

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

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| <b>JRPP NUMBER:</b>  | 2015 SYE 016  |
| <b>DA NUMBER:</b>  | LDA2015/0018  |
| <b>LOCAL GOVERNMENT AREA:</b>  | City of Ryde  |
| <b>PROPOSED DEVELOPMENT:</b>   | <p>Construction of two (2) residential flat buildings comprising 454 apartments ( 228 x 1 bed, 195 x 2 bed, 17 x 3 bed, 12 x loft, and 2 x studio units) and basement car parking for 603 vehicles.</p> <p>The application includes the construction of a publically accessible foreshore plaza and link, connecting roads, landscaping and associated drainage works.</p>  |
| <b>STREET ADDRESS:</b>   | 6-18 Nancarrow Avenue, 9-11 Rothesay Avenue and 41 Belmore Street, Ryde.  |
| <b>APPLICANT:</b>  | Shepherds Bay Urban Development Pty Ltd   |
| <b>NUMBER OF SUBMISSIONS:</b>  | 11 objections   |
| <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>                                    | <p>Environmental Planning and Assessment Act, 1979</p> <p>State Environmental Planning Policy (State and Regional Development) 2011</p> <p>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</p> <p>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);</p> <p>State Environmental Planning Policy Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) (Sydney Harbour SREP);</p> <p>State Environmental Planning Policy (Infrastructure) 2007; and</p> <p>Ryde Local Environmental Plan 2014</p> <p>Water Management Act 2000</p> <p>City of Ryde Development Control Plan 2014</p> |
| <b>LIST ALL DOCUMENTS SUBMITTED WITH THE REPORT FOR THE PANEL'S CONSIDERATION:</b> | <p>Conditions of Consent</p> <p>General Terms of Approval – Office of Water</p>   |
| <b>RECOMMENDATION</b>  | Approval  |

|                   |   |
|-------------------|---|
| <b>REPORT BY:</b> | SJB Planning, consultant town planners to City of Ryde Council. |
| <b>DATE:</b>      | 15 September 2015   |

## Assessment Report and Recommendation

### 1 **EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the construction of two residential flat buildings at 6-18 Nancarrow Avenue, 9-11 Rothesay Avenue and 41 Belmore Street, Ryde comprising 454 units with a shared basement parking level. By way of background, the site on which the development is proposed was included within a Concept Approval MP09\_0216 determined under Part 3A of the Environmental Planning and Assessment Act.

This application is for Stages 2 and 3 of the Concept Approval with separate applications for Stages 4 and 5, Stages 6 and 7 and Stages 8 and 9. Stage 1 has separate approval granted by the PAC.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value over \$20 million.

The development application was publicly exhibited in February 2015. A total of eleven submissions were received which relate to all stages of the Shepherd's Bay redevelopment site (Stage 2/3, Stage 4/5, Stage 6/7 and Stage 8/9). Key issues raised include traffic, transport and parking impacts; height, built form and views; and community and commercial facilities. The matters raised in the submission are discussed in detail in the report.

Amendments to the application result from issues raised during the assessment process including comments from the Council's Urban Design Review Panel (UDRP) regarding built form, amenity, accessibility and public works. A review of the amended details including revised floor plans indicates that the development is generally consistent with the Concept Approval and relevant planning controls. One area of variation from the Concept Plan relates to the issue of a community facility. The facility as proposed is inappropriate due to its size, location and functionality. By mutual agreement the community facility will be located to a later stage. Non compliances and issues raised in the submissions have been addressed and discussed further in the report.

It is recommended that the proposed development be approved, subject to conditions of consent.

### 2 **APPLICATION DETAILS**

**Name of Applicant:** Shepherd's Bay Urban Development Pty Ltd

**Owner of the site:** 357 HPG Pty Ltd

**Estimated value of works:** \$156, 354, 311.30

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

The proposal requires approval by the Sydney East Region Joint Regional Planning Panel in accordance with Schedule 4 of the EP&A Act, being a development with a capital investment value of over \$20 million.

### 3 SITE DESCRIPTION

The site is located within the Shepherds Bay foreshore approximately 14 kilometres north-west of Sydney CBD. The area which has been identified by Council as an area for transition from traditional manufacturing and industrial uses to a higher density mixed use residential neighbourhood. The surrounding area is characterised by a mix of industrial/ warehouse buildings, high density residential flat buildings and low density residential housing.

The site is privately owned land known as 6-18 Nancarrow Avenue, 9-11 Rothesay Avenue and 41 Belmore Street, Ryde and the legal description is Lot 1 DP 107255, Lot 1 DP 322641, Lot 1 DP 703858, Lot 11-16 inclusive and Lot 18 DP 7130. A location plan of the site is demonstrated below in Figure 1.

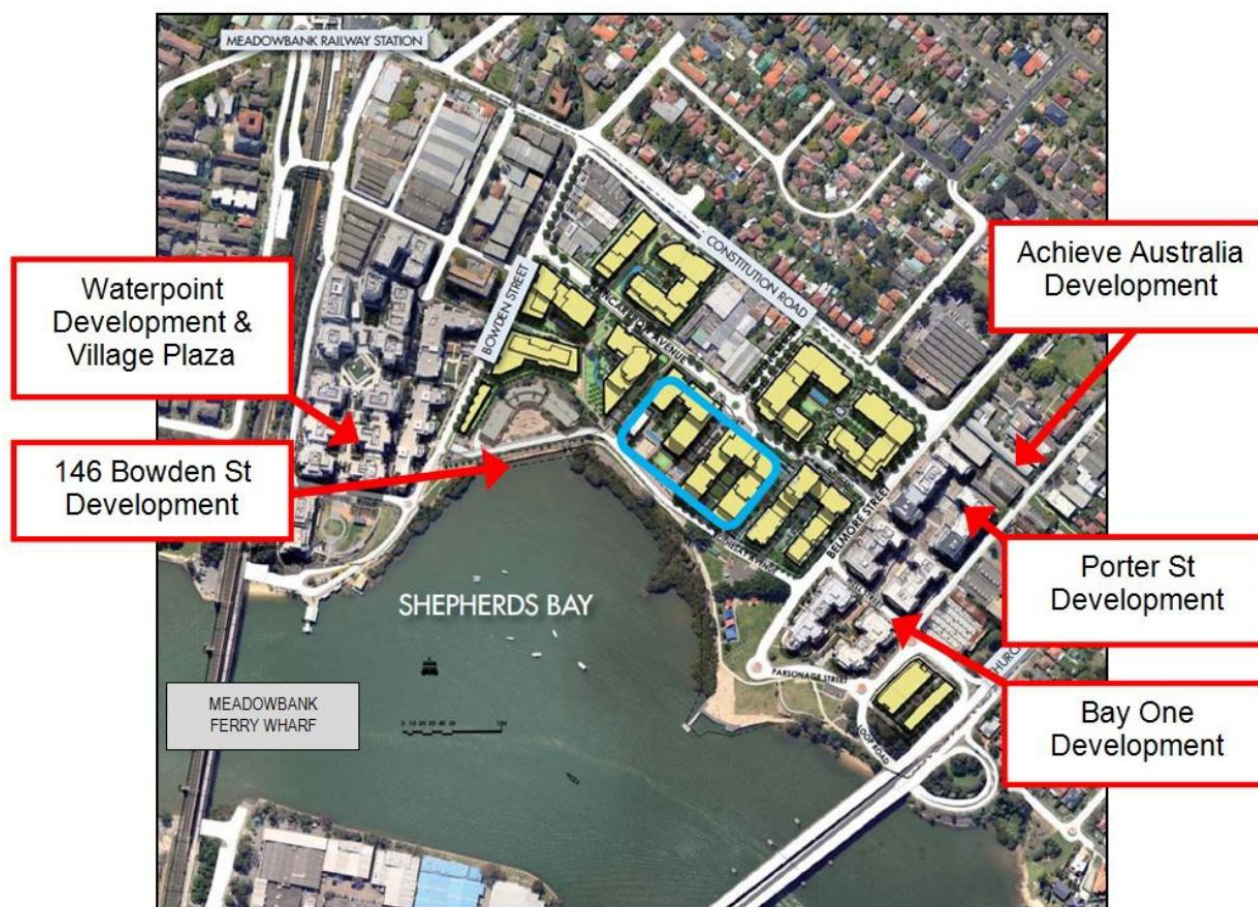


Figure 1. Location plan of Stages 2 and 3 (marked in blue) relative to mixed use developments in the locality.

## **4 SITE DETAILS**

|                               |  |
|-------------------------------|--|
| Total site area:              | 13, 650m <sup>2</sup>  |
| Frontage to Nancarrow Avenue: | 161.245m   |
| Frontage to Nancarrow Lane:   | 50.82m (Note 3 storey dwelling in Lot 17 DP 7130 to be retained) |
| Frontage to Rothesay Avenue:  | 147.44m  |
| Land use zone:                | B4 Mixed Use   |

## **5 BACKGROUND**

By way of background, the site on which the development is proposed was included within a Concept Approval MP09\_0216 for a larger area determined under former Part 3A of the Environmental Planning and Assessment Act.

On 6 March 2013 the Planning Assessment Commission (PAC) approved a Concept Plan for the “Shepherds Bay” site. The Concept Plan MP09\_0216 as described in the Instrument of Approval is for a mixed use residential, retail, commercial development and includes:

“Use of the site for a mixed use development including residential, retail, commercial and community uses incorporating:

- a) Building envelopes for 10 buildings incorporating basement level parking;
- b) Infrastructure works to support the development including:
- c) Upgrades to the local road network;
- d) Stormwater infrastructure works;
- e) Publically accessible open space and through site links; and
- f) Pedestrian and cycle pathways. “

A Section 75W Modification Application (Mod 1) was approved by the PAC on 16 October 2014 and resulted in amendments to several conditions of consent in order to allow for a more logical construction process and to improve the proposed built form. This modification including revising the indicative staging of the 10 buildings and the clarification of the delivery of certain infrastructure works which were tied to various stages.

This DA relates to Stages 2 and 3 as approved under the modified Concept Approval. Development consent for the demolition of all existing structure and bulk excavation exists.

This application is for Stages 2 and 3. There are separate applications for:

- Stages 4 and 5 (Approved by SEJRPP on 16 September 2015);
- Stages 6 and 7; and
- Stages 8 and 9.

Separate assessment reports for the above two DAs will be provided to the SEJRPP in the future. Stage 1 has separate approval, granted by the PAC. Figure 2 illustrates the site plan for Shepherds Bay including all stages.

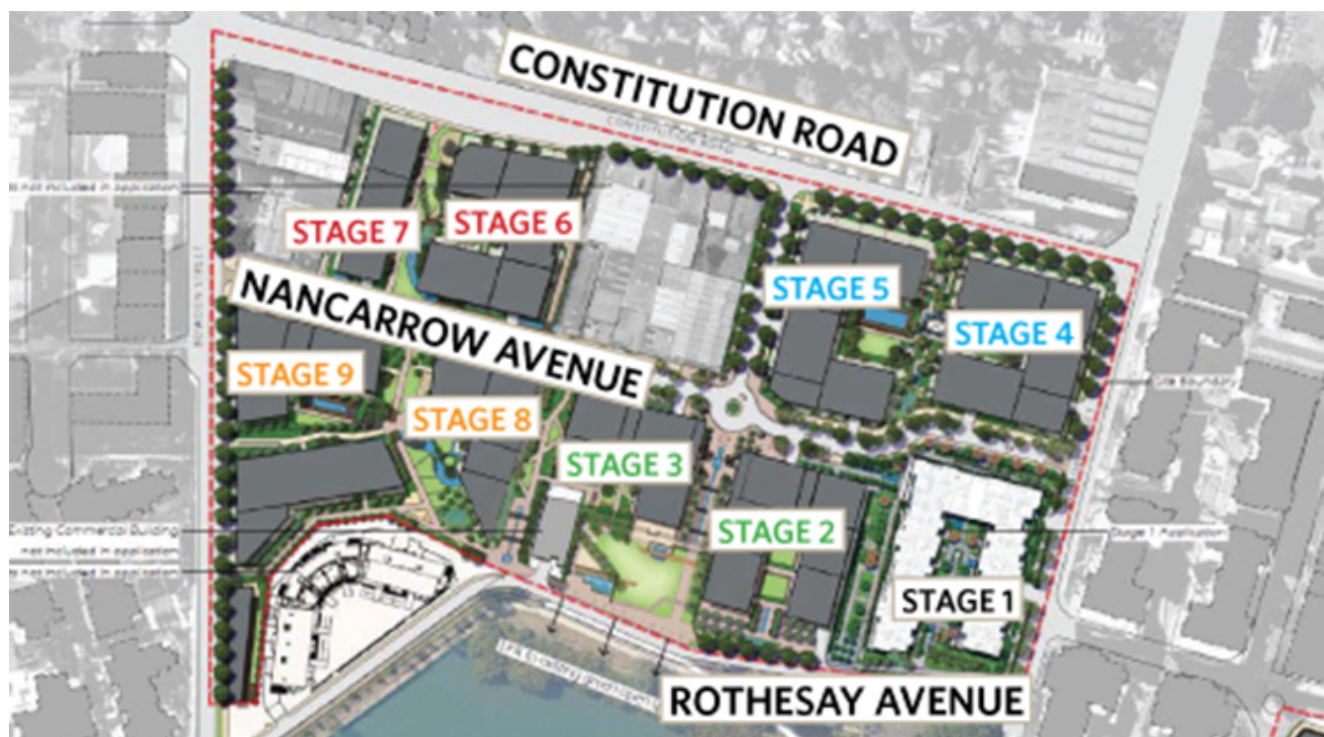


Figure 2. Site plan of Shepherds Bay including all stages.

## 6 PROPOSAL

Stage 2 and 3 comprises the construction of two residential flat buildings comprising a total of 454 residential units with a shared basement car parking level (see Figures 3 to 4).

- Stage 2 comprises 233 residential apartments (1 x studio, 114 x 1 bed, 99 x 2 bed, 11 x 3 bed and 8 x loft apartments)
- Stage 3 comprises 221 residential apartments (1 x studio, 114 x 1 bed, 96 x 2 bed, 6 x 3 bed and 4 x loft apartments) and 151m<sup>2</sup> of retail space



- A shared basement parking arrangement with a single vehicular entry and exit point off Rothesay Avenue which provides 603 basement parking spaces including accessible parking spaces, storage areas, waste storage and collection.
- A publicly accessible through site link which connects Nancarrow Avenue to the foreshore.
- A 3000sqm foreshore plaza
- Upgrades to the adjoining streets and public domain works to support pedestrian and cycle movement within the site.
- Removal of trees on site with appropriate landscaping.

It is noted the development consent for the site was granted in April 2015 for bulk excavation and tree removal (LDA2014/0531). Furthermore, development consent was granted in August 2013 for demolition of all existing buildings (LDA2014/0266).

