

COUNCIL ASSESSMENT REPORT

Panel Reference	2019SNH019 DA
DA Number	LDA2019/0073
LGA	City of Ryde
Proposed Development	Demolition of existing public car park to construct a multi-level public car park to accommodate 146 cars spaces. The application is referred to the Sydney North Planning Panel pursuant to the <i>Environmental Planning and Assessment Act 1979</i> for determination as the capital investment value exceeds \$5 million for a Council related development
Street Address	53-71 Rowe Street, Eastwood (Lot 1, DP 947742)
Applicant/Owner	City of Ryde Council
Date of DA lodgement	28 February 2019
Number of Submissions	Three (3)
Recommendation	Approve
Regional Development Criteria Schedule 7 of the SEPP (State and Regional Development) 2011	<p>Council related development over \$5 million</p> <ul style="list-style-type: none"> • Council for the area in which the development is to be carried out is the applicant for development consent • The council is the owner of any land on which the development is to be carried out • The development is to be carried out by the council
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Infrastructure) 2007 • Ryde Local Environmental Plan 2014 • Ryde Development Control Plan 2014 • Section 94 Development Contributions Plan 2007
List all documents submitted with this report for the Panel's consideration	<p>Conditions of Consent (Attachment 1)</p> <p>Plans (Attachment 2)</p> <p>Clause 4.6 variation to the height of the building</p>
Report prepared by	Simon Truong, Consultant Planner - CPS
Report date	26 September 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

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?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	Not Applicable
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes – agrees to conditions
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1. EXECUTIVE SUMMARY

This report considers a development application (DA) under Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the demolition of an at-grade public carpark and the construction of a four (4) storey public car park to accommodate one hundred and forty six (146) car spaces.

The application was lodged by City of Ryde Council on 28 February 2019 and has a Capital Investment Value (CIV) of \$11,115,000.00.

Pursuant to Clause 3 within Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*, the proposal is categorised as 'Regionally significant development', and more specifically as 'Council related development over \$5 million'. The proposal is therefore required to be determined by the Sydney North Planning Panel (SNPP).

Notification and Submissions

The application was publicly exhibited for twenty-one (21) days from 27 March 2019 until 17 April 2019. Three (3) public submissions were received.

The issues raised by submissions include:

- Increased traffic as a result of the development, illegal parking and trolley dumping.
- The proposed sight distances at Rowe Street should be improved for pedestrian and driver safety.
- Provision of charging stations for electric motorcycles and scooters should be provided.

Ryde Local Environmental Plan 2014

The site is located within a B4 Mixed Use zone, and the development is permitted with consent in the zone. The application seeks a variation to the maximum height of 15.5m permitted under Clause 4.3 of the *Ryde Local Environmental Plan (RLEP) 2014*. The proposed height non-compliance is largely due to the proposed lift overrun and other minor infringements. A written request to vary the development standard under Clause 4.6 of the RLEP 2014 is supported and is discussed in detail later in the report.

No floor space ratio (FSR) development standard applies to the site.

Ryde Development Control Plan 2014

The proposal seeks variations to various controls under Part 4.1 of the *Ryde Development Control Plan (RDCP) 2014*. These variations include:

- No upper level setbacks; and
- No provision of active street frontages at the ground floor.

The variations have been carefully considered and are supported as discussed in detail later in the report.

After consideration of the development against Section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Consideration of various design matters by the Urban Design Review Panel (UDRP) and Council's technical departments have been addressed in the amended design, with any matters of concern recommended to be addressed via conditions of consent.

Clause 7 of SEPP 55 Remediation of land requires the consent authority to consider if the land is contaminated and if it is contaminated, is it suitable for the proposed development. A Preliminary Site (Contamination) Investigation Report has been submitted with the development application and this report has concluded that the site can be made suitable for the proposed development subject to appropriate conditions of consent.

The application is consistent with the desired future character of the Eastwood Town Centre precinct as identified in the relevant planning provisions. It will help contribute to the significant economic growth and prosperity of Eastwood town centre by addressing the current short fall of free public car parking and facilitate the orderly development of the site. The proposed multistorey car park building is considered to be of high quality architectural design, which has responded to site constraints and its location within the mixed-use area.

This report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with recommended conditions provided in *Attachment 1*. These conditions have been reviewed by the applicant who has agreed with all of the conditions.

2. APPLICATION DETAILS

Applicant: City of Ryde Council

Owner: City of Ryde Council

Capital Investment Value: \$11,115,000.00

Disclosures: No disclosures with respect to Section 10.4 of the EP&A Act been made by any persons.

3. SITE DESCRIPTION

Site Description and Location

The subject site has an address of 53-71 Rowe Street, Eastwood with the legal description Lot 1 DP 947742. The site is generally rectangular in shape with an area of 1,385m². The land has a cross fall in three directions as follows:

- approximately 1.08 metres from north-east corner (RL76.131) to the north-west corner (RL 75.05) at the Rowe Lane frontage;
- approximately 1.60 metres from south-east corner (RL75.5) to the south-west corner (RL73.9) along its Rowe Street frontage; and

- approximately 2.23 metres from the north-east corner (RL76.131) to the southwest corner (RL73.9m) from the Rowe Lane frontage to the Rowe Street frontage.

The site is located on the main retail strip on the western side of the Eastwood railway station and Eastwood town centre.

Existing Site Features

The site currently comprises an at grade public car park for forty nine (49) short-stay (2 hour limited) car parking spaces accessible 24 hours a day seven days a week. The site has primary frontage to Rowe Street and secondary frontage to Rowe Lane. Vehicular access is provided to both road frontages comprising:

- two-way access driveway off Rowe Street at the southwest corner; and
- two (2) x two-way access driveways at Rowe Lane.

The public car park is mostly paved with the exception of a small landscape strip at the front of the site. A total of three trees at the adjoining site 73 Rowe Street overhang onto the site along the eastern boundary.

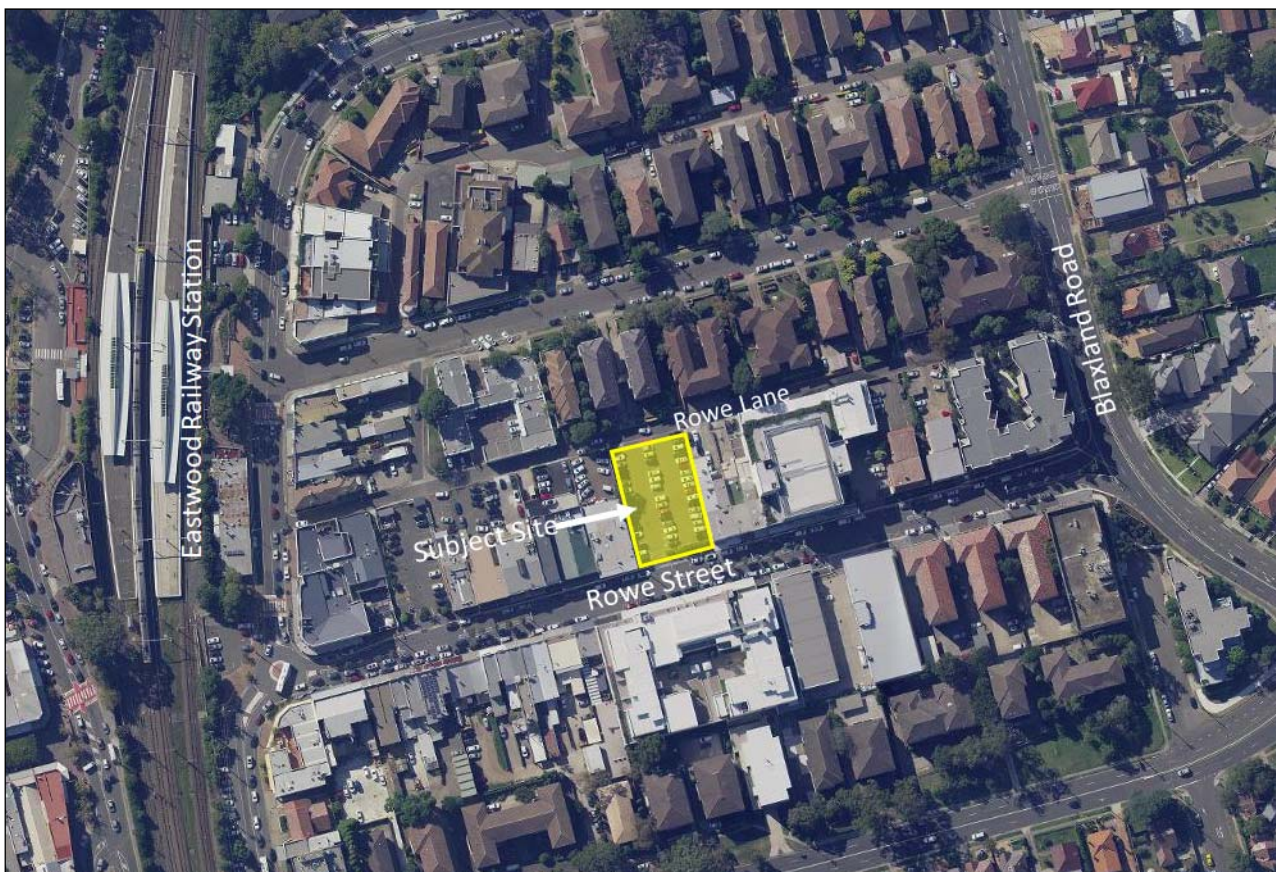


Figure 1: Subject Site in the context of the Eastwood town centre (Source: Sixmaps)



Figure 2: Subject site outlined in yellow (Source: Sixmaps)

Surrounding Context

The site is located on the northern side of the main retail strip of the Eastwood town centre. The site is surrounded by a variety of commercial, high-density residential and mixed-use developments of varying architectural styles and ages including:

- North – On the opposite side of Rowe Lane at 9 Ethel Street, 11-13 Ethel Street and 15-19 Ethel Street are 3-storey walk up residential flat buildings with lower level car parking accessed from Rowe Lane.
- South – On the opposite side of Rowe Street at 52-80 Rowe Street is a contemporary 6 storey mixed-use building with retail at the ground floor, commercial uses and residential apartments at the first floor, and residential apartments above. Access to car parking is from Rowe Street.
- East – Adjoining the site at 51 Rowe Street is a mixed use 2-storey building with retail at the ground floor and commercial uses at the first floor. The adjoining building is built to the boundary with a party wall to the site. At grade car parking is provided at the rear accessed from Rowe Lane.
- West – Adjoining the site at 73 Rowe Street is a 1-storey retail building built to the boundary with a party wall to the site. At grade car parking is provided at the rear accessed from Rowe Lane. A total of three trees at 73 Rowe Street overhang onto the proposed site along the eastern boundary.
- Remaining developments along Rowe Street comprise a diverse mix of one to five storey buildings. Rowe Lane provides "back of house" access for the retail/commercial uses on Rowe Street.

- Eastwood railway station is located approximately 280 metres walking distance to the west of the site.

The future desired character for the Eastwood town centre is established by Council's planning controls. The site is zoned B4 Mixed Use zone with a 15.5m height limit and no maximum FSR. All adjoining sites are within the B4 Mixed Use zone. Sites on the northern side of Rowe Lane are located within the R4 High Density Residential zone.



Photo 1: View of entry/exit to existing at-grade car park site at Rowe Street frontage



Photo 2: View of existing at-grade car park from Rowe Lane



Photo 3: View of frontage of site to Rowe Lane existing entry/exit points



Photo 4: View of 9 Ethel Street from Rowe Lane



Photo 5: View of 11-13 Ethel Street from Rowe Lane



Photo 6: View of 15-19 Ethel Street from Rowe Lane

Figure 3: Site and surround photos (Source: Statement of Environmental Effects prepared by Higgins Planning)



Photo 7: View from at-grade car park towards 51 Rowe Street



Photo 8: View of rear of 51 Rowe Street from at-grade car park



Photo 9: View of frontage of 73 Rowe Street



Photo 10: View of rear of 73 Rowe Street from Rowe Lane



Photo 11: View of 50-82 Rowe Street



Photo 12: View of Rowe Street looking west

Figure 4: Site and surround photos (Source: Statement of Environmental Effects prepared by Higgins Planning)

4. PROPOSAL

The applicant (Council) seeks consent for the construction of a multistorey public carpark for one hundred forty six (146) car parking spaces across four (4) split levels. Details of the proposed development are summarised in **Table 1** below.

The applicant notes a traffic and parking survey report prepared by Cardno as commissioned by Council in 2018 found:

- The existing at grade public car park has been operating at near capacity since 2018.
- There is a shortfall of approximately 250 public car parking spaces for the Eastwood town centre.

On 24 July 2018, as a result of demand and feedback from the community including residents and businesses, Council resolved to expand the existing car park at the subject site by providing 150-200 free public car parking spaces. The public car parking spaces are specifically to support the full and proper functioning of the Eastwood Town Centre and provide parking for shoppers and not commuters.

