

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP NUMBER:	2015 SYE 025
DA NUMBER:	LDA2015/0031
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Construction of three (3) residential flat buildings comprising 422 apartments (168 x 1 bed, 215 x 2 bed, 39 x 3 bed), basement car parking and construction of a single storey commercial building.
STREET ADDRESS:	116 – 122 Bowden Street, Meadowbank
APPLICANT:	Rothesay Avenue Developments Pty Ltd
NUMBER OF SUBMISSIONS:	11 objections
REGIONAL DEVELOPMENT CRITERIA (SCHEDULE 4A OF THE ACT):	General Development over \$20 Million
LIST OF ALL RELEVANT S79C(1)(a) MATTERS:	Environmental Planning and Assessment Act, 1979 State Environmental Planning Policy (State and Regional Development) 2011 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 Ryde Local Environmental Plan 2014 City of Ryde Development Control Plan 2014
LIST ALL DOCUMENTS SUBMITTED WITH THE REPORT FOR THE PANEL'S CONSIDERATION:	• Conditions of Consent • General Terms of Approval from Office of Water • Letter from Sutherland and Associates Planning dated 29 June 2015.
RECOMMENDATION	Approval
REPORT BY:	SJB Planning, consultant town planners to City of Ryde Council.
DATE:	12 November 2015

Assessment Report and Recommendation

EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of three residential flat buildings at 116-122 Bowden Street, Meadowbank comprising 422 units with a shared basement parking level under Building 9(A +B) and a separate basement under Building 8. 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 8 and 9 of the Concept Approval with separate applications for stages 2/3, stages 4/5 and stages 6/7. Stage 1 has separate approval granted by the PAC. Separate assessment reports for Stages 2/3 and 4/5 were submitted to and approved by SEJRPP in September and October 2015.

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. The applicant was also required to provide additional information in respect of the trunk drainage line that traverses the site and overland flow that also affects the site. A review of the amended details 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.

1 APPLICATION DETAILS

Name of Applicant: Rothesay Avenue Developments Pty Ltd

Owners of the site: AIT Investment Group Pty Limited

Estimated value of works: \$ 149,508,944.20

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.

2 SITE DESCRIPTION

The site is located within the Shepherds Bay foreshore approximately 14 kilometres north-west of Sydney CBD. The area which has been identified by Council as an area for transition from traditional manufacturing and industrial uses to a higher density mixed use residential neighbourhood. The surrounding area is characterised by a mix of industrial/ warehouse buildings, high density residential flat buildings and low density residential housing. It is noted that a U-shaped apartment building is currently under construction to the south of the site on the Parramatta River foreshore.

The site is privately owned land known as 116-122 Bowden Street, Meadowbank and the legal description is Lot 2 DP 792836 and Lot 102 DP 1037638. A location plan of the site is demonstrated below in Figure 1.



Figure 1. Location plan of Stages 8 and 9 (marked in blue).

3 SITE DETAILS

Total site area:	16, 449m ²
Frontage to Bowden Street:	195m
Frontage to Nancarrow Avenue:	155m
Land use zone:	B4 Mixed Use

4 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 application is for Stages 8 and 9 as approved under the modified Concept Approval. There are separate applications for:

- Stages 2 and 3;
- Stages 4 and 5; and
- Stages 6 and 7.

Separate assessment reports for Stages 2/3 and 4/5 were submitted to and approved by SEJRPP in September and October 2015. A separate assessment report for Stage 6 & 7 will also be provided to the SEJRPP for determination at its meeting to be held on 10 December 2015. 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.

5 PROPOSAL

Stages 8 and 9 comprises the construction of three residential flat buildings comprising a total of 422 residential units with shared basement car parking levels (see Figures 3 to 4). In greater detail the development includes:

- Removal of all slabs;
- Excavation;
- Stage 8 comprises construction of a 5 to 10 storey building containing 152 residential apartments (51 x 1 bed, 86 x 2 bed, 17x 3 bed) and basement car parking;

- Stage 9a comprises construction of a 5 to 10 storey building containing 109 residential apartments (51 x 1 bed, 87 x 2 bed, 14 x 3 bed) and shared basement car parking;
- Stage 9b comprises construction of a 5 to 6 storey building containing 117 residential apartments (66 x 1 bed, 43 x 2 bed, 8 x 3 bed) and shared basement car parking;
- Construction of a 225 square metre single storey commercial building;
- Infrastructure works including implementation of stormwater infrastructure through the site and public improvements to Nancarrow Avenue, Bowden Street and Nancarrow Lane; and
- Landscaping works around the buildings including the creation of common open space areas publicly accessible pedestrian and cycle through-site links.



Figure 3. Extract from Site Plan prepared by Turner & Associates for Stages 8 and 9. Note the central pathway is publically accessible.



Figure 4. View from Nancarrow Avenue and Bowden Street.



Figure 5. Stage 8&9 as viewed from south-east

6 **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 8 and 9 are shown in the extent of approved modified drawing PPR-007-E in Figure 6 below.



Figure 6. 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 8 as Stage 7. However, Stage 9 is referenced correctly. Notwithstanding, the building footprints including heights are detailed below in Figures 7 & 8.

Environmental Planning Instruments

- 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;
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014.

7 **PLANNING ASSESSMENT**

An assessment of the proposed Stage 8 and 9 relative to the Modified Concept Approval conditions, Council Urban Design Panel and Council Planning are detailed as follows:

7.1 **Modified Concept Approval Conditions**

Schedule 2 Part A – Administration Conditions	Comments
Development Description A1 Concept approval is granted to the development as described below: Use of the site for a mixed use development including residential, retail, commercial and community uses incorporating: • building envelopes for 12 buildings incorporating basement level parking; • infrastructure works to support the development including: • upgrades to the local road network; • stormwater infrastructure works; • publically accessible open space and through site links; and • pedestrian and cycle pathways.	The development seeks consent for three residential flat buildings and a single storey commercial building. Infrastructure works including upgrades to the local road network, stormwater, pedestrian and cycle pathways and associated landscaping.
Mod 1 • Amendment to Building Storeys Plan to allow for additional storeys at ground level in Stages 1 to 3-4; • Expand/ connect the basement building envelopes between Stage 2 and 3 and Stage 4 and 5; • Revision to construction staging; • Revised timing of the delivery of open space to be in	As identified in the plans prepared by Turner and Associates the development proposes to construct basement parking levels including a shared basement for Building 9(A and B) which extend beyond the footprint (internally within site) as illustrated on the approved plans. The basement however will not

conjunction with Stage 3 (rather than Stage 1); • Provision of an additional storey to provide a 6 storey element to the building on the corner of Belmore Street and Constitution Road; • Flexible application of the solar access requirement of the RFDC; • Amendment to ESD measures; and • Amendments to terms of approval, future environmental assessment requirements and Statement of Commitments.	encroach into any street setback area and the site is able to provide extensive landscaped areas including deep soil areas. If the Concept Plan was strictly enforced, it would result in inefficient basement layouts. This variation is considered acceptable. The plans and supporting documentation indicate enhanced SEPP 65 amenity in accordance with Condition 21 of Mod 1.
Development in Accordance with the Plans and Documentation A2. The development shall be undertaken generally in accordance with MP09_0216, as modified by MP09_0216 MOD1, and: • 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; • 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: • Response to Submissions report dated 28 March 2014 prepared by City Plan Services; and • Proponents Comments in Response to Council's Submission dated 29 April 2014 prepared by City Plan Services. • 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	The proposed development is generally consistent with the Concept Approval, Modification Approval and associated documentation/ plans.

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

Inconsistencies Between Documentation

A3

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.

Noted. Mod 1 prevails over original approval.

Building Envelopes

A4

Building footprints and setbacks are to be generally consistent with the Concept Plan building envelope parameter diagrams for each site, except where amended by the Modifications in Part B of this Approval.

The proposed building envelopes are consistent with the envelope diagrams including maximum RLs identified within the Modification of Part B.

