

29 June 2015

Sandra Bailey - Team Leader Major Development
City of Ryde Council
1 Devlin Street
Ryde NSW 1670

Dear Sandra

RE: DEVELOPMENT APPLICATION REF:LDA 2015/0032, SHEPHERDS BAY STAGES 6 AND 7, ADDRESS: 37-53 NANCARROW AVENUE, RYDE

Sutherland & Associates Planning Pty Ltd provided initial correspondence to Council on 11 June 2015 in response to Council's letter dated 29 May 2015. The initial correspondence provided a response to each of the issues raised where possible and advised matters for which additional or amended documentation is intended to be provided.

The 11 June 2015 submission in relation to Stages 6 and 7 was accompanied by the following documentation:

- A supplementary letter prepared by Integreco confirming that the proposal will comply with the revised ESD targets for Shepherds Bay.
- A revised, single Sustainable Travel Plan.
- Correspondence from Jude Colechin confirming that the proposed on-street loading bay arrangement is an acceptable arrangement.
- An amended Internal Parking Assessment prepared by Thompson Stanbury for Stage 8 and 9.
- In addition, an updated Public Art Plan, prepared by Black Beetle was submitted on 29 June 2015.

Since the 11 June 2015 submission, progress has been made in relation to all of the outstanding issues raised by Council. For the purpose of clarity the outstanding issues, progress and proposed path forward are summarised below:

Issue	Discussion
Public stormwater design	• BG&E met with Council on 4 June 2015 and have a comprehensive understanding of Council's preferred design approach. • BG&E are currently preparing an amended stormwater design to the satisfaction of Council. • BG&E will confirm in early July that an amended stormwater solution can be achieved without the need to alter the floor levels of the buildings. • On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the stormwater design through the site to Council's satisfaction prior to activation of the consent.
Road design (civil) for Constitution Road	• The civil design for Constitution Road relies upon the final resolution of the stormwater design discussed above and upon Council confirming

Issue	Discussion
	satisfaction of the final stormwater design, the civil design can be amended to correspond. On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the road design (civil) for Constitution Road to Council's satisfaction prior to activation of the consent.
Public Domain Plan	- The public domain design for Constitution Road and Nancarrow Road relies upon the final resolution of the stormwater design and civil design discussed above and upon Council confirming satisfaction of the final stormwater and civil design, the public domain plan can be amended to correspond. - On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the public domain plan for Constitution Road and Nancarrow Avenue to Council's satisfaction prior to activation of the consent.
Landscape Plan (internal: roof and ground)	- Place Design are in the process of amending the landscape plans for the roof areas which will be submitted in early July 2015. - The landscape design through the centre of the site relies upon the final resolution of the stormwater design discussed above and upon Council confirming satisfaction of the final stormwater design, the landscape treatment –through the centre of the site can be amended to correspond. - On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the landscape design through the centre of the site to Council's satisfaction prior to activation of the consent.
Building Design: - Internal garbage room changes; new hard waste room for Stage 7; relocated room for Stage 6; temporary holding room for Stage 7. - Interval vs external garbage collection/loading bay - Basement footprints - Clearance for basement entry for Stage 8 - Design Panel comments - Car share spaces	- Turner Architects have amended the internal garbage room design to respond to Council's request and the amended architectural plans are to be provided in early July. - Elephant's Foot have met with and discussed the issue of internal vs external garbage collection and loading bay with Jude Colechin from Council who has confirmed that the proposed on-street loading bay arrangement is an acceptable arrangement. - The issue of the location of the basements has already been addressed in correspondence dated 11 June. This letter includes some diagrammatic illustrations of the unacceptable and unnecessary implications of basements being strictly contained within the footprint of the buildings above. - Turner Architects have reviewed the architectural plans and confirm that there is adequate clearance for basement entry into Stage 8 with a distance of greater than 2.55 metres provided and 2.850 metres for Stage 9. - The proposed approach to address the design panel comments were discussed at a meeting with Council and representative from SJB on 24 June 2015. These measures are addressed in detail below in this correspondence and a complete set of amended architectural plans will be provided to Council in early July incorporating these amendments. - The architectural plans are in the process of being amended to provide 1 car share space per 90 car parking spaces. A complete set of amended architectural plans will be provided to Council in early July incorporating these amendments.

Issue	Discussion
Private Stormwater design: - Public overland flow path and private drainage (WSUD) measures to be separated - Bioretention System and Gross Pollutant Trap	- Harris Page are in the process of amending the private stormwater concept design to separate WSUD measures between private and public stormwater (public WSUD to be addressed by BG&E in their stormwater design through the site as discussed above) as well as to address remaining minor design issues raised by Council. The amended stormwater design is intended to be provided to Council in early July. - Supporting calculations/report including the water quality model (MUSIC) in relation to the Bioretention System and Gross Pollutant Trap is currently being prepared by BG&E.

For ease of reference we will also address each of the issues raised in the order that they are set out within Council's letter, as follows:

Council Issue	Response
1. NSW Roads and Maritime Service (RMS)	
RMS comments relate to the whole of the redevelopment of the Shepherds Bay site but are nonetheless required to be addressed in the assessment of LOA 2015/0032 for Stages 6 and 7 given the integrated nature of the overall redevelopment and the cumulative traffic impacts. These comments are included in Attachment 1 of this letter. The RMS has identified the deficiencies in the submitted traffic report and you are required to provide the following information: - The distribution of trips generated by this development and their impacts on crucial intersections such as Bowden Street/Victoria Road and Morrison Road/Church Street, - Concerns are raised relating to the proportion of proposed road improvements. - A traffic assessment of the Saturday midday peak flow, - Full Mode Share analysis that will identify the requirements and demand for non-private vehicle travel.	- We can confirm that following Holdmark attempting to arrange to meet with the RMS to discuss the issues raised, RMS have advised that further modelling work is not required. They have also stated that there is no need for a meeting as the report forwarded to them satisfied their concerns. They undertook to advise Council accordingly. A copy of RDS email to the RMS dated 29 June 2015 is attached for information. - Road Delay Solutions (RDS), Varga Traffic Planning and Bitzios prepared this information during the preparation of the Concept Approval. We also understand that this information was reviewed by ARUP and RMS officers Andrew Popoff and Owen Hodgson at the time, and on behalf of DoPE. Council should already have this information but further copies of this information can be provided to Council if required - RDS has advised that, as the Meadowbank Employment Area was originally an industrial quadrant, it generated a significant traffic generation. With the closure of the industrial and urbanisation of the Precinct, it was found, during the preparation of the Concept Plan, that the development's increase in vehicle generation through the Precinct was not going to be high. As such, all existing infrastructure in the vicinity of the Concept Plan Site was stringently assessed and the findings presented in the reports that informed the preparation of the Concept Plan application and for which approval was received via the Concept Plan consent.