Table 1: Summary of proposed development

Component	Proposed
Building Height	Max. 16.4m over 4 split levels (excluding lift overrun) (Max. 17.97m including lift overrun)
Total Car Parking Spaces	146
Total Motorcycle Parking Spaces	7
Total Bicycle Spaces	16
Basement	<ul style="list-style-type: none">• Pump Room and Lift Pit
Ground Level	<ul style="list-style-type: none">• 27 car spaces (includes 2 disabled spaces and 2 charging station spaces)• 3 motorcycle spaces• 5 bicycle rail spaces• 2-way lift and 2 fire egress stairs• Entry/Egress via Rowe Street• Exit Via Rowe Lane
Level 1	<ul style="list-style-type: none">• 28 car spaces (includes 2 disabled spaces)• 4 motorcycle spaces• 11 bicycle rail spaces• 2-way lift and 2 fire egress stairs
Level 2	<ul style="list-style-type: none">• 29 car spaces• 2-way lift and 2 fire egress stairs
Level 3	<ul style="list-style-type: none">• 30 car spaces• 2-way lift and 2 fire egress stairs
Level 4 (rooftop)	<ul style="list-style-type: none">• 32 car spaces• 2-way lift and 2 fire egress stairs
Operation	Open to the public 24 hours 7 days each week with the following conditions: <ul style="list-style-type: none">• Two hours free parking. Paid parking rates applicable after 2 hours. Parking rates to be confirmed at a later date.• Restricted access to nominated third and fourth upper levels between 8:00pm – 6:00am seven days for security reasons and local amenity.

	<ul style="list-style-type: none"> • Ground level and first floor level will be always be accessible.
Controlled Parking System	<ul style="list-style-type: none"> • Capability for installation of controlled parking system (e.g. boom gates or similar) and associated information for users to be installed at entry and exit points.
Façade	<ul style="list-style-type: none"> • Louvre screens with matt finish at the ground and first floor levels. • Bronze/golden montage perforated aluminium mesh screen finish occupying the third and fourth levels of the southern façade facing Rowe Street. • Bronze/golden montage perforated aluminium mesh screen finish occupying the middle split level section of all floors facing Rowe Lane.
Signage	<p>5 signs comprising:</p> <ul style="list-style-type: none"> • 'Entry' 'No Entry' illuminated wall sign measuring 8.6m x 0.55m (4.73m²) at northern façade facing Rowe Street; • 'Eastwood Car Park' illuminated building identification wall sign measuring 3.4m x 0.55m (2.37m²) facing Rowe Street; • Max Clearance sign measuring 5.335m x 0.25m (1.33m²) facing Rowe Street; • 'P' Car Park illuminated awning sign measuring 1.8m x 0.55m (0.99m²) at the northern façade facing Rowe Street; and • 'No Entry' illuminated wall sign measuring 2.35m x 0.55m (1.30m²) at the southern façade facing Rowe Lane.

Both road reserves (i.e. Rowe Street and Rowe Lane) adjoining the site are Council public roads, as defined by the *Roads Act 1993*. Any works associated on any adjoining road and/or footpath areas would therefore occur on land under Council control. The applicant, being Council, is therefore a road authority that can undertake works at any time without the need to seek approval under Part 4 of the EP&A Act. As such, the subject DA does not seek approval for any works beyond those described above.



Figure 5: Artist montage of proposed development when viewed from Rowe Street looking north east (Source: Architectural Plans)

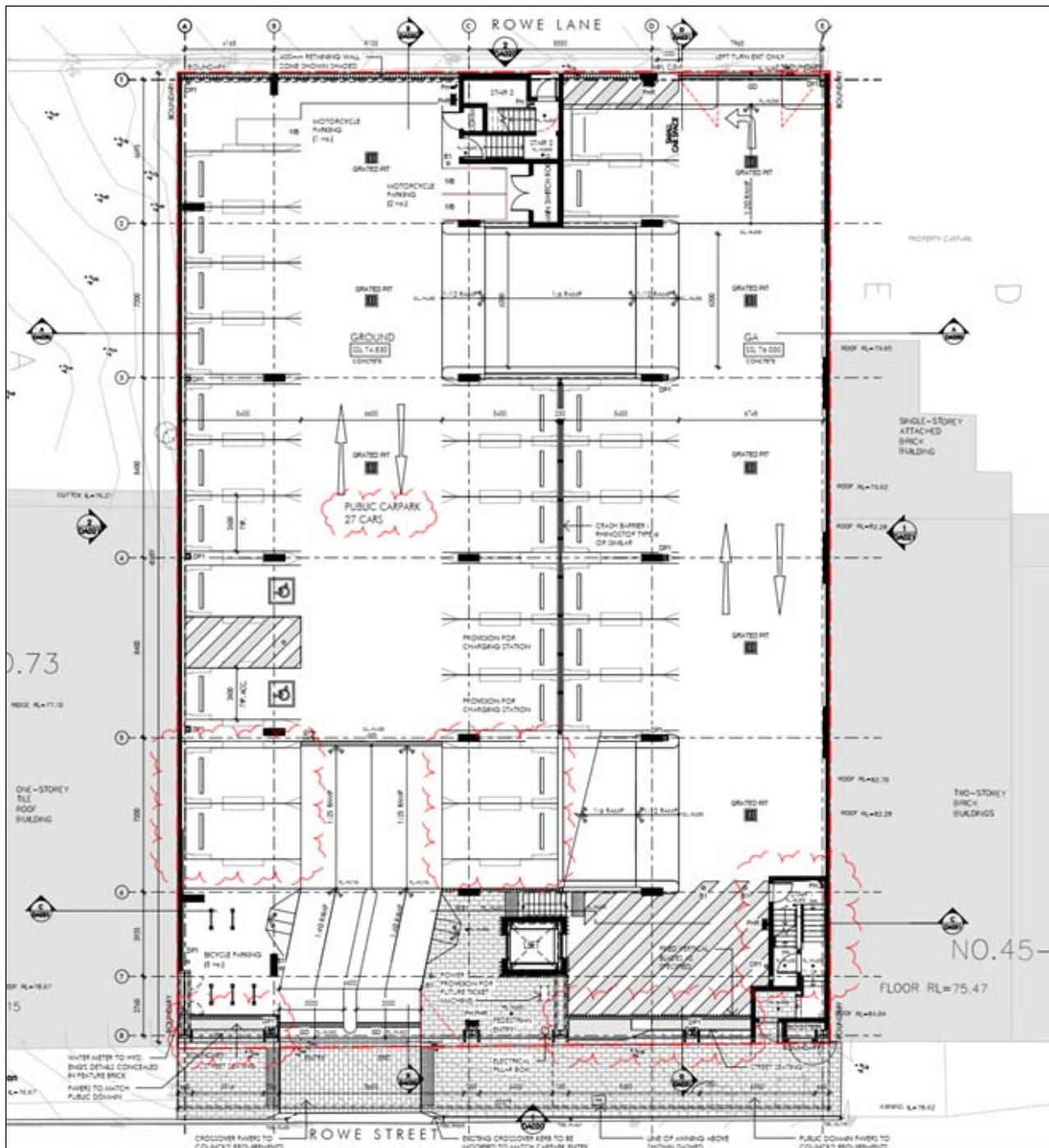


Figure 6: Ground floor plan of proposal (Source: Architectural Plans)



Figure 7: Southern elevation plan of proposal (Source: Architectural Plans)

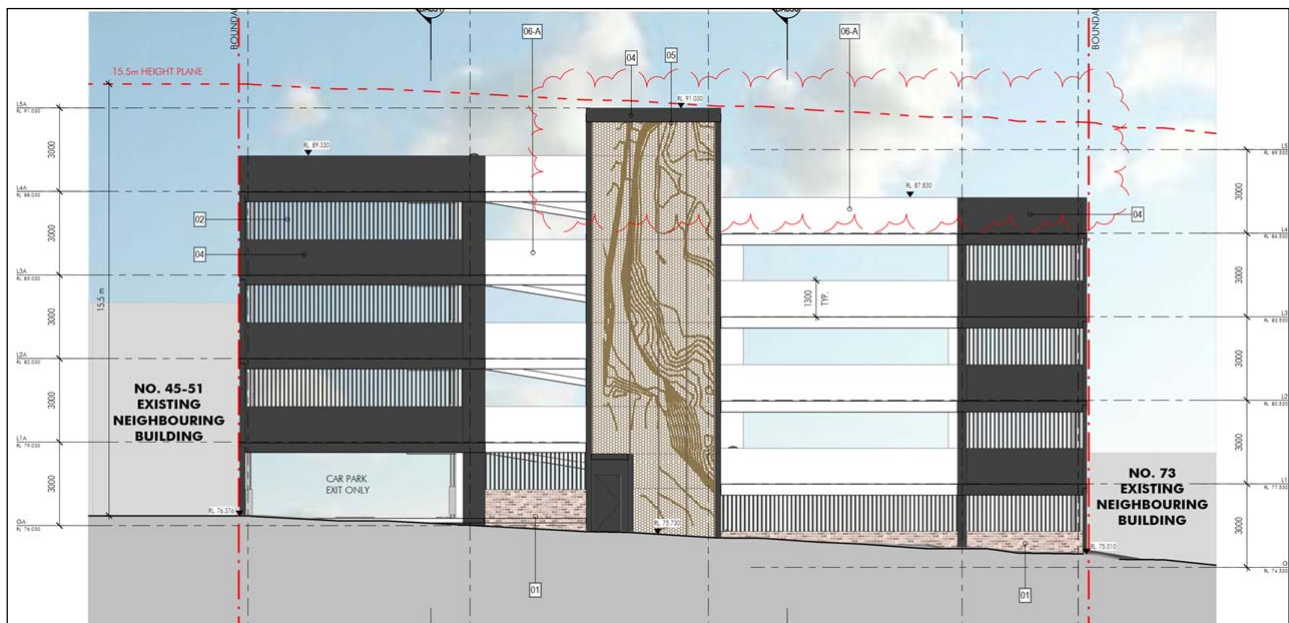


Figure 8: Northern elevation plan of proposal (Source: Architectural Plans)

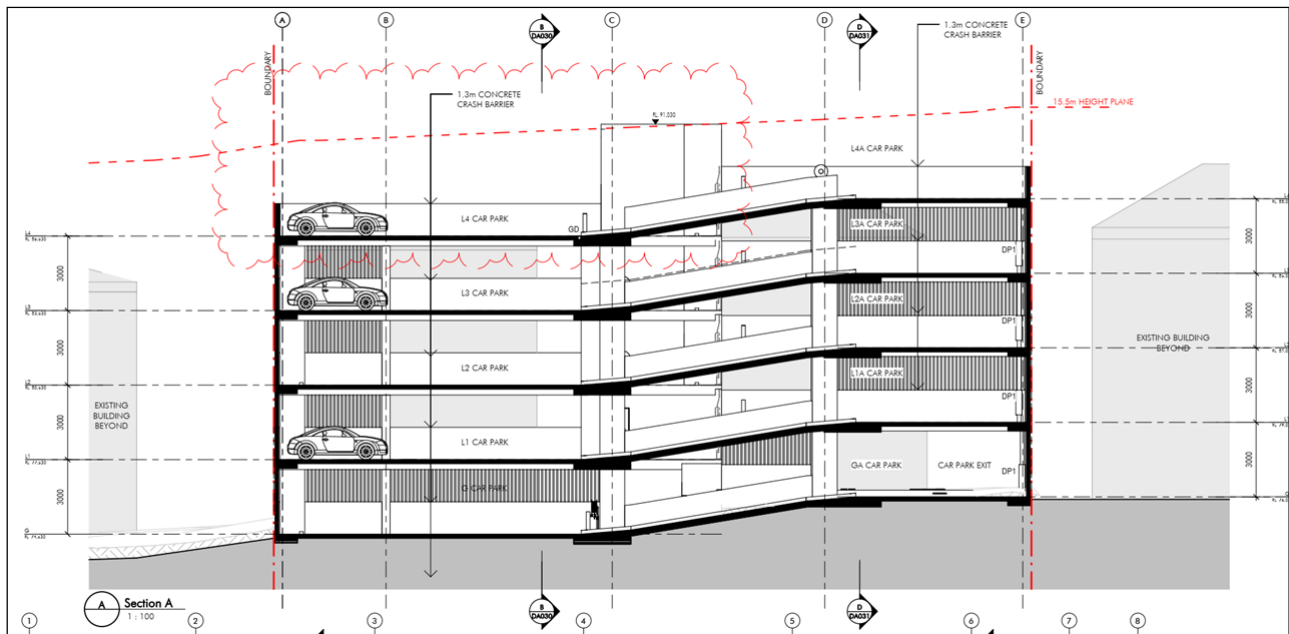


Figure 9: Section plan of proposal (Source: Architectural Plans)

5. HISTORY OF THE SUBJECT APPLICATION

Date	Comments
2018	Cardno prepare a traffic and parking study commissioned by Council which indicates the existing public car park has been operating at near capacity.
24 July 2018	<p>Ryde Council unanimously endorse a mayoral motion:</p> <p>(a) <i>That Council endorses the preparation of a preferred design for the provision of 150-200 public car parking spaces on the existing at-grade Rowe Street East car park to support the full and proper functioning of the eastern Town Centre, with the public car park to specifically provide parking for shoppers and not commuters.</i></p> <p>(b) <i>That a comprehensive consultation process be undertaken with the community when a concept design is available.</i></p> <p>(c) <i>That funding be made available from Council's development contributions fund(s) in the amount of \$550,000 for expenditure during 2018/2019.</i></p> <p>(d) <i>That the General Manager determines an appropriate level of funding require for future construction of the preferred design solution during this initial design phase to then be considered in Council's future budgetary process.</i></p>
7 February 2019	<p>A meeting was held between the applicant and the Urban Design Review Panel (UDRP). At that meeting, a number of matters were raised as follows:</p> <ul style="list-style-type: none"> • The height of the development should be reduced though the removal of the top level. The applicant could potentially consider basement parking to replace parking lost by the deletion of the rooftop level. • The panel supported the party walls to the side boundaries, as opposed to minimum three metre side setbacks in accordance with the RDCP 2014. • There is a risk that the screen on the upper primary façade could be out of scale with the street and could be read as a 'supersign'. • Too much of the ground floor frontage remains occupied by facilities that do not support an active frontage.

