

## SYDNEY NORTH PLANNING PANEL

SNPP No	2016SYE120
DA Number	LDA2016/0443
Local Government Area	City of Ryde
Proposed Development	Construction of 22 dwellings, associated garages and 9 outdoor swimming pools for individual dwellings. The proposal also includes the construction of a new private road (Moorong Lane) and associated civil works.
Street Address	110 Princes St Ryde
Applicant	Fraser's Putney Pty Limited
Number of Submissions	No submissions received
Regional Development Criteria (Schedule 4A of the Act)	Development with a CIV over \$20 million
List of all Relevant S79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act, 1979</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Major Developments) 2005</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde Development Control Plan 2014</li> <li>• Legal advice in respect of the variations to the Concept Plan, as modified.</li> </ul>
List all documents submitted with the report for the Panel's consideration	Conditions of consent
Recommendation	Approval subject to conditions
Report by	Natalie Piggott Senior Town Planner
Date	22 February 2017

<b>Summary of s79C matters</b>	
Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes

<b>Clause 4.6 Exceptions to development standards</b>	N/A
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	
<b>Special Infrastructure Contributions</b>	No
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	
<b>Conditions</b>	Yes
Have draft conditions been provided to the applicant for comment?	

## **Assessment Report and Recommendation**

### **1. EXECUTIVE SUMMARY**

The following is an assessment of a development application for the construction of twenty two dwellings with associated parking, nine outdoor swimming pools, new private road (Moorong Lane) and associated civil works, landscape works and additional infrastructure works at 110 Princes Street, Ryde.

The site is part of a Concept Plan Approval and the proposed development is known as Phase 4H of Stage 2 of the Royal Rehabilitation Centre Sydney (RRCS) redevelopment.

The development is generally consistent with the modified Concept Plan Approval with the exception that the dwellings do not strictly align with the building envelopes approved under the concept plan, however the overall proposal is consistent with the key planning parameters of the Concept Plan, as amended, which is demonstrated further in this report.

Clause 7 of SEPP 55 states that Council must not consent to carrying out of any development unless it has considered if the land is contaminated and if so whether it is suitable or can be suitable (after remediation) for the proposed use. The site has been the subject of a detailed investigation by Environmental Investigation Services in the concept approval for the development with regard to site contamination. The report concluded that the site was suitable for the proposed development.

During the notification period Council received no submissions.

Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern. Consequently this report concludes that this application is sound in terms of design, function and relationship with its neighbours.

This report recommends that consent be granted to this application in accordance with the attached plans and conditions provided in Attachments 1 and 2.

## 2. APPLICATION DETAILS

**Name of applicant:** Frasers Putney Pty Ltd

**Owner of site:** Frasers Putney Pty Ltd

**Estimated value of works:** \$20,897,249

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

## 3. SITE DESCRIPTION

The site is part of the former Royal Rehabilitation Centre Sydney and is bounded by Victoria Road to the north, Charles Street to the east and Morrison Road to the south. The western border is bound by the Little Company of Mary (Calvary Retirement Village) on the north-west and Princes Street on the south-west.

The site is part of a Concept Plan Approval that applies to 17.7 hectares of land. The residential component of the site is 11.52 hectares in area across two parcels of land which are separated by the approved detention basin and Lardelli Park. These two parcels of residential land are known as Stage 1 and Stage 2. Stage 1 of the development has a street address of 600 Victoria Road, Ryde and Stage 2 has a street address of 110 Princes Street, Ryde. This is demonstrated in Figure 1 with the subject site identified within Stage 2.



Legend

Subject Site  
 Concept Plan Site     Stage 1     Stage 2

**Figure 1: Stage identification (JBA SEE)**

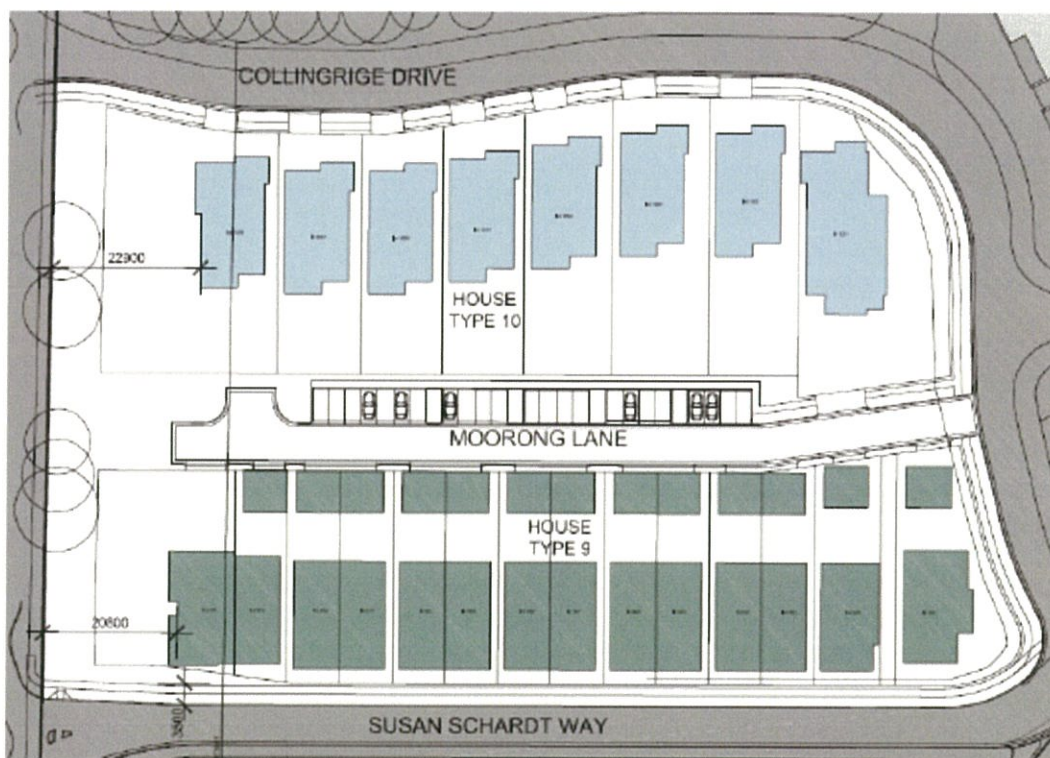


Stage 1 of the Concept plan is complete and Lardelli Park is now open to the public together with the recreation circle. The new facilities at the Royal Rehabilitation Centre Sydney have also been completed.

Stage 2 has been divided up into separate phases which have been subject to a number of development application approvals for which works are well underway. The demolition and tree removal works for Stage 2 have been completed and a number of residential flat buildings have commenced and are near completion.

#### 4. PROPOSAL

The application proposes to construct 22 dwellings with associated parking, landscaping and in-ground swimming pools within the Stage 2 Phase 4H portion of the site. This portion of the site is bounded by Collingridge Drive, Morrison Road and Susan Schardt Way. The proposal includes a new road to provide access to the new dwellings, which will be called Moorong Lane, with off road parking spaces provided. The dwellings have been categorised into two types, House Type 9 and House Type 10. This is demonstrated in Figure 2 below.



**Figure 2: Stage 2 Phase 4H layout plan**

The scope of works comprises of the following:

- Site preparation works including excavation and fill activities to facilitate the construction of the overall development;
- Construction of 22 dwellings, associated garages (various dwelling layout options provided) and the construction of 9 outdoor swimming pools associated with individual dwellings. There are two categories of dwelling houses proposed which are House Type 9 and House Type 10:

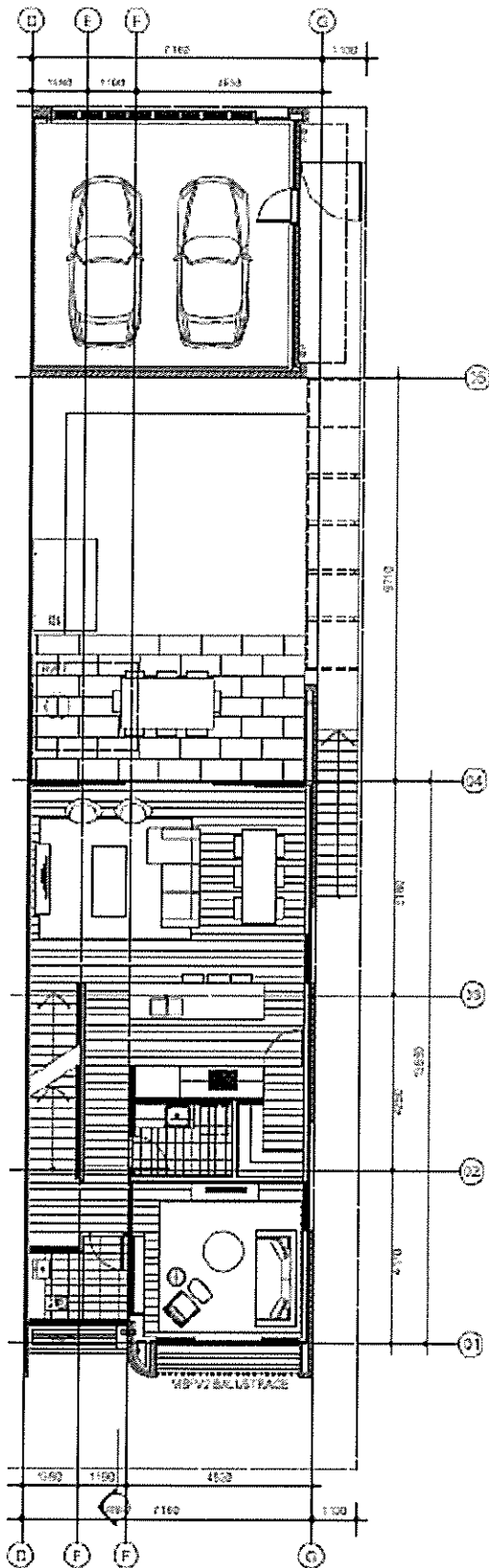
- House Type 9

House Type 9 is located within the eastern portion of the Stage 2 Phase 4H site with their primary frontage on Susan Schardt Way. Vehicular access is provided via the new road (Moorong Lane). Each dwelling is 2-3 storeys with a maximum building height of 13.6m.

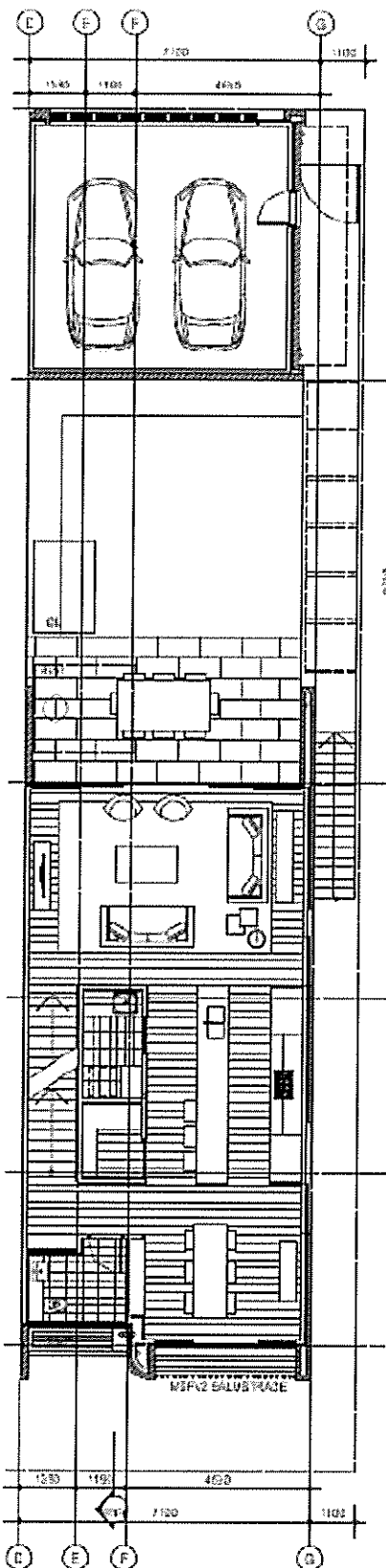
The dwellings have 4 bedrooms located on the second floor with 2 detached parking spaces with the exception of dwelling layout 9G which provides 4 parking spaces. Only one of the House Type 9 dwelling's has an in-ground swimming pool.