Council Issue	Response
	Council should already have this information but further copies of this information can be provided to Council if required. - No Saturday assessment was undertaken as part of the Concept Application, given that the site is to be predominantly residential. It is not considered necessary to undertake such an assessment as RDS do not believe that, based on their experience, there will be any significant impact on the surrounding road network during a Saturday peak as a result of the development. This was accepted during the assessment of the Concept Plan application and consent was issued accordingly. - RDS has advised that share analysis was presented to DIPNR and RMS as part of the Concept Plan submission. Copies of this information can be provided to Council if required.
2. Public Works, Traffic and Public Domain	
a) Public domain Updated details are required addressing this issue for review, prepared in accordance with City of Ryde Public Domain Technical Manual Section 5-Meadowbank. This shall include but not limited to; - Public assets and materials (details for street tree planting, footpath paving, street furniture, bus stops and bus shelters) - Multi-function pole layout and street lighting details, - Engineering plans showing road longitudinal sections, cross sections, details of the embankment stabilisation. - Detailed plans of the intersection, including geometric layout and linemarking, sections through the intersection for each leg, no less than 50m beyond the intersection. - TCS design and details. Detailed Engineering Plans of the intersection configuration must be consistent with the submitted supporting documentation to RMS requirements. (TCS Validation Report and supporting electronic files) The plans must clearly specify the exact boundaries of the public domain works that are intended to be undertaken within this stage of the development, including works to be undertaken along Constitution Road.	The final design of the public domain and traffic works relies upon the resolution of the stormwater design through the site to Council's satisfaction. Given that an engineering solution is possible, it is considered appropriate and reasonable for the issue of public domain and traffic design to be dealt with as a deferred commencement condition of consent subject to the resolution of the final stormwater design to Council's satisfaction.
b) Waste	Turner Architects are in the process of amending

Council Issue	Response
In respect to waste management, the following issues have been raised: • Number of bins shown in the Waste Management Plan is not adequate. Stage 6 needs 8x1000L waste and 12x660L recycling bins divided up over 4 chutes equates to 6 bins per chute room required. • Whilst an area for the garbage holding room is advised in the Waste Minimisation Plan, the bin collection room does not show that the number of bins required will fit into the bin room. The plans must be revised to depict the bin layout so as to ensure that servicing the bins can be practically undertaken. • There is only one hard waste storage room for the two stages, which means that all residents will need to transport any unwanted items to this room which is not supported. A second area therefore should be designated in Stage 7 for residents only • Clarification of how the bulky waste material will be collected and where it will be collected from shall be clearly defined in any revised documentation. • Whilst Part 7.2-Waste Minimisation and Management of Council's Development Control Plan requires the provision of 5m² bulky discard item storage area for developments comprising 30 or more units, the plans do not specify the total area of allocated space. The plans must be amended adequately specifying such storage space within the development fully complying with the requirements. • The bulk waste goods room is inaccessible to the road for collection purposes. This room needs to be relocated so that it is separate from the bin storage room but has direct access to the collection point. • The plans show that bins are being serviced from an indented bay on Nancarrow Avenue. Council requires that all bins must be serviced off the street and within the basement of the building. This not only prevents access issues caused by street tree planting, but also reduces the noise impact those residents facing Nancarrow Avenue near the driveway entry. Major amendments would need to be made to the plans within the basement area for truck access to the bins which does not impede traffic flow and allows the truck	the architectural plans with respect to the request for modification to the various garbage rooms. An amended architectural package will be provided to Council in early July 2015. • Elephant's Foot have met with Jude Colechin who has confirmed that the proposed on-street loading bay arrangement is an acceptable.

Council Issue	Response
to enter and exit the building in a forward manner. The Waste Minimisation Plan states that Stage 7 will have a temporary garbage holding room. However, this is not shown on the plans. A clear diagram needs to show how this will be managed.	
c) Traffic - The applicant is to provide Civil plans that show the modification of the Constitution Road including integration of the embankment and the Signalised intersection of Bowden Street and Constitution Road. Note*: Any modification of Constitution Rd must not contradict and compromise the Traffic and stormwater infrastructure required for other objectives. In accordance with the Modification of Ministers Approval the applicant is to undertake: "Works to eliminate the risk of embankment failure of Constitution Road" It should be noted that Council has identified this can be achieved if the applicant maintains the current levels of Constitution Road and provides a culvert through the embankment for the drainage and overland flow path to pass underneath this section of Road. - SIDRA analysis results are required for pre-development and post- development conditions under both AM and PM peaks at; - Constitution Road/Bowden Street roundabout (pre-developed) and converted signalised intersection (post-development); - Constitution Road/Belmore Street intersection; - Bowden Street/ Nancarrow Avenue; - Rothsay Avenue and Belmore Street and - The intersection of the Nancarrow Link and Belmore Street. - The results shall include the movement summaries for all trafficable lanes as well as the proposed traffic signal arrangement used for any signalised intersections. Relevant supporting documentation shall be provided to support justification of the proposed arrangement. - Note: The data can be extracted from the Meadowbank Employment Area Traffic Needs Assessment Report. Council can assist the	- BG&E met with Council on 4 June 2015 and are currently investigating a satisfactory design solution for Constitution Road. Given that an engineering solution is possible, it is considered appropriate and reasonable for the issue of road design to be dealt with as a deferred commencement condition of consent subject to the resolution of the final stormwater design to Council's satisfaction. - Landscape design plans and details will be amended in accordance with the engineers solution above and again it is considered appropriate and reasonable for the issue of landscape design through the centre of the site be dealt with as a deferred commencement condition of consent subject to the resolution of the final stormwater design to Council's satisfaction. - RDS has advised that the pre and post arterial corridors were assessed during the Concept Approval. RDS has advised that additional assessment is therefore not required.