Maximum Gross Floor Area (GFA) and Dwelling Cap

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²

Mod 1

Maximum Gross Floor Area (GFA) and Dwelling Cap

A5

1. The maximum GFA for commercial, retail or community uses shall not exceed 10,000m²

2. The maximum number of dwellings shall not exceed 2,005

As mentioned under Section 4 of this report there are 4 separate DAs lodged for the 'Shepherds Bay' site, as well as an existing approval for Stage 1. The Stage 1 approval and the current 4 DAs (including the subject application) propose:

Stage 1 – 246 units
 Stage 2 – 233 units
 Stage 3 – 221 units
 Stage 4 – 234 units
 Stage 5 – 277 units
 Stage 6 – 202 units
 Stage 7 – 109 units
 Stage 8 – 153 units
 Stage 9 – 269 units

	This results in 1,944 units which is within the maximum dwellings permitted for the site.
Publicly Accessible Open Space, Drainage Reserves and Through Site Links A6 All public open spaces, drainage reserves and through site links shall be publicly accessible and maintained in private ownership by the future body corporate unless otherwise agreed by the Council.	The development features a site through link which will be maintained in private ownership by future body corporate and a condition will require this space to be publically accessible. (See condition number 151).
Lapsing of Approval A7 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.	Noted
Schedule 2 Part B - Modifications	
Amended Concept Plan B1 The Concept Plan shall be amended to: (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; (b) provide at least one contiguous open space, of a minimum of 3,000m ² , 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; (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; (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.	This condition has been satisfied in accordance with the Department of Planning correspondence to the applicant dated 24 June 2013.
Mod 1 Amended Foreshore Link B1A. The delivery of the foreshore link shall be split between Stage 1 and Stage 2 in accordance with the Response to Submissions prepared by City Plan Services for MP09_0216 MOD1 dated 29 April 2014	Non applicable - Proposal relates to Stages 8 and 9.
Sustainable Travel Plan	

B2 Prior to issue of an Occupation Certificate for Stage 1 or prior to the submission of a Development Application for future stages (whichever occurs first), a Sustainable Travel Plan for the Concept Plan site shall be submitted to and approved by the Council. Options for provision of a Car Sharing Scheme for the site are to be explored and incorporated into the Sustainable Travel Plan as is a Parking Management Strategy.	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.
Mod 1 Amended Maximum Number of Storeys Above Ground Level (Finished) Plan B3 The plan entitled Indicative Concept Plan Storeys Plan shall be amended to: (a) Change the title to "Maximum Number of Storeys Above Ground Level (Finished) Plan", and 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.	This condition has been satisfied in accordance with the Department of Planning correspondence.
Schedule 3 Future Environmental Assessment Requirements	
Design Excellence 1. Future Development Application/s for Stage 5 (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines.	Superseded by Mod 1 below.
Mod 1 Design Excellence 1. Future Development Application/s for Stage A (the signature building fronting Church Street) shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines. Dwelling Cap 1A. Future Development Applications shall provide for a total number of dwellings up to a maximum of 2,005 across the Concept Plan site (including Stage 1). Future Development Applications shall include a projected dwelling forecast for each remaining stage demonstrating that the total dwelling numbers will adhere to the dwelling cap.	As mentioned under Section 4 of this report there are 4 separate DAs lodged for the 'Shepherds Bay' site, as well as an existing approval for Stage 1. The Stage 1 approval and the current 4 DAs (including the subject application) propose: Stage 1 – 246 units Stage 2 – 233 units Stage 3 – 221 units Stage 4 – 234 units Stage 5 – 277 units Stage 6 – 202 units Stage 7 – 109 units Stage 8 – 153 units Stage 9 – 269 units This results in 1,944 units which is within the range of maximum dwellings permitted for the site.

2. Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of modulation / articulation of the building and a range of high quality materials and finishes.	Design guidance provided by the Urban Design Review Panel pre and post DA lodgement have been incorporated in the proposal where possible. The proposal features a high standard of architectural design including articulation and is consistent with the Concept Approval including maximum RLs. Furthermore, the proposed layout and detailed design will provide an enhanced living environment to future residents.
Mod 1 Maximum Storeys on Steeply Sloping Topography 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: 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.	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: • Extensive glazing (minimum 70% of the external façade) to living rooms. • 20% increase to floor to ceiling heights. • 20% increase to floor to apartment areas.
Built Form 3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that: (a) buildings along Constitution Road are a maximum of 5 storeys; and (b) the southern building element of Stage 7 is a maximum of 5 storeys.	Superseded by Mod 1 below.
Mod 1 Built form 3. Notwithstanding the approved maximum building heights in RL, future Development Applications shall demonstrate that: (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;	Not applicable to Stages 8 & 9.
4. Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground	Superseded by Mod 1 below.

level (finished) and are located below the building footprint and do not encroach into street setback areas.	
Mod 1 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.	The application relates to Stage 8 and 9 and features two basement carpark areas: one basement under Building 8 and a shared basement under Building 9A and B. The maximum projection of basement above ground level equates to approximately 1 metres which is considered acceptable given the sloping nature of the site and suitable landscaping. The proposed shared basement under Building 9A and B extends internally within the site beyond the building footprint but does not encroach within the street setback areas. It is considered that the variation is considered acceptable as 76% of open space will be provided as landscaping.
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. A condition of consent has been recommended in terms of privacy screens to ensure apartments achieve an adequate level of privacy. (See condition number 3).
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.	Superseded by Mod 1 below.
Mod 1 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 8 & 9.
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.
Mod 1 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 8 & 9.
8. Future Development Application/s for Stage 6 shall provide a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.	Superseded by Mod 1 below.
Mod 1 8. Future Development Application/s for Stage 3 shall provide	Not applicable to Stages 8 & 9.

a minimum one metre setback to the existing Council owned pedestrian access way along the north-western boundary.	
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.	The proposal provides a 4 metre building setback to the single storey commercial building fronting Bowden Street.
10. Future Development Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.	The development proposes substations along Bowden Street and Nancarrow Avenue. A condition is recommended that requires the substation to be located in accordance with Energy Australia requirements. (See condition number 72).
Landscaping 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.	The current landscaping plans are inconsistent with the engineering plans in respect to the trunk drainage line that traverses the site. A deferred commencement condition has been imposed to require a new landscaping plan to be submitted to Council.
Public Domain 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.	Council's Development Engineers and City Works and Infrastructure Officers have reviewed the proposed infrastructure works and have recommended additional information to be submitted by way of a deferred condition of consent. The deferred condition will require detailed design details to be submitted in respect of the trunk drainage system.
Cycle Facilities 13. Future Development Applications shall provide bicycle parking at the minimum rate of 1 space per 10 car parking spaces.	The development proposes a total of 58 bicycle spaces which exceeds 1 space per 10 parking spaces.
14. Future Development Applications shall demonstrate appropriate 'end of trip facilities' for cyclists within all non-residential developments in accordance with Council's requirements.	The proposed commercial building contains W/C and shower facilities.
Open Space/Public Access 15. Future Development Applications shall include detailed landscape plans for the embellishment of publicly accessible open space areas. These areas shall include high quality landscaping and paved areas and a variety of recreation facilities which may include BBQs, seating, water features, grassed areas, paths, shade trees, bicycle racks and exercise equipment/games.	Council's Consultant Landscape Architect has reviewed the development application including landscape plans prepared by Place Design Group and has no objection to the landscaping plan. These plans however fail to include appropriate landscaping for the trunk drainage works. A deferred commencement condition has been imposed to ensure that this detail is submitted for Council's approval.

Mod 1 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. 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.	Not applicable to Stages 8 & 9.
Foreshore Link Easement for Public Access 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)	Not applicable to Stages 8 & 9.
16. Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park and a second path either along the Central Spine or the public pathway associated with Stage 1. Landscape plans will also include the detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.	The proposed landscape plans prepared by Place Design demonstrate north-south pedestrian pathways to provide connectivity to the foreshore.
17. Future Development Applications shall clearly set an appropriate legal mechanism for creating rights of public access to all publicly accessible areas of open space, drainage reserves and through site links, with the relevant instrument/s to be executed prior to the issue of the occupation certificate.	The applicant proposes that public rights of access are to be created through dedicated easements. The council has accepted this approach. (See condition number 151).
Community Facilities 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.	Superseded by Mod 1 below.
Mod 1	

Community Facilities 18. Any future Development Application/s for the 1000th dwelling Stage 5 development shall include, at no cost to Council, the delivery of an appropriate community space within the development, which can be used by Council or for community purposes and related uses. a) The community facility must be a minimum of 1,000m² 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). 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. 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. d) The provision of community floorspace is in addition to Council's Section 94 Contributions for the development. e) The facility to be delivered is to be located around the contiguous central public open space area in either Stage 2 or 3.	The community facility as originally proposed in Stages 2 and 3 was considered unsuitable by Council. Council entered into negotiations with the applicant to secure an alternative location. By mutual agreement, it has been agreed to relocate the facility to Stage 9 and the parties have entered into a Deed in this respect. This however will be subject to a future Section 75W to amend the Concept Plan followed by a Section 96 application.
Public Art 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.	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 39).
20. Future Development Application/s for Stage 3 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of: (a) materials to be used, with particular attention to durability; (b) location and dimension of artwork; (c) public art themes to respond to site history and or social, cultural or natural elements; (d) integration into the site and surrounds; (e) budget and funding; and (f) Council's Public Art Guide for Developers.	Superseded by Mod 1 below.
Mod 1 Public Art 20. Future Development Application/s for Stage 2 shall include a Arts and Cultural Plan developed by a professional public artist including consideration of: (a) materials to be used, with particular attention to durability; (b) location and dimension of artwork; (c) public art themes to respond to site history and or social, cultural or natural elements; (d) integration into the site and surrounds; (e) budget and funding; and	Not applicable to Stages 8 & 9.