7 February 2019	<p>Following the UDRP meeting, a pre-Development Application lodgement meeting was held between the applicant and Council staff for the proposed multi storey car park. At the pre-DA meeting, a number of matters were raised and are summarised as follows:</p> <ul style="list-style-type: none"> • A significant height noncompliance was proposed and is not supported. • The non complying setbacks should be designed to comply with RDCP 2014 requirements. • The vehicular access points should be redesigned. • A lack of streetscape activation is proposed and the retail premises should be both enlarged and redesigned.
28 February 2019	DA is lodged for construction of a Part 4/ Part 5 multi-level public car park to accommodate 161 cars and a small pop up retail space at 53-71 Rowe Street, Eastwood.
21 March 2019	DA is registered with the Sydney North Planning Panel (SNPP).
27 March 2019 to 17 April 2019	In accordance with Council policy the DA was advertised in the Northern District Times and adjoining property owners were also notified of the application in writing. Submissions about the proposal closed on 17 April 2019
16 April 2019	<p>Following a preliminary assessment, a letter was sent to the applicant raising issue with a number of matters that are outlined as follows:</p> <ul style="list-style-type: none"> • The requested variation to the building height standard is not supported due to excessive bulk and scale and associated issues such as consistencies with existing and desired character, solar access and visual privacy. • In the context of the building height non-compliance, support for the noncompliant setbacks on all elevations could not be provided, due to excessive bulk and scale and inconsistency with existing and future character of the area. • The design of the frontage and poor amenity of the retail tenancy would not support appropriate retail activity and by association activation of the streetscape. <p>The applicant was advised that the DA could not be supported in its current form, and withdrawal of the DA was requested.</p>
5 July 2019	In response to an external referral, the NSW RMS comment they did not support the proposal and provided comments requiring additional information be submitted as noted in Section 7.1 of this report.
22 July 2019	<p>Amended plans were submitted to address concerns. The major changes are outlines as follows:</p> <ol style="list-style-type: none"> 1. Level 5 was removed. As a result of this change, Level L4A is now the highest car parking level within the car park; 2. As a result of removing Level 5 of the carpark, the height of the following sections of the Rowe Street facade have been reduced as follows: <ol style="list-style-type: none"> a. The "perforated aluminium screen with artwork" to parking level L4 has been reduced from RL92.53 to RL89.23 on the western half of the building fronting Rowe Street, and b. The "perforated aluminium screen artwork" to parking level L4A has been reduced from RL91.23 to RL91.03 on the eastern half of the building fronting Rowe Street, and c. The lift overrun height has been reduced from RL94.18 to RL92.68; 3. The front setback to Rowe Street above carparking levels L2, L2A, L3, L3A, L4 and L4A have been increased, from 2.6m and 2.7m to 3,0m; 4. Design changes were made to fire egress stairs at the south-eastern corner of the car parking building, and other minor internal design changes over car parking levels L2, L2A, L3, L3A, L4 and L4A to

	accommodate the increased setback to Rowe Street; 5. Reconfiguration of parking spaces adjacent to the entry exit point on Ground Flood Level; 6. Removal of the "pop-up" retail premises space fronting Rowe Street and provision of a widened pedestrian entry from Rowe Street for improved pedestrian access and associated line of sight to lift core from Rowe Street; and 7. Reduction in the total number of car parking spaces from 161 to 146.
8 August 2019	Applicant submits response to RMS comments.
3 September 2019	RMS provide final comments granting concurrence subject to Council's satisfaction of certain matters as noted in Section 7.1 .
4 September 2019	Applicant submits response to RMS comments dated 3 September 2019.

6. APPLICABLE PLANNING CONTROLS

The following planning policies and controls are of relevance to the development:

- Environmental Planning and Assessment Act 1979 ('**the Act**')
 - Local Government (General) Regulations 2005 ('**LG Regulations**')
 - Environmental Planning and Assessment Regulations 2000 ('**the Regulations**')
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 ('**SEPP (Sydney Harbour Catchment)**')
 - State Environmental Planning Policy No. 55 – Remediation of Land ('**SEPP 55**')
 - State Environmental Planning Policy No. 64 – Advertising and Signage ('**SEPP 64**')
 - State Environmental Planning Policy (Infrastructure) 2007 ('**SEPP (Infrastructure)**')
 - State Environmental Planning Policy (State and Regional Development) 2011 ('**SEPP SRD**')
 - Ryde Local Environmental Plan 2014 ('**RLEP 2014**')
 - Ryde Development Control Plan 2014 ('**RDCP 2014**')
 - Section 94 Development Contributions Plan 2007

7. PLANNING ASSESSMENT

7.1 Local Government (General) Regulations 2005

Section 65 of the *Local Government (General) Regulations 2005* provides as follows:

65 Concurrence required for operation of public car park

The council must not grant an application for approval to operate a public car park except with the concurrence of the Roads and Traffic Authority, given having regard to its functions under the road transport legislation (within the meaning of the Road Transport Act 2013) and the Roads Act 1993. The Authority may give concurrence subject to conditions.

As the proposal is for a public car park, the DA was referred to the NSW Roads and Maritime Services (RMS) for concurrence.

RMS initially did not support the proposal; and provided the following comments for Council's consideration:

- RMS does not support the proposed implementation of split approach phasing with an exclusive right turning phase for East Parade (north approach) onto Rutledge Street/First Avenue signalised intersection as it would reduce existing green time for Rutledge Street and First Avenue. Council should be aware that First Avenue and Rutledge Street are Classified State Road which carries high volume of traffic where road network efficiency and road safety have great importance. Therefore, Roads and Maritime request Council to amend the SIDRA modelling considering the above. The amended SIDRA model should be submitted to RMS for review.
- RMS understands that currently the roundabout of Railway Parade, East Parade and Rowe Street is experiencing considerable delays during peak hours. Proposed carpark development would generate additional within the vicinity which would potentially have an impact to the operation of this roundabout. Therefore, Council should identify necessary mitigation measures for this roundabout to accommodate additional traffic due to the development.
- It has been noted that no changes to the traffic arrangements in Rowe Lane has been proposed part of this development. However, if any changes are necessary in Rowe Lane traffic movements it would be subject to the preparation of a Traffic Management Plan (TMP) to be approved by the RMS and Ryde Local Traffic Committee.

A revised traffic and transport impact assessment report prepared by Thompson Stanbury Associates (TSA) addressing the above concerns was submitted to the RMS for consideration.

On 15 August 2019, Council's City Works team advised no objection and provided the following comments:

- The 2018 Cardno traffic and parking study prepared on behalf of Council assessed that the traffic impacts of expanding the existing at grade public car park would have minimal impacts on the intersections across the town centre.
- The traffic report submitted with the application notes the proposal will have negligible impacts on the local road network and is not intended to generate additional traffic into the precinct, rather it will assist with supplementing the current shortfall of off street car parking in the centre. This is supported by the Cardno study which identifies a shortfall of 250 car spaces in the town centre.
- There is potential for queuing onto the street should boom gates be installed in the future. Should parking management options be considered, vehicle number plate recognition systems without boom gates at the entry point or pay and display parking should be considered.
- Subject to recommended conditions, the proposal is acceptable.

On 3 September 2019, the RMS subsequently granted concurrence subject to the following being considered by Council:

- Traffic generated by the proposed development needs to be managed without any changes to the signal phasing and/or re-arrange signal time for East Parade/Rutledge Street/ First Avenue intersection. Modifying traffic control signals at this location will have adverse impacts on the wider road network.
- Council should address potential traffic impacts along East Parade particularly at Rowe Street & East Parade roundabout due to the proposed development.

On 4 September 2019, the Applicant's traffic consultant responded to the RMS conditions noting:

- The car park development does not propose to alter the existing signal operations (e.g. phasing arrangement, cycle time, etc.) at the intersection of Rutledge Street/First Avenue and East Parade.
- The information that has been collated from various traffic studies for East Parade in recent times (including the traffic impact assessment undertaken by TSA), indicates that the additional traffic projected to be generated by the proposed development is not anticipated to alter the existing conditions at the roundabout junction at Rowe Street or within East Parade.

On 27th September 2019, Council's City Works team advised they are satisfied with the applicant's response and the issues raised by RMS have been appropriately addressed.

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

Pursuant to Clause 3 within Schedule 7 of the SEPP SRD, the proposal is categorised as 'Regionally significant development', and more specifically as 'Council related development over \$5 million', as:

- (a) *City of Ryde Council is the applicant for the council area in which the development is to be carried out,*
- (b) *City of Ryde Council is the owner of the land on which the proposed development is to be carried out, and*
- (c) *The proposed development is to be carried out by City of Ryde Council.*

As such, the proposal is required to be determined by the Sydney North Planning Panel (SNPP) in accordance with Section 4.5(b) of the Act.

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

Pursuant to Clause 7 of SEPP 55, the consent authority must consider:

- If the land is contaminated;
- If it is contaminated, is it suitable for the proposed use; and
- If it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Preliminary Site (Contamination) Investigation report (prepared by Douglas Partners, Ref. 86194.02, dated 24 October 2018) was submitted with the application. The report notes that the Planning Certificate for the site does not identify the site as:

- Significantly contaminated land;
- Subject to a management order;
- The subject of an approved voluntary management proposal; and/or
- Subject to an ongoing maintenance order.

The report did not include any detailed testing or intrusive investigations but considers that following a background review of the site and surrounds, there are few on-site and

off-site sources of potential contamination. Further, while no significant excavation is proposed for the construction of a basement level(s), it is recommended that prior to the removal of the existing asphalt/concrete ground surfaces:

- Further intrusive investigations be undertaken;
- That soils requiring offsite disposal, waste and spoil be classified in accordance with the *Protection of the Environment Operations (POEO) Act 1997* and NSW Waste Classification Guidelines; and
- That an unexpected finds protocol be prepared and implemented.

The report concludes that the site can be made suitable for the proposed development from a contamination perspective.

Council's Environmental Health team raise no objection and comment a detailed site investigation report to demonstrate that the site is suitable for the proposed can be undertaken prior to the issue of a Construction Certificate. This is in line with the recommendations of the applicant's preliminary contamination investigation report.

The subject site is currently a fully paved public car park and the proposal will continue its use as a public car park with no other sensitive land uses proposed. Further, the proposal involves minimal excavation works. Noting the above, it is agreed that intrusive borehole testing as part of a Phase 2 detailed contamination assessment is unnecessary at this stage and can be completed prior to issue of a Construction Certificate. The recommended condition provides as follows:

“Detailed Site Investigation Report - Prior to the issue of a Construction Certificate, the applicant must undertake a detailed site investigation. The detailed site investigation report must comply with the Guideline for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.”

Further conditions including adherence with the recommendations of the Stage 1 Preliminary report have been recommended as part of the conditions of consent. (See conditions numbered 38 to 43, 70 to 71).

7.4 State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal seeks approval for 5 signs comprising:

- ‘Eastwood Car Park’ illuminated building identification wall sign measuring 3.4m x 0.55m facing Rowe Street;
- ‘Entry’ ‘No Entry’ illuminated wall sign measuring 8.6m x 0.55m at northern façade facing Rowe Street;
- Max Clearance sign measuring 5.335m x 0.25m facing Rowe Street;
- ‘P’ Car Park illuminated awning sign measuring 1.8m x 0.55m at the northern façade facing Rowe Street; and

- 'No Entry' illuminated wall sign measuring 2.35m x 0.55m at the southern façade facing Rowe Lane.

