

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP NUMBER:</b>	2015SYE017
<b>DA NUMBER:</b>	LDA2015/0019
<b>LOCAL GOVERNMENT AREA:</b>	City of Ryde
<b>PROPOSED DEVELOPMENT:</b>	<p>Construction of two (2) residential flat buildings comprising 511 apartments ( 124 x 1 bed, 217 x 1 bed plus study, 107 x 2 bed, 27 x 2 bed plus study, 13 x 3 bed, 11 x loft (1 bedroom), 2 loft (2 bed) and 10 x studio units and basement car parking area.</p> <p>The application includes street upgrades to public roads and upgrade to stormwater and drainage systems.</p>
<b>STREET ADDRESS:</b>	2-18 Constitution Road and 7-9 Hamilton Crescent, Ryde.
<b>APPLICANT:</b>	Nancarrow Developments 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</p> <p>Ryde Local Environmental Plan 2014</p> <p>City of Ryde Development Control Plan 2014</p>
<b>LIST ALL DOCUMENTS SUBMITTED WITH THE REPORT FOR THE PANEL'S CONSIDERATION:</b>	Conditions of Consent
<b>RECOMMENDATION</b>	Approval

<b>REPORT BY:</b>	SJB Planning, Consultant Town Planners to City of Ryde Council.
<b>DATE:</b>	19 August 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 2-18 Constitution Road and 7-9 Hamilton Crescent, Ryde comprising 511 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 4 and 5 of the Concept Approval with separate applications for Stages 2 and 3, 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. 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:** Nancarrow Developments Pty Ltd

**Owners of the site:** 357 HPG Pty Ltd, Holdmark Enterprises Pty Ltd, AIT Investment Group Pty Ltd

**Estimated value of works:** \$126, 928, 086

**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 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 2-18 Constitution Road and 7-9 Hamilton Crescent, Ryde and the legal description is Lot 1 & 2 DP 810552, Lot 3 DP 7130, Lot 1 DP 713706, Lots 1 & 2 DP 930584, Lot 1 DP 104280, Lot 2 DP 550006 and Lot 1 & 2 DP 982743. An aerial photograph of the site is demonstrated in Figure 1.

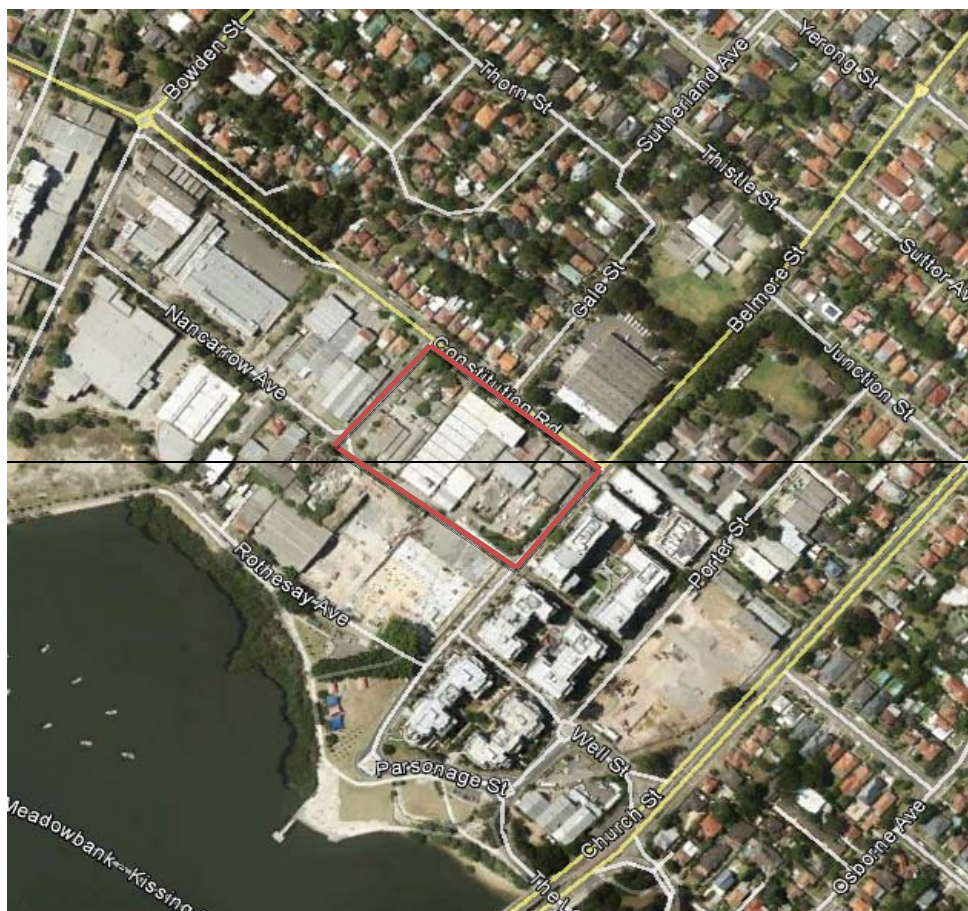


Figure 1. Location plan of Shepherds Bay. Stages 4 and 5 are shown in red.

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

Total site area:	22, 703m <sup>2</sup>
Frontage to Constitution Road:	142m
Frontage to Hamilton Crescent West:	90m
Frontage to Belmore Street:	77m
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 4 and 5 as approved under the modified Concept Approval. Development consent for the demolition of all existing structure and bulk excavation exists. There are separate applications for:

- Stages 2 and 3
- Stages 6 and 7; and
- Stages 8 and 9.

Separate assessment reports for the above three 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.



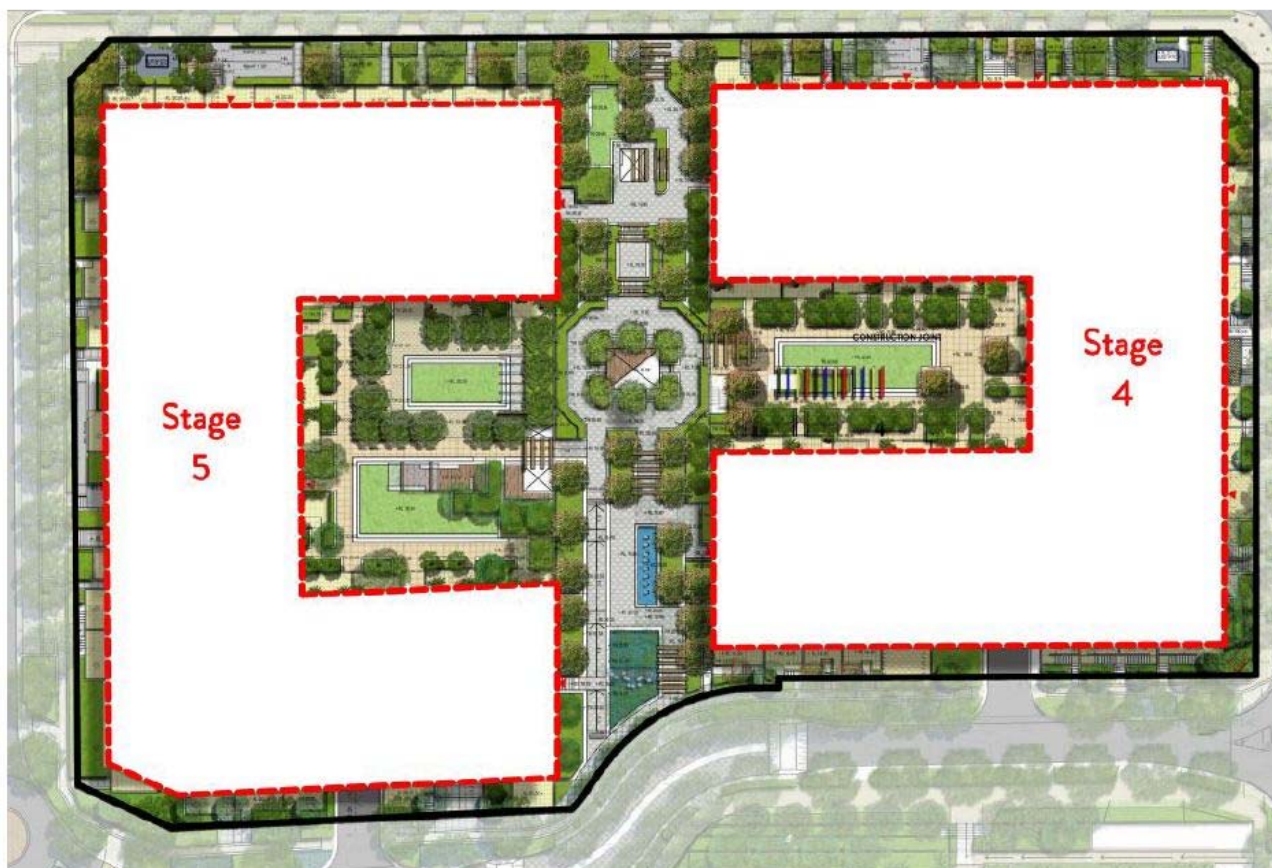
Figure 2. Site plan of Shepherds Bay including all stages.

