivide the Lot 5 (relating to the health care facility).

#### *Health Facility and Community Open Space*

On 16 December 2008, a Project Application (**MP08\_0054**) was approved for the demolition of part of the Coorabel facility and the construction of a new Health Facility and associated community open space and infrastructure works on part of the RRCS site (Lot 5) was approved. Five subsequent modifications have been approved, modifying buildings, roadways, staging and landscaping. The Central Parklands and Detention Basin are complete and the Central Parklands are open to the public.

#### *Stage 1 Phase 1 Residential Development*

On 1 May 2012, Project Application **MP10\_0189** was approved for the development of Stage 1, Phase 1 of the residential development. This approval included: -

- demolition of existing buildings required to be removed to facilitate the Stage 1 Phase 1 works;
- subdivision;
- staged construction of a residential development including 54 apartments; 54 semi-detached / terraced and 16 detached dwellings;
- basement car parking to the residential flat building;
- public domain works including roads and utilities;
- tree removal and landscaping;
- construction of vehicular access to the site from Charles Street and Victoria Road; and
- extension / augmentation of the physical infrastructure / utilities required.

A modification was approved on 19 September 2012 (**MP10\_0189 MOD1**) to modify the approved residential flat building by increasing floor space and creating seven new apartments. Two further minor modifications have since also been approved.

#### **6.4 Previous Development Applications**

1) On 26 June 2013 the Joint Regional Planning Panel approved Local Development Application 2012/0471. This approval involved the following:

- The construction of an 8 storey residential flat building containing 91 units and 130 basement car parking spaces in Stage 1 Phase 4A.
- 16 two storey semi-detached dwellings located in Stage 1 Phase 2H.
- The construction of internal road 12.
- Associated landscaping and public domain works.

2) On 19 September 2013 the Joint Regional Planning Panel approved Local Development Application 2013/0165. This approval involved the following:

- The construction of three (3) residential flat buildings consisting of 218 units and 305 basement/ground level car parking spaces in Stage 1 Phase 2A and 3A.
- Extension of services and infrastructure on the site.
- Associated landscaping and public domain works.

3) On 17 September 2014, Council approved Local Development Application 2014/0108. This approval involved the demolition of existing buildings and removal of certain trees adjacent to the buildings to be demolished and removal of pedestrian pathways as part of the Stage 2 development of the site. Demolition works have since commenced.

#### **6.5 Current Development Application**

The development application was submitted to Council on 18 November 2014.

A letter was sent to the applicant on 20 January 2015 requesting further information and/or consideration in respect of the following issues:

- Setbacks of top level of each RFB in accordance with Putney Hill Design Guidelines
- Heritage
- Waste
- Traffic

- BASIX
- Design Verification Statement
- Landscaping
- Revision of plans to denote correct setbacks and height controls
- Cross-sections of buildings 6A and 5A-2

Amended and additional architectural plans and additional information were received by Council on 4 March 2015. The amended plans involved minor changes to the levels, facades and external elements of the proposed dwellings. The most notable change to the levels includes a 350mm increase in the maximum RL of the proposed detached dwelling (house type 7C). This does not result in any overshadowing of neighbouring properties in Linley Way and given the separation distance of between approx. 9.5m and 29m between the rear elevation and the northern site boundary, any potential amenity impact from the change would be highly negligible.

Changes to the facades include elements deletion of pergola at the front of the garages and timber screen at the front amended to suit the solid roof construction.

On the basis of the minor nature of the amendments, it was considered that the revised plans did not require renotification.

Additional information was also received with regard to traffic, waste, heritage, landscaping and the proposed temporary car park together with justification for the proposed top level height/setback variation. Additional section and elevational drawings and a Design Verification Statement were also received.

## **6.6 Consistency with the Concept Approval Plans**

The subject application is based on Approved Concept Plan **MP05\_0001 MOD 2**. A list of the applicable Conditions of Consent and Statement of Commitments from the Approved Concept Plan (as modified) has been discussed below.

Schedule 2 of the Concept Approval set out various matters to be satisfied by any future development application to implement that consent. Those matters relevant to the current DA are addressed in **Table 2** below:

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
A1. Development Description	The DA is considered consistent with the development description and Concept Plan drawings as revised by the most recent section 75W Application.



<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
A2. Development in Accordance with Plans and Documentation	The DA is generally consistent with the drawings, Environmental Assessment, Statement of Commitments and Putney Hill Architectural and Landscape Design Guidelines approved with the most recent section 75W Application.
A3. Inconsistencies between Documentation	Noted.
A4. Lapsing of Approval	The Concept Plan Approval has commenced.
A5. Prescribed Conditions	Noted.
A6. Determination of Future Applications	<p>The proposal is consistent with the road layout, siting of the building and basement layouts, dwelling density, building envelopes and provision of landscaping and open space areas as approved in the modified Concept Plan.</p> <p>Accordingly, this development is considered to be generally consistent with the approved Concept Plan.</p>
<b>Part B – Department of Planning’s Conditions of Approval</b>	<b>Comment</b>
B1. Development Control	The development is generally consistent with the approved Concept Plan (as modified).
B4.6 Transport and Access	An updated traffic and parking report has been submitted with the application. Council’s Traffic Engineer has reviewed the report and following the submission of additional information, has raised no objection to the proposal.
B6. Staging Plan	An updated Staging Plan was approved with the approved Concept Plan (as modified). The subject DA is in keeping with the approved Staging Plan.
B7. Contamination Investigation	Site contamination studies were provided to the Department in relation to the previous applications, and the overall site is considered appropriate for residential use.
B9. Archaeological Investigation	An Aboriginal Archaeological Assessment for the entire Putney Hill site was submitted as part of the

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
	Project Application for Phase 1 of Stage 1.
B10. Geotechnical Investigation	Appropriate investigations were undertaken and approved by the Department in previous applications. The subject DA has been reviewed by Council's Senior Development Engineer and no concerns are raised in this regard.
B11. Sub Consultant Reports	The SEE and supporting documentation lodged in support of this application addresses the necessary assessment requirements for this development.
B13. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The applicant has submitted BASIX Certificates for the buildings (No. 564138M for the RFBs and 564139M for the dwellings) which provide the development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate (see conditions 3, 50 and 80).
B17. Stage 2 Residential Built Form, Urban Design and Landscaping	See Section 6.5 of this report below.
<b>Part C – Proponent's Statement of Commitments</b>	
<b>C1. Health and Community Facilities</b> The proponent will provide a new multi-functional Health and Disability Centre, recreational facilities, a child care centre and community meeting room, negotiate a Planning Agreement under s93 of the Act and/or provide Development Contributions under s94 of the Act for community facilities and infrastructure demand, commit to staged development of the site to enable RRCS to continue its operations.	<p>The RRCS Health Facility was the subject of a previous Project Application (MP08_0054).</p> <p>The contributions were arranged in accordance with a Deed of Agreement established on 15 July 2010 between Ryde City Council, RRCS and Frasers Putney Pty Ltd, which offered community facilities and infrastructure as material public benefit in lieu of a cash payment.</p>
<b>C2. Density and Relationship to Surrounding Community</b> The proponent will implement the State Government's objectives for a sustainable and compact city by adhering to the following design elements:	<p>As per previous approvals for the development of Stage 1, the proposal is considered to suitably satisfy these design elements given the following:</p> <ul style="list-style-type: none"> <li>• The provision of 131 units and 15 dwellings,</li> </ul>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• The mix of dwelling types, to provide for a range of housing choice;</li> <li>• The maximum densities in the development parcels, to ensure that there is a sustainable and environmentally sensitive distribution of residential density across the subject site;</li> <li>• The location of detached houses and town houses in the peripheral transition zones, to create a buffer to the surrounding residential communities, maintaining a good amenity, solar access, light and privacy for the existing residents;</li> <li>• The location of medium density residential development in the interior of the subject site, to afford increased opportunities for liveable communities within the metropolitan fabric, close to regional employment opportunities and to existing retailing, educational and community facilities, and well serviced by public transport.</li> <li>• The integration of open space, recreational facilities, childcare and community and health facilities with the residential development, to ensure that not only will the newly created communities be sustainable, both socially and environmentally, but that existing residents in the local community will also benefit from the total development.</li> </ul>	<p>when considered in light of the housing mix across the overall RRCS site, will provide suitable housing options to the area, which predominantly consists of single residential dwellings.</p> <ul style="list-style-type: none"> <li>• The overall provision of 146 dwellings is consistent with the distribution and density of dwellings in the approved Concept Plan (as modified), which is within the overall density control of 50 dwellings per hectare.</li> <li>• Semi-detached dwellings are located along the northern boundary of the site. This provides a suitable transition of the built form in relation to the adjoining single residential dwellings at Linley Way. In addition, there is appropriate separation (minimum of 34m) between the proposed RFBs and these adjoining dwellings. The existing residents of the adjoining dwellings are afforded satisfactory amenity, solar access, light and privacy.</li> <li>• The proposed residential development is well integrated with the urban fabric of the area, and benefits from retail, employment, educational and community facilities. Public transport is also available.</li> <li>• The various components of the RRCS site service the needs of the new community, as well as being readily accessible to service the surrounding community.</li> </ul> <p>The proposed development is considered to provide a contributory role to the benefit of its future residents and the surrounding community.</p>
<p><b>C3. Urban Design</b></p> <p>The proponent will accord with the maximum heights, maximum number of dwellings, maximum floor space and minimum setbacks in the development parcels in the plans and documentation described in Condition A2, Part A,</p>	<p>The proposal is generally in keeping with the maximum heights, maximum number of dwellings and minimum setbacks as per the approved Concept Plan (as modified). The proposal also is generally consistent with the documentation and plans described in condition A2.</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<p>Schedule 2.</p> <p>The proponent will submit subsequent applications in accordance with the maximum development parameters in the plans and documentation described in Condition A2, Part A, Schedule 2 and in accordance with the urban design principles set down in State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, Residential Flat Design Code (DIPNR) and the Residential Flat Design Pattern Book (DIPNR).</p> <p>The proponent will adopt the following urban design principles which:</p> <ul style="list-style-type: none"> <li>• Maximise the northern aspect for solar access to dwellings.</li> <li>• Respond to the microclimate of each location and to the varying topography.</li> <li>• Set back buildings from the street frontages to create landscaped settings.</li> <li>• Introduce view corridors through the subject site to maximise visual permeability.</li> <li>• Share views by stepping buildings down the slope.</li> <li>• Diversify building forms to create variety and visual interest.</li> <li>• Limit overshadowing to 50% for 2 hours per day for private open space.</li> <li>• Minimise overshadowing of public open space.</li> <li>• Maintain privacy by ensuring adequate distances between dwellings - windows of habitable rooms be a minimum of 12m apart or if these distances are not achievable other design measures, such as appropriate window and balcony locations and screening, being incorporated.</li> </ul>	<p>The proposal demonstrates general compliance with the RFDC, however building separation, building and apartment depth, solar access and storage do not comply with every aspect of the 'rules of thumb'. Refer to discussion at Section 8.7 below.</p> <p>The proposal satisfies the specified urban design principles with particular regard to the northern aspect for solar access to dwellings being maximised, the provision of sufficient landscaped setbacks, minimal overshadowing of public open space, a design that is responsive to the existing topography and the character of the location, and a minimum of 12m separation between habitable room windows of dwellings. The proposal also provides appropriate screening measures, balcony locations and landscaping to assist in providing privacy.</p> <p>The development exhibits the elements specified in the design philosophy by providing buildings with suitable architectural articulation which is enhanced by balconies and a mix of colours and materials. The presentation of the facades and siting of the buildings exhibits a suitable relationship with the human scale. The RFB basement parking levels do not exceed 2.1m above NGL. It is noted that the Concept Plan MP05_0001 Mod 1 removed the requirement for accessible and planted rooftops.</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<p>The proponent will adopt a design philosophy to create a traditional Australian residential living setting in a contemporary urban environment, through:</p> <ul style="list-style-type: none"> <li>• Articulated buildings with an interplay of planes, with balconies and pergolas.</li> <li>• An interplay of self-finishing building materials, brick, stone and tiles.</li> <li>• Variations in colour and texture.</li> <li>• Human scale in the design of facades and spaces between buildings.</li> <li>• Ceiling height of the parking areas beneath residential flat buildings not to exceed 2.1m above natural ground level at any point.</li> </ul>	
<p><b>C4. Landscaping</b></p> <p>The proponent will adopt landscaping designs being in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• To create a variety of landscaped public open spaces which respond to the existing topography and landscaped features, and are appropriate for the intended purpose of each area of open space.</li> <li>• To create accessible, landscapes roof-tops for use as private open space.</li> <li>• To create a unique sense of place in different precincts of the development, and landscaping on the collector roads which harmonises with Council's public domain landscape strategies.</li> <li>• To preserve mature trees and landscaping features.</li> <li>• To provide shade along pedestrian pathways and streets through the planting of street and park trees. When selecting</li> </ul>	<p>The development has incorporated the stipulated landscape design principles. The landscaping will provide a high quality of amenity to the development and incorporate a variety of scales and ranges of open space opportunities. The proposed tree retention and planting will provide the site with large specimens that will enhance the character of the development.</p> <p>The design of the landscaping is considered to be in keeping with, and enhance the character of the Putney locality. The proposal has been reviewed by Council's Landscape Consultant and is supported subject to conditions pertaining to replacement tree planting, tree protection, arborist supervision etc. (see conditions 72 to 75).</p>