Council Issue	Response
developer with information to produce a robust traffic signal validation report for the subject intersection upon request. - The geometric parameters for the Constitution Road/Belmore Street intersection have been incorrectly modelled as it does not include the provision of parking or "short lane-with parking" on Belmore Street, south-west leg in either the pre or post-development cases. This needs to be re-modelled for accurate assessment of the impact of the development on this intersection. - The traffic counts undertaken by R.O.A.R. data for the Junction Street/Church Street and Bowden Street/Victoria Road intersections have been provided but lack of intersection impact assessments have been derived from the data. The applicant is to provide SIDRA analysis of the above-mentioned intersections to determine if phasing adjustments are required. Any signal phasing adjustments shall be negotiated between the applicant and Roads and Maritime Services (RMS). All costs associated with this process shall be borne by the applicant.	
d) Drainage In regards to the proposed stormwater management system and public drainage infrastructure traversing the property; - The design drawings for the proposed new public drainage line traversing the property show the flow velocity in the pipe will exceed 11 m/s in certain sections which exceeds the Council's maximum rate, specified in Section 5.3. 1 of the DCP Part 8.2 (Stormwater Management). Further to the concerns raised for Stages 8 & 9 regarding the manner of discharge to the Harbour and potential scouring impacts, the nominated flow rate and capacity of the proposed public drainage system is such to cause rapid degradation of the asset which can significantly reduce its serviceable lifespan. Accordingly the system must be redesigned to ensure the conveyance of stormwater runoff from the greater upstream catchment and roadway related areas is of a rate and capacity complying with Council's DCP requirements. To this end, the following is required; - The proposed public drainage system should be redesigned by reducing the capacity of the inground drainage infrastructure to a lesser event (20yr ARI) and making provision for a	- BG&E met with Council on 4 June 2015 and have a comprehensive understanding of Council's preferred design approach. - BG&E are currently preparing an amended stormwater design to the satisfaction of Council. - BG&E will confirm in early July that an amended stormwater solution can be achieved without the need to alter the floor levels of the buildings. - On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the stormwater design through the site to Council's satisfaction prior to activation of the consent. - BG&E are currently in the process of producing the supporting calculations/report including the water quality model (MUSIC) in relation to the Bioretention System and Gross Pollutant Trap. - Turner Architects are in the process of reviewing and amending where necessary basement threshold levels in consultation with BG&E and an amended architectural package incorporating these amendments will be provided in early July 2015. - Landscape design plans and details will be amended in accordance with the engineers solution above and again it is considered

Council Issue	Response
defined overland flow path able to convey runoff during the 100yr event (accounting for 30% blockage of the inlet capacity of the inground infrastructure). • A revised HGL analysis must be provided for the inground drainage infrastructure. All design assumptions or relevant parameters are to be noted on the plan. The details must comply with the requirements specified in Section 5 of the DCP Part 8.2 (Stormwater Management), particularly Section 5.3.1 in regards to pipe velocities. • A defined overland flow path is to be provided through the site. The design is to convey overland flow resulting from the 100yr event accounting for 30% blockage of the inground drainage infrastructure. The velocity-depth product must comply with Section 5.4 of the aforementioned DCP Part. Details demonstrating this must be submitted. • The overland flow path and development's WSUD measures (creek beds) are to be separated, to ensure major stormwater runoff from upstream areas will not enter, damage or degrade these components, which are to be maintained by the owners of the future development. • The downstream impacts and flows over public areas are to be considered with respect to property damage and public safety. • Copies of the DRAIN and HECRAS/ TUFLOW modelling to clarify the design. • The applicant is to provide modelling to demonstrate that the design (and specifically the inlet arrangement upstream of Constitution Rd) does not increase flooding or risks. • The applicant will need to provide a design of a major system component to satisfy the Floodplain Development Manual (FDM) requirements for the types of use/risk of the location as a park. • Referring to Harris Page and Associates Stormwater Plan (C-0200 to C- 0291 dated 23 December 2014), a Bioretention System and Gross Pollutant Trap is proposed. The supporting calculations/ report including the water quality model (MUSIC) shall be submitted to the Council for review.	appropriate and reasonable for the issue of landscape design through the centre of the site be dealt with as a deferred commencement condition of consent subject to the resolution of the final stormwater design to Council's satisfaction.

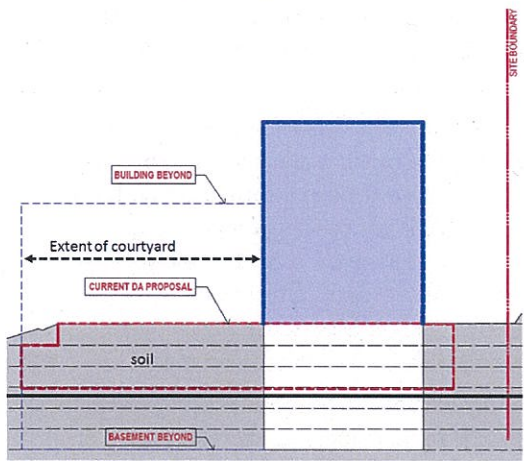
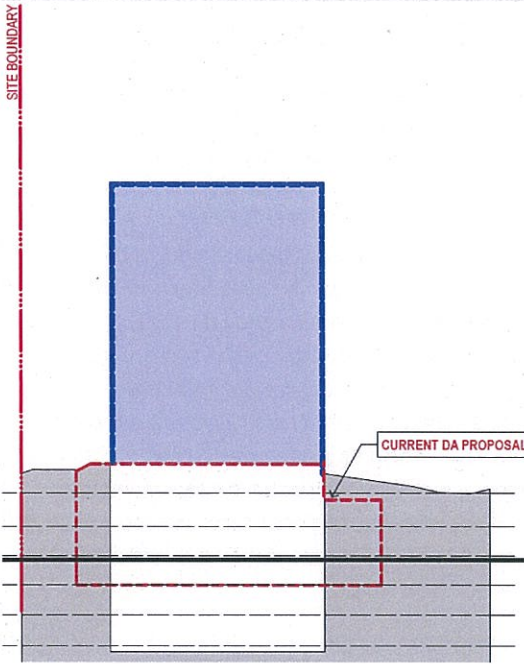
Council Issue	Response
- The applicant will need to provide to Council confirmation that approval from the Office of Environment and Heritage (OEH), Department of Primary Industries - Office of Water for a 'controlled activity approval' has been granted for the proposed discharge into the bay. Council will also need confirmation that the applicant has received approval through the Department of Fisheries for works affecting marine vegetation and aquatic habitat. These approvals will require designs demonstrating protection of and mitigation against negative impact on the environment. - Council asks the developer to refer to the environmental responsibilities under the Protection of the Environment Operations Act 1997 for scheduled activities that have potential to cause water pollution, the Water Management Act 2000 and the Fisheries Management Act 1994 for protection of the aquatic habitat, animals and plants Referring to Stages 6-9 Flood Assessment report, BG&E utilised DRAINS and TUFLOW models. - Digital copies of the flood and overland flow modelling must be submitted with the application so as to verify the results obtained and input data. - The hydraulic modelling has been carried out based on the lowering of Constitution Road. Issues associated with lowering of the Constitution Road were raised with the client representatives during a meeting held on 16 February 2015 with Council. At this meeting, it was advised that the levels of Constitution Road be maintained and provision of overland flow be made via additional drainage culverts or a bridge. Subsequently any amendments to the levels of Constitution Road will warrant revision of the Flood Analysers through the property. - The basement parking levels must be elevated above the Probable Maximum Flood event. Section 3.3 of the submitted Flood Report states that PMF levels were determined to establish basement garage entry thresholds given the high consequence of flooding. Figure A4 depicts the extent and depth of flooding will exceed the nominated entry level basement garage under Stage 7. - The Flood Study is to include a large scale site plan shall be prepared showing accurately the existing and proposed flood extent maps for the	