Two separate layout options are proposed for House Type 9 of select dwellings which relate to the first floor plan of dwellings 9A, 9B, 9C and 9D. Option 1 provides two separate living spaces whilst Option 2 provides an open plan layout. The remaining dwellings, 9E, 9F and 9G have only 1 option.

Figure 3 below demonstrates the two different options proposed for dwellings 9A, 9B, 9C and 9D.



FIRST FLOOR PLAN OPTION 1



FIRST FLOOR PLAN OPTION 2

Figure 3: House Type 9A layout options

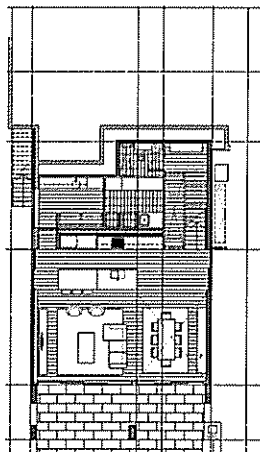
- House Type 10

House Type 10 is located on the western portion of the Stage 2 Phase 4H site and has their primary frontage along Collingridge Drive. Each dwelling is 2-3 storeys with a maximum building height of 16.6m. These dwellings have the double garaging attached to the dwelling and 8 of the dwellings are provided with in-ground swimming pools located at the rear.

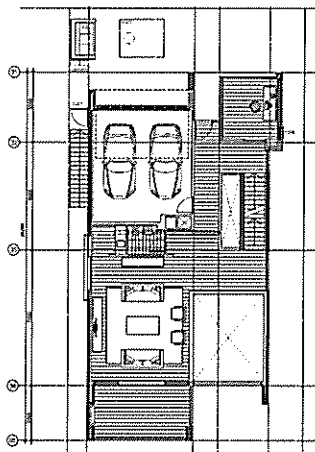
The proposal has 5 sub-types for House Type 10, namely 10A to 10E. Four of these are provided with 2 separate internal layout options (10A-10D) and 1 has a single layout (10E).

For dwellings 10A to 10D Option 1 allows for a 4 bedroom dwelling with open plan living/kitchen and bathroom on ground floor, living space, bathroom and garage on first floor and 4 bedrooms and 3 bathrooms on the second floor.

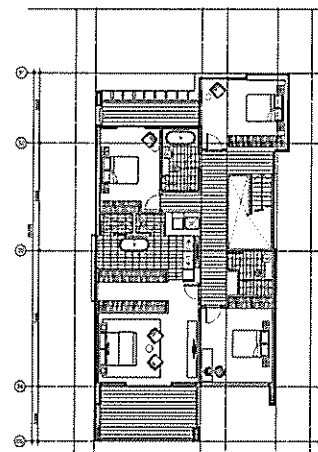
Option 2 replaces the first floor living space with the master bedroom and en-suite and the master bedroom on the second floor becomes a living room. An additional bedroom is also provided on the second floor making Option 2 a 5 bedroom dwelling. This is demonstrated in Figure 4 below.



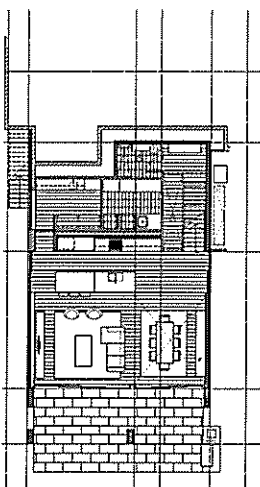
Option 1: Ground floor



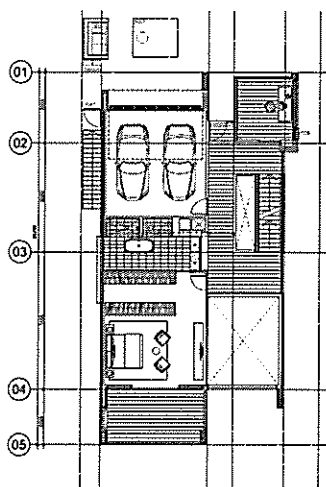
Option 1: First floor



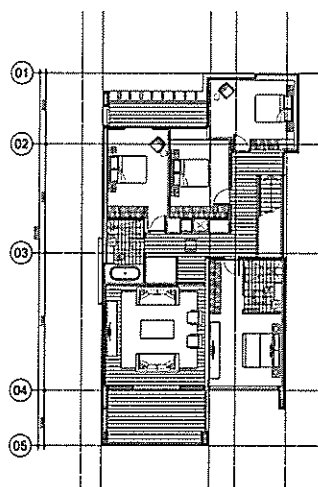
Option 1: Second floor



Option 2: Ground floor



Option 2: First floor



Option 2: Second floor

**Figure 4: House Type 10 layout Options 1 and 2**



The applicant has requested that a condition of consent be included to allow for the selection of either option layouts to be provided to the Principle Certifier prior to the issue of the relevant construction certificate.

Photo montages of the development are provided in Figures 5 and 6.



**Figure 5: Photomontage of development viewed from Susan Schardt Way (House Type 9)**



**Figure 6: Photomontage of development viewed from Collingridge Drive (House Type 10)**



- Construction of new private road with 23 on street parking spaces and associated civil works (Moorong Lane);
- Associated landscape works;
- Extension/augmentation of the services and infrastructure on the site; and
- Staged Torrens Title and Community Title Subdivision. The subdivision will allow for each individual dwelling house to be provided on a separate lot as well as a new lot for the internal road and private open space.

#### 4.1 Amended plans

Amended plans were submitted to Council on 4 April 2017.

The amended plans propose the following:

- House Type 9
  - House Type 9G parapet removed from rear lane;
  - House Type 9A, 9B, 9C and 9D rear façade aluminium box out removed and material change from timber to panted FC.
- House Type 10
  - House Type 10A, 10B and 10C side elevation aluminium box out removed;
  - House Type 10E louvres removed to bedroom and living room windows.
- Moorong Lane
  - Reduce car parking spaces from 23 to 18 with permeable paving used and street trees provided between parking bays.

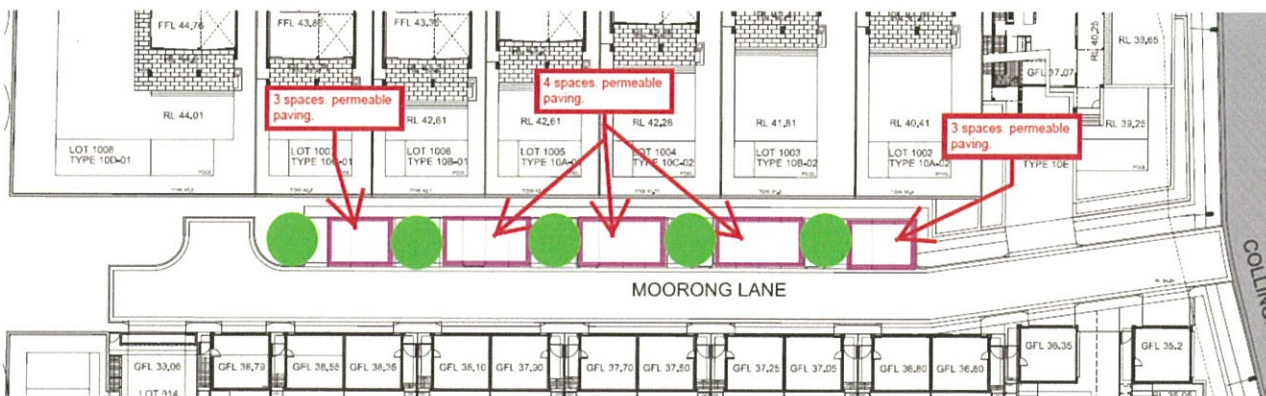


Figure7: Amended Moorong Lane parking configuration

## 5. BACKGROUND

### 5.1 Concept Approval

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

- (1) "A new, purpose built specialised rehabilitation and disability facility.
- (2) No more than 50 residential dwellings per hectare on land excluding the new, purpose built specialised rehabilitation and disability facility.
- (3) Landscaped public and private open space.
- (4) Associated services and infrastructure.
- (5) Land use distribution, building heights, densities, dwelling mixes and types."

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

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

## **5.2 Section 75W Applications**

1) A Section 75W Modification Application (s75W) was approved by the Acting Director General of the then Department of Planning and Infrastructure on 8 March 2013.

**MP05\_0001 MOD 1** relates to the Stage 1 portion of the site fronting Victoria Road for revised built form controls including: -

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

2) A second Section 75W application was approved by the Director of the Department on 14 October 2014. **MP05\_0001 MOD 2** allowed the following modifications to the Concept Approval:

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

## **5.3 Previous Major Project Approvals**

### *Subdivision*

On 12 August 2008, the then Minister for Planning approved the subdivision of the RRCS site into seven Torrens Title super lots, associated rights of carriageway and service

easements (**MP07\_0100**). A modification was approved on 5 July 2010, (**MP07\_0100 Mod 1**) to reflect the zone boundaries under the SEPP and the subsequent LEP controls. A further modification was approved on 31 October 2012 (**MP07\_0100 Mod 2**) to further subdivide the Lot 5 (relating to the health care facility).

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

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

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

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

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

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

#### **5.4 Previous Development Applications**

- 1) On 26 June 2013 the Joint Regional Planning Panel approved Local Development Application 2012/0471. This approval involved the following:
  - The construction of an 8 storey residential flat building containing 91 apartments and 130 basement car parking spaces in Stage 1 Phase 4A.
  - 16 two storey semi-detached dwellings located in Stage 1 Phase 2H.
  - The construction of internal road 12.
  - Associated landscaping and public domain works.
- 2) On 19 September 2013 the Joint Regional Planning Panel approved Local Development Application 2013/0165. This approval involved the following:



- The construction of three (3) residential flat buildings consisting of 218 apartments and 305 basement/ground level car parking spaces in Stage 1 Phase 2A and 3A.
  - Extension of services and infrastructure on the site.
  - Associated landscaping and public domain works.
- 3) On 17 September 2014, Council approved Local Development Application 2014/0108. This approval involved the demolition of existing buildings and removal of certain trees adjacent to the buildings to be demolished and removal of pedestrian pathways as part of the Stage 2 development of the site. Demolition works have since commenced.
- 4) On 23 April 2015 the Joint Regional Planning Panel approved Local Development Application 2014/0522. This application involved the following:
- construction of 3 residential flat buildings comprising 131 apartments and 2 levels of basement parking for 187 vehicles.
  - construction of 15 dwellings comprising 8 attached dwellings, 6 semi-detached dwellings and 1 detached dwelling.
  - Associated landscaping and public domain works.
  - Extension of services and infrastructure on the site including the construction of internal roads 21, 22, 27 and 28 and new vehicular access at the intersection of Morrison Road and Boulton Street.
  - Establishment and use of a temporary car park.
  - Subdivision of the site (Stage 2 Phase 1) into three super lots plus a fourth lot for Road 21 together with the further subdivision of Lot 1 into single lots for each of the proposed 15 dwellings.
- 5) On 11 March 2016 the Joint Regional Planning Panel approved Local Development Application 2015/0435. This application involved the following:
- Construction of two residential flat buildings comprising of 174 apartments and 2 levels of carparking for 243 parking spaces;
  - Associated landscape and public domain works;
  - Community titles subdivision
- 6) On 16 June 2016 Council approved Local Development Application LDA2016/0167. This approval was for tree removal for the future development of Stage 2 Phase 4H.

## **5.5 Current Development Application**

LDA2016/0443 was lodged with Council on 13 September 2016. In accordance with Part 2.1 of Ryde DCP the application was notified and advertised to the surrounding properties. No submissions were received.