Schedule 2	
Conditions	Comment
<p>species, consideration to be given to drought tolerance, winter solar access, summer shade and provision of habitats.</p> <ul style="list-style-type: none"> <li>• To provide a high quality, low maintenance suite of street furniture that is located to provide amenity for walkers and park users.</li> <li>• To provide shade for parking areas so that cars can be parked in the shade - ideally reducing the need for intensive air conditioning.</li> <li>• To reduce crime in public places by creating safe open spaces that are overlooked by dwellings and that have at least two access points.</li> <li>• To minimise water usage and maintenance by selecting hardy, drought tolerant native and exotic plants, including those listed on the Sydney Water Plant Selector.</li> <li>• To reduce environmental weeds by selecting plants that are non-invasive or indigenous.</li> <li>• To treat stormwater on subject site through landscape techniques such as wetlands and planted swales.</li> <li>• To provide a range of habitats for indigenous fauna including birds and arboreal mammals, insects, reptiles and amphibians through selection of plant species and planting composition.</li> <li>• To increase water penetration by the use of permeable car parking bays.</li> <li>• To provide accessible paths of travel wherever possible as an integrated part of the open space network;</li> <li>• To provide a landscape that can be maintained without excessive labour, water or nutrient inputs.</li> </ul> <p>The proponent will adopt a design philosophy for elements in the</p>	

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
public domain, including landscaping and street furniture, which will reflect the character of Putney, to be developed in consultation with Council to the satisfaction of the Department.	
<p><b>C5. Heritage</b></p> <p>In the event a future approval is granted to demolish buildings on the subject site, the impacts will be mitigated by the following procedures:</p> <ul style="list-style-type: none"> <li>• The important historic, social and cultural significance of RRCS to be commemorated through a professionally written history of the subject site;</li> <li>• Archival photographic recordings to be made of the significant buildings, the subject site and the landscape elements on the subject site, in accordance with NSW Heritage Council's guidelines;</li> <li>• The original sandstone gateposts at the entrance to Weemala to be retained in situ;</li> <li>• An interpretation strategy to be developed, in order to recognise the important historical and social significance of the subject site to NSW and Ryde;</li> <li>• The history of the RRCS to be commemorated in naming of new facilities, parks and roads.</li> <li>• Archival material to be held by RRCS, displayed where appropriate in the new facility and be made available as a public record in the local city library;</li> <li>• A "History Walk" to be created as a key feature of the parkland amenity, including commemorative stones along the public access track displaying the origins of the site in the context of the history of the Putney Village Community and the City of Ryde;</li> <li>• An investigation to be conducted</li> </ul>	<p>Development consent for the demolition of existing buildings on the site was approved under LDA2014/0108 on 17 September 2014. As such, the subject proposal does not include any demolition. However, as part of the consent for LDA2014/0108, advisory conditions were included stating matters that would need to be addressed in any subsequent construction DA for the site. These were essentially the same matters listed in C5 of Concept Approval (as modified).</p> <p>Council's Heritage Consultant raises no objection to the proposal and outstanding heritage matters relate to the area of the site that will be covered by the subsequent Phase 2 of Stage 2 DA.</p> <p>It is further noted that several supporting documents and strategies were lodged by the applicant to satisfy this requirement in relation to the Concept Plan MP05_0001. These strategies are considered to be satisfactory.</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
to determine the extent and nature of any remnants of the original Weemala building, including a sampling of surface shard scatters.	
<p><b>C6. Utilities Infrastructure</b></p> <p>The proponent will:</p> <ul style="list-style-type: none"> <li>• Obtain confirmation from utility providers, that existing infrastructure, particularly sewer and water, are capable of supporting the proposed development or can be amplified without detrimentally affecting the existing amenity of the area.</li> <li>• Obtain all necessary approvals from authorities to implement the augmentation and/or reticulation of the utilities infrastructure.</li> </ul>	<p>The required consultant's reports were submitted in support of the approved Concept Plan (as modified). The applicant confirms that the site is able to be adequately serviced with site infrastructure and utilities, however the existing utilities will be augmented to meet service demands. The applicant will satisfy these requirements and obtain approval from the necessary authorities prior to any work being undertaken.</p>
<p><b>C7. Traffic &amp; Transport</b></p> <p>The proponent will work with all traffic and transport authorities and Council to optimise the design and safety of roads and intersections, both within and surrounding the subject site, and to upgrade public transport, including:</p> <ul style="list-style-type: none"> <li>• Review of bus-stops and access to these.</li> <li>• Design of intersections on external roads, including roundabouts.</li> <li>• Improvement in pedestrian safety within the locality.</li> <li>• Reduction in vehicular speeds.</li> <li>• Design of the subject site's internal road network in accordance with the Australian Model Code for Residential Development Guidelines (AMCORD), with limited access points, discouraging through-traffic and ensuring safety for pedestrians and cyclists.</li> <li>• Design of the internal road network in accordance with a road hierarchy, to provide a sense of place in different locations and to improve safety for pedestrians and cyclists.</li> </ul>	<p>The proposal did not require referral to the RMS. Council's Traffic Engineer and Senior Development Engineer have reviewed the proposal and have raised no objections. The following is noted:</p> <ul style="list-style-type: none"> <li>• An existing bus stop is located on Morrison Road at the boundary of the overall site and the provision of further stops on the site frontage are not required.</li> <li>• The Deed of Agreement signed between the City of Ryde Council, RRCS and Frasers Putney Traffic required traffic calming measures to be implemented.</li> <li>• Dedicated pedestrian pathways are provided throughout the RRCS site.</li> <li>• The applicant has committed to a 40km/h speed limit for all internal roads.</li> <li>• The applicant has confirmed that the internal road network satisfies the AMCORD requirements.</li> <li>• Parking is provided in accordance with Council's car parking rates pursuant to the Ryde DCP 2014. Each apartment is provided with a secure storage area adjoining their allocated car parking space.</li> <li>• Accessible paths of travel are provided throughout the site and to the adjoining public areas.</li> <li>• A cycleway network is provided.</li> </ul>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• Provision of parking and storage in accordance with Council's codes and/or RTA guidelines.</li> <li>• Provision of pathways accessible for people with disabilities between the RRCS health facilities, the Recreation Circle and the Central Parkland.</li> <li>• Provision of a cycleway network.</li> </ul> <p>The proponent will negotiate a planning agreement under Section 93 of the Act, and/or providing Development Contributions under Section 94 of the Act, to provide for infrastructure.</p> <p>The proponent will implement the recommendations and conditions set out in the Sydney Regional Advisory Committees letter to the Department dated 5 October 2005 to the satisfaction of the Department.</p>	<p>A Deed of Agreement has been established between the City of Ryde Council, RRCS and Frasers Putney Traffic to provide public domain works in lieu of cash contributions.</p> <p>Response to recommendations and conditions set out in the Sydney Regional Advisory Committees letter:</p> <p>The design of the deceleration lane was approved in Project Approval MP10_0189 for Stage 1 Phase 1.</p> <p>The Detention Basin for the RRCS was approved in Project Approval MP08_0054. The subject DA is accompanied by a detailed Civil Engineering Design Report and Plans which has been reviewed by Council's Senior Development Engineer and no objection is raised.</p> <p>The applicant confirms that the proposal satisfies the relevant Australian Standards. The proposal has been reviewed by Council's Senior Development Engineer and no objection is raised.</p>
<p><b>C8. Stormwater Management</b></p> <p>The proponent commits to working with Council to develop the design for the stormwater management system, which will operate effectively to the standards for infrastructure, safety and public health set down by Council, and to the satisfaction of the Department.</p>	<p>Stormwater detention and management measures for the overall site were previously approved in Project Application MP08_0054.</p> <p>The subject DA is accompanied by a detailed Civil Engineering Design Report and Plans which has been reviewed by Council's Senior Development Engineer and no objection is raised.</p>
<p><b>C9. Construction Management</b></p> <p>The proponent will lodge a Construction Management Plan, prior to development being undertaken on the subject site, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Noise and vibration management</li> <li>• Dust control</li> <li>• Construction waste management</li> <li>• Erosion and sediment control</li> </ul>	<p>The applicant proposes to submit a Traffic Construction Management Plan which addresses the requirements of this condition prior to the issue of the relevant Construction Certificate. This is considered appropriate and conditioned accordingly (see condition 24).</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• Flora and fauna management</li> <li>• Archival recording of heritage</li> <li>• Hazardous materials removal</li> </ul> <p>The proponent commits to carrying out any required remediation prior to developments being undertaken on the subject site, in accordance with the findings of the Contamination Study.</p>	
<p><b>C10. State Environmental Planning Policy Building Sustainability Index (BASIX)</b></p> <p>The proponent will comply with the NSW Government Building Sustainability Index targeting 40% reduction for potable water consumption, 25% reduction for greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.</p> <p>The proponent will commit to specified sustainability initiatives.</p>	<p>The applicant has submitted BASIX Certificates for the buildings (No. 564138M for the RFBs and 564139M for the dwellings) which provide the development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate (see conditions 3, 50 and 80).</p>
<p><b>C14. Submission of Subsequent Applications</b></p> <p>The proponent will submit subsequent applications for the development of the subject site in accordance with the conditions of approval to Project No. 05_0001.</p> <p>The proponent will submit further documentation for the subsequent applications which will include (but not be limited to):</p> <ul style="list-style-type: none"> <li>• Detailed landscape survey and design.</li> <li>• Archaeological survey, where required in accordance with the Heritage Interpretation Strategy.</li> <li>• Heritage interpretive elements in the public domain</li> <li>• BASIX compliance</li> <li>• Sediment and Erosion Control Plan</li> <li>• Waste Management Plan</li> <li>• Car parking provision, loading</li> </ul>	<p>The subject DA has been submitted to satisfy this condition and is accompanied by the necessary supporting documentation. The applicant confirms that all necessary approvals will be attained from utility providers prior to the commencement of works where necessary.</p> <p>The DA is considered to satisfy the submission requirements where relevant, and appropriate conditions of consent will be imposed where necessary. Notably the applicant requests a condition of consent be imposed requiring a Construction Management Plan be submitted prior to the issue of the relevant Construction Certificate (see condition 24).</p>



Schedule 2	
Conditions	Comment
and subject site access in accordance with the relevant codes. • Construction Management Plans • Compliance with the utility authorities' standards and reticulation requirements, and approval/permit processes.	