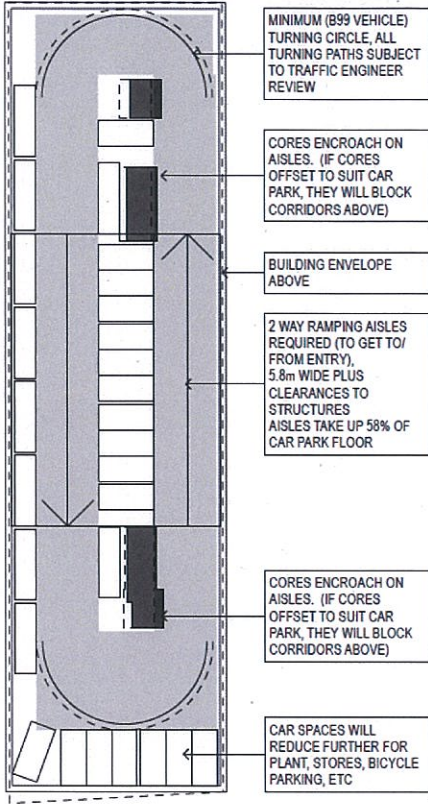
Council Issue	Response
1r 00 year ARI and PMF flood events for detailed review. Table 2.1 should include PMF flow rate information.	
3. Development Engineering	
Council's Development Engineer has reviewed the application and has identified the following issues which are required to be addressed. Details are as follows:	
a) Notwithstanding the review undertaken by Public Works, the submitted Flood and Overland Flow Study has depicted PMF levels that would inundate basement garage levels (Figure A4 in report). This is unacceptable as it would have significant impacts in terms of public safety and extensive property damage. The basement garage areas must achieve a crest that is elevated above the PMF event.	Turner Architects are in the process of reviewing and amending where necessary basement threshold levels in consultation with BG&E and an amended architectural package incorporating these amendments will be provided in early July 2015.
b) The development does not accommodate a loading bay within the property but has nominated an indented loading bay on the Nancarrow Avenue frontage. The imposition of these facilities in the Public Domain, for a development of this scope is not supported. A loading area must be implemented in the site and is to be designed to accommodate an MRV vehicle as per the requirements of AS 2890.2	During design development, the issue of on street vs on site loading was specifically discussed with Council. Elephant's Foot discussed this matter with Jude Colechin, Section Manager Waste, from Council who endorsed the proposed on street loading and garbage collection arrangement and advised via email on 10 April 2014 that: • "the (on street) loading bay would require a non standing sign to be enforced" • "there will also need to be a ramp leading from the naturestrip to the loading bay" Elephant's Foot have recently met with Jude Colechin who has confirmed that the proposed on-street loading bay arrangement is an acceptable.
c) The overland flowpath from Constitution Road will inundate the development's creek beds/ bioretention ponds. It is likely that such events will cause significant damage to these components and therefore expose Council to significant risk and liability. It is essential that the public overland flow path and private drainage (WSUD) measures are separated.	• Harris Page are currently in the process of amending the internal stormwater design to separate WSUD measures. The amended stormwater Concept Plan will be provided in early July 2015. • The landscape design through the centre of the site relies upon the final resolution of the stormwater design discussed above and upon Council confirming satisfaction of the final stormwater design, the landscape treatment – through the centre of the site can be amended to correspond. On this basis, it is proposed that a deferred commencement condition be imposed requiring