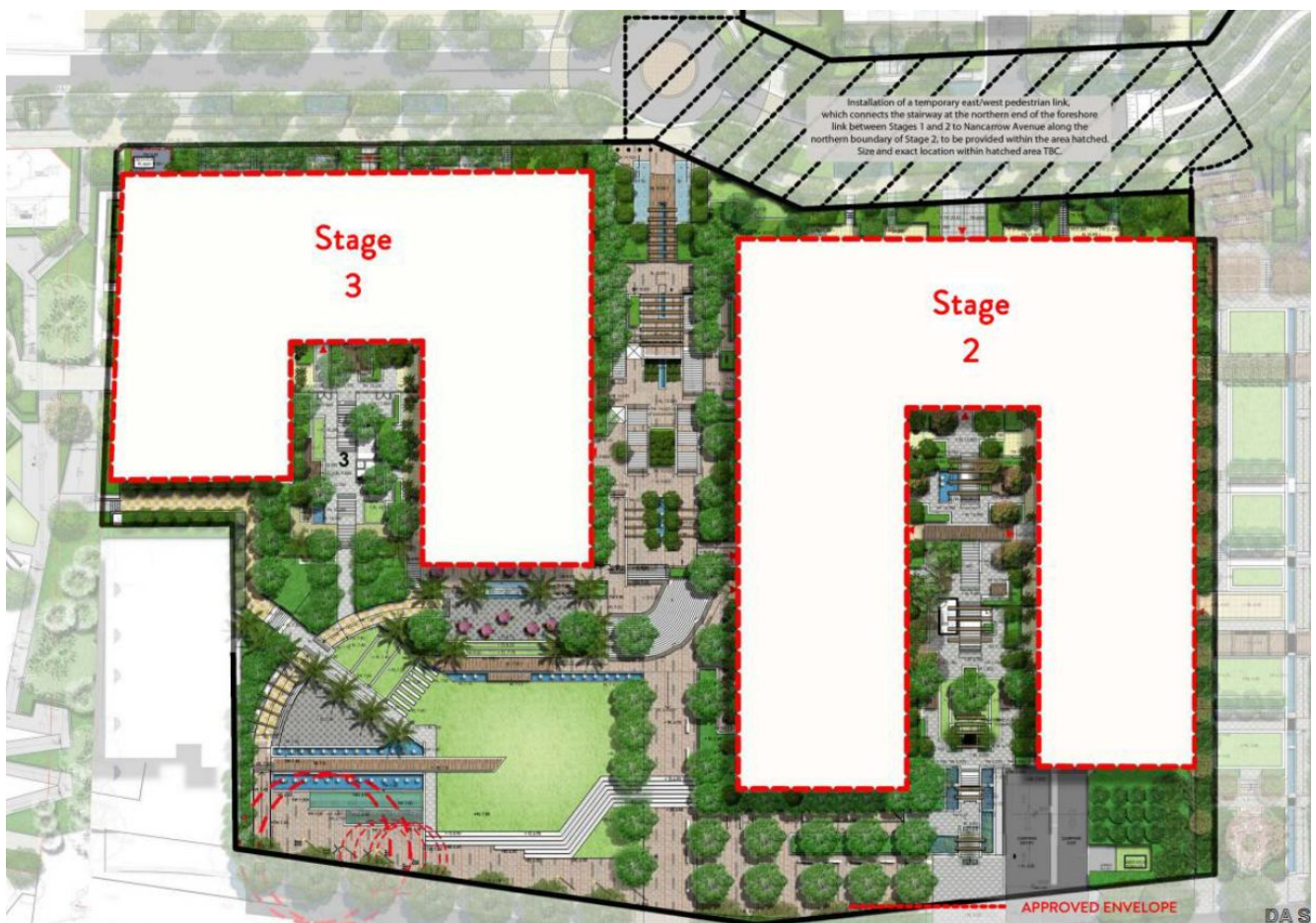


Figure 3. Extract from Site Plan prepared by Robertson & Marks Architects for Stages 2 and 3. Note the central pathway is publicly accessible.



Figure 4. Stage 2 and 3 southern elevation

## 7 **APPLICABLE PLANNING CONTROLS**

The site on which the development is proposed is subject to a modified Part 3A Concept Approval. Notwithstanding that Part 3A has been repealed, Section 3B of Schedule 6A Transitional arrangements – repeal of Part 3A of the EPA Act provides:

*(2) After the repeal of Part 3A, the following provisions apply (despite anything to the contrary in section 75P (2)) if approval to carry out any development to which this clause applies is subject to Part 4 or 5 of the Act:*

- a) If Part 4 applies to the carrying out of the development, the development is taken to be development that may be carried out with development consent under Part 4 (despite anything to the contrary in an environmental planning instrument),*
- b) Any development standard that is within the terms of the approval of the concept plan has effect,*
- c) A consent authority must not grant consent under Part 4 for the development unless it is satisfied that the development is generally consistent with the terms of the approval of the concept plan,*
- d) A consent authority may grant consent under Part 4 for the development without complying with any requirement under any environmental planning instrument relating to a master plan,*
- e) The provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.*

In summary, the modified Concept Approval remains in place; future applications for development of the land are to be determined under Part 4 of the EPA Act (development assessment of development applications); any development application must be generally

consistent with the terms of the approval of the concept plan; and the terms of the Concept Approval prevail over any environmental planning instrument (for example Ryde LEP 2014) and any development control plan (DCP) in the event of any inconsistency.

The fundamental guidance for assessment is consistency with the modified Concept Approval. The location of stages 2 and 3 are shown in the extent of approved modified drawing PPR-007-E in Figure 5 below.



Figure 5. Modified Concept Approval Plan.

Relevant elevations/sections showing the location of the basement levels below the building footprints and dimensioned setbacks to property boundaries are shown below.

Note: the approved drawings are confusing as they incorrectly show Stage 2 as Stage 3 and Stage 3 as Stage 6. Notwithstanding, the building footprints, including basements are detailed below in Figures 6 & 7.



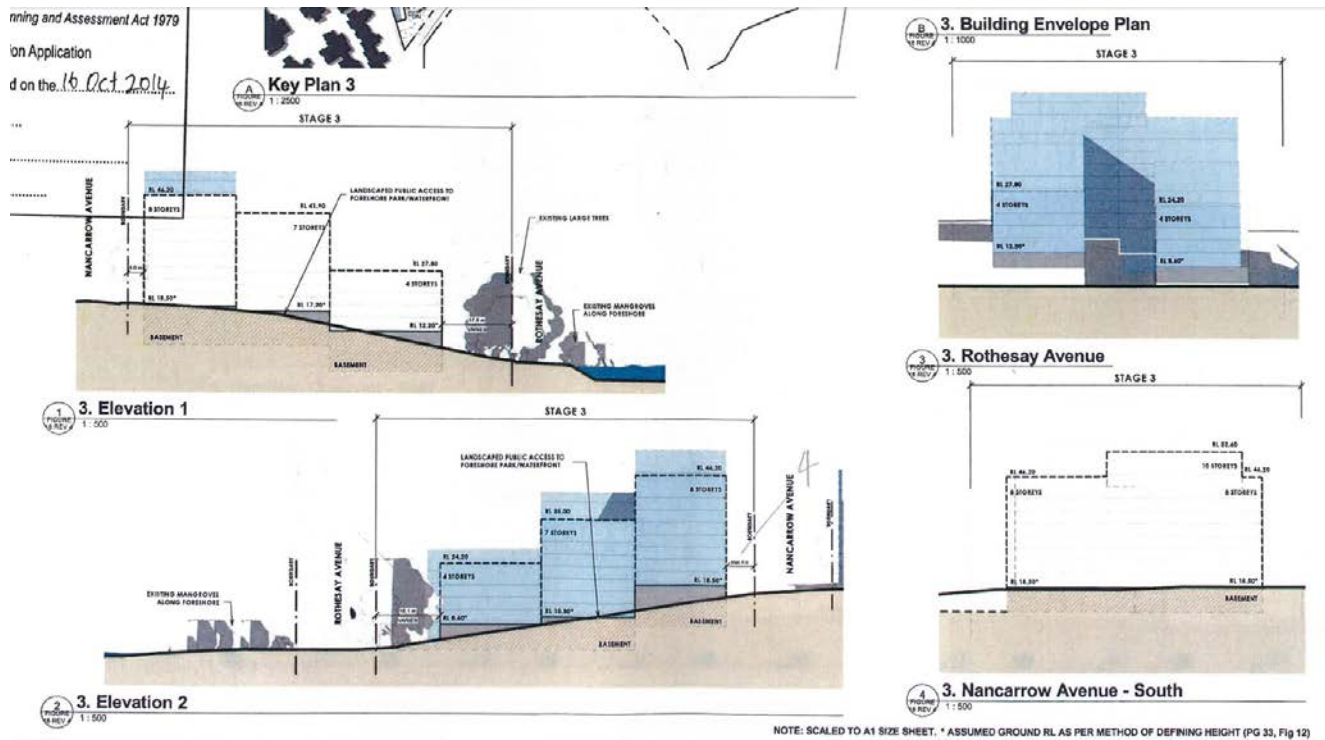


Figure 6. Approved building envelope for Stage 2.

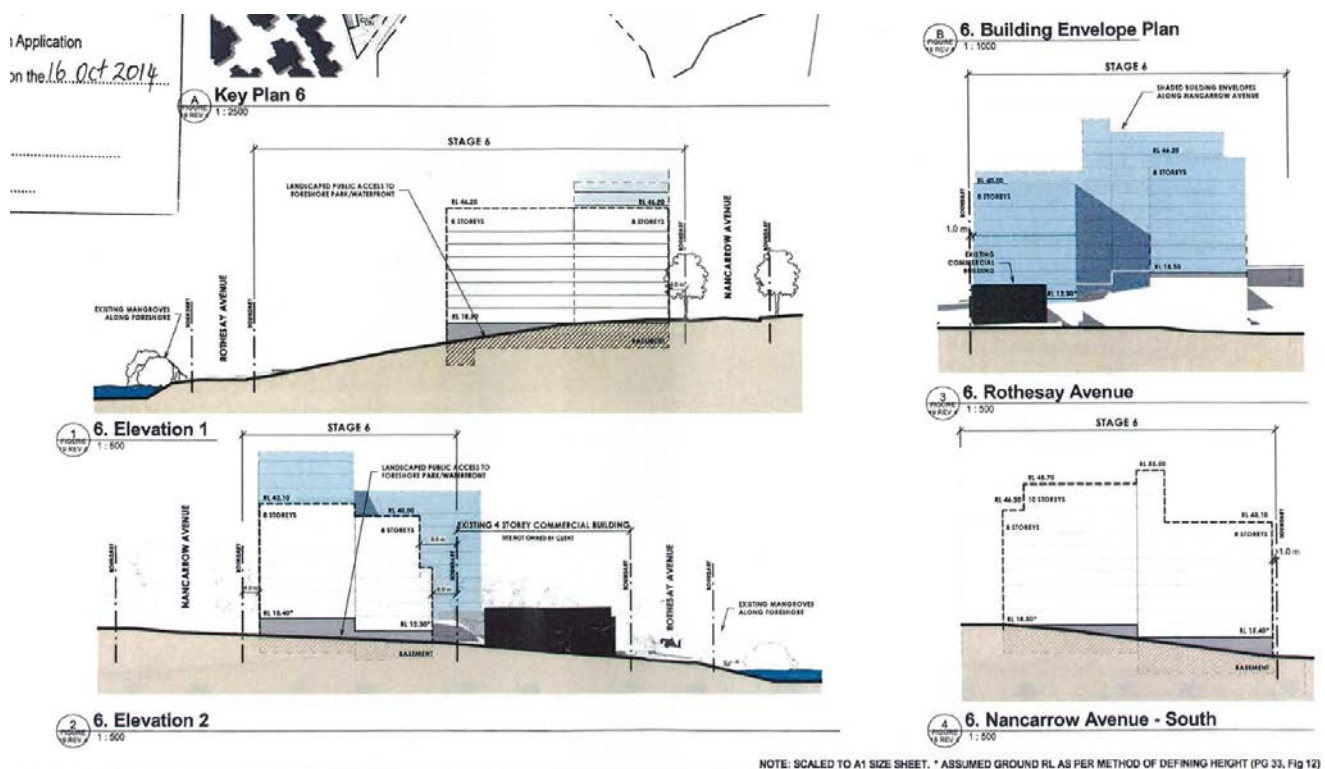


Figure 7. Approved building envelope for Stage 3.

The following Environmental Planning Instruments and legislation are of relevance to the development.

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);
- State Environmental Planning Policy Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) (Sydney Harbour SREP);
- State Environmental Planning Policy (Infrastructure) 2007;
- Water Management Act 2000;
- Ryde Local Environmental Plan 2014 and
- Ryde Development Control Plan 2014.

## 8 **PLANNING ASSESSMENT**

An assessment of the proposed Stage 2 and 3 relative to the Modified Concept Approval conditions, Council Urban Design Panel and Council Planning are detailed as follows:

### 8.1 **Modified Concept Approval Conditions**

| Schedule 2<br>Part A – Administration Conditions   | Comments   |
|--|--|
| <b>Development Description</b><br><br>A1 Concept approval is granted to the development as described below: Use of the site for a mixed use development including residential, retail, commercial and community uses incorporating: <ul style="list-style-type: none"> <li>• building envelopes for 12 buildings incorporating basement level parking;</li> <li>• infrastructure works to support the development including: <ul style="list-style-type: none"> <li>• upgrades to the local road network;</li> <li>• stormwater infrastructure works;</li> <li>• publically accessible open space and through site links; and</li> <li>• pedestrian and cycle pathways.</li> </ul> </li> </ul> | <p>The development seeks consent for two residential flat buildings.</p> <p>Infrastructure works including upgrades to the local road network, stormwater, pedestrian and cycle pathways and associated landscaping are proposed.</p> <p>Council's Public Works and Engineers have reviewed the proposal and have requested additional information to be submitted. This is dealt with by way of conditions.</p> |
| <b>Mod 1</b> <ul style="list-style-type: none"> <li>• Amendment to Building Storeys Plan to allow for additional storeys at ground level in Stages 1 to 3-4;</li> <li>• Expand/ connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5;</li> <li>• Revision to construction staging;</li> <li>• Revised timing of the delivery of open space to be in conjunction with Stage 3 (rather than Stage 1);</li> </ul>  | <p>The development proposes to connect the basement areas between Stage 2 and 3.</p> <p>Open space area to foreshore to be provided as part proposal.</p>  |