(f) Council's Public Art Guide for Developers.	
Residential Amenity 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).	Superseded by Mod 1 below.
Mod 1 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: In particular, future application/s shall demonstrate that: (a) a minimum of 60% of apartments within each stage are capable of being cross ventilated; and (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 (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: • 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 20-40% in at least one 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. (d) a minimum of 25% of open space area of the site is deep soil zone (e) the proposed landscaped areas provide sufficient deep soil in accordance with the RFDC.	Turner and Associates confirm in their SEPP 65 Design report that 69% of both Stage 8 and 9 will be naturally cross ventilated. Stage 8 and 9 achieve 63% and 67% solar access respectively. However, given this shortfall below 70% a total of 21 apartments (12 apartments in Stage 8 and 9 in Stage 9) have been designed to include extensive glazing, increased floor to ceiling heights and larger floor areas. As such both Stage 8 and 9 will achieve solar access to 70% of apartments. A minimum of 76% (6,520m²) of open space of the site as deep soil.
ESD 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.	Superseded by Mod 1 below.
Mod 1 ESD 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	An ESD letter provided by Integreco has confirmed that the development will commit to achieve 'industry best practice' for water and energy.

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). 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.	
Car Parking 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.	Superseded by Mod 1 below.
Mod 1 Car Parking 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. Future Development Applications shall provide: (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 (b) a projected car parking forecast for each remaining stage demonstrating that the total car parking provision can be adhered to. Provision shall also be made for adequate loading and unloading facilities for service vehicles, suitably sized and design for the proposed use.	Site-wide details are as follows: Stage 1 – 342 spaces Stage 2/3 – 605 spaces Stage 4/5 – 647 spaces Stage 6/7 – 422 spaces Stage 8/9 – 573 spaces Total – 2,589
Road Infrastructure and Road Reserve Upgrades 24. Future Development Application/s for Stage 2 shall include the following infrastructure works: (a) Nancarrow Avenue extension; (b) Nancarrow Avenue Local Area Traffic Management (LATM) measures and all road reserve upgrades including associated pedestrian footpaths and cycleways; (c) implementation of left-in/left-out arrangement at Belmore Street/Hamilton Crescent intersection; (d) Underdale Lane Local Area Traffic Management (LATM) measures; (e) installation of a pedestrian crossing facility at Bowden Street/Nancarrow Avenue; and (f) installation of roundabout at Belmore Street/Rothesay Avenue. The detailed design is to be prepared by a suitably qualified engineer in accordance with Council's requirements and to be submitted to Council for approval before the lodgement of any future development application for Stage 2. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage 2.	Superseded by Mod 1 below.

Mod 1 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 approved by Council before the issue of the first Occupation Certificate for Stage 1. All works must be completed by the proponent prior to the issue of the occupation certificate for Stage-4.	Not applicable to Stages 8 & 9.
Mod 1 Road and Pedestrian Infrastructure Upgrades 24A. Future Development Application/s for Stage 2 shall include the following Infrastructure works: (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). (b) Underdale Lane Local Area Traffic Management (LATM) measures; (c) installation of a pedestrian crossing facility at Bowden Street / Nancarrow Avenue; and (d) installation of roundabout at Belmore Street / Rothesay Avenue. 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.	Not applicable to Stages 8 & 9.
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.	Superseded by Mod 1 below.
Mod 1 YerongStreet/Belmore Street Intersection Upgrade Future Development Applications for the stage of development containing the 800th dwelling shall provide the detailed design	Not applicable to Stages 8 & 9.

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.	
Roads and Maritime Services Requirements 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.	A traffic study prepared by Road Delay Solutions has been submitted with the application. The warrants for the signalisation of the Bowden Street and Constitution Road intersection is met with this stage. Conditions of consent have been imposed to ensure the signalisation. At this stage, the warrants are not met for the Railway Road pedestrian crossing at Meadowbank Station.
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.	Superseded by Mod 1 below.
Mod 1 27. Future application/s for Stage 5 -A 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.	Not applicable to Stages 8 & 9.
Site Specific Sustainable Travel Plan 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.	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.
Heritage 29. Future Development Application/s for Stage 8 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include: (a) a detailed heritage assessment of the site which includes a professionally written history of the site; (b) a full photographic record; and (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.	Superseded by Mod 1 below
Mod 1 29. Future Development Application/s for Stage 8 6 involving the demolition of the existing heritage item at 37 Nancarrow Avenue shall include:	Not applicable to Stages 8 & 9 as demolition of the existing heritage item at 37 Nancarrow

(a) a detailed heritage assessment of the site which includes a professionally written history of the site; (b) a full photographic record; and (c) an interpretation strategy to display the heritage values of the existing building on the newly developed site.	Avenue relates to Stages 6 & 7.
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.	Superseded by Mod 1 below
Mod 1 30. Future Development Application/s for Stage 5 A 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.	Not applicable to Stages 8 & 9.
Section 94 Contributions 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.	S94 contributions will be required by way of condition. (See condition number 125).
Noise and Vibration 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 & Infrastructure Concept Plan for Shepherds Bay Page 11 Adaptable Housing	Superseded by Mod 1 below.
Mod 1 Noise and Vibration 32. Future Development Application/s for Stage 5 A shall provide an acoustic assessment which demonstrates that the internal residential amenity of the proposed apartments is not unduly affected by the noise and vibration impacts from Church Street, to comply with the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 and the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'.	Not applicable to Stages 8 & 9.
33. Future Development Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4229-1995.	The development proposes a total of 42 adaptable units in accordance with this requirement.

Stormwater Infrastructure Upgrades 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.	Superseded by Mod 1 below.
Stormwater Infrastructure Upgrades Mod 1 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.	The applicant has proposed to retain the existing drainage line and construct an engineering channel running parallel to the existing drainage line with upgraded culverts proposed under Constitution Road and Nancarrow Avenue. While Council's Engineers support the design, further details are required to be submitted to fully document the design. Deferred commencement conditions have been imposed to ensure that the relevant information is submitted in respect to the proposed drainage system and embankment works along Constitution Road.
End of Modification to MP09_0216	
Flooding and Stormwater 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.	A revised flood assessment and overland flow has been prepared by BG&E. Council Officers have reviewed the report and have requested detailed plans. This is dealt with by way of condition. (See deferred commencement condition 1).
36. Future Development Applications for each stage of the development shall include a Stormwater Management Plan in accordance with Council's requirements.	Council's City Works and Infrastructure and Development Engineers have reviewed the proposal and have requested additional information to be submitted. This is dealt with by way of condition. (See deferred commencement condition 1).
Sydney Water Requirements 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.
Contamination, Acid Sulphate Soils and Salinity 38. Future Development Applications shall include a detailed contamination assessment (involving sampling and testing of	Council's Environmental Health Officer has reviewed the Environmental Site Assessment

soil) including an assessment of the presence of acid sulphate soils and salinity.	report prepared by Environmental Investigations and requested further information including an Acid Sulphate Soils Management Plan and Contamination Assessment. (See condition number 24, 25 and 26).
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.	A groundwater assessment prepared by Environmental Investigations identified there is a low risk of widespread groundwater contamination within the Shepherds Bay Urban Renewal area. Council's Environmental Health Officer has reviewed the report and has requested additional information by way of conditions. (See condition number 24, 25 and 26).
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).	See comment above.