## 6. PROPOSAL

Stages 4 and 5 comprise the construction of two residential flat buildings comprising a total of 511 residential units with a shared basement car parking level (see Figures 3 to 4).

- Stage 4 comprises 234 residential apartments (59 x 1 bed, 85 x 1 bed plus study, 54 x 2 bed, 10 x 2 bed plus study, 7 x 3 bed, 11 x loft, 2 x loft (2 bed) and 6 x studio apartments)
- Stage 5 comprises 277 residential apartments (65 x 1 bed, 132 x 1 bed plus study, 53 x 2 bed, 17 x 2 bed plus study, 6 x 3 bed and 4 x studio apartments)
- A shared basement parking arrangement with two separate vehicular entry and exit points off Nancarrow Avenue which provides 647 basement parking spaces including accessible parking spaces, storage areas, waste storage and collection.
- 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.





**Figure 3. Extract from Site Plan prepared by Robertson & Marks Architects for Stages 4 and 5. Note the central pathway is publicly accessible.**



**Figure 4. Stage 4 elevation – Corner of Belmore Street and Constitution Road.**

## **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 4 and 5 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 4 as Stage 2 and Stage 5 as Stage 4. Notwithstanding, the building footprints, including basements are detailed below in Figures 6 & 7.



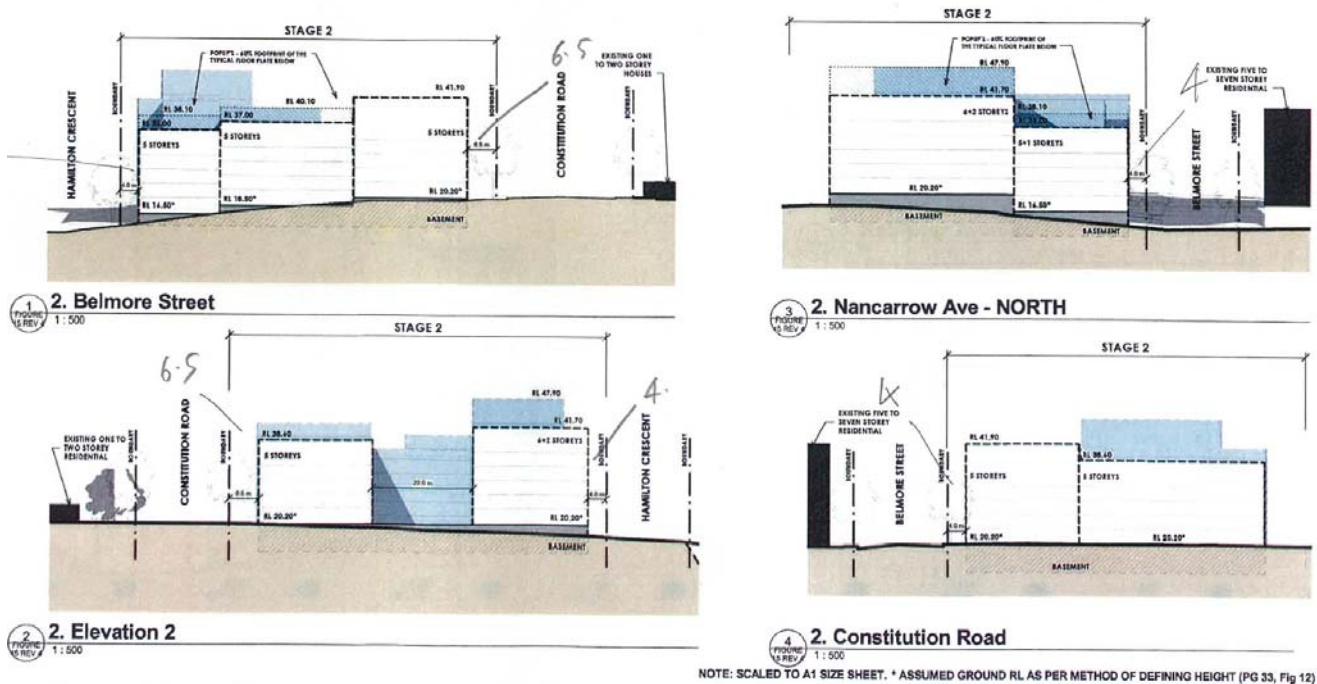


Figure 6. Approved building envelope for Stage 4.

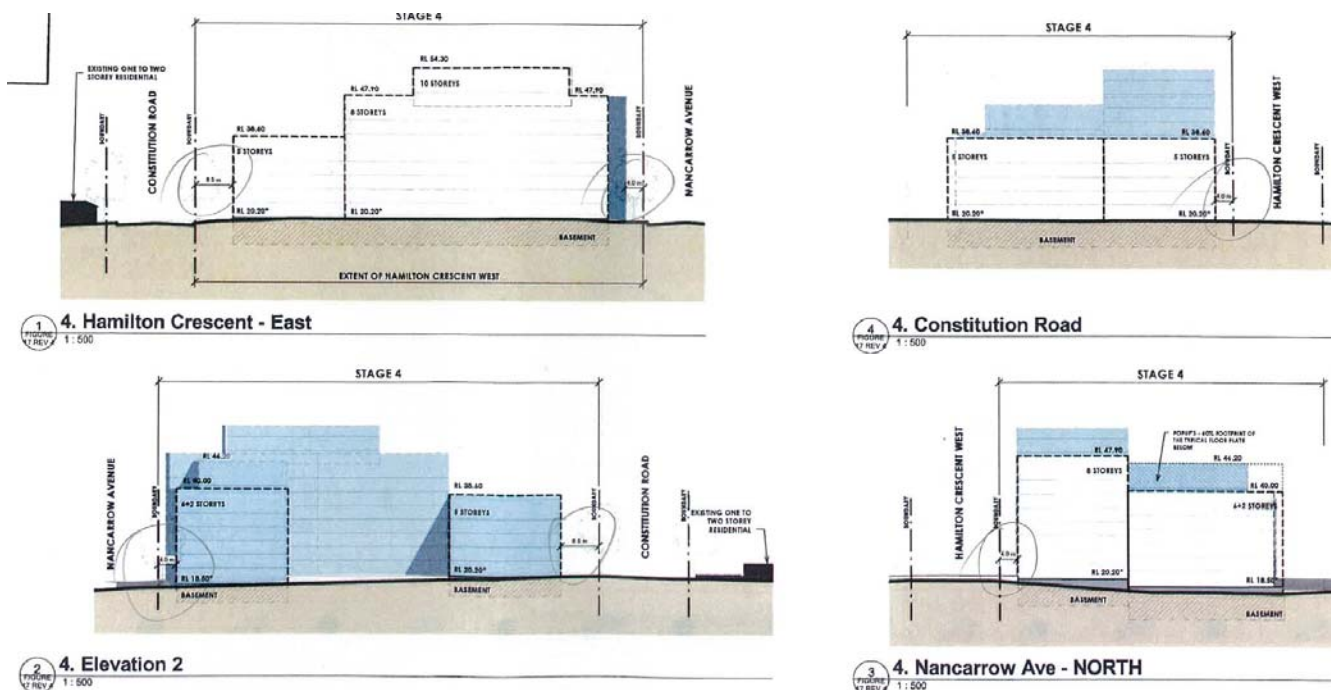


Figure 7. Approved building envelope for Stage 5.