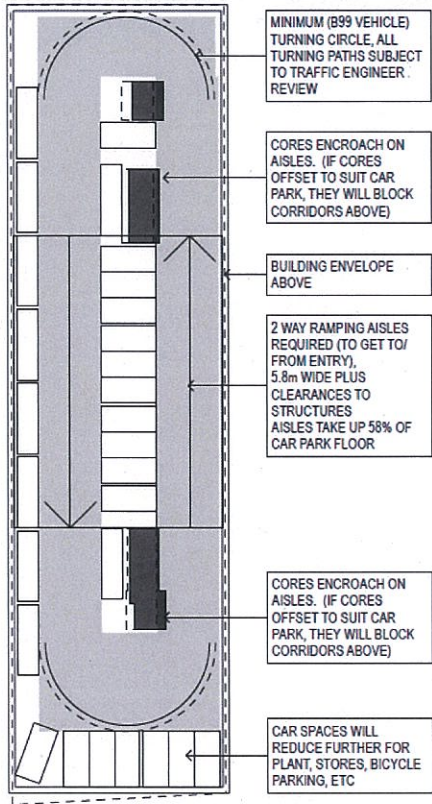
Council Issue	Response
	final resolution of the landscape design through the centre of the site to Council's satisfaction prior to activation of the consent.
d) Stage 7 development discharges to the bioretention basin via a proposed 375mm diameter line which will traverse the easement. This is not supported as it will impose on future maintenance of the public drainage line. The manner of discharge and configuration of the bioretention basin will need to be addressed	Harris Page are currently in the process of reviewing and amending the internal stormwater design address this concern. The amended stormwater Concept Plan will be provided in early July 2015.
e) The proposed discharge drainage line from the rainwater tank in Stage 7 appears to be suspended from the roof of the garage. The nominated invert level of the line will reduce the overhead clearance to 2.0m which is less than the minimum headroom clearance specified by AS 2890.1	Harris Page are currently in the process of reviewing and amending the internal stormwater design address this concern. The amended stormwater Concept Plan will be provided in early July 2015.
f) The submitted infrastructure plans produce a HGL for the proposed in ground public drainage infrastructure from Ann Thorn Park to Shepherds Bay, however only the 10yr ARI event is depicted. The HGL must be updated to reflect the required capacity of the line, as per Public Works request. This is to demonstrate this could be satisfactorily achieved and to enable the assessment of any potential impacts on the developments own drainage system at the nominated points of discharge.	• BG&E met with Council on 4 June 2015 and have a comprehensive understanding of Council's preferred design approach. • BG&E are currently preparing an amended stormwater design to the satisfaction of Council. • BG&E will confirm in early July that an amended stormwater solution can be achieved without the need to alter the floor levels of the buildings. • On this basis, it is proposed that a deferred commencement condition be imposed requiring final resolution of the stormwater design through the site to Council's satisfaction prior to activation of the consent.
4 Landscaping	
The City of Ryde DCP - Part 4.2: Shepherd's Bay, Meadowbank - General Development Controls section 4.1 .5 Landscaping and Open Space highlights as one of the 'controls' that roof gardens are encouraged and must be considered in any landscape plan. It is noted from the architectural plans that within Stages 6 & 7 there will be varying roof heights across the two buildings presenting an opportunity to use roof gardens in the development that will have a positive impact on residents located within upper floors of the proposal. The landscape architect's plans document a 'Roof Garden Strategy' for roof gardens for this stage of development, however the plans lack a level of detail to be assessed at this stage. It is required that the Landscape Architect provide more detailed concept	Place Design are in the process of amending the landscape plans for the roof areas which will be submitted in early July 2015. Generally, accessible roof gardens will not be provided on the basis of the following: • The roof gardens will create privacy issues, with direct view lines to nearby apartments. • There is a significant cost associated with the maintenance of these areas which would burden the owners corporation, translating to higher levies on owners/residents. The owners corporation is currently burdened with the costs associated with maintenance of the Public Domain elements. Additional expense in this instance is unwarranted and overly onerous. • There are many examples where such roof gardens have not been maintained by Owners

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plans to address these areas.	- Corporations, resulting in potential issues regarding safety, cleanliness and poor aesthetics. - The open space provision already provided exceeds the strict planning requirement. Therefore, roof gardens are not required to meet any communal open space requirement. - Potential management issues with the use of roof gardens, resulting in potential amenity impacts for nearby residents. - The security of the adjacent apartments could be compromised. - Potential issues with leaks which are very difficult and costly to repair
5. Environment and Sustainability	
Council's Environment and Sustainability Officer has reviewed the application and has identified a wide range of issues that are included at Attachment 2 to this letter	A revised, single Sustainable Travel Plan for the Concept Plan has been prepared by RDS and was submitted to Council on 11 June. Turner architects are currently in the process of amending the building design to accommodate the provision of 1 car share space per 90 spaces. An amended architectural package will be provided to Council in early July 2015.
6. Environmental Health	
Council's Environmental Health Officer has reviewed the application and has identified a number of issues particularly among them are regarding Groundwater, Contamination and Acid Sulphate Soil. These matters along with other matters in the review notes need to be addressed before further assessment of the application can proceed.	The contamination report and RAP for Stages 6 and 7 state that historical documents indicate the potential for up to eight USTs on the site with only two reported as being removed. Council have requested a new contamination report which identifies the remaining tanks and tests soil in the locations of the tanks to demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. However, the existing building remains on site and this testing cannot be undertaken until consent is granted for its removal. In this instance, it is considered appropriate for the consent to be conditioned for this work to be undertaken following demolition which is the approach that Council recently adopted in relation to LDA2014/0308 at 2 Angas Street, Meadowbank which was approved on 18 February 2015.
7. Public Art	
Pages 13 and 16 of Ryde Councils Public Art guidance document (Public Art: Planning Guide for Developers) identify criteria and frameworks for the development of a Public Arts plan such as project description, thematic framework, concept drawings	An updated Public Art Plan, prepared by Black Beetle was provided to Council on 29 June 2015.

Council Issue	Response
and project parameters/ implementation details. Council's Community and Culture Officer has reviewed the application and has identified the following issues which are required to be addressed . Details are as follows : • The proposed concepts for artworks have the potential to integrate well into the development and include relevance to the site and local history; however the Plan does not provide enough information to allow for a comprehensive assessment of Project parameters/ implementation criteria as identified in Ryde Council's Public Art guidance document. As such an updated plan is required to be submitted to address "Project Parameters/ Implementation of the proposed Arts work" as identified on pages 13 and 16 of Ryde Council's Public Art guidance document (Public Art: Planning Guide for Developers).	
8. Modified Concept Approval (MP09_0216 MOD1) Conditions	
With reference to the modification of Minister's Concept Approval dated 16 October 2014, the following issues are required to be addressed:	
a) Scaled and dimensioned drawings In order to accurately assess the built form of the proposed development and accompanying SEPP 65 report relative to the modified concept approval, amended plans, sections and elevations drawn to scale and fully dimensioned including boundary setbacks and floor to ceiling heights(already provided) and floor to floor heights are required to be submitted. It is noted that RLs have been annotated in the proposed plans, sections and elevations; however dimensioned details are still required in this instance.	We are unsure as to what this request refers to. As per Council's DA Checklist, Scaled plans were submitted with the DA.
b) Basement footprints Condition No.4 of the modified concept approval requires: "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." Concerns are raised that the proposed basement areas extend beyond the building footprint	Due to the narrow footprints of the two proposed buildings in Stages 6 and 7, an interpretation of Concept Plan consent Condition No. 4 to require basements only under the buildings above would result in extremely inefficient basement layouts with the inevitable result being the need to increase from 3 to 6 basement levels and additional excavation and dewatering and general disturbance of the site. The basement design for Stage 7 would be especially poor because the ramping would occupy the majority of each basement level, and this could only be alleviated with the use of car lifts, which is also a poor and unnecessary outcome.

