

Sydney North Planning Panel

Panel No	2018SNH023
DA Number	LDA2018/185
Local Government Area	City of Ryde
Proposed Development	Demolition of all buildings and structures on the site and construction of a mixed use development comprising 116 residential apartment, 70m ² of ground floor commercial/retail tenancy and 4 levels of basement car parking for 136 vehicles
Street Address	9 Peach Tree Road, Macquarie Park
Applicant	Hyecorp Property Group
Owner	Various property owners of SP5991
Date of DA lodgement	9 May 2018
Number of Submissions	Four (4) submissions received against the proposal
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development 2011))	Development with a Capital Investment Value (CIV) of more than \$30 Million. The CIV of this application as outlined in a detailed cost report by Registered Quantity Surveyor is \$35,110,175.00.
List of All Relevant s4.15(1)(a) Matters	• Environmental Planning and Assessment Act 1979; • Environmental Planning and Assessment Regulation 2000; • Biodiversity Conservation Act 2016; • State Environmental Planning Policy No. 19 – Bushland in Urban Areas; • State Environmental Planning Policy No. 55 – Remediation of Land; • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Ryde Local Environmental Plan 2014; • Ryde Development Control Plan 2014; and • Section 7.11 Contribution Plan.
List all documents submitted with this report for the panel's consideration	Attachment 1: Recommended Conditions of Consent Attachment 2: Applicant's Clause 4.6 (Building Height)

Report by	Kevin Kim – Assessment Officer
Report date	31 August 2018

Summary of s4.15 matters	Yes
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction	Yes
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?	
Clause 4.6 Exceptions to development standards	Yes - Clause 4.3 Building Height
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?	
Special Infrastructure Contributions	Not applicable
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	
Conditions	Yes – the applicant has reviewed and agreed to the conditions.
Have draft conditions been provided to the applicant for comment?	

1. EXECUTIVE SUMMARY

The Proposal

City of Ryde Council is in receipt of Development Application (LDA2018/185) for demolition works, excavation and the construction of a fourteen (14) storey mixed use building comprising one hundred sixteen (116) residential apartments, 70m² ground floor commercial/retail tenancy, four (4) levels of basement parking, landscaping and infrastructure works on land known as 9 Peach Tree Road, Macquarie Park NSW 2113, legally described as SP 5991.

Notification and Submissions

The proposal was advertised and notified in accordance with Council's Notification Policy. During the notification period (from 18 May 2018 to 22 June 2018) Council received 3 individual submissions.

Amended plans were received on 10 August 2018 and were re-notified for the period of 13 August 2018 to 29 August 2018. One late submission was received on 11 September 2018 from the re-notification of the amended plans.

The submissions raise various concerns with the following: traffic/parking impact, amenity (noise and privacy), tower design, bulk and scale, commercial use and construction period.

Key Issues

RLEP Standards

The application seeks to increase the height of the building by 9.7% over the maximum 45m permitted under Clause 4.3 of the RLEP 2014. The height of non-compliance is due to the rooftop communal area access and small portion of the roof. A variation under Clause 4.6 of the LEP is supported and is discussed in detail later in the report.

ADG Controls

The development seeks variations to the requirements of Clause 2E (Building Depth), 2F (Building Separation), 3F (Visual Privacy), 3J (Car Parking) and 4D (Apartment Size) and 4F (Common Circulation and Spaces) of the Apartment Design Guide. The undersized apartments numbered 01 and 08 (excluding Level 13 apartment 08) have been conditioned as part of deferred commencement to comply with the minimum apartment size (with the deletion of an additional en-suite bathroom for these apartments). See **Deferred Commencement Condition A1**.

All other non-compliances to the ADG are considered acceptable on planning grounds and have been discussed in the body of the report.

RDCP Controls

The development indicates variations to the requirements of Sections 8.3 (Extent of Cut and Fill) and 8.7 (Basement Design) under the Ryde Development Control Plan (RDCP) 2014 Part 4.5 - Macquarie Park Corridor. The development also does not comply with the requirements of Part 9.3 (Parking Controls) of the RDCP 2014, providing three more car parking spaces than required. **Condition 1b** has been imposed requiring compliance for the residential component of the development by converting 2 of the excess spaces to motorcycle parking and storage space. The remaining additional space has been allocated to the commercial component of the development.

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 development proposal is sound in terms of design, function and its relationship with its neighbours.

The report recommends that consent be granted to this application in accordance with conditions provided in **Attachment 1**.

2. APPLICATION DETAILS

Applicant: Hyecorp Property Group
Owner: Various owners of SP 5991
Estimated value of works: \$35,110,175.00

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 AND CONTEXT

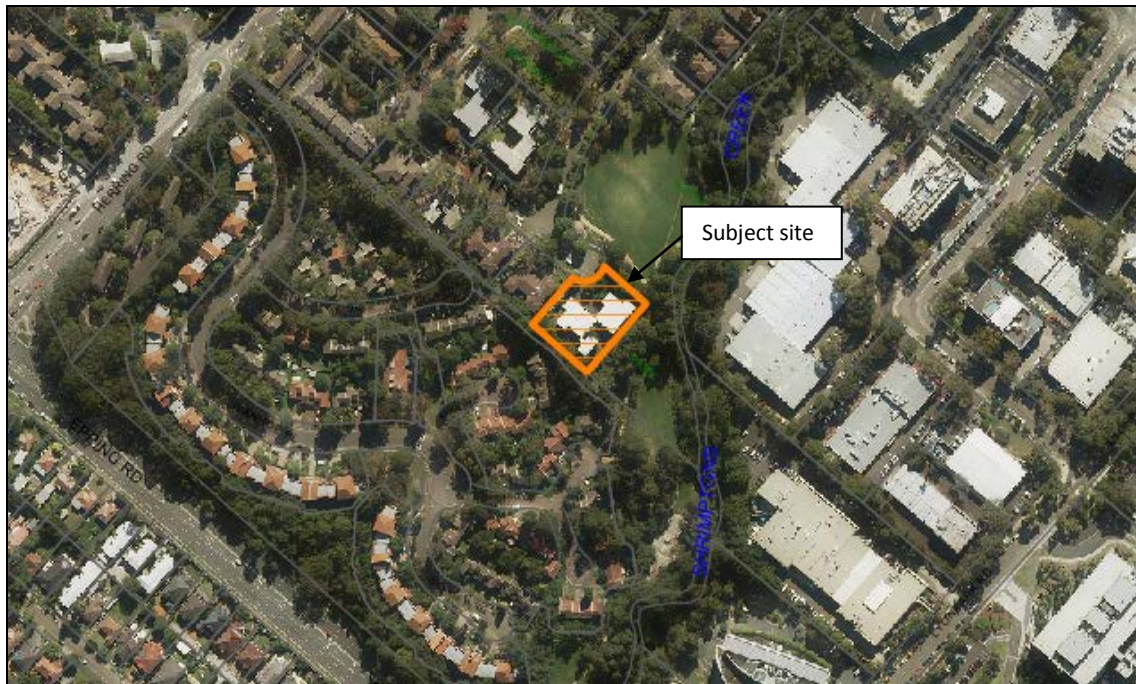


Figure 1: Location of the subject site (shaded)

The subject site consists of one allotment legally described as Lots 1 to 30 in SP5991 and is known as No. 9 Peach Tree Road, Macquarie Park NSW 2113.

The site is located at the south eastern end of cul-de-sac to Peach Tree Road, is regularly shaped with a curvilinear street frontage of 25m (north-west), length of 57.14m (along the eastern side boundary), depth of 45.56m (along the southern rear boundary abutting the Ivanhoe Estate) and has a total site area of 2,430m². See **Figure 1**.

Existing site improvements consist of 2 x 4 storey apartment buildings (accommodating 30 individual units) with ground floor garages and driveways in the periphery of the buildings. **Figure 2** below shows the buildings currently occupying the site.



Figure 2: Four storey buildings currently on the site. Existing western building viewed from Wilga Park (left) and existing eastern building viewed from Peach Tree Road frontage (right).

The site is currently accessed via two (2) x 3.5m wide crossovers on the southern end of Peach Tree Road.

The site gradually falls away from Peach Tree Road by approximately 2m and has a cross-fall of approximately 2.5m from east to west. There is an existing drainage easement on the north western corner of the site which contains an existing council pipe that discharges to Shrimpton Creek. A Vegetated Riparian Zone (VRZ) is located within the north eastern corner of the site which is measured 20m from Shrimpton Creek.

There are twenty eight (28) trees comprising a mix of Australian natives and exotics within and in the vicinity of the site. Seventeen (17) of these trees are proposed to be removed with seventeen (17) replacement trees proposed to compensate the loss.

The site is identified as being affected by main stream flooding associated with Shrimpton Creek and local stormwater overland flows from the large sag pit at the southern end of Peach Tree Road, which is located in front of the development site.

Historical Context: The Herring Road Priority Precinct

The subject site and immediate context is located within the Herring Road Priority Precinct.

The Precinct includes Macquarie University and Macquarie Shopping Centre and is in close proximity to the employment opportunities offered by Macquarie Park. The Precinct is well serviced by public transport including bus services, the Epping to Chatswood Rail Line, and in the future the North West Rail Link. Upgrades to the M2 have also been completed recently, including new ramps at Christie Street, which improve access to the precinct. **Figure 3** below shows the indicative structure plan for the Precinct.

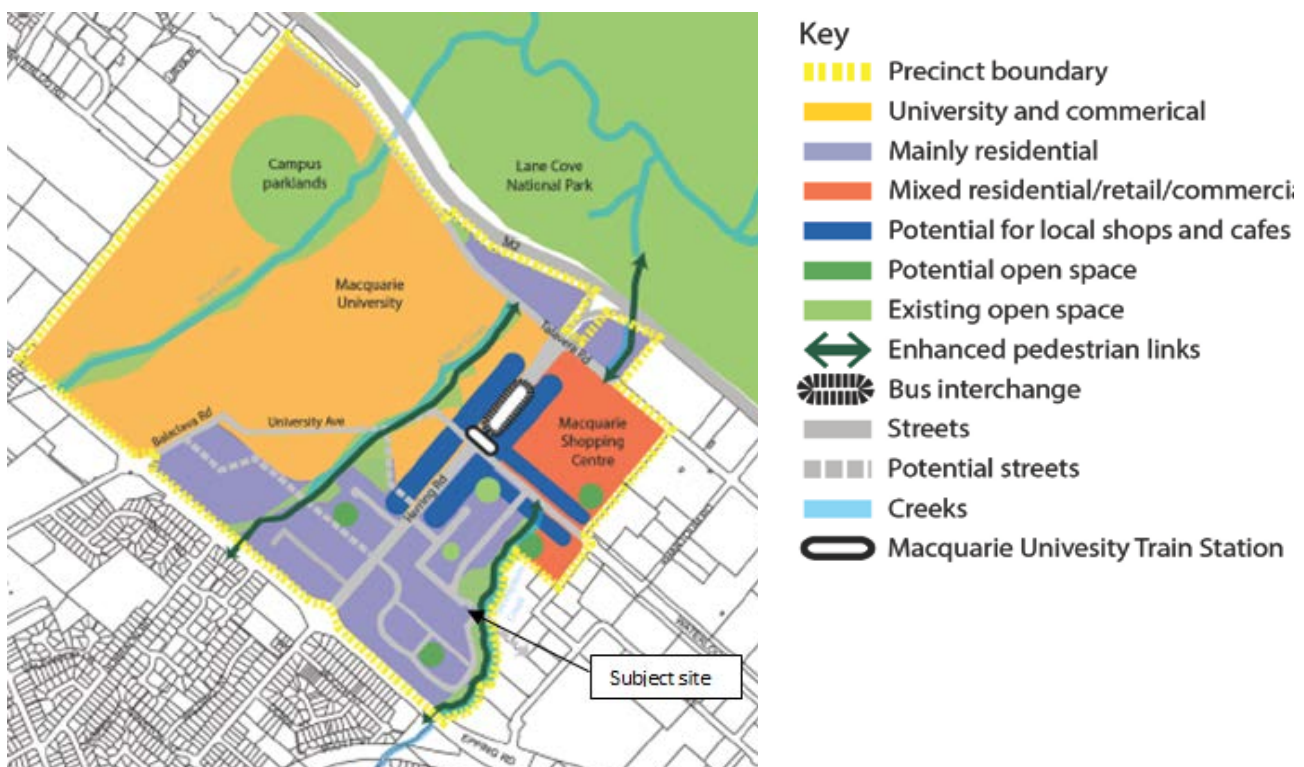


Figure 3: Indicative structure plan for the Herring Road Priority Precinct.

Source: Herring Road Finalisation Report dated May 2015 as prepared by NSW Department of Planning.

The *State Environmental Planning Policy (Major Development) Amendment (Ryde) 2014* included amendments to the *State Environmental Planning Policy (Major Development) 2005* and the *Ryde Local Environmental Plan 2014* (RLEP 2014) to deliver the Precinct. The RLEP was subsequently amended on 1 October 2015.

Key amendments relevant to the subject site included increasing the permitted building height to 45m and the Floor Space Ratio (FSR) to 4:1.

Site Context

The subject site shares its southern rear boundary with the 8.2 hectare Ivanhoe Estate. The Department of Planning and Environment is currently considering a Concept Development Application for a mixed use development involving a maximum GFA of 283,500m² including residential flat buildings, senior housing, a new school, child care centres, minor retail and commercial uses.

The new school with a building height of 45m is to be located adjacent the southern rear boundary of the subject site as shown below in **Figures 4 and 5**. The proponent of this development is currently reviewing the submissions received in respect of the application.



Figure 4: Original concept plan of the redevelopment of Ivanhoe Estate with proposed school adjacent to the subject site.



Figure 5: Photomontage of future school as part of the redevelopment of Ivanhoe Estate (outlined in red) showing the indicative building envelope of the future school and existing development at 9 Peach Tree Rd (outlined in yellow).

The west of the site adjoins an established 4 storey residential flat building area with a common driveway immediate to the western side boundary. The site adjoins Wilga Park to north and east.

4. THE PROPOSAL

The proposed development is for the demolition of all buildings and structures on the site and construction of a 14 storey mixed use development comprising 116 residential apartments, 70m² of ground floor commercial/retail tenancy and 4 levels of basement car parking for 136 vehicles. Vehicular access to the site is from Peach Tree Road. The table below gives an overview of the proposed development:

Element	Proposed	Common Area	Total
Building Height	44.14m (south east) to 49.36m (lift overrun)		
Gross Floor Area - Residential - Commercial	9,650m ² 70m ²		9,720m ²
Floor Space Ratio	4:1 (See Condition 1d)		4:1
Number of Apartments: 1 Bedroom 2 Bedroom	26 50 (inclusive of 12 accessible)		116

Element	Proposed	Common Area	Total
• 3 Bedroom	40		
Car Parking • Residential • Commercial • Car share • Visitor • Bicycle		117 spaces 2 spaces 3 spaces 12 spaces 15 spaces	134 spaces (inclusive of 13 accessible spaces) See Condition 1b.
Deep Soil Area		263.05m ²	263.05m ² (min. 6m width)
Communal Open Space Area		1,230m ²	1,230m ²

Table 1: Summary table.

Figure 6 below shows the development from Peach Tree Road.



Figure 6: Photomontage of the street facing eastern elevation of the development (as seen from Peach Tree Road approaching the main entrance of the building) source: Plan DA1.03 prepared by Amglen Architects Pty Ltd.

Figure 7 below shows the development from Wilga Park.



Figure 7: Photomontage of the development viewed from Wilga Park (as seen from Wilga Park approaching the café and open lounge area at ground floor) source: Plan DA1.03 prepared by Amglen Architects Pty Ltd.

5. Background

The application was submitted to Council on 9 May 2018 and reviewed by the Urban Design Review Panel (UDRP) on 5 July 2018.

The UDRP made a number of recommendations (see full discussion under Section 7.7 – SEPP 65 of the report).

Amended plans were received on 10 August 2018 which included the following changes:

- Inclusion of a communal open space on the roof and supporting documentation evidencing the minimal impact of the proposed height non-compliance;
- Revised stormwater plans including a relocated OSD in response to Council's Development Engineer comments;
- Minor modifications to the landscape plan to improve the relationship of the proposed café area to Wilga Park;
- Minor amendments to design to enhance amenity of future tenants in response to UDRP comments;
- Provision of additional information including:
 - * Clause 4.6 Variation in support of minor height non-compliance;
 - * Revised GFA calculations; and
 - * Minor points of clarification on submitted Architectural Plans including additional RLs and clarification of basement walls.