Table 2: Consistency with Concept Approval

## **6.7 Condition of Approval B17 – Stage 2 Residential Built Form, Urban Design and Landscaping**

Condition B17 was added to the Concept Approval as part of the consent for the most recent s75W application. The condition states:

*'The Floor Space Ratio Control Plan in the plans referred to in Condition A2(d) is deleted and no floor space control applies to Stage 2, including as provided by the RLEP2010 or any succeeding instrument. Built form within Stage 2 will be assessed having regard to the building envelopes included in this approval, by the maximum number of dwellings permitted by condition A1, and items (a) to (e) below.*

*Future applications for residential flat buildings in Stage 2 shall:*

- (a) provide dwelling yield calculations (including projections for future stages) demonstrating that the maximum number of dwellings across the Concept Plan can be adhered to;*
- (b) be subject to an architectural design excellence process such as a design review through peer review, design review panel or other similar process (to be agreed with Council);*
- (c) be carried out generally in accordance with the Putney Hill Architectural Landscape Design Guidelines referred to in Condition A2 where relevant;*
- (d) incorporate extensive landscaping within the boundary setback areas including retention of any significant trees where possible, particularly within the Prince Street frontage, and provision of new canopy trees and other plantings, particularly within the Weemala Parkland to provide a landscape screen to the development as viewed from Princes Street and Linley Way;*
- (e) demonstrate that ceiling height of the parking areas beneath residential flat buildings do not exceed 2.1m above natural ground level at any point, except within buildings 7A and 8A where that basement parking is sleeved*

*by residential floorspace. The extent of basement parking that may protrude above ground level with residential sleeving is to be no more than that indicated on the Indicative Section and Sleeving Location Plans for Buildings 7A and 8A drawn by Cox Richardson Architects dated August 2014.'*

The subject DA complies with the above provisions as follows:

#### (a) Dwelling Yield Calculations

Condition A1 of the approved Concept Plan (as modified) permits no more than 50 residential dwellings per hectare on the overall site (excluding land for the new, specialised rehabilitation and disability facility). This equates to 791 dwellings.

449 dwellings have been approved in Stage 1 which allows for no more than 342 dwellings to be constructed in Stage 2.

The subject DA for Phase 1 of Stage 2 proposes a total of 146 dwellings. This allows no more than 196 dwellings to be constructed in Phase 2 of Stage 2. A Staging Plan has been submitted with the application (see **Figure 2**) demonstrating that the maximum number of dwellings permitted across the site can be adhered to.

#### (b) Architectural Design

As detailed in section 8.7 of this report, consideration of the proposed architectural design was undertaken by Council's Urban Design Review Panel on 22 July 2014. The Panel supported the proposed design approach and suggestions made have been sufficiently addressed in the current application. As such, the subject application is considered to satisfy the requirements of this condition.

#### (c) Putney Hill Architectural Landscape Design Guidelines

The Design Guidelines provide guidelines for development on the Morrison Road frontage, the Linley Way frontage, and for low density dwellings. The relevant provisions to the subject DA concern the Linley Way frontage and low density dwellings.

##### *Linley Way Frontage*

The guidelines state the following and include a 'Typical Linley Way Section' (see **Figure 7**).

## Height

A maximum of six storeys are to be provided to the Linley Way Frontage within the 20.0 metre height limit. The built form is then to step back 9.5 metres. A maximum of seven storeys is to be provided in the 22.5 metre height limit.

## Setbacks

The building line of the buildings fronting Linley Way are to be set back a minimum of 9.5m from the Linley Way façade. Minor architectural elements such as balconies and sun shading may encroach into a 2.5 metre articulation zone as indicated on the section provided below.

## Landscape

A landscape buffer must be provided within the setback to the Linley Way boundary. This buffer zone is to provide a mixture of planting which contributes to the landscaped setting envisaged for the site.

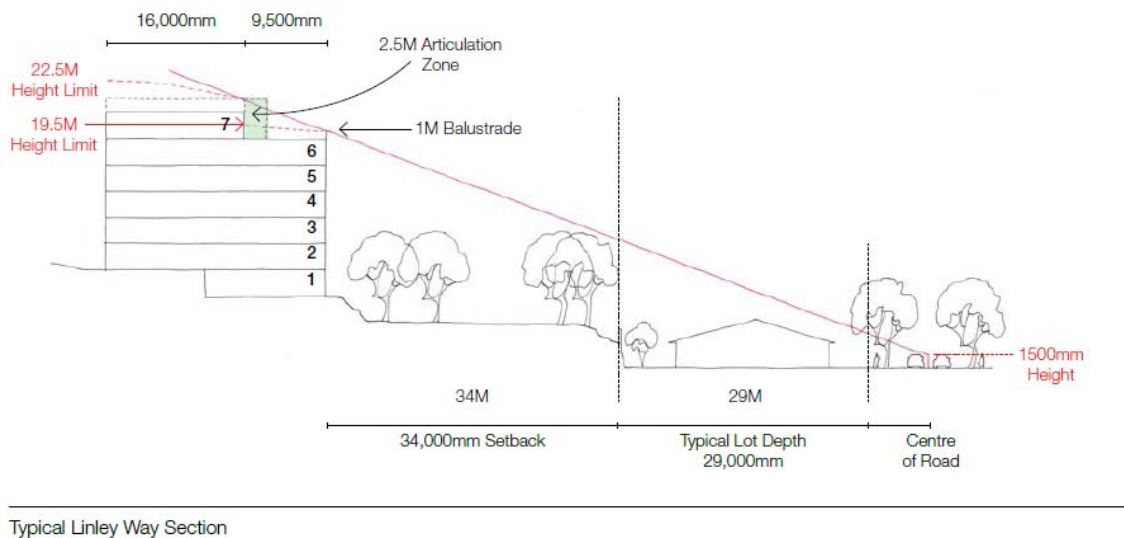


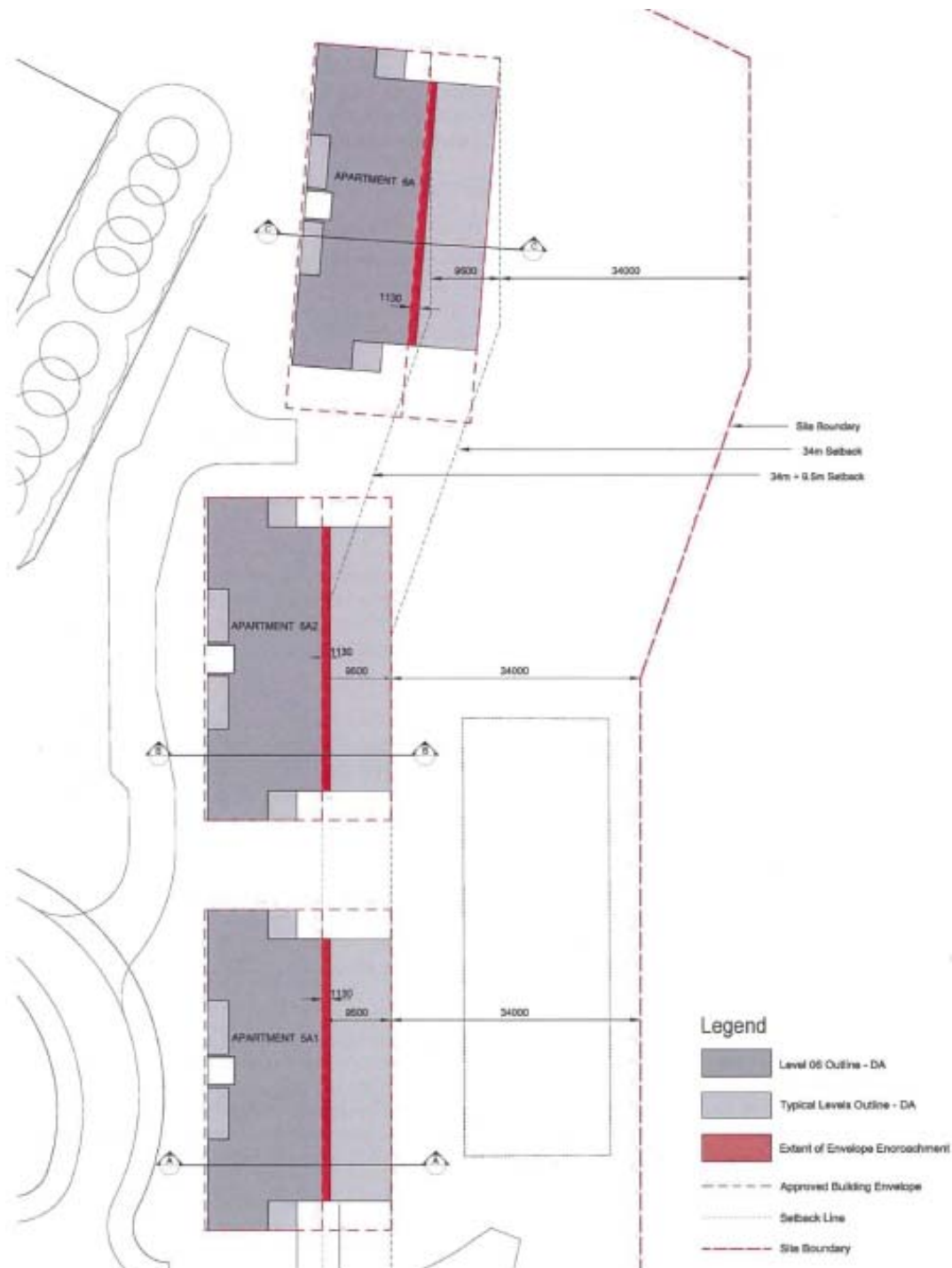
Figure 7: Typical Linley Way Section (Source: Putney Hill Architectural Landscape Design Guidelines)

In terms of the overall height, the 7 storey element of each building complies with the 22.5m height limit. Awnings are proposed for the top level units. These are located within the 2.5m articulation zone permitted under the guidelines and are acceptable.

With regard to setbacks and height, the proposed residential flat buildings are set back a minimum of 34m from the Linley Way boundary with Building 6A and the western half of Building 5A-2 exceeding the minimum 34m requirement.

The Design Guidelines require a 9.5m setback for the 7<sup>th</sup> storey from the levels below on the northern side. The proposed development seeks a minor variation in that the top level of each building will be setback approx. 8.4m from the levels

below. This also result in a minor non-compliance with the height control as an approx.1.1m wide section of the top storey of each building on the southern side will exceed the 20m height limit (note: the height limit for the 6 storey element is 20m not 19.5m as indicated in the above 'Typical Linley Way Section'). **Figure 8** below illustrates the difference between the Concept Plan approved building envelopes and the proposed building envelopes with regard to level 6 and level 7. The red line on each building indicates the location of the technical 1.1m non-compliance.