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

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

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

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
A1. Development Description	The DA is considered consistent with the development description and Concept Plan drawings as revised by the most recent section 75W Application.
A2. Development in Accordance with Plans and Documentation	The DA is generally consistent with the drawings, Environmental Assessment, Statement of Commitments and Putney Hill Architectural and Landscape Design Guidelines approved with the most recent section 75W Application. The development does result in minor variations in respect to the building height, setbacks and building envelopes established by the modified Concept Plan. These issues and the Putney Hill Architectural and Landscape Design Guidelines have been discussed in greater detail at the end of this table. These variations are supportable.
A6. Determination of Future Applications	The proposal is consistent with the terms of approval in that it provides for 22 low density residential dwellings across the site with substantial landscaped public and communal open space. Accordingly, this development is considered to be generally consistent with the approved Concept Plan.
<b>Part B – Department of Planning's Conditions of Approval</b>	<b>Comment</b>
B1. Any significant departure from Conditions A1 and A2, Part A, Schedule 2 will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, the internal road network and associated development envelopes to reflect and extend the surrounding street pattern.	A S75W Modification Application to Concept Plan MP05_0001 was approved on 14 October 2014 by the NSW Department of Planning and Environment (the Department). This modification established amended building envelopes and an up-to-date site layout for Stage 2. The proposal does not significantly depart from the approved modification to the extent that plans will need to be submitted to the Department of Planning.
B4.5. The proponent will submit further documentation and plans in support of future applications for development on the subject site which provides detailed design of road cross sections, intersection of geometry and manoeuvrability of service vehicles to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.	The majority of internal roads for Phase 4H have been approved under LDA 2014/0522. Moorong Lane, a new private laneway, is proposed as part of this application. Adequate information has been submitted to Council to enable consideration of this roadway.

B4.6. Prior to determination of the initial application for dwellings within Stage 2, the proponent will submit to Council an updated traffic and parking assessment, in accordance with Council's requirements.	A Transport Report prepared by CBHK has been provided and includes an updated traffic and parking assessment.
B7. Contamination Investigation	Site contamination studies were provided to the Department in relation to the previous applications, and the overall site is considered appropriate for residential use.
B9. Archaeological Investigation	<p>An Aboriginal Archaeological Assessment for the entire Putney Hill site was submitted as part of the Project Application for Phase 1 of Stage 1. This report concluded that:</p> <ul style="list-style-type: none"> <li>• No Aboriginal archaeological sites or places have been located within the study area</li> <li>• The area was found to be highly disturbed and to have a low/no archaeological potential</li> <li>• The study area was found to have a low archaeological significance.</li> </ul>
B13. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The applicant has submitted a valid BASIX Certificate for the dwellings (No.732249M dated 1 September 2016) which provides the development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate (see conditions 4, 30, and 93).
<p>B17. Stage 2 Residential Built Form, Urban Design and Landscaping</p> <p>The Floor Space Ratio Concept Plan in the plans referred to in Condition A2(d) is deleted and no floor space control applies to Stage 2, including as provided by the RLEP 2010 or any succeeding instrument. Built form within Stage 2 will be assessed having regard to the building envelopes included in this approval, by the maximum number of dwellings permitted by Condition A1.</p>	<p>This condition of the Concept Plan requires that future applications for Stage 2 shall provide dwelling yield calculations (including projections for future stages) demonstrating that the maximum number of dwellings across the Concept Plan can be achieved. Condition A1 identifies that the total number of dwellings across the site is not to exceed a density control of 50 dwellings per hectare. This results in a maximum of 791 dwellings. Development consent has already been granted for 769 dwellings. This application is the final residential stage of the overall site and proposes the final 22 dwellings making the overall total dwellings for the site 791 which is compliant with this condition.</p> <p>The proposed building envelopes for the development have been varied due to the maximum number of dwellings for the site being 791. The development can only provide a further 22 dwellings therefore the development cannot strictly adopt the approved building envelopes for this portion of the site. This is discussed in greater detail at the end of this table.</p> <p>The development also incorporates extensive landscaping within the boundary setback areas including the retention of any significant trees where possible. Council's Tree Management Officer and Landscape Consultant have reviewed the proposed landscaping design and have raised no objections and is satisfied that the significant trees identified within the submitted arborist report have been retained. Tree protection measures have already been put into place as a result of previous development application approvals.</p>
<b>Part C – Proponent's Statement of Commitments</b>	
<p><b>C1. Health and Community Facilities</b></p> <p>The proponent will provide a new multi-functional Health and</p>	The RRCS Health Facility was the subject of a previous Project Application (MP08_0054).



## Schedule 2

Conditions	Comment
<p>Disability Centre, recreational facilities, a child care centre and community meeting room, negotiate a Planning Agreement under s93 of the Act and/or provide Development Contributions under s94 of the Act for community facilities and infrastructure demand and commit to staged development of the site to enable RRCS to continue its operations.</p>	<p>The contributions were arranged in accordance with a Deed of Agreement established on 15 July 2010 between Ryde City Council, RRCS and Frasers Putney Pty Ltd, which offered community facilities and infrastructure as material public benefit in lieu of a cash payment.</p>
<p><b>C2. Density and Relationship to Surrounding Community</b></p> <p>The proponent will implement the State Government's objectives for a sustainable and compact city by adhering to the following design elements:</p> <ul style="list-style-type: none"> <li>• The mix of dwelling types, to provide for a range of housing choice;</li> <li>• The maximum densities in the development parcels, to ensure that there is a sustainable and environmentally sensitive distribution of residential density across the subject site;</li> <li>• The location of detached houses and town houses in the peripheral transition zones, to create a buffer to the surrounding residential communities, maintaining a good amenity, solar access, light and privacy for the existing residents;</li> <li>• The location of medium density residential development in the interior of the subject site, to afford increased opportunities for liveable communities within the metropolitan fabric, close to regional employment opportunities and to existing retailing, educational and community facilities, and well serviced by public transport.</li> <li>• The integration of open space, recreational facilities, childcare and community and health facilities with the residential development, to ensure that not only will the newly created communities be sustainable, both socially and environmentally, but that</li> </ul>	<p>As per previous approvals for the development of Stage 1 and the first phase of Stage 2, the proposal is considered to suitably satisfy these design elements given the following:</p> <ul style="list-style-type: none"> <li>• The provision of 22 detached and semi-detached dwellings, when considered in light of the housing mix across the overall RRCS site, will provide suitable housing options to the area, which predominantly consists of single residential dwellings.</li> <li>• The overall provision of 22 detached and semi-detached dwellings is consistent with the distribution and density of dwellings in the approved Concept Plan (as modified), which is within the overall density control of 50 dwellings per hectare.</li> <li>• The location and density of the proposed 22 detached and semi-detached dwellings are in accordance with the approved Concept Plan, as modified, and provides the transition zones to the surrounding communities maintaining good amenity, solar access, light and privacy for the existing residents.</li> <li>• The various components of the RRCS site service the needs of the new community, as well as being readily accessible to service the surrounding community. The development is well integrated with the urban fabric of the area, and benefits from retail, employment, educational and community facilities. Public transport is also available.</li> <li>• The development connects to existing and proposed pedestrian linkages within the site and surrounding community.</li> </ul> <p>The proposed development is considered to provide a contributory role to the benefit of its future residents and the surrounding community.</p>

Schedule 2	
Conditions	Comment
existing residents in the local community will also benefit from the total development.	
<p><b>C3. Urban Design</b></p> <p>The proponent will accord with the maximum heights, maximum number of dwellings, maximum floor space and minimum setbacks in the development parcels in the plans and documentation described in Condition A2, Part A, Schedule 2.</p> <p>The proponent will submit subsequent applications in accordance with the maximum development parameters in the plans and documentation described in Condition A2, Part A, Schedule 2 and in accordance with the urban design principles set down in State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, Residential Flat Design Code (DIPNR) and the Residential Flat Design Pattern Book (DIPNR).</p> <p>The proponent will adopt the following urban design principles which:</p> <ul style="list-style-type: none"> <li>• Maximise the northern aspect for solar access to dwellings.</li> <li>• Respond to the microclimate of each location and to the varying topography.</li> <li>• Set back buildings from the street frontages to create landscaped settings.</li> <li>• Introduce view corridors through the subject site to maximise visual permeability.</li> <li>• Share views by stepping buildings down the slope.</li> <li>• Diversify building forms to create variety and visual interest.</li> <li>• Limit overshadowing to 50% for 2 hours per day for private open space.</li> <li>• Minimise overshadowing of public open space.</li> <li>• Maintain privacy by ensuring adequate distances between dwellings - windows of habitable rooms be a minimum of 12m apart or if these distances are</li> </ul>	<p>The proposal complies with the number of dwellings and is generally in keeping with the maximum heights and minimum setbacks as per the approved Concept Plan (as modified). The proposal also is generally consistent with the documentation and plans described in condition A2 subject to minor variations and design refinement.</p> <p>The proposal is the final stage of the development with the remaining 22 dwellings proposed in accordance with the maximum number of dwellings allowed on site.</p> <p>The proposal satisfies the specified urban design principles with particular regard to:</p> <ul style="list-style-type: none"> <li>• the orientation of the dwellings has been in accordance with the location and orientation of the site and its subdivision pattern;</li> <li>• the topography has been taken into consideration with the use of retaining structures;</li> <li>• the provision of sufficient landscaped setbacks;</li> <li>• the topography of the site allows for the maximisation of visual permeability;</li> <li>• the dwellings have been stepped down to reflect the sloping topography of the site to provide shared views;</li> <li>• the dwelling mix of detached and semi-detached creates variety and visual interest;</li> <li>• the provision of 50% of the private open space receives a minimum 2 hours of sunlight;</li> <li>• the public open space for the overall site is not impacted by the proposal;</li> <li>• the increased separation of 26m to 33m between the two rows of dwellings. The windows along the western elevation of House Type 10 have varying configurations and layouts and are proposed to incorporate translucent glazing to ensure privacy.</li> </ul>

Schedule 2	
Conditions	Comment
<p>not achievable, other design measures, such as appropriate window and balcony locations and screening, being incorporated.</p> <p>The proponent will adopt a design philosophy to create a traditional Australian residential living setting in a contemporary urban environment, through:</p> <ul style="list-style-type: none"> <li>• Articulated buildings with an interplay of planes, with balconies and pergolas.</li> <li>• An interplay of self-finishing building materials, brick, stone and tiles.</li> <li>• Variations in colour and texture.</li> <li>• Human scale in the design of facades and spaces between buildings.</li> <li>• Ceiling height of the parking areas beneath residential flat buildings not to exceed 2.1m above natural ground level at any point.</li> </ul>	<p>The development exhibits the elements specified in the design philosophy by:</p> <ul style="list-style-type: none"> <li>• providing a mix of dwelling varieties with varying facades and material treatments with terraces and balconies integrated in to the design;</li> <li>• providing visual interest and suitable external colours and finishes that vary in building materials with variations in colour and texture;</li> <li>• presenting and siting of the dwellings to exhibit a suitable relationship with the human scale.</li> <li>• Not applicable.</li> </ul>
<p><b>C4. Landscaping</b></p> <p>The proponent will adopt landscaping designs being in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• To create a variety of landscaped public open spaces which respond to the existing topography and landscaped features, and are appropriate for the intended purpose of each area of open space.</li> <li>• To create accessible, landscapes roof-tops for use as private open space.</li> <li>• To create a unique sense of place in different precincts of the development, and landscaping on the collector roads which harmonises with Council's public domain landscape strategies.</li> <li>• To preserve mature trees and landscaping features.</li> <li>• To provide shade along pedestrian pathways and streets through the planting of street and park trees. When selecting species, consideration to be given to drought tolerance, winter solar access, summer shade and provision of habitats.</li> </ul>	<p>The development has incorporated the stipulated landscape design principles. The landscaping will provide a high quality of amenity to the development and incorporate a variety of scales and ranges of open space opportunities, including in-ground swimming pools to 9 of the dwellings. The proposed tree retention and planting will provide the site with large specimens that will enhance the character of the development.</p> <p>The design of the landscaping is considered to be in keeping with, and enhance the character of the Putney locality. The proposal has been reviewed by Council's Tree Management Officer and Landscape Consultant who are satisfied that conditions pertaining to tree protection, arborist supervision etc. have been adhered to from previous development application approvals. Additional tree protection conditions have been recommended in keeping with existing tree protection measures (See condition numbers 53 to 59, 73, 88 to 90 and 94).</p>