7.2 **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 Environmental Site Assessment prepared by Environmental Investigations was submitted for Stages 8 and 9. A summary detailed on page 54 states:

“Overall, widespread contamination was not identified from the findings of this ESA, however the identified PAH concentrations beneath the western industrial complex will require further investigation, however, due to the limited access, it is suggested that this be carried out post demolition. “

The assessment also provides the following recommendations as identified on page 55:

“It is assumed that during the proposed construction of a basement level car park as part of the development, all fill and residual soil materials will be removed from the site, therefore in view of the above findings, and in accordance with NEPM 2013 guidelines, it is considered that the site shall be suitable for the proposed residential development on completion of the following recommendations:

- 1. Further assess the soils present beneath the western industrial complex, in regards to the identified PAH concentrations and it’s suitability for the intended residential land use;*
- 2. Further investigation as to the presence of the identified volatile contaminants, PCE and TCE within the ground water at the site;*
- 3. Preparation of an Acid Sulfate Soils Management Plan, for the removal of the alluvial soils and estuarine muds present within the drainage line and at the southern boundary of the site by a qualified environmental consultant to enable appropriate offsite disposal;*
- 4. Any material being removed from site (including virgin excavated materials or VENM) be classified for off-site disposal in accordance with DECCW (2009) Waste Classification Guidelines; and*
- 5. Any material being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended use or be classified as VENM.”*

Council’s Environmental Health Officer has reviewed the findings of the above mentioned reports and has requested additional information by way of conditions. (See condition numbers 24, 25 and 26).

7.3 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 July 2015 in response to the latest Panel comments dated 11 March 2015.

SEPP 65 Design Principle	Comment	Complies
Principle 1: Context 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	The development is consistent with the desired future character as identified within the concept approval for the site.	Yes

transition, the desired future character as stated in planning and design policies.		
Principle 2: Scale 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.	The proposal is consistent with the proposed building envelopes under both Stage 8 and 9.	Yes
Principle 3: Built form 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.	The development is consistent with the building type envisaged as part of the site as a whole.	Yes
Principle 4: Density 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.	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.	Yes
Principle 5: Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its life cycle, including construction.	The proposal achieves the applicable BASIX targets for water and energy efficiency and thermal comfort.	Yes
Principle 6: Landscape Good design recognises that together landscape and building operate as an integrated and	The landscaping detail to both the privately accessible areas and communal areas has been subject to	Yes General compliance and capable

sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.	discussion between the applicant and Council. It is considered that landscaping is capable of being detailed to the satisfaction of Council by way of condition.	of finalisation by way of conditions of consent. (See condition 61).
Principle 7; Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	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 ground floor plans to ground floor units fronting Nancarrow Avenue and Bowden Street in accordance with the sketch plans submitted.	Yes General compliance and capable of finalisation by way of conditions of consent. (See condition number 3).
Principle 8: Safety and security 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.	The proposal features good design which enhances safety and security of the area by way of ground floor active frontages and residential apartments above providing passive surveillance.	Yes
Principle 9: Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. 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.	The proposed development will provide greater housing choice within the area thereby assisting to improve housing availability and affordability.	Yes
Principle 10: Aesthetics 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	The proposed building design and associated materials including articulated roof forms respond to the former commercial and industrial history of the site whilst adding to the future character of the area.	Yes

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.		
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7.4 Urban Design Review Panel comments

Comments from the Panel dated 11 March 2015 regarding the development of the site are included in italics below.

This is the first time the Panel has reviewed a formal Development proposal for this site. The proposal is a DA submission for three maximum 10 storey mixed residential buildings and a small single storey commercial building.

The site is governed by a volumetric Concept Plan approval which determines building scale, form and separation. The site is bisected by a stormwater easement and is subject to a flooding mitigation regime which establishes minimum grade levels for surrounding streets and the minimum floor levels for habitable spaces at ground.

The proposal is broadly consistent with the volumetric envelopes, building heights and site setbacks approved within the Concept Plan.

There are a number of issues and relationships to the immediate context, which would benefit from further resolution to improve amenity and the overall design quality, for both the subject site and neighbouring properties. These are discussed below:

Basement carparking

The proposal includes two multi level basements. Due to the sloping site, the basement potentially protrudes above ground level along the central stormwater easement, although some apartments 'sleeve' the basement along this alignment (above a basement podium). At some point however, the potential extent of the basement protrusion above ground level (approximately 1.2m) may create undesirable impacts to the quality of the primary site link and should be carefully managed.

Comment:

In response to concerns regarding basement carparking, the applicant has confirmed that the proposed development including basement parking levels do not exceed 1 metre above finished ground level. Given the development provides landscaping to 76% of open space areas it is considered that basement areas will be suitably screened and no adverse impact is considered to arise.

Ground level communal open space

The proposal includes communal open space at ground level, which is configured positively.

The Panel is concerned that the areas designated for public access – north south along the stormwater easement and connecting to the foreshore – is configured to support public use and that factors such as safety, lighting and passive surveillance are adequately resolved.

The Panel recommends that the portion of communal open space south of building 9B running to the boundary be controlled access to either residents, or allocated to units as private space.

Comment:

The applicant has submitted amended plans to provide controlled access by way of gates to the open space area south of Building 9B which is considered acceptable subject to conditions. With regard to public access through the site it is considered that public areas will be subject to passive surveillance from upper level apartments and will feature appropriate lighting by way of conditions to ensure no adverse social impact. (See condition number 41).

Building separation

Generally, building separation is in accordance with the Concept Plan approval is considered acceptable.

Comment:

Noted.

Privacy and building configuration

Generally, the configuration and internal planning of the buildings is clear and strong. Natural light and ventilation is apparent in all common circulation spaces and lobbies, which is encouraged.

The re-entrant corners of each of the primary building forms (buildings 8, 9A and 9B) each creates inherent proximity between adjacent apartments, which appears to require some mitigation to adequately manage privacy and cross viewing.

The Panel is also concerned with this configuration at ground level where communal open space appears to connect to the lobby for building 8. If this is the case, then the Panel recommends this issue be thoroughly addressed and resolved by the applicant.

Comment:

It is noted that due to the L-shaped building forms of Building 8, 9 A and B relative to communal open space areas, it is considered that details of privacy screens to all ground floor and upper levels (1 to 12) are to be submitted by way of condition to minimise cross viewing/ overlooking. (See condition number 3).

Furthermore, a condition is recommended to ensure that the lobby for Building 8 located adjacent to public open space area to the west contains a secure entrance. (See condition number 5).

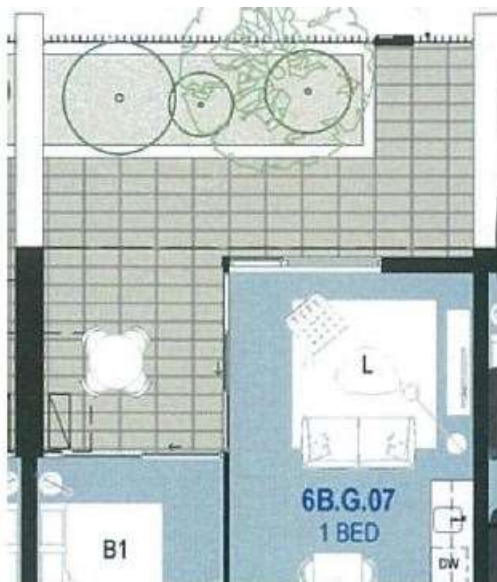
Residential entry and address

The proposal provides adequate residential address to both Bowden Street and Nancarrow Avenue. Residential lobbies are clearly accessed from public space and are generally offered a sense of space and volume. Ground floor apartments are also configured to address streets and public site links. The Panel encourages this treatment to be repeated along the through site link to the eastern boundary (Building 8) and the northern ground floor address of Building 9B.

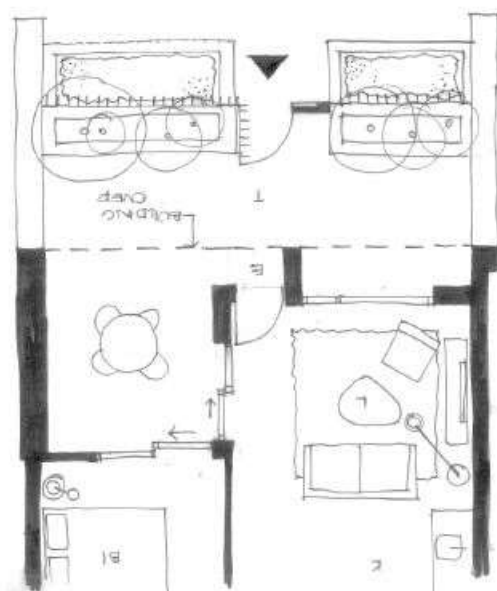
In all cases where a ground floor unit has an individual address, it should be configured as formal dwelling entry (rather than as a secondary, purely private address).