The proposed signs are defined as building identification signage and way finding signage under the provision of SEPP 64. The definition of business identification signage is as follows:

'Building identification signage' means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

In accordance with Clause 8, Part 2 of SEPP 64, the signs are required to be consistent with the objectives of SEPP 64 as stated in Clause 3(1)(a) and the assessment criteria set out in Schedule 1.

The proposed signs are considered to be well integrated into the relevant facades and are of a reasonable scale for the building. They will not obscure or obstruct any existing views or reduce the visual quality of the building. The signage will not detract from the character of the surrounding buildings and are compatible with the desired amenity and visual character of the Eastwood town centre. The proposed illumination of signs have been conditioned to ensure they do not adversely impact on road safety and the amenity of nearby residents.

Table 2: Assessment against SEPP 64- Schedule 1 Criteria

| Matter | Comment |
|---|---|
| SEPP 64 – Schedule 1 Assessment for the 5 proposed signs | |
| Character of the area | The signage will not detract from the character of surrounding buildings and are compatible with the character of the Eastwood town centre. |
| Special areas | The signage will not detract from the visual character of the Eastwood town centre. |
| Views and vistas | The signage will not obscure or obstruct any existing views or reduce the visual quality of the building. |
| Streetscape, setting or landscape | The signs are consistent in scale and proportion with other similar signs within the Eastwood town centre and general locality. |
| Site and building | The signage is well integrated into the building design and are of a reasonable scale for the building. |
| Associated devices and logos | The proposed signs do not comprise any distinct logos. |
| Illumination | 4 of 5 signs are proposed to be illuminated. Conditions have been recommended to ensure the illumination does not impact on road safety and amenity of nearby residents. |
| Road Safety | The signage is static and is consistent with other similar signs with the Eastwood town centre. Views from public roads will not distract from essential sight lines of pedestrians and vehicles. |

In summary, the proposed signage is considered to be compatible with the amenity and visual character of the area, subject to conditions managing the illumination of proposed signs. The proposed signage is considered satisfactory with regards to the key assessment criteria in Schedule 1 of SEPP 64.

7.5 State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - Determination of development applications—other development

Clause 45(1) of the SEPP Infrastructure requires the consent authority to consider any DA for development that involves:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
- (b) *development carried out:*
 - (i.) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii.) *immediately adjacent to an electricity substation, or*
 - (iii.) *within 5m of an exposed overhead electricity power line, The application includes an 'Underground Cable Location Search Advice' from Ausgrid dated 10 February 2017 which notes that the site is affected by underground cables. It was also noted during a site inspection that an Ausgrid kiosk substation is located within the Khartoum Road frontage.*

Further, clause 45(2) of SEPP Infrastructure requires that prior to determination, the consent authority must:

- (a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

The site is located immediately adjacent to electricity infrastructure containing a high-voltage power pole and overhead power lines fronting the site on the northern side of Rowe Street. In this regard, following lodgement of the DA the proposal was referred to the local energy supply authority (Ausgrid) for comment. As of 23 September 2019, no response from Ausgrid has been received, and it is taken that the electricity supply authority is satisfied with the proposal.

As discussed later, the proposal includes an awning that extends approximately 3m from the boundary over the footpath, and as such would likely conflict with the location of the existing power pole fronting the western edge of the site. To ensure the awning is appropriately constructed and sufficient clearances are maintained, the following condition is recommended in the absence of a response from Ausgrid.

“Awning. *Prior to the issue of a Construction Certificate, amended plans are to be submitted to Council for approval for the proposed awning over the public domain to Rowe Street demonstrating sufficient clearances are maintained from the existing power pole located in front of the site. The drawings are to demonstrate satisfactory clearances are achieved, and are to be endorsed by the electricity supply authority for the area.”*

Subject to the recommended condition (see condition number 28), this assessment is satisfied the proposal will not inappropriately impact on any electricity infrastructure.

Clause 104 – Traffic Generating Development

The proposed development is not ‘traffic generating development’ pursuant to Schedule 3 of SEPP Infrastructure. As such, referral to Roads and Maritime Services (RMS) is not required pursuant to Clause 104 of the SEPP. Notwithstanding, as discussed above, Council has however made a referral to RMS in accordance with Section 65 of the *Local Government (General) Regulations 2005* (refer to **Section 7.1**).

7.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP)

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

Given the nature of the project and the location of the site, there are no provisions that directly apply to this proposal. Further, provided that works are undertaken in accordance with recommended conditions of consent, the development would be capable of satisfying the aims of the SREP.

7.7 Ryde Local Environmental Plan 2014 (RLEP 2014)

The following is an assessment of the proposed development against the applicable RLEP 2014 provisions.

Clause 2.3 – Zone Objectives

Pursuant to Clause 2.3 of RLEP 2014, the consent authority must have regard to the objectives for development in a zone when determining a DA in respect of land within the zone. The site is zoned B4 Mixed Use zone under RLEP 2014. The proposed development is a ‘car park’ as defined below:

*“**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.”*

Car parks are permissible development with consent within the B4 Mixed Use zone under Ryde LEP 2014. The objectives of the zone seek to:

- *provide a mixture of compatible land uses;*
- *integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *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 proposed car park is consistent with the objectives in that:

- it seeks to extend the existing compatible public carpark use on the site to complement the mix of commercial and retail uses in the town centre by addressing the current short fall of on street car parking in the town centre;
- the proposal provides bicycle parking in an accessible location to public transport and services; and
- the site is located some distance from the Macquarie Park corridor and will therefore not impact on its function as a centre.

Clause 4.3 - Height of Buildings

RLEP 2014 prescribes a maximum building height limit of 15.5 metres for the subject site.

The 'building height' (or height of building) is defined by the RLEP 2014 as follows:

"Building height (or height of building) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."*

It is noted the proposal originally sought a part four/part five story split level public car parking building with a maximum height of 19.47 metres (measured from the lift overrun RL 94.18m to the existing ground level).

The design was revised by removing the upper western part 5th storey to address concerns raised regarding the excessive height, bulk and scale of the building by Council's Independent Planning Consultant and the UDRP.

The proposal now comprises a four split level public car parking building with a maximum building height of 17.97 metres (measured from the lift overrun RL92.680 to the respective ground level). A summary of the proposed building heights is provided below.

Table 3: Summary of proposed maximum building heights

| | Original Proposal | | Amended Proposal | |
|---|-------------------|-----------------------|-------------------|-----------------------|
| | Height | Variation above 15.5m | Height | Variation above 15.5m |
| Roof/Facade Height | 18.64m
RL92.53 | +3.14m
(+20.3%) | 16.4m
RL91.03 | +0.9m
(+5.8%) |
| Maximum Building Height (Lift Overrun) | 19.47m
RL94.18 | +3.97m
(+25.6%) | 17.97m
RL92.68 | +2.47m
(+15.9%) |

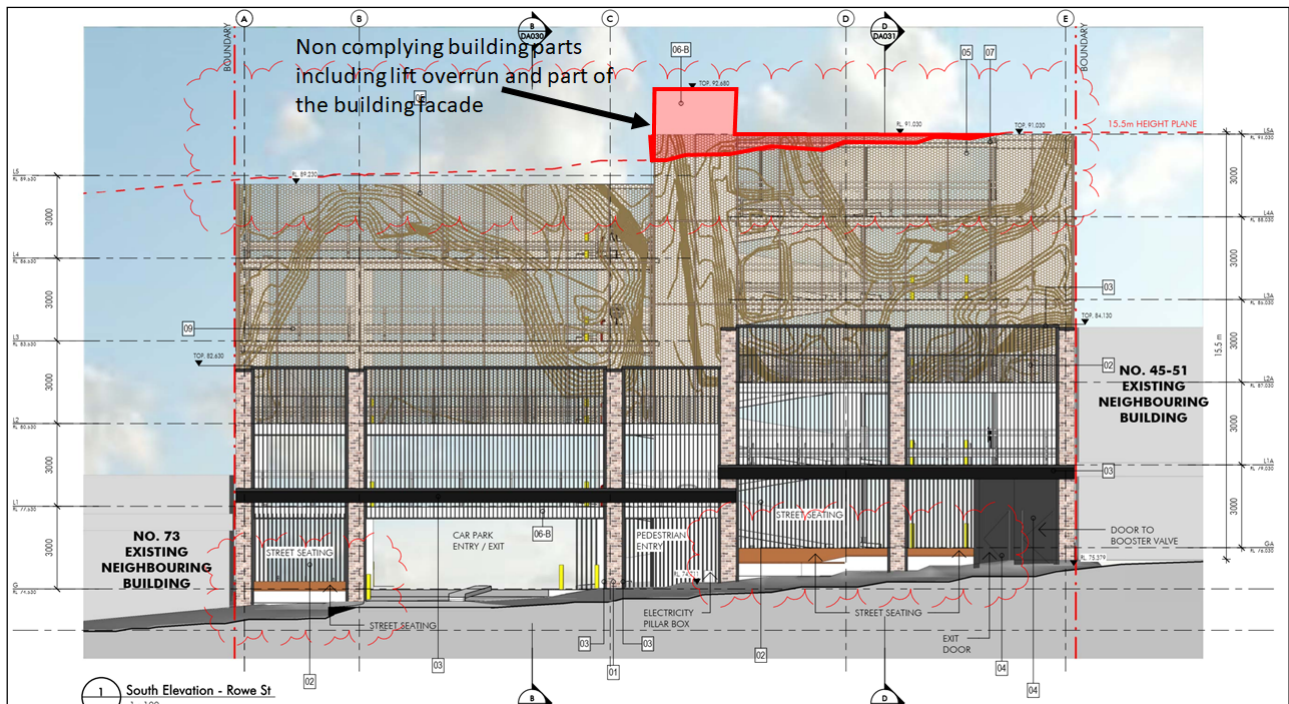


Figure 10: Southern elevation with 15.5m height limit outlined in dashed red and non compliances in red

The proposal exceeds the height standard across a number of locations including:

- greatest breach of the standard is caused by the lift overrun on the southern frontage of the proposed car park;
- minor breaches comprising:
 - the aluminium perforated mesh screen on the southern elevation of the building which projects above the parapet/balustrades;
 - southern stair case; and
 - roofs above the rooftop lift lobby.

As discussed above, the proposal seeks a variation to Clause 4.3A(2) of RLEP 2014. A written request to vary the standard was originally lodged with the subject DA, and an amended written request to vary the standard was prepared by the applicant's planner (Higgins Planning, dated July 2019) to accompany the amended plans and information. In this regard, an assessment of the proposed variation under the relevant considerations of Clause 4.6 is provided below.

Clause 4.4 – Floor Space Ratio

RLEP 2014 does not prescribe a Floor Space Ratio (FSR) to the subject site.

Clause 4.6 – Exceptions to Development Standards

Clause 4.3 of RLEP 2014 prescribes a maximum building height limit of 15.5 metres to the site.

As discussed above, the proposal seeks a variation to Clause 4.3A(2) of RLEP 2014. A written request to vary the standard was originally lodged with the subject application, and an amended written request to vary the standard was submitted with the application

prepared by the applicant's planner (Higgins Planning, dated July 2019). In this regard, an assessment of the proposed variation under the relevant considerations of Clause 4.6 is provided below.

Is compliance unreasonable or unnecessary in the circumstances of the case?

In accordance with the NSWLEC decision in *Wehbe v Pittwater Council [2007] NSWLEC 827*, a way that strict compliance can be seen to be unreasonable and unnecessary is if it can be demonstrated that the objectives of the standard would be achieved, despite the proposed height non-compliance. The objectives of the standard have been individually addressed by the submitted variation request and considered in respect of the proposed development as follows:

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

Comment – Development along Rowe Street is considerably varied, with a range of development styles and heights with the exceptions of:

- a five storey commercial building at 33-37 Rowe Street approximately 25 metres east of the subject site; and
- a six storey mixed use development at 62-80 Rowe Street (approximately 20 metres south on the opposite side of Rowe Street)

It should be noted that both of the exceptions listed above were approved well before the gazettal of RLEP 2014 (the latter being originally approved in November 2010).

The RLEP 2014 height control of 15.5 metres seeks to enforce a four storey height limit for properties along Rowe Street in the Eastwood town centre.

The proposal generally maintains the envisaged character of four storeys across the site with split levels to address the general east west fall of the site. The southern façade generally complies with the height limit with a minor noncompliance of up to 0.9m (5.9%) at the centre. Whilst, the lift overrun further exceeds the height limit (2.47m (15.9%)), it is clearly notable that the development is overall four storeys in height and bulk.

Noting the above, it is considered the proposal achieves the objective as it is in generally in keeping with the future desired character of 4 storey developments along Rowe Street.