The following Environmental Planning Instruments 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; and
- Ryde Local Environmental Plan 2014

## 8. **PLANNING ASSESSMENT**

An assessment of proposed Stage 4 and 5 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 Part A – Administration Conditions	Comments
<p><b>Development Description</b></p> <p><b>A1</b></p> <p>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:</p> <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:</li> <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>	<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.</p>
<p><b>Mod 1</b></p> <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 4 and 5.</p> <p>As identified with the plans prepared by Robertson and Marks the development proposes a 6 storey building on the corner of Belmore Street and Constitution Road.</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>	<p>The plans and supporting documentation indicate enhanced SEPP 65 amenity in accordance with con 21 of Mod 1.</p>																																																																					
<p><b>Development in Accordance with the Plans and Documentation A2</b></p> <p>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	<p>The proposed development is consistent with the Concept Approval, Modification Approval and associated documentation/ plans.</p>
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<p><b>Inconsistencies Between Documentation</b></p> <p><b>A3</b></p> <p>In the event of any inconsistency between modifications of the 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.</p>	<p>Noted. Mod 1 prevails over original approval.</p>
<p><b>Building Envelopes</b></p> <p><b>A4</b></p> <p>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.</p>	<p>The proposed building envelopes are consistent with the envelope diagrams including maximum RLs identified within the Modification of Part B.</p>
<p><b>Maximum Gross Floor Area (GFA) and Dwelling Cap</b></p> <p><b>A5</b></p> <p>1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m<sup>2</sup></p> <p><b>Mod 1</b></p> <p><b>Maximum Gross Floor Area (GFA) and Dwelling Cap</b></p> <p><b>A5</b></p> <p>1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m<sup>2</sup></p> <p>2. The maximum number of dwellings shall not exceed 2,005</p>	<p>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 and the current DA propose:</p> <p>Stage 1 – 246 units Stage 4 - 234 units Stage 5 – 277 units</p> <p>As such the proposed development is within the maximum dwellings permitted for the site with Stages 2/3, 6/7 and 8/9 to follow.</p>
<p><b>Publicly Accessible Open Space, Drainage Reserves and Through Site Links</b></p> <p><b>A6</b></p> <p>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.</p>	<p>Noted.</p>
<p><b>Lapsing of Approval</b></p> <p><b>A7</b></p> <p>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.</p>	<p>Noted.</p>



<p>Schedule 2 Part B - Modifications</p>	
<p><b>Amended Concept Plan</b></p> <p><b>B1</b></p> <p>The Concept Plan shall be amended to:</p> <ul style="list-style-type: none"> <li>(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 building height applies to either the number of storeys or RL levels, whichever is the lower;</li> <li>(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;</li> <li>(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;</li> <li>(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.</li> </ul>	<p>This condition has been satisfied in accordance with the Department of Planning correspondence to the applicant dated 24 June 2013.</p>
<p><b>Mod 1</b></p> <p><b>Amended Foreshore Link</b></p> <p><b>B1A</b></p> <p>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>Non applicable - Proposal relates to Stages 4 and 5.</p>
<p><b>Sustainable Travel Plan</b></p> <p><b>B2</b></p> <p>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>Council's Environment and Sustainability Officer has reviewed the development application including the Sustainable Travel Plan (dated 3 July 2015) prepared by Road Delay Solutions and has no objection.</p>

<p><b>Mod 1</b></p> <p><b>Amended Maximum Number of Storeys Above Ground Level (Finished) Plan</b></p> <p><b>B3</b></p> <p>The plan entitled Indicative Concept Plan Storeys Plan shall be amended to:</p> <ul style="list-style-type: none"> <li>(a) Change the title to 'Maximum Number of Storeys Above Ground Level (Finished) Plan', and</li> <li>(b) The amended plan, demonstrating compliance with these modifications shall be submitted to, and approved by, the Secretary within 1 month of the date of this approval.</li> </ul>	<p>Not applicable to Stage 4 and 5.</p>
<p>Schedule 3</p> <p>Future Environmental Assessment Requirements</p>	
<p><b>Design Excellence</b></p> <p>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.</p>	<p>Superseded by Mod 1 below.</p>
<p><b>Mod 1</b></p> <p><b>Design Excellence</b></p> <p>Future Development Application/s for Stage <b>A</b> (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.</p> <p>Dwelling Cap 1A</p> <p>1. 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).</p> <p>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.</p>	<p>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 and the current DA propose:</p> <p>Stage 1 – 246 units Stage 4 - 234 units Stage 5 – 277 units</p> <p>As such the proposed development is within the maximum dwellings permitted for the site with Stages 2/3, 6/7 and 8/9 to follow.</p>
<p>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.</p>	<p>Design guidance provided by the Urban Design Review Panel pre and post DA lodgement have been incorporated in the proposal where possible.</p> <p>The proposal features a high standard of architectural design including articulation and is consistent with the Concept</p>

	Approval including maximum RLs and basement footprint areas. Furthermore, the proposed layout and detailed design will provide an enhanced living environment to future residents.
<p><b>Mod 1</b></p> <p><b>Maximum Storeys on Steeply Sloping Topography</b></p> <p>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:</p> <p>a) the overall building height satisfies the maximum permitted RL;  b) no more than 1 additional storey is provided;  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  d) the additional storey is required to appropriately activate the ground level.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Extensive glazing (minimum 70% of the external façade) to living rooms.</li> <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;  (b) The southern building element of Stage 7 is a maximum of 5 storeys.</p>	Superseded by Mod 1 below.
<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>	As previously stated Stage 4 proposed a 6 storey building to the corner of Constitution Road and Belmore Street.
<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>	Superseded by Mod 1 below.
<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 (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 4 and 5 with a connecting basement.</p> <p>Maximum projection of basement levels around ground level are approximately 1 metre and do not encroach into setback areas.</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.	Public domain plans have been submitted with the proposal. The development will provide an appropriate interface with surrounding streets. To ensure that the ground floor apartments will achieve acceptable privacy, a condition of consent has been imposed requiring details of screening to be submitted. (See condition number 34).
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.	Not applicable to Stages 4 & 5.
<b>Mod 1</b>  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): (a) 6 metres up to 4 storeys; and (b) 9 metres above 4 storeys.	Not applicable to Stages 4 & 5.
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>  7. Future Development Application/s for Stage A shall provide the following setbacks to Parsonage and Wells Streets: (a) Podium – 4 metres (b) Tower – 5 metres	Not applicable to Stages 4 & 5.
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.	Not applicable to Stages 4 & 5.
<b>Mod 1</b>  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.	Not applicable to Stages 4 & 5.
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 4 & 5.



<p>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.</p>	<p>The development proposes a substation of the corner of Hamilton Crescent West and Constitution Road. The substation is not located in the public domain and it will be screened by a 1.8m high privacy screen.</p>
<p><b>Landscaping</b></p> <p>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.</p>	<p>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 31, 68 and 69).</p>
<p><b>Public Domain</b></p> <p>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 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.</p>	<p>Council's Public Works Engineers have reviewed the proposed infrastructure works and have recommended additional information to be submitted by way of a condition of consent. (See condition numbers 35 and 36).</p>
<p><b>Cycle Facilities</b></p> <p>13. Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.</p>	<p>The development proposes a total of 68 bicycle spaces which exceeds 1 space per 10 parking spaces.</p>
<p>14. Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments in accordance with Council's requirements.</p>	<p>Non applicable – No non-residential development proposed within Stage 4 and 5.</p>
<p><b>Open Space/Public Access</b></p> <p>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.</p>	<p>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 31, 68 and 69).</p>
<p><b>Mod 1</b></p> <p>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.</p>	<p>Not applicable to Stages 4 &amp; 5.</p>

<p>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.</p>	
<p><b>Foreshore Link Easement for Public Access</b></p> <p>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)</p>	<p>Not applicable to Stages 4 &amp; 5.</p>
<p>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.</p>	<p>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 Consultant Landscape Architect has raised no objections.</p>
<p>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.</p>	<p>The applicant proposes that public rights of access are to be created through dedicated easements. The Council has accepted this approach. (See condition number 123).</p>
<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>	<p>Not applicable – Stage numbers revised. Community facility proposed for Stage 2/3 development.</p>
<p><b>Mod 1</b></p> <p><b>Community Facilities</b></p> <p>18. <b>Any</b> future Development Application/s for the <b>1000th dwelling Stage 5 development</b> shall include, at no cost to Council, <b>the delivery of</b> an appropriate community space within the development, which can be used by Council or for community purposes <b>and related uses</b>.</p>	<p>Not applicable – Stage numbers revised. Community facility proposed for Stage 2/3 development.</p>