The applicant has justified the proposed building envelopes on the basis of the following:

- The variations involve a minor shift of the upper level of each building to the north, encroaching into the originally envisaged stepped height by approximately 1.13m for a height of 1.1m (Building 5A-1), 0.8m (Building 5A-2) and 1.2m (Building 6A). This variation applies to an area of 40m<sup>2</sup> across each building, constituting a 0.74% variation across each respective building's total gross floor area. When considered in the scale of the buildings, this variation is exceptionally minor and does not result in any significant additional bulk or scale.
- With regard to the 'Typical Linley Way Section' contained in the Design Guidelines (See **Figure 7** above), this section is only relevant to Building 5A-1 and half of Building 5A-2 as at the mid-point of Building 5A-2, the Linley Way boundary angles towards the north away from Buildings 5A-2 and 6A. As such, the separation distance from Linley Way to the face of these buildings is greater than 34m. This results in the upper level setback of half of Building 5A-2 and the majority of Building 6A being beyond the envisaged separation distance of 34m + 9.5m.
- A comprehensive landscaping scheme is proposed within the 34m setback which will provide privacy and a feeling of separation between existing dwellings on Linley Way and the new apartment buildings.
- When considered in the context of the area of the envelope which is unfilled, the proposed variation is minimal in extent and height.
- The development remains 'generally consistent' with the terms of the Concept Plan Approval and as per the requirements of condition A2.

The above justification is considered reasonable and valid. Given the minimum setback of 34m for each building to the northern boundary and the retention of an additional approx. 8.4m setback to the top level, there would be no adverse impacts to neighbouring residents in terms of privacy or amenity and any visual impact in terms of increased bulk would be highly negligible.

It is considered that the extent of non-compliance is such that the proposal can still be considered to be generally in accordance with the *Putney Hill Architectural and Landscape Design Guidelines* and therefore consistent with the provisions of conditions A2(f) and B17(c) of the Concept Approval (as modified).

With regard to landscaping, significant landscaping is proposed within the 34m setback. A total of 188 trees (22 different species) are proposed including 9 Spotted Gums (mature height 25m), 9 Calleryana Pear (9m to 15m), 12 Sydney Red Gums (15m to 25m) and 7 Weeping Lilly Pilly (10m to 20m). The landscaping proposal has been reviewed by Council's Landscape Consultant and it is



considered the proposal will contribute to an acceptable landscaped setting for the site.

#### *Low Scale Dwellings*

The guidelines state the following:

##### **Height**

*A maximum height of 3 storeys is to be provided to dwellings in the 11.5 metre height limit zone and 2 storeys to dwellings in the 9.5 metre height limit zone.*

##### **Setbacks**

*The building line of each building is to be setback in accordance with the envelopes illustrated on the approved Concept Plan Drawings. Minor architectural elements such as balconies and sun shading may encroach into a 3 metre articulation zone.*

##### **Landscape**

*A sufficient and useable landscape space must be provided within individual lots.*

##### **Garages**

*Double garages are permitted to semi-detached dwellings provided that the garage doors are not to exceed 50% of the lot width at the garage alignment.*

The proposed dwellings comply with the height control with the 7x2 storey dwellings proposed in the 9.5m height limit zone and the 8x3 storey dwellings proposed in the 11.5m height limit zone. Setbacks are generally compliant with the envelopes illustrated on the approved Concept Plan (as modified) drawings including a minimum 8m setback between the rear elevation and the northern boundary adjoining properties in Linley Way.

A sufficient and useable area of landscaped space is provided for each individual lot. All dwellings are provided with two parking spaces either in the form of double garages or a single garage with an additional space on the driveway. Garage doors do not exceed 50% of the lot width.

#### (d) Landscaping

Council's Landscape Consultant has reviewed the proposed landscape design and has raised no concerns regarding the proposed landscaping within boundary setback areas and is satisfied that significant trees in these areas have been retained where possible. A suitable landscape screen will therefore be provided to the development as viewed from Princes Street and Linley Way consistent with the provisions of condition B17(d).

#### (e) Ceiling Heights of Parking Areas

No portion of the basement car parking protrudes more than 2.1m above natural ground level.

### **7. 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;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- City of Ryde Development Control Plan 2014; and
- Section 94 Development Contributions Plan 2007.

### **8. PLANNING ASSESSMENT**

#### **8.1 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.

#### **8.2 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.

The subject development is consistent with the approved Concept Plan (as modified) which considered the suitability of this form on development on the site relevant to threatened species. 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.

#### *Schedule 6A Transitional Arrangements – repeal of Part 3A*

Schedule 6A provides transitional arrangements for the repeal of Part 3A. As per the provisions of Clause 3B(2), the approved Concept Plan and any amendments approved to the plan, will remain in effect and in the event of an inconsistency between an Environmental Planning Instrument or Development Control Plan, the Concept Plan will prevail.

### **8.3 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.

### **8.4 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.

### **8.5 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.

Condition B7 of the Concept Approval required that a Contamination Study be prepared in accordance with SEPP 55 prior to lodgement of the first Project Application. The required study was subsequently undertaken and reviewed by the Department. The study was considered acceptable subject to further investigation in relation to bore hole number 35 which is not located on the subject site.

Accordingly, there would appear to be minimal risk of contamination and the site is considered suitable for the proposed development. However, if any contamination is located during excavation, further investigation may be required. A condition of consent has been imposed to reflect this (see condition 60).

#### **8.6 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. 564138M for the RFBs and 564139M for the dwellings (both dated 4 November 2014) 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 conditions 3, 50 and 80).

#### **8.7 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, the proposed modifications were considered by Council's Urban Design Review Panel at a meeting on 22 July 2014.

The Panel supported the proposed design approach and made comments regarding materials treatment of the waste collection area, fencing around houses to the public domain and the need for the flat buildings to have a clear sense of address to the roadway. These matters have been sufficiently addressed in the current application. In addition, the Panel also recommended that the private street (Road 27) serving the southern side of flat building 6A (closest to Princes Street), be extended (for pedestrians only) to also connect to Princes Street. The proposal complies with this recommendation and a second pedestrian connection to Princes Street has been provided accordingly.

Given the proposal remains fundamentally the same as the one previously considered by the Panel and the matters raised have been addressed in the proposed plans, the proposed development has not been referred back to the Panel for further consideration.

As detailed in section 6.5 of this report, condition B17(b) of the approved Concept Plan (as modified) requires future applications for residential flat buildings to be subject to an architectural design excellence process such as a design review panel. Accordingly, the consideration provided by Council's Urban Design Review Panel on 22 July 2014 satisfies the requirements of this condition.

### 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 (**Table 4**) provides an assessment of the proposal against the 10 design principles of the SEPP:

Design Quality Principle	Comment
<b>Context</b>	Assessed as appropriate by the Department of Planning and Infrastructure via the Concept Plan Approval for MP05_0001 MOD 2. The DA is consistent with that Concept Plan approval as modified.
<b>Scale</b>	As above.
<b>Built Form</b>	As above.

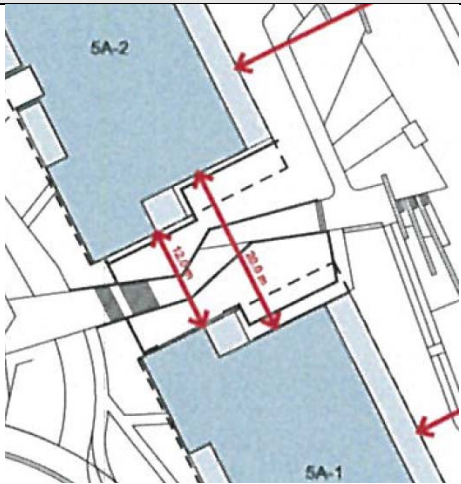
<b>Design Quality Principle</b>	<b>Comment</b>
<b>Density</b>	As above.
<b>Resource, energy and water efficiency</b>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved.</p> <p>A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's 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>	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>	Appropriate Crime Prevention through Environmental Design (CPTED) outcomes can be achieved through conditions (see conditions 89 to 98).
<b>Social dimensions and housing affordability</b>	<p>The proposal comprises 131 residential units as follows:</p> <ul style="list-style-type: none"> <li>• 14 x 1 bedroom apartments;</li> <li>• 105 x 2 bedroom apartments; and</li> <li>• 12 x 3 bedroom apartments.</li> </ul> <p>Of those, 18 apartments (14%) will be adaptable.</p> <p>This is considered to be a suitable mix of housing.</p>
<b>Aesthetics</b>	The composition of building elements and materials is satisfactory.

Table 4: Design Principles

### 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 (**Table 5**) 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 controls under Ryde LEP 2014 are set aside by the approved Concept Plan MP05_0001 (as modified). The proposed building height is consistent with that approval (see also Section 8.9 of this report).	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 19m to 22m and appear consistent with building envelopes approved with the Concept Plan (as modified). Notwithstanding the depths proposed, the design provides for 63% of units achieving cross ventilation, 66% of units receiving at least 3 hours of solar access in midwinter, and notably 77% of units achieving at least 2.5 hours of solar access in midwinter. Accordingly, the proposed non-compliances are considered acceptable.	No
<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. A variation is however proposed between the southern portion of Buildings 5A-1 and 5A-2 where the setback will be 12m compared to the required 18m. This is consistent with building setbacks approved under the Concept Plan (as modified). The 12m wide section relates to 50% of the setback between these two buildings with the separation distance increasing to 20m for the other 50% (see diagram below).	No

Part 01 – Local Context		
	Comments	Consistent
	 <p>Given the limited extent of the non-compliance and its location towards the centre of the site, the proposal is considered visually acceptable.</p> <p>To provide acceptable privacy to units separated by 12m, screening is proposed to the western facing windows of units in building 5A-1. This is considered acceptable, particularly given the affected units also have doors/windows opening to the north and south.</p> <p>Overall where separation distances are less than the distances prescribed, adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p> <p>Notably the Concept Plan (as modified) also approved a 12m setback between Building 6A and Building 5A-2 but this has been increased to a minimum of 18m in the DA.</p>	
<b>Street Setbacks</b> Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	<p>The siting of the proposed buildings is consistent with the approved Concept Plan (as modified). This includes a setback of approximately 18.4m between Building 6A and Princes Street. Extensive landscaping including the retention of significant trees where possible is</p>	Yes



Part 01 – Local Context		
	Comments	Consistent
	proposed within this setback. No concerns arise with regard to the proposed setback to Princes Street.	
<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.	<p>The proposed setbacks to the northern boundary with properties on Linley Way are consistent with the approved Concept Plan (as modified) as modified. The Concept Plan approved a setback of 34m for all 3 flat buildings. As proposed, Buildings 5A-1 and 5A-2 will be setback a minimum of 34m whilst Building 6A will be setback 35.5m. The setback area will be significantly landscaped. Overall, no concerns arise with regard to the proposed setbacks to the northern boundary.</p> <p>Building 5A-1 will be setback a minimum of 36m from the rear elevation of the townhouses. Although not numerically specified on the approved Concept plans, the setback appears consistent with the approved Concept Plan drawings (as modified). The proposed setback is considered acceptable.</p>	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.	As per the approved Concept Plan (as modified), no floor space ratio controls apply to the site. However, building setbacks, footprints, heights and total yield are consistent with the modified Concept Approval.	N/A

Part 02 – Site Design		
	Comments	Consistent
<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.	Approximately 12,427m <sup>2</sup> (54%) of the site is set aside as landscaped area/open space. Of that, the vast majority is available as deep soil zone and is in addition to significant areas of open space provided	Yes