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

Comment – Due to the north/south orientation of the subject site and the height of the proposed development, the proposal would result in overshadowing of surrounding sites and the public domain. The proposal is supported by detailed hourly overshadowing diagrams during 21 June. The diagrams indicate the proposal will have some minor overshadowing to the north facing windows of 52-80 Rowe Street between 2pm to 3pm. The level of overshadowing is considered negligible and consistent with that anticipated by the RLEP 2014 for the maximum building height and complies with the minimum sunlight requirements prescribed by the Apartment Design Guidelines (ADG). Further, the

overshadowing caused by the breaches in maximum building height are considered minor and negligible.

The proposed building is considered to be a high quality design at the southern façade which visually screens the car parking use when viewed from Rowe Street.

In summary, the proposal is considered to minimise overshadowing and ensure that development is generally compatible with and improves the appearance of the area subject to recommended conditions.

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

Comment - The objective is not considered to be of particular relevance in the context of the sites location and the proposed development type. The height of the development will not impact on the consolidation pattern of the surrounding area.

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

Comment - In addressing the objectives regarding amenity, the applicant's variation request only provides a detailed assessment with regards to overshadowing when considering amenity impacts. As demonstrated by this planning assessment (see above and below), the proposed development is considered to be overall consistent with the character of the area and as such, the visual amenity of surrounding sites and the public domain.

Further, the applicant notes there is no discernible difference in the environmental impacts with regards to overshadowing, visual and acoustic privacy impacts between a building that strictly complies with the height control and subject development.

The lighting statement and acoustic report submitted with the application conclude that subject to recommendations, the proposal will not have unacceptable amenity impacts on nearby residential properties.

(e) to emphasise road frontages along road corridors.

Comment – The design of the building would emphasise the road frontages, particularly on the southern elevation of the carpark.

Are there sufficient environmental planning grounds to justify the proposed contravention of the development standard?

The objectives of Clause 4.6 of RLEP 2014 are to provide an appropriate degree of flexibility in applying certain development standards to particular development, to achieve better outcomes for and from development.

Noting the applicant's reference to principles associated with *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, that decision found that it was not enough for the consent authority to be satisfied that a proposal would be consistent with the objectives of both the development standard and the zone; Clause 4.6(4)(a)(i) requires that the consent authority:

“...is satisfied that the written request has adequately addressed the matters required to be demonstrated by cl 4.6(3), namely that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.”

With regard to the above, the environmental planning grounds provided by the applicant and a response to each are as follows:

“The majority of the building complies with the HOB mapping control except the portion of the building which breaches the control being the lift shaft overrun to L4 which affords universal and equitable lift access to each level of the public car park building,”

Comment – It is accepted that the majority of the proposed building complies with the height limit. As discussed, the non compliances relate to the lift overrun and parts of the southern perforated aluminium mesh screen façade. The overall noncompliance is considered minor and acceptable.

“The proposal involves a public purpose by Council as a public body, on public land currently used as a public car parking area and identified by Council as needing to expand its public car parking space supply, where no other development in this section of Rowe Street, Eastwood can provide for such an outcome.”

Comment - The proposed car park would provide a public purpose and substantial public benefit through provision of much needed free public car parking in the Eastwood town centre. As discussed later, the minor non compliance is considered acceptable noting the limited impacts to adjoining properties, and overall consistent scale and bulk envisaged for the site and envisaged Eastwood town centre.

“The non-compliance with the height limit does not result in a building that will be out of scale with surrounding future development. It allows for a public infrastructure building with the non-compliance generally attributed to the lift overrun providing access to the rooftop Level L4A. Removing the non-compliance would not significantly alter the perceived height of the building as viewed from the public domain or from other surrounding development but rather would reduce the stated Councillor public purpose of the building in achieving the objective of providing between 150 and 200 public short stay car parking spaces.”

Comment – As discussed earlier, it is concurred that the minor non compliance does not result in a building that will be out of scale with surrounding future development, particularly if adjoining sites are redeveloped in a manner that is consistent with current development standards and controls. Further, it is considered the current proposed split levels at the ground floor car park appropriately align with the crossfall of the site. A lowering of the ground floor levels to achieve a compliant proposal is not considered to result in a materially improved outcome for the site from that being proposed. The substantial public benefit of providing additional public car parking and access for persons with a disability to the rooftop outweighs the minor height noncompliance that is proposed.

“To lower the building will involve more excavation and alteration of the existing site terrain. This process will involve adding to the cost of the project which is using Council

public funds in order to deliver Council infrastructure, where those public funds are required to be carefully and well managed in order to deliver the project. The Council has repeated stated that in this location a minimum of 150 car parking spaces are required to satisfy current demand. As such, the ground floor level seeks to strike the right balance between enabling disabled access into the lift foyer from Rowe Street and disabled access from Rowe Lane to the two-sided opening lift without excessive removal of soil or creating a basement level. To include a basement level or to lower the building will add unreasonably to the cost to deliver the public building which is not a reasonable or feasible use of limited financial resources of the Council seeking to use public funds particularly where the breach of the height of building control occurs generally due to the lift overrun/Level 5 lift foyer area and the inclusion of a metal perforated screen to the Rowe Street façade.”

Comment – Impacts associated with the cost of development and/or the feasibility of the project are not matters for consideration under Section 4.15 of the Act. Notwithstanding, it is considered the current proposed split levels at the ground floor car park appropriately align with the existing crossfall of the site. A lowering of the ground floor levels to achieve a compliant proposal is not considered to result in a materially improved outcome for the site from that being proposed. The substantial public benefit of providing additional public car parking and access for persons with a disability at the rooftop outweighs the minor height noncompliance.

“If forced to comply with the height standard, this will result in the loss of car parking spaces below that required to be achieved as a minimum by the project which undermines the public purpose of the project and stated community engagement information issued on the project.”

Comment – Whilst the proposal is for a public car park, the proposal is not exempt from development standards and controls that would apply to development in the area. Notwithstanding, as discussed above, it is considered that the minor variation to the height standard is supported noting a lowering of the ground floor levels to achieve a compliant proposal is not considered to result in a materially improved outcome for the site from that proposed. The substantial public benefit of providing additional public car parking and access for persons with a disability outweighs the proposed height noncompliance.

“The portion of the Amended design which exceeds the Height of Building control will not create any unreasonable overshadowing.”

Comment – As discussed earlier, the proposed height exceedance does not result in any significant additional overshadowing from a complying scheme.

“The portion of the Amended design which exceeds the Height of Building control will not result in loss of privacy.”

Comment – The non complying height is limited to the centre of the southern façade. The minor noncompliance would not result in any unacceptable privacy impacts to adjoining properties.

“The portion of the Amended design which exceeds the Height of Building control will not result in an unacceptable adverse visual impact upon the streetscape.”

Comment – As assessed above, the height and scale of the proposed development is considered generally consistent with that envisaged for the site and will not result in unacceptable visual impacts on the existing and future character of the area.

“The portion of the Amended design which exceeds the Height of Building control will not result in an unacceptable amenity impact.”

Comment – As discussed, above, the proposed variation to height would not result in any unacceptable amenity impacts.

“The proposal is considered to be consistent with the objectives of the control.”

As assessed above, the proposal would be generally consistent with all applicable objectives under clause 4.3 (height of buildings) of RLEP 2014.

In summary, the applicant has adequately addressed the matters under clause 4.6(3)(b) to satisfactorily justify breaching the height standard on environmental planning grounds. It is considered in this instance, the minor variation to the development standard is supported.

Is the proposal in the public interest?

A development is generally seen to be in the public's interest if it is consistent with the objectives of the development standard and the zone in which the particular development is carried out. As identified above, the proposed development is consistent with the objectives of the building height development standard. Further, as discussed earlier, the proposed development is consistent with the objectives of the B4 Mixed Use zone.

Summary

It is acknowledged that Clause 4.6 of the RLEP 2014 is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in certain circumstances.

As discussed above, the proposed height variation is consistent with the objectives of both the standard and the zone. The applicant's submission pursuant to clause 4.6 of RLEP 2014 is considered to be well-founded; as such, the proposed variation to the height standard is considered acceptable.

Further it is noted that the proposed variation is generally consistent with the amendments suggested by the UDRP to reduce the original excessive bulk, height and scale of the development.

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item nor is it within a heritage conservation area. The nearest local heritage item identified by Schedule 5 of RLEP 2014 is Item No. 100, 'Shops' at 15, 17, 19, 21, 23 and 25 Railway Parade, Eastwood. This heritage item is approximately 75m to the east of the subject site.

As part of Council's pre-DA lodgement advice, the applicant was advised that a heritage impact assessment should be submitted with the proposal. However, this was not submitted and the applicant's consultant planner has requested that the application be assessed without such a report. The applicant also notes that LDA2010/0389 at 52-80 Rowe Street for the five-storey mixed use development adjacent to the subject site did not include an impact assessment of vicinity heritage.

This assessment has found that the nearest heritage items are unlikely to be materially impacted upon by the proposed development given the 75m separation distance from the site. Based on the design and layout of the sites that contain the combined heritage item (i.e. a row of shops), it is considered likely that the heritage significance of these items relates to the facades addressing Railway Parade and Ethel Street. Despite the significant size of the proposed development's likely visual catchment, it is unlikely to be seen from either of these road reserves, and therefore would not detract from the significance of the heritage item. The proposed development may be seen from the rear of 15 and 17 Railway Parade, however it is likely that the proposed development would be heavily obscured by future development on surrounding sites noting:

- The distance between these items and the subject site; and
- Future development that is likely to occupy the allotments between the two sites, noting that current development standards and controls would likely permit larger buildings on such sites.

Having regard to the above, the provisions of Clause 5.10(4), and the objectives of the clause are considered to be satisfied. A heritage assessment in accordance with the provisions of Clause 5.10(5) is therefore considered to be unnecessary in this instance.

Clause 6.2 – Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposal seeks minor earth works as part of the development; the scale of such works are limited to the excavation of a basement lift pit, pump room, associated access and general excavation for construction (i.e. footings, etc.) Excavation for such works are not considered to be significant, and subject to conditions should not affect ground stability. Sediment and erosion plans have been submitted with the application. Conditions have also been recommended to ensure no adverse environmental impacts during construction.

Clause 6.4 – Stormwater management

Stormwater management is considered in Part 8.2 of RDCP 2014 below.

7.8 City of Ryde Development Control Plan 2014

The following sections of the RDCP 2014 are of relevance, being:

- Part 2.1 - Notification of Development Applications
- Part 4.1 – Eastwood Town Centre
- Part 7.2 – Waste Minimisation and Management
- Part 8.1 – Construction Activities
- Part 8.2 – Stormwater Management
- Part 9.1 - Signage
- Part 9.2 – Access for People with Disabilities.
- Part 9.3 – Parking Controls

Part 4.1 – Eastwood Town Corridor

Part 4.1 provides the following existing character statement for the Eastwood Town Centre:

“The Eastwood Commercial Centre is an important retail and commercial centre and transport in the City of Ryde that is well served by public transport. There has been shopping at Eastwood since the 1880’s when the railway was constructed. Growth in trade built up as Eastwood and surrounding suburbs grew in the twentieth century. Retail and commercial development extends to the east and west bisected by the railway line. Eastwood has a ‘village character’ with a traditional development generally 2-3 storeys in height.

Eastwood has a concentration of professional services, retail and food outlets. It has seen a gradual increase in the quantity of floor space used for professional services and business purposes that is in turn boosting employment generation and retail trade in the centre. Within the centre there are also parks, child care centres, schools, fire station, police station, community facilities and churches.”

Part 4.1 provides the following future character statement for the Eastwood Town Centre:

“In the future, Eastwood will be a place designed for the enjoyment and utility of pedestrians and a place which allows convenient access for people between home, work, shopping and leisure.

It will also be a place that has:

- *a high level of aesthetic amenity at street level;*
- *safe attractive and convenient public spaces;*
- *a vibrant, viable and profitable commercial centre;*
- *well-used robust and attractive active and passive recreation and public space;*
- *an appropriate mix and arrangement of land uses, which satisfactorily serve and integrate with the surrounding residential activities.*

There are some opportunities for mixed use growth in the centre, which includes residential, retail and commercial uses. Eastwood must avoid competing with the larger regional centres and establish itself as a niche market, concentrating on convenient retailing.

It is likely that the centre will attract office services, with demand likely to come from small to medium sized office firms. To ensure that the village character of the centre is retained,

new developments that accommodate office and commercial activities, medical and professional suites with activity at street level should be encouraged.

Residential development will also be encouraged. Shop-top and medium density housing should be located within the centre.”

An assessment against the relevant clauses of Part 4.1 of RDCP 2014 is provided in **Table 4** below.