## Schedule 2

Conditions	Comment
<ul style="list-style-type: none"> <li>• To provide a high quality, low maintenance suite of street furniture that is located to provide amenity for walkers and park users.</li> <li>• To provide shade for parking areas so that cars can be parked in the shade - ideally reducing the need for intensive air conditioning.</li> <li>• To reduce crime in public places by creating safe open spaces that are overlooked by dwellings and that have at least two access points.</li> <li>• To minimise water usage and maintenance by selecting hardy, drought tolerant native and exotic plants, including those listed on the Sydney Water Plant Selector.</li> <li>• To reduce environmental weeds by selecting plants that are non-invasive or indigenous.</li> <li>• To treat stormwater on subject site through landscape techniques such as wetlands and planted swales.</li> <li>• To provide a range of habitats for indigenous fauna including birds and arboreal mammals, insects, reptiles and amphibians through selection of plant species and planting composition.</li> <li>• To increase water penetration by the use of permeable car parking bays.</li> <li>• To provide accessible paths of travel wherever possible as an integrated part of the open space network;</li> <li>• To provide a landscape that can be maintained without excessive labour, water or nutrient inputs.</li> </ul> <p>The proponent will adopt a design philosophy for elements in the public domain, including landscaping and street furniture, which will reflect the character of Putney, to be developed in consultation with Council to the satisfaction of the Department.</p>	
<p>C5. Heritage</p> <p>In the event a future approval is granted to demolish buildings on the subject site, the impacts will be mitigated by the following</p>	<p>Development consent for the demolition of existing buildings on the site was approved under LDA2014/0108 on 17 September 2014. As such, the subject proposal does not include any demolition. However, as part of the consent for LDA2014/0108,</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<p>procedures:</p> <ul style="list-style-type: none"> <li>• The important historic, social and cultural significance of RRCS to be commemorated through a professionally written history of the subject site;</li> <li>• Archival photographic recordings to be made of the significant buildings, the subject site and the landscape elements on the subject site, in accordance with NSW Heritage Council's guidelines;</li> <li>• The original sandstone gateposts at the entrance to Weemala to be retained in situ;</li> <li>• An interpretation strategy to be developed, in order to recognise the important historical and social significance of the subject site to NSW and Ryde;</li> <li>• The history of the RRCS to be commemorated in naming of new facilities, parks and roads.</li> <li>• Archival material to be held by RRCS, displayed where appropriate in the new facility and be made available as a public record in the local city library;</li> <li>• A "History Walk" to be created as a key feature of the parkland amenity, including commemorative stones along the public access track displaying the origins of the site in the context of the history of the Putney Village Community and the City of Ryde;</li> <li>• An investigation to be conducted to determine the extent and nature of any remnants of the original Weemala building, including a sampling of surface shard scatters.</li> </ul>	<p>advisory conditions were included stating matters that would need to be addressed in any subsequent construction DA for the site. These were essentially the same matters listed in C5 of Concept Approval (as modified).</p> <p>Several supporting documents and strategies were lodged by the applicant to satisfy this requirement in relation to the Concept Plan MP05_0001 for the application as well as the previous applications. These strategies are considered to be satisfactory. Council's Heritage Officer has raised no objections to the proposal.</p>
<p><b>C6. Utilities Infrastructure</b></p> <p>The proponent will:</p> <ul style="list-style-type: none"> <li>• Obtain confirmation from utility providers, that existing infrastructure, particularly sewer and water, are capable of supporting the proposed development or can be amplified without detrimentally affecting the existing amenity of the area.</li> <li>• Obtain all necessary approvals from authorities to implement the augmentation and/or reticulation of the utilities infrastructure.</li> </ul>	<p>The required consultants' reports were submitted in support of the approved Concept Plan (as modified). The applicant confirms that the site is able to be adequately serviced with site infrastructure and utilities, however the existing utilities will be augmented to meet service demands. The applicant will satisfy these requirements and obtain approval from the necessary authorities prior to any work being undertaken.</p>
<b>C7. Traffic &amp; Transport</b>	

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
<p>The proponent will work with all traffic and transport authorities and Council to optimise the design and safety of roads and intersections, both within and surrounding the subject site, and to upgrade public transport, including:</p> <ul style="list-style-type: none"> <li>• Review of bus-stops and access to these.</li> <li>• Design of intersections on external roads, including roundabouts.</li> <li>• Improvement in pedestrian safety within the locality.</li> <li>• Reduction in vehicular speeds.</li> <li>• Design of the subject site's internal road network in accordance with the Australian Model Code for Residential Development Guidelines (AMCORD), with limited access points, discouraging through-traffic and ensuring safety for pedestrians and cyclists.</li> <li>• Design of the internal road network in accordance with a road hierarchy, to provide a sense of place in different locations and to improve safety for pedestrians and cyclists.</li> <li>• Provision of parking and storage in accordance with Council's codes and/or RTA guidelines.</li> <li>• Provision of pathways accessible for people with disabilities between the RRCS health facilities, the Recreation Circle and the Central Parkland.</li> <li>• Provision of a cycleway network.</li> </ul> <p>The proponent will negotiate a planning agreement under Section 93 of the Act, and/or providing Development Contributions under Section 94 of the Act, to provide for infrastructure.</p> <p>The proponent will implement the recommendations and conditions set out in the Sydney Regional Advisory Committees letter to the Department dated 5 October 2005 to the satisfaction of the Department.</p>	<p>Council's Traffic Engineer and Senior Development Engineer have reviewed the proposal and have raised no objections. The following is noted:</p> <ul style="list-style-type: none"> <li>• An existing bus stop is located on Morrison Road at the boundary of the overall site and the provision of further stops on the site frontage are not required.</li> <li>• The Deed of Agreement signed between the City of Ryde Council, RRCS and Frasers Putney Traffic required traffic calming measures to be implemented.</li> <li>• Dedicated pedestrian pathways are provided throughout the RRCS site.</li> <li>• The applicant has committed to a 40km/h speed limit for all internal roads.</li> <li>• The applicant has confirmed that the internal road network satisfies the AMCORD requirements.</li> <li>• Parking is provided in accordance with Council's car parking rates pursuant to the Ryde DCP 2014.</li> <li>• Accessible paths of travel are provided throughout the site and to the adjoining public areas.</li> <li>• A cycleway network is provided.</li> </ul> <p>The applicant confirms that the proposal satisfies the relevant Australian Standards. The proposal has been reviewed by Council's Senior Development Engineer and no objection is raised.</p>
<p><b>C8. Stormwater Management</b></p> <p>The proponent commits to working with Council to develop the design</p>	<p>Stormwater detention and management measures for the overall site were previously approved in Project Application MP08_0054.</p>

<b>Schedule 2</b>	
<b>Conditions</b>	<b>Comment</b>
for the stormwater management system, which will operate effectively to the standards for infrastructure, safety and public health set down by Council, and to the satisfaction of the Department.	The subject DA is accompanied by a detailed Civil Engineering Design Report and Plans which have been reviewed by Council's Senior Development Engineer and no objection is raised.
<p><b>C9. Construction Management</b></p> <p>The proponent will lodge a Construction Management Plan, prior to development being undertaken on the subject site, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Noise and vibration management</li> <li>• Dust control</li> <li>• Construction waste management</li> <li>• Erosion and sediment control</li> <li>• Flora and fauna management</li> <li>• Archival recording of heritage</li> <li>• Hazardous materials removal</li> </ul> <p>The proponent commits to carrying out any required remediation prior to developments being undertaken on the subject site, in accordance with the findings of the Contamination Study.</p>	The application has been accompanied by a Construction Management Plan by JWP that addresses all of the issues required in this condition. In respect to traffic management, the applicant intends to submit a more detailed Traffic Management Plan that would be prepared in accordance with the RMS guidelines. This is acceptable to Council's Traffic Engineer and a condition of consent has been imposed to require this to be submitted prior to the issue of any Construction Certificate on the site. (See condition number 41).
<p><b>C10. State Environmental Planning Policy Building Sustainability Index (BASIX)</b></p> <p>The proponent will comply with the NSW Government Building Sustainability Index targeting 40% reduction for potable water consumption, 25% reduction of greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.</p> <p>The proponent will commit to specified sustainability initiatives.</p>	The applicant has submitted BASIX Certificates for the buildings (No.732249M dated 1 September 2016) which provide the development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate (see conditions 4, 30 and 93).
<p><b>C14. Submission of Subsequent Applications</b></p> <p>The proponent will submit subsequent applications for the development of the subject site in accordance with the conditions of approval to Project No. 05_0001.</p> <p>The proponent will submit further documentation for the subsequent applications which will include (but not be limited to):</p> <ul style="list-style-type: none"> <li>• Detailed landscape survey and</li> </ul>	<p>The subject DA has been submitted to satisfy this condition and is accompanied by the necessary supporting documentation. The applicant confirms that all necessary approvals will be attained from utility providers prior to the commencement of works where necessary.</p> <p>The DA is considered to satisfy the submission requirements where relevant, and appropriate conditions of consent will be imposed where necessary.</p>

Schedule 2	
Conditions	Comment
<p>design.</p> <ul style="list-style-type: none"> <li>• Archaeological survey, where required in accordance with the Heritage Interpretation Strategy.</li> <li>• Heritage interpretive elements in the public domain</li> <li>• BASIX compliance</li> <li>• Sediment and Erosion Control Plan</li> <li>• Waste Management Plan</li> <li>• Car parking provision, loading and subject site access in accordance with the relevant codes.</li> <li>• Construction Management Plans</li> <li>• Compliance with the utility authorities' standards and reticulation requirements, and approval/permit processes.</li> </ul>	

## Variations to Concept Plan

Stage 2 Phase 4H is the final stage of the development for the overall site. The Concept Plan, as modified, provided building envelopes, building heights, setbacks and design guidelines for the portion of the site that Stage 2 Phase 4H is located.

As the proposal contains variations from the Concept Plan, the consent authority must, under Clause 3B(2)(d) of the Environmental Planning and Assessment Act 1979, be satisfied that the development is *generally consistent with the terms of the approval of the concept plan*.

In terms of assessing whether the proposal is generally consistent with the Concept Plan, as modified, the consent authority must consider the terms of the Concept Plan, as modified. Condition A1 approved development to be carried out for:

- (1) *A new, purpose built specialised rehabilitation and disability facility.*
- (2) *No more than 50 residential dwellings per hectare on land excluding the new, purpose built specialised rehabilitation and disability facility.*
- (3) *Landscaped public and private open space.*
- (4) *Associated services and infrastructure.*
- (5) *Land use distribution, building heights, densities, dwelling mixes and types.*

The proposal satisfies the above as it is complying with the Condition A1(2) in that the number of dwellings for the overall site is capped at 791.