6. APPLICABLE PLANNING CONTROLS

The following planning instruments, policies and controls are relevant to the development:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
 - Part 7.2 Waste Minimisation and Management
 - Part 9.2 Access People with Disabilities
 - Part 9.3 Car Parking
- Section 7.11 Contribution Plan 2007

7. PLANNING ASSESSMENT

7.1 Environmental Planning and Assessment Act 1979

Integrated Development Provision Section 4.46 of the Act

As development is situated within 40 meters of a watercourse, this triggers the integrated development provisions under Section 4.46 of the Environmental Planning and Assessment Act 1979 (Act). A referral was made to the relevant concurrence authority (i.e. Department of Primary Industry Water NSW).

DPI Water NSW reviewed the proposal and provided General Terms of Approval (GTA) requiring the submission of a controlled activity approval and general requirements for design of works and structures, erosion and sediment controls, on-going management and reporting requirements.

The recommended GTA provided by DPI Water NSW forms part of the draft conditions of consent. See **Conditions 5 and 6**.

Furthermore, all relevant matters for consideration under Section 4.15 of the Act have been addressed in the assessment of this application.

7.2 Biodiversity Conservation Act 2016 (BC Act)

The Biodiversity Conservation Act replaces the Threatened Species Conservation Act 1995 and the related parts of the Environmental Planning and Assessment Act, 1979 in regard to impact assessment of listed threatened species and communities; and details the scheme that replaces Biobanking.

In relation to impacts upon threatened species and communities, the *Biodiversity Impact Assessment Report* submitted with the Development Application concluded that:

“The Biodiversity Values map shows the proposed development of a residential flat building as being within a mapped area. Therefore, the Biodiversity Offsets Scheme should be triggered, and a Biodiversity Development Assessment Report provided.

However, site assessment has established that there is no native vegetation on site within the mapped area nor will any prescribed impacts occur. Therefore, the Biodiversity Offsets Scheme is not triggered.

Moreover, this report has concluded that the site provides no habitat for any listed threatened species or communities and that any likely indirect impacts on adjacent habitats are of no consequence and easily controlled with standard construction management.

In order to fulfil the anticipated absence of off-site impact, it is recommended that all works are strictly restricted to the development lot and all trees in the adjacent parklands protected from accidental incursions.”

The application was referred to Council's Open Space Planning, Consultant Landscape Architect and Senior Coordinator Environment who raised no objections to the proposal.

7.3 Environmental Planning and Assessment Regulation 2000

This application satisfies Clause 50(1)(a) of the Regulation as it is accompanied by the necessary documentation for development seeking consent for a mixed use development and associated car parking, including:

- A SEPP 65 Design Verification Statement from a registered Architect (No 3697);
- An explanation of the design in terms of the Design Quality Principles set out in Part 2 of *State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development*;
- BASIX Certificate; and
- Required drawings and montages.

7.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The SREP is a deemed SEPP and applies to the subject site.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument.

However, the site is not located on the foreshore or adjacent to the waterway and therefore; with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of Ryde Development Control Plan 2014.

The development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

7.5 State Environmental Planning Policy (State and Regional Development) 2011

The proposal is categorised as a 'General Development over \$30 million' under Schedule 7 of the above planning instrument and as such, the proposal is required to be

determined by the Sydney North Planning Panel in accordance with Section 4.7 of the Environmental Planning and Assessment Act 1979 (as amended).

7.6 State Environmental Planning Policy No. 19 - Bushland in Urban Areas

The subject site adjoins a bushland reserve, namely Wilga Park, which is public open space, and therefore subject to the provisions of the above planning instrument.

The removal of vegetation proposed in this development is not considered to result in significant impact upon fauna species within the general locality and appropriate measures will be in place to mitigate any adverse impact on the erosion of soils, the siltation of Shrimpton Creek and to prevent the spread of weeds and exotic plants within Wilga Park as recommended by Council's Open Space Planning. See **Conditions 1a, 90 and 135**.

The development raises no other issues and otherwise satisfies the aims and objectives of this planning instrument.

7.7 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1)(a) of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires that a consent authority must not consent to the carrying out of any development on land unless:

- *It has considered whether the land is contaminated, and*
- *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and*
- *If the land requires remediation to be made suitable for the development proposed to be carried out, it is satisfied that the land will be remediated before the development is carried.*

In response to these requirements, the applicant has submitted a *Stage 1 Preliminary Site Investigation* Report prepared by Network Geotechnics (NG) dated 23 March 2018.

The report makes the following key observations and conclusion:

“Based on the site history review, the site appears to have been used for orchards since the 1930s. The site was then developed for medium density residential purposes around the late 1960s/early 1970s. The site remains used for medium density residential land use to date.

Majority of the site, except for the approximately 5m setbacks around the proposed building, will be excavated and disposed offsite to facilitate the 4-level basement. The setbacks proposed will either be paved or landscaped, and as such, the potential for exposure to the potential contaminants mentioned above is considered unlikely.

Furthermore, the ground level is proposed to be used for commercial purposes and the basement levels are proposed for underground parking respectively. As such, the proposed residences will not have direct access to site soils. Exposure to non-volatile contamination will be unlikely.

Based on the desk study, the walkover assessment and the sub-surface observations made during the NG (2018) geotechnical investigation, NG concludes the following:

- *The site is unlikely to contain widespread unacceptable contamination, as a result of past and current activities within the site and its surroundings;*
- *The site is considered to be suitable, from a contamination perspective, for the proposed mixed-use development, including medium density residential land use with no access to site soils."*

Council's Environmental Health Officer has reviewed the Report and advises that the proposal will be satisfactory subject to conditions. See **Conditions 124 and 125**.

7.8 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Clause 4 of the SEPP stipulates 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 if:*
 - a) *the development consists of any of the following:*
 - (i) *the erection of a new building,*
 - (ii) *the substantial redevelopment or the substantial refurbishment of an existing building,*
 - (iii) *the conversion of an existing building, and*
 - b) *the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
 - c) *the building concerned contains at least 4 or more dwellings.*

As previously outlined the proposed development is for the construction of a 14 storey mixed use building plus basement car parking for the provision of 116 residential apartments.

As per the provisions of Clause 4 outlining the application of the Policy, the provisions of the SEPP are applicable to the assessment of this application.

As previously outlined within this report Clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000* requires the submission of a SEPP 65 Design Verification Statement from a Registered Architect at lodgement of the development application. This documentation has been submitted.

Clause 28 of the SEPP requires:

- 2) *In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*
 - a) *the advice (if any) obtained from the design review panel, and*
 - b) *the design quality of the development when evaluated in accordance with the design quality principles, and*
 - c) *the Apartment Design Guide.*

Design Review Panel

The application was referred to the independent City of Ryde Urban Design Review Panel whereby the Panel resolved at its meeting on 5 July 2018 that:

“Subject to the recommendations contained in these minutes being implemented, the Panel does not need to review this proposal again.”

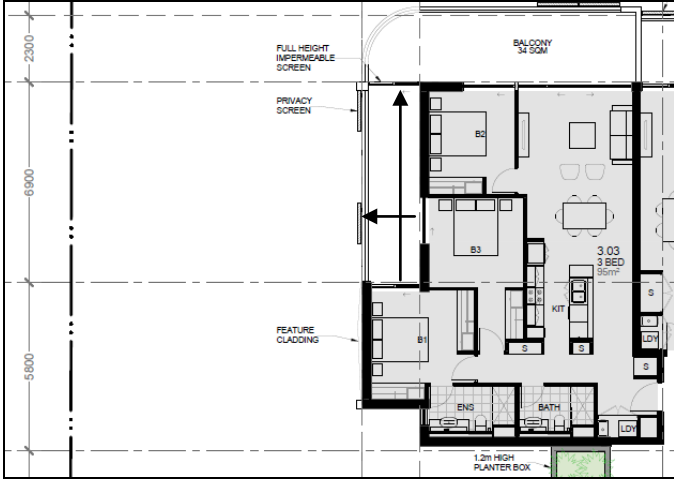
The final comments made by the Panel are included in the following assessment of the Design Quality Principles provided in the table below:

Schedule 1 Design Quality Principles

Planning Principle	Comment	Comply
Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	The subject site is located on 9 Peach Tree Road and is within the Macquarie Park Corridor. The UDRP has advised: <i>The site is zoned B4 Mixed Use under Ryde LEP 2014, with a maximum permitted FSR of 4:1 and building height of 45m.</i> <i>It is understood that the proposal complies with these height and density controls.</i> <i>Flood planning levels do not appear to have been added to the plans, however it is assumed that any flooding issues have been reviewed with Council officers and any required adjustments made.</i> <i>The Panel supports the revised café location, in accordance with the previous Panel's recommendation. Proximity to the path in the creek reserve is considered optimal.</i> <i>The Panel recognises the effort made to improve the definition of different types of spaces at ground level, however a more open and direct relationship between the café and public path through the creek reserve is suggested in lieu of the boundary walls (which have a maximum height of approximately 1.5m) and planting currently shown (see also Landscape plan L004). Terracing down the café outdoor space to the boundaries at this corner of the site and open unimpeded access are recommended to maximise the potential for a viable and successful café operation. Appropriate fencing will be required to allow the café area to be publicly accessible, but the communal open space to be secured for resident use only.</i> <i>As recommended previously, a pedestrian path is</i>	Yes

Planning Principle	Comment	Comply
	<i>now provided between the Peach Tree Road footpath and the existing creek reserve pathway, via the northeast corner of the site. This connection should remain open at all times.</i> <i>The Panel notes that rooftop communal open space is no longer proposed. The setback area along the western boundary, along with a pool and lounge area under the northeast corner of the building make up the project's defined communal open.</i> <i>The Panel notes as a positive that much of the soft landscaped communal space is located above deep soil. To further reduce hard stand areas and increase landscaping opportunities, it is recommended that the three car share spaces be relocated within the building's footprint, most likely at the first basement level with appropriate security control.</i> <u>Planner's Comments:</u> The proposal has been conditioned to comply with FSR of 4:1 (Condition 1d) which is compliant with the maximum FSR of 4:1 permitted. Furthermore the proposal has been amended to; improve connection between the ground floor café and public path that is open and direct, stepped planter boxes around the café and outdoor seating area in lieu of the terraced outdoor seating area due to the functionality of the outdoor seating area, height difference and minimum flood planning level required, provision of open style boundary fencing, and provides flood mitigation measures (minimum habitable floor level above the 1 in 100 year ARI) to satisfy the above comments made by the UDRP panel. However the amended proposal includes a roof top terrace with an increased building height exceeding the prescribed height of 45m contained in the RLEP 2014. The increased building height of the development is considered acceptable and is supported for the reasons detailed in the 'Clause 4.6' section of this report. It is worth noting that the roof top terrace for the development is considered to be a positive planning outcome as it provides more useable private open space for residents, increases opportunities for infiltration of surface/roof water	

Planning Principle	Comment	Comply
	and minimal amenity impacts on the adjoining properties through privacy, overshadowing and visual impacts. The proposal is considered to be compatible with the built form that is envisaged for the B4 Mixed use zone within the Macquarie Park corridor. It should be noted that the proposal is not dissimilar to the recently constructed mixed use developments found in the area. The proposal is consistent with Principle 1 and no further changes are required.	
Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The UDRP has advised: <i>Built form and scale remain essentially unchanged and are again generally supported.</i> <i>A concern has been raised with the proposed setback from the western boundary and the relationship of this scheme to future redevelopment on the adjoining site. The proposal does not comply with ADG setback distances at Level 9 and above. It provides 10m, whereas the ADG says 12m.</i> <i>The elements in question are the west facing balconies off bedrooms. These are not primary balconies and could simply be removed. If they are retained, further screening, which does not seriously compromise outlook from the balconies, should be added.</i> <u>Planner's Comments:</u> The development is of a scale, bulk and height that is appropriate to the existing or desired future character of the area and surrounding development. The proposal provides a minimum 10m for the entire southern elevation of the building where it shares the common boundary to the Ivanhoe Estate development. Whilst this building separation does not comply with the numerical ADG setback of 12m at level 9 and above, the amended proposal includes privacy screens that are strategically placed to minimise potential privacy impacts as suggested by the UDRP panel.	Yes

Planning Principle	Comment	Comply
	This screen covers 40% of the balcony opening and the resultant balcony area has dimensions maximum 2.5m (width) x 2m (depth), which is similar to a 'Juliette' style balcony as depicted below.  Figure 8: Typical floor plan showing one of the secondary balcony and privacy screening (arrows indicating sightlines from bedroom window and sliding doors). source: Plan DA2.08 prepared by Amglen Architects Pty Ltd. The provision of privacy screens for the secondary balconies on the southern elevation of the building is unlikely to cause any adverse impacts and is considered a better outcome in terms of building articulation, continuity of horizontal building elements used on all other elevations of the building, visual interest and visual relief from the vertically straight masonry walls on the southern elevation of the building. Therefore the amended proposal is considered to achieve the above comments made by the UDRP panel. The proposed built form and scale is considered to define the public domain and contribute to the character of the local area, especially where the B4 Mixed use zone interfaces with public park and the Ivanhoe Estate. The development is considered to be consistent with this design quality principle.	
Density Good design has a density appropriate for a site and its context, in terms of the number of units or residents.	<u>UDRP comments</u> <i>The Panel understands that the proposal complies with the maximum density permitted under the LEP and SEPP</i>	Yes

Planning Principle	Comment	Comply
Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	<u>Planner's Comments:</u> The proposed building includes open breezeways at the end of three deep slots, semi-open outdoor lounge area at ground floor and transitional areas where the ground floor of the building interfaces with the public space with the south-east boundary adjoining the Shrimptons Creek corridor and pedestrian cycleway and the north-east boundary adjoining Wilga Park. The ground floor of the building has clearly defined private and public space with transitional areas, increased ceiling height with recessed solid walls, central core and v-shaped columns in its periphery which enables the building to appear floating above the existing ground of the site. These architectural features of the building soften the overall visual bulk of the building at street level and enables the building to achieve the density that is appropriate for the site and that is consistent with the existing and desired density for the area. The proposed density is considered to be sustainable given the ongoing redevelopment of the zone, proximity to high-frequency public transport routes, the local provision of community facilities and the already extensive (and growing) commercial floor space within the Macquarie Park Corridor which results in increased employment opportunities. The development is considered to be consistent with this design quality principle.	
Sustainability Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.	<u>UDRP comments</u> <i>The proposal appears to comply with solar access and natural cross ventilation targets in the ADG.</i> <i>Specific sustainability strategies were not discussed, however achievement of ADG targets for solar access and cross ventilation, along with satisfactory BASIX scores will address this objective.</i> <u>Planner's Comments:</u> The development is designed to provide an average Star rating of 6 under the Nationwide House Energy Rating Scheme with apartments ranging between 4.7 and 7.1.	Yes

Planning Principle	Comment	Comply
Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The BASIX Certificate submitted with the application (see Certificate No. 917902M dated 12 April 2018) indicates that the development will achieve the target scores for water (40) and energy (25) usage while Thermal Comfort will achieve a target pass. Because of the offset configuration, size and predominantly corner location of dwellings, the development is able to achieve or exceed above the required levels of sunlight access (79.31%) and natural ventilation (89.65%) required by the ADG. The development is considered to be consistent with this design quality principle.	
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and	<u>UDRP comments</u> <i>The Panel has not seen the ground level landscape plan, however, based on the architectural plan adequate landscaping and tree planting appears to be included.</i> <i>A more gradual and accessible treatment of the transition from café outdoor areas to the adjoining reserve is recommended above.</i> <i>Retention of existing trees and inclusion of new large trees is always encouraged.</i> <u>Planner's Comments:</u> The proposal provides communal open space at ground floor within the western and southern setback areas with transitional outdoor lounge areas and a roof top terrace on the south eastern part of the building. The proposal allows the retention of existing trees on the adjoining park, especially where the new pedestrian pathways and drainage connection are proposed. The café outdoor area has been re-designed to improve linkage between the building and adjoining park and the remaining ground floor of the building provides transitional areas between the public and private spaces within the building whilst providing satisfactory access control for safety and security. The remaining landscaped areas around the perimeter of the site allow for the provision of deep	Yes

Planning Principle	Comment	Comply
long term management.	soil planting (10.9%) which is compliant with the requirements of the ADG. This enables adequate plantings to soften the bulk of the building. Council's Consultant Landscape Architect has reviewed the amended proposal and has advised that the revised landscape plans are generally considered to provide an improved open space layout which results in functional communal open spaces of a high quality with appropriate planting. Additionally, improved curtilage landscaping has resulted in a development which is more effectively screened. The development is considered to be consistent with this design quality principle.	
Amenity Good design positively influences internal amenity for residents and external amenity for neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.	<u>UDRP comments</u> <i>Generally, amenity levels are good and the units well planned. However, the use of deep slots, which do contribute positively to the façade aesthetics, raises some potential privacy problems.</i> <i>The 301, 304, 305 and 3.09 unit lines have bedroom openings into these slots. Even with screening devices, acoustic privacy remains a concern.</i> <i>It is recommended that the small openings in Bed 2 of Units 3.04 and 3.05 be removed and that the wall between the apartments be extended out into the slot to increase acoustic separation between the main bedrooms.</i> <u>Planner's Comments</u> The development has been assessed against the various amenity requirements of the ADG where it has been found that the development is compliant with the majority of relevant Design Criteria. In addition the amended proposal excludes the bedroom windows of apartments 04 and 05 and the dividing wall between these units has been extended as suggested by the UDRP panel above.	Yes

Planning Principle	Comment	Comply
	Figure 9: Typical floor plan showing the deletion of bedroom windows and extension of the dividing wall between X.04 and X.05 apartments. source: Plan DA2.08 prepared by Amglen Architects Pty Ltd. As mentioned above, apartments 01 and 09 have windows directly opposite each other, however the windows for Units 09 are for the proposed en-suite bathroom which have a sill height of 1.8m above the finished floor level and hence they pose minimal visual and acoustic privacy impacts. Figure 10 below illustrates windows to apartments 01 and 09. Figure 10: Typical floor plan showing the deletion of bedroom windows and extension of the dividing wall between X.01 and X.09 apartments. source: Plan DA2.08 prepared by Amglen Architects Pty Ltd.	