| <ul style="list-style-type: none"><li>• Provision of an additional storey to provide a 6 storey element to the building on the corner of Belmore Street and Constitution Road;</li><li>• Flexible application of the solar access requirement of the RFDC;</li><li>• Amendment to ESD measures; and</li><li>• Amendments to terms of approval, future environmental assessment requirements and Statement of Commitments.</li></ul>  | The plans and supporting documentation indicate enhanced SEPP 65 amenity in accordance with con 21 of Mod 1. |              |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
|--|--|--------------|--|------------|--------------|------|-----------------|------------------------|--------|-----------|------------------------------|-----------|-----------|--------------------|----------|---------|----------------|------------|-----------------|------------------------------------|------------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|------------------------------------|----------|-----------------|-------------------------------------|----------|-----------------|----------------|-----------|-----------------|--|-----------|------------|------------------------------|--------------|------------------|--|-----------|-----------------|--|-----------|-----------------|-----------------------------|------------|-----------|----------------------|----------|--|
| <p><b>Development in Accordance with the Plans and Documentation</b></p> <p>A2. The development shall be undertaken generally in accordance with MP09_0216, as modified by MP09_0216 MOD1, and:</p> <ul style="list-style-type: none"><li>• the Environmental Assessment dated 7 January 2011 prepared by Robertson +Marks Architects and PLACE Design Group, except where amended by the Preferred Project Report dated July 2012, including all associated documents and reports;</li><li>• the S75W Modification Application dated November 2013 prepared by Robertson + Marks Architects and City Plan Services including all documents and reports, except where amended by the:</li><li>• Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and</li><li>• Proponents Comments in Response to Council’s Submission dated 29 April 2014 prepared by City Plan Services.</li><li>• the Draft Statement of Commitments prepared by Robertson + Marks Architects updated on 5 October 2012, except where amended by the Revised Draft Statement of Commitments prepared by Holdmark dated March 2014; and</li></ul> <table><tr><th colspan="3">Drawings Prepared by Robertson + Marks Architects</th></tr><tr><th>Drawing No</th><th>Name of Plan</th><th>Date</th></tr><tr><td>FIGURE 11 REV 2</td><td>PREFERRED CONCEPT PLAN</td><td>Jul-12</td></tr><tr><td>PPR 001-D</td><td>MAXIMUM HEIGHT WITH SETBACKS</td><td>2/11/2013</td></tr><tr><td>PPR 007-E</td><td>INDICATIVE STAGING</td><td>09/24/13</td></tr><tr><td>S 001/B</td><td>SLOPES ON SITE</td><td>03/25/2014</td></tr><tr><td>FIGURE 14 REV 4</td><td>STAGE 1 BUILDING ENVELOPE CONTROLS</td><td>28/06/2012</td></tr><tr><td>FIGURE 15 REV 4</td><td>STAGE 2 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 16 REV 4</td><td>STAGE 3 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 17 REV 4</td><td>STAGE 4 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 18 REV 4</td><td>STAGE 5 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 19 REV 4</td><td>STAGE 6 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 20 REV 4</td><td>STAGE 7 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 21 REV 4</td><td>STAGE 8 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 22 REV 4</td><td>STAGE 9 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 23 REV 4</td><td>STAGE 10 BUILDING ENVELOPE CONTROLS</td><td>01/18/12</td></tr><tr><td>FIGURE 29 REV 2</td><td>LANDSCAPE PLAN</td><td>July 2012</td></tr><tr><td>FIGURE 30 REV 2</td><td>VEHICULAR ACCESS &amp; PUBLIC TRANSPORT PLAN</td><td>July 2012</td></tr><tr><td>SK01 REV E</td><td>PEDESTRIAN &amp; CYCLEWAY ROUTES</td><td>18 June 2013</td></tr><tr><td>FIGURE 32A REV 2</td><td>INDICATIVE ACCESSIBLE CIRCULATION PLAN</td><td>July 2012</td></tr><tr><td>FIGURE 33 REV 2</td><td>INDICATIVE COMMUNITY, RETAIL &amp; / OR COMMERCIAL USES LOCATION MAP</td><td>July 2012</td></tr><tr><td>FIGURE 50 REV 1</td><td>CONCEPT PLAN LANDSCAPE PLAN</td><td>28/07/2014</td></tr><tr><td>PPR 003-5</td><td>OPEN SPACE AREA PLAN</td><td>11/01/13</td></tr></table> | Drawings Prepared by Robertson + Marks Architects  |              |  | Drawing No | Name of Plan | Date | FIGURE 11 REV 2 | PREFERRED CONCEPT PLAN | Jul-12 | PPR 001-D | MAXIMUM HEIGHT WITH SETBACKS | 2/11/2013 | PPR 007-E | INDICATIVE STAGING | 09/24/13 | S 001/B | SLOPES ON SITE | 03/25/2014 | FIGURE 14 REV 4 | STAGE 1 BUILDING ENVELOPE CONTROLS | 28/06/2012 | FIGURE 15 REV 4 | STAGE 2 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 16 REV 4 | STAGE 3 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 17 REV 4 | STAGE 4 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 18 REV 4 | STAGE 5 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 19 REV 4 | STAGE 6 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 20 REV 4 | STAGE 7 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 21 REV 4 | STAGE 8 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 22 REV 4 | STAGE 9 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 23 REV 4 | STAGE 10 BUILDING ENVELOPE CONTROLS | 01/18/12 | FIGURE 29 REV 2 | LANDSCAPE PLAN | July 2012 | FIGURE 30 REV 2 | VEHICULAR ACCESS & PUBLIC TRANSPORT PLAN | July 2012 | SK01 REV E | PEDESTRIAN & CYCLEWAY ROUTES | 18 June 2013 | FIGURE 32A REV 2 | INDICATIVE ACCESSIBLE CIRCULATION PLAN | July 2012 | FIGURE 33 REV 2 | INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP | July 2012 | FIGURE 50 REV 1 | CONCEPT PLAN LANDSCAPE PLAN | 28/07/2014 | PPR 003-5 | OPEN SPACE AREA PLAN | 11/01/13 | The proposed development is generally consistent with the Concept Approval, Modification Approval and associated documentation/ plans. |
| Drawings Prepared by Robertson + Marks Architects  |  |              |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
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| FIGURE 11 REV 2  | PREFERRED CONCEPT PLAN   | Jul-12       |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| PPR 001-D  | MAXIMUM HEIGHT WITH SETBACKS   | 2/11/2013    |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| PPR 007-E  | INDICATIVE STAGING   | 09/24/13     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| S 001/B  | SLOPES ON SITE   | 03/25/2014   |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 14 REV 4  | STAGE 1 BUILDING ENVELOPE CONTROLS   | 28/06/2012   |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 15 REV 4  | STAGE 2 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 16 REV 4  | STAGE 3 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 17 REV 4  | STAGE 4 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 18 REV 4  | STAGE 5 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 19 REV 4  | STAGE 6 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 20 REV 4  | STAGE 7 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 21 REV 4  | STAGE 8 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 22 REV 4  | STAGE 9 BUILDING ENVELOPE CONTROLS   | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 23 REV 4  | STAGE 10 BUILDING ENVELOPE CONTROLS  | 01/18/12     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 29 REV 2  | LANDSCAPE PLAN   | July 2012    |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 30 REV 2  | VEHICULAR ACCESS & PUBLIC TRANSPORT PLAN   | July 2012    |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| SK01 REV E   | PEDESTRIAN & CYCLEWAY ROUTES   | 18 June 2013 |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 32A REV 2   | INDICATIVE ACCESSIBLE CIRCULATION PLAN   | July 2012    |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 33 REV 2  | INDICATIVE COMMUNITY, RETAIL & / OR COMMERCIAL USES LOCATION MAP   | July 2012    |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| FIGURE 50 REV 1  | CONCEPT PLAN LANDSCAPE PLAN  | 28/07/2014   |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| PPR 003-5  | OPEN SPACE AREA PLAN   | 11/01/13     |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |
| <p><b>Inconsistencies Between Documentation</b></p> <p>A3 In the event of any inconsistency between modifications of the</p>   |  |              |  |            |              |      |                 |                        |        |           |                              |           |           |                    |          |         |                |            |                 |                                    |            |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                    |          |                 |                                     |          |                 |                |           |                 |  |           |            |                              |              |                  |  |           |                 |  |           |                 |                             |            |           |                      |          |  |

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| Concept Plan approval identified in this approval and the drawings/documents including Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail.   | Noted. Mod 1 prevails over original approval.   |
| <b>Building Envelopes</b><br><br>A4 Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.   | The proposed building envelopes are consistent with the envelope diagrams including maximum RLs identified within the Modification of Part B  |
| <b>Maximum Gross Floor Area (GFA) and Dwelling Cap</b><br><br>A5 1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m <sup>2</sup><br><b>Mod 1</b><br><br><b>Maximum Gross Floor Area (GFA) and Dwelling Cap</b><br><br>A5 1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m <sup>2</sup><br>2. The maximum number of dwellings shall not exceed 2,005 | As mentioned under Section 4 of this report there are 4 separate DAs lodged for the 'Shepherds Bay' site, as well as an existing approval for Stage 1. The Stage 1 approval, Stages 4 and 5 approval and the current DA propose:<br><br>Stage 1 – 246 units<br>Stage 4 – 234 units<br>Stage 5 – 277 units<br>Stage 2 - 233 units<br>Stage 3 – 221 units<br><br>This results in 1211 units which is within the maximum dwellings permitted for the site with stages 6/7 and 8/9 to follow. |
| <b>Publicly Accessible Open Space, Drainage Reserves and Through Site Links</b><br><br>A6 All public open spaces, drainage reserves and through site links shall be publicly accessible and maintained in private ownership by the future body corporate unless otherwise agreed by the Council.  | The development features a foreshore plaza and site link. This space will be maintained in private ownership by the future body corporate and a condition of consent will require this space to be publicly accessible. (See condition number 122).   |
| <b>Lapsing of Approval</b><br><br>A7 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.  | Noted.  |
| Schedule 2<br>Part B - Modifications  |   |
| <b>Amended Concept Plan</b><br><br><b>B1</b> The Concept Plan shall be amended to:<br>(a) comply with the modified maximum heights (as per plans in Schedule 5), setbacks etc. under this approval and the project application approval for Stage 1 (MP09_0219). The maximum  | This condition has been satisfied in accordance with the Department of Planning correspondence to the applicant dated 24 June 2013.   |



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| <p>building height applies to either the number of storeys or RL levels, whichever is the lower;</p> <p>(b) provide at least one contiguous open space, of a minimum of 3,000m<sup>2</sup>, to accommodate both active and passive recreational needs. The open space shall include deep soil area and receive a minimum of 2 hours of sunlight to a minimum of 50% of the area on 21 June;</p> <p>(c) provide a public domain plan which illustrates the proposed public domain treatment including streets and setback areas, landscaping, lighting and public and communal open spaces and which is in accordance with Ryde City Council's Public Domain Technical Manual;</p> <p>(d) increase the width of the proposed through site links/view corridors to a minimum width of 20m; (e) provide an integrated water sensitive urban design (WSUD) strategy for the entire site; and (f) include a pedestrian and cycleways plan that demonstrates that the proposed routes are both viable and integrated with Council's plans for the surrounding area. The amended concept plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Director General prior to the issue of the first construction certificate.</p> |  |
| <p><b>Mod 1</b></p> <p><b>Amended Foreshore Link</b></p> <p>B1A. The delivery of the foreshore link shall be split between Stage 1 and Stage 2 in accordance with the Response to Submissions prepared by City Plan Services for MP09_0216 MOD1 dated 29 April 2014.</p>   | <p>The majority of the foreshore link will be provided in Stage 1 and includes the stair and pathway from Nancarrow Avenue to Rothesay Avenue and the open areas for passive recreation and viewing platforms to the water. The portion of the foreshore link to be delivered with Stage 2 directly abuts the ground floor units of Stage 2. This complies with the requirement of the Concept Plan.</p> |
| <p><b>Sustainable Travel Plan</b></p> <p>B2 Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site shall be submitted to and approved by the Council. Options for provision of a Car Sharing Scheme for the site are to be explored and incorporated into the Sustainable Travel Plan as is a Parking Management Strategy.</p>  | <p>The relevant documents have been reviewed and no objections have been raised.</p>   |
| <p><b>Mod 1</b></p> <p><b>Amended Maximum Number of Storeys Above Ground Level (Finished) Plan</b></p> <p>B3 The plan entitled Indicative Concept Plan Storeys Plan shall be amended to:</p> <p>(a) Change the title to "Maximum Number of Storeys Above Ground Level (Finished) Plan", and</p> <p>The amended plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Secretary</p>   | <p>This condition has been satisfied in accordance with the Department of Planning correspondence.</p>   |

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| within 1 month of the date of this approval.  |   |
| Schedule 3<br>Future Environmental Assessment Requirements  |   |
| <b>Design Excellence</b><br><br>1. Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.   | Superseded by Mod 1 below.  |
| <b>Mod 1</b><br><br><b>Design Excellence</b><br><br>1. Future Development Application/s for Stage <del>5</del> <b>A</b> (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.<br><br><b>Dwelling Cap</b><br>1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1).<br><br>Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap. | As mentioned under Section 4 of this report there are 4 separate DAs lodged for the 'Shepherds Bay' site, as well as an existing approval for Stage 1. The Stage 1 approval, stages 4 and 5 approval and the current DA propose:<br><br>Stage 1 – 246 units<br>Stage 4 – 234 units<br>Stage 5 – 277 units<br>Stage 2 - 233 units<br>Stage 3 – 221 units<br><br>This results in 1211 units which is within the maximum dwellings permitted for the site with stages 6/7 and 8/9 to follow. |
| 2. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.  | Design guidance provided by the Urban Design Review Panel pre and post DA lodgement have been incorporated in the proposal where possible.<br><br>The proposal features a high standard of architectural design including articulation and is consistent with the Concept Approval including maximum RLs and basement footprint areas. Furthermore, the proposed layout and detailed design will provide an enhanced living environment to future residents.                              |
| <b>Mod 1</b><br><br><b>Maximum Storeys on Steeply Sloping Topography</b><br><br>3A. Future Development Applications shall satisfy the 'Maximum Number of Storeys Above Ground Level (Finished) Plan'. An exception to the maximum storey height may be given to buildings within Stages 2 and 3 on steeply sloping topography (being at the locations indicated on drawing S 001/B not including the area shown within Stage 4) where it can be demonstrated that:<br><br>a) the overall building height satisfies the maximum permitted RL;<br>b) no more than 1 additional storey is provided;  | The development is consistent with the maximum building height RLs including pop up areas. Furthermore, enhanced SEPP 65 amenity provisions have been implemented in accordance with Condition 21 of Mod 1 approval including the following:<br><br><ul style="list-style-type: none"> <li>• Extensive glazing (minimum</li> </ul>  |

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| <p>c) an acceptable level of amenity can be achieved for any additional apartment(s) provided in accordance with the requirements of Future Environmental Assessment Requirement 21; and</p> <p>d) the additional storey is required to appropriately activate the ground level.</p>   | <p>70% of the external façade) to living rooms.</p> <ul style="list-style-type: none"> <li>• 20% increase to floor to ceiling heights.</li> <li>• 20% increase to floor to apartment areas.</li> </ul>  |
| <p><b>Built Form</b></p> <p>3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:</p> <p>(a) buildings along Constitution Road are a maximum of 5 storeys; and</p> <p>(b) the southern building element of Stage 7 is a maximum of 5 storeys.</p>  | <p>Superseded by Mod 1 below.</p>   |
| <p><b>Mod 1</b></p> <p><b>Built form</b></p> <p>3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that:</p> <p>(a) buildings along Constitution Road are a maximum of 5 storeys, with the exception of the element of Stage 4 located on the corner of Constitution Road and Belmore Street (as shown on PPR 002-B), which is permitted to a maximum of 6 storeys;</p> | <p>Not applicable to Stages 2 &amp; 3.</p>  |
| <p>4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint and do not encroach into street setback areas.</p>  | <p>Superseded by Mod 1 below.</p>   |
| <p><b>Mod 1</b></p> <p>4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint</p> <p>(with the exception of basements connecting Stages 2 and 3 and Stages 4 and 5) without encroachment into street setback areas.</p>   | <p>The application relates to Stage 2 and 3 with a connecting basement.</p> <p>Maximum projection of basement levels around ground level do not exceed 1 metre and do not encroach into setback areas.</p>  |
| <p>5. Future Development Applications shall demonstrate an appropriate interface with surrounding streets and public domain areas at pedestrian level, and an appropriate design treatment to provide an adequate level of privacy to ground level apartments.</p>   | <p>Public domain plans have been submitted with the proposal. A condition of consent has been recommended in terms of providing privacy screens to ensure that the apartments achieve an adequate level of privacy. (See condition number 2).</p> |
| <p>6. Future Development Application/s for Stage 6 shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue): (a) 6 metres up to 4 storeys; and (b) 9 metres above 4 storeys.</p>   | <p>Not applicable to Stages 2 &amp; 3.</p>  |
| <p><b>Mod 1</b></p> <p>6. Future Development Application/s for Stage 3 shall provide the following minimum setbacks to the south-western boundary (common boundary with 12 Rothesay Avenue):</p>   | <p>Stage 3 is setback from 12 Rothesay Avenue in accordance with this condition.</p>  |

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| (a) 6 metres up to 4 storeys; and<br>(b) 9 metres above 4 storeys.   |  |
| 7. Future Development Application/s for Stage 5 shall provide the following minimum setbacks to Parsonage and Wells Streets: (a) Podium – 4 metres (b) Tower – 5 metres  | Superseded by Mod 1 below.   |
| <b>Mod 1</b><br><br>7. Future Development Application/s for Stage A shall provide the following setbacks to Parsonage and Wells Streets:<br>(a) Podium – 4 metres<br>(b) Tower – 5 metres  | Not applicable to Stages 2 & 3.  |
| 8. Future Development Application/s for Stage 6 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.  | Superseded by Mod 1 below.   |
| <b>Mod 1</b><br><br>8. Future Development Application/s for Stage 3 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.  | Stage 3 is setback from in accordance with this condition.   |
| 9. Future Development Application/s for Stage 9 shall provide a minimum 4 metre building setback to the single storey building fronting Bowden Street. Eaves, pergolas, outdoor seating areas or other unenclosed structures are permitted to encroach into the setback providing that the design does not result in unacceptable impacts to the streetscape or view lines.  | Not applicable to Stages 2 & 3.  |
| 10. Future Development Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.   | The development proposes 2 substations as annotated on the proposed plans. A condition is recommended that requires the substation to be located in accordance with Energy Australia requirements. (See condition number 58).  |
| <b>Landscaping</b><br><br>11. Future Development Applications shall include detailed landscape plans for public and private open space areas, street setbacks areas and for the landscape treatment of all adjoining public domain areas and road reserves in accordance with the approved Public Domain Plan.   | Council's Consultant Landscape Architect has reviewed the development application including tree removal and landscaping and has no objection subject to a number of conditions including replacement plantings, deep soils areas and associated stormwater management. (See condition number 40). |
| <b>Public Domain</b><br><br>12. Future Development Applications shall provide the detailed design for the upgrade of all road reserves adjacent to the development to the centre line of the carriageway, including landscaping, street trees, accessible pedestrian pathways, street lighting, cycle ways on Constitution Road and Nancarrow Avenue, and any other necessary infrastructure in accordance with the approved Public Domain Plan. Where the detailed design necessitates an increase in the width of the road reserve, building | Council's Engineers and Public Works officers have reviewed the proposed infrastructure works and have recommended additional information to be submitted by way of a condition of consent. (See condition number 36 and 37).  |