Table 4: Assessment of proposal against Part 4.1 of RDCP 2014

| Relevant Control | Compliance/Comment |
|---|--|
| 3.2 Flooding and Stormwater Management | |
| a. A stormwater inundation impact assessment and stormwater management strategy is to be submitted for all developments to the satisfaction of Council. | Complies

Refer to assessment under Part 8.2. |
| b. Floor levels within any new development should be a minimum of 300mm above the calculated flood level for the 100 year ARI event. | Not applicable

Site is not flood affected. |
| c. Developments should comply with Part 8.2 Stormwater Management and Part 8.6 Floodplain Management of this DCP for flood controls for Eastwood/Terry's Creek Flood Plain. | Complies

Refer to assessment under Part 8.2. |
| d. Where development is considered to constitute minor modifications or does not intensify the use of the property, a stormwater impact assessment or stormwater management plan may not be required. | Complies

The proposed development would be an intensification of the site. Refer to assessment under Part 8.2. |
| 3.3 Architectural Characteristics | |
| 3.3.1 Setbacks | |
| a. Buildings must comply with the maximum height limit shown on the Height of Buildings Map under Ryde Local Environmental Plan 2014. | Does not comply

Refer to the assessment of Clauses 4.3 and 4.6 of RLEP 2014 above. |
| b. Setbacks at the upper levels shall be provided. Parapets, fronting retail/pedestrian priority streets (see Section | Does not comply

Setbacks addressing the front boundary would comply, however, upper-level side and rear setbacks do not comply |

| Relevant Control | Compliance/Comment |
|--|---|
| 3.5) should reflect existing predominant parapet lines. | with numerical setback controls. Refer to relevant assessments below. |
| c. New buildings are to have street frontages built predominantly to the street alignment (front boundary) for up to 9.5 m measured from the street level. | <p>Complies</p> <p>The proposed building is built up to the boundary at Rowe Street (up to a height of 6.6 metres for the ground and second storey). Further, a louvre facade screen is provided to a height of 9.3m to reflect the two storey development on the adjoining site at 49-51 Rowe Street. This is stepped down in the centre of the building in response to the site's crossfall.</p> |
| d. Buildings may be constructed to the side and rear boundaries for up to 9.5 m from street level. | <p>Does not comply</p> <p>All levels of the proposed development extend to the side and rear boundaries.</p> |
| e. Buildings (including balconies) must be setback a minimum of 3 m from all boundaries above 9.5 m from street level. | <p>Does not comply</p> <p>The proposed building provides:</p> <ul style="list-style-type: none"> • 3m setback above 6.6m at the southern frontage for the third and fourth levels. • Zero side and rear setbacks along the entire length and height of the four storey building. <p>The applicant contends that compliance with the RDCP 2014 setback requirements would severely constrain the proposal's ability to provide adequate levels of public car parking, particularly at the third and fourth levels, noting impacts to internal vehicle manoeuvring corridors and car parking spaces.</p> <p>It is noted that Council originally did not support the zero side and rear setbacks given the overall bulk and scale of the development, however it should be noted that the original proposal also included a significantly greater breach of the building height standard. Given that the amended design has reduced the bulk and scale of the proposed development through deletion of the 5th storey (particularly along the western and southern elevations), revised consideration is given to the proposed zero side and rear setbacks at the upper third and fourth levels.</p> <p>Further, the UDRP comments that:</p> <p><i>"On the Rowe Street frontage, Council's DCP calls for a 3m setback at 9.5m. The proposal follows this control, which reinforces the basic façade composition (screen wall above ground level and awning).</i></p> <p><i>Council's DCP also specifies side setbacks above a nominated height. The proposal does not provide these setbacks. The Panel accepts this approach - urban design</i></p> |

| Relevant Control | Compliance/Comment |
|------------------|--|
| | <p><i>orthodoxy calls for party wall buildings on retail streets and the purpose of the DCP setbacks is not apparent."</i></p> <p>With regard to the above, the advice from the UDRP supporting zero side setbacks was made on the condition that amendments to the proposal included the deletion of the 5th storey; deletion of the fifth level was subsequently undertaken as a result of amendments to the plans. The UDRP also acknowledged that the proposal would set a precedent for future developments, in that zero side setbacks would potentially create a row of connecting facades along the northern side of Rowe Street. This design outcome was welcomed by the UDRP noting they disagreed with the design outcome of Council's RDCP 2014 which creates an unorthodox design approach for developments along a main retail/commercial strip.</p> <p>The UDRP did not comment on the lack of a rear setback.</p> <p>The objectives of the setback controls are as follows:</p> <ol style="list-style-type: none"> <i>1. To ensure that the existing traditional scale element of the streetscape is retained</i> <i>2. To reinforce the established and accepted streetscape characteristics of Eastwood when considered from the pedestrian perspective.</i> <i>3. To clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security;</i> <p>It is considered that the proposed front setback at the upper levels would maintain the existing traditional scale of developments at the Rowe Street streetscape. Development on the northern side of Rowe Street comprises a mix of one to five storey commercial buildings which have inconsistent building forms and envelopes including:</p> <ul style="list-style-type: none"> • A 5-storey commercial tower at 33-43 Rowe Street is setback at the side upper levels with no front setback; • 3 and 4 storey commercial and mixed use developments at 1-7, 23 and 29 Rowe Street with zero upper level setbacks in the building form on at least one of the side boundaries. <p>Given the mixed character of buildings and designs, it is evident the upper level side and rear setbacks recommended by the RDCP 2014 are not apparent along Rowe Street. The provision of a zero side setback would therefore not result in a development that is out of character with the streetscape. It is acknowledged that the proposed development could establish a precedent for developments along Rowe Street which the UDRP consider a superior design outcome.</p> |

| Relevant Control | Compliance/Comment |
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| | <p>Further, it is noted there are a number of buildings built to the boundary at Rowe Lane. These buildings range between 1 and 4 storeys in height and are all built to the boundary with zero upper level setbacks.</p> <p>This assessment has found that the proposed variation to setbacks are acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The proposal has been revised to reduce the overall bulk and scale of the development to address UDRP and Council comments. Therefore, the UDRP supports the zero side setback at upper levels based on a building height reduction and welcomes the precedence set within the town centre for future developments. The proposed building envelope will be consistent with the general envisaged bulk and scale for future developments in the Eastwood town centre. • It is acknowledged that a design that complies with setback requirements would have significant ramifications; specifically, a reduction to the width of the upper levels of the building would compromise internal vehicle manoeuvring corridors, which would result in a reduction in car parking spaces that could be provided within the building. Increased side setbacks at upper levels would not significantly improve the amenity of surrounding sites, and any benefits associated with increased upper-level side setbacks would be outweighed by the likely loss of public car parking spaces, which forms the basis of the proposal's substantial public benefit. The proposal remains generally consistent with the objectives of the setback controls as discussed above. • The proposed eastern and western elevations are currently blank walls. As the proposed carpark is a four-storey structure, the upper levels of these side facing walls will be visible from the public domain, as they would project above one-two storey development on adjoining sites. To minimise the visual impact of the development until the adjoining sites are redeveloped, a condition has been recommended for amended plans to be submitted to provide some form of temporary expression/articulation (e.g. painting, etc.) on the side-facing walls until adjoining sites are redeveloped. The amended plans will be required to be submitted for approval by Council's Manager of Development Assessment prior to the issue of a Construction Certificate. • It is noted development on both adjoining allotments (i.e. 51 and 73 Rowe Street) contain retail and commercial uses which would not benefit from amenity considerations (i.e. improved solar access), and the orientation of these sites are such that the proposed development would result in at least some overshadowing, irrespective of compliance with the |

| Relevant Control | Compliance/Comment |
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| | setback controls. <ul style="list-style-type: none"> The proposed variation will not unacceptably impact on the solar amenity of nearby residential properties (see discussion later). |
| f. Buildings may be setback from the street alignment where: <ul style="list-style-type: none"> i. The site is adjacent to a freestanding heritage building. In this case the setback of the new building from the street alignment should match the setback of the heritage building; or ii. The new development contributes an appropriate public space at the street frontage. | Not applicable

The subject site is not adjacent to a heritage building and does not seek a setback. |
| 3.3.2 Urban Design/Exterior Finishes | |
| a. Building exteriors are to be designed to avoid extensive expanses of blank glass or solid wall. | Complies

The frontages are designed to be well articulated and screen the proposed car parking use. Large expanses of blank wall are not proposed along the frontages. However, it is noted that the proposed eastern and western elevations would consist of blank walls that would be significantly higher than the 1-2 storey development on adjoining sites and as such, would be visible from the public domain. As indicated above, a condition has been recommended for amended plans to be submitted to Council's Manager of Development Assessment to provide some form of temporary expression at these facades until adjoining sites are redeveloped. The amended plans will be required to be submitted for approval prior to the issue of a Construction Certificate. |
| b. Balconies and terraces should be provided, particularly where buildings overlook public spaces. | Not applicable |
| c. The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing and visual privacy. In this regard at least 2 hours of sunlight access must be maintained in public spaces in Rowe Street. | Complies

Aside from the Rowe Street road reserve, the proposal would not affect solar access to public areas. |
| d. The tops of buildings are to be | Does not comply |

| Relevant Control | Compliance/Comment |
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| <p>designed so that they:</p> <ul style="list-style-type: none"> i. Integrate with the design of the building and conceal plant and equipment; and ii. Promote a visually distinctive and interesting skyline. | <p>The placement and design of the lift overrun at the southern frontage will be visible from Rowe Street. Noting the rooftop is for car parking, there are limited opportunities to conceal the lift overrun. Notwithstanding, the design of the lift overrun is not considered to detrimentally impact on the overall design aesthetic of the building.</p> |
| 3.4 Access & Parking | |
| 3.4.1 Parking Design and Location | |
| <p>a. The creation of additional on-street car parking is encouraged. Opportunities to amplify on-street car parking through reconfiguration of car spaces (i.e. angled parking) should be explored with Council.</p> | <p>Not applicable</p> <p>On-street parking is not proposed. There is no identifiable capacity within the Rowe Street and Rowe Lane road reserves to accommodate additional car parking.</p> |
| <p>b. Car parking should be located below ground level. Where this is not practicable (e.g. due to flood impacts) parking must not be visible from the street.</p> | <p>Does not comply</p> <p>The proposal is for a public multi-storey above ground carpark. The primary façade of the building has been designed to be aesthetically appealing and screened from the street to prevent visual recognition of the building as a traditional above ground carpark.</p> |
| <p>c. In order to minimise vehicular conflict between residents' delivery and customer vehicles, car parking associated with residential uses should be separated from parking for other land uses</p> | <p>Not applicable</p> |
| 3.4.2 Location of Vehicle Access and Footpath crossings | |
| <p>a. New vehicle access points are restricted in retail/pedestrian priority streets. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets or major arterial roads such as Rutledge Street, First Avenue, or Blaxland Road.</p> | <p>Complies</p> <p>The proposal would not result in additional vehicular entry/exit points or associated crossovers within Rowe Street. Vehicular entry/egress is incapable of being provided solely through Rowe Lane, though a 'left turn only' exit point is proposed within the Rowe Lane frontage.</p> <p>It should be noted that there is an existing combined entry/exit point at the boundary adjoining Rowe Street; the proposal would therefore not introduce additional vehicular crossings to the Rowe Street frontage.</p> <p>No access/exit points onto main/classified roads within the locality are proposed.</p> |
| <p>b. Service vehicle access is to</p> | <p>Not applicable</p> |

| Relevant Control | Compliance/Comment |
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| be combined with parking access and limited to a maximum of one access point per building. | Service vehicle access is not proposed. |
| 3.4.3 Design of Vehicle Access | |
| a. Vehicle access is to be a single crossing, perpendicular to the kerb alignment. | Complies |
| b. Vehicle access ramps parallel to the street frontage will not be permitted. | Complies |
| c. Active uses or items of visual interest above vehicle access points are required in the horizontal line of sight of pedestrians. | Does not comply

A technical noncompliance is proposed in that active uses or items of visual interest would be situated above the vehicle access point. This is a consequence of the building being designed as an above ground multi-storey carpark with at grade vehicular access. |
| d. Vehicle entries are to buildings are to be well designed and include high quality finishes to walls and soffit. No service ducts or pipes are to be visible from the street. | Complies |
| 3.5 Pedestrian Access & Amenity | |
| 3.5.1 Street Frontage Activities | |
| a. Provide ground level active uses on the Retail/Pedestrian Priority Streets (refer to Figure 4.1.04) | Does not comply.