<ul style="list-style-type: none"> <li>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).</li> <li>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.</li> <li>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.</li> <li>d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development.</li> <li>e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.</li> </ul>	
<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 44).</p>
<p>20. Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of:</p> <ul style="list-style-type: none"> <li>(a) materials to be used, with particular attention to durability;</li> <li>(b) location and dimension of artwork;</li> <li>(c) public art themes to respond to site history and or social, cultural or natural elements;</li> <li>(d) integration into the site and surrounds;</li> <li>(e) budget and funding; and</li> <li>(f) Council's Public Art Guide for Developers.</li> </ul>	<p>Not applicable to Stages 4 &amp; 5.</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> <ul style="list-style-type: none"> <li>(a) materials to be used, with particular attention to durability;</li> <li>(b) location and dimension of artwork;</li> <li>(c) public art themes to respond to site history and or social, cultural or natural elements;</li> <li>(d) integration into the site and surrounds;</li> <li>(e) budget and funding; and</li> <li>(f) Council's Public Art Guide for Developers.</li> </ul>	<p>Not applicable to Stages 4 &amp; 5.</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;</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; 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 4 will receive 65% adequate natural ventilation (including skylights and ventilation shafts) and stage 5 will receive 61%.</p> <p>A Solar Access report prepared by Windtech confirmed that Stage 4 will receive at least 2 hours of direct solar access to 53.4% of apartments. Stage 5 will receive 58.8%.</p> <p>Furthermore, Stage 4 will receive at least 2 hours of solar access to private open space to 51.7%. Stage 5 will receive 54.2%.</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 70% of the external façade) to living rooms.</li> <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>	<p>Superseded by Mod 1 below.</p>



<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>	<p>An ESD letter provided by Integreco has confirmed that the development will commit to achieve 'industry best practice' for water and energy. This has been reflected on the Basix Certificate. In addition, the development will provide car charging technology and waste targets. A condition of consent has been imposed to ensure that the development incorporates these requirements. (See condition number 1, 4, 43, and 115).</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. Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and designed for the proposed use.</p>	<p>Superseded by Mod 1 below.</p>
<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> <ul style="list-style-type: none"> <li>(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</li> <li>(b) a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to.</li> </ul> <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>Site-wide details are as follows:</p> <ul style="list-style-type: none"> <li>Stage 1 – 342 spaces</li> <li>Stage 2/3 – 605 spaces</li> <li>Stage 4/5 – 647 spaces</li> <li>Stage 6/7 – 422 spaces</li> <li>Stage 8/9 – 573 spaces</li> </ul> <p>Total – 2,589</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:</p> <ul style="list-style-type: none"> <li>(a) Nancarrow Avenue extension;</li> <li>(b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all road reserve upgrades including associated pedestrian footpaths and cycleways;</li> <li>(c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;</li> <li>(d) Underdale Lane Local Area Traffic Management (LATM) measures;</li> </ul>	<p>Not applicable to Stages 4 &amp; 5.</p>

<p>(e) installation of a pedestrian crossing facility at Bowden Street/Nancarrow Avenue; and</p> <p>(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><b>Mod 1</b></p> <p>24. Future Development Application/s for Stage 4 shall include the following Infrastructure works:</p> <ul style="list-style-type: none"> <li>(a) Nancarrow Avenue extension;</li> <li>(b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;</li> <li>(c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;</li> </ul> <p>The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be <b>approved by Council</b> before the <b>issue of the first Occupation Certificate for Stage 1</b>. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage-4.</p>	<p>Council's Public Works have issued conditional approval for the infrastructure works associated with Stage 1 (incorporating the Nancarrow Avenue extension). A condition has been imposed to require these works to be completed prior to the issue of an Occupation Certificate for stage 4. (See condition number 36 and 110).</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> <ul style="list-style-type: none"> <li>(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).</li> <li>(b) Underdale Lane Local Area Traffic Management (LATM) measures;</li> <li>(c) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and</li> <li>(d) installation of roundabout at Belmore Street / Rothesay Avenue.</li> </ul> <p>The detailed design is to be prepared be 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>Not applicable to Stages 4 &amp; 5.</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 stage of development containing the 800<sup>th</sup> dwelling 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>A left in/out arrangement has been proposed at Belmore St/ Hamilton Crescent. Engineering plans will be required to be submitted for Council approval prior to this work occurring. This work will be required to be completed prior to any Occupation Certificate. (See conditions 36 and 110).</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 is not required 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 4 &amp; 5.</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>Council's Environment and Sustainability Officer has reviewed the development application including the Sustainable Travel Plan (dated 3 July 2015) prepared by Road Delay Solutions and has no objection.</p>
<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:</p> <p>(a) a detailed heritage assessment of the site which includes a professionally written history of the site;</p>	<p>Not applicable to Stages 4 &amp; 5.</p>

<p>(b) a full photographic record; and</p> <p>(c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>	
<p><b>Mod 1</b></p> <p>29. Future Development Application/s for Stage <del>8</del> <b>6</b> involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:</p> <p>(a) a detailed heritage assessment of the site which includes a professionally written history of the site;</p> <p>(b) a full photographic record; and</p> <p>(c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.</p>	Not applicable to Stages 4 & 5.
<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>	Superseded by Mod 1 below.
<p><b>Mod 1</b></p> <p>30. Future Development Application/s for Stage <del>5</del> <b>A</b> 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>	Not applicable to Stages 4 & 5.
<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>	S94 contributions will be required by way of condition. (See condition number 21).
<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>	Superseded by Mod 1 below.



<p><b>Mod 1</b></p> <p><b>Noise and Vibration</b></p> <p>32. Future Development Application/s for Stage <b>5 A</b> 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 4 &amp; 5.</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 52 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>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:  (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>Not applicable to Stages 4 &amp; 5.</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.</p>

36. Future Development Applications for each stage of the development shall include a Stormwater Management Plan in accordance with Council's requirements.	A stormwater concept plan prepared by Harris Page & Associates addresses stormwater management onsite. Council Engineers have no objection subject to conditions. (See condition number 27, 75, 76 and 107).
<b>Sydney Water Requirements</b>  37. Future Development Applications shall address Sydney Water's 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.	Greg Houston Plumbing has submitted a 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.”*

*A remedial action plan prepared by Environmental Investigations was submitted for Stages 4 and 5. A summary detailed on page 13 states:*

*‘Overall, widespread contamination was not identified through previous assessment, however a few isolated areas were identified...’*

The report provides an assessment of pollutants linkages and recommends a remedial action plan accordingly. Council’s Environmental Health Officer has reviewed the findings of the Remedial Action Plan and has no objection subject to conditions. Appropriate conditions of consent were imposed in respect to the previous DA for bulk excavation.

### **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.

<b>SEPP 65 Design Principle</b>	<b>Comment</b>	<b>Complies</b>
<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>	<p>Yes</p>
<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 4 and 5.</p>	<p>Yes</p>

<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>	<p>Yes</p>
<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 environmental quality.</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>	<p>Yes</p>
<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>	<p>The proposal achieves the applicable BASIX targets for water and energy efficiency and thermal comfort.</p>	<p>Yes</p>
<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>	<p>The landscaping detail to both the privately accessible areas and communal 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's Consultant Landscape Architect by way of condition.</p>	<p>Yes</p> <p>General compliance and capable of finalisation by way of conditions of consent. (See condition number 31).</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,</p>	<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>	<p>Yes</p> <p>General compliance and capable of finalisation by way of conditions of consent.</p>

indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.		
<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>	<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.</p>	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.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposed development will provide greater housing choice within the area thereby assisting to improve housing availability and affordability.</p>	Yes
<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 including articulated roof forms respond to the former commercial and industrial history of the site whilst responding to the future character of the area.</p>	Yes

## 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 4 and 5 of this Concept approval.*

*Stage 4 comprises a U-shaped building with a western facing central courtyard, enclosed by building heights ranging from 5 storeys along Constitution Road, 6-7 storeys along Belmore Road and stepping up to 9 storeys at Nancarrow Avenue. Stage 3 comprises a U-shaped building with a west facing central courtyard, enclosed by building heights ranging from 5 storeys along Constitution Road, stepping up to 8 and 10 storeys to the south along Hamilton Crescent, 6 to 8 storeys along Nancarrow Avenue. Between the two courtyards and pedestrian through site link connects Constitution Road in the north to Nancarrow Avenue in the south.*

*In the previous Panel meeting a number of concerns were raised regarding the limited residential amenity. 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 as a 60% pop-up, and*
- solar access compliance concessions to permit alternative solutions, where strict solar access compliance cannot be achieved.*

### **Building Height**

*The 60% pop-ups shown on drawing S001/B Slopes on Site are permissible as follows:*

- Plus 1 storey on the south-eastern corner of Stage 4,*
- Plus 2 storeys on the southern wing along Nancarrow Avenue of Stage 4, and*
- Plus 2 storeys on the southern wing along Nancarrow Avenue of Stage 5.*

*It is not clear in the documentation received how the 60% is to be interpreted, but the Panel assumes that only 60% of the building enveloped can be filled. The proposal appears to fill 100% of the envelope along Nancarrow Avenue, while not utilising the potential envelop along Belmore Street. A more equitable distribution of floor space across all of the permissible 'pop-up' areas may provide better opportunities to articulate the upper levels and the roof form, for example as proposed in Stages 6 to 9, and reduce the scale and visual bulk of the building. Further information is also needed on the overshadowing impacts of the proposed pop-ups on Stages 1 and 2.*

### Comment:

Amended plans prepared by R&M demonstrate via annotations that the proposed development is consistent with the 60% pop-ups as approved by Modified Concept Approval.