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| setbacks are to be increased to retain the approved setback to the road reserve alignment. The road reserve works are to be completed by the proponent prior to occupation of each stage.   |  |
| <b>Cycle Facilities</b><br><br>13. Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.  | The development proposes a total of 61 bicycle spaces which exceeds 1 space per 10 parking spaces.   |
| 14. Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments in accordance with Council's requirements.  | The development contains a café. End of trip facilities are not considered warranted for this application.   |
| <b>Open Space/Public Access</b><br><br>15. Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.  | Council's Consultant Landscape Architect has reviewed the development application including landscape plans prepared by Place Design Group and has no objection subject to a number of conditions including replacement plantings, deep soils areas and associated stormwater management. (See condition number 40). |
| <b>Mod 1</b><br><br>15A. The contiguous open space required in Modification B1(b) shall be completed, delivered and handed over to Council prior to the issue of the first Occupation Certificate for Stage 3.<br><br>The land is to be dedicated, at no cost, to Council. Arrangements for the dedication shall be finalised before the issue of the Occupation Certificate for Stage 3. If Council does not accept the dedication, the land shall provide access to the public and be in private ownership by the relevant body corporate and appropriately maintained. | Council does not require this open space to be dedicated to Council. A condition of consent has been imposed requiring that this space is to be publicly accessible. (See condition number 122).   |
| <b>Foreshore Link Easement for Public Access</b><br><br>15B Prior to the issue of an Occupation Certificate for Stage 2 an easement shall be registered over the foreshore link, which is located between Stage 1 and Stage 2 (in favour of Council)  | Noted. Details will be required by condition prior to the release of any Occupation Certificate. (See condition number 122).   |
| 16. Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park and a second path either along the Central Spine or the public pathway associated with Stage 1. Landscape plans will also include the detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.  | The proposed landscape plans prepared by Place Design demonstrate north-south pedestrian pathways and cycle ways to provide connectivity to the foreshore. The Council's specialist technical officers have raised no objections.  |
| 17. Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space, drainage reserves and through site links, with the relevant instrument/s to be executed prior to the issue of the occupation certificate.   | The applicant proposes that public rights of access are to be created through dedicated easements. The council has accepted this approach. (See condition  |

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|  | number 122).  |
| <p><b>Community Facilities</b></p> <p>18. Future Development Application/s for the Stage 5 development shall include, at no cost to Council, an appropriate community space within the development on the ground floor level with street frontage, which can be used by Council or nominated community organisation(s) for community purposes. a. The amount and configuration of floorspace should be designed in consultation with Council or a Council nominated community organisation(s). Any dispute in the quantum of floorspace to be provided should be referred to the Director-General, whose decision shall be final. b. The designated community floor space must not be used for any other commercial, retail or residential use unless Council decides not to accept the designated floorspace. c. The provision of the community floorspace is in addition to Council's Section 94 Contributions for future development.</p>   | Superseded by Mod 1 below.  |
| <p><b>Mod 1</b></p> <p><b>Community Facilities</b></p> <p>18. Any future Development Application/s for the 1000th dwelling Stage 5 development shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council or for community purposes and related uses.</p> <p>a) The community facility must be a minimum of 1,000m<sup>2</sup> in area and be primarily located on ground level. The configuration of floorspace should be designed in consultation with Council or Council nominated community organisation(s).</p> <p>b) The primary use of the designated community floor space must be for community uses. A range of other activities, such as private functions, community markets and garage sales, may be undertaken within the community facility provided that they are subsidiary to the core community function.</p> <p>c) The designated community floor space must not be used for any other commercial, retail or residential use unless Council decides not to accept the designed floorspace.</p> <p>d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.</p> <p>e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.</p> | <p>The proposed community facility has been reviewed as part of this DA by the Acting Group Manager Community Life. This space does not deliver an appropriate space for a community facility due to its size, location and functionality. Council has entered into negotiations with the applicant to secure an alternative location. By mutual agreement, it has been agreed to relocate the facility to a later stage of the development. In this regard, the parties have entered into a Deed relating to the revised location and design of the community facility. It is the applicant's intention to replace the community facility in this stage with apartments. This however will be subject to a future Section 75W to amend the Concept Approval.</p> |
| <p><b>Public Art</b></p> <p>19. Future Development Applications shall provide the detailed design of public art in locations throughout open space areas generally in accordance with the Public Art Strategy submitted with the PPR.</p>  | <p>Council's Community and Cultural Officer has reviewed the submitted public art plan and raised concern that the applicant has provided insufficient information. A condition of consent will be imposed that requires further information to be provided prior to the issue of a Construction Certificate for the residential component of the development. (See condition number 49).</p>   |
| <p>20. Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed by a professional public artist</p>   | Superseded by Mod 1 below.  |

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| <p>including consideration of: (a) materials to be used, with particular attention to durability; (b) location and dimension of artwork; (c) public art themes to respond to site history and or social, cultural or natural elements; (d) integration into the site and surrounds; (e) budget and funding; and (f) Council's Public Art Guide for Developers.</p>  |   |
| <p><b>Mod 1</b></p> <p><b>Public Art</b></p> <p>20. Future Development Application/s for Stage 2 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:</p> <p>(a) materials to be used, with particular attention to durability;</p> <p>(b) location and dimension of artwork;</p> <p>(c) public art themes to respond to site history and or social, cultural or natural elements;</p> <p>(d) integration into the site and surrounds;</p> <p>(e) budget and funding; and</p> <p>(f) Council's Public Art Guide for Developers.</p>   | <p>As previously stated a final public art plan is to be submitted to Council by condition. (See condition number 47).</p>  |
| <p><b>Residential Amenity</b></p> <p>21. Future Development Applications shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002 (RFDC).</p>   | <p>Superseded by Mod 1 below.</p>   |
| <p><b>Mod 1</b></p> <p>21. Future Development Applications shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 – Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> (RFDC), except where modified below:</p> <p>In particular, future application/s shall demonstrate that:</p> <p>(a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and</p> <p>(b) a minimum of 70% of apartments within each stage receive a minimum of 2 hours solar access to living areas and balconies mid winter; and</p> <p>(c) where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:</p> <ul style="list-style-type: none"> <li>including extensive glazing (minimum 70% of the external façade) to living rooms;</li> <li>permitting cross-ventilation specifically to those apartments; and</li> <li>exceeding RFDC guidelines by at least 20 40% in at least one both of the following areas:</li> <li>increased floor to ceiling height; <del>or</del> and</li> <li>increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments.</li> </ul> <p>(d) a minimum of 25% of open space area of the site is deep soil zone</p> <p>(e) the proposed landscaped areas provide sufficient deep soil in accordance with the RFDC.</p> | <p>A natural ventilation report prepared by Wind Tech confirms that Stage 2 will receive 78% adequate natural ventilation (including skylights and ventilation shafts) and stage 3 will receive 81%.</p> <p>A Solar Access report prepared by Windtech confirmed that Stage 2 will receive at least 2 hours of direct solar access to 40.5% of apartments. Stage 3 will receive 48.4%.</p> <p>Furthermore, Stage 2 will receive at least 2 hours of solar access to private open space to 39.7%. Stage 3 will receive 42.5%.</p> <p>Where 70% of apartments fail to achieve 2 hours of solar access, these have been designed to include extensive glazing, increased floor to ceiling heights and larger floor areas. Details have been provided on the amenities sheet (see plans DA-45-801/A to DA-45-806/A) prepared by Robertson and Marks including the following:</p> <ul style="list-style-type: none"> <li>Extensive glazing (minimum</li> </ul> |

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|  | <p>70% of the external façade) to living rooms.</p> <ul style="list-style-type: none"> <li>• 20% increase to floor to ceiling heights.</li> <li>• 20% increase to floor to apartment areas.</li> </ul> <p>A minimum of 18% of open space of the site as deep soil has been provided in due to additional stormwater requirements This variation is supported.</p> |
| <p><b>ESD</b></p> <p>22. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development must comply with the stretch target.</p>   | Superseded by Mod 1 below.  |
| <p><b>Mod 1</b></p> <p><b>ESD</b></p> <p>22. Future Development Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development, in accordance with the base targets within ESD Guidelines Report prepared by Ecospecifier Consulting dated October 2010. Where no base target is provided within this report, the development should strive to achieve the stretch target (where relevant and feasible).</p> <p>In accordance with the EnviroDevelopment philosophy, four of the categories will be targeted to show 'industry best practice'. Where the categories of water and energy are applied, BASIX will be used to test 'industry best practice' for water and energy, which will be treated as 10% better than the BASIX pass mark.</p> | An ESD letter provided by Integreco states that the development will commit to achieve 'industry best practice' for water and energy.   |
| <p><b>Car Parking</b></p> <p>23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan. Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and designed for the proposed use.</p>  | Superseded by Mod 1 below.  |
| <p><b>Mod 1</b></p> <p><b>Car Parking</b></p> <p>23. Future Development Applications shall provide on-site car parking in accordance with Council's relevant Development Control Plan, up to a maximum of 2,976 spaces across the Concept Plan site.</p> <p>Future Development Applications shall provide:</p> <p>(a) a car parking rate which relates to the site-wide car parking provision and demonstrates that car parking may be provided for future stages within the total car parking figure of 2,976; and</p>  | <p>Site-wide details are as follows:</p> <p>Stage 1 – 342 spaces</p> <p>Stage 2/3 – 603 spaces</p> <p>Stage 4/5 – 647 spaces</p> <p>Stage 6/7 – 422 spaces</p> <p>Stage 8/9 – 573 spaces</p> <p>Total – 2,587</p>   |



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| <p>(b) a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.</p> <p>Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.</p>   |  |
| <p><b>Road Infrastructure and Road Reserve Upgrades</b></p> <p>24. Future Development Application/s for Stage 2 shall include the following infrastructure works: (a) Nancarrow Avenue extension; (b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all road reserve upgrades including associated pedestrian footpaths and cycleways; (c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection; (d) Underdale Lane Local Area Traffic Management (LATM) measures; (e) installation of a pedestrian crossing facility at Bowden Street/Nancarrow Avenue; and (f) installation of roundabout at Belmore Street/Rothesay Avenue. The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.</p> | <p>Superseded by Mod 1 below.</p>  |
| <p><b>Mod 1</b></p> <p>24. Future Development Application/s for Stage 4 shall include the following Infrastructure works:</p> <p>(a) Nancarrow Avenue extension;</p> <p>(b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;</p> <p>(c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;</p> <p>The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be approved by Council before the <u>issue of the first Occupation Certificate for Stage 1</u>. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage-4.</p>  | <p>Not applicable to Stages 2 and 3.</p>   |
| <p><b>Mod 1</b></p> <p><b>Road and Pedestrian Infrastructure Upgrades</b></p> <p>24A. Future Development Application/s for Stage 2 shall include the following Infrastructure works:</p> <p>(a) installation of a temporary east/west pedestrian link, which connects the stairway at the northern end of the foreshore link between Stages 1 and 2 to Nancarrow Avenue along the northern boundary of Stage 2. The pedestrian link shall provide access to residents the public on a 24 hour basis and maintained until the provision of the Nancarrow Avenue extension (note: this temporary pedestrian access is not a public right of way access).</p> <p>(b) Underdale Lane Local Area Traffic Management (LATM) measures;</p> <p>(c) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and</p> <p>(d) installation of roundabout at Belmore Street / Rothesay Avenue.</p>  | <p>An east-west pedestrian link is proposed as indicated by the hatched markings on site (DA-23-001/B).</p> <p>An updated Infrastructure Assessment Report prepared by Road Delay Solutions (Revision 1 June 2015) has been submitted. Council's Public Works Officers have reviewed the application</p> |

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| <p>The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council's for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.</p>  | <p>and required the above mentioned works to be installed prior to occupation of Stage 2. (See condition number 37).</p>   |
| <p>25. Future Development Application/s for the fourth stage of development shall provide the detailed design for the implementation of left-in/left-out arrangement at Belmore Street/ Yerong Street intersection. The works are to be completed prior to issue of the first occupation certificate of any building of this stage.</p>   | <p>Superseded by Mod 1 below.</p>  |
| <p><b>Mod 1</b></p> <p><b>Yerong Street/Belmore Street Intersection Upgrade</b></p> <p>Future Development Applications for the <del>fourth</del> stage of development <u>containing the 800<sup>th</sup> dwelling</u> shall provide the detailed design for the implementation of the left-in/left-out arrangement at Belmore Street/Yerong Street intersection. The works are to be completed prior to issue of the first occupation certificate of any building of this stage.</p>  | <p>The Belmore Street and Yerong Street left in / left out splitter island will be required to be constructed prior to the issue of an Occupation Certificate for Stage 2. (See condition number 37).</p>      |
| <p><b>Roads and Maritime Services Requirements</b></p> <p>26. Future Development Application/s for each stage of development following the first two stages shall include a traffic study which includes figures on the current number of vehicles and pedestrians at the Railway Road pedestrian crossing at Meadowbank Station and at the Constitution Road / Bowden Street intersection. The traffic study is to be carried out to the RMS's and Council's satisfaction and shall model the impact of the anticipated increase in vehicle and pedestrian traffic for that stage. Where the study reveals that RMS warrants would be met for the provision of signalisation at either of these locations, concept design of the upgrade of the intersection to Council's and RMS's satisfaction is to be included with the Development Application and the works are to be completed by the proponent prior to the issue of first occupation certificate of any building of that stage.</p> | <p>A traffic study prepared by Road Delay Solutions has been submitted with the application. The traffic study has concluded that RMS warrants for the two intersections are not necessary for this stage.</p> |
| <p>27. Future application/s for Stage 5 shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.</p>   | <p>Superseded by Mod 1 below.</p>  |
| <p><b>Mod 1</b></p> <p>27. Future application/s for Stage <del>5</del><b>A</b> shall demonstrate that the RMS requirements have been met in relation to access to RMS infrastructure on the adjoining land, including retention of existing access, parking and turning area for maintenance vehicles.</p>  | <p>Not applicable to Stages 2 &amp; 3.</p>   |
| <p><b>Site Specific Sustainable Travel Plan</b></p> <p>28. Future Development Applications for each stage shall include a site specific sustainable travel plan incorporating a workplace travel plan and/or travel access guide. The travel plan will be in accordance with the Concept Plan Sustainable Travel Plan required by Modification B2.</p>  | <p>A sustainable transport plan prepared by Road Solutions has been submitted with the application.</p>  |

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| <p><b>Heritage</b></p> <p>29. Future Development Application/s for Stage 8 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include: (a) a detailed heritage assessment of the site which includes a professionally written history of the site; (b) a full photographic record; and (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>   | <p>Superseded by Mod 1 below.</p>  |
| <p><b>Mod 1</b></p> <p>29. Future Development Application/s for Stage 8 <u>6</u> involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:<br/>(a) a detailed heritage assessment of the site which includes a professionally written history of the site;<br/>(b) a full photographic record; and<br/>(c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>   | <p>Not applicable to Stages 2 &amp; 3.</p>   |
| <p>30. Future Development Application/s for Stage 5 shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.</p>  | <p>Superseded by Mod 1 below.</p>  |
| <p><b>Mod 1</b></p> <p>30. Future Development Application/s for Stage 5 <u>A</u> shall include a Statement of Heritage Impact providing an assessment of the impact of the development on the adjoining heritage listed Church Street Bridge. Applications are to demonstrate that the design of the building takes into account relevant recommendations of the heritage assessment.</p>   | <p>Not applicable to Stages 2 &amp; 3.</p>   |
| <p><b>Section 94 Contributions</b></p> <p>31. Future Development Applications shall be required to pay developer contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.</p>   | <p>S94 contributions will be required by way of condition. (See condition number 101).</p> |
| <p><b>Noise and Vibration</b></p> <p>32. Future Development Application/s for Stage 5 shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'. NSW Government Department of Planning &amp; Infrastructure Concept Plan for Shepherds Bay Page 11 Adaptable Housing</p> | <p>Superseded by Mod 1 below</p>   |
| <p><b>Mod 1</b></p>   |  |