<b>Part 02 – Site Design</b>		
	<b>Comments</b>	<b>Consistent</b>
	within Stage 1.	
<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.	The submitted landscape plans include details of proposed fencing and treatment of edges. These are considered acceptable and will provide clear delineation between the private and public domain.	Yes
<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 proposed landscape treatment is satisfactory (see Section 8.12 of this report).	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 MP05_0001 as modified. This equates to approximately 67% of the site and is in addition to large areas of communal open space provided as part of Stage 1.</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 units. All terrace areas 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.</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.	The building envelopes are consistent with the approved Concept Plan (as modified). This results in approximately 77% of the units being orientated in a northerly direction with cores located to the southern side of the buildings.	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	A requirement for roof top planting was deleted as part of the approval of MP05_0001 Mod 2. This was	Yes

<b>Part 02 – Site Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<p>requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes:</p> <ul style="list-style-type: none"> <li>• Shrubs - minimum soil depths 500 - 600mm</li> </ul>	<p>considered acceptable as it was offset by a substantial increase in open space at ground level (net increase of approx. 9189m<sup>2</sup>). Sufficient soil depth and drainage is proposed for the areas of landscaping located above basement parking structures. This is consistent with the approach taken in Stage 1 and is addressed in condition B16 of the modified Concept Approval. In addition, Council's Consultant Landscape Architect is satisfied with the proposed landscaping plan including arrangements for landscaping in those areas of the development above parking structures.</p>	
<p><b>Stormwater Management</b> Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p>	<p>Council's Senior Development Engineer is satisfied with arrangements for the collection and disposal of stormwater, subject to conditions (see conditions 21 and 35).</p>	Yes
<p><b>Safety</b> Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.</p>	<p>The design properly responds to the principles which underpin CEPTED considerations.</p> <p>Conditions of consent have been included to reflect appropriate safety and security measures (see conditions 89 to 98).</p>	Yes
<p><b>Visual Privacy</b> The building separation requirements should be adopted.</p>	<p>Separation distances are satisfactory, noting the building envelopes are consistent with the approved Concept Plan (as modified). Where the separation distance between buildings 5A-1 and 5A-2 is 12m rather than the 18m required under the RFDC, suitable privacy mitigation measures have been proposed including privacy screens and orientating units and balconies away from the other building.</p>	Yes

Part 02 – Site Design		
	Comments	Consistent
	Given minimum setback distances of 34m to the northern boundary with properties in Linley Way and 18.4m to the western boundary with Princes Street, there will be no unreasonable privacy impacts to neighbouring properties.	
<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 44 is recommended in this regard.	Yes
<b>Parking</b> Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	With regard to the proposed unit numbers and mix (see <b>Table 1</b> previously in this report), Council's DCP2014 would allow for between 148 and 187 parking spaces on the site. The proposal provides 187 spaces being: <ul style="list-style-type: none"> <li>• 160 resident spaces</li> <li>• 27 visitor spaces</li> </ul> In addition, 56 bicycle spaces are provided on basement level 1. The number of parking spaces proposed is compliant with the provisions of DCP2014. Council's Senior Development Engineer is satisfied with the proposed parking supply and allocation and conditions 20 and 117 is recommended in this regard.	Yes
<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	The development provides accessible paths of travel within the building and to public areas. 14 (18%) adaptable apartments are	Yes

Part 02 – Site Design		
	Comments	Consistent
apartments in the building.	provided. Condition 45 is recommended in this regard.	
<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 away from main pedestrian entries and on secondary streets.	All residential vehicle access to the basement car park of the flat buildings will be from Road 22 which is accessed from Road 21. Road 21 will be the main road through Stage 2 and is to be dedicated to Council. This is consistent with the approved Concept Plan (as modified) and is considered acceptable with regard to minimising vehicle/pedestrian conflicts.  Council's Public Works Team and Senior Development Engineer are satisfied with access arrangements for cars and service vehicles.	Yes

Part 03 – Building Design		
	Comments	Consistent
<b>Apartment Layout</b> Single aspect apartments should be limited in depth to 8m from a window.	Although some single aspect apartments do exceed 8m in depth, the non-compliance is minor (generally half a metre). The overall proposed apartment layout is considered reasonable and responds satisfactorily to the orientation and location of the approved building envelopes.	No
The back of kitchen should be no more than 8m from a window	Although not 100% compliant, in most instances for each building, the back of the kitchen is no more than 8m from a window. Given non-compliant kitchens are no more than 8.5m from a window, this is considered reasonable and acceptable.	No
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>	All apartments exceed the minimum size requirements.	Yes

<b>Part 03 – Building Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<b>Apartment Mix</b> The development should provide a variety of types.	Apartments mix is: <ul style="list-style-type: none"> <li>• 11 (11%) x 1 bedroom apartments;</li> <li>• 105 (80%) x 2 bedroom apartments; and</li> <li>• 12 (9%) x 3 bedroom apartments.</li> </ul> 18 apartments (14%) 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 in excess 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 are proposed for habitable and 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. Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	The topography of the site essentially prevents separate entries being provided to ground floor apartments. However, a separate access to the adjoining open space from the ground floor level central corridor of each building is provided and is considered acceptable.	Yes
<b>Internal Circulation</b>		

<b>Part 03 – Building Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</p> <p>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.</p>	<p>Achieved.</p> <p>Achieved.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Storage</b> In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>• studio apartments - 6.0m<sup>3</sup></li> <li>• one-bedroom apartments - 6.0m<sup>3</sup></li> <li>• two-bedroom apartments - 8.0m<sup>3</sup></li> <li>• three-bedroom apartments - 10.0m<sup>3</sup></li> </ul> <p>Locate storage conveniently for apartments. Options include providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.</p>	<p>A matrix provided by the project architect indicates that 24 of the proposed one bedroom units will have a storage volume of 6.9m<sup>3</sup> rather than 8m<sup>3</sup>. Additional storage for residents will however be provided on the ground level of each building.</p> <p>All other units will have storage facilities which meet or exceed these requirements including at least one storage cage within the car park.</p> <p>Subject to a condition being imposed requiring minimum storage rates for each unit to be complied with including dedicated storage areas being provided at ground level where necessary, the application is considered acceptable in this regard (see condition 49).</p>	<p>Yes (subject to condition)</p>
<p><b>Acoustic Privacy</b> Apartments to be arranged to minimise noise transitions.</p>	<p>The proposed internal layout is similar to previous buildings approved in Stage 1 and will allow appropriate acoustic privacy to be provided for each unit. Condition 101 will also ensure compliance in this regard.</p>	<p>Yes</p>
<p><b>Daylight Access</b> Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three</p>	<p>The proposed buildings achieve the following outcomes:</p> <ul style="list-style-type: none"> <li>• 66% of units achieve 3hrs solar</li> </ul>	<p>No</p>

<b>Part 03 – Building Design</b>		
	<b>Comments</b>	<b>Consistent</b>
<p>hours direct sunlight between 9.00am and 3.00pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10%</p>	<p>access to living rooms and open space;</p> <ul style="list-style-type: none"> <li>77% of units achieve 2.5hrs solar access to living rooms and open space.</li> </ul> <p>Whilst the proposal involves a 4% variation (5 units) to the 70% requirement for 3 hours of solar access, the location, size and orientation of the flat buildings is as per the approved Concept Plan (as modified). Notably, 77% of all units that will receive at least 2.5 hours of solar access. Notwithstanding the numerical non-compliance with the 3 hours solar access requirement, the proposed level of solar access is considered reasonable for a development of this size and units will be provided with a satisfactory level of amenity.</p> <p>23% (30) units are single aspect south facing. Again, the location, size and orientation of the flat buildings is as per the approved Concept Plan (as modified) and it was always likely based on these building envelopes that more than 10% of units would be single aspect south facing. As noted above, the remaining 77% of units would achieve at least 2.5 hours of solar access in mid-winter.</p> <p>Notwithstanding their southerly orientation, these units are provided with dual aspect openings for natural ventilation and it is considered the units will achieve satisfactory levels of residential amenity and energy efficiency. As such, the proposed non-compliance is considered a reasonable outcome for a development of this size with regard to the site orientation and form of development proposed.</p>	No
<p><b>Natural Ventilation</b></p> <p>Building depths which support</p>	<p>The proposed building depths and</p>	Yes



<b>Part 03 – Building Design</b>		
	<b>Comments</b>	<b>Consistent</b>
natural ventilation typically range from 10 to 18 metres.	apartment layouts support natural ventilation.	
60% of residential units should be naturally cross ventilated.	63% (83 units) – Achieved.	Yes
25% of kitchens should be naturally cross ventilated.	27% (35 units) – Achieved.	Yes
<b>Awnings</b> Contribute to the legibility of the residential flat development and amenity of the public domain by locating awnings over building entries.	Awnings are provided over each building main entry point.	Yes
<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 and is similar to that of Stage 1. 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.	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. Conditions 107 and 120 to 124 are recommended with regard to waste management.	Yes
<b>Water Conservation</b> Reduce mains consumption of potable water. Reduce quantity of	The water conservation methods of the buildings are consistent with the	Yes

Part 03 – Building Design		
	Comments	Consistent
urban stormwater runoff.	requirements under BASIX.	

Table 5: RFDC Compliance

## **8.8 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.

## **8.9 Ryde Local Environmental Plan 2014**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014, although compliance is not strictly necessary.

### **Clause 2.3 Zone Objectives and Land Use Table**

The land is zoned "*R1 General Residential*" within which a "*residential flat building*", "*attached dwellings*" and "*dwelling houses*" are permissible forms of development.

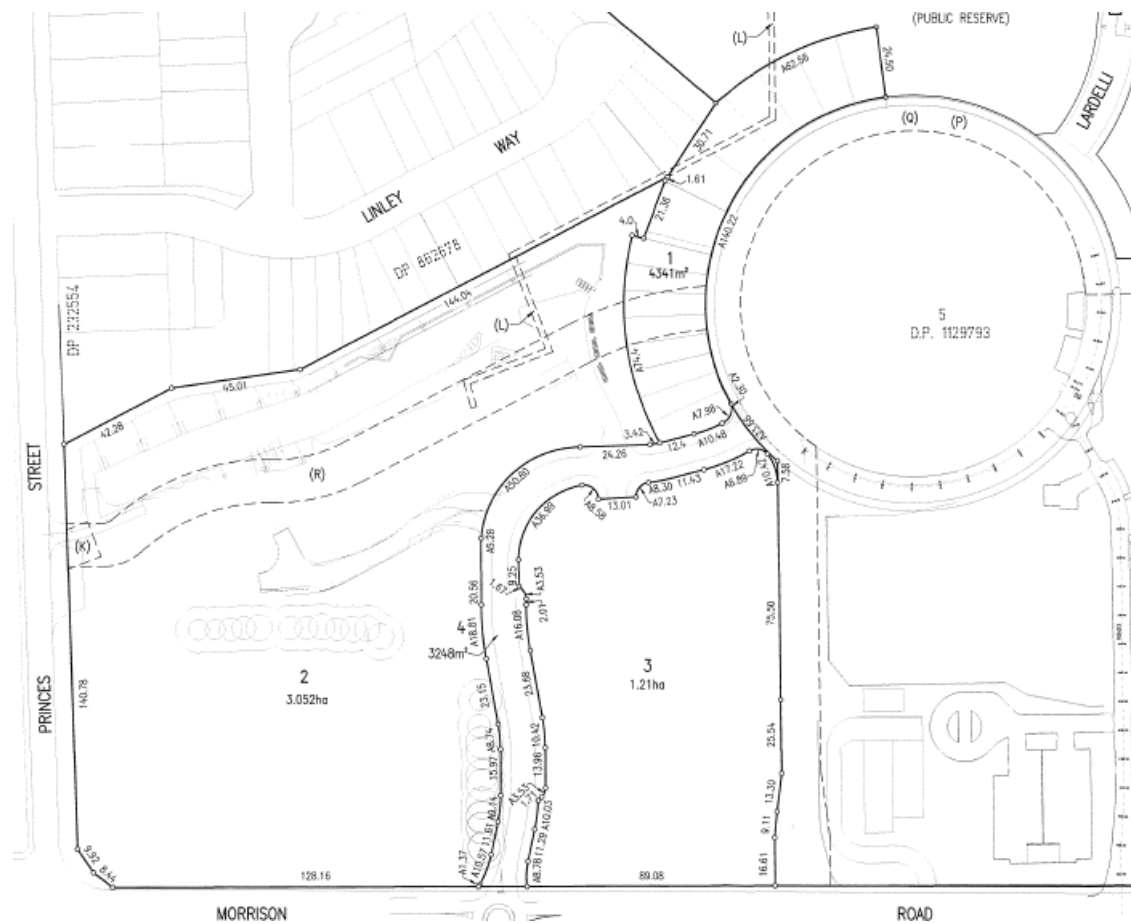
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

The proposal meets the objectives of the zone though providing a suitable mix of housing types and densities whilst enabling the continued use of the RRCS Health Facility within the overall site. The subject site is located within walking distance of bus services and is suitably serviced by nearby retail and commercial uses.