Condition A2 of the Concept Plan, as modified, states:

*The development shall also be **generally consistent** with the following plans and documentation:*

- (1) *Concept Plan and Environmental Assessment for the Redevelopment of Royal Rehabilitation Centre Sydney Site, prepared by BSA Architects (August 2005).*
- (2) *The Redevelopment of Royal Rehabilitation Centre Sydney Site – Secondary*



*Consultant reports for Concept Plan Submission to DIPNR, prepared by BSA Architects (August 2005).*

- (3) *Preferred Project Report and Statement of Commitments and Proponent's Responses to Exhibition of the RRCS Concept Plan, prepared by BSA Architects (December 2005).*

*As amended by the following plans and documentation:*

- .....
- (d) *Concept Plan Drawings by Cox Richardson Architects dated August 2014 submitted on 11 August; and*
  - (e) *S75W Modification to Concept Plan MP05 0001 Report by JBA Urban Planning Consultants dated December 2013 as amended by the Response to Submissions report by JBA Urban Planning Consultants dated May 2014 and correspondence from JBA Urban Planning Consultants dated 25 June, 5 August, 11 August and 14 August 2014; and*
  - (f) *Putney Hill Architectural and Landscape Design Guidelines by Environmental Partnership, JBA, and Cox, dated 21 May 2014 submitted on 5 August 2014.*

Accordingly the applicant has provided, within the Statement of Environmental Effects, the following arguments supporting the proposal as being "generally consistent" with the terms of the Concept Plan, as modified:

*Stage 2 Phase 4H is generally consistent within the Concept Plan in that it:*

- *provides a quantum of dwellings consistent with the density control provided in Condition A1 of the approval;*
- *provides houses and associated open space consistent with the overall delivery of the approved Concept Plan;*
- *generally complies with the height (both metres and storeys) control map;*
- *generally complies with the Putney Hill Architectural & Landscape Design Guidelines;*
- *provides parking within lots consistent with the approved Indicative Car Parking Plan; and*
- *is generally consistent with the building setbacks nominated under the Concept Plan.*

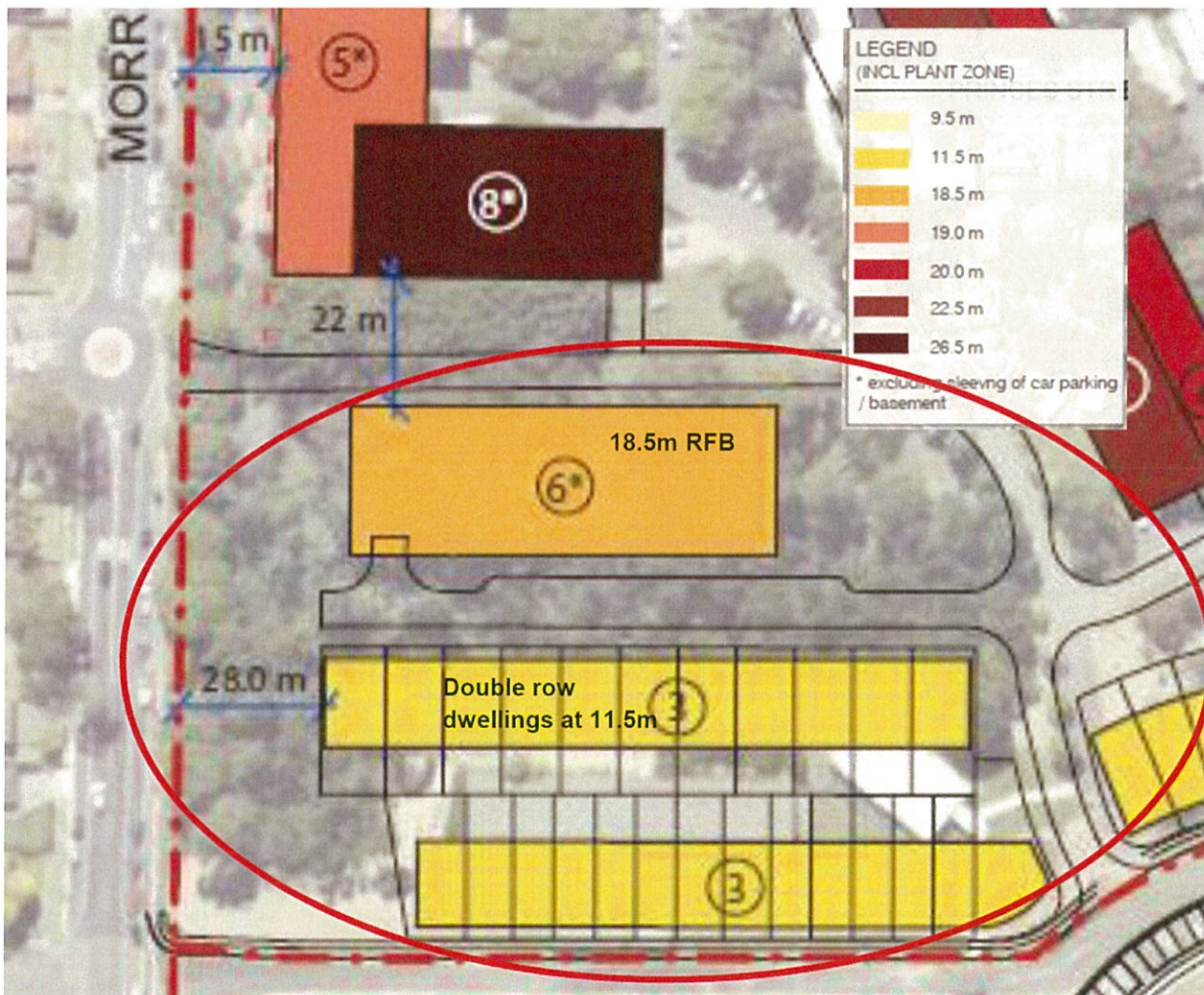
*As is demonstrated above, individual components of Stage 2 Phase 4H are generally consistent within the Concept Plan Approval. Additionally, the overall outcome achieved by Stage 2 Phase 4H is generally consistent with the Concept Plan Approval in terms of the overall environmental impacts of the proposal when considered holistically for example in relation to density, visual impact and traffic generation.*

Legal advice from Addisons Lawyers (Attachment 3) has also been provided concluding that the proposal is "generally consistent" and the consent authority can approve the development without the need for a Section 75W modification to the modified Concept Plan.

In order to determine whether the proposal is generally consistent with the Concept Plan, as modified, the following assessment has been carried out on the variations to the Concept Plan, as modified:

- **Building Envelopes**

The Concept Plan, as modified, provided a residential flat building with a building height of 18.5m metres located at the northern portion of Stage 2 Phase 4H with two rows of lower density dwellings at the southern portion with a building height of 11.5m. Figure 8 below shows these building envelopes, building heights and setbacks that were approved under the modified Concept Plan:



**Figure 8: Extract from building height and setback plan**

The proposal has replaced the residential flat building with 8 detached dwellings located in the same approximate location and reduced the two rows of dwellings at the southern portion to one row of 14 semi-detached dwellings. The new road has been repositioned and adjusted accordingly.

In order for the development to comply with Condition A1, which only allows 50 dwellings per hectare (excluding the new purpose built specialised rehabilitation and disability facility), the proposal can only provide a further 22 dwellings to the overall site. Therefore the proposal must, by virtue of this condition, reduce the number of dwellings envisioned for this portion of Stage 2 ensuring that the overall total number of dwellings provided for the site is capped at 791. Figure 9 below demonstrates the variation to the building envelopes the proposal has to the approved Concept Plan, as modified.







The reduction of dwelling densities and reconfiguration of the building envelopes will not have any impact to the amenity of surrounding properties in terms of privacy, solar access and massing, therefore the variation to the building envelopes is satisfactory.

- **Building Height**

The Concept Plan, as modified, approved building heights of 18.5m and 11.5m for Stage 2 Phase 4H with a maximum height of 3 storeys to be provided in the 11.5m height limit zone under the approved Architectural & Landscape Design Guidelines. These building heights allow for a transition from high density residential flat buildings to low scale density dwellings as the approved building envelopes under the Concept Plan, as modified, envisioned a residential flat building at the western part of the site and a row of low scale single dwellings along the eastern part of the site.

#### House Type 10

House Type 10 dwellings are located within the approved building limit zone of 18.5m where the residential flat building was envisioned. As the dwellings proposed are a maximum 3 storeys and do not breach the 18.5m building height limit these dwellings are fully compliant with the building height limit for this portion of the site.

#### House Type 9

House Type 9 dwellings are located within the 11.5m height limit zone. These dwellings are required to have a maximum height of 3 storeys and 11.5m building height.

The dwellings are a maximum 3 storeys in height, however 4 of the dwellings breach the 11.5m building height. This breach is primarily at the rear of the dwellings with only a small portion of the dwellings along the frontage breaching the height limit. The breaches along the street frontage are to lots 912 to 914 which are the first 4 dwellings from Morrison Road down along Susan Schardt Way. This is where the gradient of the road and site dramatically drop which results in variations of 58mm to 94mm to the building height of the dwellings along the frontage (see Figure 10 below).



**Figure 10: Street elevation as viewed from Susan Schardt Way**

In terms of the additional 58mm to 94mm in height along the frontage this is considered to be minor as this increase in height does not create any significant amenity impacts in terms of bulk and scale, privacy and overshadowing. The dwellings present as 3 storeys which is consistent with the Architectural & Landscape Design Guidelines and



existing completed low scale dwellings further along Susan Schardt Way (see figure 11 below).



**Figure 11: Completed dwellings along Susan Schardt Way**

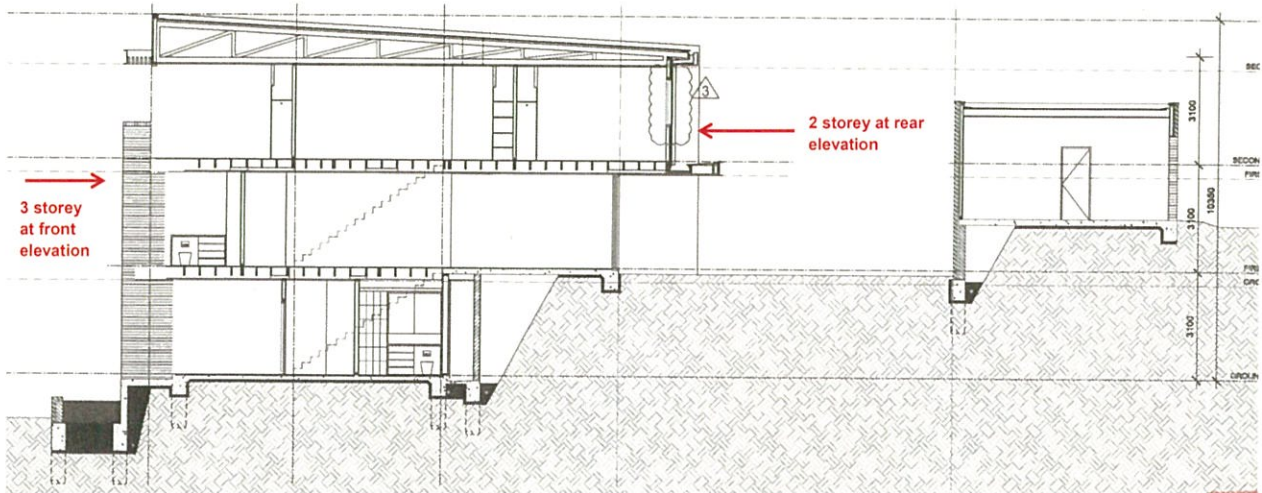
The breaches to the building height at the rear of the dwellings range between 519mm to 2.233m. This is a more significant variation primarily due to the significant amount of fill being carried out to this portion of the site (see figure 12 below).