Planning Principle	Comment	Comply												
	The open plan layout of each apartment provides a good level of amenity for future occupants, with the majority of apartments having good levels of sunlight access, cross ventilation, outlook and visual privacy. The development is considered to be consistent with this design quality principle.													
Safety Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	<u>UDRP comments</u> <i>The definition of ground level spaces is clearer, but confirmation needs to be given to access control (resident lounge area).</i> <u>Planner's Comments</u> The access control plan submitted with the application indicates clear sight lines to and from the subject site and no blind spots around the building. Access points into the development are easily identified, and through the use of fencing and landscaping, public and private spaces are clearly defined. The NSW Police have reviewed the proposal and do not raise any objection subject to the development addressing particular recommendations pertaining to the installation of a CCTV system, lighting of entrances and communal areas, effective signage and other minor security measures. Conditions 13, 153 to 159 have been imposed as recommended by NSW Police.	Yes												
Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible	<u>UDRP comments</u> <i>The proposed mix of dwelling types and units sizes appears to be acceptable.</i> <u>Planner's Comments</u> The proposed comprises 116 apartments as follows: <table border="1"> <thead> <tr> <th>Type</th><th>Proposed</th><th>% of total</th></tr> </thead> <tbody> <tr> <td>1 bedroom</td><td>26</td><td>22.5%</td></tr> <tr> <td>2 bedroom</td><td>50</td><td>43%</td></tr> <tr> <td>3 bedroom</td><td>40</td><td>34.5%</td></tr> </tbody> </table> Of those, 12 apartments (10%) will be adaptable. Condition 66 has been imposed to ensure 12 apartments are provided as adaptable apartments.	Type	Proposed	% of total	1 bedroom	26	22.5%	2 bedroom	50	43%	3 bedroom	40	34.5%	Yes
Type	Proposed	% of total												
1 bedroom	26	22.5%												
2 bedroom	50	43%												
3 bedroom	40	34.5%												

Planning Principle	Comment	Comply
features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.	The development provides a suitable mix of housing in response to current housing demand and the economic choice within an area with good public transport access and commercial facilities.	
Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.	<u>UDRP comments</u> <i>The Panel is satisfied that the design of the building facades has been suitably progressed.</i> <u>Planner's Comments</u> The Urban Design Review Panel has provided comments with regard to the overall design of the buildings and was supportive of the proposal. The proposed building incorporates vertical and horizontal articulation such that the resulting building alignments and proportions are generally balanced and reflective of the internal layout and structure. Through the provision of articulation and the use of a variety of building materials, the development is considered to satisfactorily contribute towards the existing or future local context of the high density character of the streetscape and neighbourhood.	Yes

Table 2: Design Quality Principles.

Conclusion: As detailed previously in this report, it is considered that the matters raised by the UDRP have been suitably addressed in the amended plans.

Apartment Design Guide (ADG)

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the nine Design Quality Principles by giving greater detail as to how those principles might be achieved.

The following table provides an assessment against the criteria contained within the relevant parts of ADG as required by SEPP 65.

Note: Clause 6 of the SEPP 65 prescribes that in the event of an inconsistency between the SEPP and another environmental planning instrument (ie. RLEP and RDCP) this policy prevails to the extent of the inconsistency (e.g. building separation/setbacks, site coverage, minimum width and area for deep soil landscaping & POS, and provision of motor bicycle parking & car wash facilities).

Apartment Design Guides	Considerations	Consistent
2E Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line. This is to ensure that apartments receive: - Adequate daylight - Natural ventilation and optimise natural cross ventilation Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths.	The building proposes depth of: 15m – 29m (north – south orientation) Notwithstanding the proposed depth variations for the residential levels of the building, the proposal incorporates the following architectural features to achieve the underlying objectives of the building depth controls: - The building incorporates deep slots on all elevations. The central circulation core links to each apartment via an open breezeway with a distance of no more than 11.5m (north-south) and the deep slots on western and eastern elevations provide the required natural ventilation , contribute to dual aspect and assist in optimising solar access (refer to ventilation diagram below). Figure 11: Cross ventilation diagram of a typical floor level (top – north & bottom – south). Open end of breezeway/corridor outlined in red circle. Air flow outlined in blue arrowed lines and apartment not cross ventilated shaded in pink (no dual aspect). source: Plan DA-CV prepared by Amglen Architects Pty Ltd.	No – variation considered acceptable.

Apartment Design Guides	Considerations	Consistent
	- The proposal provides for acceptable amenity as the building has been designed to have greater modulation and articulation, allowing for better air circulation. - The building has 104 out of the 116 apartments (89.65%) receiving the required cross ventilation requirements. In addition the habitable rooms depth is under the maximum allowed and the extent of variation is not excessive. Given the UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.	
2F Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <i>Nine storeys and above (over 25m):</i> - 24m between habitable rooms/balconies - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms	Proposal is 14 storeys. <u>Western boundary: 7 Peach Tree Road.</u> Proposal complies with the 12m separation for all floor levels. <u>Northern & Eastern boundaries: Wilga Park.</u> In accordance with previous Council advice and that of Council's UDRP, the development provides 5m setbacks to both side boundaries. This is envisaged by the DCP controls and appropriate in this location. <u>Southern boundary: Ivanhoe Estate.</u> Proposal complies with the minimum requires separation for the first 8 storeys but does not comply with the 12m separation from Level 9 to 13. See full discussion after this table.	Yes Yes No (levels 9 to 13 on southern elevation). Variation considered acceptable.
Front, Rear & Side Setbacks See discussion under the relevant Development Control Plan.	As per building separation requirement.	Yes
3B Orientation Building types and layouts respond to	The development is considered to respond appropriately to the street	Yes

Apartment Design Guides	Considerations	Consistent
the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	frontage of Peach Tree Road and adjoining park. The site adjoins open space to the north and east in order to optimise solar access and the development is responds to the future character of the upzoned B4.	
3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The proposed development is considered to be satisfactory in terms of the creation and structuring of the significant new public spaces and facilities for both residents and visitors. The amenity of the public domain is retained.	Yes
3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. Design Criteria 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable rea of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	The development is required to provide for 25% (607.5 m²) of communal open space. The development provides a total of 50% (i.e. 1,230m²) of the site area of communal open space located at ground and roof levels. The roof top terrace is located on the south eastern corner of the building and has minimal exposure and screened from the prevailing winds from north-east, south and west. Minimum 2hours of sunlight is achieved.	Yes
3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	The site has an area of 2,430m² which requires the provision of 7% (170.1m²) deep soil zone with a minimum dimension of 6.0m. Based upon the above requirements, the development provides for 10.9% (263.05m²) deep soil zone.	Yes

Apartment Design Guides	Considerations	Consistent												
<u>Design criteria</u> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimension</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² – 1,500m²</td><td>3.0m</td></tr> <tr> <td>Greater than 1,500m²</td><td>6.0m</td></tr> <tr> <td>Greater than 1,500m² with significant existing tree cover</td><td>6.0m</td></tr> </tbody> </table>	Site area	Minimum dimension	Deep soil zone (% of site area)	Less than 650m ²	-	7%	650m ² – 1,500m ²	3.0m	Greater than 1,500m ²	6.0m	Greater than 1,500m ² with significant existing tree cover	6.0m		
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<i>3F Visual Privacy</i> Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. <u>Design Criteria</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6.0m</td><td>3.0m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9.0m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12.0m</td><td>6.0m</td></tr> </tbody> </table> <u>Note:</u> Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6.0m	3.0m	Up to 25m (5-8 storeys)	9.0m	4.5m	Over 25m (9+ storeys)	12.0m	6.0m	<u>Western boundary: 7 Peach Tree Road.</u> Proposal complies with the 12m separation for all floor levels. <u>Northern & Eastern boundaries: Wilga Park.</u> In accordance with previous Council advice and that of Council's UDRP, the development provides 5m setbacks to both side boundaries. This is envisaged by the DCP controls and appropriate in this location. <u>Southern boundary: Ivanhoe Estate.</u> Proposal complies with the minimum required separation for the first 8 storeys but does not comply with the 12m separation from Level 9 to 13. See full discussion after this table.	Yes Yes No (levels 9 to 13 on southern elevation). Variation considered acceptable.
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Over 25m (9+ storeys)	12.0m	6.0m												

Apartment Design Guides	Considerations	Consistent
3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.	Main entrance to the building is off the end of cul-de-sac to Peach Tree Road. The main entrance is clearly defined with an entry foyer, planter box along the edge which leads to the entry from the stairs at the front boundary. Side pathways from Wilga Park (north east & north of the site) and pedestrian link from the existing pedestrian path to north east to the café/outdoor lounge and public art area.	Yes
3H Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The driveway and basement design allows vehicles to enter and exit in a forward direction. The vehicular access is from the southern end of the cul-de-sac where the existing driveway cross over is located. The driveway ramp is separated from the main pedestrian access with landscaped area and the location of the driveway contributes towards the 12m building separation from the western neighbouring property at 7 Peach Tree Road and thus complying with the minimum required under the ADG. The driveway crossing is located on the southern side of the Peach Tree Road frontage where the existing one is located. Despite the increased driveway crossing width from the existing, the driveway is not considered to be a dominant feature upon the streetscape, given the orientation and plant screening provided in the periphery of the driveway.	Yes

3J Parking Provisions. Car parking: For development in the following locations: - On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or - On land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The <i>minimum</i> car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street. Parking and facilities are provided for other modes of transport. - Visual and environmental impacts are minimised.	The site is located within 800m of a railway station. In this instance Council's DCP rates are less than RMS rates so Council's car parking rates are applicable. The development as originally submitted provides a total of 136 parking spaces which exceeds the permitted maximum required under the DCP by 3 car spaces. However a condition has been imposed to convert 2 of the excess car spaces to motorcycle parking and storage space. As a result, the proposal (as conditioned) has 1 excess commercial car space. The residential component of the development complies. The parking provision is discussed further in the report under 'RDCP Part 9.3: Car Parking'.	No – Condition to comply. See Condition 1b
Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover).	Bicycle parking has been provided (15 spaces). Motorbike parking is not provided within the development. However a condition has been imposed to require motorbike parking within the additional 2 car parking spaces (Condition 1b). The motorbike parking provision is discussed further in the report under 'RDCP Part 9.3: Car Parking'.	Yes No – to be conditioned

Basement Design for parking: - Basement car park not to exceed 1m above ground (use stepped/ split level). - Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.	Basement below ground.	Yes
4A Solar & daylight access 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	The development provides for 79.31% (92) of apartments which receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter.	Yes
No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	The development allows for 10.4% (12) of apartments receiving no direct sunlight between 9am and 3pm at mid-winter.	Yes
Design should incorporate shading and glare control, particularly for warmer months.	The design incorporates eaves, balconies and external screens.	Yes
4B Natural Ventilation All habitable rooms are naturally ventilated.	All habitable rooms have direct access to a window opening for natural ventilation.	Yes
Design layout of single aspect apartments to maximises natural ventilation.	Open breezeways between apartments and deep slots for mid-section of each elevation of the building allow natural ventilation. The single aspect apartments (numbered X.06) have depths less than 8m, with a floor-to-ceiling height of 2.7m. This complies with the 2.5:1 width to depth ratio.	Yes
<u>Design criteria for natural cross ventilation:</u> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The development provides for 89.65% of apartments having access to natural cross ventilation.	Yes

4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table><tr><th colspan="2">Min ceiling height for apartment & mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m (3.1m floor to floor)</td></tr><tr><td>Non Habitable</td><td>2.4m</td></tr><tr><td>2 storey apts</td><td>2.7m for main living area 2.4m for 2nd floor</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room</td></tr><tr><td>Mixed used zone</td><td>3.3m for ground & 1st floor to promote future flexibility of use.</td></tr></table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	The floor to ceiling heights of the apartments within the development meet the minimum 2.7m for habitable rooms from level 1 – level 13 as required by the ADG. The ground floor of the building, including the loading dock for LRV trucks has a minimum ceiling height of 4.5m to allow flexibility of use and minimum clearance height required for the loading dock in accordance with AS2890.2.	Yes
Min ceiling height for apartment & mixed use buildings														
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Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.													
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <u>Note:</u> ➤ Additional bathrooms increase the minimum internal area by 5m²;	The development proposes 116 residential apartments. Of those, 25 apartments do not comply with the minimum apartment size with an additional bathroom for each of these apartments. The proposed variation is not supported by Council and a deferred commencement condition has been imposed requiring amended plans to be submitted demonstrating compliance with the minimum apartment size. These can be achieved. See full discussion after this table.	Yes (by Deferred Commencement Condition A1)												
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have direct access to a window opening that achieves a minimum of 10% of the room area. No borrowed daylight and air is proposed.	Yes												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.	Minimum is 2.5 x 2.7 = 6.75m. Bedroom depths are less than 6.75m. Combined living dining and kitchen areas are less than 8m from a window.	Yes												
Master bedrooms - minimum area of 10m² (excluding wardrobe space).	Generally the master bedrooms are 10m² or over.	Yes												
Bedroom - minimum dimension of 3m (excluding wardrobe space).	All bedrooms have minimum dimension of 3m.	Yes												

Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments.	All living rooms have minimum width of 3.6m.	Yes															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The cross over apartments has a minimum depth of 3.6m (1 bed).	Yes															
4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity. <u>Design criteria</u> 1.All apartments are required to have primary balconies as follows: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Min.depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>N/A</td></tr> <tr> <td>1 bedroom</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table> The minimum balcony depth to be counted as contributing to the balcony area in 1.0m.	Dwelling type	Minimum area	Min.depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	The apartment balconies comply with the minimum area requirement. The development provides the following primary balcony sizes and depths: Studio: None provided. 1 bedroom: 10m² to 12m² (1m to 2.4m) 2 bedroom: 12m² to 20m² (1m to 2.4m) 3 bedroom: 12m² to 34m² (1.4m to 2.5m)	Yes
Dwelling type	Minimum area	Min.depth															
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1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
4F Common circulation and spaces. <u>Design criteria</u> 1. The maximum number of apartments off a circulation core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. <u>Note:</u> ➤ Where design criteria above are not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	The maximum numbers of units accessed via a lift core on a single level is nine (9), except for the uppermost level (level 13) with 8 apartments. Overall, the building does not have more than 12 apartments off a circulation core on a single level. The development is over 10 storeys and provides 116 apartments which would require three (3) lifts to be installed to satisfy the design criteria. The development provides two (2) lifts which, based on the criteria, would technically service 80 apartments. Notwithstanding the provisions of the ADG, a Lift Traffic Analysis (as	No – variation considered acceptable.															

	prepared by Elevate Consultancy) has been provided with the application which benchmarked results against the design criteria nominated by the Chartered Institute of Building Services Engineers (CIBSE) and the NSW Apartment Design Guide (ADG) to determine the quality of service. The Analysis found that the development will provide a quality of service commensurate with that typically provided for mid-tier owner occupier type developments which have the following key performance criteria: • Average Waiting Time: <40.9 seconds; and • Travel Time: 46.1 seconds.											
4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1.In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	The proposed building includes resident storage areas for all units within the building as well as within the basement levels. Given the number and mix of apartments, the development is required to provide 956m³ of storage space. The development provides for 1,168m³ of storage space. The development provides 41% (392m³) of the <i>required</i> storage within apartments. However this is supported on the basis that the overall storage exceeds the minimum required for the apartments and the basement storage areas are secured and easily accessible from the central circulation core of the building.	Yes No – variation considered acceptable.
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.	The bedrooms of all apartments are located from the first floor up and do not directly adjoin active communal open spaces and circulation areas. All upper level bedrooms windows from Level 1 and above are distanced at least 3m vertically from active communal open space, driveway and	Yes										

Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	pedestrian circulation areas at the ground floor. The proposal has been reviewed by Council's Environmental Health Officer who raised no objection subject to conditions of consent. See Conditions 65 and 192.	
4K Apartment mix A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc) should be provided.	The development proposes a mix of one, two and three bedroom apartments. Given the range of land uses in the local area, it is considered that the development has the capacity to accommodate numerous residents who have opportunities to live and work within the same district. Further to this, the apartments proposed will offer a different housing type and affordability to that of detached housing which is generally seen throughout the Ryde LGA.	Yes
4M Facades Ensure that building facades provide visual interest along the street and neighbouring buildings while respecting the character of the local area.	The development responds to the existing topography of the site and the overall scale of the development is considered to be appropriate given the context of the site. The clearly defined private-public space is provided at ground floor level and building elements such as the vertical slots, blades walls, round balconies, changes in materials and finishes and awning treatments are used for visual interest.	Yes
4N Roof design Roof treatments are integrated into the building design and positively respond to the street.	The proposed building is to have a flat roof which will not have any impact upon its overall appearance. The roof top terrace, plant and lift overrun are to be suitably setback to ensure they are not visible from street elevations.	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The application was referred to Council's Landscape Architect who did not raise any objection to the	Yes

	proposal subject to conditions. See Conditions 1 (approved plans) and 142.	
4S Mixed Use Can the development be accessed through public transport and does it positively contribute to the public domain? Non-residential uses should be located on lower levels of buildings in areas where residential use may not be appropriate or desirable.	Although this clause is applicable to mixed use development, it is noted that the site is close to public transport and has ready access to services and amenities. The proposed development appropriately utilises existing infrastructure whilst providing new higher density residential accommodation on a well located and serviced site.	Yes
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	The development includes awnings to the ground floor level of the building. The awning treatment in the periphery of the ground floor defines the access point and address the street. Signage is not the subject of this proposal and will be addressed in a separate development application if required.	Yes
4U Energy Efficiency Have the requirements in the BASIX certificate been shown in the submitted plans?	The BASIX Certificate submitted with the application (see Certificate No. 917902M dated 12 April 2018) indicates that the development will achieve the target scores for water (40) and energy (25) usage while thermal comfort will achieve a target pass.	Yes
4V Water Management and Conservation Has water management taken into account all the water measures including water infiltration, potable water, rainwater, wastewater, stormwater and groundwater?	Water management and conservation through the means of retention of stormwater for reuse has been assessed as compliant by Council's Development Engineers and further, compliance with the supplied BASIX Certificate has been conditioned. Areas of landscaping are located throughout the site, and these areas will allow for natural water infiltration	Yes

	into the ground.	
4W Waste Management Supply waste management plans as part of the development application demonstrating safe and convenient collection and storage of waste and recycling.	The application includes a Waste Management Plan which details the location of garbage rooms, the method of disposing of waste and recycling. The application was referred to the Waste team of Council's City Works Department who raised no objection to the proposal subject to conditions. See Conditions 47, 52 and 97.	Yes
4X Building Maintenance Incorporates a design and material selection that ensures the longevity and sustainability of the building.	The application includes a Schedule of Materials and Finishes which ensures the longevity and sustainability of the building.	Yes

Clause 2F – Building Separation and Clause 3F – Visual Privacy

The building separation requirements are the same as those prescribed by the Design Criteria under Clause 3F of the ADG although their objective differs in that the minimum separation distances suggested under Clause 2F are to establish acceptable urban form and amenity whereas Clause 3F specifically addresses visual privacy.

Figure 12 below illustrates **the ADG** separation compliance lines (in red) at a typical floor level from common boundaries with adjoining properties.



Figure 12: ADG separation compliance lines (in red) at a typical floor level (this plan shows Levels 3 to 12).
Source: From Plan DA2.08 (issue B) as prepared by Amglen Architects Pty Ltd.

This particular matter was raised by the UDRP as well as the submission made by Frasers Property (Ivanhoe Estate) in relation to the development. Frasers Property (Ivanhoe Estate) has provided the following suggestions to overcome the potential acoustic and visual privacy impacts resulting from the reduced building separation between the two sites:

"A revised noise impact assessment should be undertaken based on the future use of the adjoining site as a school and appropriate attenuation measures incorporated into the final development.

The design of the proposed apartments on the southern façade should be reconsidered to minimise noise and overlooking impacts. In particular, any modification should reconsider the need to provide a secondary balcony that overlooks directly into the school or as a minimum enclose these balconies and add privacy screening.

It is likely that this will provide an improved outcome for future residents as well as students of the school."

The applicant's planning consultant (Architectus) has provided the justification for the installation of privacy screens for the secondary balconies on the southern elevation:

"The proposal has been augmented with an additional balcony screen which ensures adequate management of privacy from the balcony.

Critically, the proposal could be amended to delete the balcony to achieve numerical compliance but this would result in a worse outcome, with minimal gains. The proposed

balcony is limited in size and only accessible from the bedroom which will ensure that it does not experience a high level of use.

The units along this façade are orientated away from the shared boundary and for these reasons it is considered that the proposal adequately addresses this concern raised by Council."

The proposal would require less privacy separation to the adjoining future school of the Ivanhoe Estate, given that the southern elevation of the building comprises blank walls to bedrooms and adjoins a school building which contains non-habitable rooms. Objective 3F-1 of the ADG states that “*no separation is required between blank walls*”. Furthermore, the ADG specifies that non-habitable rooms, such as classrooms, are to be distanced a minimum of 6m from the boundary. However, the Ivanhoe Estate concept plan is not certain and imminent at the time of this report and as such it was considered reasonable to apply the minimum privacy separation of 12m for the balconies on Level 9 and above. **Figure 13** below shows the proposed building in relation to the Ivanhoe Estate concept plan.

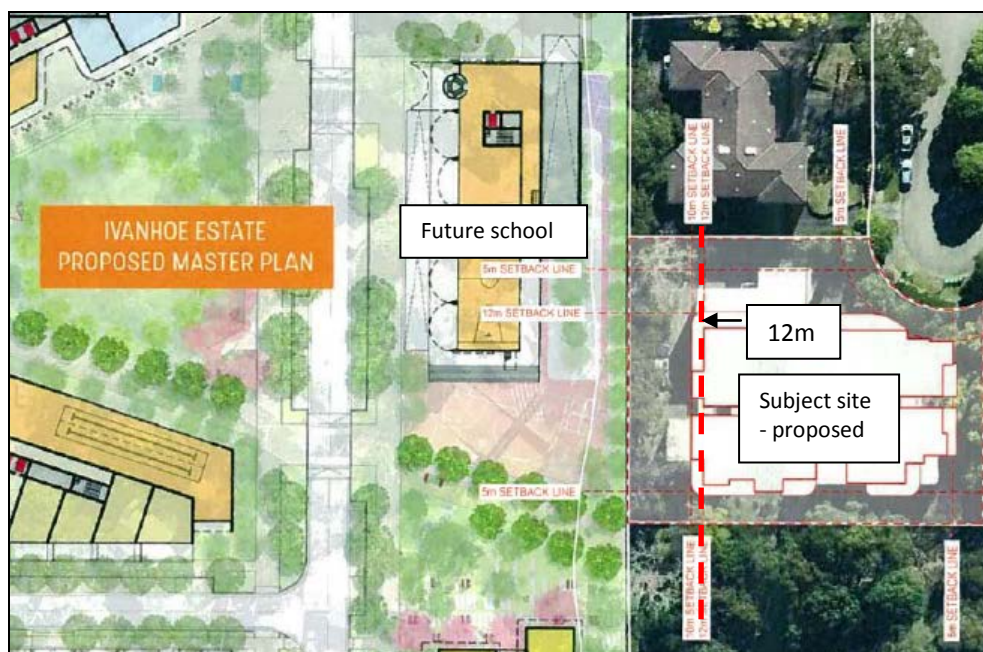


Figure 13: Proposed high school building footprint as part of the Ivanhoe Estate concept plan and the subject site at 9 Peach Tree Road (ADG visual separation shown in red) (**Source:** Submission prepared by Frasers Property Pty Ltd).

Albeit the reduced visual privacy separation for the building, the proposal on its merit is considered acceptable and is recommended to be supported on the following basis:

- As noted earlier, the southern elevation of the building does not have any windows or doors that directly overlook the southern adjoining site. The provision of privacy screens has been made to avoid direct overlooking from the secondary balconies and sliding doors of bedrooms (refer to **Figure 8**).
- The building elements within the required building separation are considered to be design features that mainly serve the purpose of providing reasonable internal layout in response to the context; articulating each elevation of the proposed building by expressing the location of individual units and balconies within the building, contrasting materials and colour scheme and fenestration treatments to

create varied elevations of the proposed building and achieve visual interest (detail and relief), and producing a continuous appearance with other building elements such as balcony balustrades and communal open space at upper levels of the building. The area of the encroachment over the 12m visual separation of the building complies with the maximum 45m building height and hence no adverse overshadowing impact is envisaged as a result of the reduced building separation.

- To alleviate any likely noise impact from the future school, a condition has been imposed to require a revised Acoustic Assessment report with recommendation for noise attenuation measures for the development. (see **Condition 65b**).

4D Apartment Size and Layout

The Design Criteria state that each apartment is required to meet the minimum internal area and additional 5m² for any additional bathrooms. The development provides 25 apartments that fall short in the minimum internal area. The applicant proposes to delete the additional bathroom to comply with the minimum internal area for all 25 non-complaint apartments as illustrated in **Figures 14 and 15** below.

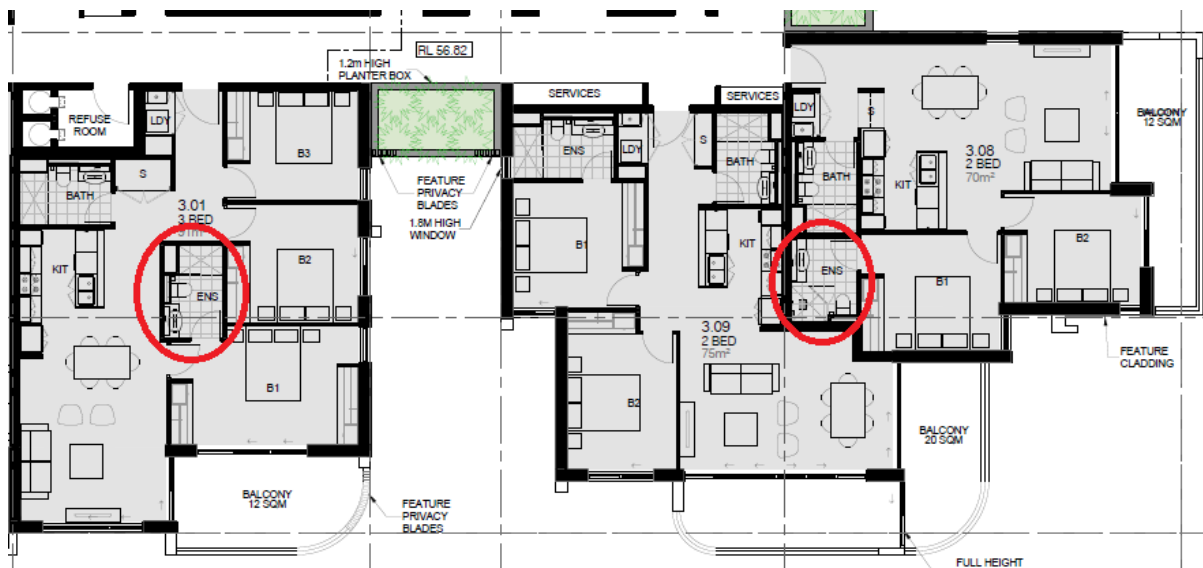


Figure 14: Original submission showing apartments X.01 and X.08 (in red circle).
Source: From Plan DA2.08 (issue B) as prepared by Amglen Architects Pty Ltd.

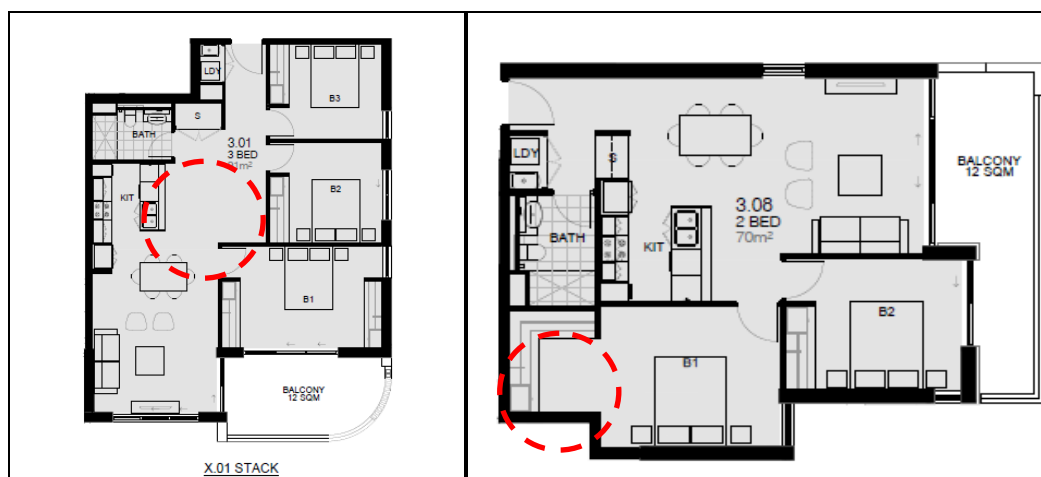


Figure 15: Typical floor plans of X.01 and X.08 showing the proposed change to delete additional bathroom (change in red). **Source:** From Plan DA2.08 (issue B) as prepared by Amglen Architects Pty Ltd.

Accordingly, a deferred commencement condition (**Condition A1**) has been imposed to bring the proposal into full compliance with the minimum internal area under the ADG.

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

An updated BASIX certificate has been submitted with the amended proposal (see Certificate No. 790306M-06 dated 7 September 2017).

The BASIX Certificate indicates that the development will achieve the following:

Commitment	Required Target	Proposed
Water	40	40
Thermal Comfort	Pass	Target Pass
Energy	20	21

Conditions 3 and 141 have been imposed requiring compliance with the commitments of the BASIX Certificate.

7.10 Ryde Local Environmental Plan 2014 (RLEP 2014)

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

Clause 2.2 - Zoning

The site is zoned 'B4 Mixed Use' under the RLEP 2014 and the proposed mixed use development is permissible with consent.

Clause 2.3 – Zone Objectives

The objectives of the zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The development complies with the above objectives. It will be consistent with the desired future character of the precinct by introducing a mixed use building consisting of residential and retail uses. The massing and scale of the development is appropriate in terms of the existing and future built environment and the built form contributes to the character and public domain of the area.

Development Standards

The following is a summary of Development Standards under RLEP 2014 that are applicable to the development:

Development Standard	Proposed	Compliance
Clause 4.3 - Height of Buildings		
Permitted: 45m	EGL (highest point): RL46.12 EGL (lowest point): RL 44.14m (south east) – 49.36m (lift overrun)	No (Clause 4.6 variation provided +4.36m or 9.7%)
Clause 4.4 - Floor Space Ratio		
Permitted: 4:1 (GFA = 9,720m ²)	Total GFA = 9,734.7m ² (FSR = 4.006:1) (+14.7m ² or 0.2%) See full discussion after this table.	Yes (by Condition 1d)

Clause 4.4 – Floor Space Ratio

The proposal indicates an excess GFA of 14.7m² or 0.2% over the numerical development standard contained in Clause 4.4 – Floor Space Ratio (FSR).

In designing the development, the applicant relied upon the decision of the Land and Environment Court of New South Wales in *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [2015] NSWLEC 1521* (15 December 2015).

In that decision, the Court found that a corridor which is open at both ends constituted a breezeway and did not form part of Gross Floor Area (GFA) and thereby FSR. The rationale rests on an interpretation of the definition of Gross Floor Area in the LEP which states:

“Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor...”

Because the ends of the corridors are open at both ends, the argument used in the Danks Street judgement relies on the internal walls of the corridor becoming external (i.e. exposed to weather).

The implication of this judgement on the subject development was that the design originally excluded part of the corridor at each residential floor level as GFA because they were interpreted as external walls.

Figure 16 below details the area of non-compliance located at each level of the building.