### **Clause 2.6 Subdivision – consent requirements**

Clause 2.6 requires development consent for the subdivision of land. The application includes subdivision of the overall Stage 2 site into three (3) Super Lots plus a fourth lot for Road 21 as illustrated in **Figure 9** below:



**Figure 9: Proposed Subdivision Plan** (Source: DA Draft Plan of Proposed Subdivision)

Lot 1 relates to the proposed dwellings within Phase 1; Lot 2 to the 5 residential flat buildings within Phase 1 (3 buildings) and Phase 2 (2 buildings); Lot 3 to the residential flat building and dwellings within Phase 2; and Lot 4 which is Road 21 and is to be dedicated to Council. The application further seeks the subdivision of Lot 1 into 15 single lots for each proposed dwelling.

The proposed form of subdivision is considered consistent with the proposed form of development and the aims and objectives for the *R1 General Residential* zone. The subdivision will have no environmental, social or economic impacts.

The proposed subdivision is therefore considered acceptable.

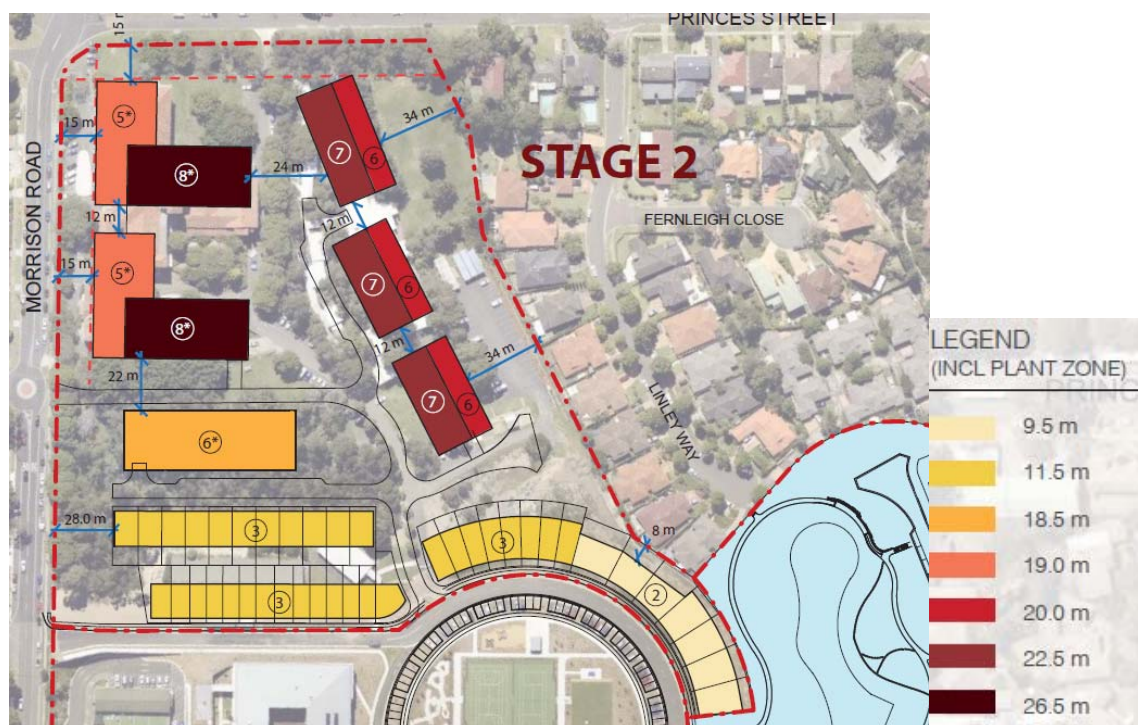
### Clause 4.3 Height of Buildings

The height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. As demonstrated in **Figure 10** below, the map imposes height controls of 9.5m, 11.5m and 18.5m across the site.



**Figure 10: Extract of Height of Buildings Map** (Source: LEP2014)

This development standard however is set aside by virtue of the Concept Approval (as modified). **Figure 11** below illustrates the approved building heights for Stage 2.



**Figure 11: Extract of approved Building Heights and Setbacks Plan for MP05\_0001 (MOD 2) dated August 2014** (no. of storeys permitted also indicated) (Source: DP&E website)

As illustrated above, the Concept Approval (as modified) specifies the following heights for the site:

- Part 20m/Part 22.5m for flat buildings 5A1, 5A2 and 6A;
- 11.5m for housing type 8;
- 9.5m for housing type 6 and 7.

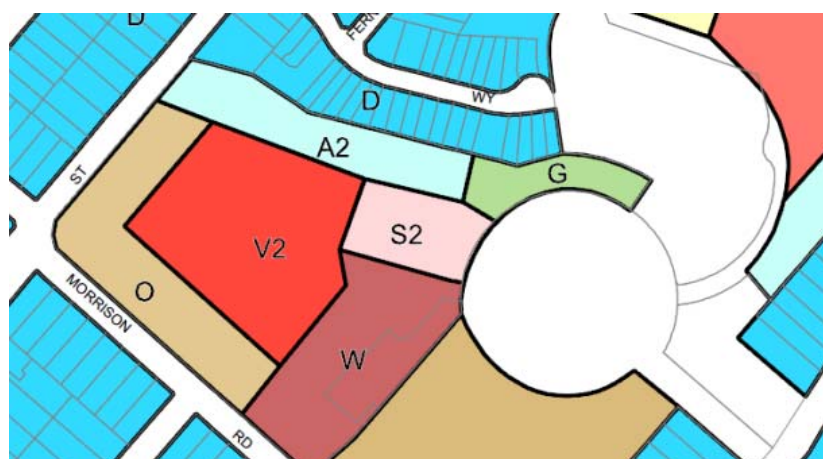
The location of the currently proposed flat buildings and housing types is consistent with the approved plan in **Figure 11** (note: 'housing type 8' is consistent with the proposed 8 townhouses on the north-western side of the recreation circle denoted '3' on the plan and 'housing type 6' and 'housing type 7' are the proposed semi-detached dwellings and one detached dwelling located around the northern side of the recreation circle denoted '2' on the plan).

With the exception of the minor non-compliance for each of the proposed flat buildings as detailed previously in Section 6.5 of this report, the proposed building heights comply with the above Concept Approval maximum heights.

With a minor variation, the proposed development therefore complies with the maximum height controls specified in the '*Building Heights & Setbacks*' plan approved under the approved Concept Plan (as modified). In these circumstances, consent can be granted without complying with the requirements of the RLEP 2014 and the proposed building heights are therefore acceptable.

#### **Clause 4.4 Floor Space Ratio**

Clause 4.4 states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The map identifies the site as having a mix of FSR as demonstrated in **Figure 12** below.



**Figure 12: Extract of FSR Map** (Source: LEP2014)

(Note: A2 is 0.3:1, G is 0.65:1, O is 1.1:1 V2 is 3.2:1, S2 is 1.8:1, and)

As detailed in Section 6.5 of this report, condition B17 of the Concept Approval (as modified) however specifically removes any floor space ratio (FSR) control from the site including the FSR controls contained in LEP 2010 '*or any succeeding instrument*'. The condition states that the built form within Stage 2 will be assessed having regard to the approved building envelopes and the maximum number of dwellings permitted by condition A1 i.e. no more than 50 residential dwellings per hectare. This equates to a maximum of 791 dwellings across the overall site (Stage 1 and Stage 2).

Condition B17 also requires future applications for residential flat buildings in Stage 2 to provide dwelling yield calculations (including projections for future stages) demonstrating that the maximum number of dwellings across the Concept Plan can be adhered to. The applicant has accordingly provided the required dwelling yield calculations demonstrating that the 791 maximum total number of dwellings permitted across the site will be achieved in the remainder of Stage 2.

The calculations are as follows:

- 449 dwellings have been approved in Stage 1 which allows for no more than 342 dwellings to be constructed in Stage 2.
- The subject DA for Phase 1 of Stage 2 proposes a total of 146 dwellings.
- This allows no more than 196 dwellings to be constructed in Phase 2 of Stage 2.

#### Other provisions

The table below (**Table 6**) considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
<b>Clause 5.9 Preservation of trees and vegetation</b>	The application seeks the removal of trees as detailed in Section 8.12 of this report. The development is satisfactory in terms of the provisions of Clause 5.9.
<b>Clause 5.10 Heritage conservation</b>	The site does not contain a heritage item and is not located in a heritage conservation area. The site however is located within the vicinity of 'Dalton House' which is listed as a heritage item under Schedule 5 of the LEP. Council's Heritage Advisor has raised no concerns in this regard and relevant conditions in regard to heritage conservation are contained on previous approvals. However, given the historical development and occupation of the site spanning approximately 110 years, it is considered that excavation of the site has the potential to yield archaeological information and

Provision	Comment
	condition 66 is recommended in this regard. Overall, it is concluded that the development is satisfactory in terms of the provisions of Clause 5.10.
<b>Clause 6.2 Earthworks</b>	The proposed development includes excavation for a basement car park. Council's Senior Development Engineer requires that a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate (see condition 55). Accordingly the development is considered satisfactory in respect of this clause.

Table 6: Other LEP2014 Relevant Provisions

### 8.10 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 (MP05\_0001). 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 3.3 - Dwelling Houses
- 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 Part 3.3 – Dwelling Houses, the proposed dwellings are considered generally in accordance with the relevant provisions of the DCP. Where non-compliances do occur i.e. with the 9.5m maximum height control and setback controls, these non-compliances have been approved as part of the overall Concept Approval (as modified).

Importantly, and as detailed in Section 6.5 of this report, the proposed dwellings are compliant with the '*Low Scale Dwellings*' provisions contained within the *Putney Hill Architectural & Landscape Design Guidelines*. Furthermore, the proposed dwellings are notably consistent with the type and form of dwellings approved in Stage 1. As such, it is not considered necessary to provide a compliance table assessing the proposed dwellings against each provision of Part 3.3 of the DCP.



Overall the proposed dwelling forms are considered compatible with the site and wider locality, will achieve suitable amenity for future occupiers and will not impact adversely on neighbouring residential properties (see consideration of 'privacy' and 'overshadowing' in Section 8.12 below).