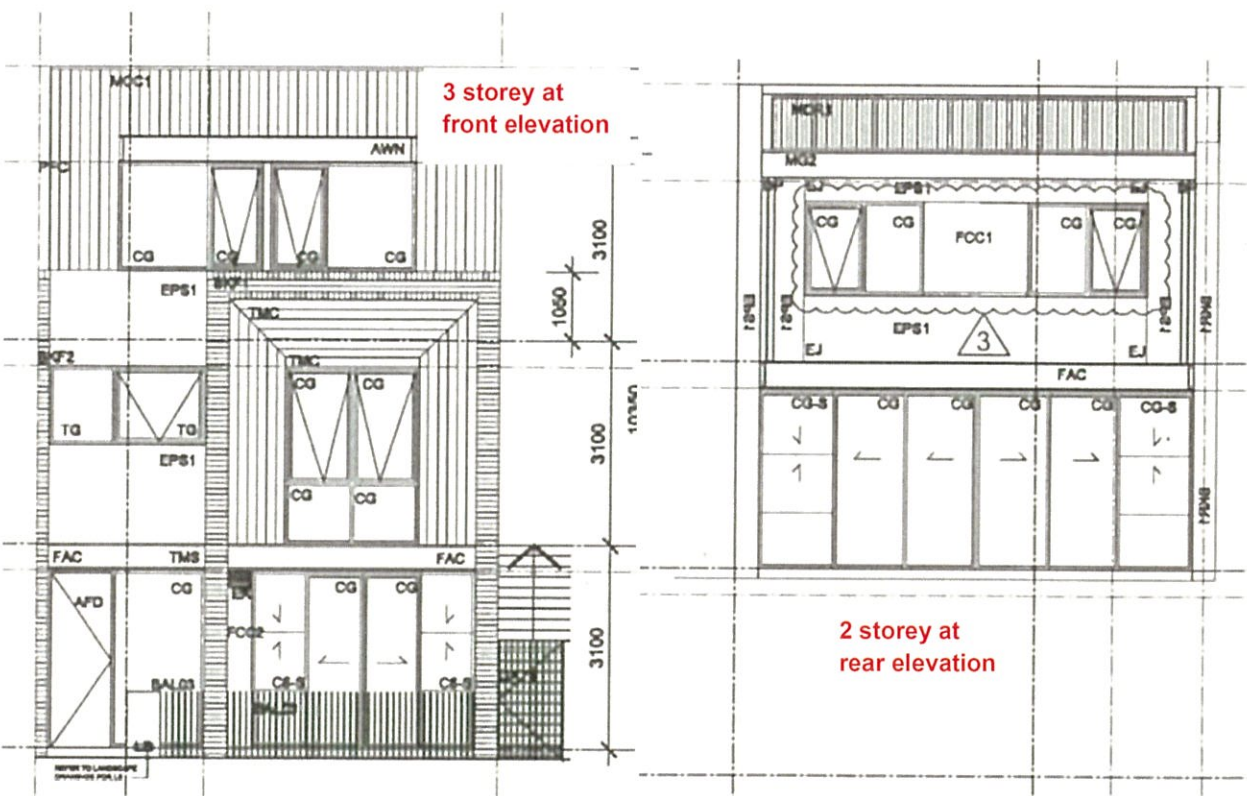
**Figure 12: Extract of rear elevation plan showing height breach at front and rear and amount of fill proposed from existing ground line**

The additional 519mm to 2.233m in height at the rear of the dwellings, whilst greater in numerical terms, are still considered to be minor. The breaches are located at the rear of the dwellings which is within a location that is not directly overlooked by other development within or adjoining the site. The dwellings at the rear present as 2 storeys along the new laneway which is demonstrated by Figures 13 and 14 below.





**Figure 13: Section showing dwelling and separate garage – dwelling is 3 storeys at frontage and 2 storeys at rear**



**Figure 14: Front elevation from Susan Schardt Way and rear elevation from new Moorong Lane**

The dwellings are consistent with the overall density of 3 storeys and the severity of the building height breaches is not evident at the rear given that the dwellings present as 2 storeys at this elevation. This is consistent with the characteristics of the other dwellings along this elevation in terms of bulk and scale.

Therefore the variation to the building height limit at the rear is supported as the bulk and scale of the dwellings are acceptable.

- ### Building Setbacks

The Concept Plan, as modified, approved 28m side setbacks to Morrison Road. The proposal has, to the building line, a 22.9m setback to House Type 10 and 20m setback to

House Type 9, a variation of between 5.5m and 8m. The objectives of the setbacks to Stage 2 are to provide suitable transition areas between high density and lower density dwellings. The setback variation is supported in this instance as the high density portion of this development has been replaced and all dwellings proposed within this final stage area are low density dwellings. There is significant landscaping provisions, both existing and proposed, along the Morrison Road boundary which will provide adequate landscape amenity to the development.

- **Putney Hill Architectural and Landscape Design Guidelines**

Under the Design Guidelines provisions are made for building heights, setbacks and landscaping to the Morrison Road Frontage, Linley Way Frontage and Low Scale Dwellings. For the proposed development the controls for Low Scale Dwellings is applicable, which are as follows:

***Low Scale Dwellings***

***Height***

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

***Setbacks***

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

***Landscape***

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

***Garages***

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

In terms of the above, the House Type 9 dwellings exceed the Garages control where the doors are not to exceed 50% of the lot width. The reasoning behind this control is usually to prevent garages and other structures being prominent elements or dominant features within a streetscape.

The garages for these dwellings have a 5.03m garage door width. The allotment widths are 8.2m therefore in order for the garage doors to comply with the control they would need to be 4.1m. This does not comply with the minimum double garage door width under the Australian Standards of 4.8m therefore the garage doors cannot meet the 50% lot width requirement.

To prevent the garages becoming a dominant feature of the dwellings, the garages have been detached from the dwellings and located at the rear boundary fronting the new lane. This lane primarily provides vehicular access to these dwellings and off street parking. There are no dwelling frontages along this lane therefore no impact to streetscapes occurs from these garages.

This variation is supported due to the fact that the garage doors must comply with the minimum 4.8m garage door widths and there will be no amenity impacts. The lane provides vehicular access and off street parking only and no amenity issues will result in the non-compliance of this control in terms of streetscape impacts.

There are no other non-compliances in regards to the Design Guidelines. The proposed landscape setbacks and plantings are in accordance with guidelines.

The dwellings that have proposed swimming pools have provided a 2m setback from the boundary to the pool coping which is considered to be satisfactory.

## **CONCLUSION**

From the above assessment the proposal is considered to be generally consistent with the Concept Plan Approval, as modified, and the variations are considered to have no detrimental impacts to the site or locality.

## **6. PLANNING ASSESSMENT**

### **6.1 Environmental Planning and Assessment Act, 1979**

As previously advised a Concept Plan was approved prior to the repeal of Part 3A of the Act. Accordingly, Clause 3B of Schedule 6A of the Act is applicable. This clause specifies that:

- Development within the terms of the Concept Plan can be carried out with consent.
- The development standards in the Concept Plan will have effect.
- A consent authority must not grant consent unless the development is generally consistent with the provisions of the Concept Plan Approval.
- Consent can be granted without complying with the requirements under any relevant environmental planning instrument or masterplan.

As previously detailed the proposal is generally consistent with the approved Concept Plan.

### **6.2 State Environmental Planning Policy (State and Regional Development) 2011**

As the proposed development has a Capital Investment Value of \$20,897,249 the development application is required to be determined by the Sydney North Regional Planning Panel.

### **6.3 State Environmental Planning Policy (Major Developments) 2005**

Part 3A of the Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A of the Act, continues to apply to 'transitional Part 3A projects'. As the Director-General's environmental assessment requirements for this project were issued prior to 8 April 2011, the project is a transitional Part 3A project.

No additional matters arise under this Policy for the purposes of the assessment of this application.

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

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, it can be remediated to a standard such that it will be made suitable for the proposed use.

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

Accordingly, there would appear to be minimal risk of contamination and the site is considered suitable for the proposed development. However, if any contamination is located during excavation, further investigation may be required. A condition of consent has been imposed to reflect this (See condition number 76).

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

The development is identified under the *Environmental Planning and Assessment Regulation 2000* as a BASIX Affected Building. As such, a BASIX Certificate has been prepared for the development (No 732249M dated 1 September 2016) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition numbers 4, 30 and 93).

### **6.6 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This Plan applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

## **6.7 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

Clause 4(1) of SEPP 65 states that:

- (1) *This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component.....:*

As the development does not contain a residential flat building, shop top housing or mixed use development, the provisions of SEPP 65 do not apply.

## **6.8 Ryde Local Environmental Plan 2014**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

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

The land is zoned "R1 General Residential" within which dwelling houses are a permissible form of development.

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

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

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

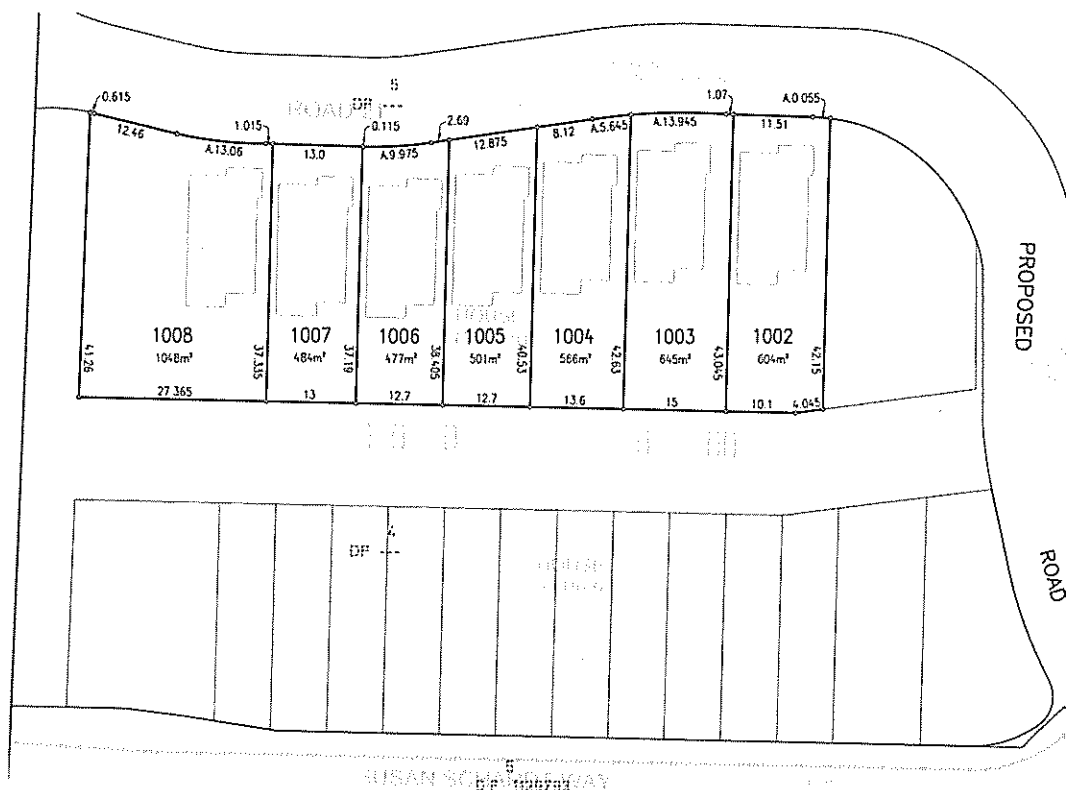
### **Clause 2.6 Subdivision – Consent Requirements**

The development application includes the community title subdivision of the new lane and open space and the Torrens Title subdivision of the dwellings to ensure each dwelling is on an individual allotment.

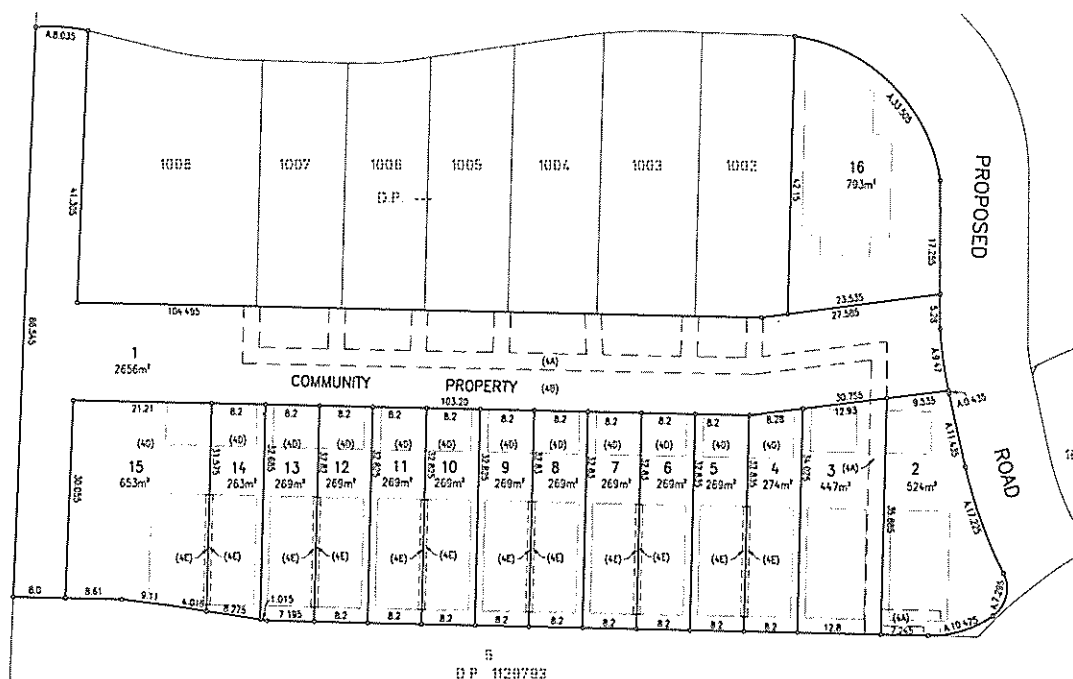
Under Clause 2.6 of Ryde LEP 2014 subdivision is permissible only with consent.