The applicant raised concern that relocating pop-ups towards Nancarrow Road elevation will result in additional overshadowing to Stages 1 and 2 as identified on the additional shadow diagrams submitted. As such it is considered that the originally proposed pop-ups are acceptable in this instance.

**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 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 4 and 5, while compliant with Condition 21, still have compromised amenity that needs to be addressed before applying the concessions of Condition 21:*

- Stage 5 Level 1, Southern internal corner unit*
  - Larger unit area results in deep floor plans with larger proportion of the internal floor space, including the kitchen, buried deep in the building away from daylight and natural ventilation.*
  - 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.*
- South facing 1 bedroom plus study units in Stage 4 northern wing*
  - Larger units with narrow frontage result in living room and large study nested behind bedroom.*

Comment:

Stage 5, Level 1, Apartment 5126

In response to the UDRP comments, the applicant has confirmed that Apartment 5126 satisfies the RFDC requirements for single aspect one bedroom units and will received natural ventilation by way of a ventilation shaft.

Stage 4, Level 1, Apartment 4122

The 1 bedroom unit has been redesigned and converted to a two bedroom apartment featuring a wider aperture to achieve greater outlook and amenity for future occupants. It is considered that the revised layout satisfies concerns raised by URDP.

### ***Residential Amenity***

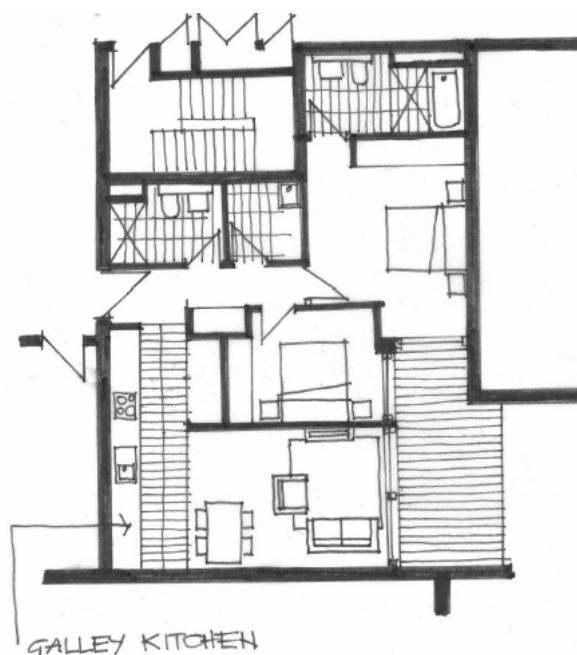
*A number of amenity concerns remain in the revised design as follows:*

- *Generally units located in the internal corners of the U shaped building form in both stages have limited outlook and daylight access. For example, in the Stage 5 northern internal corner unit on Level 01, the living area is buried into the corner with constrained outlook to the balcony and blank wall opposite.*
- *Access to central courtyard adjacent the ground level unit in the southern internal corner of Stage 4 impacts privacy of the unit.*
- *There is a high proportion of single aspect units throughout both Stages. It is not clear how these units achieve the claimed cross ventilation.*
- *While some corridors in Stage 4 have access to natural ventilation and light, the majority of corridors do not, with many exceeding the RFDC limit of 8 units per core.*
- *Location of sub-station adjacent the ground level, north-west corner unit in Stage 5 and north-east corner in Stage adjacent to residential units.*

### **Comment:**

Stage 5, Level 1, Apartment 5115

The two bedroom unit has been replanned (sketch plan only) to locate the living room kitchen area directly off the balcony to provide an improved outlook. It is considered that the alternative sketch plan (see figure 8) is acceptable and formal revised plans will be required by condition. (See condition number 2a).



**Figure 8. Sketch plan showing the revised floor plan for apartment 5115.**

## Stage 4, Ground level, Apartment 4023

Internal access to the central communal courtyard has been modified by relocating Apartment 4023 towards the west which results in the deletion of the second access point from adjacent to the unit. It is considered the proposed revision adequately addresses privacy and access within the site.

### Cross ventilation

Windtech has provided written correspondence confirming that the proposed ventilation shafts will satisfy ventilation requirements.

### Substation

Amended plans illustrate that the two substations will be positioned closer to each street corner boundary and will be screened by 1.8m fencing and appropriately landscaped.

## **Ground Floor Units**

*The proposal included individual address to ground floor units. The Panel supports this approach but notes that it is difficult to see in the drawings how the street edge is resolved. The 3D rendering does not accurately show the proposed ground level landscape and ground floor courtyards. These are big buildings and the resolution of the street edge is critical to creating a pleasant public domain in this emerging neighbourhood. Detailed drawings showing the fencing, retaining walls, ramps, stairs, balustrades, gates and planting along streets and within the central courtyard is needed.*

### Comment:

It is noted that the revised public domain landscape plan provides details of proposed fencing and retaining walls and associated landscaping. Council's Consultant Landscape Architect has reviewed the revised plans and no objection subject to a number of conditions.

## **Communal Open Space**

*The communal open space, while providing a range of useful spaces for residents, appears to be heavily overshadowed in winter. The Panel encourages the applicant to consider additional communal open space on the rooftop on Level 5.*

*The corridors linking to the central courtyards are long and narrow. More direct access with good sight lines between lift lobbies and courtyards is desirable.*

### Comment:

The applicant has advised that they do not wish to provide roof gardens. Most of the upper floor apartments have been provided with skylights which would be required to be deleted if roof gardens were proposed. The provision of roof gardens would also result in the development exceeding the maximum building heights in the Concept Plan. The development has provided adequate open space via communal areas and private balconies without the need to provide roof gardens.

It is noted that the main entry corridor for Stage 4 has been amended to provide improved access between lift lobby and the courtyard which is deemed acceptable. Although the central internal corridors remain, these are deemed acceptable relative to the overall connectivity within the site.

### **Architectural Resolution**

*In general the façade design, as shown in the 3D rendering, incorporates a mix of colour panels and perforated screen elements to articulate the building mass and define a datum between the lower 3-5 levels and the upper 2 levels.*

*The exception to this approach is the west elevation of Stage 4, which is dominated by vertical blades. The purpose of these blades is not clear as building separation appears to be sufficient and their effectiveness in managing western sun is questionable. The impact of the blades on the outlook from apartments and the effectiveness of their shade performance should be considered in more detail. Residents should have the capacity to choose how outlook and daylight is managed, as in other parts of the building where perforated screens / shutters can be adjusted by residents.*

*As discussed under Building Height, greater articulation of the building form within the designated 'pop-up' area would reduce the scale and impacts of the additional height and provide opportunity for the architecture to reference the industrial history of the area.*

#### Comment:

In response the applicant has stated that due to the detailed design of the building it is impractical to erect shading devices to the western façade. Furthermore, the applicant has stated that the number of blades proposed to the western elevation have been reduced to increase daylight and outlook. Notwithstanding, the amended plans fail to adequately demonstrate that the number of blades has been reduced and as such detailed information is required to be submitted by way of a condition. (See condition number 2b).