No active uses are proposed. See discussion below. |
| b. Active uses contribute to personal safety in the public domain and comprise: <ul style="list-style-type: none"> i. Community and civic facilities. ii. Recreation and leisure facilities. iii. Shops. iv. Commercial premises v. Residential uses, particularly entries and foyers. However, these should not occupy more than 20% of the total length of each street frontage | Does not comply

No active uses are proposed. However, the proposal is for a 24/7 public car park with CCTV surveillance, good lighting at lower levels and opportunities for casual surveillance at the upper levels. It is considered the high levels of building use and activity will contribute to the feeling of personal safety in the public domain. |
| c. Where required, active uses must comprise the street | Does not comply |

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| frontage for a depth of at least 10 m | <p>The proposal comprises bicycle parking, 2 lane vehicular access/exit, pedestrian entry to the carpark and pedestrian seating along the ground floor frontage facing Rowe Street. No active uses by way of retail or commercial uses (i.e. a shop, café/restaurant or similar) are proposed.</p> <p>It is noted the original proposal included a popup commercial space at the Rowe Street frontage. The UDRP commented on the original proposal noting that too much of the ground floor frontage remains occupied by facilities that do not support an active frontage and therefore the retail provision should be expanded substantially to be a meaningful tenancy. The URDP notes that the loss of car parking from providing active frontages could be recouped via the provision of basement car parking level(s).</p> <p>The proposal was subsequently revised to the current design removing all retail uses. The applicant contends the provision of active uses via commercial tenancies is not feasible noting that:</p> <ul style="list-style-type: none"> • It would result in a further loss of car parking (in addition to the loss of 20 public car parking spaces from removal of the 5th storey) detrimental to the public benefits of Council's decision to provide 150-200 public car parking spaces as part of the redevelopment of the site; and • Provision of basement car parking is not economically feasible noting the project funding constraints. <p>It is noted the site currently does not provide any active street frontages with its use as an at grade public car park.</p> <p>In this instance, the lack of active uses along the Rowe Street frontage is accepted for the following reasons:</p> <ul style="list-style-type: none"> • The site currently does not provide an active frontage. The proposal will therefore not result in any net loss of active frontages to Rowe Street; • The high-quality design of the building frontage and anticipated high use of the public car park would provide a level of pedestrian and vehicular activation that would not detrimentally impact on the envisaged character of a diversity of active uses along Rowe Street; • As a carpark that is designed to provide parking for local businesses (as opposed to a commuter carpark), during business hours it is expected that the development would generate a steady stream of pedestrian movements, particularly through the front of the site due to the placement of the lift and stairway adjacent to this frontage. Lower levels of the carpark (i.e. areas closest to the road frontages) would be open 24 hours a day; the proposal is therefore likely to generate at least some pedestrian activity late at night well after most local surrounding businesses would have finalised their daily trade; |

| Relevant Control | Compliance/Comment |
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| | <ul style="list-style-type: none"> • The provision of pedestrian seating along the street frontage will encourage pedestrian activity and a potential meeting point for pedestrians, thereby providing an informal active usable space along Rowe Street; • The proposal is for a purpose built public car park. The provision of an active frontage with meaningful commercial space would constrain the provision of much needed public car parking in the town centre noting the current shortfall of 250 on street car parking spaces based on car parking studies in the Eastwood town centre (discussed earlier). The public benefits of providing much needed additional car parking in this instance are considered to outweigh the need for an active frontage along this part of Rowe Street; and • The proposed free public car parking would be complementary to servicing the active business/retail uses along Rowe Street. |
| d. Vehicle access points may be permitted where active frontage is required if there are no practicable alternatives. | <p>Complies</p> <p>The proposed development is for a public car park to service the on street car parking demand for users of the retail and commercial services within the Eastwood town centre, particularly Rowe Street. In this regard, provision of a vehicle access point along Rowe Street in lieu of any active frontage use is considered essential and consistent with the existing vehicular crossing for the at grade public car park on site.</p> |
| e. Blank roller- shutter type doors are not permitted on ground level shop fronts. | <p>Complies</p> <p>No roller shutters are proposed. However, it is noted that the CPTED report submitted with the proposal includes a recommendation for roller shutter doors to be installed at entrances. Given the public car park will be accessible 24/7, it is considered that the installation of roller doors is not necessary and would not have any material benefits.</p> |
| f. Serviced apartments hotels and motels shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level. | <p>Not applicable</p> |
| 3.5.2 Circulation | |
| a. Where circulation is provided through a site or within a building serving to connect 2 points, the thoroughfare should function as a shortcut, be continuous and level with pedestrian streets / areas and | <p>Complies</p> <p>A combined vehicular access/exit point is proposed on the Rowe Street frontage and a 'left turn only' exit point is proposed on the Rowe Lane frontage. Access/exit points onto main/classified roads within the locality are not</p> |

| Relevant Control | Compliance/Comment |
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| incorporate adjoining active retail and / or commercial edges. | proposed. |
| b. Entry and exit points for vehicles are to be designed in a manner that reinforces the Circulation Strategy. | Not applicable

Service vehicle access is not proposed. |
| 3.5.3 Public Domain Finishes | |
| a. Developments which entail the provision of new public spaces (e.g. streets, footpaths, walkways and the like) will need to incorporate new paving and street furniture that is at the developers cost and in accordance with the Ryde Public Domain Technical Manual. | Not applicable

No new public spaces or public domain works are proposed. |
| 3.5.4 Landscaping & Trees | |
| <p>a. Development proposals, incorporating landscaped elements, are to be accompanied by a landscape plan. Where the development comprises mixed uses or is 2 or more storeys the landscape plan should be prepared by a qualified landscape architect.</p> <p>b. Where appropriate, developments should incorporate landscaping into the upper levels to soften the building form and to contribute to privacy and amenity.</p> <p>c. Ground level entries should be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of centre residents or pedestrians.</p> | Not Applicable

No landscaping is proposed. |
| d. Street trees shall be provided in accordance with the Ryde Public Domain Technical Manual and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space | Complies

The Ryde Public Domain Technical Manual does not include a requirement for any street trees along the frontage of the site. However, Council's public domain officer has commented that street trees are to be planted along the frontage in accordance with the Eastwood Street Tree Master Plan with the location to be determined by Council's |

| Relevant Control | Compliance/Comment |
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| | Landscape Architect. In this regard, conditions have been recommended accordingly. |
| e. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5m, subject to species availability. | Complies

A condition has been recommended accordingly. |
| f. Where a proposal involves redevelopment of a site with a frontage of at least 40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia). | Not applicable

The site frontage is 30m. |
| 3.5.5 Awnings and Weather Protection | |
| a. Buildings with frontage to any street must incorporate an awning or other form of weather protection along that boundary. | Does not comply

An awning is proposed at the Rowe Street frontage. However, no awning is proposed at the Rowe Lane frontage. Whilst a noncompliance, the plans propose a zero rear setback onto a road reserve that does not include any public walkways. Any such awning would therefore encroach over the road corridor and as such would not be acceptable. Further, Rowe Lane largely provides rear-loaded vehicular access to allotments fronting Rowe Street and access to apartment complexes addressing Ethel Street. This roadway is therefore not a high pedestrian area, and elements (such as awnings) that provide shelter to pedestrians within this area are therefore considered to be largely unnecessary. Further, no other developments provide awnings along Rowe Lane. |
| b. The pavement level of a covered walkway shall be at the same level as the footpath to which it is adjacent. | Complies

Existing pavement levels of the footpath at Rowe Street road reserve will not be changed. |
| c. The height of a colonnade, awning or covered way shall not be less than 3 metres or greater than 4.5 metres measured to the soffit. | Does not comply

The proposed Rowe Street awning is approximately 3m. However, due to the fall of the land, at its lowest point, the awning is 2.84m spanning a total of 2.4m. It is considered the non compliance is minor and would not affect the general amenity of pedestrians noting the remainder of the |

| Relevant Control | Compliance/Comment |
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| | awning along Rowe Street exceeds 3m. |
| d. The width of a colonnade, awning or covered way shall not be less than 3 metres | <p>Complies</p> <p>The proposed awning width is approximately 3m.</p> |
| <p>f. Any new awnings should:</p> <ul style="list-style-type: none"> i. Be continuous for the entire length of the site frontage; ii. Be set back from the face of the kerb by 0.6m. iii. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate a street tree in accordance with the master plan or any public domain improvement plan; iv. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings; v. Have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and vi. Maintain sufficient clearances from any overhead electricity or telecommunications installations. | <p>Complies</p> <p>The proposed awning is continuous along the entire Rowe Street frontage and weather sealed to the face of the building.</p> <p>As discussed earlier, Council's public domain officer has commented that street trees are to be planted along the frontage in accordance with the Eastwood Street Tree Master Plan with the location to be determined by Councils Landscape Architect. In this regard, cut outs in the awning will be required. A condition has been recommended requiring amended plans for the revised awning be submitted accordingly.</p> <p>Upon lodgement of the DA, Ausgrid (electricity supply authority for the area) was given written notice of the proposal and invited to make comments about potential safety risks.</p> <p>As of 23 September 2019 no response from Ausgrid has been received, and it is taken that the electricity supply authority is satisfied with the proposal.</p> <p>Despite the above, it is noted there is a power pole located at the western edge of the Rowe Street frontage within the pedestrian footpath. The proposal includes an awning that extends approximately 3m from the boundary over the footpath, and as such would likely conflict with the location of the power pole. To ensure the awning is appropriately constructed and sufficient clearances are maintained, the following condition is recommended in the absence of a response from Ausgrid.</p> <p><i>Awning</i>– Prior to the issue of a Construction Certificate, amended plans are to be submitted to Council for approval for the proposed awning over the public domain to Rowe Street demonstrating sufficient clearances are maintained from the existing power pole located in front of the site. The drawings for the construction certificate are to demonstrate satisfactory clearances are achieved, and are to be endorsed by the electricity supply authority for the area.</p> <p>(See condition number 26).</p> |
| 3.6 Signage | |
| a. Signage shall relate to the use of the building on which it appears. | <p>Complies</p> |

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| | All proposed signs relate to the car parking use. |
| b. Architectural features of the building shall be considered in the design of the advertising sign or structure. Signs shall not obscure decorative forms or mouldings and should observe reasonable separation distance from the lines of windows, doors, parapets, etc. | <p>Complies</p> <p>All proposed signs have been designed and positioned so as not to distract from the design of the building.</p> |
| c. Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs. Care should be taken in the design, size and positioning of signs above awning level. | <p>Complies</p> <p>All proposed signs are of relative proportion for the intended purpose and overall complement the scale of the building.</p> |
| <p>d. Signage must comply with the following restrictions and dimensional requirements:</p> <ul style="list-style-type: none"> i. Under-Awning Signs
Should not exceed: <ul style="list-style-type: none"> a. One per five (5) metres of street frontage; and b. 2.4 metres in length and 0.3 metres in height. ii. Flush Wall Signs
Should not exceed a maximum of five (5) square metres. iii. Clearance
All signs should maintain a minimum clearance of 2.6 metres above footpaths or above any pedestrian areas v. Prohibited Signs <ul style="list-style-type: none"> 1. Flashing and moving signs; 2. Signs other than identification, business and directional signs; 3. Signs that would adversely affect traffic movement or safety or would interfere with the amenity of the neighbourhood; | <p>Complies</p> <p>The proposal seeks approval for 5 signs comprising:</p> <ul style="list-style-type: none"> • 'Eastwood Car Park' illuminated building identification wall sign measuring 3.4m x 0.55m facing Rowe Street; • 'Entry' 'No Entry' illuminated wall sign measuring 8.6m x 0.55m at northern façade facing Rowe Street; • Max Clearance sign measuring 5.335m x 0.25m facing Rowe Street; • 'P' Car Park illuminated awning sign measuring 1.8m x 0.55m at the northern façade facing Rowe Street; and • 'No Entry' illuminated wall sign measuring 2.35m x 0.55m at the southern façade facing Rowe Lane. <p>The proposed signs all comply with relevant size controls. No prohibited signs are proposed.</p> |

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| 4. Signs attached to and above awnings;
5. Illuminated signs on fascia of awnings;
6. Signs not permanently fixed to the site or which obstruct the footpaths or pedestrian area;
7. Pylon signs;
8. Roof signs; and
9. Blimps or airborne signs. | |
| 3.7 Environmental Management | |
| 3.7.1 Sunlight | |
| a. Major public spaces should receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on June 21. | Not Applicable

The site is not located near any major public spaces and will therefore have no impact. |
| b. In new residential developments, windows to north-facing living areas should receive at least 3 hours of sunlight between 9am and 5pm on 21 June over a portion of their surface. North facing windows to living areas of neighbouring dwellings should not have sunlight reduced to less than the above 3 hours. | Complies

The proposal is supported by detailed hourly overshadowing diagrams during 21 June. The diagrams indicate the proposal will have some minor overshadowing to the north facing windows of 52-80 Rowe Street between 2pm to 3pm. All residences within this development would therefore continue to receive an adequate level of solar access during mid-winter. |
| 3.7.2 Wind Standards | |
| a. Building design is to minimise adverse wind effects on recreation facilities, on open terraces within developments and on the public domain | Complies

The height and scale of the proposed development would not have any foreseeable adverse impacts. The site is not in close proximity to any recreational facilities, nor is it of a height that would result in significant or adverse wind effects within the adjoining public domain.