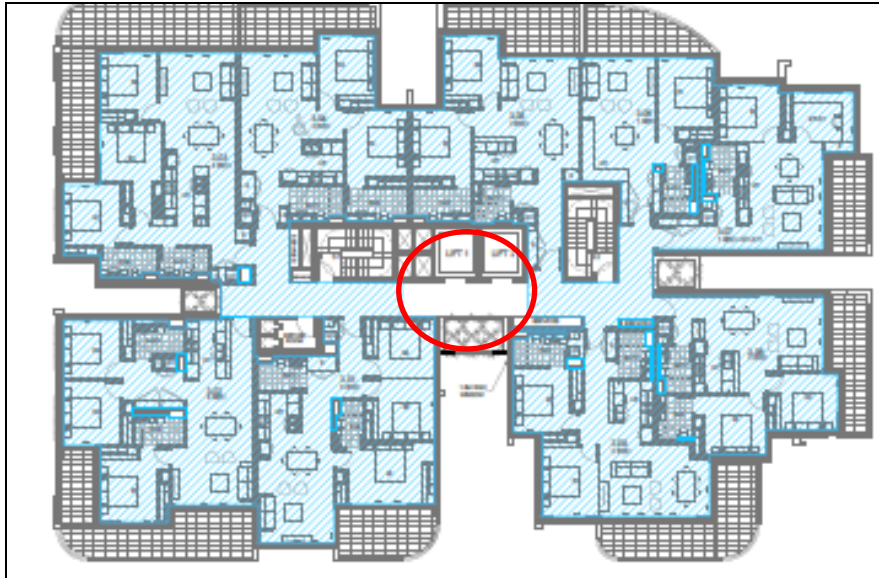


Figure 16: Typical floor plan showing the corridor area excluded in the GFA calculation (in red circle). The shaded areas indicate GFA at each residential floor level.

Source: From GFA Calculation Plan DA-FSR (issue B) as prepared by Amglen Architects Pty Ltd.

However, in the more recent Court case of *Landmark Group Australia Pty Ltd v Sutherland Shire Council [2016] NSWLEC 1577* (2 December 2016), the matter of what constitutes a breezeway (and therefore contributes towards GFA) was challenged.

In that decision, the Court found that the breezeway/corridors were all within the internal face of the external walls of the building thereby contributing towards GFA.

In light of the recent decision by the Court, the corridor areas within the development constitute GFA and the breakdown of GFA of the proposal is as follows:

Level 13	704m ²
Level 1-12	8,664m ²
Ground (enclosed internal areas)	142m ²
Retail (ground floor)	70m ²
Rooftop (toilet)	5.2m ²
Corridor area (in front of lifts) Level 1 to 13 – see Figure 17	149.5m²
Total GFA = 9,734.7m² (FSR = 4.006:1) (+14.7m ² or 0.2%)	

It is considered that the proposal is capable of complying in full with the maximum FSR permitted given the minor nature and extent of non-compliance. Accordingly, the proposal has been conditioned to require reconfiguration of the internal layout to achieve full compliance. See **Condition 1d**.

Clause 4.3 – Height of Buildings under Clause 4.6

The proposal seeks a variation to Clause 4.3 – Maximum building heights under the Ryde Local Environmental Plan 2014. The maximum height of a mixed use building under Clause 4.3 is 45m above the existing ground level.

Figures 17 and 18 below illustrate the 45m height plane and extent of non-compliance.

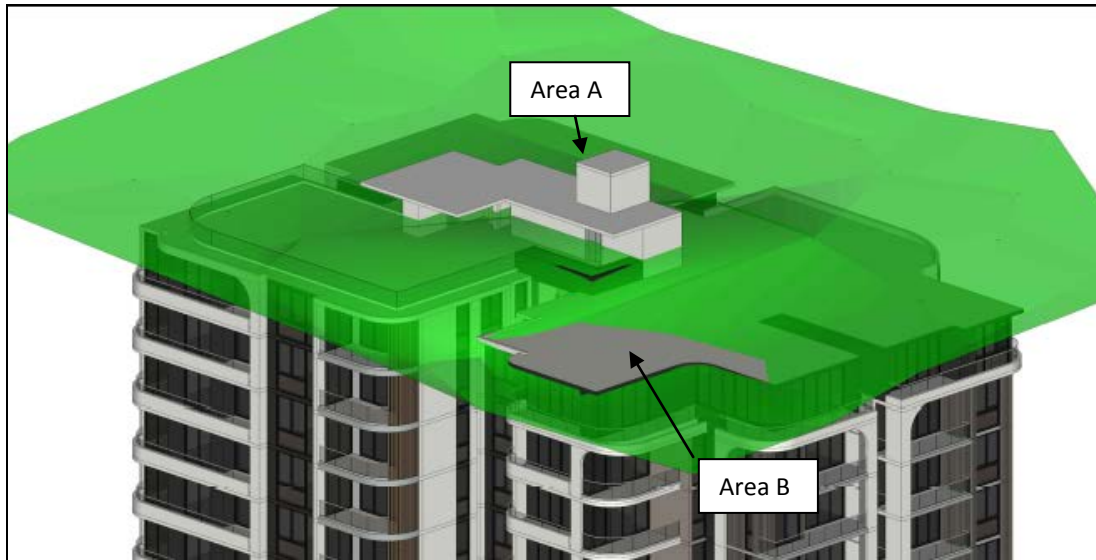


Figure 17: Height plan study submitted with Clause 4.6 variation. (Maximum building height of 45m shown in green) (**Source:** Clause 4.6 variation prepared by Architectus).

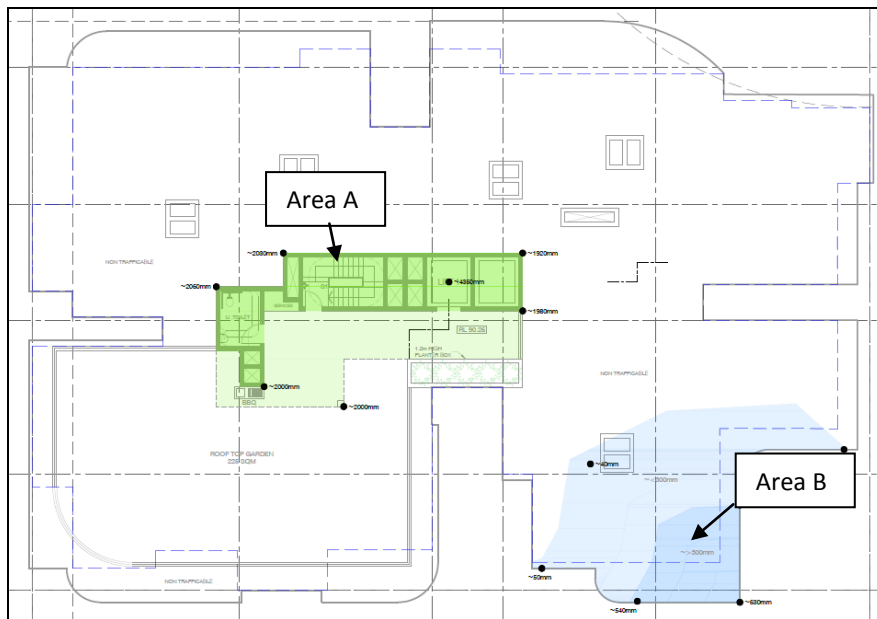


Figure 18: Roof plan showing the area of non-compliance (areas of non-compliance shaded) (**Source:** Clause 4.6 variation prepared by Architectus).

	Area A: Lift overrun, fire stairs and rooftop services	Area B: South eastern corner
Maximum height	49.36m	45.63m
Permissible height	45.00m	45.00m
Exceedance height and height variation (%)	Max. 4.36m (9.7%)	Max. 0.63m (1.4%)
Total roof area = 1,032m ²		
Area of non-compliance (%) roof area non-complaint	91m ² (8.8%)	87m ² (8.4%)

(**Source:** Clause 4.6 variation prepared by Architectus).

A variation to the height can be considered under Clause 4.6 – Exceptions to Development Standards of the RLEP 2014. In assessing the variation, the questions identified in Clause 4.6 have to be considered.

The applicant's town planning consultants, Architectus has provided a response to the five (5) main matters for consideration under Clause 4.6 (under separate sub-headings) as follows:

Clause 4.6 Exceptions to development standards

1. A written request must be provided

The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3 of the RLEP 2014.

In respect to the Clause 4.6 variation the following key questions need to be addressed:

2. Compliance with the standard is unreasonable or unnecessary in the circumstances of the case

The applicant has provided the following comments:

"It is considered that compliance with the standard is unreasonable or unnecessary in the circumstances of the case for the following reasons:

- The areas of height non-compliance are relatively minimal and will not result in additional environmental impacts upon adjacent properties, public domain or the wider streetscape. The shadow diagrams (provided) illustrate that the height non-compliances in Areas A and B will not result in any additional, adverse shadows on the Shrimptons Creek Corridor, Wilga Park and neighbouring properties. The shadow cast by the lift overrun, fire stairs and services on the rooftop are largely contained within the area of the roof itself. The additional height within Area A will also have minimal visual impact at key public view locations from Shrimptons Creek and Peach Tree Road, as illustrated in the 3D perspectives.*
- The majority of the proposal achieves compliance with the maximum height control, and to require the deletion of the roof top terrace and the non-compliant upper floor area to simply achieve compliance with this control will result in a worse built form and design outcome. Compliance would remove a total of 255sqm of highly functional communal open space from the development. The roof top terrace would provide quality communal open space with uninterrupted district views and solar access as detailed in the Landscape Plans; and require further excavation on the site to reduce the overall height of the building. This would result in a lower ground floor level and, due to the site's sloped topography, diminish the ground floor's interface with the Peach Tree Road frontage.*
- There are limited opportunities to lower the ground floor of the building due to flood level constraints and access-grade requirements for Council waste trucks. The flood study provided at DA lodgement indicates that a minimum habitable floor level of 45.38m AHD is required. As the current ground floor RL amounts to 45.80m, this only allows for a total allowance of 0.42m to lower the ground floor and achieve height compliance at Area B.*

The proposal, inclusive of the minor building height non-compliance FSR variations, is therefore a superior planning outcome to what would be achieved by a strictly complying development."

Complying development provides an inferior design and planning outcome

A development could be designed to achieve compliance with the maximum Height of Buildings (45m), however, this would need to be achieved either through:

- The lowering of the ground floor as described above. This would result in an inferior design and planning outcome as the interface of the ground floor communal spaces and the Peach Tree Road frontage are further compromised by greater level changes. There is also limited opportunity to lower the building level due to the flood constraints affecting the site. It would also result in a stepped floor plan, presenting challenges for accessibility and functionality of the communal spaces.*
- The deletion of the areas of non-compliance in Areas A and B. Height compliance in Area A would result in the deletion of the proposed rooftop terrace and reduce the total provision of communal open space by 255sqm. While height compliance in Area B would result in an unresolved roof form and apartment layout, as well as GFA relocation. The possible relocation of this GFA elsewhere on site is limited as the subject site is constrained due to riparian setbacks from Shrimptons Creek, as well as minimum building separation and deep soil requirements.*

As a result it is considered that strict adherence to the height limits would result in a poorer outcome for the site and future residents."

Comment:

The applicant's written request to vary the development standard has been considered and it is concluded that the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening from the development standard. This conclusion has been reached for the following reasons:

- The height of the proposed development is less than 45m except for Areas A and B relating to the lift overrun, rooftop service and part of the north eastern corner of the main roof for the building. Variation to the height is for a maximum of 9.7% for less than 9% of the total roof area of the building and is mainly located either in the centre of the building or away from the main street frontage. When viewed from the street the additional heights are not readily visible.
- The primary height non-compliance in Area A is the result of an amendment suggested by Council to incorporate a rooftop terrace. The purpose of this amendment is to reduce the clutter of communal open spaces to the west, north and south of the ground floor level and to provide useable and functional communal open space with a direct link and access to the residential apartments. For this reason, it is considered that the rooftop terrace compares favourably to the built form with no rooftop terrace originally proposed.
- The additional height to the development does not result in any additional privacy or shadow impacts to adjoining developments. Shadow diagrams submitted with

the application show that adjoining developments will receive sunlight in excess of 3 hours between 9am and 3pm during mid-winter, as illustrated in the shadow diagrams (**Figure 19**) below. The additional shadows from the increased height of the building cast mainly on the roof of the development itself.

- The floor space ratio of the development complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development.
- The proposed development is indicative of and consistent with the future character and scale of the area where it is undergoing an urban transformation with high density development.



9.00AM June 21



12.00PM June 21



3.00PM June 21

Figure 19: Shadow diagrams showing the context (additional shadows from the increased height shaded)
Source: From Plans DA SH-01, 02 & 03 (issue B) as prepared by Amglen Architects Pty Ltd.

3. There are sufficient environmental planning grounds to justify contravening the development standard

The applicant has provided the following comments:

"It is considered that there are sufficient environmental planning grounds to justify contravening the development standard. This is because the proposal does not result in significant adverse impact such as:

- *Significant overshadowing of adjoining properties as evidenced by the submitted shadow diagrams; and*
- *Inappropriate scale and massing in the context of the wider streetscape, existing built environment and emerging built environment.*

As identified above, if the development was made to comply with the Height of Buildings standard, it would result in an inferior design and planning outcome for the site."

Comment:

Agreed - The floor space ratio of the development complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development. The proposed development is indicative of and consistent with developments envisaged for the Macquarie Park corridor.

The development is unlikely to cause any detrimental impacts on the adjoining properties with the increased building height. The rooftop terrace has been designed to provide more useable and functional communal open space that incorporates landscaping as the

main feature and space for a range of outdoor recreational activities such as outdoor informal seating, a water feature, day beds and barbeque area with outdoor dining area.

The positive outcome of the rooftop terrace for the development as functional communal space (approximately 225m²) outweighs the minimal benefit of a fully compliant built height across the building (ie. no rooftop terrace or the north eastern roof over the balcony for weather protection).

The increased roof height occurring on the north eastern corner of the building (Area B) is considered to be inevitable due to the flood planning level and natural contours of the site. There are no physical impacts from the increased roof height of the building at this area of encroachment (Area B) given its location to north east and minor nature of non-compliance on this side of the building.

Therefore, it is considered that there are sufficient planning grounds to justify contravening from the development standard and strict compliance with the building height standard is considered unnecessary and unreasonable in this instance.

4. Consent authority is satisfied that development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The applicant has provided the following comments:

"It is considered that sufficient detail has been provided within this document which adequately addresses the matters which are required to be demonstrated.

The proposal positively achieves the objectives of both the Height of Buildings and B4 Mixed Use zoning of the site.

There are no adverse impacts which would arise from the variation.

The development is consistent with the existing and emerging character of the area.

The development results in a better planning outcome than a complying development."

Comment:

The objectives of the zone have been discussed earlier under the 'Zone Objectives' section of the report.

The objectives Clause 4.3 Building Height are considered below.

(a) *to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.*

Comment:

The proposal has considered guidance from the UDRP and supporting controls of the RDCP 2014. This development is consistent with the desired future character of the area. Although the proposal will be greater in height from immediately adjoining buildings, these

buildings are likely to be redeveloped in the near future as a result of the current planning controls.

As mentioned earlier, the increased building height occurs either in the centre of the building or away from the main street frontage. The street front elevation of the building complies with the maximum building height permitted. When viewed from the street, the additional heights are not readily visible.

Therefore the development is unlikely to have any adverse visual impact and the proportion is considered acceptable upon the streetscape.

b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.

Comment:

Generally, the proposal is considered to achieve compliance with the requirements of this objective as the proposed non-compliance occurs either in the centre of the building or the north eastern corner of the building.

As illustrated in the shadow diagrams (**Figure 19**), the additional overshadowing from the variation is minimal and will not adversely impact any adjoining properties.

c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.

Comment:

The building is well located within 400m from Macquarie University station and in proximity to frequent bus services. It has been discussed that the building has achieved urban design principles that encourage sustainable transport and pedestrian activity.

d) to minimise the impact of development on the amenity of surrounding properties.

Comment:

It has been discussed that the proposal is acceptable with regard to overshadowing and impacts on the streetscape. This is primarily due to the primary areas of non-compliance being located in the centre and north eastern side of the site, limiting the total extent of overshadowing impacts.

e) to emphasise road frontages along road corridors.

Comment:

The site is situated away from the main road corridor, being Herring Road. Nevertheless, the development is generally compatible with the future character of the area envisaged with the current controls for Macquarie Park Corridor for the reasons detailed in the report.

In summary, the proposed development is considered to be consistent with the above objectives identified in Clause 4.3 Height of Buildings.

The height of the proposed development will not result in any additional impacts to adjoining developments and does not compromise any views or heritage items (of which there are none in the vicinity of the site).

The design of the development allows for appropriate and equitable access to the communal open space located on the roof. The scale of the development is consistent with similar mixed use development envisaged for the Macquarie Park Corridor.

Conclusion:

The proposal is considered to be a better outcome in terms of aesthetic appearance, amenity for the future residents of the proposed building whilst having minimal impacts on the surroundings.

The proposal is considered to be site/contextual responsive and appropriate use of the land, which is consistent with the zone and objectives of the development standard. Furthermore no material planning impacts are generated by this variation.