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| <p><b>Noise and Vibration</b></p> <p>32. Future Development Application/s for Stage 5 A shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.</p>  | <p>Not applicable to Stages 2 &amp; 3.</p>  |
| <p>33. Future Development Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4229-1995.</p>   | <p>An access report prepared by Design Confidence identifies that the development proposes at total of 45 adaptable units in accordance with this requirement.</p>  |
| <p><b>Stormwater Infrastructure Upgrades</b></p> <p>34. Future Development Applications for Stage 7, 8, 9 or 10 (whichever occurs first) shall provide the detailed design of the following infrastructure works: (a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and (b) works to eliminate the risk of embankment failure of Constitution Road. The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.</p>                            | <p>Superseded by Mod 1 below.</p>   |
| <p><b>Stormwater Infrastructure Upgrades</b></p> <p><b>Mod 1</b></p> <p>34. Future Development Applications for Stage 6, 7, 8 or 9 (whichever occurs first) shall provide the detailed design of the following infrastructure works:<br/>(a) the piped drainage system and overland flow path from Ann Thorn Park to Parramatta River; and<br/>(b) works to eliminate the risk of embankment failure of Constitution Road. The works will be required to be completed by the proponent prior to construction commencing for any residential buildings within these stages.</p> | <p>Not applicable to Stages 2 &amp; 3.</p>  |
| <p><b>End of Modification to MP09_0216</b></p>   |   |
| <p><b>Flooding and Stormwater</b></p> <p>35. Future Development Applications for each stage of the development shall include flood assessments to determine the minimum floor levels, any required mitigation measures and evacuation strategy required.</p>   | <p>A detailed flood assessment has been prepared by BG&amp;E confirming the development is in accordance with Council's flood risk management policies. Council Officers have no objection subject to conditions.</p> |
| <p>36. Future Development Applications for each stage of the development shall include a Stormwater Management Plan in accordance with Council's requirements.</p>   | <p>A stormwater concept plan prepared by Harris Page &amp; Associates addresses stormwater management onsite. Council Officers have no objection subject to conditions.</p>   |
| <p><b>Sydney Water Requirements</b></p> <p>37. Future Development Applications shall address Sydney Water's</p>  | <p>Greg Houston Plumbing has submitted a</p>  |

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| requirements in relation to: (a) required amplification works to existing drinking water mains; (b) required amplification works to the wastewater system; (c) approval for discharge of trade wastewater (where necessary); and (d) application for Section 73 certificates as necessary. | letter dated 27 November 2014 confirming engagement to lodge all applications to Sydney Water.  |
| <b>Contamination, Acid Sulphate Soils and Salinity</b>   |   |
| 38. Future Development Applications shall include a detailed contamination assessment (involving sampling and testing of soil) including an assessment of the presence of acid sulphate soils and salinity.  | Development consent has already been granted for the bulk excavation of the site. Appropriate conditions in respect to excavation and groundwater were imposed on that application. |
| 39. A groundwater assessment (involving sampling and testing of groundwater) shall be undertaken across the entire Concept Plan prior to the first Development Application being lodged for Stage 2 or any other stage of the development.   | Development consent has already been granted for the bulk excavation of the site. Appropriate conditions in respect to excavation and groundwater were imposed on that application. |
| 40. Future Development Applications where necessary shall include a targeted groundwater assessment for the specific stage (based on the recommendations of the groundwater assessment undertaken for the entire Concept Plan).  | Development consent has already been granted for the bulk excavation of the site. Appropriate conditions in respect to excavation and groundwater were imposed on that application. |

## **8.2 State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 requires the consideration of the contamination of the land and its suitability for its intended use.

The original concept application was supported by a Preliminary Screen Contamination Assessment and a Preliminary Geotechnical and Groundwater Assessment dated October 2010 prepared by Douglas Partners. This report did not raise any significant concerns regarding the proposed residential development of the site.

A groundwater investigation study prepared by Environmental Investigations dated 29 January 2014 was submitted with the current application. The study concludes on page 56 that

“...it is considered that there is a low risk of widespread groundwater contamination within the Shepherds Bay Urban Renewal Project. It is also considered that any groundwater impact is unlikely to prevent the redevelopment of the sites for residential and open space development.”

The remediation of the site is addressed by the conditions of consent associated with the bulk excavation of the site LDA2014/0531.

## **8.3 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings**

Assessment against SEPP 65 and the NSW Residential Flat Design Code (RFDC) is provided below.

The proposal has been reviewed by Council’s Urban Design Review Panel, both prior to lodgement and post-lodgement. The Panel has considered the redevelopment of the site on two occasions. The Panel’s comments on the current DA are incorporated below where relevant, or where the issue has not been addressed. It is noted that the applicant lodged

further amended plans in June 2015 in response to the latest Panel comments dated 11 March 2015.

| SEPP 65 Design Principle  | Comment   | Complies |
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| <p>Principle 1: Context</p> <p>Good design responds and contributes to its context. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.</p>   | <p>The development is consistent with the desired future character as identified within the concept approval for the site.</p>  | Yes      |
| <p>Principle 2: Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and scale needs to achieve the scale identified for the desired future character of the area.</p>   | <p>The proposal is consistent with the proposed building envelopes incorporating a common basement area under both Stage 2 and 3.</p>   | Yes      |
| <p>Principle 3: Built form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>   | <p>The development is consistent with the building type envisaged as part of the site as a whole.</p>   | Yes      |
| <p>Principle 4: Density</p> <p>Good design has a density appropriate for the site and its context, in terms of floor space yields (numbers of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition are consistent with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and</p> | <p>The proposal is consistent with the building envelope and maximum heights identified within the Modified Concept approval. It is noted that no FSR was specified for the site.</p> | Yes      |



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| environmental quality.  |  |  |
| <p>Principle 5: Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its life cycle, including construction.</p>  | The proposal achieves the applicable BASIX targets for water and energy efficiency and thermal comfort.  | Yes  |
| <p>Principle 6: Landscape</p> <p>Good design recognises that together landscape and building operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p>  | The landscaping detail to both the privately accessible areas and communal areas including roof areas has been subject to discussion between the applicant and Council. It is considered that landscaping is capable of being detailed to the satisfaction of Council by way of condition. | <p>Yes</p> <p>General compliance and capable of finalisation by way of conditions of consent. (See condition number 40).</p> |
| <p>Principle 7; Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>  | The internal layout and design of units have been subject to numerous comments from the UDRP, resulting in improvements included in the latest amendments. A condition is recommended to revise the proposed floor plans in accordance with the sketch plans submitted.                    | <p>Yes</p> <p>General compliance and capable of finalisation by way of conditions of consent. (See condition number 2).</p>  |
| <p>Principle 8: Safety and security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and a clear definition between public and private spaces.</p> | The proposal features good design which enhances safety and security of the area by way of ground floor active frontages and residential apartments above providing passive surveillance.  | Yes  |
| <p>Principle 9: Social dimensions and housing affordability</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.<br/>New developments should address</p>  | The proposed development will provide greater housing choice within the area thereby assisting to improve housing availability and affordability.  | Yes  |

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| housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.   |   |            |
| <p>Principle 10: Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing streetscape, or, in precincts undergoing transition, contribute to the desired future character of the area.</p> | <p>The proposed building design and associated materials respond to the former commercial and industrial history of the site whilst responding to the future character of the area.</p> | <p>Yes</p> |

#### 8.4 Urban Design Review Panel comments

Given that the Panel has commented on the development of the site on two occasions, their most recent comments dated 11 March 2015 are included in italics below. In some instances the latest amended drawings of June 2015 respond to the Panel's comments and this is discussed below.

*"This is the second time the Panel has reviewed Stages 2 and 3 of this Concept Approval.*

*Stage 2 comprises a U-shaped building that steps down the slope to the south. The south facing central courtyard is enclosed by building heights ranging from 5/6 storeys in the south, to 8 storeys in the centre, to 11 storeys along the street to the north. Stage 3 includes a U-shaped building that steps down the slope to the south adjacent a new park. The south facing central courtyard is enclosed by buildings of 8/9 storeys. A new community room is located adjacent to the new park. A through site link is terraced up the slope from south to north between the two stages.*

*In the previous Panel meeting a number of concerns were raised regarding the limited residential amenity. At that time the Panel noted that compromised amenity in the proposal is a direct outcome of the building envelopes, particularly the narrow and deep, south facing courtyard in Stage 2.*

*Since the last UDRP meeting, the proponent has acquired a Section 75W Modification approval to amend the previous proposal, in particular amendments to:*

- building height by adding a storey on portions of the building where the site is steeply sloping either at ground level (for example in Stage 2) or as a pop-up (for example in Stage 4), and*
- solar access compliance concessions to permit alternative solutions, where strict solar access compliance cannot be achieved.*

#### **Building Height**

*An additional storey, which results from an amended ground plane, on steep slopes is permitted in the Section 75W Modification approval. It is difficult in the drawings to understand where storeys have been added, but it appears that the revised envelopes are consistent with the S75W approval. The*

*Panel note that the additional building height serves to exacerbate some of the amenity concerns identified in the Panel's initial report.*

Comment:

The amended plans are consistent with the building envelope plans as approved by the Modified Concept Approval.

**Solar Access: Condition 21 - "Enhanced Amenity"**

*The Section 75W Modification states that "where less than 70% of apartments achieve 2 hours of solar access in mid winter, these apartments (beyond the first 30%) shall be designed to provide improved amenity by:*

- *including extensive glazing (minimum 70% of the external façade) to living rooms;*
- *permitting cross-ventilation specifically to those apartments; and*
- *exceeding RFDC guidelines by at least 20% in at least both of the following areas:*
  - *increased floor to ceiling height; and*
  - *increased minimum apartment areas, being greater than 50sqm for 1 bedroom, 70sqm for 2 bedroom and 95sqm for 3 bedroom apartments."*

*The Panel accepts, but does not endorse, the above condition and notes that the specific location of a unit within the building, its internal configuration and its adjacencies directly influence the resulting amenity. Where a unit's amenity is already inherently compromised, increasing ceiling height may not sufficiently improve amenity, and similarly, increasing unit size may actually further impair amenity.*

*The following example units in Stages 2 and 3, while compliant with Condition 21, still have compromised amenity that needs to be addressed before applying the concessions of Condition 21:*

- *Unit 20111*
  - *Larger unit area results in deep floor plans with larger proportion of the internal floor space buried deep in the building away from daylight and natural ventilation.*
  - *Excessively deep balcony to living area with greater overshadowing and limited daylight penetration*
  - *Privacy conflicts with adjacent unit (Unit 20114) at the internal corner of the building*
  - *Privacy conflicts and potential safety issues with the stair landing adjacent the living room balcony*
- *Unit 3042*
  - *Similar to the above unit, the larger unit area results in deep floor plans with larger proportion of the internal floor space buried deep in the building away from daylight and natural ventilation.*
  - *Privacy conflicts between bedrooms and adjacent internal corner unit balconies require privacy screens, which further diminish the daylight access to the unit.*
  - *Path of travel for ventilation is convoluted and facilitation of cross air movement is hindered.*
- *Unit 20413*
  - *Internal corner unit with limited aperture to exterior at balcony edge. Increased window area does not compensate for limited aperture in facade. Bedrooms borrow light from across balcony and have limited outlook.*

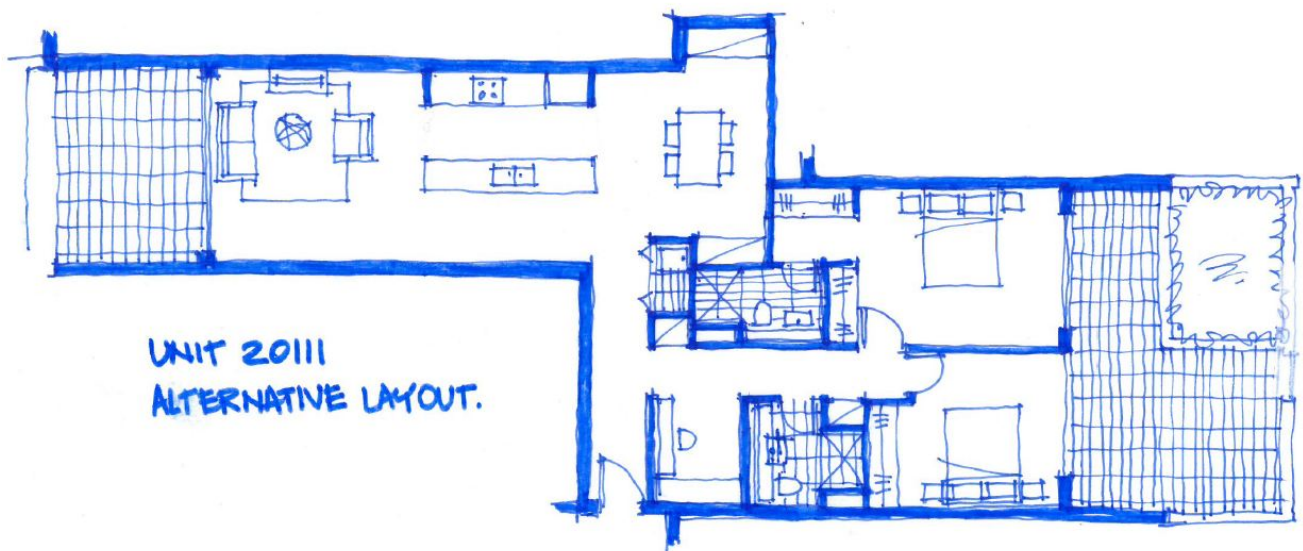
- *The Panel questions how this unit achieves the claimed cross ventilation with limited opening to the exterior.*

Comment:

Stage 2, Level 1, Apartment 20111

The two bedroom unit has been replanned (see revised plans revision B) to reduce the depth of the western balcony to increase daylight penetration into the living room. An alternative sketch plan (see below) includes the reduced balcony and provides an alternate layout including reorientation of the bathrooms and kitchen/ dining room. It is considered that the sketch plan is the best alternative to the original plans as it results in a more appropriate floor plan and layout with greater light penetration. A condition will be imposed to ensure that the development is consistent with the alternate layout plan. (See condition number 2).

It is noted that the documentation submitted with the revisions states that privacy screens and plantings will be provided between Apartments 20111 and 20114. It is recommended that details are to be provided by way of condition.



Stage 3, Level 4, Apartment 30425

The two bedroom unit has been replanned (see revised plans revision B) to reduce the depth of the eastern balcony to increase daylight penetration into the living room. An alternative sketch plan (see below) includes the reduced balcony and provides an alternate layout including reorientation of the bathrooms and kitchen/ dining room. As per Unit 20111 it is considered that the sketch plan is the best alternative to the original plans as it results in a more appropriate floor plan and layout with greater light penetration and a more direct path for ventilation. A condition of consent will be imposed to ensure that the development is consistent with the alternate layout plan. (See condition number 2).



### **Residential Amenity**

A number of amenity concerns remain in the revised design as follows:

- *Privacy, outlook and safety is potentially compromised for units adjacent the pedestrian link stairs at the northern end of the Stage 2 east elevation. More detailed plan and section information is required to adequately assess impacts.*
- *There is a high proportion of single aspect units throughout both Stages. It is not clear how these units achieve the claimed cross ventilation.*
- *Units within the internal corners of the building form have limited outlook and access to daylight.*
- *Privacy impacts for units within the internal corners of the buildings have resulted in the use of louvres to ameliorate visual privacy impacts. These louvres further constrain the outlook and limited daylight access to these units.*
- *Long internal corridors without natural ventilation and daylight serve over 8 units per core.*
- *Location of sub-station adjacent the ground level, north-west corner unit in Stage 3 adjacent to a residential unit.*

### Comment:

The applicant has confirmed that the single aspect apartments satisfy RFDC requirements and will receive ventilation by way of a ventilation shaft. The U-shape form of the buildings as per the Concept Approval, privacy screens and louvres have been proposed. It is considered that such screens are acceptable given the enhanced amenity provisions proposed within the development including higher floor to ceiling heights and glazing provision. Details of privacy screens and louvres will be required to be submitted to Council for approval as identified within the recommended conditions.