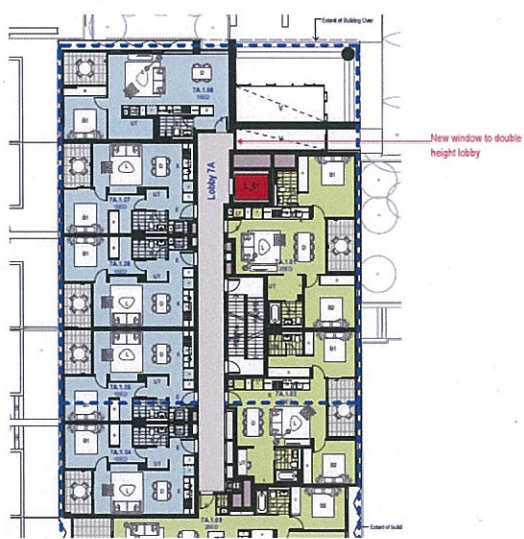
Council Issue	Response
underneath the communal garden area of Stage 6 and within the street setback areas of Stage 7. As such detailed justification for the non-compliance including consideration of providing additional basement levels underneath the building footprint is required to be submitted.	Sketch plans are provided below which illustrate the ramifications of this approach.  Stage 6: Section illustration of proposed basement levels and implication of basements only below footprint.  Stage 7: Section illustration of proposed basement levels and implication of basements only below footprint.

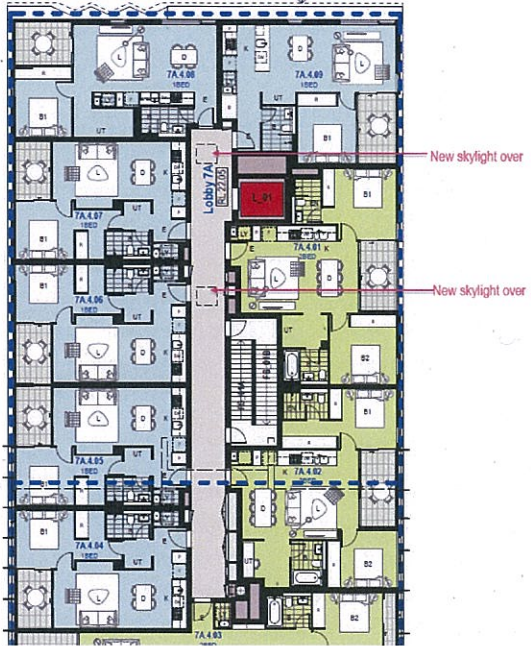
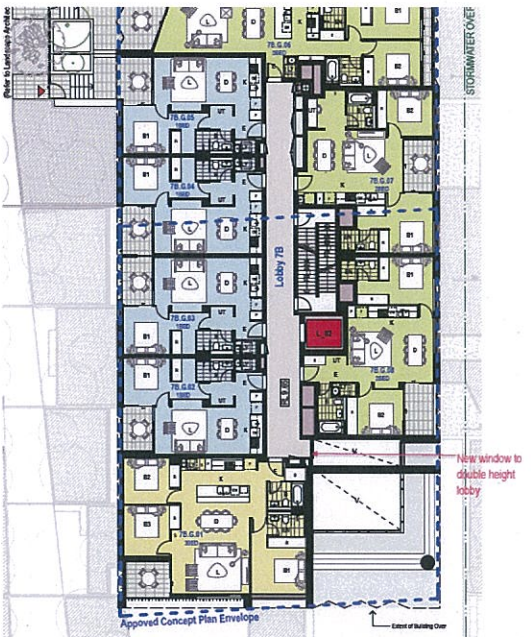
Council Issue	Response
	 MINIMUM (B99 VEHICLE) TURNING CIRCLE, ALL TURNING PATHS SUBJECT TO TRAFFIC ENGINEER REVIEW CORES ENCROACH ON AISLES. (IF CORES OFFSET TO SUIT CAR PARK, THEY WILL BLOCK CORRIDORS ABOVE) BUILDING ENVELOPE ABOVE 2 WAY RAMPING AISLES REQUIRED (TO GET TO/ FROM ENTRY), 5.8m WIDE PLUS CLEARANCES TO STRUCTURES AISLES TAKE UP 58% OF CAR PARK FLOOR CORES ENCROACH ON AISLES. (IF CORES OFFSET TO SUIT CAR PARK, THEY WILL BLOCK CORRIDORS ABOVE) CAR SPACES WILL REDUCE FURTHER FOR PLANT, STORES, BICYCLE PARKING, ETC TYPICAL FLOOR < 28 SPACES PER FLOOR Stage 7: Illustration of the required extent of ramping for a basement level contained only under the building footprint which occupies the majority of each basement level The core objective for locating basements only under building footprints is to ensure that sufficient deep soil is provided on site, which was central to the Planning Assessment Commission's consideration of the issue for Stages 2, 3, 4 and 5. In this instance, the proposed basement arrangement still results in 52.86% of the open space and 25.8% of the site as being deep soil. This is profoundly in excess of the minimum requirements of the Residential Flat Design Code which requires 25% of the open space to be provided as deep soil and 6.25% of the site to be provided as deep soil (based on minimum common open space area of 25% of site). It is also well in excess of the 7% deep soil required under the new Apartment Design Guide which will replace the Residential Flat Design Code. In other words, the proposed development provides deep soil which is 200% of the minimum required