Comment:

In response to concerns regarding external access to ground floor entries of apartments from Nancarrow Avenue and Bowden Street, the applicant has submitted a sketch plan illustrating the repositioning of hard landscaping and a centrally located gateway as proposed for Stage 6 by way of example (See sketch plan in Figure 9). It is considered that the principle of the proposed amendments are satisfactory as it will provide greater distinction to the door entry. As such formal revised plans ground floor entries to Bowden Street and Nancarrow Avenue for Stages 8 and 9 and details will be required by condition. (See condition number 2).



Existing plan



Proposed plan

Figure 9. Sketch plan showing revised configuration of ground floor entries.

Solar access

The proposal needs to demonstrate the extent of any self-shadowing impacts. It would appear that significant portions of Stage 8 and 9 are single aspect south facing dwellings, which are overshadowed by other elements of the project

Although consistent with the Concept Plan envelope approval, this self shadowing should be, in part, offset by the provisions of Condition 21 'enhanced amenity'.

Comment:

In response the applicant has stated that the development did take into account self shadowing as evident by the southern portions of Stage 8 and 9 do not receive solar access. The applicant has provided elevational shadow diagrams which verify this statement. Given

the development satisfies minimum solar access requirements via enhanced amenity provisions in accordance with Condition 21 of the Concept approval the proposal is acceptable.

Building height and 60% popup zone

The proposal generally conforms to building height controls established by the Concept Plan approval. The Panel supports the design response applied to the designated 60% popup zones. Here, the architectural device of a variegated roof responds to the intent that the popup read as a series of smaller, articulated roof forms rather than an aggregated mass. The strategy also contributes to the introduction of greater housing diversity.

Comment:

Noted.

Linear Building / Café

A café is proposed for the narrow strip of the site to the south along Bowden Street. The Panel is supportive of the use but notes the proposal includes outdoor dining along the shared boundary with the existing apartment building to the east.

The Panel recommends the building be reconfigured to more strongly address and activate Bowden Street. A cross section from Bowden Street through to the adjacent apartment building is recommended to assist in resolving the adjacencies of the two uses and to demonstrate how privacy for adjacent residential will be achieved.

Comment:

In response the applicant has confirmed that the proposed café building is located within the approved building footprint of the concept approval and that the proposed outdoor dining area is indicative only. As such the applicant is of the view that no amended plans are required in this instance.

Given the proximity of the café building to the adjoining residential building at 122a Bowden Street (currently under construction), a condition requiring the submission of a separate DA for the fit out and use will be required by way of condition to ensure a thorough planning assessment of the future use and associated impacts can be undertaken. (See condition number 4).

Architectural response

The Panel is supportive of the architectural language that has been developed for the proposal.

The buildings of Stage 8 and 9 have a strong conceptual approach to their expression – a tough modelled and planar exterior balanced with a more open and rich courtyard interior elevation.

The scale of the larger buildings is resolved through strong modelling and articulation to the external streets.

The quality of materials and refinement of architectural detail – particularly the punched out windows to primary street – will be fundamentally critical to the final architectural success of the project.

The Panel encourages the applicant to provide large scale façade details and samples of all materials to support the assessment process.

Comment:

In response the Applicant has submitted large scale façade details (see Drawing Number A-DA-720-001) for both stage 8 and 9. It is considered that the proposed materials and finishes are appropriate and will be listed as part of the approved drawings identified within Condition 1.

7.5 NSW Residential Flat Design Code

Residential Flat Design Code 2012	Comment	Complies
Local context: Primary Development Controls		
Building height - To ensure future development responds to the desired future character of the street and local area. - To allow reasonable daylight access to all developments and the public domain.	The development is consistent with the desired future character as identified within the concept approval for the site.	Yes
Building depth 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 10-21 metres. The development incorporates enhanced SEPP 65 amenity provisions and ventilation in accordance with condition 21 of Mod 1 approval.	Yes
Building separation - Up to 4 storeys/12 metres 12m between habitable rooms/balconies 9m between habitable/balconies and non-habitable rooms 6m between non-habitable rooms 5 to 8 storeys/25 metres 18m between habitable rooms/balconies 12m between habitable/balconies and nonhabitable rooms 9m between non-habitable rooms - Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.	The proposed development is consistent with the building envelopes and associated setbacks as identified within the Concept Approval. Separation ranges between 20 and 40 metres in accordance with the Concept Approval. Whilst this form varies significantly from the 18m separation requirement, given the development features adequate levels of ventilation, solar access and high quality landscaping the proposed separation is deemed acceptable.	Yes
Street setbacks Street setbacks should relate to the desired	The proposed development is consistent	Yes

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. • Relate setbacks to area's street hierarchy. • Identify the quality, type and use of gardens and landscape areas facing the street. •	with the building envelopes and associated street setbacks identified within the Concept Approval.	
Side and rear setbacks 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 generally consistent with the building envelopes and associated street setbacks identified within the Concept Approval. Encroachment into the setback zones are limited to basements and private terraces which are no greater than 1m above ground level.	Yes
Part 2: Site Design		
Site configuration: deep soil zones 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 76% of the open space has been provided as deep soil.	Yes
Site configuration: fences and Walls 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.	Any fencing will ensure that the private and public areas are delineated.	Yes
Site configuration: landscape Design 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 public open space including landscaping, trees and associated structures and public art.	Yes
Site configuration: open space Provide communal open space that is appropriate and relevant to the context and the building's setting. Where communal open space	The centrally located public open space has been provided in accordance with the Concept Approval and subsequent Mod 1	Yes

is provided, facilitate its use for the desired range of activities. Provide private open space for each apartment capable of enhancing residential amenity. The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² , the minimum preferred dimension in one direction is 4.0m.	Approval.	
Site configuration: orientation 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
Site configuration: planting on Structures 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. This includes the submission of a detailed landscape plan. (See condition 61).	Yes
Site configuration: stormwater Management 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 Development Engineers and City Works and Infrastructure Officers have requested additional information by way of conditions. (See deferred commencement condition 1).	Yes subject to conditions
Site amenity: safety 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 including swimming pool are 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.	Yes
Site amenity: visual privacy 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

Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments. Use detailed site and building design elements to increase privacy without compromising access to light and air.		
Site access: building entry Improve the presentation of the development to the street. Ensure equal access for all. Provide safe and secure access. Generally provide separate entries from the street for pedestrians and cars and different uses. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces. Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.	The buildings feature multiple entries from the Street. An Access Design report prepared by Design Confidence has identified non-compliances with access to buildings including step free access, hand rails, compliant door widths and stairs. As such it is recommended that a condition requiring compliance with access requirements outlined within the access report. (See condition number 5).	Yes Subject to conditions
Site access: parking Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc. Limit the number of visitor parking spaces, particularly in small developments. Give preference to underground parking, whenever possible. Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity. Provide bicycle parking, which is easily accessible from ground level and from apartments.	The number of car parking spaces is consistent with the Concept Approval. Visitor parking, car share parking and bicycle storage has been provided at basement level 1 and 2.	Yes
Site access: pedestrian access Utilise the site and its planning to optimise accessibility to the development. Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas. Design ground floor apartments to be accessible from the street, where applicable,	An Access Design report prepared by Design Confidence has identified non-compliances with access to buildings including step free access, hand rails, compliant door widths and stairs. As such it is recommended that a condition requiring compliance with	Yes Subject to conditions

and to their associated private open space. 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. Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum. Provide barrier free access to at least 20% dwellings in the development.	access requirements outlined within the access report. (See condition number 31).	
Site access: vehicle access - Generally limit the width of driveways to six metres. - Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Two 6.3 metre driveways are proposed. The development features vehicular access from Nancarrow Avenue.	It is considered that the minor variation to driveway width is acceptable in this instance.
Part 3: Building Design		
Building configuration: apartment Layout 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. Ensure apartment layouts are resilient over time. The back of a kitchen should be no more than 8.0m from a window. Minimum apartment sizes that do not exclude affordable housing are: - Studio 38.5m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 95m²	The development proposes a range of apartment types and sizes in accordance with its geographical location and market demand. 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, occurring in through apartments with a minimum width of 4m; spaces within the apartment that exceed 8m from a window are limited to non-habitable rooms. Proposed apartment sizes in accordance with the RFDC rules of thumb are detailed below: 1 bed: 50 to 61 m² 2 bed: 70 to 86 m² 3 bed: 95 to 138 m²	Yes
Building configuration: apartment Mix Provide a variety of apartment types.	The proposed development features a mix of apartments as follows: 39.8% 1 bed 50.9% 2 bed 9.2% 3 bed Stage 8	Yes