With regard to Parts 7.1 to 9.2, 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 9.3 – Car Parking, the parking demand requirements based for the residential flat buildings are tabled as follows;

Unit Type	Quantity	Min Req.	Max Req.		
Studio	0	0	0		
1 Bedroom	14	8.4	(9)	14	(14)
2 Bedroom	105	94.5	(95)	126	(126)
3 Bedroom	12	16.8	(17)	19.2	(20)
TOTALS	131	119.7	(121)	159.2	(160)
		(120)		(160)	
		Min (Residents)	Max. (Residents)	Visitors	
SUB-TOTAL		120	160	26.2	(27)
TOTAL (Vis included)	146.2	(147)	186.2	(187)	

Accordingly, the proposed level of parking supply of 160 resident spaces and 27 visitor spaces complies with this requirement. A total of 19 disabled spaces have been provided for the adaptable apartments, complying with the ratio of 1 space per unit. Council's Senior Development Engineer has raised no concerns with the proposed parking provision.

### **8.11 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. The original Concept Plan approval for the site in 2006 included conditions requiring negotiation between the Royal Rehabilitation Centre Sydney and Council to provide for community facilities and infrastructure on and around the site including road works.

Council entered into a Development Agreement with RRCS in 2007. Following the sale of the residential part of the site to Frasers Property Pty Ltd, Council entered



into a Deed of Novation on 15 July 2010 with the new owner to ensure delivery of land and works under the deed which would now be attributable to Frasers. Some elements of the Development Agreement remain to be met by RRCS.

The material public benefit of the deed (including open space, community facilities, traffic calming measures, other infrastructure works and land dedication) was valued under the original deed at \$8,129,000. The Section 94 contribution payable at the time was calculated as \$7,291,069. As such, the nominated value of the deed exceeded the contribution payable under Section 94 by \$837,931. Council is therefore already a party to an agreement that covers the S94 contribution payable for the development of the site under the Concept Plan. The modified Concept Plan approved on 8 March 2013 & 14 October 2014 by the Department of Planning and Infrastructure did not change the development density of the site and did not require Council or the proponent to revisit the Development Agreement already in place.

## **8.12 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 issues requiring further consideration are discussed below.

### **Trees**

According to the submitted Arborist report, approximately 92 trees or tree groups (tree groups consisting of anywhere between 2 and 70 trees, with total tree numbers of approx. 535 trees) are located on the overall Stage 2 site.

For the proposed Phase 1 development, the application involves the removal of 26 tree groups and 16 trees (some 302 trees in total). Many of the tree groups are comprised of small, low amenity trees or large shrubs or tall spindly trees that would not be suitable for retention following removal of their counterparts. Of these, many specimens are deemed exempt under the Part 9.5 of DCP 2014 as they are weed species.

The proposed landscape plan includes the planting of approximately 188 new trees in addition to numerous shrubs. Council's Consultant Landscape Architect has reviewed the Arborist report and proposed landscape plans and has raised no objection subject to conditions.

Accordingly, appropriate conditions of consent are recommended requiring compliance with the approved landscape plans (including replacement planting), all required tree protection measures are implemented and that all works are carried out by an appropriately qualified arborist (see conditions 72 to 75).

## **Traffic**

The Concept Plan application (MP05\_0001) was accompanied by a traffic study that included an assessment of traffic impacts on the local road network. The Department's Environmental Assessment Report for the most recent modification (MP05\_0001 MOD 2) states the following in regard to traffic generation:

*'As it is not proposed to increase dwelling numbers, the Department considers that impacts to traffic flows on the surrounding road network are likely to be similar to the original Concept Approval, which found that the road network could accommodate the traffic generation associated with the development. However, as local conditions have changed substantially since data was last collected, Council has requested that an updated traffic and parking assessment be prepared with the first development application for residential development in Stage 2.'*

The development application is consistent with the Concept Plan approval, as modified, and a traffic report with updated traffic counts has been provided as part of the application. The report concludes that the additional traffic generated by the development will not result in any adverse impacts with all intersections still performing at a good level of service.

Following the submission of additional information on 4 March 2015, Council's Traffic Engineer has raised no objection to the proposal. Accordingly, the proposed development is considered acceptable with regard to traffic generation.

## **Privacy**

The proposed residential flat buildings and dwellings generally comply with the maximum height and minimum setback requirements of the approved Concept Plan (as modified). As such, the privacy impacts of the proposal to adjacent residential properties in Linley Way are essentially set by the Concept Plan. Nevertheless, given the distances involved, there will be no unreasonable privacy impacts from the proposed residential flat buildings.

With regard to the proposed dwellings including the attached townhouses, these will all be a maximum of two storeys at the rear. Although a maximum height of 9.5m above existing ground level is permitted for the semi-detached and detached dwellings, only the 3 easternmost semi-detached dwellings (housing type 6) and the front portion of the detached dwelling extend to this height. With the exception of the 3 semi-detached dwellings, all proposed dwellings (including the townhouses) would be well below 9.5m in height when measured from existing ground level at the rear i.e. facing properties in Linley Way.

Setbacks will be a minimum of 8m from the rear boundary of properties in Linley Way. This is consistent with Council's minimum rear setback requirement for new dwellings.

Overall, whilst there may be some loss of privacy from the development, this is generally inevitable with any residential development, and will be to a degree that can reasonably be considered acceptable within a residential area and with regard to the heights and setbacks permitted by the Concept Approval (as modified). It should also be noted that the Concept Approval originally allowed for 3 storey dwellings adjacent to the rear boundary of properties in Linley Way with only a 4m setback. As such, the revised form of development represents a significant improvement with regard to potential privacy impacts to neighbouring properties.

### **Overshadowing**

All shadowing will be contained within the site, and there will be no overshadowing of adjoining properties from the proposed development. All proposed dwellings will achieve a minimum of 3 hours solar access in midwinter with the exception of the 3 southernmost townhouses which will receive less than 3 hours due to the angle of the sun precluding solar access during the morning and overshadowing from apartment building 5A-1 in the late afternoon.

This level of shadow impact is essentially set by the approved heights and setbacks of building 5A-1 and the dwellings and is considered acceptable given the private open space to the rear of the dwellings will still receive in excess of 3 hours in midwinter and all dwellings will receive more than 3 hours solar access throughout the majority of the year.

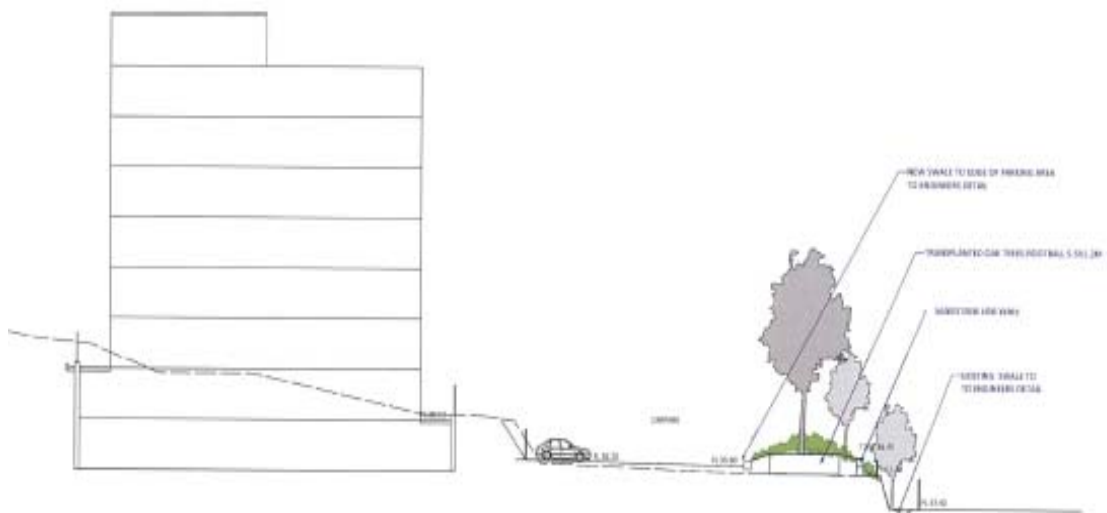
### **Temporary Car Park**

The application includes the establishment and use of a 100 space temporary car park for use by workers during the construction of Stage 2. The car park will partly utilise the area of an existing at grade bitumen car park. Access to the car park is proposed from Princes Street and Morrison Street. However, this will be subject to approval of the Traffic Management Plan prior to issue of a construction certificate (see conditions 24 and 78).

The car park will be located at the northern end of the site and will be setback approx. 7m from the boundary with properties in Linley Way (see **Figure 12** and **Figure 13** below). **Figure 14** also illustrates the existing car park adjacent to the northern boundary.



**Figure 12: Temporary Car Park Plan** (Source: DA drawing 3235.DA.03)



**Figure 13: Temporary Car Park Indicative Cross Section** (Source: DA drawing 3235.DA.12)



Figure 14: Existing/previous car park adjoining northern boundary (Source: Ryde Maps)

In relation to the construction and use of the car park, as illustrated in **Figure 13** above, a landscape buffer is proposed between the car park and the northern boundary with Linley Way properties. As per the proposed landscape plan (drawing 3235.DA.01 rev.C), the buffer will comprise various trees including Blueberry Ash (8m mature height), Lilly Pilly (5m to 10m) and Water Gums (5m to 10m) together with the shrub Gynea Lilly (2m). These trees also form part of the final landscape design for the site. Ground levels for the car park reflect the final approximate ground levels for the landscaping/communal open space in this location.

Given the proposed setback to the northern boundary and the proposed landscape buffer, it is considered that the construction and use of the temporary car park is reasonable. In this regard, condition 76 requires the landscape buffer to be planted prior to use of the car park commencing and specifying the hours of operation and illumination of associated lighting as 6.45am to 7.15pm Monday to Friday and 7.45am to 5.15pm Saturdays.

With regard to the temporary nature of the carpark, the applicant has advised that they wish to operate the car park for a period of 1 year following the issue of the Occupation Certificate for the final flat building (Building 6A). This will allow the car park to also be used for workers in relation to Phase 2. The following justification for has been provided by the applicant in this regard:

*‘Fraser’s have explored the opportunity to provide parking in an alternative location on the site, but there is no available location to accommodate the number of workers on the site. An additional car park will be provided on the Stage 2 side of*

*existing Road 6. This car park will allow for visitor and staff parking for the Sales and Marketing Suite, as well as some overflow for construction workers.*

*The proposed temporary car park is considered appropriate and acceptable as:*

- The temporary car park makes use of an existing car park which has operated on the site for a considerable period, supporting the previous RRCS operations.*
- The car park will accommodate construction workers on the site which is in direct response to community feedback which highlighted the need for construction workers to not impact parking on surrounding streets. This is considered critical to reducing impacts to surrounding residents.*
- The car park will be operated for construction workers, meaning that its hours of operation will be reflective of standard construction hours, in turn reducing the possibility for any adverse impacts to surrounding residents.*

*In the event that the temporary car park is required to be removed, the parking of construction workers will be significantly reduced and will likely overflow onto surrounding streets. This will directly conflict with community desires expressed to date and would result in a suboptimal outcome for a number of years whilst construction is completed.'*

Given the benefits to surrounding residents for construction worker car parking to be located on the site as opposed to workers occupying parking spots in surrounding streets, the requested time period for the existence and operation of the temporary car park is considered reasonable. Condition 76 therefore also requires conversion of the car park to landscaping/communal open space within one (1) year of the issue of the Occupation Certificate for the final apartment building within Phase 1 of Stage 2.