Regarding the internal corridors, where the number of units serving a single core exceed 8 units this is resultant of the high proportion of one bedroom units coupled with fall on the site to the foreshore.

It is noted that the development proposes substations within the site. A condition of consent is recommended to ensure any substation is appropriately screened and setback in accordance with Energy Australia requirements.

### **Ground Floor Units**

*The terraced ground plane along the pedestrian link and within the courtyards provides the ability for adjacent units to have address and direct access to these spaces. This would enhance the use, activation and safety of these spaces.*

#### Comment:

The applicant has raised concern that the construction of any stairs or ramps to provide direct access to adjacent units would compromise the quality of the communal open space areas. As such it is considered that the applicant's position is reasonable and the design is acceptable.

### **Communal Open Space**

*While the residents will benefit from access to waterfront parkland and a new park south of Stage 3, the amenity and use of the communal courtyards for each building is significantly impacted by the location and orientation of the courtyards to the south. In Stage 2, the long narrow configuration of the communal open space and its terracing significantly constrains the use and amenity of the space.*

*The Panel recommends additional communal open space be provided at Level 3 in Stage 2 and Level 8 in Stage 3, on the roof, where all residents could benefit from city and river views and have access to external space with solar access. Direct access from the corridor would provide easy access for residents and could be configured to preserve the adjacent proposed private open space. A similar solution commended by the Panel is proposed in Stage 6 and 7.*

*The corridors in Stage 3 on the lower ground level, linking the lift lobbies to the communal open space, are long, narrow and indirect. More direct legible access for residents to the communal open space is required.*

#### Comment:

The applicant has advised that they do not wish to provide roof gardens. Many buildings in Meadowbank do not include roof gardens. Roof gardens have not been provided due to the Concept Plan restricting the overall height of the building and skylights have been provided to the apartments on the upper floor. Given the development proposes adequate areas of open space via communal areas and private balconies the proposal is considered acceptable in this instance.

The access pathway in Stage 3 has been enlarged to include a gallery style, meeting space area whilst Stage 2 has revised access corridors which are considered satisfactory relative to the constraints of the site.

### **Architectural Resolution**

*The stepped building forms exacerbate the visual bulk of the buildings. The proposed white datum line expressed in the facade references the upper ground level to the north and assists in articulating the building form and improving its apparent scale within the public domain and courtyard. While the Panel understand the desire to differentiate the architectural expression between Stage 2 and 3, the more vertical expression of façade elements in Stage 3 further accentuates the buildings bulk and height. A similar datum to Stage 2 would assist in unifying the two buildings and creating a more comfortable scale within the public realm and courtyards.*

#### Comment:



The proposed Stage 3 has been amended in light of the Panel's concern to present a uniform architectural resolution between both Stage 2 and 3. As such the design approach is deemed acceptable.

## 8.5 NSW Residential Flat Design Code

| Residential Flat Design Code 2012  | Comment  | Complies |
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| Local context:<br>Primary Development Controls   |  |          |
| <b>Building height</b> <ul style="list-style-type: none"> <li>To ensure future development responds to the desired future character of the street and local area.</li> <li>To allow reasonable daylight access to all developments and the public domain.</li> </ul>   | The development is consistent with the desired future character as identified within the concept approval for the site.  | Yes      |
| <b>Building depth</b><br>In general, apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and ventilation are to be achieved.  | The proposed building depth ranges from 18-22 metres and is a reflection of the U-shape building design. The development incorporates enhanced SEPP 65 amenity provisions and ventilation in accordance with condition 21 of Mod 1 approval. | Yes      |
| <b>Building separation</b> <ul style="list-style-type: none"> <li>Up to 4 storeys/12 metres</li> <li>12m between habitable rooms/balconies</li> <li>9m between habitable/balconies and non-habitable rooms</li> <li>6m between non-habitable rooms</li> <li>5 to 8 storeys/25 metres</li> <li>18m between habitable rooms/balconies</li> <li>12m between habitable/balconies and non-habitable rooms</li> <li>9m between non-habitable rooms</li> <li>Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.</li> </ul> | The proposed development is consistent with the building envelopes and associated setbacks as identified within the Concept Approval.<br><br>Separation ranges between 18 and 22 metres  | Yes      |
| <b>Street setbacks</b> <ul style="list-style-type: none"> <li>Street setbacks should relate to the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls.</li> <li>Relate setbacks to area's street hierarchy.</li> <li>Identify the quality, type and use of gardens and landscape areas facing the street.</li> <li></li> </ul>   | The proposed development is consistent with the building envelopes and associated street setbacks identified within the Concept Approval.  | Yes      |
| <b>Side and rear setbacks</b><br><br>Side setbacks should minimise the impact of light, air, sun and privacy, views and outlook for neighbouring properties, including future buildings and retain a rhythm or pattern that  | The proposed development is consistent with the building envelopes and associated street setbacks identified within the Concept Approval.  | Yes      |

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| positively defines the streetscape so that space is not just what is left over from the building form.  |  |     |
| <b>Part 2: Site Design</b>  |  |     |
| <b>Site analysis</b><br>Development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context.  | A site analysis plan has been submitted with the proposal providing context with the surrounding area in accordance with the building envelopes of the concept approval. | Yes |
| <b>Site configuration: deep soil zones</b><br><br>Optimise the provision of consolidated deep soil zones within a site. Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties.<br><br>A minimum of 25% of the open space area of a site should be a deep soil zone.   | Approximately 25% of the open space has been provided as deep soil.  | Yes |
| <b>Site configuration: fences and Walls</b><br><br>Respond to the identified architectural character for the street and/or the area; contribute to the amenity, beauty and useability of private and communal open spaces and retain and enhance the amenity of the public domain.<br><br>Clearly delineate the private and public domain without compromising safety and security. Select durable materials, which are easily cleaned and graffiti resistant.  | Fencing will ensure that the private and public areas are clearly delineated.  | Yes |
| <b>Site configuration: landscape Design</b><br><br>Improve the amenity of open space with landscape design which provides appropriate shade from trees or structures, accessible routes through the space, screening, allows for locating artworks. Contribute to streetscape character and the amenity of the public domain.   | The development features a centrally located communal open space including landscaping, trees and associated structures and public art.                                  | Yes |
| <b>Site configuration: open space</b><br><br>Provide communal open space that is appropriate and relevant to the context and the building's setting. Where communal open space is provided, facilitate its use for the desired range of activities. Provide private open space for each apartment capable of enhancing residential amenity. The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m <sup>2</sup> , the minimum preferred | The centrally located private open space has been provided in accordance with the Concept Approval and subsequent Mod 1 Approval.  | Yes |

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| dimension in one direction is 4.0m.   |  |   |
| <b>Site configuration: orientation</b><br><br>Plan the site to optimise solar access by positioning and orienting buildings to maximise north facing walls, providing adequate building separation within the development and to adjacent buildings.  | The proposed envelope configuration and orientation is consistent with the Concept Approval.   | Yes                                     |
| <b>Site configuration: planting on Structures</b><br><br>Design for optimum conditions for plant growth by providing soil depth, soil volume and soil area appropriate to the size of the plants to be established etc. Design planters to support the appropriate soil depth and plant selection. Increase minimum soil depths in accordance with the mix of plants in a planter.  | Proposed plantings within the central landscaped area contain sufficient soil depths for plantings.<br><br>Council's Consultant Landscape Architect has reviewed the proposal and has no objection subject to a number of conditions including replacement plantings, deep soils areas and associated stormwater management. (See condition number 40).                          | Yes                                     |
| <b>Site configuration: stormwater Management</b><br><br>Reduce the volume impact of stormwater on infrastructure by retaining it on site.   | A concept stormwater infrastructure plan prepared by Harris Page has been submitted with the proposal. Council's Engineers and Public Works Officer have no objection subject to conditions. (See condition number 31).  | Yes subject to conditions               |
| <b>Site amenity: safety</b><br><br>Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic. Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance by orienting living areas with views over public or communal open spaces, where possible. Minimise opportunities for concealment. Control access to the development. | Private open space areas and designated by proposed fences and plantings from communal areas.<br><br>Upper level apartments feature balconies which provide passive surveillance of the street and communal landscaped areas.<br><br>Internally, residential and visitor parking are separated and direct access to apartments from basement areas is by way of security passes. | Yes                                     |
| <b>Site amenity: visual privacy</b><br><br>Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings.<br><br>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.<br><br>Use detailed site and building design elements to increase privacy without compromising   | The u-shape layout and orientation of the apartments creates opportunities for overlooking in the internal corners of the building.<br><br>As such a condition is recommended to ensure that privacy screens are erected to side boundaries of each internally facing terrace/ balcony. (See condition number 2).  | No but acceptable subject to conditions |

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| access to light and air.  |   |                                  |
| <b>Site access: building entry</b><br><br>Improve the presentation of the development to the street.<br><br>Ensure equal access for all.<br><br>Provide safe and secure access.<br><br>Generally provide separate entries from the street for pedestrians and cars and different uses.<br><br>Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.   | The buildings feature multiple entries from the Street.<br><br>An Access Design report prepared by Design Confidence has identified non-compliances with access to buildings including step free access and compliant door widths, stairways.<br><br>As such it is recommended that a condition requiring compliance with access requirements outlined within the access report. (See condition number 41). | Yes<br><br>Subject to conditions |
| <b>Site access: parking</b><br><br>Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc.<br><br>Limit the number of visitor parking spaces, particularly in small developments.<br><br>Give preference to underground parking, whenever possible.<br><br>Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity.<br><br>Provide bicycle parking, which is easily accessible from ground level and from apartments.      | The number of basement car parks is consistent with the Concept Approval.<br><br>Visitor parking has been provided at basement level.<br><br>Car share parking and bicycle storage is provided at basement level.   | Yes                              |
| <b>Site access: pedestrian access</b><br><br>Utilise the site and its planning to optimise accessibility to the development.<br><br>Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas.<br><br>Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.<br><br>Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum. Separate and clearly distinguish between pedestrian access ways and vehicle access | An Access Design report prepared by Design Confidence has identified non-compliances with access to buildings including step free access and compliant door widths, stairs etc.<br><br>As such it is recommended that a condition requiring compliance with access requirements. (See condition number 39).   | Yes<br><br>Subject to conditions |

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| ways.<br><br>Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum.<br><br>Provide barrier free access to at least 20% dwellings in the development.  |  |     |
| <b>Site access: vehicle access</b> <ul style="list-style-type: none"> <li>Generally limit the width of driveways to six metres.</li> <li>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</li> </ul>   | A 6 metre driveway is proposed.<br><br>The development features vehicular access from Rothesay Avenue.   | Yes |
| <b>Part 3: Building Design</b>   |  |     |
| <b>Building configuration: apartment Layout</b><br><br>Determine appropriate apartment sizes in relation to geographic location and market demands, the spatial configuration of an apartment, not just its plan, and its affordability.<br><br>Ensure apartment layouts are resilient over time.<br><br>The back of a kitchen should be no more than 8.0m from a window.<br><br>Minimum apartment sizes that do not exclude affordable housing are: <ul style="list-style-type: none"> <li>Studio 38.5m<sup>2</sup></li> <li>1 bedroom 50m<sup>2</sup></li> <li>2 bedroom 70m<sup>2</sup></li> <li>3 bedroom 95m<sup>2</sup></li> </ul> | The development proposes a range of apartment types and sizes in accordance with its geographical location and market demand.<br><br>Generally all apartments living, dining, kitchens and bedrooms are within 8m of the glazing line. However, where minor variations occur these are generally up to 9m and occur in dual aspect apartments with 20% increased area in accordance with condition 21 of the Mod 1 Approval. | Yes |
| <b>Building configuration: apartment Mix</b><br><br>Provide a variety of apartment types.  | The proposed development features a mix of apartments as follows:<br><br>0.4% Studio<br>50.6% 1 bed<br>42.6% 2 bed<br>3.8% 3 bed<br>2.6% 1 bed mezzanine<br><br>Stage 2<br><br>1 bed – 114<br>2 bed – 99<br>3 bed – 11<br>Loft (1 bed) – 8<br>Studio – 1<br><br>Total = 233  | Yes |

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|   | <p>Stage 3</p> <p>1 bed – 114<br/>2 bed – 96<br/>3 bed – 6<br/>Loft (1 bed) - 4<br/>Studio – 1</p> <p>Total = 221</p>   |  |
| <p><b>Building configuration: balconies</b></p> <p>Provide at least 1 primary balcony.</p> <p>Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.</p>   | <p>Generally all apartments are provided with balconies with a minimum depth of 2m</p>  | Yes  |
| <p><b>Building configuration: ceiling Heights</b></p> <p>Recommended minimum floor to ceiling heights:</p> <ul style="list-style-type: none"> <li>• 2.7m for all habitable rooms on all floors; and</li> <li>• 2.4m is the preferred minimum for all non-habitable rooms, however, 2.25m is permitted.</li> </ul>   | <p>Proposed floor to ceiling heights are as follows:</p> <p>North facing – Nancarrow Avenue<br/>2.7m (3.1m floor to floor)</p> <p>South facing – Rothesay Avenue<br/>3.2 (3.5m floor to floor)</p> <p>Café area<br/>4.1m floor to floor</p> | Yes  |
| <p><b>Building configuration: flexibility</b></p> <p>Provide apartment layouts, which accommodate the changing use of rooms.</p> <p>Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.</p>  | <p>The apartment layouts can be altered to accommodate changing use of rooms due to framed construction which allow walls to be altered.</p>  | Yes  |
| <p><b>Building configuration: internal Circulation</b></p> <p>Increase amenity and safety in circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation.</p> <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 8.</p> | <p>In general the number units serving a single core are limited to 8. However, where this is exceeded, it is resultant from the increased ratio of 1 bedroom units and fall of the site.</p>   | No – however, given the increased ratio of one bedroom units proposed the numerical non-compliance is deemed acceptable. |
| <b>Building configuration: mixed use</b>  |   |  |



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| <p>Choose a mix that complements and reinforces the character, economics and function of the local area.</p> <p>Design legible circulation, which ensure the safety of users by isolating commercial service requirements such as loading docks, from residential servicing areas and primary outlook, locating clearly demarcated commercial and residential vertical access points, providing security entries to all private areas including car parks and internal courtyards and providing safe pedestrian routes through the site where required.</p> <p>. Address acoustic requirements for each use by separating residential uses from ground floor leisure or retail use by utilising an intermediate quiet-use barrier, such as offices and design for acoustic privacy from the beginning of the project to ensure that future services do not cause acoustic problems later.</p> | <p>The proposed development is consistent with the Concept Approval and Mod 1. It includes a café and community facility.</p> <p>Secured entries from private to public areas including car parking and apartment access has been proposed and will form part of the recommended conditions of consent.</p> <p>An Acoustic report prepared by DK Acoustics recommends noise mitigation measures for the proposed café area including insulation, acoustic glazing, awnings, operating hours and a complaints register. Such measures will be required to be implemented by way of condition. (See condition number 44).</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p><b>Building configuration: storage</b><br/>Provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>• Studio apartments 6m<sup>3</sup></li> <li>• 1 bedroom apartments 6m<sup>3</sup></li> <li>• 2 bedroom apartments 8m<sup>3</sup></li> <li>• 3 plus bedroom apartments 10m<sup>3</sup>.</li> </ul>  | <p>The development satisfies minimum storage requirements.</p>  | <p>Yes</p>                       |
| <p><b>Building amenity: acoustic privacy</b></p> <p>Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. Arrange apartments within a development to minimise noise transition between flats. Design the internal apartment layout to separate noisier spaces from quieter.</p>   | <p>The building envelope and layout is consistent with the Concept Approval and Mod 1.</p> <p>Noise transition is minimised between apartments through mirrored floor plans.</p>  | <p>Yes</p>                       |
| <p><b>Building amenity: daylight access</b></p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in midwinter.</p> <p>In dense urban areas a minimum of 2 hours may be acceptable.</p>   | <p>Stage 2 will receive direct solar access to 40.5% of the apartments and Stage 3 will receive 48.4%. In accordance with condition 21 of the Modified Concept Plan, the apartments have been designed to include extensive glazing, increased floor to ceiling heights and larger floor areas. As the development complies with the requirements of the Modified Concept Plan, the variation to this requirement is acceptable.</p>  | <p>No. Variation acceptable.</p> |
| <p><b>Building amenity: natural Ventilation</b></p> <p>60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.</p>  | <p>78% of Stage 2 and 81% of Stage 3 will be naturally ventilated.</p>  | <p>Yes</p>                       |

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| <b>Building form: facades</b><br><br>Consider the relationship between the whole building form and the façade and/or building elements.  | The proposed use of materials and associated articulation creates a visually interesting façade to both the street and communal open space areas.  | Yes |
| <b>Building form: Roof design</b><br><br>Relate roof design to the desired built form. Some design solutions include:<br><br>Articulating the roof, using a similar roof pitch or material to adjacent buildings, using special roof features, which relate to the desired character of an area, to express important corners etc.                     | The stepped roof form responds to the topography and former industrial history of the site.  | Yes |
| <b>Building performance: energy Efficiency</b><br><br>Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer.<br><br>Improve the control of mechanical space heating and cooling.  | The development satisfies BASIX requirements.  | Yes |
| <b>Building performance: Maintenance</b><br><br>Design windows to enable cleaning from inside the building, where possible.  | The proposal appears generally acceptable with respect to maintenance.<br><br>Conditions may be imposed requiring building materials at ground floor are graffiti resistant and are repaired/ removed as soon as possible. | Yes |
| <b>Building form: waste management</b><br><br>Prepare a waste management plan.<br><br>Locate storage areas for rubbish bins away from the front of the development where they have a significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians. | A waste management plan has been submitted as part of the development application.<br><br>Waste storage is provided in the basement.   | Yes |
| <b>Building form: water conservation</b><br><br>Use AAA rated appliances to minimise water use.<br>Collect, store and use rainwater on site.   | The building achieves the required level of water efficiency as per BASIX requirements.  | Yes |

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

A BASIX Certificate has been prepared (No. 581855M dated 8 January 2015) which identifies that the proposed development achieves the minimum BASIX targets for building sustainability.

Conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition number 4, 48 and 106).

## **8.7 State Environmental Planning Policy (Sydney Harbour Catchment) 2005**

SEPP (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The site is approximately 45 metres from the nearest point of Sydney Harbour. Given the topography of the surrounding area, the built environment and alignment of roads and open space between the waterways and the site, it is not considered the proposed development will have an adverse visual impact on Sydney Harbour.

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

In accordance with Clause 104 (traffic generating development), the development has been referred to RMS for comment.

Details of RMS comments can be found in Section 10 of this report.

## **8.9 Integrated Development – Environmental Planning and Assessment Act 1979**

The proposed development constitutes Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) as the proposal is located on water front land and construction is classified as a 'controlled activity' under the Water Management Act 2000. As such the application has been referred to NSW Office of Water who has no objection subject to recommended General Terms of Approval (GTA) being incorporated in any conditions of consent. (See condition number 22).

## **8.10 Ryde Local Environmental Plan 2014**

| <b>RLEP 2014</b>               | <b>Comment</b>   | <b>Complies</b> |
|--------------------------------|--|-----------------|
| Zone B4 Mixed Use              | The development comprises mixed uses including residential units, a café and community space to be dedicated to Council. | Yes<br>Yes      |
| Clause 4.3 Height of Buildings | The development is consistent with the maximum RLs including pop-ups identified within the Concept Approval.             | Yes             |
| Clause 4.4 Floor Space Ratio   | Concept Approval did not identify a  | Yes             |

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|   | maximum FSR for the site.<br>Alternatively, a maximum dwelling cap of 2,005 is to be provided across the entire Concept Plan site.  | Stage 2 and 3 propose a total of 454 dwellings in accordance with the maximum dwelling cap.  |
| Clause 5.7 Development below Mean High Water Mark | No development is proposed below MHWM.  | N/A  |
| Clause 5.9 Preservation of trees or vegetation    | The development proposes the removal of 3 trees (2 <i>Eucalyptus Sideroxylon</i> and 1 <i>Melaleuca Styphellioides</i> ).<br><br>A detailed public domain landscape plan including replacement plantings has been prepared by Place Design. | Yes<br><br>Council's Consultant Landscape Architect has reviewed the proposal and has no objection subject to recommended conditions.  |
| Clause 6.1 Acid sulphate soils                    | A Remedial Action Plan prepared by Environmental Investigations has been submitted with the application.  | Yes<br><br>Council's Environmental Health Officer has confirmed the site is located in Class 5 Acid Sulphate Soils zone and therefore no further acid soil management is required. |
| Clause 6.2 Earthworks                             | A construction management plan prepared by Upright Builders Pty Ltd has been submitted with the application.  | Yes<br><br>Council's Public Works Officers and Engineers have reviewed the proposed earthworks and have recommended conditions.  |
| Clause 6.4 Stormwater Management                  | A concept stormwater plan prepared by Harris Pages and Associates has been submitted with the application.  | Yes<br><br>Council's Senior Development Engineer has reviewed the plan and recommended appropriate conditions of consent.  |

## 8.11 Ryde Development Control Plan 2014

| RDCP 2014  | Comment  | Complies |
|--|--|----------|
| 4.1.1 Mixed-Use Development  |  |          |
| Mixed-use development will comprise either:<br><br>a. a combination of medium and high density residential development with compatible employment related activity; or<br><br>b. compatible employment related activities including:<br><br>i. restaurants and cafes;<br>ii. small scale retail establishments | The development comprises mixed uses including residential units, a café and community space to be dedicated to Council. | Yes      |

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| such as convenience stores and news agencies up to 2000m <sup>2</sup> ;<br>iii. small commercial offices and studios such as real estate agencies offices;<br>iv. professional suites such as doctors suites; and<br>v. home offices.  |  |     |
| 4.1.2 Public Domain, Access and Pedestrian/ Cyclist Amenity  |  |     |
| a. The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.  | The proposal is consistent with the maximum heights and building envelopes identified within the Concept Approval.   | Yes |
| b. New developments must be provided with a minimum of one barrier free access point to the main entry.  | The proposed development provides barrier free (i.e.ramps) access to main building entries.  | Yes |
| c. Publicly accessible pedestrian and cycle ways must be provided through large sites.   | Publicly assessable pathways and cycleways have been provided.   | Yes |
| d. New pedestrians and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.  | Cycleway and pedestrian access points will be accessible by all.   | Yes |
| i. Shared pedestrian links, cycle ways, public roads and lanes are to be of a high standard and treated in a way which indicates their shared status. The selection of paving, street furniture, lighting, bollards, signage and paving should compliment the existing upgrade works to Shepherd's Bay (refer to the Ryde Public Domain Technical Manuel). | Pedestrian links, cycle paths, roads and lanes as outlined in the detailed public domain landscape plans are consistent with Public Domain Technical requirements. | Yes |
| 4.1.3 Implementation – Infrastructure, Facilities and Public Domain Improvements   |  |     |
| a. The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development.   | Conditions will be imposed to ensure that the road verge adjoining the site is embellished. (See condition number 36 and 37).                                      | Yes |
| 4.1.4 Views and Vistas   |  |     |
| a. Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.  | The proposal is consistent with the Concept Approval in terms of building envelope and RLs for each of the buildings.  | Yes |

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| <p>b. Development is to ensure that vistas towards Parramatta are maintained.</p> <p>c. Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.</p>   | <p>The impact of built form in terms of view loss was addressed within the Concept Approval. Notwithstanding, a significant view map has been submitted with the application which indicates that vistas to Parramatta River will be maintained.</p>  | <p>Yes</p> |
| <p>d. Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.</p>   | <p>The siting of Stage 2 and 3 will not adversely impact views along the public space to Parramatta River.</p>  | <p>Yes</p> |
| <p>f. Maintain secondary views through the site from pedestrian and cycle links from Nancarrow Avenue to the Parramatta River.</p>   | <p>Secondary views from Nancarrow Avenue towards Parramatta River will be retained.</p>   | <p>Yes</p> |
| <p>4.1.5 Landscaping and Open Space</p>  |   |            |
| <p>a. All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an arborist's report on existing trees, and demonstrate how proposed landscaping will contribute to ecologically sustainability. Management of construction impacts must also be addressed.</p> | <p>The development proposes the removal of 3 trees (2 Eucalyptus sideroxylon and 1 Melaleuca Styphellioides).</p> <p>A detailed public domain landscape plan including replacement plantings has been prepared by Place Design.</p>   | <p>Yes</p> |
| <p>b. Roof gardens are encouraged and must be considered in any landscaping plan.</p>  | <p>The proposal does not include the provision of roof gardens. Many buildings in Meadowbank do not include roof gardens. Roof gardens have not been provided due to the Concept Plan restricting the overall height of the building and skylights have been provided to the apartments on the upper floor.</p> | <p>Yes</p> |
| <p>e. Provide adequate deep planting zones above car parking and other concrete or similar structures to allow sustainable planting.</p>   | <p>The landscape plan and associated report prepared by Place Design provides adequate deep soil zones above the basement carpark and provides 25% of open space as deep soil.</p>  | <p>Yes</p> |
| <p>f. Provide at ground floor, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.</p>   | <p>Each ground floor unit includes a private courtyard area in addition to communal open space provided centrally within the site.</p>  | <p>Yes</p> |
| <p>g. Construction of roof areas of multi unit developments is to make provision for useable roof gardens.</p>   | <p>The proposal does not include the provision of roof gardens. This has been previously discussed in the report.</p>   | <p>Yes</p> |
| <p>h. Where appropriate, developments should incorporate landscaping (such as planter boxes) integrated</p>  | <p>See above.</p>   |            |



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| into the upper levels of building to soften building form.   |   |  |
| <b>4.1.6 Street Furniture and Public Art</b>   |   |  |
| a. All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving and street lighting will be incorporated into the development.  | A detailed landscape plan prepared by Place Design has been submitted with the application.   | Yes  |
| b. Public domain finishes including the style, colour and installation methods of street furniture, paving and street lighting shall be in accordance with Ryde Public Domain Technical Manual.  | The proposed public domain works are consistent with the Ryde Public Domain Technical Manual.   | Yes  |
| c. Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments. Relevant themes include:<br><br>i. the harbour location;<br>ii. industrial history and heritage;<br>iii. Aboriginal heritage; and<br>iv. urban revitalisation. | A public art plan has been submitted with the proposal. Council Community and Art Officer has raised concern regarding inadequate information and as such a comprehensive public art plan will be required by way condition. (See condition number 49). | No but capable of being addressed by way of a condition of consent.  |
| <b>4.1.7 Safety</b>  |   |  |
| a. Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) principles (DUAP 2001).   | The Landscape Plan prepared by Place design has informed CPTED principles including natural surveillance, Natural Access control, territoriality, maintenance.  | Yes  |
| b. Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.  | Open sightlines and landscaping has been provided to ensure public surveillance of common areas including open space.   | Yes  |
| <b>4.2.1 Height</b>  |   |  |
| a. The maximum building height is to comply with the heights shown in Ryde Local Environmental Plan 2014 Height of Buildings Map. Buildings must comply with the maximum number of stories shown in Figure 4.2.10.   | The maximum building heights (RLs) including pop up areas are consistent with the Concept modification approval.  | Yes  |
| c. The ground floor height shall be 4m floor to floor regardless of use.   | Ground floor to floor height of 3.2m to 3.5m has been proposed which is consistent with the concept approval.   | Yes – floor to ceiling heights are in accordance with the enhanced amenity provisions of the Concept Approval. |
| e. Retail and commercial uses at   | The development features a café   | Yes  |

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| ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.  | and community space with continuous access from the communal open space.   |     |
| 4.2.2 Setbacks  |  |     |
| <p>a. Setbacks must be consistent with the setback map</p> <p>i. New development to have 4m setbacks</p> <p>ii. Development along the northern boundary of the Meadowbank area adjacent to R2 low density residential zones is to have 6m landscape</p> | The proposed setbacks are consistent with the concept approval.  | Yes |
| 4.2.3 Roof Form   |  |     |
| a. Buildings below RL 15 must have articulated roofs, as they will be viewed from buildings above. Articulated roofs refer to well-deigned roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality materials.      | The maximum RLs of the proposal exceed RL 15. Notwithstanding, the development features articulated roof forms.  | N/A |
| b. The use of solar panels on roofs is encouraged where possible.   | No solar panels have been proposed.  | N/A |
| c. Pitched roofs of up to 30% are permitted for buildings that are 3 storeys or less.   | The proposal is in excess of 3 storeys.  | N/A |
| 4.2.4 Building Facades and Articulation   |  |     |
| a. Building facades should be articulated within a 3 metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.  | The proposed building facades incorporates articulated forms including balconies, use of materials and blades.   | Yes |
| b. Penthouses should be set a minimum of 4 metre from any buildings façade.   | Roof level apartments have been setback in accordance with the 60% pop up roof envelopes as per the Concept approval.  | Yes |
| c. Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and relationship of the building to external garden spaces.   | The proposed Stage 2 and 3 buildings are consistent with the modification approval. Given the U-shape layout of the buildings there are concerns regarding potential overlooking between internally facing units. As such Unit layout and corresponding external areas are orientated to respond to orientation, views, privacy etc. | Yes |

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| d. Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.  | Articulation of the building incorporating both horizontal (slab edges, cladding, balustrades) and vertical forms.  | Yes |
| e. Provide and denote entries along street frontages and public domain spaces where appropriate.   | Each building features direct entry from the street.  | Yes |
| f. Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.   | Each building is situated parallel to adjoining streets and address both the street and open space areas.   | Yes |
| g. Provide balconies and terraces, particularly where buildings overlook public spaces.  | Balconies and terrace are provided for all terraces.  | Yes |
| 4.2.5 Private and Communal Open Space  |   |     |
| a. Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP 65.   | <p>In accordance with condition 21 of the Mod 1 approval, enhanced SEPP 65 amenity conditions have been provided:</p> <p>Extensive glazing (minimum 70% of the external façade to living rooms)</p> <p>20% increase to floor to ceiling height</p> <p>20% increase to floor to apartment areas.</p> | Yes |
| 4.2.6 Residential Amenity  |   |     |
| a. In considering compliance with SEPP 65, regard will be given to:<br>i. limitations imposed by heritage items to be retained on the site;<br>ii. sunlight access to adjoining balconies of living rooms; and<br>iii. appropriate urban form, site orientation and other constraints. | As previously stated, in accordance with condition 21 of the Mod 1 approval, enhanced SEPP 65 amenity conditions have been provided due to building layout and fall of the site to the foreshore.   | Yes |
| 4.3.2 Energy Efficient Design  |   |     |
| a. Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX).  | A BASIX certificate has been prepared by Integregio has been submitted.   | Yes |
| 4.4.2 Noise and Vibration Attenuation  |   |     |
| Residential  |   |     |
| a. New residential developments, including those within a mixed use  | An acoustic report has been prepared by DK Acoustics which  | Yes |

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| building, are required to consider noise attenuation and acoustic treatment in their design. Particularly, the building layout, walls, windows, doors and roofs are to be designed and detailed to reduce intrusive noise levels. | concludes the proposal is acceptable subject to noise mitigation measures.  |     |
| <b>4.4 Parking Access and Loading</b>   |   |     |
| a. All new buildings are required to provide on-site loading and loading facilities.  | Council's Senior Development Engineer has reviewed the proposed loading areas and has no object subject to conditions. (See condition number 31).   | Yes |
| b. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.                      | See above   | Yes |
| <b>4.5 Flooding and Stormwater Drainage</b>   |   |     |
| a. Protect built structures and public safety from stormwater inundation up to the 'major design flood'.  | A concept stormwater and flooding assessment has been submitted with the proposal.  | Yes |
| <b>5.0 Precinct Specific Development controls</b>   |   |     |
| <b>5.3 Precinct 3 – Waterfront</b>  |   |     |
| a. The impact of new buildings on views from the Parramatta River to the site and the treed ridgeline to the north are to be considered.  | The development is in accordance with the building envelopes including view corridors established by the Concept approval. As such views from Parramatta River northward are considered satisfactory. | Yes |
| b. Development near the waterfront is to respond to and consider views from the Parramatta River.   | The proposed built form is consistent with the building heights and envelopes identified with modified Concept Approval. As such views to the Parramatta River foreshore will be maintained.          | Yes |
| c. Distances between buildings should take into account acoustic and privacy issues to protect the amenity for all residential units. Minimum distances should be in accordance with SEPP 65 principles.                          | The proposed buildings are setback 18-22m in accordance with the requirements.  | Yes |
| d. Facades should be articulated within a zone of 3 metres and be built to street edge behind the required landscape setback.   | The development features articulated facades to external elevations.  | Yes |
| e. Maintain all existing mature trees   | Tree removal forms part of the  | Yes |

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| that add to the high landscape quality of the area.   | original concept approval. In addition 3 further trees are to be removed. |  |
| f. Enhance street planting along Bowden Street to facilitate the perception of a boulevard providing direct access to the Parramatta River. | The development site for Stage 2 and 3 does not adjoin Bowden Street      |  |

## **9 LIKELY IMPACTS OF THE DEVELOPMENT**

### **9.1 Context and setting**

The proposed development forms part of the staged redevelopment of Shepherds Bay and is consistent with the built form and siting of the Concept Approval. As such it is considered that the proposal will not have any significant adverse impacts of the existing built environment or the amenity of the surrounding area.