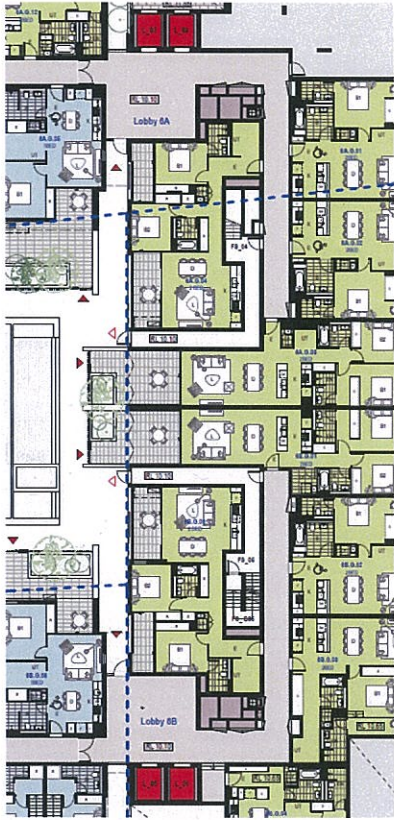
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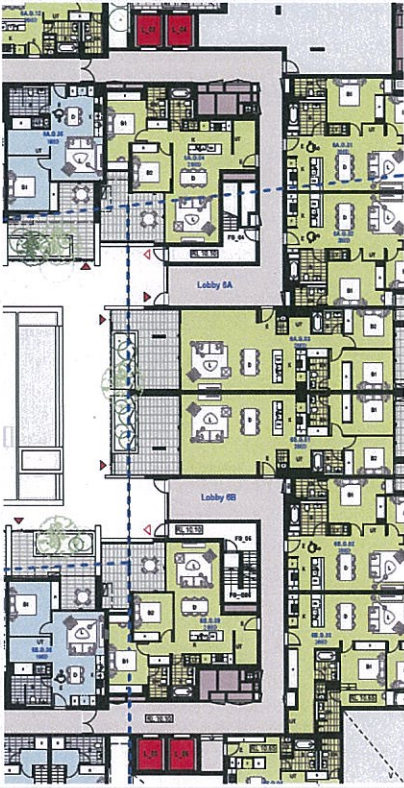
Council Issue	Response
	amount of the common open space area and <u>456%</u> of the minimum required amount of the site which must be deep soil. Given the substantial provision of deep soil which is still capable of being provided on the site with the proposed basement arrangement, there is no reasonable basis for concern in relation to the proposed basement arrangement and amendment of the basements would be unreasonable as it would not serve any planning purpose and would simply result in basement inefficiencies and double the number of basement levels. Moreover, the wording of the condition is primarily aimed at preventing encroachment into street setback areas only. The basements as designed and as shown in the DA drawings do <u>not</u> encroach into any street setback areas. It is therefore considered that the design as shown in the current DA documents complies with Concept Plan consent condition No. 4.
c) ESD report Condition No.22 of the modified concept approval requires: "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 target is provided within this report, the development should strive to achieve the stretch target (where relevant and feasible). In accordance with the Environment Development philosophy, four of the categories will be targeted to show 'industry best practice' . Where the categories of water and energy are applied, BAS/X will be used to test 'industry best practice' for water and energy, which will be treated as 10% better than the BAS/X pass mark." It is noted that a letter from David Baggs of Integreco Consulting (dated 8 January 2015) states confirmation of compliance with the revised ESD targets for Stages 2 to 5, it is considered that the letter fails to adequately quantify the relevant standards and proposed targets for the development required by Condition 22. As such additional documentation demonstrating compliance with Condition 22 is required to be submitted.	A supplementary letter prepared by Integreco was provided to Council on 11 June which confirms that the proposal will comply with the revised ESD targets for Shepherds Bay and that the proposal will satisfy four of the nine categories, which was the benchmark required to represent "industry best practice".

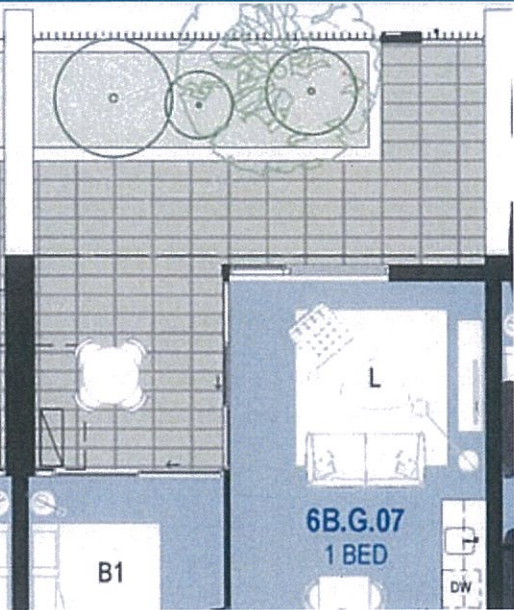
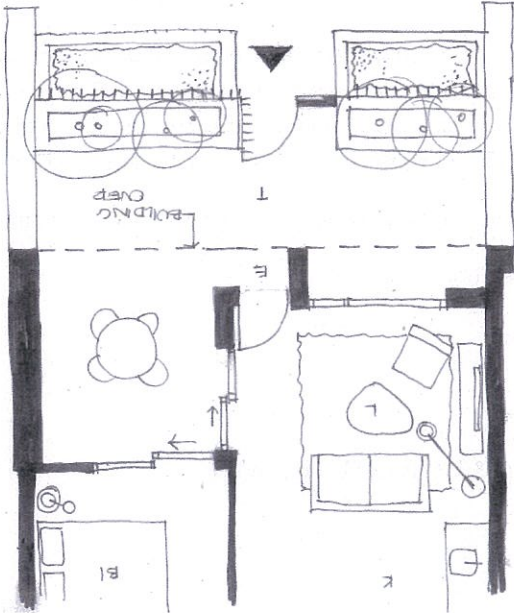
Council Issue	Response
9. Modified Statement of Commitments (March 2014)	
The modified Statement of Commitments details the various contributions , applications and works the proponent commits to undertaking in association with the project. As identified on page 15 of the modified commitments, "the proponent commits to further investigate the opportunity for including the following ESD principles: • Design internal apartment layouts to maximise natural ventilation and to capture prevailing winds • Utilise roof forms to capture natural light and ventilation; • Use of high thermal mass materials with apartments; • Ensure natural light and ventilation is provided to common areas to minimise energy consumption ; • Utilise low water flow and tap ware; • Harvesting of stormwater where feasible; • Recycling of water where feasible. Details identifying investigation and/ or incorporation of the above mentioned principles are to be submitted.	Refer ESD response above
10. Urban Design Review Panel	
The DA for Stages 6 and 7 of the proposal was reviewed and commented by Council's Urban Design Review Panel (UDRP) on 11th March 2015. These comments have been forward to you by an e-mail on 5 May 2015, and are in Attachment 4 of this letter. The comments made by the UDRP are supported by Council. The issues raised must be addressed by the proponents and submitted to Council before any further assessment of the development application is carried out by Council	A response is provided below as to how the specific areas of concern will be addressed in the final architectural package to be provided to Council in early July 2015. The proposed approach to address these comments were discussed at a meeting with Council and representative from SJB on 24 June 2015. There was no negative feedback from Council or SJB with regard to any of the proposals.
<i>Basement carparking</i> <i>The proposal includes a three and four level basement. 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 points 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 mitigated.</i>	Condition No. 4 of the Concept Plan states that Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above finished ground level. The proposed development conforms to this requirement and the proposed earthworks will achieve a positive outcome for the area because they will achieve basement levels with minimal protrusion to a maximum of 1 metres above finished ground level which will serve to reduce the apparent mass and scale of the development and provide an improved relationship