The proposed variation will allow appropriate amenities and communal open space for the proposed building and is unlikely to cause any unreasonable impacts on the adjoining properties. For this reason there are sufficient planning grounds to justify the non-compliant height of the building.

Therefore, strict compliance with the maximum building height is considered to be both unreasonable and unnecessary for the proposed development.

The Clause 4.6 variation is considered to be well founded, and compliance with the development standard is unreasonable in the circumstances of the proposal for the reasons stated in this report. It is also noted that supporting this Clause 4.6 variation is considered unlikely to generate an undesirable precedent within the area given the generally positive outcome of the proposal.

Clause 5.10 Heritage Conservation

Under this Clause, the Consent Authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is not identified as a heritage item under the RLEP 2014 nor is it located within close proximity of a heritage item.

Clause 6.1 Acid Sulfate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Under the RLEP 2014, the Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 to 5), Class 1 being the most severe and Class 5 being the least severely affected.

Development consent is required (and thus a soil management plan is required) if a site is located in *class 5 acid sulfate soil and works are within 500m of adjacent Class 1 to 4 and*

land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

Council's Acid Sulfate Soils Map (Sheet ASS-006) identifies the site as not being located within a classified acid sulfate soils area.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks, the consent authority must consider the following matters:

- *The likely impact on drainage, soil stability, amenity of adjoining properties, likelihood of disturbing relics, potential impacts on watercourse, drinking water catchment or environmentally sensitive area.*
- *Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The development is considered satisfactory in respect of this clause, subject to conditions of consent to ensure that mitigation measures are in place during demolition and construction management of the site against any likely impacts resulting from the development. See **Conditions 44, 103 and 135**.

Clause 6.3 Flood Planning

The site is identified as being affected by main stream flooding associated with Shrimpton Creek and local stormwater overland flows from the large sag pit at the southern end of Peach Tree Road, which is located in front of the development site.

The application was referred to Council's City Works and Council's Senior Development Engineer who raised no objection to the proposal subject to conditions.

Clause 6.4 Stormwater Management

The application was referred to Council's Senior Development Engineer who raised no objection to the proposal subject to conditions. See **Conditions 21, 81, 84, 86, 134, 146 and 148**.

8 DEVELOPMENT CONTROLS PLANS

8.1 Ryde Development Control Plan 2014 (RDCP 2014)

Part 4.5 – Macquarie Park Corridor

The site is located within the Mixed Use/Residential area as identified by the Urban Structure Plan under the DCP. The DCP states:

“Planned residential communities centred on the North Ryde and Macquarie University Rail Stations provide for more than 10,000 new dwellings close to transport, employment and education facilities. Together the Herring Road and North Ryde Station UAPs and this DCP provide for new residential and working communities supported by new infrastructure including new parks, road connections and community facilities.

The development is considered to compliment this vision through the provision of additional housing within close proximity to transport, employment and education facilities.

Control	Comments	Comply
4.0 Access Network		
4.1 Streets Provide new public streets and pedestrian connections in accordance with Access Structure Plan New Streets are to be dedicated to the Council. New streets are to be maintained by the landowner until dedicated to Council.	The Access Network Map does not identify any road or pedestrian path to be provided on the site.	N/A
4.2 Pedestrian Connections	Not applicable.	N/A
4.3 Bicycle Network Dedicated cycle lanes are to be provided along all existing and new streets within the Corridor as shown in Figure 4.3.1. This integrated cycle strategy maximise the opportunities for cycle circulation within the Corridor.	The Access Network Map does not identify any road or pedestrian path to be provided on the site.	N/A
4.4 Sustainable Transport. A Framework Travel Plan. (FTP) is required to be submitted to Council for approval for all development that exceeds 10,000sqm new floor space.	The proposal has a floor space of 9,662.8m ² . Hence an FTP is not required for the proposed development.	N/A
<u>Parking Rates</u> Bicycle parking in accordance with Ryde DCP 9.3 Parking. - In every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.	The development would be required to provide for 13.6 (14) bicycle parking spaces. The development provides for 15 bicycle parking spaces.	Yes

Control	Comments	Comply
Car Parking within residential development to be provided in accordance with the following maximums: • 0.6 space/1 bed • 0.9 space/2 bed • 1.4 space/3 bed • 1 visitor space/10 dwelling • 1 car share space per 50 parking spaces.	Refer to separate commentary (under Part 9.3 – Car Parking) after this table.	No (Condition to comply with the residential component. See Condition 1b)
5.0 Public Domain		
5.8 Street Trees, Front Setback Tree Planting and Significant Trees Street trees and front setback must be provided in accordance with the Street Tree Key Plan in Macquarie Park Public Domain Technical Manual, and their health guaranteed for a minimum of 5 years. At grade parking is not permitted in the front setback	Council's Public Domain Section have reviewed the proposed development and included relevant conditions relating to appropriate treatment of the public domain along the Peach Tree frontage and the riparian corridor (See Condition 100b). No at grade parking is proposed within any of the setbacks. The car share spaces are contained within the western side setback area.	Yes – subject to condition Yes
5.9 Community Facilities Community facilities are to be provided in accordance with the relevant documentation prepared by Council, particularly the City of Ryde: Social and Cultural Infrastructure Framework. Based on population growth statistics (available 2011) within Macquarie Park Corridor the City of Ryde.	Section 7.11 contributions will be required to be provided. See Condition 55.	Yes
5.10 Art in Publicly Accessible Place Art must be included in all new development with more than 10,000m² new floor space in the amount of 0.1%	The proposed development has a total floor space of 9,662.8m² and as such this section of the RDCP is not relevant nor applicable.	N/A

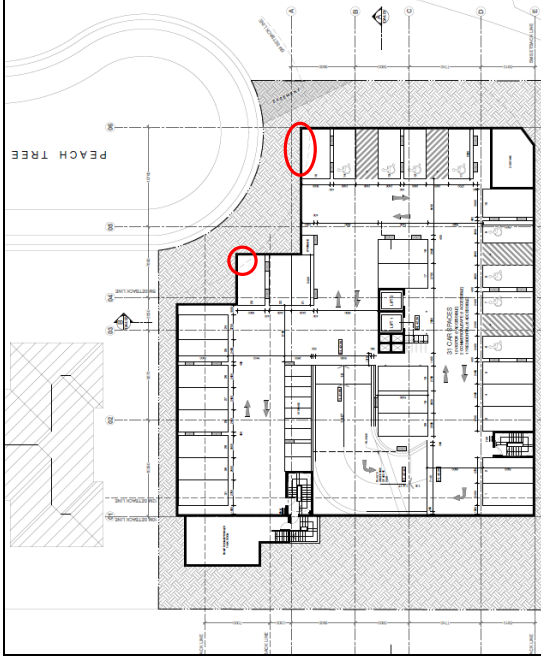
Control	Comments	Comply
of the construction cost of the works capped at \$1,500,000. Art must be located within the site so as to be publicly accessible (i.e. viewed or experienced from publicly accessible places).		
6.0 Infrastructure, facilities and public domain improvement.		
Floor space ratios and height are to comply with Ryde LEP 2014.	FSR 4:1 (See Condition 1d . Complies with the maximum FSR permitted)	Yes
7.0 Built Form		
7.4 Setbacks and Build to Lines 5m setback to all existing and new street unless otherwise specified Require: 5m to Peach Tree Rd & 5m to all parks 7.5 Awning and Canopies Awnings must be provided where Primary Active Frontages are shown in Figure 7.2.1 Activity Centres Structure Plan and Active Frontage Control Drawing. Entry canopies and discontinuous awnings and entry canopies are encouraged elsewhere in the Corridor. 7.6 Rear and Side Setbacks 10m from the rear boundary and 5m from a side boundary unless a proposed new road is shown on the site. 7.7 Building Separation Provide building separation as recommended by the ADG.	The proposed setback is 5m to Peach Tree Road and Wilga Park Although not a primary active frontage, awnings have been provided for the ground floor level of the building that define the main entrance and semi-public areas. Southern rear boundary (Ivanhoe Estate): minimum 10m setback provided for the secondary balconies at all floor levels. Western neighbouring property at 7 Peach Tree Road: minimum 12m setback to the western side boundary at all floor levels. Refer to separate discussion under the Clause 2F of the ADG in this report.	Yes N/A Yes No - Variation acceptable

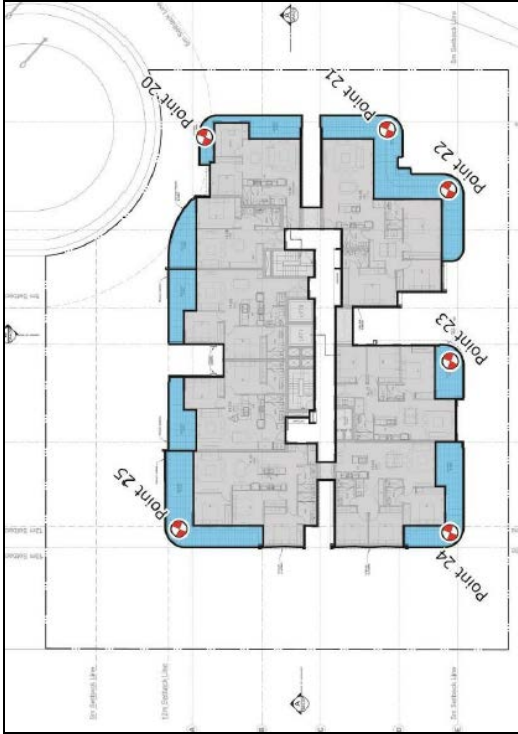
Control	Comments	Comply
7.8 Building Bulk & Design The floor-plate of buildings above 8 storeys is not to exceed 2,000m², unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices. Buildings are to address the street and are to have a street address. Facade design is to reflect and respond to the orientation of the site using elements such as sun shading and other passive environmental controls where appropriate. Provide building articulation such as well design roof forms, expressed vertical circulation etc. Integrate and co-ordinate building services such as roof plant, parking and mechanical ventilation with the overall façade and building design, and be screened from view.	The floor plates for levels above 8 storeys do not exceed 2,000m² each. The main entrance lobby presents and addresses the Peach Tree Road frontage. Refer to separate discussion under the SEPP 65 - Design Quality Principles in this report.	Yes Yes
8.0 Site Planning and Staging		
8.1 Site Planning & staging All sites 15,000m² or more in area should lodge a site-specific Master Plan and/or Stage 1 development application for approval 8.2 Site coverage, DS areas & POS A minimum 20% of a site must be provided as deep soil area. Deep soil areas must be at least 2 m deep. For the	Not applicable. Site area: 2,430m². The proposal has 221.11m² deep soil with minimum width of 2m, representing 9.1% of the site area, however the proposal complies with the minimum deep soil landscaping required under the prevailing	N/A No - (however, acceptable under ADG)

Control	Comments	Comply
purpose of calculating deep soil areas, only areas with a minimum dimension of 20 m x 10 m may be included.	ADG control.	
A minimum 20% of the site area is to be provided as Landscaped Area.	The proposal includes a total 1,230m ² landscaped area (including deep soil area, open air recreational areas and rooftop terrace) representing 50% of the site area.	Yes
Solar access to communal open spaces is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the 21st of June. Appropriate shading is to be provided so that communal spaces are useable during summer.	In accordance with the ADG, communal areas have been located to provide maximum solar access to the communal spaces in the development. The communal open space exceeds the minimum 3 hours direct sunlight to 50% of the useable portion during the afternoon in mid-winter.	Yes
Communal open spaces are to incorporate the primary deep soil area where possible.	The deep soil and part of the communal open space area is primarily located within the southern part of the site.	Yes
8.3 Planting on Structures		
Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.	Council's Landscape Architect has reviewed the proposal and has not raised any objections to the proposal in this regard. See Condition 70 .	Yes – subject to condition.
8.4 Topography and Building Interface		
Level changes across sites are to be resolved within the building footprint.	The proposal incorporates acceptable flood planning level and all level changes across the site have appropriately been resolved.	Yes
Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.	The main entry to the building is located below the Peach Tree Road street level via the pathways in to the residential lobby and outdoor lounge area. However this level change within the front setback is considered appropriate for the site considering the natural contours and minimum flood planning level.	Yes
An accessible path of travel is to be provided from the street through the main entry door of all buildings.	Entry pathways have been proposed along Peach Tree Road to provide equitable access to the site. These pathways lead to the varying access points within the site,	Yes

Control	Comments	Comply
Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.	internal pathways and stairs connect each of these areas. The external stairs and ramps have been incorporated into the landscape design within the front setback area.	Yes
Natural ground level is to be retained for a zone of 4m from the side and rear property boundaries. Retaining walls, cut and fill are not permitted within this zone.	It is not proposed to significantly alter the existing topography and accessible paths of travel are provided from Peach Tree Road to the lobbies of the proposed building. Natural ground levels are maintained within the following setbacks: - Northern boundary: 4.0m - Eastern boundary: 4.0m (except for the café area) - Southern boundary: 4m The non-compliance with the western and eastern side café seating area is due to the requirement to provide driveway ramp into the basement car park and the requirement of terraced café seating area as recommended by the UDRP in order to improve accessibility and connection to the park. It should be noted that the areas of non-compliance within the site have already been modified with the existing development and the proposal does not significantly alter the existing topography.	No – Variation acceptable given the existing site conditions
8.5 Site Facilities		
Provide either communal or individual laundry facilities to each dwelling, and at least one external clothes drying area. The public visibility of this area should be minimised. Clothes drying is only permitted on balconies that are permanently screened from view from the public domain.	Individual laundry facilities are provided in each apartment. Each apartment will have a balcony with screening. Generally Body Corporate Management will outline rules/policies for clothes drying on balconies. See Condition 10 .	Yes – subject to condition.
Provide storage to dwellings as required by the ADG.	Sufficient storage has been provided for each apartment.	Yes
Lockable mail boxes are to be provided in a location visible from the public	No detail has been provided with regard to location of letterboxes and street/house	Yes – subject to condition.

Control	Comments	Comply
domain. Mailboxes are to be integrated with the design of building entries and to Australia Post standards. 8.6 Vehicular Access Vehicular access is not permitted along streets identified as 'Active Frontages' (refer to Section 7.2 Active Frontages). Where practicable, vehicle access is to be from secondary streets. Potential pedestrian/vehicle conflict is to be minimised by: limiting the width and number of vehicle access points ensuring clear site lines at pedestrian and vehicle crossings utilising traffic calming devices separating and clearly distinguishing between pedestrian and vehicular access-ways. 8.7 On site Parking Safe and secure 24 hour access to car parking areas is to be provided for building users. Basement parking areas should be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants. Basement parking areas must not extend forward of the building line along a street.	numbering. Condition160 has been imposed requiring all letterboxes and house numbering to be designed and constructed to be accessible from the public way. Peach Tree Road is not identified as "Active Frontage". Vehicular access is provided to the site from a combined ingress and egress driveway to Peach Tree Road in the north-western corner of the site. Council's Traffic & Senior Development Engineer have reviewed the proposal and have not raised any objections to the proposal in this regard. See Condition 78 (compliance with AS2890) A roller shutter with an intercom access at the entry of the basement car park will provide 24 hour access to the basement car park for users of the buildings only. Basement car park has a minor encroachment into the front building line to north west. However this part of the basement is located well below the existing ground level and as such no adverse visual impact is envisaged with the basement upon the streetscape (See Figure 20 below).	Yes Yes Yes No – Variation acceptable

Control	Comments	Comply
8.8 Fencing Fencing is not permitted on the perimeter boundary of sites. Security should be provided within buildings.	 Figure 20: Typical basement plan (top – north & bottom – south). Areas of encroachment outlined in red circle. source: Plan DA-2.04 prepared by Amglen Architects Pty Ltd. Open style perimeter fencing is proposed for access control between the subject site and Wilga Park. Given UDRP have raised no concerns in this regard, the proposed fencing is considered reasonable in the circumstances.	No – Variation acceptable
9.0 Environmental Performance		
Residential development is to comply with BASIX (Building Sustainability Index) requirements. Development is required to comply with Section 7.8 Building Bulk. 9.1 Wind Impact Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind Conditions. Carefully locate or design outdoor areas to ensure places with high wind level are avoided. All applications for buildings over 5 storeys in height shall	The BASIX Certificate submitted with the application (see Certificate No. 917902M-dated 12 April 2018) indicates that the development will achieve the target scores for water (40) and energy (25) usage while Thermal Comfort will achieve a target pass. A Wind Report prepared by Windtech Consultants Pty Ltd has been provided with the application. The report includes a wind tunnel study and concludes that <i>“some areas of the corner balconies will require full ceiling height impermeable screen on the ends, however since the time of the wind tunnel study these have been incorporated into the design of the development”</i>. The proposal provides sufficient	Yes Yes

Control	Comments	Comply
be accompanied with a wind environment statement. For buildings over 9 storeys and for any other building which may be considered an exposed building shall be accompanied by a wind tunnel study report.	treatments for the critical wind affected areas of balconies to achieve the desired criteria for pedestrian comfort and safety (refer to Figure 21 below showing critical points for full ceiling height impermeable screens).  Figure 21: Typical floor plan (top – north & bottom – south) showing critical points for full ceiling height impermeable screens. source: Pedestrian Wind Environment Study prepared by Windtech Consultants Pty Ltd.	
9.2 Noise & Vibration An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations. Development is to comply with all relevant statutory regulations. Loading and unloading facilities must not be located immediately adjacent to residential development.	An Acoustic Report prepared by Noise and Sound Service has been provided with the application. Condition 65 has been imposed requiring compliance with the recommendations in the report. The loading bay and service facilities areas are located within the basement level, away from any adjacent residential apartment.	Yes – Subject to condition. Yes

Control	Comments	Comply
Retail premises must limit any spruiking and the playing of amplified music or messages so as not to disturb the amenity of other public and private places	Appropriate conditions of consent have been imposed to achieve compliance with this requirement. See Condition 181 .	Yes – Subject to condition.
9.4 Soil Management Development is to comply with the City of Ryde DCP 2014 Development is to be designed and constructed to integrate with the natural topography of the site to minimise the need for excessive sediment disturbance and prevent soil loss. An Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified environmental engineer, is required to be submitted.	Appropriate conditions of consent have been imposed to require the management of sediment and polluted water. See Condition 90 (ESCP) .	Yes – Subject to condition

Part 7.2 - Waste Minimisation and Management

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP). The WMP has been reviewed by Council's City Works (Waste) and Environmental Health Officer and is considered satisfactory. Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

This DCP also requires that development provide appropriate and separate space for the storage of residential and commercial wastes. The development complies with these requirements and no objections have been raised by Council's City Works (Waste) or Environmental Health Officer.