## 8.5 NSW Residential Flat Design Code

Residential Flat Design Code 2012	Comment	Complies
Local context: 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> 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 nonhabitable 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> <li></li> </ul>	The proposed development is consistent with the building envelopes and associated setbacks as identified within the Concept Approval.  Separation ranges between 20 and 38 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> </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>  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 positively defines the streetscape so that space is not just what is left over from the building form.	The proposed development is consistent with the building envelopes and associated street setbacks identified within the Concept Approval.	Yes
Part 2: Site Design		
<b>Site configuration: deep soil zones</b>  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.  A minimum of 25% of the open space area of a site should be a deep soil zone.	Approximately 18% of the open space has been provided as deep soil.	No  Non-compliance is deemed acceptable given the additional stormwater infrastructure provided.
<b>Site configuration: fences and walls</b>  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.  Clearly delineate the private and public domain without compromising safety and security. Select durable materials, which are easily cleaned and graffiti resistant.	The fencing will ensure that the private and public areas are clearly delineated.	Yes
<b>Site configuration: landscape design</b>  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>  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	The centrally located private open space has been provided in accordance with the Concept Approval and subsequent Mod 1 Approval.	Yes



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 dimension in one direction is 4.0		
<b>Site configuration: orientation</b>  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>  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.  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 31).	Yes
<b>Site configuration: stormwater Management</b>  Reduce the volume impact of stormwater on infrastructure by retaining it on site.	A 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 numbers 27, 75, 76 and 107).	Yes subject to conditions
<b>Site amenity: safety</b>  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. Upper level apartments feature balconies which provide passive surveillance of the street and communal landscaped areas.  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>  Locate and orient new development to maximise visual privacy between buildings on site and adjacent buildings.	The layout and orientation of the apartments minimise opportunities for direct overlooking.	Yes

<p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>		
<p><b>Site access: building entry</b></p> <p>Improve the presentation of the development to the street.</p> <p>Ensure equal access for all.</p> <p>Provide safe and secure access.</p> <p>Generally provide separate entries from the street for pedestrians and cars and different uses.</p> <p>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.</p>	<p>The buildings feature multiple entries from the Street.</p> <p>An Access Design report prepared by Design Confidence has identified non-compliances with access to buildings including step free access and compliant door widths.</p> <p>As such it is recommended that a condition requiring compliance with access requirements outlined within the access report. (See condition number 32 and 33).</p>	<p>Yes</p> <p>Subject to conditions</p>
<p><b>Site access: parking</b></p> <p>Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc.</p> <p>Limit the number of visitor parking spaces, particularly in small developments.</p> <p>Give preference to underground parking, whenever possible.</p> <p>Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity.</p> <p>Provide bicycle parking, which is easily accessible from ground level and from apartments.</p>	<p>The number of basement car parks is consistent with the Concept Approval.</p> <p>Visitor parking has been provided at basement level 1 and 2.</p> <p>Car share parking and bicycle storage is provided at basement level 1.</p>	<p>Yes</p>
<p><b>Site access: pedestrian access</b></p> <p>Utilise the site and its planning to optimise accessibility to the development.</p> <p>Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas.</p>	<p>An Access Design report prepared by Design Confidence has identified non-compliances with some of the accesses to buildings. These non-compliances include steps and non-compliant door widths.</p> <p>The report has also concluded that these areas of non-compliance can be made to comply. As such it is recommended that a</p>	<p>Yes</p> <p>Subject to conditions</p>

<p>Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.</p> <p>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 ways.</p> <p>Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20% dwellings in the development.</p>	<p>condition requiring compliance with access requirements. (See condition number 32).</p>	
<p><b>Site access: vehicle access</b></p> <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>	<p>Two 6.6 metre driveways are proposed.</p> <p>The development features vehicular access from Nancarrow Avenue/ Hamilton Crescent.</p>	<p>Given access is obtained from the rear of the site off Nancarrow Avenue/ Hamilton Crescent, the additional width is deemed acceptable in this instance.</p>
<p><b>Part 3: Building Design</b></p>		
<p><b>Building configuration: apartment Layout</b></p> <p>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.</p> <p>Ensure apartment layouts are resilient over time. The back of a kitchen should be no more than 8.0m from a window.</p> <p>Minimum apartment sizes that do not exclude affordable housing are:</p> <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>	<p>The development proposes a range of apartment types and sizes in accordance with its geographical location and market demand.</p> <p>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.</p>	<p>Yes</p>

<p><b>Building configuration: apartment Mix</b></p> <p>Provide a variety of apartment types.</p>	<p>The proposed development features a mix of apartments as follows:</p> <p>10% 1 bed 2.6% Studio 61.5% 1 bed plus study 28.2% 2 bed 3% 3 bed 4.7% 1 bed mezzanine</p> <p>Stage 4</p> <p>1 bed – 59 1 bed plus study – 85 2 bed – 54 2 bed plus study – 10 3 bed – 7 Loft – 11 Loft 2 bed – 2 Studio – 6</p> <p>Total = 234</p> <p>Stage 5</p> <p>1 bed – 65 1 bed plus study – 132 2 bed – 53 2 bed plus study – 17 3 bed – 6 Studio – 4</p> <p>Total = 277</p>	<p>Yes</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>	<p>Yes</p>
<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>2.7m ground floor</p> <p>Increased ceiling height (20% - 3.2m) is provided to 56% of apartments in stage 4 and 26% of apartments in stage 5.</p>	<p>Yes</p>

<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>	<p>Yes</p>
<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.</p>	<p>No – However, given the increased ratio of one bedroom units proposed the numerical non-compliance is deemed acceptable.</p>
<p><b>Building configuration: mixed use</b></p> <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 is noted that community facilities are proposed for stage 2/3.</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. (See condition number 100).</p> <p>N/A – No non-residential uses proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<p><b>Building configuration: storage</b></p> <p>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 including additional storage space areas in basement car parking areas.</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>	Yes
<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>In accordance with the enhanced amenity conditions as per condition1 of the Mod 1 Approval 72.22% of stage 4 and 71.04% of stage 5 units.</p>	Yes
<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>See comments above</p>	Yes
<p><b>Building form: facades</b></p> <p>Consider the relationship between the whole building form and the façade and/or building elements.</p>	<p>The proposed use of materials and associated articulation creates a visually interesting façade to both the street and communal open space areas.</p>	Yes
<p><b>Building form: Roof design</b></p> <p>Relate roof design to the desired built form. Some design solutions include:</p> <p>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.</p>	<p>The stepped roof form responds to the topography and former industrial history of the site.</p>	Yes
<p><b>Building performance: energy Efficiency</b></p> <p>Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer.</p> <p>Improve the control of mechanical space heating and cooling.</p>	<p>The development satisfies BASIX requirements in accordance with the Concept Approval and Mod 1.</p>	Yes

<b>Building performance: Maintenance</b>  Design windows to enable cleaning from inside the building, where possible.	The proposal appears generally acceptable with respect to maintenance.  Conditions may be imposed requiring building materials at ground floor are graffiti resistant and are repaired/ removed as soon as possible. (See condition 98).	Yes
<b>Building form: waste management</b>  Prepare a waste management plan.  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.  Waste storage is provided in the basement.	Yes
<b>Building form: water conservation</b>  Use AAA rated appliances to minimise water use. 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. 597490M 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 conditions 4, 43 and 115).

## 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 180 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 11 of this report.



## 8.9 Ryde Local Environmental Plan 2014

RLEP 2014	Comment	Complies
Zone B4 Mixed Use	The development comprises residential units only.	Yes  Mixed uses have been incorporated within the Concept Plan site. As such a fully residential development within stage 4 and 5 is deemed acceptable.
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 maximum FSR for the site. Alternatively, a maximum dwelling cap of 2,005 is to be provided across the entire Concept Plan site.	Yes  Stage 4 and 5 propose a total of 511 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	In accordance with the requirements of the Arborist Report prepared by Redgum, trees referenced 132 and 133 will be retained.  A detailed public domain landscape plan has been prepared by Place Design.	Yes  Council's Consultant Landscape Architect has reviewed the proposal and has recommended conditions. (See condition 31).
Clause 6.1 Acid sulphate soils	A Remedial Action Plan prepared by Environmental Investigations has been submitted with the application.	Yes  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  Council's Public Works Engineers have reviewed the proposed earthworks and have recommended conditions. (See conditions 27, 75 and 107).
Clause 6.4 Stormwater Management	A stormwater plan prepared by Harris Pages and Associates has been submitted with the application.	Yes  Council's Senior Development Engineer has reviewed the plan and recommended appropriate

		conditions of consent.
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## 8.10 Ryde Development Control Plan 2014