	1 bed – 51 2 bed – 85 3 bed – 17 Total = 153 Stage 9a 1 bed – 51 2 bed – 87 3 bed – 17 Total = 152 Stage 9b 1 bed – 66 2 bed – 43 3 bed – 8 Total = 117	
Building configuration: balconies Provide at least 1 primary balcony. Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.	Generally all apartments are provided with balconies with a minimum depth of 2m	Yes
Building configuration: ceiling Heights Recommended minimum floor to ceiling heights: • 2.7m for all habitable rooms on all floors; and • 2.4m is the preferred minimum for all non-habitable rooms, however, 2.25m is permitted.	Proposed floor to ceiling heights are as follows: 2.7m ground floor (3.05m floor to floor). Increased ceiling height (20% - 3.24m) is provided to 21 apartments within Stages 8 and 9.	Yes
Building configuration: flexibility Provide apartment layouts, which accommodate the changing use of rooms. Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.	The development features a variety of apartment types including mezzanine and 2 storey apartments which encourage a variety of uses.	Yes
Building configuration: internal Circulation Increase amenity and safety in circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of	Apartments are arranged around 4 lift cores that are primarily accessed from the street. Typically there are between 6 and	Yes

lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation. 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.	8 apartments off a common corridor. However, where the number of apartments exceed the requirements the building incorporates access to common landscaped areas or 2 storey mezzanine apartments which is considered acceptable.	
Building configuration: mixed use Choose a mix that complements and reinforces the character, economics and function of the local area. 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. 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.	The proposed development is consistent with the Concept Approval and Mod 1. Secured entries from private to public areas including car parking and apartment access will form part of the recommended conditions of consent. The detached (single storey) commercial building is located to the south of the site and its fit out and use will be subject to a separate DA.	Yes Yes Yes – subject to separate DA.
Building configuration: storage Provide accessible storage facilities at the following rates: • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³.	The development satisfies minimum storage requirements including additional storage space areas in basement car parking areas.	Yes
Building amenity: acoustic privacy 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.	The building envelope and layout is consistent with the Concept Approval and Mod 1. Noise transition is minimised between apartments through appropriate wall types, acoustic seals to windows/ doors, separation and performance requirements for plant and equipment as identified in the Acoustic Report prepared by Acouras.	Yes
Building amenity: daylight access 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	Turner and Associates confirm in the SEPP 65 Design report that Stage 8 and 9 achieve 63% and 67% solar access respectively. However, a total of 12 apartments in Stage 8 and 9 in Stage 9	Yes

midwinter. In dense urban areas a minimum of 2 hours may be acceptable.	have been designed to include extensive glazing, increased floor to ceiling heights and larger floor areas. As such both Stage 8 and 9 will achieve solar access to 70% of apartments.	
Building amenity: natural Ventilation 60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.	69% of units are naturally ventilated across both Stage 8 and 9.	Yes
Building form: facades Consider the relationship between the whole building form and the façade and/or building elements.	The proposed use of materials and associated articulation creates a visually interesting façade to both the street and communal open space areas.	Yes
Building form: Roof design Relate roof design to the desired built form. Some design solutions include: 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.	Vertical fins, projecting roof elements, recessed entry alcoves, screens and recessed covered balconies will create variation in the building façade.	Yes
Building performance: energy Efficiency Incorporate passive solar design techniques to optimise heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The development satisfies BASIX requirements in accordance with the Concept Approval and Mod 1.	Yes
Building performance: Maintenance 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 number 90).	Yes
Building form: waste management Prepare a waste management plan. Locate storage areas for rubbish bins away from the front of the development where	A Waste Management Plan has been submitted as part of the development application.	Yes

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.	Waste storage is provided in the basement.	
Building form: water conservation 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

7.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been prepared (No. 600715M_03 dated 17 January 2015) which identifies that the proposed development achieves the minimum BASIX targets for building sustainability.

Conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition number 7, 38 and 130).

7.7 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 within 40 metres from the nearest point of Sydney Harbour/ Parramatta River. 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.

7.8 State Environmental Planning Policy (Infrastructure) 2007

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

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

7.9 Integrated Development – Environmental Planning and Assessment Act, 1979

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

7.10 Ryde Local Environmental Plan 2014

RLEP 2014	Comment	Complies
Zone B4 Mixed Use	The development comprises residential units only.	Yes The proposal features mixed uses including apartments and a single storey commercial building to the south of the site.
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 8 and 9 propose a total of 422 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	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.
5.10 Heritage Conservation	The development is within the vicinity of a local heritage item at 37 Nancarrow Avenue. However, in accordance with the Concept Approval this item will be demolished as part of Stage 6/7. As such no adverse impact to heritage conservation relative to Stage 8/9 is considered to arise.	Yes
Clause 6.1 Acid sulphate soils	An Environmental Site Assessment prepared by Environmental Investigations concluded that the majority of the soils in the site do not show potential presence of acid sulphate soils. However, soils located within the drainage easement indicate the presence of acid sulphate soils. As such the report recommends the preparation of an Acid Sulphate Soils Management Plan.	Yes – subject to conditions Council's Environmental Health Officer has reviewed the report and requested further information including a Acid Sulphate Soils Management Plan. (See condition number 24, 25 and 26).
Clause 6.2 Earthworks	A construction management plan prepared by Upright Builders Pty Ltd has been submitted with the application.	Yes Councils City Works and Infrastructure and Development Engineers have reviewed the proposed earthworks and have

		recommended conditions.
Clause 6.3 Flooding	A flood assessment prepared by BG&E has been submitted with the application.	Yes
Clause 6.4 Stormwater Management	A stormwater plan prepared by Harris Pages and Associates has been submitted with the application.	Yes Council's Development Engineer has reviewed the plan and additional information is requested by way of condition.

7.11 Ryde Development Control Plan 2014

RDCP 2014	Comment	Complies
4.1.1 Mixed-Use Development		
Mixed-use development will comprise either: a. a combination of medium and high density residential development with compatible employment related activity; or b. compatible employment related activities including: i. restaurants and cafes; ii. small scale retail establishments such as convenience stores and news agencies up to 2000m²; iii. small commercial offices and studios such as real estate agencies offices; iv. professional suites such as doctors suites; and v. home offices.	The proposal seeks approval for mixed use development including residential and commercial.	Yes
4.1.2 Public Domain, Access and Pedestrian/ Cyclist Amenity		
a. The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.	The proposal is consistent with the maximum heights and building envelopes identified within the Concept Approval.	Yes
b. New developments must be provided with a minimum of one barrier free access point to the main entry.	The proposed development provides barrier free (i.e.ramps) access to main building entries.	Yes
c. Publicly accessible pedestrian and cycle ways must be provided through large sites.	Publicly assessable pathways and cycleways have been provided.	Yes

d. New pedestrians and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	Cycleway and pedestrian access points will be accessible by all.	Yes
i. Shared pedestrian links, cycle ways, public roads and lanes are to be of a high standard and treated in a way which indicates their shared status. The selection of paving, street furniture, lighting, bollards, signage and paving should compliment the existing upgrade works to Shepherd's Bay (refer to the Ryde Public Domain Technical Manuel).	Pedestrian links, cycle paths, roads and lanes as outlined in the detailed public domain landscape plans are consistent with Public Domain Technical requirements.	Yes
4.1.3 Implementation – Infrastructure, Facilities and Public Domain Improvements		
a. The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development.	Conditions have been imposed to ensure that the adjoining land verge is embellished. (See condition number 43 and 44).	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 8 and 9 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 suitably experienced landscape architect. This is to include an arborist's report on existing trees,	A landscape plan prepared by Place Design has been submitted with the proposal. This plan will be required to be amended to reflect the	Yes

and demonstrate how proposed landscaping will contribute to ecologically sustainability. Management of construction impacts must also be addressed.	stormwater overland flow solution. (See deferred commencement condition 3).	
b. Roof gardens are encouraged and must be considered in any landscaping plan.	The proposal does not include the provision of accessible roof gardens.	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 76% 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 accessible roof gardens.	No – non-compliance deemed acceptable.
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.	Conditions of consent have been imposed to ensure that a landscape plan is submitted which addresses the public domain. (See condition 43 and 44).	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.	Conditions of consent have been imposed to ensure that a landscape plan is submitted which addresses the public domain. (See condition 43 and 44).	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	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 39).	No – Amended plan required by way of condition.