Council Issue	Response
	between the buildings and surrounding public domain. As the basement protrusion is limited to a maximum of only 1 metre above finished ground level and with a landscaped treatment around the perimeter of the basements, the basements will not result in an adverse impact to the quality of the primary through site link.
Building separation <i>At points along the primary site link, it appears that the basement protrudes above natural ground relative to Stage 6. This situation is not acceptable and warrants mitigation primarily through the landscape design response.</i>	The maximum protrusion of the basement level for Stage 6 above the finished ground level is 1m which is a conventional and acceptable outcome.
Privacy and building configuration <i>Generally, the configuration and internal planning of the buildings is clear and strong. Natural light and ventilation is apparent in many common circulation spaces. The Panel encourages a similar approach to internal corridors in Stage 7.</i>	Turner Architects have reviewed Stage 7 to investigate locations where additional natural light can be provided to the internal corridors via external window or skylight, or borrowed natural light. Natural light has been increased as follows: Stage 7A • GL (entry level) • L1 (new window to double height lobby) • L4 (new skylights over) Stage 7B • LG (entry level) • GL (new window to double height lobby) • L5 (glazed at NW end) • L6 (glazed at SE end)  Sketch Plan L1 Stage 7A 1:100 @ a3 17.06.15

Council Issue	Response
	 Sketch Plan L4 Stage 7A 1:100 @ A3 17.06.15  Sketch plan GL Stage 7B 1:100 @ A3 17.06.15
<i>The re-entrant corners of the building form of the courtyard building in Stage 6 creates inherent proximity between adjacent apartments, which</i>	Turner Architects have reviewed the configuration of ground floor apartments in Stage 6 and propose an amended to the location of the building entries and

Council Issue	Response
<i>appears, generally, to be acceptable, mitigating privacy and managing cross viewing.</i> <i>The Panel is concerned, however, with this configuration at ground level where communal open space connects to Lobby 6A and 6B. Here, residents using the communal open space are brought into close proximity with habitable rooms through a relatively constrained common corridor. Bedroom balconies (unit 6A.G.04 and 6B.G.09) and living room windows (units 6A.G.05 and 6B.G.08) appear to open directly onto these common circulation spaces without any mitigation of visual or acoustic privacy conflicts that will occur.</i>	associated reconfiguration of apartments to reduce the proximity of habitable rooms to common circulation spaces. This is illustrated in the images below of the originally proposed ground floor arrangement and the amended arrangement. Of Units 6A.G.04, 6A.G.03, 6B.G.01 and 6B.G.09.  Originally proposed ground floor of Stage 6

Council Issue	Response
	 Amended proposal for ground floor of Stage 6
<i>Residential entry and address</i> <i>The proposal provides adequate residential address to both Constitution Road 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 these individual ground floor addresses to be configured as formal dwelling entries (rather than as a secondary, purely private address).</i>	Turner Architects have reviewed the configuration of ground floor entries into apartments in Stage 6 and 7. The ground floor entries to the apartments are proposed to be amended by formalising the secondary entries with rearranging the 'hard' landscaping and gateway and by providing a domestic style entry door to give better distinction to the front door. An example for Unit 6B.G.07 is illustrated below:

Council Issue	Response
	 Existing plan  Proposed plan
Solar access <i>The proposal needs to demonstrate the extent of any self-shadowing impacts. It would appear that elements of Stage 6B, particularly at lower levels, will be compromised by overshadowing. Although consistent with the Concept Plan envelope approval, this self-shadowing should be, in part, offset by the provisions of Condition 21 'enhanced amenity'.</i>	The solar access analysis undertaken by Turner Architects and submitted with the development application did take into account self shadowing, as evidenced by the fact that the lower apartments in the southern 'wing of Stage 6 are marked as not receiving solar access whilst apartments on the same alignment higher in the building do benefit from solar access. Elevation solar access diagrams will be provided with the amended architectural package to

Council Issue	Response
	verify this.

In summary the following final documentation will be provided to Council in early July 2015

- An amended final architectural package prepared by Turner Architects
- Amended landscape plan dealing with the resolution of the rooftop landscape spaces
- Amended stormwater concept plan prepared by Harris Page

The following matters are being progressed, however, are proposed to be dealt with via a deferred commencement condition of consent given that they are essentially engineering matters which can be readily resolved in time:

- Final site stormwater design (overland flow path).
- Final civil road design for Constitution Road and Nancarrow Avenue.
- Final public domain design.
- Final landscape design associated with the stormwater design through the site.

This letter has been prepared and relies on the accuracy and factual integrity of the various consultants documentation that accompany this application. Sutherland & Associates Planning has wholly relied on the technical information, professional opinion and supporting justification in these reports, as prepared by professionals in their field, for the preparation of this letter and the satisfaction of the various issues raised by Council.

Should you have any concerns or queries with regard to the above, please contact me on 0410 452 371.

Yours faithfully



Aaron Sutherland

Sutherland & Associates Planning Pty Ltd