RDCP 2014	Comment	Complies
4.1.1 Mixed-Use Development		
<p>Mixed-use development will comprise either:</p> <p>a. a combination of medium and high density residential development with compatible employment related activity; or</p> <p>b. compatible employment related activities including:</p> <p>i. restaurants and cafes;</p> <p>ii. small scale retail establishments such as convenience stores and news agencies up to 2000m<sup>2</sup>;</p> <p>iii. small commercial offices and studios such as real estate agencies offices;</p> <p>iv. professional suites such as doctors suites; and</p> <p>v. home offices.</p>	<p>The proposal seeks approval for residential uses. No non-residential use is proposed for stage 4 or 5. These are to be provided in other stages of the development.</p>	<p>Yes</p> <p>Mixed uses have been incorporated within the Concept Plan site. As such a fully residential development within stage 4 and 5 is deemed acceptable.</p>
4.1.2 Public Domain, Access and Pedestrian/ Cyclist Amenity		
<p>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.</p> <p>b. New developments must be provided with a minimum of one barrier free access point to the main entry.</p> <p>c. Publicly accessible pedestrian and cycle ways must be provided through large sites.</p> <p>d. New pedestrians and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.</p>	<p>The proposal is consistent with the maximum heights and building envelopes identified within the Concept Approval.</p> <p>The Access Report has identified that 3 of the access points to the buildings have BCA issues in terms of compliance. These issues however can be addressed at Construction Certificate stage. A condition has been included to ensure access is achievable. (See condition number 32).</p> <p>Publicly assessable pathways and cycleways have been provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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 complement the existing upgrade works to Shepherd's Bay (refer to the Ryde Public Domain Technical Manuel).	<p>Cycleway and pedestrian access points will be accessible by all.</p> <p>Pedestrian links, cycle paths, roads and lanes as outlined in the detailed public domain landscape plans are consistent with Public Domain Technical requirements.</p>	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.	The applicant has stated that any public land adjoining the proposal will be dedicated to Council if required. Conditions of consent have been imposed to reflect this requirement. (See condition number 114).	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
b. Development is to ensure that vistas towards Parramatta are maintained.	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.	Yes
d. Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The siting of Stage 4 and 5 will not adversely impact views along the public space to Parramatta River.	Yes
f. Maintain secondary views through the site from pedestrian and cycle links from Nancarrow Avenue to the Parramatta River.	Limited secondary views from Nancarrow Avenue towards Parramatta River will be retained.	Yes
4.1.5 Landscaping and Open Space		
a. All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and	In accordance with the requirements of the original Arborist's Report prepared by Redgum, Trees	Yes

suitably experienced landscape architect. This is to include an arborist's report on existing trees, and demonstrate how proposed landscaping will contribute to ecological sustainability. Management of construction impacts must also be addressed.	Reference 132 and 133 will be retained as part of the proposal.  In addition a landscape plan prepared by Place Design has been submitted with the proposal.	
b. Roof gardens are encouraged and must be considered in any landscaping plan.	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.	Yes
e. Provide adequate deep planting zones above car parking and other concrete or similar structures to allow sustainable planting.	The landscape plan and associated report prepared by Place Design provides adequate deep soil zones above the basement carpark and provides 18% of open space as deep soil.	Yes
f. Provide at ground floor, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	Each ground floor unit includes a private courtyard area in addition to communal open space provided centrally within the site.	Yes
g. Construction of roof areas of multi-unit developments is to make provision for useable roof gardens.	The proposal does not include the provision of roof gardens. This has been previously discussed in the report.	No
h. Where appropriate, developments should incorporate landscaping (such as planter boxes) integrated into the upper levels of building to soften building form.	See above.	
4.1.6 Street Furniture and Public Art		
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:  i. the harbour location; ii. industrial history and heritage; iii. Aboriginal heritage; and 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 44 and 102).	No – Amended plan required by way of condition.
4.1.7 Safety		
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
4.2.1 Height		
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 height of 2.7m has been proposed which is consistent with the concept approval.	No – non-compliance deemed acceptable.
e. Retail and commercial uses at ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.	No non-residential uses have been proposed for Stages 4 and 5.	N/A

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		
<p>a. Buildings below RL 15 must have articulated roofs, as they will be viewed from buildings above. Articulated roofs refer to well-designed roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality materials.</p>	The maximum RLs of the proposal exceed RL 15. Notwithstanding, the development features articulated roof forms.	N/A
<p>b. The use of solar panels on roofs is encouraged where possible.</p>	No solar panels have been proposed.	No – Acceptable non compliance
4.2.4 Building Facades and Articulation		
<p>a. Building facades should be articulated within a 3 metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandas, sun shading elements etc.</p>	The proposed building facades incorporate articulated forms including balconies, use of materials and blades.	Yes
<p>b. Penthouses should be set a minimum of 4 metre from any building's façade.</p>	Roof level apartments have been setback in accordance with the 60% pop up roof envelopes as per the Concept approval.	Yes
<p>c. Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and relationship of the building to external garden spaces.</p>	The proposed Stage 4 and 5 buildings are consistent with the modification approval. Unit layout and corresponding external areas are orientated to respond to orientation, views, privacy etc.	Yes
<p>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.</p>	Articulation of the building incorporating both horizontal (slab edges, cladding, balustrades) and vertical (blades, materials) 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 addresses 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 units.	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
4.3.2 Energy Efficient Design		
a. Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX).	The development I with the BASIX requirements.	Yes
4.4.2 Noise and Vibration Attenuation		
<p>Residential</p> <p>a. New residential developments, including those within a mixed use 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.</p>	An acoustic report has been prepared by DK Acoustics which concludes the proposal is acceptable subject to noise mitigation measures. (See condition number 39).	Yes



4.4 Parking Access and Loading		
a. All new buildings are required to provide on-site loading and loading facilities.	<p>An internal traffic assessment prepared by Thompson Stanbury detailing internal movement within the site including loading facilities. Revised plans indicate the swept path analysis for garbage trucks from road carriageway to loading area in Basement level 2.</p> <p>Council's Senior Development Engineer has reviewed the revisions and has recommended conditions.</p>	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
4.5 Flooding and Stormwater Drainage		
a. Protect built structures and public safety from stormwater inundation up to the 'major design flood'.	A full stormwater and flooding assessment has been submitted with the proposal.	The stormwater and flooding plans have been reviewed by Council Engineers and are deemed acceptable subject to conditions. (See condition numbers 27, 75 and 107).
5.0 Precinct Specific Development controls		
5.3 Precinct 2 – Constitution Road		
a. Views from the highest point in this precinct to the south-west and Sydney Olympic Park should be maximised.	The proposed built form is consistent with the building envelopes and height identified within the Concept Approval. As such views corridors to the south west will be retained.	Yes
b. Minimum permeable landscaped area is to be 35% of site area.	Landscaping of the site including communal open areas include adequate permeable areas.	Yes
c. Facades should be articulated within a zone of 3 metres and be built to street edge behind the required landscape setback.	The proposed buildings feature articulation to each respective façade within the approved setbacks required under the concept approval.	Yes

## **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 Hamilton Crescent/ Nancarrow Avenue. A Traffic Impact Assessment was submitted and Council's Public Works and Engineers have no objection to the development subject to conditions. Further discussion is within Section 11 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 number 35 and 36).

### **9.5 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 39).

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

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

## **9.7 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.

## **9.8 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 generated by the proposed development will likely result in an increase in queuing and will 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.

#### Sydney Water

Sydney Water has reviewed the application and has no objection subject to standard conditions. (See conditions 41 and 118).

#### 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 has 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 not traverse Stage 4 and 5.

#### NSW Police

No objection has been raised to the development subject to appropriate conditions of consent. (See condition numbers 98 to 100).

#### **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 numbers 66 to 67).

##### Environmental Health

Comments provided by Council's Environmental Health Officer have been reproduced below:

##### *Contamination*

*I note that one of the objectors mentions an underground pipeline; however, this is not located in stages 4 and 5 but instead affects stages 2, 3, 8 and 9. However, the site is the subject of a contamination report titled "Holdmark Pty Ltd - Environmental Site Assessment Stages 4 and 5 of the Shepherds Bay Urban Renewal Project,*

*Meadowbank NSW. Whilst a number of conditions regarding contamination were recommended for the excavation stage (being LDA 2014/530) a number of these conditions are also relevant for this LDA, as they relate to activities being the removal of contamination and site remediation prior to construction. In addition, any underground storage tanks which may be discovered during the excavation of the site must be removed in accordance with the Protection of Environment Operations (Underground Petroleum Storage Systems) Regulation 2014. And the surrounding land appropriately remediated prior to the construction of the residential flat buildings.*

### *Substations*

*I note from the plans that the subject development is near to two substations. Therefore the buildings shall not be constructed within the minimum safety distances from the substations. Endeavour Energy or other energy suppliers can advise on the relevant distance requirements to ensure the safety of occupants.*

### *Acid Sulfate Soils*

*The subject site is located in the Class 5 Acid Sulfate Soils zone and therefore, no further acid sulfate soils management is required for the subject premises.*

In light of the above Council's Environmental Health Officer has no objection subject to a number of conditions. (See condition numbers 47, 77 to 95, 121, 122, 126 to 138).