iv. urban revitalisation.		
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.		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.	The only commercial use is proposed in its own separate building.	N/A
4.2.2 Setbacks		
a. Setbacks must be consistent with the setback map i. New development to have 4m setbacks ii. Development along the northern boundary of the Meadowbank area adjacent to R2 low density residential zones is to have 6m landscape	The proposed setbacks are consistent with the concept approval.	Yes
4.2.3 Roof Form		
a. Buildings below RL 15 must have articulated roofs, as they will be viewed from buildings above. Articulated roofs refer to well-designed roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality materials.	The maximum RLs of the proposal exceed RL 15. Notwithstanding, the development features articulated roof forms.	N/A
b. The use of solar panels on roofs is encouraged where possible.	No solar panels have been proposed.	N/A
4.2.4 Building Facades and Articulation		

a. Building facades should be articulated within a 3 metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.	The proposed building facades incorporates articulated forms including balconies, use of materials and blades.	Yes
b. Penthouses should be set a minimum of 4 metre from any building's façade.	Roof level apartments have been setback in accordance with the 60% pop up roof envelopes as per the Concept approval.	Yes
c. Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and relationship of the building to external garden spaces.	The proposed Stage 8 and 9 buildings are generally consistent with the modification approval. Unit layout and corresponding external areas are orientated to respond to orientation, views, privacy etc.	Yes
d. Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	Articulation of the building incorporating both horizontal (slab edges, cladding, balustrades, projecting windows) and vertical (screens, materials, openings) forms.	Yes
e. Provide and denote entries along street frontages and public domain spaces where appropriate.	Each building features direct entry from the street.	Yes
f. Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Each building is situated parallel to adjoining streets and address both the street and open space areas.	Yes
g. Provide balconies and terraces, particularly where buildings overlook public spaces.	Balconies and terrace are provided for all apartment.	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.	In accordance with Con 21 of the Mod 1 approval, enhanced SEPP 65 amenity conditions have been provided: Extensive glazing (minimum 70% of the external façade to living rooms) 20% increase to floor to ceiling height 20% increase to floor to apartment areas.	Yes
4.3.2 Energy Efficient Design		
a. Residential development must be designed in accordance with principle outlined in the Building	The development complies with the BASIX requirements.	Yes

Sustainability Index (BASIX).		
4.4.2 Noise and Vibration Attenuation		
Residential 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.	An acoustic report has been prepared by Acouras which concludes the proposal is acceptable subject to noise mitigation measures.	Yes
4.4 Parking Access and Loading		
a. All new buildings are required to provide on-site loading and loading facilities.	An internal traffic assessment prepared by Thompson Stanbury detailing internal movement within the site including loading facilities. Council Officers have reviewed the revisions and have recommended conditions. (See condition number 46).	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.	The development does not include any loading dock. The collection of waste will occur from Nancarrow Avenue.	No. Variation acceptable
4.5 Flooding and Stormwater Drainage		
a. Protect built structures and public safety from stormwater inundation up to the 'major design flood'.	The applicant has provided a preliminary stormwater and flooding assessment.	The stormwater and flooding plans have been reviewed by City Works and Infrastructure and Development Engineers and additional information is requested by way of condition. (See deferred commencement condition 1).
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	The proposed buildings feature articulation to each respective	Yes

built to street edge behind the required landscape setback.	façade within the approved setbacks required under the concept approval.	
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8 LIKELY IMPACTS OF THE DEVELOPMENT

8.1 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.

8.2 Access, transport and traffic

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

8.3 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 detailed design.

8.4 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 City Works and Infrastructure Unit have been recommended in this instance to ensure the development will contribute positively to the streetscape.

8.5 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.

8.6 Safety, security and crime prevention

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

8.7 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.

8.8 Economic impacts in the locality

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

9 SUITABILITY OF THE SITE FOR DEVELOPMENT

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

10 REFERRALS

External referrals

NSW Transport Roads and Maritime Services (RMS)

RMS raises the following concerns:

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

This response has been provided for all 4 DA's in Shepherds Bay. The Concept Plan has included various measures to reduce the traffic impact on the local road network however these measures do not address any potential impact at the intersection of Victoria Road and Bowden Street. Council's Traffic Engineer has advised that Council's scope to accommodate any changes to this intersection is limited and any further reconfiguration of the intersection would involve the co-operation of RMS.

NSW Education and Communities

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

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

Sydney Water

Sydney Water have reviewed the application and have no objection subject to standard conditions.

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

The matter has been discussed with Viva Energy and the applicant. Viva Energy has advised that a condition of consent will be required to ensure that the applicant consults further with Viva Energy. (See condition number 23).

Gladesville Police

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

- **Surveillance:** Appropriate surveillance should be provided, particularly in areas which lack passive surveillance opportunities. Recommendations by the Gladesville Police include appropriate material and finishes for surveillance into common areas; installation of mirror for safety; installation of CCTV in particular locations; and CCTV maintenance and recording requirements. These recommendations may be imposed as conditions of consent. (See condition number 91 and 92).
- **Lighting:** Appropriate lighting of common areas, basement areas and public areas should be provided. Recommendations for appropriate lighting levels and timing may be imposed as conditions of consent. (See condition number 41).
- **Territorial reinforcement:** Appropriate signage should be provided to assist in deterring crime and reinforce public and private space boundaries. Recommendations for signage at exit/ entry points and in public and communal areas may be imposed as conditions of consent. (See condition number 91 and 92).

- **Environmental maintenance:** A maintenance policy should be prepared including security devices, CCTV, security communication devices, card readers, lighting and signage which are scheduled for regular maintenance and monitoring. This may be imposed as a condition of consent. (See condition number 91 and 92).
- **Space/ Activity management:** Ensure areas are appropriately managed and secured to avoid unauthorised intruder access and ensure entrances do not provide unauthorised access to other parts of the building, This may be imposed as conditions of consent. (See condition number 128 and 129).
- **Access control:** It has been identified that there is no access control to the basement parking area and to residential parking spaces. Furthermore, police have identified that retail visitors using the parking must travel via a lift into the residential lobby to get to the ground floor and then access retail units.

Internal referrals

Heritage

Council's Heritage Officer has reviewed the development and has no objection subject to conditions relating to Aboriginal heritage and archaeology. (See condition number 84 and 85).

Environmental Health

Council's Environmental Health Officer and has requested additional information regarding contamination and acid sulphate management plan. This will be dealt with by way of conditions. (See condition numbers, 24-26 and 56 to 58).

Senior Development Engineer

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

Stormwater Management

The applicant's civil consultant has liaised with Council's City Works and Infrastructure in June 2015 to address the issues noted in the initial review of the trunk drainage link traversing the development site. The specific outcomes of this communication and design approach have been outlined in the correspondence from Holdmark dated 25 August 2015 (Council reference: D15/97396). Generally, the applicant has noted City Works and Infrastructure advice and requirements taken from the meeting on 4 June 2015 as follows (quoted from the letter);

- Council's preferred scheme is to maintain the existing DN1350 pipe and outlet and incorporate a formal overland flowpath from Ann Thorn Park to Shepherds Bay;
- Once the capacity of the pipe system is exceeded, overland flows would need to be conveyed through the site via a defined channel which is expected to become active on average every few years;
- Bridge or culvert structures would be required at the Constitution Road should be assessed;
- Habitable floor levels within the site need to be a minimum of 0.5m above the 100yr flood level along the overland flowpath;
- Basement entry levels should be above the Probable Maximum Flood (PMF) level.

Consequently Holdmark and their consultants have revised the design to retain the existing drainage line and an engineering channel, running parallel to the existing drainage line, with upgraded culverts proposed under Constitution Road and Nancarrow Avenue (Refer to the plans "MAJOR STORMWATER LAYOUT PLAN" by BG&E Consulting Engineering dated 24 August 2015). Whilst the concept design presents a visually bland and featureless engineering structure, Holdmark have indicated in their response that (29 June 2015) that they intend to refine the design further by the integration of landscaping features and vegetation. They have proposed that the finer details may be resolved as a condition of deferred commencement to the DA consent.

Notwithstanding this, a review of the issues noted in the initial assessment are considered in light of the revised stormwater management plans by Harris Page & Associated dated 7 July 2015:

- The stormwater management plans are noted to have some inconsistencies from the Architectural plans (Eg: Basement Level 1 for Stage 9a is RL 5.38m on the stormwater management plan whilst it is nominated as RL 5.10m on the Architectural plan)...

The revised stormwater management plans have removed the surface RL's in light of the conceptual plans of the trunk drainage system to be finalised by BG&E.

Notwithstanding this, a review of the BG&E plans note that the top of the new channel is below the surrounding RL's nominated on the architectural plans and therefore a fall to this infrastructure could feasibly be provided.