## **Staging**

It is proposed that the development be constructed in 8 stages as follows:

- Early Works: site preparation works including excavations;
- Stage 1: construction of houses;
- Stage 2: construction of basement car parks;
- Stage 3: construction of residential flat building 5A1;
- Stage 4: construction of residential flat building 5A2;
- Stage 5: construction of residential flat building 6A;
- Stage 6: completion of landscaping works (other than location of temporary car park) and completion of road infrastructure; and

- Stage 7: removal of temporary car park and completion of remaining landscaping works.

The applicant has requested that in the event of approval, the staging of development be outlined to ensure that staged construction certificates can be issued. This approach is consistent with that approved for the Stage 1 development applications. No adverse impacts arise from this approach and relevant conditions are detailed accordingly to reflect which stage of development they must be complied with.

## **9. 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 MP05\_0001. This application is consistent with that Concept Plan approval.

## **10. THE PUBLIC INTEREST**

The development is considered to be in the public interest as it is consistent with the Concept Plan Approval (MP05\_0001, as modified) and subsequent assessment of this application has not identified any issues of concern.

## **11. REFERRALS**

The following table (**Table 7**) provides a summary of internal and external referrals undertaken for this application:

<b>Internal</b>	
<b>Heritage Advisor</b>	No objections.
<b>Landscape Consultant</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>NSW Police</b>	No objection subject to conditions (see conditions 89 to 98). The measures referred to in the conditions include CCTV cameras, site security, lighting and graffiti prevention.
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Table 7: Referrals Table

## **12. 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 3 December, 2014 until 24 December, 2014.

15 submissions were received objecting to the proposal. The majority of the issues raised have been resolved through the previous Part 3A/Section 75W assessment and approval processes. The application is generally consistent with the Concept Plan approval as modified and matters such as the density, height, setbacks, traffic, road layout and intersections with Morrison Road cannot be revisited. Comments are however provided in relation to the following issues:

### ***Issue 1 Deceptive Conduct by Developer/The DA is invalid***

#### **Response:**

This submission relates to a marketing brochure distributed by Frasers during the notification period of the DA. The brochure advised that approval had been received for amendments to the Concept Plan for the Morrison Park Precinct west of Lardelli Park. The brochure also includes a site plan which omitted the development of the eastern part of Phase 2 of Stage 2 i.e. this area is indicated as landscaping.

Whilst it is acknowledged that residents may potentially have been confused, given the brochure refers to approval of the s75W modification, its distribution does not constitute deceptive conduct on behalf of the developer. With regard to the site plan included in the brochure, both the previously notified s75W application and the current DA include staging plans which clearly show the proposed form of development for Phase 2 of Stage 2. The DA has been properly made and advertised/notified and there is no basis for it to be declared invalid.

### ***Issue 2 Density not in accordance with approved Concept Plan***

#### **Response:**

Condition A1 of the approved Concept Plan (as modified) permits no more than 50 residential dwellings per hectare on the overall site (excluding land for the new, specialised rehabilitation and disability facility). This equates to 791 dwellings.



449 dwellings have been approved in Stage 1 which allows for no more than 342 dwellings to be constructed in Stage 2.

The subject DA for Phase 1 of Stage 2 proposes a total of 146 dwellings. This allows no more than 196 dwellings to be constructed in Phase 2 of Stage 2. A Staging Plan has been submitted with the application (see **Figure 2**) demonstrating that the maximum number of dwellings permitted across the site can be adhered to. As such, the proposed density is in accordance with the approved Concept Plan (as modified).

***Issue 3 Height of the proposed buildings***

Response:

The heights of the proposed buildings are within the maximum height limits specified in the approved Concept Plan (as modified). This issue cannot be revisited by Council at the DA stage.

***Issue 4 Insufficient Parking/Increased traffic***

Response:

See Section 8.10 of this report in relation to car parking and Section 8.12 in relation to traffic.

***Issue 5 Unattractive design***

Response:

The design of the development has taken into consideration SEPP 65 as well as the requirements of the Residential Flat Design Code. The design has also been reviewed by Council's Urban Design Panel who support the proposed design approach. The design is also notably similar to that approved for RFBs and dwellings within Stage 1 of the development.

***Issue 6 Loss of Privacy***

Response:

See consideration of privacy in section 8.12 of this report.

***Issue 7 Dwelling 8 is the only one of the 15 dwellings that is not planned at street level. This causes the top level to be higher at the back of***



Standard conditions will apply with regard to noise controls and damage during development.

***Issue 9    Overshadowing***

Response:

Overshadowing impacts are set by the approved heights and setbacks of the buildings. In any event, all shadowing will be contained within the site and there will be no overshadowing of adjoining properties from the proposed development.

***Issue 10   Access onto Morrison Road. Why is the existing roundabout at Boulton and Morrison not shown whilst the roundabout shown as 'existing' at Payten and Morrison is not there and has never been approved?***

Response:

The existing roundabout at the intersection of Boulton Street and Morrison Road is not shown on the location plan but is shown on the site plan, site analysis plan, building separation plan and staging diagram. The omission of the roundabout from the location plan is a drafting error and not of consequence to the proposed development.

With regard the intersection of Payten Street and Morrison Road, although it is noted that a roundabout does not currently exist in that location, the original Concept Plan approval for the site in 2006 included conditions requiring negotiation between the Royal Rehabilitation Centre Sydney and Council to provide for community facilities and infrastructure on and around the site including road works. These road works included the provision of a new roundabout at this intersection. The roundabout will therefore be constructed prior to completion of Stage 2. The fact that the roundabout is shown on the current plans is therefore not of consequence to the proposed development.

***Issue 11   Existing roundabout at intersection of Morrison Road and Boulton Street is unsafe***

Response:

Approval of the most recent s75W application permitted a new connection with the site to the existing roundabout at the intersection of Morrison Road and Boulton Street. Whilst Council is not in a position to review this approval, details of the required alterations to the intersection will be subject to further review and approval by Council's Engineers (see condition 29). Submissions received in relation to the

existing safety of this roundabout have been forwarded to Council's Public Works Department for review.

***Issue 12 Water Easement Feature***

Response:

This submission relates to an existing water easement serving the subject site that runs through the rear of some adjoining properties in Linley Way. It would appear that there is drainage infrastructure within the easement. Whilst the applicant has confirmed that the easement is no longer required and the submitted subdivision plans state that this easement is 'to be released', the question of who is responsible for removal of the infrastructure would warrant legal advice and is a matter between the applicant and the owner(s) whose property is burdened by the easement.

***Issue 13 Any proposed fence between our property and the development should be maintained at a height of 10-15 metres***

Response:

The existing 1.8m high paling fencing to the rear of properties in Linley Way is to be retained. Given the setbacks and significant landscaping proposed, this is considered sufficient to provide privacy to neighbouring properties from the proposed development.

***Issue 14 No dwellings should be constructed within 80-100m of our fence line. There should be no floodlights constructed between our fence line and the dwellings/there should be several lines of large trees and shrubs between our fence line and the dwellings/no major access roads should be constructed close to our fence line***

Response:

Setbacks are as per the Concept Approval (as modified) and includes a minimum 34m setback between the RFBs and the northern boundary. No floodlighting is proposed as part of the development with the exception of lighting for the temporary car park (which will be subject to condition 76 in relation to restricting hours of illumination). A minimum 34m landscaped buffer is proposed between the proposed RFBs and the northern boundary and will contain numerous trees extending up to 10m in height. No access roads are proposed adjacent to any fence line.

***Issue 15 No major access roads from Princes Street to the development should be constructed***

Response:

The development does not propose any vehicular access from Princes Street. As part of the most recent s75W application, the originally approved access to Princes Street has been deleted and replaced with an additional access to Morrison Road. Only pedestrian access is now proposed to the site from Princes Street.

***Issue 16 The road layout for the DA is inconsistent with the approved subdivision plan. As owner of roads 1, 2 and 6, Royal Rehab opposes any amendment to the road layout as approved under the plan of subdivision.***

Response:

The proposed road layout is consistent with most recent s75W approval which supersedes the original subdivision plan.

***Issue 17 The DA will compromise traffic and pedestrian safety for the clients of Royal Rehab. Council should not support changes to the traffic conditions approved under the s75W modification.***

Response:

Council's Traffic Engineer and Senior Development Engineer have raised no objection to the proposed road layout which is consistent with most recent s75W approval. Given the residential nature of the roads and likely low road speeds involved, there is no evidence to suggest that the proposed layout would compromise traffic or pedestrian safety. It is further understood that discussions have taken place between the applicant and RRCS in relation to traffic calming and design measures to reduce any perceived potential safety issue in this regard.

***Issue 18 No RLs on section drawings. Site survey appears different to the one originally taken. The ground level has been altered over time.***

Response:

Survey plans have been submitted dated February 2014 and denote all buildings and ground levels prior to any works commencing on the site. Whilst the survey plan illustrates two relatively large earth stockpiles close to the northern boundary in the approximate location of the proposed dwellings, the 'existing' ground levels

utilised in the proposed plans relate to the original ground levels, not to the higher levels of the earth stockpiles.

Sufficient proposed RLs are included on the submitted architectural site plan, elevations and sections. Although a maximum RL is not specifically denoted on the sections for each dwelling, the ground level and maximum RL for each dwelling type is shown on the front and rear elevations. The sections scale correctly in relation to the elevations. The plans confirm that all proposed buildings are compliant with the relevant height controls when measured from existing ground level.

***Issue 19 The plans do not clearly show what actual dwelling will be located behind my residence.***

Response:

The location plan and the site plan illustrate the location of each proposed dwelling type. The only dwellings directly adjoining properties in Linley Way are a pair of semi-detached dwellings (Type 7A & 7B) and a detached dwelling (Type 7C).

***Issue 20 Insufficient infrastructure in the area for such an increase in the number of units***

Response:

The number of units/dwellings proposed is consistent with the Concept Approval (as modified). Issues relating to the ability of infrastructure in the area to cope with the redevelopment were considered at the time of the original Concept Plan for the site. This was one of the reasons condition A1 of the Concept Approval (as modified) permits no more than 50 residential dwellings per hectare on the overall site. The issue of density and resultant issues such as infrastructure capacity cannot be revisited at the DA stage.

The proposal does however involve the extension / augmentation of the physical infrastructure / utilities required for the development. The applicant is required to provide appropriate services to the site, to the satisfaction of the local authorities / agencies. Standard conditions of consent are recommended to be imposed ensuring that the local services will be appropriately provided.

### **13. CONCLUSION**

This report considers an application to construct three (3) residential flat buildings comprising 131 dwellings and basement level parking for 187 vehicles; construction of 15 dwellings; landscaping and public domain works; extension of

services and infrastructure on the site; and establishment and use of temporary carpark during construction at 110 Princes 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 23 March 2006, as most recently modified on 14 October 2014. 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.

The proposal generally complies with the approved Concept Plan (as modified) with the non-compliances minor and justified. Although the apartment buildings do not fully comply with all of the numerically based 'Rules of Thumb' from the Residential Flat Design Code, such as building depth and separation, apartment layout and solar access, the non-compliances are considered relatively minor and are partly a result of the predetermined layout and orientation of the residential buildings as per the approved Concept Plan (as modified), and the design of the apartment building in response to the conditions of the site.

The application has demonstrated that the level of amenity in terms of solar access, communal and publically accessible public space, privacy and energy efficiency can be met. Overall, the proposal can be supported subject to conditions.

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.

#### **14. 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 LDA2014/0522 for the construction of three (3) residential flat buildings comprising 131 dwellings and basement level parking for 187 vehicles; construction of 15 dwellings; landscaping and public domain works; extension of services and infrastructure on the site; and establishment

and use of temporary carpark during construction at 110 Princes Street, Ryde, subject to the conditions of consent in Attachment 1 of this report; and  
B. That those persons making a submission be advised of the decision.

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