### Senior Development Engineer

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

### *Background*

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

- *The stormwater management plans propose a boundary discharge pit which will discharge to a new kerb inlet pit located on the opposite kerb in the Nancarrow Avenue. The plans must be reconfigured so as to ensure the alignment of drainage infrastructure is perpendicular to the property boundary so as to minimise conflicts with other services.*

*Council's Public Works has reviewed and approved the civil plans required for the Stage 1 infrastructure works and has not objected to the location and alignment of the drainage line extending from Stages 4 & 5 and the public domain infrastructure in the extension of Nancarrow Avenue. Accordingly this does not warrant further attention.*

- *The eastern driveway access has an insufficient inside swept path (no radius) when turning from the driveway to enter at the boom gate. This can be*

*accommodated by provision of a splay on the corner of the waste room (say 2.5m by 2.5m). This could be addressed by a condition of approval however should be noted with respect to impact on Waste service requirements.*

*The amended plans have not addressed this component. As noted, it is a matter that can be dealt with as a condition of consent which is addressed following.*

### *Stormwater Management*

*The proposed stormwater management system for the development discharges to the inground drainage infrastructure in Nancarrow Avenue, downstream of the site.*

*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, do not present concern in relation to 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 and has been inserted as a condition of consent following.*
- 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.*

*Due to the conceptual nature of the plans, stamped stormwater management plans will not be issued however reference is made to the plans in the condition of consent concerning detailed copy to be provided with the construction certificate. Standard conditions concerning stormwater management are to be applied.*

### *Vehicle Access and Parking*

*The development warranted a minimum of 360 to 547 parking spaces and 103 visitor spaces. The revised development provides a total of 538 resident spaces, 96 visitor spaces and 8 car share spaces. The visitor parking capacity must therefore be increased by a further 7 spaces. A review of the plans notes that there is opportunity to provide additional visitor spaces by creating further spaces at the ends of the parking aisles, in voids where spaces have not been allocated. Further, the 2 residential disabled spaces in the visitor parking area on basement level 1 must be relocated to the residential parking area. This matter can be addressed as a condition of approval.*

*As noted in the initial review, 26 rows of tandem spaces are proposed. Council's DCP permits the use of such parking configurations provided a row is allocated to a single strata tenant. Accordingly this will require allocation of some of the tandem parking to the larger 2 bedroom plus study units and is addressed in the condition of consent concerning allocation of parking.*

### *Public Domain*

*The Concept Approval Mod 1 contained the following condition;*

*24. Future Development Application/s for Stage 4 shall include the following Infrastructure works:*

*(a) Nancarrow Avenue extension;*

*(b) Nancarrow Avenue Area Traffic Management (LATM) measures and road reserve upgrades including associated pedestrian footpaths and cycleways;*

*(c) Implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection;*

*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 4.*

*All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 4.*

*Council's Public Works have issued a conditional approval for the infrastructure works associated with Stage 1 (incorporating the Nancarrow Avenue extension) and the works will be undertaken in conjunction with this development. It is noted that their conditions have also required the detailed plans and documentation for the proposed works in Constitution Road. The following conditions have been drafted with this aspect in mind.*

### *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.*

Conditions of consent have been imposed to reflect these requirements. (See conditions number 13, 17 to 20, 26 to 28, 56, 71 to 76, 107 to 109).

### Public Works Unit

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

Comments regarding the public domain have been reproduced below:

#### General comments

- The development is subject to the standards in the City of Ryde Public Domain Technical Manual, Section 5 – Meadowbank and the City of Ryde DCP 2014 Part 4.2 – Shepherd's Bay, Meadowbank, Precinct 2 – Constitution Road Precinct.*
- There are existing trees at the Constitution Road frontage of the development site. Council's Urban Forest and Urban Planning Teams to be consulted in regards to all*

existing trees - whether to cut them down and replace them with new trees or conserve them.

- On p.21 of the submission from Place Design Group a listing of the proposed different pavements for the publicly accessible areas shows pavers with thickness varying from 12mm to 40mm. In our opinion Council should only specify the 60mm thick pavers; however, we suggest the Urban Planning Team should comment on this issue.
- New kerb and gutter with half width road reconstruction will be required for the Belmore Street, Hamilton Crescent West and Constitution Road frontages of the development site, to enhance the streetscape presentation and provide a suitable pavement for the traffic generated by the development (refer to DCP2014 Part 8.5 Public Civil Works, Section 1.1.4).
- The proponent shall construct the extension of Nancarrow Ave and the roundabout at the intersection of Nancarrow Ave and Hamilton Crescent West prior to the issue of the Occupation Certificate for Stage 4 (Refer to the Ministerial Approval and Road Delay Solutions' report).
- The Left In/Left Out treatment at the intersection of Hamilton Crescent and Belmore Street will have to be constructed prior to the release of the Occupation Certificate for Stage 4.
- The works at the intersection of Hamilton Crescent West and Constitution Road shall be finalised prior to the issue of the Occupation Certificate for Stage 4.
- The Underdale Lane LATM upgrade and Bowden Street pedestrian refuge construction shall be completed prior to the issue of the Occupation Certificate for Stage 4.
- All telecommunication and utility services are to be placed underground along the Belmore Street, Hamilton Crescent West and Constitution Road frontages of the development site.
- Lighting in the publicly accessible areas including parks and courtyards, shall be in accordance with the requirements of the Public Domain Technical Manual, Section 5 – Meadowbank. Lighting levels to be in accordance with AS/NZS 1158 pedestrian category P2
- Street lighting on multi-function poles (MFPs) will be required along Constitution Road, Belmore Street, Nancarrow Avenue extension and Hamilton Crescent West frontages of the development.
- Condition 12 of Ministerial Approval re: Land to be Dedicated. Land comprising the two-way road link to be constructed between Belmore and Bowden Streets, being the connection of Nancarrow Avenue to Hamilton Crescent to be dedicated to Council. This requires the dedication by the proponent an area of land of approximately 325m<sup>2</sup> to the council. Note for the Planners: this is to be done before the OC for Stage 4.
- There will be several hold points for inspections during the course of the construction in the public domain area.

Conditions of consent have been imposed to reflect these requirements. (See conditions number 35, 36, 37, 46, 57, 70, 97, 103, 104, 110 to 114, 119 and 122).

### Environment and Sustainability

Council's Environment and Sustainability Officer has reviewed the development application including the Sustainable Travel Plan (dated 3 July 2015 prepared by Road Delay Solutions and has no objection.



## Landscape

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 31).

## Community and Cultural

Council's Community and Cultural Officer has reviewed the submitted Public Art Plan and raised concern that the applicant has provided insufficient information in order to provide an accurate assessment. As such a condition of consent is recommended to ensure that further information is provided in respect to public art. (See condition numbers 44 and 102).

## **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 as the amended plans did not alter the built form.

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 as part of Stage 4 and 5:
  1. Extension of Nancarrow Avenue and the construction of a roundabout at the intersection of Nancarrow Avenue and Hamilton Crescent.
  2. Left in/Left out treatment at the intersection of Hamilton Crescent and Belmore Street.
  3. Belmore Street pedestrian refuse area and Undersale Lane upgrade.
- Council's Engineer has requested an additional 7 visitor car parking spaces to ensure compliance with Council's requirements. It is noted that residential spaces proposes (538) is in accordance with Council's requirements.
- It is noted that traffic mitigation measures to the surrounding street network is required to be submitted to Council and RMS for approval.

#### 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 4 and 5 are located in the upper section of the Shepherd's Bay site approximately 180m from Parramatta River.

#### 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

- No community facilities are proposed within Stage 4/5 as these will be incorporated in the remaining stages as per the concept approval.
- As part of the proposed public domain works, Stage 4/5 features a central communal public space area and associated pedestrian cycle way to provide direct linkages 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 some of Council Officers 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 particularly having regard to the existing Concept Approval as modified.

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 LDA2015/0019 for the construction of two (2) residential flat buildings comprising 511 apartments and basement car parking over 3 levels with vehicular access from Nancarrow Avenue.
- b) That the objectors be notified of this decision.
- c) That a copy of the development consent be forwarded to the RMS.

### **Report prepared by:**

Consultant Town Planners, SJB Planning

### **Report approved by:**

Sandra Bailey  
Team Leader Major Developments  
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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