In terms of waste collection, the amended design will allow for waste collection vehicles to access the waste collection area to the western side of the building and then to manoeuvre within the site and exit in a forward direction. Conditions with regard to ongoing waste management are included as **Conditions 185 and 194**.

Part 9.2 - Access for People with Disabilities

The application includes an Access Compliance Report prepared by Accessible Building Solutions which states that the development can achieve compliance with the access provisions of the BCA, the Access to Premises Standards, and the requirements of AS4299 – Adaptable Housing. **Condition 66** is included requiring compliance with the recommendations of the report.

Part 9.3 - Parking Controls

The parking requirement for residential flat development under Part 9.3 of the RDCP 2014 is:

- *Maximum 0.6 space per 1 bedroom dwelling.*
- *Maximum 0.9 spaces per 2 bedroom dwelling.*
- *Maximum 1.4 spaces per 3 bedroom dwelling.*
- *Maximum 1 visitor space per 10 units or part of dwellings.*
- *1 Car share space per 50 proposed parking spaces.*

Based upon the above rates, the development provides the following parking provision:

	Required (Max)	Proposed	Compliance
1 Bedroom (26)	15.6 (16)	119	No (+2)
2 Bedroom (50)	45		
3 Bedroom (40)	56		
Visitor Parking	12	12	Yes
Commercial (2)	1	2	No (+1)
Car Share Parking	3	3	Yes
Total	133	136	No (+3)

As shown in the table above, the proposal provides a surplus of 3 cars spaces from the maximum permitted in the Macquarie Park Corridor.

The applicant's Traffic Engineer (Colston Budd Rogers & Kafes) has provided the justification for the exceedance in car parking as follows:

"The provision of 136 parking spaces is a minor exceedance of the DCP 2014 requirement for 133 spaces (some 2 per cent). If this rate is applied to traffic generation it results in an insignificant change in traffic generation of less than one vehicle trip per hour in the morning and afternoon peak hours.

It is proposed to provide 58 parking spaces for the three bedroom apartments (instead of 56 spaces). This would result in 18 (rather than 16) of the larger apartments having two parking spaces. It is also proposed to allocate one parking space to each of the ground floor commercial and café tenancies. These two spaces would be for staff use. This will reduce on-street parking in surrounding streets. Overall the proposed parking provision effectively satisfies DCP 2014."

Despite exceeding the maximum number of car parking spaces permitted under the RDCP 2014, the proposal on its merit is considered acceptable and is recommended to be supported on the following basis:

- The additional car space for the commercial tenancy is considered reasonable as there are two separate commercial tenancies that require parking for staff. A shared car space for these two commercial tenancies would not be viable or practical. Council's Senior Development Engineer supports the additional commercial car space as detailed in the 'Referrals' section of the report.
- A condition has been placed to remove the two excess residential car spaces and convert them to either motorcycle parking (as required under the ADG), and/or storage areas or for use as a car wash bay (see **Condition 1b**).

- As a result of the above condition, the proposal will exceed the maximum permitted by 1 commercial car space (0.8%). The excess staff parking for the commercial tenancy is unlikely to be used for long-term stay and is likely to be used for staff to commute before and after business hours only. As such, the excess commercial car space is unlikely to increase car dependency or impact the local road network. This is consistent with the objectives of the maximum car parking rates under the RDCP 2014.

9 PLANNING AGREEMENTS

There are no planning agreements submitted as part of this application.

10 SECTION 7.11 CONTRIBUTIONS

Council's current Section 7.11 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal: 26 x 1 bed, 50 x 2 bed and 40 x 3 bedroom apartments plus 70m² of retail space.

The site currently accommodates 2 buildings containing a total of 6 x 1 bed and 24 x 2 bedrooms units.

The contributions that are payable with respect to the increased housing density on the subject site (being for residential development inside the Macquarie Park Area) are as follows:

A Contribution Type	B Contribution Amount
Community & Cultural Facilities	\$250,421.98
Open Space & Recreation Facilities	\$998,764.36
Civic & Urban Improvements	\$129,895.22
Roads & Traffic Management facilities	\$140,869.76
Cycleways	\$17,958.82
Stormwater Management Facilities	\$16,071.92
Plan Administration	\$4,842.20
Total Contribution	\$1,558,824.26

Note: The above calculation includes a credit which has been applied for the existing units.

A condition on the payment of Section 7.11 Contribution of \$1,558,824.26 has been included in the draft notice of determination attached to this report. See **Condition 55**.

11 LIKELY IMPACTS OF THE DEVELOPMENT

(i) Natural Environment

Tree retention and removal

The submitted Arboricultural Impact Assessment Report identifies twenty eight (28) trees on the subject site, neighbouring properties and street verge in the vicinity of the proposed development.

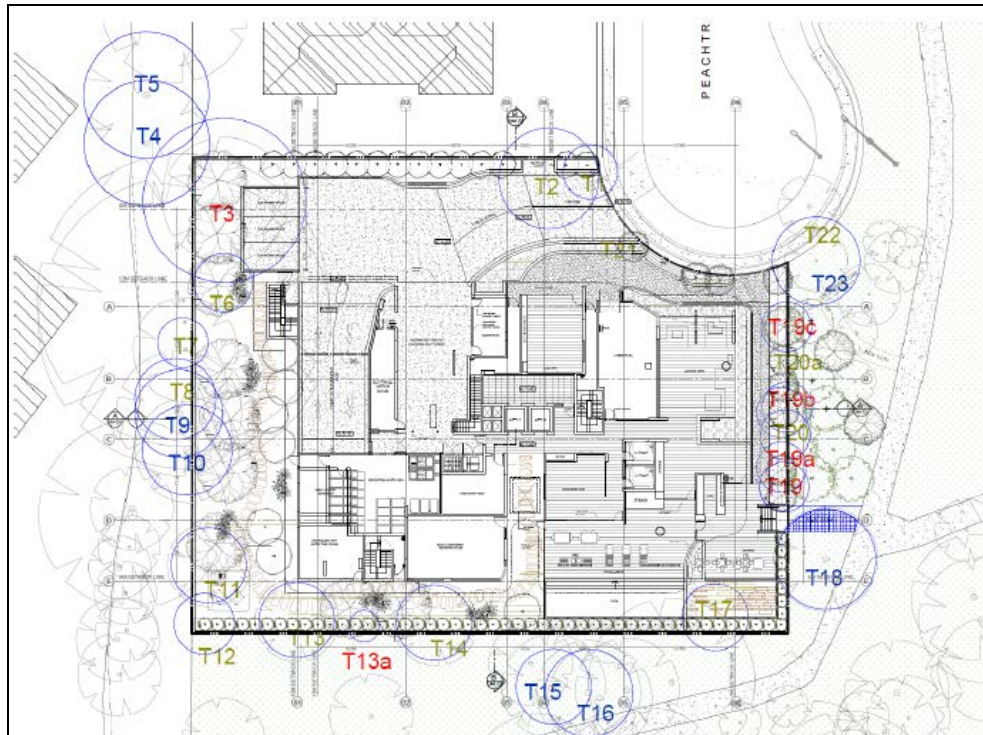


Figure 22: Tree location plan showing tree identification numbers as referenced in the Arborist report. source: Arboricultural Impact Assessment report prepared by Margot Blues Consulting Arborist.

Of the 28 trees identified in this report, the development requires the removal of seventeen (17) trees consisting of the following:

Tree Number	Species	Retention Value (RV)
T1	Small leaf Lilli Pilli (<i>Syzygium luehmannii</i>)	Medium
T2	Italian Cypress (<i>Cupressus sempervirens</i>)	Medium
T3	Eastern Cottonwood (<i>populus deltoides</i>)	Low (exempted)
T6	Tallwood (<i>Eucalyptus microcorys</i>)	Medium
T11	Mugga Ironbark (<i>Eucalyptus sideroxylon</i>)	Medium
T12	Prickly Leafed Paperbark (<i>Melaleuca styphilioides</i>)	Medium
T13	Jacaranda (<i>Jacaranda mimosifolia</i>)	Medium
T13a	Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Low
T14	Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Medium
T17	Chinese Elm (<i>Ulmus parvifolia</i>)	Medium
T19,19a,19b & 19c	Italian Cypress x 3 (<i>Cupressus sempervirens</i>)	Low – medium
T20 & 20a	Jacaranda (<i>Jacaranda mimosifolia</i>)	Medium
T21	Small leaf Lilli Pilli (<i>Syzygium luehmannii</i>)	Medium

Note: Tree numbers are referenced from Figure 23 above and Appendix 1 of the Arboricultural Impact Assessment report dated 03 April 2018 as prepared by Margot Blues Consulting Arborist.

The following trees are identified to be of medium to high retention value and are to be retained and protected:

Tree Retention (Off-site: Council Verge Area, adjacent Wilga Park)

Five (5) trees located within Council's verge area are proposed to be retained and protected. The five (5) trees located within Council's verge consist of the following:

Tree Number	Species	Retention Value (RV)
T15	Eucalyptus sp.	High
T16	Eucalyptus sp.	High
T18	Eucalyptus sp.	High
T22	Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Medium
T23	Eucalyptus sp.	High

Tree Retention (Neighbouring Properties)

The development will retain all of the following six (6) trees which are located on the neighbouring property to the south (the Ivanhoe Estate):

Tree Number	Species	Retention Value (RV)
T4	Small leaf Lilli Pilli (<i>Syzygium luehmannii</i>)	Medium
T5	Italian Cypress (<i>Cupressus sempervirens</i>)	Medium
T7	Eastern Cottonwood (<i>populus deltoides</i>)	Low (exempted)
T8	Tallwood (<i>Eucalyptus microcorys</i>)	Medium
T9	Mugga Ironbark (<i>Eucalyptus sideroxylon</i>)	Medium
T10	Sydney Blue Gum (<i>Eucalyptus saligna</i>)	High

The submitted Arborist report has been referred to Council's Consultant Landscape Architect and Open Space Planning section, who raised no objection to the proposed tree removal and retention. Those trees proposed to be removed are all of low to medium retention value. The development proposes 17 replacement trees to compensate for the loss of trees to be removed with a replacement ratio of 1:1. Further details on these referrals are provided in the 'Referrals' section of the report.

Vegetated Riparian Zone (VRZ)

The subject site is located within the VRZ given the proximity to Shrimptons Creek to the east. Further details on the referral to DPI Water NSW as the concurrence agency under the integrated development provisions of the Act are provided in the 'Referrals' section of the report.

It has been found that the development would not have a detrimental impact on any ecological communities or flora and fauna species of national conservation significance nor, subject to conditions, upon the surrounding natural environment.

(ii) Built Environment

Traffic Generation

The applicant's Traffic Engineer (Colston Budd Rogers & Kafes) has provided the following findings and conclusion in regards to traffic generation by the development:

"Traffic generation estimates for the proposal have been sourced from RMS Guidelines (Technical Direction TDT2013/04). The Technical Direction provides updated rates for high density residential flat dwellings (2012 surveys) that are close to public transport services, greater than six storeys and almost exclusively residential.

It specifies an average weekday AM peak hour trip generation for Sydney of 0.19 vehicles per hour per apartment. The PM rate is 0.15 vehicles per hour per apartment. The commercial tenancy and café are small and expected to mainly cater for walk-in trade. They would not generate significant external traffic.

The proposed development would therefore generate between 17 and 22 vehicles two-way in any peak hour. With allowance for the existing 30 apartments, the net increase in traffic generated by the proposed development will be some 15 vehicles per hour two-way."

Conclusion:

- *The surrounding road network will be able to cater for the development traffic.*
- *The net increase in traffic is anticipated to be approximately 15 vehicles two-way during any peak hour.*
- *Such a low traffic generation would not have noticeable effects on the operation of the surrounding road network. Adjacent intersections would continue to operate at their existing satisfactory levels of service, with similar average delays per vehicle.*

Council's Traffic Development Engineer has reviewed the above findings and provided the following comments concerning traffic generation by the development:

"Traffic generation for the proposed development is expected to be about 20 to 24 vehicle trips per hour.

The existing residential dwellings are expected to generate about 7 vehicle trips per hour. Therefore, the net increase in traffic would be at most 13 to 17 additional vehicle trips per hour during the AM and PM peak periods which is equivalent to 1 vehicle per 3 to 4 minutes.

This is considered to have minor impacts in the surrounding road network.

The traffic report has provided intersection performance analysis of Herring Road / Windsor Drive Intersection at existing condition. However, no information on calibration was provided to ensure that the model file reflects actual existing conditions.

Nevertheless, as the proposal is deemed to have minor impacts in the surrounding road network, the applicant is not required to revise the model."

There will be no likely adverse traffic implication as a result of this proposal. However, to address residents' concerns about traffic increase as a result of this development, **Conditions 54 and 75** have been imposed requiring a Traffic Management Plan (TMP) for the demolition and construction stages of the development. The purpose of the TMP is to alleviate traffic congestion as a result of the development being carried out on the site and increased truck movements during major commuter peak times.

Communal Swimming Pool

The proposed swimming pool and ancillary pool areas have been considered against the relevant provisions of the Swimming Pool Act 1992, AS 1926 and Council's controls.

The proposal provides sufficient privacy screening and dense planting has been provided for the pool area as illustrated in **Figure 23** below.

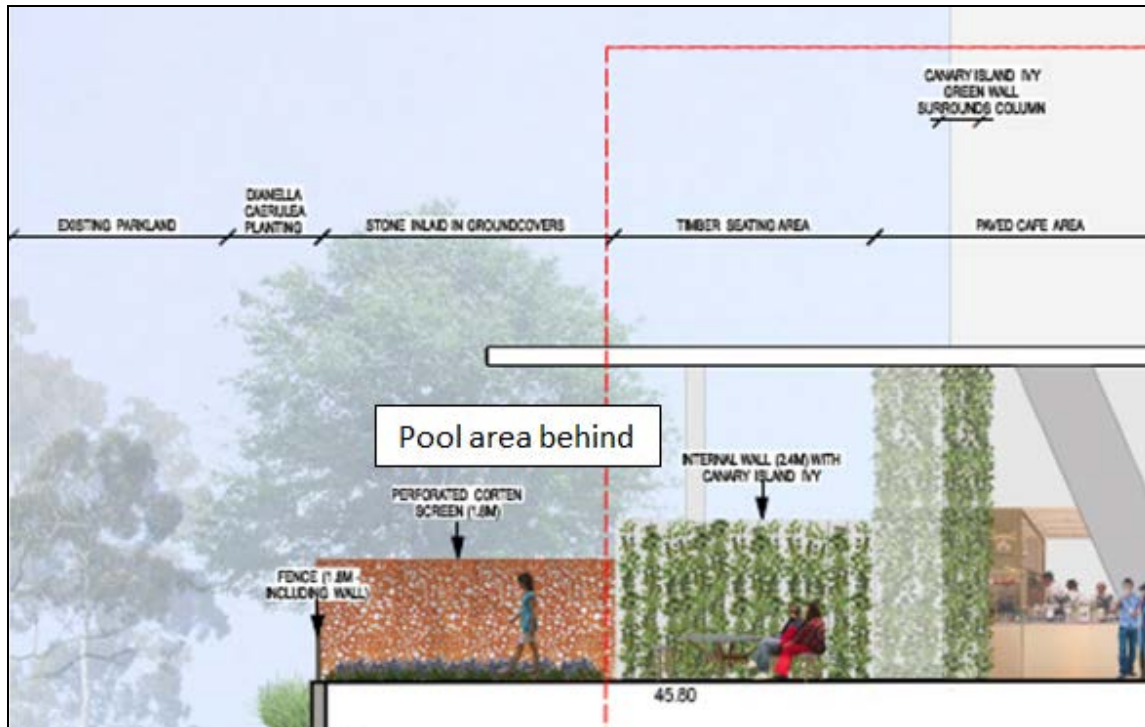


Figure 23: North elevation showing the swimming pool area and outdoor lounge at ground floor **Source:** From Plans L.004 (issue C) as prepared by Spackman Mossop Michaels.