The subdivision layout is demonstrated in Figures 14 and 15.





**Figure 14: Subdivision plan of Lot 3**



**Figure 15: Subdivision plan of Lot 4**

The subdivision will be staged and this has been assessed by Council's Senior Development Engineer, who has raised no objection to the form of subdivision or its staging provided that the laneway is completed to a trafficable state in the initial stage given that it provides access to the rear garages of House Type 9 and visitor parking spaces. This is address by a condition of consent (Condition number 40).

No objection is raised to the subdivision.

## Clause 4.3 Height of Buildings

The height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. As demonstrated in Figure 16 below, the map imposes height controls of 11.5m and 18.5m across the site. For the portion of the site that Stage 2 Phase 4H is located, the maximum building height is 18.5m



Figure 16: Extract of Height of Buildings Map

This development standard however is set aside by virtue of the Concept Approval, as modified. Figure 17 below illustrates the approved building heights for Stage 2.

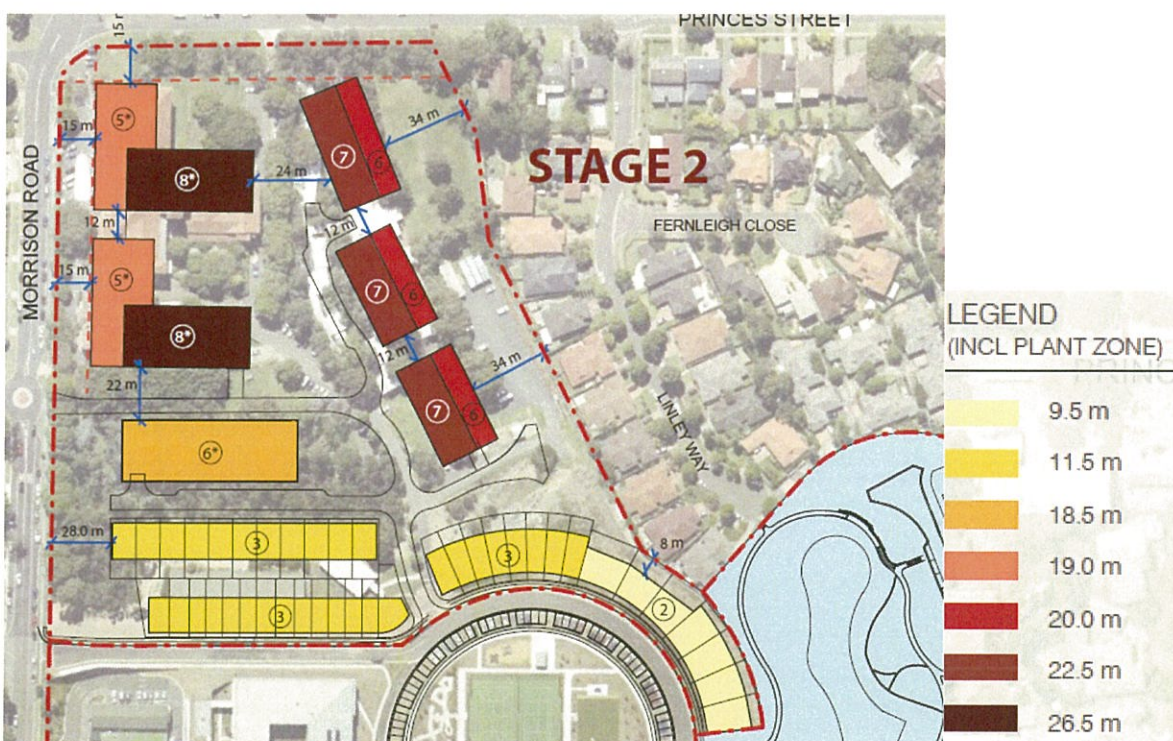


Figure 17: Extract of approved Building Heights and Setbacks Plan for MP05\_0001 (MOD 2) dated August 2014

As illustrated above, the Concept Approval, as modified, specifies a height of 18.5m and 11.5m for the portion of the site that Stage 2 Phase 4H is located.



With the exception of the minor non-compliance for the dwellings located along the Susan Schardt Way, detailed previously in Section 5.6 of this report, the proposed building heights comply with the above Concept Approval maximum heights. The minor breaches will not result in any adverse impacts and are considered acceptable. In these circumstances, consent can be granted without complying with the requirements of the RLEP 2014.

**Clause 4.4 Floor Space Ratio**

Clause 4.4 states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The map identifies the site as having a mix of FSR as demonstrated in Figure 18 below.

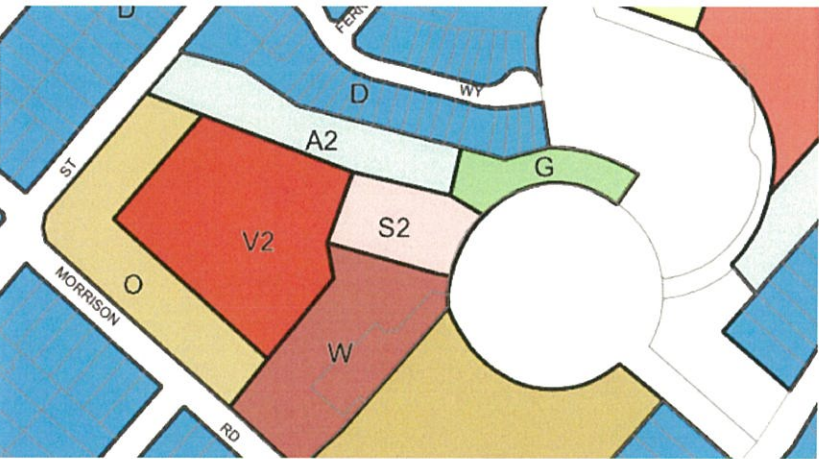


Figure 18: Extract of FSR Map (Note: W is 3.5:1)

As detailed in Section 5.6 of this report, condition B17 of the Concept Approval, as modified, specifically removes any floor space ratio (FSR) control from the site including the FSR controls contained in LEP 2010 'or any succeeding instrument'. The condition states that the built form within Stage 2 will be assessed having regard to the approved building envelopes and the maximum number of dwellings permitted by condition A1 i.e. no more than 50 residential dwellings per hectare. This equates to a maximum of 791 dwellings across the overall site (Stage 1 and Stage 2). The development complies with this requirement.

Other provisions

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.9 Preservation of trees and vegetation	The application does not seek the removal of any trees. Tree removal for the site has been approved by separate application (LDA2016/0167). The development is satisfactory in terms of the provisions of Clause 5.9.
Clause 6.2 Earthworks	The proposed development includes earthworks including significant fill that is being transferred from other developments within the site. The earthworks are to provide a reasonable landform to

Provision	Comment
	accommodate the development. Council's Senior Development Engineer has assessed the earthworks and requires that a sediment and erosion control plan be submitted prior to the issue of a Construction Certificate (see condition 71). Accordingly the development is considered satisfactory in respect of this clause.

## 6.9 Ryde Development Control Plan 2014

Whilst this Plan applies to all land within the Ryde local government area, in this instance its provisions are not strictly applicable due to the site benefitting from the Concept Plan Approval (MP05\_0001). The DCP has therefore been considered only where there is no direct conflict with matters resolved via that Approval. In that context, the following sections of the DCP are of relevance, being:

### Part 3.3 Dwelling Houses and Dual Occupancy (attached)

DCP 2014	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>2.1 Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as approved under the Concept Approval MP01_0001.	Yes
<b>2.2 Dwelling Houses</b>		
<ul style="list-style-type: none"> <li>- To have a landscaped setting which includes significant deep soil areas at front and rear.</li> <li>- Maximum 2 storeys (3 storeys under Design Guidelines).</li> <li>- Dwellings to address street</li> <li>- Garage/carports not visually prominent features.</li> </ul>	Front and rear gardens proposed.	Yes
	Part 2/Part 3 storeys as per approved Concept Plan	Yes
	Dwellings address street.	Yes
	House Type 9: Garages not prominent feature as located at rear of dwelling fronting new lane.	Yes
	House Type 10: Garage not prominent feature as setback in front elevation of building.	Yes
<b>2.5 Public Domain Amenity</b>		

DCP 2014	Proposed	Compliance
<b>2.5.1 Streetscape</b> <ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> <li>- Single storey entrance porticos.</li> <li>- Articulated street facades.</li> </ul>	<p>Front doors and windows face street.</p> <p>Single entrance portico.</p> <p>Articulated street façade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>2.5.2 Public Views and Vistas</b> <ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</li> <li>- Fence 70% open where height is &gt;900mm.</li> </ul>	<p>Due to topography of site view corridors have been maintained.</p>	<p>Yes</p>
<b>2.5.3 Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	<p>Sightlines not affected by car parking.</p>	<p>Yes</p>
<b>2.6 Site Configuration</b>		
<b>2.6.1 Deep Soil Areas</b> Not applicable as Design Guidelines make provisions for landscaping:  <b>Landscape</b> A sufficient and usable landscape space must be provided within individual lots.	<p>Total Site Area: 12,453m<sup>2</sup></p> <p>Total deep soil area is 4790m<sup>2</sup> for the site or 38%.</p> <p>Adequate landscaping has been provided to each lot.</p>	<p>Yes</p>
<b>2.6.2 Topography &amp; Excavation</b>  Within building footprint: <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul>	<p>Stage 2 Phase 4H includes major earthworks as the site has a significant slope which requires levelling to create a reasonable building level.</p>	<p>N/A</p>



DCP 2014	Proposed	Compliance
Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	As a result of the major earthworks there will be retaining walls and fill required that will exceed the requirements of this control. However this control is to manage excavation for single dwelling and dual occupancy developments therefore to apply it on a large scale development that proposes major earthworks is not appropriate, particularly as the earthworks are required to provide appropriate building levels.	
<b>2.7 Floor Space Ratio</b> <b>Not applicable under Concept Plan, as modified.</b>		
<b>2.8 Height</b> <b>Not applicable - Concept Plan, as modified provides building heights – non compliances addressed earlier in report.</b>		
<b>2.9 Setbacks</b> <b>Not applicable - Concept Plan, as modified provides building setbacks - non compliances addressed earlier in report.</b>		
<b>2.10 Outbuildings – Not applicable.</b>		
<b>2.11 Car Parking &amp; Access</b>		
<b>General</b> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Design Guideline: 50% of lot width: House Type 9: min 4.1m House Type 10: min 6.35m - Behind building façade.	Number/location of car spaces: min 2 spaces per dwelling. Access from new lane for House Type 9 dwellings. House Type 9: 5.03m House Type 10: 5.8m House Type 9: addressed new lane. House Type 10: behind building façade.	Yes Yes No but supported – addressed previously Yes Yes
<b>Parking Space Sizes (AS)</b> Double garage: 5.4m x 5.4m	Min 5.4m x 5.4m	Yes
<b>Driveways</b> - Extent of driveways minimised	Driveways are minimised.	Yes
<b>2.12 Swimming Pools &amp; Spas</b>		
- Must comply with all relevant Acts, Regulations and	Does fence isolate pool area from dwelling and outbuildings? Yes	Yes