- Stage 9a & 9b development discharges to the bioretention basin via a proposed 375mm diameter lines which traverse the easement. This is not supported as it will impose on future maintenance of the public infrastructure drainage line.

This aspect has been addressed in the revised Stormwater Management Plans by Harris and Page.

- The landscape and Public Domain detail a typical cross section adjoining the bioretention basin which indicates that the basins would be subject to inundation from major overland flow originating from Constitution Road in extreme storm events. Significant overland flow could cause damage to the

basin which may place Council in a position of liability. It is required that the public drainage overland flow paths and the private WSUD measures be separate by bunding or similar.

The conceptual design of the trunk drainage system will require a detailed design to be finessed as a condition of deferred commencement. As such, this matter could be addressed in the plans to be submitted to Council for approval.

- *The Civil Package plans nominate that the public drainage easement is to encompass the bioretention basins. Given that the basins primarily serve the development and are to be maintained by the future owners must be located clear of the easement as it is obfuscate whether it is considered a Council asset.*

This matter is addressed as a condition of consent.

- *The public drainage system incorporates a GPTR unit, on neighbouring property, prior to the point of discharge. This measure will be a liability to Council, is on property outside the realms of the development and is therefore not permitted.*

The infrastructure has been deleted from the conceptual trunk drainage design at the request of Council's City Works and Infrastructure. Accordingly this is no longer relevant. There are however some works proposed over the neighbouring land to accommodate the overland flow path (energy dissipation treatment) and based on the conceptual plans, the scope is beyond the breathe of the easement.

- *The submitted HGL detail in the Civil Package depicts energy grade line for the 10yr ARI storm event. Given that infrastructure is required to accommodate a 100yr ARI event, the HGL for this must be produced to demonstrate that the infrastructure has sufficient capacity for this requirement.*

With the revised design of the trunk drainage system instigated by Council's City Works and Infrastructure, this issue no longer applies.

A detailed stormwater management plan will be required to marry in with the final trunk drainage system which is to be approved by City Works and Infrastructure.

Vehicle Access and Parking

As noted in the previous review:

"The stages 9a & 9b components provide a total of 308 resident parking spaces and 54 visitor spaces which is just short of the maximum permissible parking requirements by Councils DCP and is therefore compliant with the DCP controls."

An additional 7 carshare spaces have been located in the ground floor level in place of 7 visitor spaces which have been located elsewhere, replacing 6 resident spaces and sacrificing a designated disabled shared zone (which can be located elsewhere in the detailed design). Accordingly this matter is satisfied.

With respect to the design of the parking area, a number of matters identified in the initial review were to be addressed and are reviewed in light of the revised plans:

- The plans do not detail a security entrance gate for any of the developments though it is likely this will be implemented in some form. It is considered that as most of the visitor spaces are located on the lower basement levels and resident spaces below, it would be feasible to place such a measure prior to the basement ramp leading down to the lower levels and could be enforced as a condition of approval.*

This is addressed as a condition of approval.

- The headroom clearance over the basement garage entry to Stage 8 appears to have insufficient clearance. With a proposed crest level of RL6.72m and overhead floor level of RL8.40m, the available clearance is some 1.70m and is significantly short of the minimum 2.2m required by AS 2890.1. This is a significant non-compliance.*

Both vehicle entrances have incorporated a void over the entry to the ramp to provide sufficient clearances. To assure this, a condition warranting the preparation of a driveway profile is to be applied.

- The disabled spaces at the far southern end of Stage 8 would require drivers to reverse the length of the garage which would not be accepted. There is potential the spaces could be relocated elsewhere which could be addressed by condition.*

This is addressed by condition.

Loading and Service Vehicles

The applicant has indicated that they have consulted with Councils Waste section who had no objection to the provision of an indented, dedicated loading bay in Nancarrow Avenue. If this is the case, then the need for a loading bay facility in the development is superfluous. Despite this, the development provides floor to floor clearances of some 3.10m. With the provision for overhead services and structures, this would allow for some 2.6m of clearance in the garage levels which would accommodate a large van (Mercedes Sprinter has a total height of 2.4m), suitable for residential service deliveries.

Flooding and Overland Flow

The applicant has provided a revised flood and overland flow analysis based on the instructions issued from City Works and Infrastructure relating to the Constitution Road works and the provision of an overland flowpath through the site.

Notwithstanding the Councils City Works and Infrastructure review relating to the Flood and Overland Flow analysis, the basement garage entry thresholds have been revised and are noted to be set at the previously determined PMF levels. In light of the revisions to the trunk drainage system through the site and the provision to be made

for an overland flowpath through the site, the extent of ponding floodwaters is not anticipated to be as significant as previously nominated.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of appropriate conditions.

City Works and Infrastructure Unit

Council's City Works and Infrastructure Unit have provided comments regarding drainage, traffic and waste and accompanying conditions.

Comments regarding traffic and the public domain have been reproduced below:

Traffic – General comments

The concept approval considered the impacts of increased traffic on the surrounding network. To accommodate the increased traffic, there are multiple proposals of traffic infrastructure which are required to be implemented prior to the release of occupation certificates.

These traffic infrastructure requirements have been captured as part of the associated Development Applications to which they are required to accompany as per the Ministerial Approval and Statement of Commitments.

As part of stage 8 and 9 of the development, and in accordance with the statement of commitments, Holdmark is required to provide the installation of the signalised intersection of Bowden Street and Constitution Road prior to the issue of the occupation certificate of stage 8. This is in accordance with the Concept Approval, Statement of Commitments dated 6 March 2013. To date, there has been no detailed design carried out for the intersection. A simple plan has been provided indicating the configuration, i.e. the number of lanes on approach and departure; however there is no link as to how the design of the signalised intersection will tie into the configuration of Constitution Road.

As such Council will need to see these designs prior to the construction certificate to ensure that the Constitution Road frontage links into the frontage of the site and into the signalised intersection. Public domain has requested these detailed plans to be submitted as part of the Public Domain Infrastructure Package.

No objections are raised to the development subject to appropriate conditions of consent.

Public Domain - General comments

- *New kerb and gutter with half width road reconstruction will be required for the Nancarrow Avenue frontage 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).*

- *All telecommunication and utility services are to be placed underground along the Constitution Road and Nancarrow Avenue 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.*
- *According to DCP2014 wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment. The driveway for Stage 8 building from Nancarrow Avenue is not perpendicular to the street alignment.*
- *Street lighting on metered supply will be required along Constitution Road and Nancarrow Avenue frontages of the development site.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

From a Public Domain perspective there are no objections to approval of this application subject to conditions.

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.

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 has been imposed. (See condition number 39).

11 PUBLIC NOTIFICATION AND SUBMISSIONS

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

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

The keys issued raised as outlined below:

Traffic, transport and parking impacts

Issues

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

Officers Comment

- As part of the proposed redevelopment of Shepherds Bay the road network will be upgraded to improve traffic flow, minimise congestion and improve pedestrian safety within the area in accordance with the Concept Approval.
- Council's Senior Development Engineer has confirmed that the proposed parking spaces are in accordance with Council's requirements.

Height, built form and views

Issues

- The height of the buildings should be reduced to retain views to the shoreline/ Parramatta River.
- 10 storeys is not suitable for the area. The height of buildings should be 4 storeys in keeping with the area including trees.

- The proposed development is located too close to Parramatta River
- A lack of green space has been proposed.

Comment

- The proposed building locations, heights and landscaping are consistent with the modified concept approval and are positioned to retain view corridors through the site towards 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

- A single storey commercial building for the purpose of a café is proposed to the southern boundary of the site. Details for the fitout of this building will be required through a separate Development Application.
- As part of the proposed public domain works, Stage 8/9 features a central public space area 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.

12 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 three separate residential buildings and 1 commercial building 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. Further information is required via deferred commencement conditions in relation to stormwater, road modifications and roadworks and landscaping.

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

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

13 RECOMMENDATION

- a) That development application LDA2015/0031 for the construction of three (3) residential flat buildings comprising 422 apartments and basement car parking and one (1) commercial building at 116-122 Bowden Street, Meadowbank be approved and deferred commencement consent be issued subject to the attached conditions.
- b) That the objectors be notified of this decision.
- c) That a copy of the development consent be forwarded to the RMS and NSW Office of Water.

Report prepared by:

Consultant Town Planners, SJB Planning

Report approved by:

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Team Leader Major Development

Liz Coad
Manager Assessment

Meryl Bishop
Acting Director City Strategy and Planning
City of Ryde

Attachment 1: Conditions of consent

Attachment 2: Letters from Sutherland and Associates Planning dated 29 June 2015