### **9.2 Access, transport and traffic**

The development has proposed entry/ exit driveways located off Rothesay Avenue. A Traffic Impact Assessment was submitted and Council's Public Works Officers and Senior Development Engineer have no objection to the development subject to conditions. Further discussion is within Section 10 of this report.

### **9.3 Solar access and overshadowing**

The proposed development is consistent with the building heights and associated setbacks to neighbouring properties and as such the degree of solar access received within the site and associated overshadowing is considered acceptable. It is noted that enhanced amenity provisions as identified within Condition 21 of the modified concept approval have been included in the design.

### **9.4 Public domain and activity**

Council has a Public Domain Technical Manual that applies to Shepherd's Bay/ Meadowbank site. This document specifies the landscaping, paving and street furniture required to be provided. Conditions of consent from Council's Public Works Unit have been recommended in this instance to ensure the development will contribute positively to the streetscape. (See condition numbers 36 and 37).

### **9.5 Heritage**

The DA is considered acceptable by Council's heritage officer who has no objection subject to standard conditions. (See condition numbers 71 and 72).

## **9.6 Noise**

As previously stated, an acoustic report has been submitted as part of the application. The acoustic report provides recommendations to ensure a suitable noise environment for future occupants of the development. These recommendations will be imposed as conditions of consent. (See condition number 44).

## **9.7 Safety, security and crime prevention**

The proposed development feature balconies and windows which address the surrounding public domain and provide passive surveillance opportunities.

## **9.8 Social impacts in the locality**

The development will provide additional housing choice in the locality, providing a mix of studio, one, two and three bedroom apartments. Overall, the development will contribute positively to the redevelopment of the wider Shepherds Bay area.

## **9.9 Economic impacts in the locality**

The construction phase of the proposed development will result in temporary construction related employment in the locality.

## **10 SUITABILITY OF THE SITE FOR DEVELOPMENT**

The site has been determined as suitable for development by way of the Part 3A Concept Approval.

## **11 REFERRALS**

### **External referrals**

#### **NSW Transport Roads and Maritime Services (RMS)**

RMS raises the following concerns:

*The increase in traffic generation by the proposed development will likely result in an increase in queuing and delay for vehicles turning right onto Victoria Road from Bowden Street. Bowden Street is a local road under the care and control of Council. Roads and Maritime therefore advises Council to work with the proponent to investigate possible mitigation measures to reduce traffic impacts from the development on the local road network, and in particular on the Bowden Street/ Victoria Road intersection.*

This response has been provided for all 4 DA's in Shepherds Bay. The Concept Plan has included various measures to reduce the traffic impact on the local road network however

these measures do not address any potential impact at the intersection of Victoria Road and Bowden Street. Council's Traffic Engineer has advised that Council's scope to accommodate any changes to this intersection is limited and any further reconfiguration of the intersection would involve the co-operation of RMS.

#### NSW Education and Communities

NSW Education and Communities have raised concerns regarding the demand for educational within the area and the potential increase relative to additional high density development. The Department however seeks Council to be supportive of land use development policies which can help address pressures on education within Ryde LGA.

The issue raised in the letter is of a wider strategic significance and not capable of being addressed through the DA process.

#### NSW Office of Water

NSW Office of Water has reviewed the application as the development entails dewatering works. The Office of Water has recommended General terms of Approval (GTA) to be incorporated via conditions to any development consent. (See condition number 22).

#### Sydney Water

Sydney Water has reviewed the application and has no objection subject to standard conditions. (See condition numbers 46 and 109).

#### Viva Energy Australia

Viva Energy own and operate a High Pressure Pipeline ("Gore Bay Pipeline") which traverses the Shepherds Bay Development Site between Bowden and Belmore Street.

Viva Energy has reviewed Stages 1-9 and have raised concern regarding the proposed high density residential development in the area given the close proximity to existing pipeline.

In response, Council's Environmental Health Officer has confirmed that the pipeline does traverse Stage 2 and 3. A condition of consent has been included to ensure that the applicant liaise with Viva Energy prior to work commencing and during construction to ensure that management of the construction process adequately protects the exists Viva Energy pipeline relative to the subject site. (See condition number 23).

#### NSW Police

NSW Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design (CPTED). No objection has been raised, with a number of recommendations made dealing with the following matters:

- **Surveillance:** Appropriate surveillance should be provided, particularly in areas which lack passive surveillance opportunities. Recommendations by the Gladesville Police include appropriate material and finishes for surveillance into common areas; installation of mirror for safety; installation of CCTV in particular locations; and CCTV maintenance and recording requirements. These recommendations may be imposed as conditions of consent. (See condition number 78).
- **Lighting:** Appropriate lighting of common areas, basement areas and public areas should be provided. Recommendations for appropriate lighting levels and timing may be imposed as conditions of consent. (See condition number 51).
- **Territorial reinforcement:** Appropriate signage should be provided to assist in deterring crime and reinforce public and private space boundaries. Recommendations for signage at exit/ entry points and in public and communal areas may be imposed as conditions of consent. (See Condition number 52).
- **Environmental maintenance:** A maintenance policy should be prepared including security devices, CCTV, security communication devices, card readers, lighting and signage which are scheduled for regular maintenance and monitoring. This may be imposed as a condition of consent. (See condition number 78).
- **Space/ Activity management:** Ensure areas are appropriately managed and secured to avoid unauthorised intruder access and ensure entrances do not provide unauthorised access to other parts of the building, This may be imposed as conditions of consent. (See condition number 104 and 105).
- **Access control:** It has been identified that there is no access control to the basement parking area and to residential parking spaces. Furthermore, police have identified that retail visitors using the parking must travel via a lift into the residential lobby to get to the ground floor and then access retail units. (See condition number 79 and 105).

## **Internal referrals**

### **Heritage**

Council's Heritage Officer has reviewed the development and has no objection subject to the conditions relating to Aboriginal Heritage and Archaeology. (See condition number 70 and 71).

### **Environmental Health Officer**

Council's Environmental Health Officer has no objection subject to a number of conditions. (See condition number 21, 29, 74 to 76, 87 to 97, 99, 100).



## Senior Development Engineer

Comments provided by Council's Senior Development Engineer have been reproduced below:

### *Background*

*The initial review noted several matters to be addressed. A review of these items in light of the revised plans and documentation are as follows;*

- *Adequacy of the Loading Bay to accommodate an MRV vehicle.*

*The internal loading bay was noted to have a clearance height of 3.8m which was satisfactory for SRV vehicles (vans up to 3.5t). The reference to MRV was in regards to the potential need to accommodate waste vehicle, which some have similar dimensions as this design vehicle. It is understood that Council's Public Works – Waste section is satisfied with the nominated dimensions and access to the loading bay for waste services and therefore this matter is addressed.*

*With regards to the adequacy of the internal loading bay area, the application of an SRV design vehicle is appropriate for the typical unit size in the development. A condition requiring the strata plan management to include a means to schedule of the loading bay so that it is efficiently utilised is advised as a condition of consent.*

- *Alignment of the public drainage infrastructure located on the eastern side of the dwelling.*

*This concern has been resolved in the assessment of the public domain works associated with approval of Stage 1 by Council's Public Works. Accordingly this matter no longer warrants concern.*

- *Location of the GPT and filters with respect to public drainage infrastructure.*

*As per the above point, this matter was resolved by Council's Public Works in the process of approval of the Public Domain works associated with Stage 1 (adjoining the eastern boundary of the subject site). The WSUD measures have been separated from the public drainage infrastructure thereby addressing this matter.*

### *Stormwater Management*

*The applicant has provided DRAINS modelling of the site and the proposed infrastructure downstream for the review of the flood modelling by Council's Public Works department. Whilst the model does not contain the detailed site drainage system, the contributing catchment areas have been included with acceptable parameters and when analysed, does not present any significant concerns with regards to the nominated capacity of the trunk system downstream of the property.*

*In summary;*

- *The submitted drainage plans for the development property, whilst conceptual, are aligned with Council's objectives for management of stormwater. Both stages are able to accommodate potential overland flow to Rothesay Avenue in the event of*

*blockage to the system or an extreme storm event, without impact on neighbouring properties or the development itself subject to a detailed design. In this regard, a condition requiring the submission of detailed plans and certification is required with the application for a Construction Certificate.*

- *As noted in the initial review, the ongoing maintenance of the WSUD measures is required to ensure that the system operates as intended, over the life of the development. This may be addressed by requiring the applicant create a positive covenant on the title of the property concerning the ongoing maintenance of such systems.*

### *Vehicle Access and Parking*

*The revised plans have provided 501 resident spaces (incorporating 12 rows of tandem spaces and 43 disable spaces), 84 visitor spaces and 7 car share spaces (a net total of 592 parking spaces).*

*With respect to these reallocations of parking spaces, the following amendments are recommended;*

- *There is a measurable shortfall of visitor parking due to the allocation of 7 car share spaces in the visitor parking area. Car share is obviously intended to discourage vehicle ownership amongst residents and therefore it is counter effective to implement a carshare scheme and not have a comparable reduction in resident parking. To address this, the carshare spaces are to be relocated to the residential parking area of the development, requiring the removal of resident spaces.*
- *As noted in the initial review, provision for parking and end of trip facilities (catering to staff who cycle) must be made to accommodate the transport needs of the proposed café located on the lower ground floor level.*
- *The floor area of the commercial component is noted as 151m<sup>2</sup> and may provide external seating in an area of approximately 50m<sup>2</sup>. The revised plans also noted that this area could potentially accommodate a convenience store/ retail service. Referring to Council's DCP Part 9.3 (Parking), a parking rate of 1 carspace per 25m<sup>2</sup> retail use would be appropriate and would warrant 8 parking spaces to be allocated out of the residential component for this use. There is an ability that 24 single spaces located in the far northeastern corner of both garage levels could be reverted to tandem parking, this shortfall could be readily accommodated and is addressed by conditions of consent.*

*These amendments will result in the following parking allocations which are enforced as an ongoing condition of consent;*

- *Maximum 486 residential spaces (including 43 accessible spaces).*
- *Minimum 91 visitor spaces*
- *Minimum 8 spaces allocated to the café/ retail component*
- *7 car share spaces.*

*The applicant's Traffic Consultant has undertaken an assessment in accordance with the requirements of AS 2890.1. In general the parking area is compliant with AS2890.1 however the proposed internal ramp located on the northern side of the basement will exceed the maximum permissible grade under AS 2890.1. This could be*

*brought into compliance by external the ramp length some 2m. and will not impact vehicle access.*

### Recommendation

*There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.*

### Public Works Unit

Council's Public Works Unit has provided comments regarding drainage, traffic and waste and has no objection subject to conditions.

## **12 PUBLIC NOTIFICATION AND SUBMISSIONS**

The DA was exhibited in March 2015. Amended drawings and additional information, all of which go to addressing issues raised during the assessment process including matters raised in objections, were not re-notified.

A total of 11 submissions were received which relate to all stages of the Shepherds Bay (Stage 2/3, Stage 4/5, Stage 6/7 and Stage 8/9).

The keys issued raised as outlined below:

### Traffic, transport and parking impacts

#### Issues

- The four developments will accommodate greater than 2000 cars however the roads are not being upgraded.
- Constitution Road, Belmore Street and Bowden Street currently all experience traffic congestion in peak hours
- Existing area experiences parking overflow from TAFE students
- Existing public transport infrastructure will not be able to adequately respond to increased demand.
- Hamilton Crescent and Nancarrow Avenue should be connected to ease traffic congestion
- The scale of development will adversely impact traffic and create bottlenecks.
- Increase traffic will adversely impact the amenity of residents via increased noise and safety impacts to pedestrians and children.
- Speed mitigation measures such as speed bumps, surfacing and lower speed limits should be employed

- Insufficient parking spaces has been proposed

#### Officers Comment

- As part of the proposed redevelopment of Shepherds Bay the road network will be upgraded to improve traffic flow, minimise congestion and improve pedestrian safety within the area including the following works via condition as part of Stage 2 and 3:
  1. Installation of a pedestrian crossing facility at Bowden Street/ Nancarrow Avenue.
  2. Installation of a roundabout at Belmore Street/ Rothesay Avenue.
  3. Installation of Underdale Lane LATM measures.
  4. Installation of traffic signals at the intersection of Constitution Road and Bowden Street.
- Council's Senior Development Engineer has requested 8 spaces to be allocated to the café/ retail component and 7 visitor car parking spaces to ensure compliance with Council's requirements. It is noted that residential spaces proposed via condition 124 is in accordance with Council's requirements.

#### Height, built form and views

##### Issues

- The height of the buildings should be reduced to retain views to the shoreline/ Parramatta River.
- 10 storeys is not suitable for the area. The height of buildings should be 4 storeys in keeping with the area including trees.
- The proposed development is located too close to Parramatta River
- A lack of green space has been proposed.

##### Comment

- The proposed building heights and landscaping are consistent with the modified concept approval and are positioned to retain view corridors through the site towards Parramatta River.
- It is noted that Stage 2 and 3 are located in the upper section of the Shepherds Bay site approximately 45m from Parramatta River foreshore in accordance with the Concept Approval.

#### Community and commercial facilities

##### Issues

- The applications fail to adequately detail any services or community facilities such as a café associated with open space.
- More pedestrian pathways and parks around the foreshore areas should be provided to accommodate new residents
- Section 94 contributions associated with the development should be reinvested locally
- Additional residents will place pressure on existing educational facilities

#### Comment

- A community facility and café is proposed within Stage 2/3 as per the concept approval. As previously stated The Acting Group Manager Community Life has advised that the community facility does not deliver an appropriate space for a community facility due to its size, location and functionality. Council has entered into negotiations with the applicant to secure an alternative location. By mutual agreement, it has been agreed to relocate the facility to a later stage of the development. In this regard the parties have entered into a Deed relating to the revised location and function of the community facility.
- As part of the proposed public domain works, Stage 2/3 features a central communal public space area to provide direct access to the foreshore.
- Regarding existing education facilities, the application was referred to NSW Education. Pressure of existing educational facilities is a State wide issue and Council will continue to liaise with State Government agencies.

### **13 CONCLUSION**

Shepherd's Bay is undergoing transition from a former waterfront industrial area to a mixed residential, retail and commercial precinct. The site was included within a Concept Approval determined under former Part 3A of the Environmental Planning and Assessment Act.

The proposed development comprises two separate buildings across a common basement and provides a high degree of amenity for future occupants in terms of access to public transport, educational, commercial facilities.

The proposed development has been modified to address initial concerns regarding built form, amenity, accessibility and public works.

The issues raised in public submissions have been adequately considered and addressed within the report and via conditions of consent.

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

## **14 RECOMMENDATIONS**

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 LDA2015/0018 for the construction of two (2) residential flat buildings comprising 454 apartments and basement car parking over 3 levels with vehicular access from Rothesay Avenue.
- b) That the objectors be notified of this decision.
- c) That a copy of the development consent be forwarded to the RMS and NSW Office of Water.

### **Report prepared by:**

Stuart Gordon  
Consultant Town Planners, SJB Planning

### **Report approved by:**

Sandra Bailey  
Team Leader Major Development  
City of Ryde

Liz Coad  
Manager Assessment  
City of Ryde

Sam Cappelli  
Acting Group Manager Environment and Planning  
City of Ryde

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