DCP 2014	Proposed	Compliance
<p>Australian Standards.</p> <ul style="list-style-type: none"> <li>- Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land.</li> <li>- No openable windows, doors or other openings in a wall that forms part of barrier.</li> <li>- Spa to have lockable lid.</li> <li>- Pools not to be in front setback.</li> </ul>	<p>Is gate location/swing shown? Gate shown on plans.</p> <p>Are there any windows/doors within pool area? There are no windows/doors located in pool area. Not applicable.</p> <p>Swimming pools located in rear setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Pool coping height</b></p> <ul style="list-style-type: none"> <li>- 500mm maximum above existing ground level</li> </ul>	<p>Pool coping RL: &lt;500mm</p>	<p>Yes</p>
<p><b>Pool Setback</b></p> <ul style="list-style-type: none"> <li>- 900mm min from outside edge of pool coping.</li> <li>- Pool filter located away from neighbouring dwellings, and in an acoustic enclosure</li> </ul>	<p>Setback (min): 2m</p> <p>See condition number 18.</p>	<p>Yes</p> <p>Yes</p>
<p><b>2.13 Landscaping</b></p> <p><b>Adequate landscape provisions provided as per Concept Plan, as modified.</b></p>		
<p><b>2.14 Dwelling Amenity</b></p>		
<p><b>2.14.1 Daylight and Sunlight Access</b></p> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> <li>- north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of</li> </ul>	<p>House Type 9 Living areas face south and north due to orientation of allotment.</p> <p>House Type 10 living areas face north and south due to orientation of allotment.</p> <p>Not available due to allotment widths and setbacks determined under Concept Approval, as modified.</p> <p>House Type 9 N facing windows: 3 hours to midday</p> <p>House Type 10 N facing windows: 3 hours to a portion of the window surface to majority of dwellings</p> <p>House Type 9 POS: 2 hours</p>	<p>Not applicable</p> <p>Yes</p> <p>Not applicable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
<p>subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> <li>- Neighbouring properties are to receive: <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul> </li> </ul>	<p>House Type 10 POS: 2 hours</p> <p>Neighbouring properties will not be affected.</p>	<p>Yes</p> <p>Yes</p>
<p><b>2.14.2 Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>Majority of windows are to the north and south elevations with minimal windows to external side walls. Windows have been appropriately positioned to avoid direct overlooking and outdoor terraces and private open space has been provided with privacy screens.</p>	<p>Yes</p>
<p><b>2.14.4 View Sharing</b></p> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul>	<p>View sharing has been maintained.</p>	<p>Yes</p>
<p><b>2.14.5 Cross Ventilation</b></p> <ul style="list-style-type: none"> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<p>Adequate cross ventilation is provided.</p>	<p>Yes</p>
<b>2.15 External Building Elements</b>		
<p><b>2.15.1 Roof</b></p> <ul style="list-style-type: none"> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> </ul>	<p>Adequate articulation.</p> <p>No eaves in excess of 450mm.</p> <p>No trafficable terrace.</p> <p>Skylights minimised and</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
- Skylights to be minimised and placed symmetrically.	symmetrically proposed.	Yes
- Front roof plane is not to have both dormer windows and skylights.	No dormer and skylights proposed to front roof plane.	Yes
<b>2.16 Fencing</b>		
<b>2.16.1 Front/return:</b> <ul style="list-style-type: none"> <li>- To reflect design of dwelling.</li> <li>- To reflect character &amp; height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front bdy max 900mm.</li> <li>- No colorbond or paling</li> </ul> Max width of piers 350mm.	Fencing is provided to the dwellings with standard 1m palisade fencing along the front and 1.8m fencing to the side and rear boundaries. Due to the topography of the site within Stage 2 Phase 4H there are retaining walls proposed between the dwellings and for House Type 10 there is a retaining wall at the back of the this section which will have a 1.8m fence on top.	Yes
<b>2.16.2 Side/rear fencing:</b> <ul style="list-style-type: none"> <li>- 1.8m max o/a height.</li> </ul>	Height: 1.8m (excluding retaining walls)	Yes

### Part 8.1 of DCP 2014 – Construction Activities

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like. Many of these issues can be addressed via appropriate conditions of consent. (See condition numbers 5, 8, 60 and 63 to 71).

### Part 8.2 of DCP 2014 – Stormwater Management

Council's Senior Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of Part 8.2 of DCP 2014.

### Part 9.3 of DCP 2014 – Car Parking

Council's car parking rate for Residential Development - Low Density dwelling houses is up to 2 spaces per dwelling. The application provides a minimum 2 parking spaces for each dwelling complying with this requirement, however there is one layout for House Type 10 Dwelling 10E that proposes 4 parking spaces which is inconsistent with the DCP. To ensure compliance with the DCP condition 1a of the draft consent requires the two additional parking spaces be deleted with the garage reduced in size to 8m allowing for 2 cars and storage.



## **6.10 Section 94 Development Contributions Plan 2007 (Amendment 2010)**

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

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

Council entered into a Development Agreement with RRCS in 2007. Following the sale of the residential part of the site to Frasers Property Pty Ltd, Council entered into a Deed of Novation on 15 July 2010 with the new owner to ensure delivery of land and works under the deed which would now be attributable to Frasers. Some elements of the Development Agreement remain to be met by RRCS.

The material public benefit of the deed (including open space, community facilities, traffic calming measures, other infrastructure works and land dedication) was valued under the original deed at \$8,129,000. The Section 94 contribution payable at the time was calculated as \$7,291,069. As such, the nominated value of the deed exceeded the contribution payable under Section 94 by \$837,931.

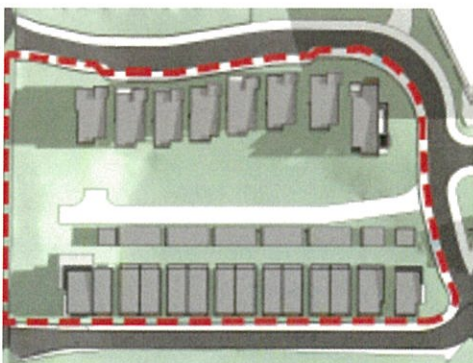
Council is therefore already a party to an agreement that covers the S94 contribution payable for the development of the site under the Concept Plan. The modified Concept Plan approved on 8 March 2013 & 14 October 2014 by the Department of Planning and Infrastructure did not change the development density of the site and did not require Council or the proponent to revisit the Development Agreement already in place.

## **7 LIKELY IMPACTS OF THE DEVELOPMENT**

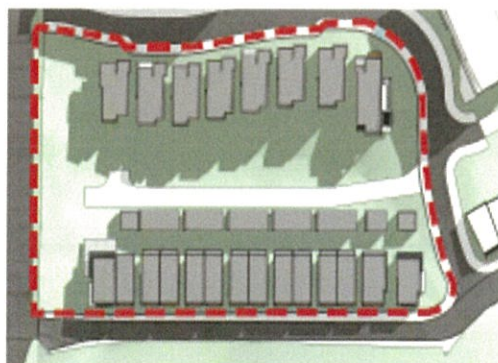
### **Solar Access**

The proposed dwellings will have limited solar access during the winter months as a result of self-shadowing and neighbouring residential flat buildings.

The shadow diagrams provided demonstrate that both House Type 9 and House Type 10 dwellings will overshadow each other, particularly the north facing windows which are side windows to all of the dwellings except Lots 901 and 1001 (Dwelling type 9F and 10E) which have the living areas and windows orientated towards the northern elevation to maximise solar access. This is demonstrated in Figures 19, 20 and 21 below.

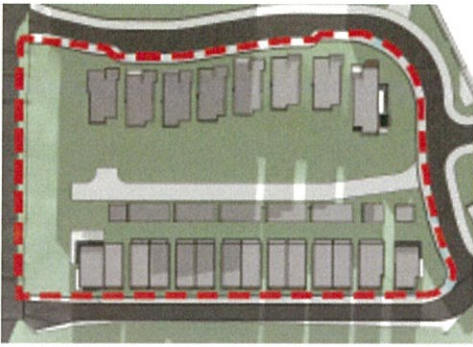


**Figure 19: 9am shadow**



**Figure 20: 12pm shadow**





**Figure 21: 3pm shadow**

This self-shadowing is unavoidable due to both the orientation and topography of the site and the location of high density development surrounding the Stage 2 Phase 4H site. The development has orientated living areas towards the front and rear of the dwellings (west and east) and provided skylights to alleviate some of the overshadowing the dwellings will have on each other. This is considered acceptable and is supported in this instance.

All other likely impacts of the development have been discussed within this report.

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

The suitability of the site to support a land use of this type and scale was determined through the consent granted to Concept Plan Approval MP05\_0001. This application is consistent with that Concept Plan approval.

## **9. THE PUBLIC INTEREST**

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

## **10. REFERRALS**

### **External Referrals**

#### **NSW Police**

No objection has been raised to the development subject to appropriate conditions of consent. (See condition numbers 82 to 84).

#### **Viva Energy**

No objection has been raised to the development with no conditions recommended.

#### **Landscape Consultant:**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 46, 47, 53 to 59, 73, 88 to 90 and 94).

## **Internal Referrals:**

### **Senior Development Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 9, 13 to 16, 33 to 40, 52, 70 to 75, 97, 98, 107 and 112 to 119).

### **Environmental Health Officer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 17, 18, 76, 77, 108 and 109).

### **Heritage Officer**

No objections were raised to the proposed development. A standard condition of consent is included (See condition 79).

### **Public Domain Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 87 and 96).

### **Public Domain Traffic Engineer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 41, 60, 101 and 102).

### **Public Domain Assets Officer**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 42 to 45, 50, 51, 62, 99 and 100).

### **Waste**

No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 91, 92, 105 and 106).

### **Tree Management Officer:**

No objections were raised to the proposed development and no additional conditions of consent were required other than the standard conditions for tree protection which are included in the Landscape conditions.

## **11 PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was originally notified and advertised in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications. The application was advertised on 28 September 2016 in the *Northern District Times*. Notification of the proposal was from 28 September 2016 until 19 October 2016.

During the notification period, no submissions were received.

## **12 CONCLUSION**

This report considers an application to construct 22 dwellings with 9 swimming pools associated with 9 individual dwellings, attached and detached garages, landscaping, extension of services and infrastructure on the site, new road with off street parking and civil engineering works and community titles subdivision of the site at 110 Princes Street, Ryde.

The proposal is the subject of the transitional provisions of Part 3A of the Environmental Planning and Assessment Act, and benefits from a Concept Plan Approval granted on 23 March 2006, as most recently modified on 14 October 2014. The development application generally complies with the approved Concept Plan, as modified, with the non-compliances being minor and justified.

The application has demonstrated that the level of amenity in terms of privacy and amenity, private open space and energy efficiency can be met.

Given that circumstance, and noting the outcomes from the assessment, the proposal on balance is considered to be fundamentally sound in terms of its design, function and relationship with its neighbours.

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

## **12 RECOMMENDATION**

Pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

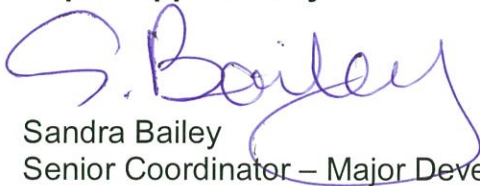
- A. That the Sydney North Planning Panel grant consent to development application LDA2016/0443 for the construction of 22 dwellings, associated garages and 9 outdoor swimming pools for individual dwellings, construction of a new private road (Moorong Lane) and associated civil works and subdivision at 110 Princes Street, Ryde subject to the conditions of consent in Attachment 1 of this report.

**Report prepared by:**

Natalie Piggott  
Senior Town Planner



**Report approved by:**



Sandra Bailey  
Senior Coordinator – Major Development



Vince Galletto  
Acting Manager – Assessment



Liz Coad  
Acting Director – City Strategy and Planning

**Date of Consent:**