The proposal provides landscaping treatment for the exposed face of the pool where it fronts the park and is located above the natural ground level. In addition, the swimming pool is sufficiently setback from the eastern boundary and the existing creek reserve pathway.

Therefore, the swimming pool is unlikely to cause adverse visual and privacy impacts, especially along the eastern boundary and adjoining park.

Overall the proposed development is considered appropriate with regard to context and setting. It will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

(iii) Social Impact

The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal.

(iv) Economic Impact

The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.

12 REFERRAL RESPONSES

External Referrals

DPI Water NSW

In accordance with Section 4.46 of the EP & A Act, the application was referred to the DPI Water NSW for review.

The following comments have been provided:

“Please note Council's statutory obligations under section 4.77(3) of the Environmental Planning and Assessment Act 1979 (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, Natural Resources Access Regulator (NRAR) requests these GTA be included (in their entirety) in Council's development consent.”

As such no objections were raised and concurrence has been given subject to Council's approval and recommended General Terms of Approval (GTA).

The recommended GTA provided by DPI Water NSW forms part of the draft conditions of consent. See **Conditions 5 and 6**.

NSW Police

NSW Police have raised no objections to the development; however, they have provided comments and recommendations with regard to:

1. Surveillance
2. Lighting
3. Territorial Re-enforcement
4. Environmental Maintenance
5. Access Control

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and conditions have been imposed as recommended. See **Conditions 13, 153, 154, 156, 157 and 159**.

Internal Referrals

Development Engineering

Council's Senior Development Engineer has reviewed the proposal and raised no objection. The following comment was received in relation to car parking:

“Vehicle Access and Parking

The development is located within Macquarie Park, and thus these rates from the DCP have been applied:

Space Type	Required	Proposed	Compliant
<i>Residential</i>	<i>117 (max)</i>	<i>119</i>	<i>No</i>
<i>Residential - Disabled</i>	<i>12</i>	<i>12</i>	<i>Yes</i>
<i>Visitor</i>	<i>12 (max)</i>	<i>12</i>	<i>Yes</i>
<i>Visitor Disabled</i>	<i>1</i>	<i>1</i>	<i>Yes</i>
<i>Commercial</i>	<i>1</i>	<i>2</i>	<i>No</i>
<i>Commercial Disabled</i>	<i>1</i>	<i>1</i>	<i>Yes</i>
<i>Car Share</i>	<i>3</i>	<i>3</i>	<i>Yes</i>

As per the above table, there is an excess of 3 vehicle spaces (2 residential and 1 commercial). It is acknowledged that no car wash bay has been provided and the Applicant has suggested sharing the designated loading bay to make provision for the carwash bay. I have no objection to this, subject to a plan of management being implemented.

As there are 2 separate commercial tenancies, it will be considered appropriate to have one dedicated car space per tenancy. Regarding the two additional residential spaces, I have discussed it with the Assessing Officer and have agreed that the area of the two spaces will be included in the FSR calculation for the overall development which remains under the limit.

The parking layout has been reviewed and is generally in accordance with AS2890 requirements”.

Planner's comments:

The additional commercial car space is recommended to be supported and the two excess residential car spaces have been conditioned to comply with the residential car parking rates under the RDCP 2014. The removal of the two excess residential car spaces would bring the proposal in compliance with the residential car parking rates.

City Works & Infrastructure (Traffic)

The application was referred to Council's Traffic Engineer for review who raised no objection subject to conditions. See **Condition 53, 54, 75, 98 and 115.**

City Works & Infrastructure (Public Domain)

The application has been reviewed by Council's Public Domain Unit and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Conditions 21, 22, 40, 99, 100, 117, 152, 165, 169, 173 and 174.**

City Works & Infrastructure (Drainage)

The application has been reviewed by Council's Drainage Unit and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Conditions 41, 84 and 179.**

City Works & Infrastructure (Waste)

The application has been reviewed by Council's Waste Officer and has been considered acceptable subject to conditions.

These conditions have been incorporated into the recommended conditions. See **Conditions 47, 52, 97, 139, 176, 185, 186 and 194.**

Consultant Landscape Architect

An assessment of the Arborist report and landscape plan was carried out by Creative Planning Solutions Pty Ltd on behalf of City of Ryde.

No objections were raised, subject to conditions which have been incorporated into the recommended conditions of consent. See **Conditions 77, 106, 109, 110, 111, 112, 113, 114, 129, 130, 131, 142 and 175.**

Open Space Planning

The application was referred to Council's Open Space Planning for review. **Conditions 1a, 90 and 135** have been imposed regarding landscaping and soil & erosion control.

Environmental Health

The application was referred to Council's Environmental Health Officer for review.

No objection was raised to the proposal subject to the imposition of standard health conditions (see **Conditions 27, 28, 29, 30, 31, 32, 35, 36, 65, 95, 164, 184, 187, 188, 189, 190, 191, 192 and 193.**)

13 PUBLIC NOTIFICATION AND SUBMISSIONS

In accordance with DCP 2014 Part 2.1 Notice of Development Applications, owners of surrounding properties were given notice of the application. The application was publicly exhibited as follows:

Notification 1

The application was advertised in the Northern District Times on 18 May 2018 for a period ending on 22 June 2018. Adjoining property owners were also notified of the application. Council received 3 individual submissions during this period. These submissions have been considered and discussed below.

Notification 2

Amended plans were received on 10 August 2018 and were re-notified for the period of 13 August 2018 to 29 August 2018. One late submission was received on 11 September 2018 from the re-notification of the amended plans.

These issues raised in the submissions are discussed below:

- **Traffic/parking impact**

The above mentioned submission requests for council to *“ensure this new development has adequate parking spaces”*.

Comment:

As detailed in the report, the proposal (as conditioned) provides 1 excess commercial car space. The residential component of the development complies with the maximum car parking permitted with the area. The development also incorporates 3 car share spaces and sufficient visitor parking within the site, so as to encourage off-street parking and to reduce the demand for street parking as raised in this submission.

- **Amenity (noise and privacy)**

This particular issue relates to the reduced building and visual separation proposed for the southern side of the building as discussed in detail under the ADG – Clause 2F and 3F of the report. The submission recommends the following treatments for the development in order to alleviate potential noise and privacy impacts:

- (a) *A revised noise impact assessment should be undertaken based on the future use of the adjoining site as a school and appropriate attenuation measures incorporated into the final development.*
- (b) *The design of the proposed apartments on the southern façade should be reconsidered to minimise noise and overlooking impacts. In particular, any modification should reconsider the need to provide a secondary balcony that overlooks directly into the school or as a minimum enclose these balconies and add privacy screening. It is likely that this will provide an improved outcome for future residents as well as students of the school.*

Comment:

In regard to the above recommendation for a revised noise impact assessment for the development, the Acoustic Report prepared by the submitter (Ivanhoe Estate) has been reviewed by Council's Senior Coordinator Environmental Health. The following comment was received upon the review of the Report:

*“An acoustic assessment report has been prepared by Acoustic Logic.
The report assesses the following acoustic impacts:*

- *Operational noise from the proposed school, childcare centre and mechanical plant on the site*

The report concludes that the potential impacts can be appropriately managed.”

Regardless, **Condition 65b** has been imposed to require a revised Acoustic Assessment report with recommendation for appropriate noise attenuation measures to deal with this concern.

The recommendation to modify the secondary balconies has been addressed with the provision of privacy screens, strategically placed to prevent overlooking from the doors

into bedrooms and they screen up to 40% of the balcony width fronting the southern rear boundary. The enclosure of secondary balconies is not supported by Council due to the increase in FSR and additional bulk upon the southern elevation of the building.

- **Construction period**

This submission relates to: environmental retention, water/air pollution, traffic, noise during the construction period, and the timeframe for construction (in years). No specific details were provided for these key issues.

Comment:

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the abovementioned construction activities.

Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue and minimise traffic impact, **Conditions 53, 54 and 75** have been imposed requiring the submission of a Construction Management Plan to diminish impact of construction activities on the surrounding community in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

- **Tower Design**

In detail this concern relates to the use of applied finishes of screens, cladding, projecting elements and differing textures of finishes to achieve façade articulations. The objector is concerned that the development is a rectangular tower block form. The submission is of the view that articulation should be added to the upper levels to avoid the outcome of a 'rectangular mass' in the skyline.

Comment:

The development provides appropriate articulation upon each elevation of the building with architectural features such as recessed walls, balcony overhangs, curved balcony treatments, deep slots to allow dual aspect for the majority of apartments and an open end corridor with planter boxes that contribute to the overall building articulation.

Furthermore, as discussed in detail under the 'Urban Design Review Panel' section of this report, The UDRP has reviewed the proposal and raised no objection with the design form nor the bulk and scale of the building and has provided the following comments regarding the Design Quality Principles of SEPP 65:

"Built Form and Scale - Built form and scale remain essentially unchanged and are again generally supported.

Aesthetics - The Panel is satisfied that the design of the building facades has been suitably progressed."

- **Bulk and Scale (Floor Space Ratio Calculation Omissions)**

This concern correlates to the tower design of the proposal and the GFA calculation plan submitted with the design of the building, particularly:

“We object to the omission of the enclosed area where the mailboxes are proposed. This area is covered, enclosed on three sides by walls, and enclosed on the fourth side by a security fence.”

“Similarly we raise concern that the ground level recreation space contributes to the bulk and scale of the building and the calculation of gross floor area is not a genuine recognition of the function or purpose of the area.”

Comment:

The ground floor includes the pedestrian and vehicular access, waste storage rooms, plant rooms, letterbox area, commercial tenancy, café and recreational areas for the tenants of the building. Much of the ground floor has been designed to be open with the external walls being set in from the building façade. The below **Figure 24** demonstrates the ground floor and which areas have been included as floor space.

The ground floor recreation areas and letterbox area have been excluded from the floor space calculation as these spaces are open to the elements. These aspects are a fundamental element of the building's composition and neither satisfies the definition of floor space. The open spaces on the ground floor haven designed to encourage connectivity and improved linkage between the site and the adjoining park. Such an approach has been supported by the UDRP.

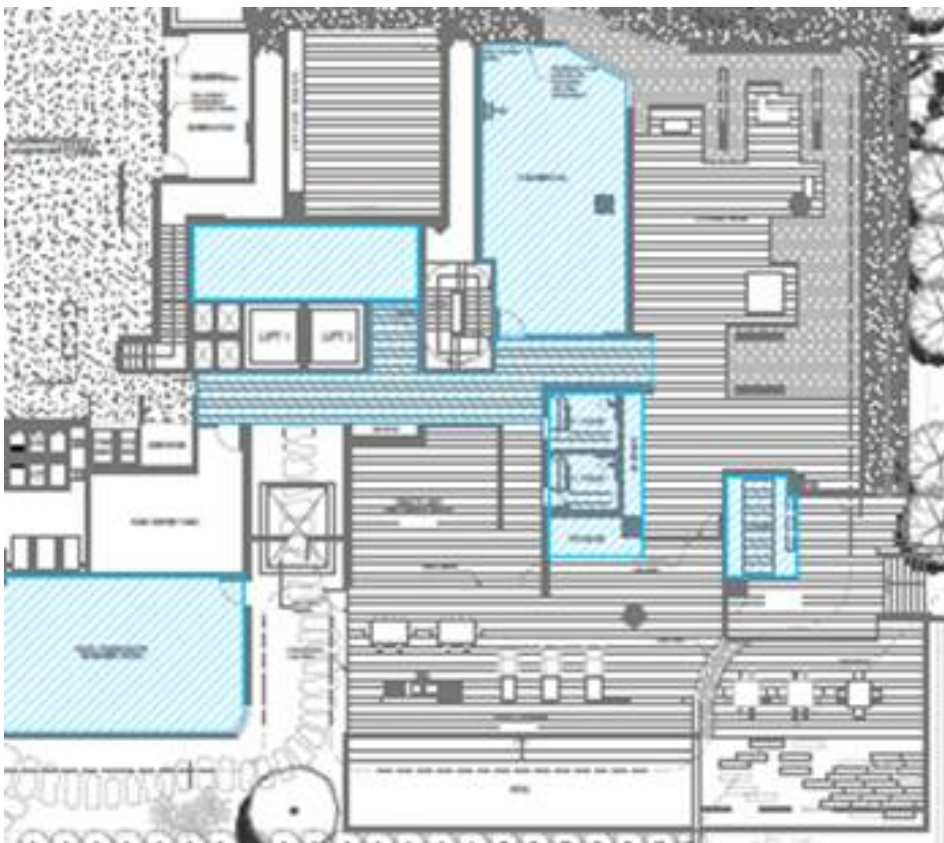


Figure 24: GFA calculation plan showing the café and the open space area. Area marked in blue has been included as GFA.

- **Commercial Use (Mixed Use Zone)**

"We are concerned that both the commercial tenancy and the café spaces are poorly designed and provide little meaningful contribution to these spaces, and appear not to contribute to the mixed use intentions for the priority precinct."

Comment:

It is considered that both commercial tenancies are strategically located to promote commercial use within the mixed use development. The commercial tenancy is located adjacent to the main entrance of the building facing the street frontage to Peach Tree Road and the café is located at a focal point of the adjoining pedestrian pathway within Wilga Park which will encourage a direct relationship between the café and Wilga Park.

Additionally the UDRP is in support of the café by stating *"The Panel supports the revised café location, in accordance with the previous Panel's recommendation. Proximity to the path in the creek reserve is considered optimal"*.

The rectangular shape of the commercial tenancy with dimensions of 5m x 10m is also considered suitable for a range of commercial/retail uses. The glazed wall that immediately adjoins the residents' lounge area allows natural surveillance for this tenancy and provides a greater shop front to promote the commercial/retail use from the narrow street frontage to Peach Tree Road and Wilga Park.

14 SUITABILITY OF THE SITE FOR THE DEVELOPMENT

As discussed earlier in the report, the subject site and locality is known to be affected by flooding. Council's City Works and Council's Senior Development Engineer have assessed the application and considered the site suitable for the proposed development.

The proposal as amended is considered to be suitable for the subject site for the reasons contained within the report.

15 THE PUBLIC INTEREST

The various controls contained within RLEP 2014 and the RDCP 2014 provide the community with a level of certainty as to the scale and intensity of future development and the form and character of development that is in keeping with the future character envisaged for the zone.

Whilst the development does not achieve compliance with the relevant Height of Building Standard, the variation was considered and supported under Clause 4.6 of RLEP 2014.

The development has been found to be generally consistent with the key controls contained within the RDCP 2014.

This assessment has found the development to be consistent with the scale and intensity of development that the community can reasonably expect to be provided on this site and within the respective zone and is therefore considered, in its current form, to be in the public interest.

16 CONCLUSION

After the consideration of the development against section 4.15C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered responsive to the strategic intentions of the Macquarie Park Corridor and associated planning controls that have been adopted for the locality by Council. The proposed development was amended as per the recommendations of the UDRP and comprises aspects which provide a high degree of amenity for future occupants in terms of access to public transport, commercial uses and the shopping centre.

The application generally complies with the planning provisions. The issues raised in the submissions have been considered and have been adequately addressed through the assessment process. Refusal of the application is not warranted based on the reasons contained in the submissions.

In light of the above, it is recommended that the application be approved subject to deferred commencement conditions.

RECOMMENDATION

- A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979 the following is recommended:
- a) That the Sydney North Planning Panel grant Deferred Commencement Consent to development application LDA2018/185 for the demolition of all buildings and structures on the site and construction of a mixed use development comprising 116 residential apartment, 70m² of ground floor commercial/retail tenancy and 4 levels of basement car parking for 134 vehicles at 9 Peach Tree Road, Macquarie Park subject to the conditions of consent in **Attachment 1** of this report.
 - b) That the objectors be notified of this decision.
 - c) That DPI Water NSW be notified of the decision.

Report prepared by:



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Report approved by:

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