The proposal does not include any recreational spaces on site, with the exception of some seating at the ground floor entry. It is noted that awnings are proposed to minimise down winds. Further, the proposed building is naturally ventilated with openings to the north and south elevations. The proposed facade screen at the southern elevation is perforated and will assist in minimising cross ventilation wind speeds. It is noted the rooftop is open and may experience some wind, however, given users will only travel to and from cars, any wind experience is not considered to be of an amenity concern. |

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| 3.7.3 Energy Efficiency of Buildings | |
| a. New buildings should be designed to ensure that energy usage is minimised | Complies

The proposed car park has minimal energy usage points. Notwithstanding energy saving lighting is proposed. |
| 3.7.3 Reflectivity | |
| b. New buildings and façades should not result in uncomfortable glare that causes discomfort or threatens safety of pedestrians or drivers.
c. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18% | Complies

The proposal does not seek to install glass. The proposed materials at facades fronting Rowe Street and Rowe Lane will not have adverse glare impacts to pedestrians and drivers. Notwithstanding, a condition has been recommended requiring light reflectivity for all external façade materials to not exceed 18%. |
| 3.7.3 External Lighting of Buildings | |
| a. Any external lighting of buildings is to be considered with regard to: <ul style="list-style-type: none"> i. The integration of external light fixtures with the architecture of the building (for example highlighting external features of the building); ii. The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline; iii. The energy efficiency of the external lighting system; and iv. The amenity of residents in the locality. | Not Applicable

No external lighting is proposed with the exception of some illumination on signage. |

Part 7.2 Waste Minimisation and Management

The application includes an Operational, Construction and Demolition Waste Management Plan dated February 2019 prepared by Waste Audit and Consultancy Services. The plan addresses general waste management during demolition, construction and operation.

Given the nature of the use, the proposal is unlikely to generate significant volumes of waste during its operation; bins are to be provided near lifts for use by the public.

Collection is to be determined following operation noting the waste quantities are unknown at this stage.

Councils Environmental Health team raise no objection, subject to recommended conditions to ensure compliance with Council's waste policies.

Part 8.1 Construction Activities

The proposal is supported by relevant details during construction including a sediment erosion control plan.

Conditions are also recommended to ensure construction activities do not result in unacceptable adverse amenity impacts to nearby neighbours. This shall include a Construction Traffic Management Plan (CTMP) be submitted and approved by Council's Traffic and Development Engineer, noting that forty nine (49) public car parking spaces would be temporarily lost during the redevelopment of the site.

Part 8.2 Stormwater

The proposal is supported by a stormwater management report dated 29 January 2018 prepared by Northrop. The report concludes that the proposed stormwater management strategy is compliant with Councils policy and the proposed exemption from providing an OSD tank is supported noting any OSD tank provision and subsequent detention of stormwater would have adverse flooding impacts on downstream roads, properties and open watercourses.

Councils Development Engineering team raise no objection and comment:

- The proposed exemption from OSD is considered acceptable noting OSD would exacerbate flooding in the local area;
- The proposed WSUD components are compliant with Council's DCP; and
- Standard conditions have been recommended.

In this regard, appropriate conditions have been recommended to ensure compliance with Council's stormwater requirements.

Part 9.1 Signage

As discussed above under SEPP 64 and Part 4.1, the signs are considered acceptable with conditions imposed to limit illumination of signs to prevent any adverse impacts on adjoining residents and traffic.

Part 9.2 Access for People with Disabilities

The proposal is supported by an Access Report dated 8 February 2019 as prepared by iAccess Consultants as part of the original proposal. The report assesses that the proposal generally complies with accessibility requirements with recommendations for additional information to be submitted prior to issuing an Occupation Certificate.

A condition has been recommended requiring a revised Access Report be submitted and approved by the Certifying Authority prior to issue a Construction Certificate. In addition,

conditions requiring compliance with the BCA and relevant Australian Standards are recommended. (See condition number 2,22 and 27).

Part 9.3 Parking Controls

The proposal seeks to redevelop the existing at grade public car park containing forty nine (49) car spaces and the construction of a one hundred and forty six (146) space multi-storey car park.

No car parking requirements apply to the proposed development.

Notwithstanding, the proposal was referred to Council's City Works and Development Engineering teams; no objections were raised with regard to the design and car parking, subject to recommended conditions and additional requirements that include:

- That the exit lane to Rowe Lane be increased in width to 4 metres to facilitate improved vehicle movements. (See condition number 42).

It is considered, subject to recommended conditions, the proposal is acceptable.

Part 9.5 Tree Preservation

The site currently comprises a landscape strip with no mature trees along the front of the site. This is proposed to be removed as part of the development. In addition, the proposed building envelope is likely to impact on 3 existing trees at 73 Rowe Street. These trees comprise the following and are demonstrated in Figure 110:

- *Homalanthus populifolius* (Bleeding heart tree) - This is a local native tree, fast growing and short lived. It is approximately 4 metres high and therefore is an exempt tree as it is less than 5 metres high. The trunk of the tree may be inside Council's property but it has not been located on the Survey Plan.
- *Ligustrum lucidum* (Large leaved privet) – This is a weed tree and is listed by City of Ryde as an exempt tree.
- *Melia azedarach* (White Cedar) – This is a native tree and is approximately 3.5m high. This tree is also an exempt tree as it has a height less than 5m.

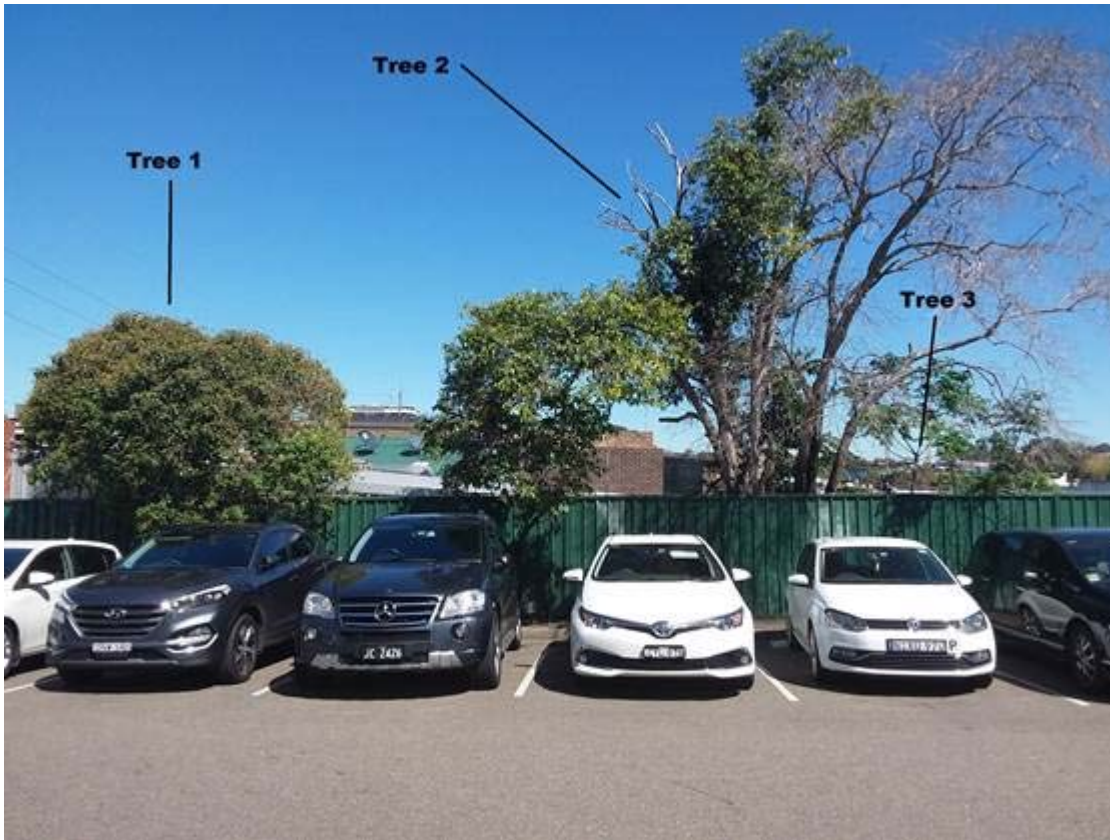


Figure 11: View of the trees on 73 Rowe Street



Figure 12: View of trees 2 and 3 inside 73 Rowe Street

None of these trees are significant and landowners consent from 73 Rowe Street has been obtained for the removal of the trees.

7.9 Section 7.11 Development Contributions Plan 2007

The proposal for a public car park is not a type of development by which Section 7.11 Development Contributions are levied. Hence Section 7.11 development contributions are not applicable.

8. LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report. The additional impacts associated with the development or those requiring further consideration are discussed below.

Louvres at 51 Rowe Street

The proposed car park envelope is built to the boundary at the side and rear elevations. It is noted that louvres are located on the western elevation of the ground floor on the adjoining site at 51 Rowe Street; this building has a zero-side elevation, and as a result shares a party wall/common boundary with the site.

Concerns were raised by the SNPP at the briefing meeting regarding the potential of the development to obstruct the louvres which may be used for ventilation purposes.



Figure 13: View of existing louvres at 51 Rowe Street as viewed from Rowe Lane looking south east (Source: Site visit)

Development Application MOD 2017/2006 to LDA2016/6402 at 51 Rowe Street notes this section of wall adjoins a passage way and is to be installed with fire rated fibre cement boards as shown on approved plans.

In response to the SNPP's concerns, the applicant has engaged an independent BCA consultant to review the issue. A Building report prepared by Advanced Building Approvals dated 19 August 2019 notes the following:

- 51 Rowe Street comprises what appears to be former ventilation openings along the common boundary with the subject site. The openings are obstructed from the inside by the installation of rigid cementitious sheet material and are not presently used for ventilation.
- The use of the louvres for ventilation bordering an adjoining allotment is not permitted by either the Building Code of Australia or the relevant Australian Standard (AS1668.2-2012). The only mechanism to lawfully permit the retention of the louvre openings, would be to establish an easement or similar encumbrance upon the subject site, for the benefit of the adjoining site. In this regard, there is no legal basis to support the use of the louvres as a source of ventilation, for the benefit of the existing development on the adjoining site at 51 Rowe Street.
- No regulatory barrier exists to the redevelopment of 53-71 Rowe Street, Eastwood, even if it would obscure unauthorised openings adjacent the allotment boundary. The construction of a new boundary wall as part of the proposed development will address any practical concerns in relation to potential fire spread between properties. The need to provide any alternate, complying means of ventilating the adjoining property would therefore be a matter for the owner/s of 51 Rowe Street to address. It is not considered that the introduction of complying artificial lighting and ventilation to the premises at 51 Rowe Street would present any unreasonable practical obstacles.



Figure 14: Photo of filled in louvres at Rowe Street (Source: BCA report)



Figure 15: Further photo indicating the filled in louvres at Rowe Street (Source: BCA report)

Noting the findings of the independent Building report, the proposal would not unsatisfactorily impact on the function of the now obsolete louvres at 51 Rowe Street.

Further, it is noted that the first floor balcony/passageway at 51 Rowe Street includes a number of windows attached to a commercial use. It is noted that the windows to the commercial use do not benefit from amenity rights. Notwithstanding, it is considered the proposal would not detrimentally impact on the ventilation functions of the windows and passageway.

9. REFFERALS

The subject DA was internally referred to the following teams within Council:

- Development Engineer
- Environmental Health
- City Works for Traffic & Public Domain

The application was also externally referred to the following:

- Urban Design Review Panel (UDRP)
- Roads and Maritime Services (RMS)
- Energy Supply Authority (Ausgrid)
- NSW Police

Table 4 below summarises comments received from internal and external referrals.

Table 4: Summary of internal and external comments

| Urban Design Review Panel (UDRP) | |
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| Pre DA | The panel raised a number of issues that are briefly summarised as |

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| | <p>follows:</p> <ul style="list-style-type: none"> • The height of the development should be reduced though the removal of the top level. The applicant could potentially consider basement parking to replace parking lost by the deletion of the rooftop level. • The panel supported the party walls to the side boundaries, as opposed to minimum three metre side setbacks in accordance with the RDCP 2014. • There is a risk that the screen on the upper primary façade could be out of scale with the street and could read as a 'supersign'. • Too much of the ground floor frontage remains occupied by facilities that do not support an active frontage. <p><i>Comment: The UDRP's comments have been carefully considered in the assessment of the application as discussed throughout this report.</i></p> <p><i>In summary, the height of the development has been reduced by one storey, which has commensurately reduced the scale of the metal perforated screen on the front façade. The volume of the building encroaching upon the side setbacks is also reduced to a supportable level. The small pop-up retail space has been removed and are improved public domain interface has been provided.</i></p> |
| Roads and Maritime Services (RMS) | |
| Initial referral | <p>The RMS comment they do not support the proposal and provide the following comments for Council's consideration:</p> <ul style="list-style-type: none"> • RMS does not support the proposed implementation of split approach phasing with an exclusive right turning phase for East Parade (north approach) onto Rutledge Street/First Avenue signalised intersection as it would reduce existing green time for Rutledge Street and First Avenue. Council should be aware that First Avenue and Rutledge Street are Classified State Road which carries high volume of traffic where road network efficiency and road safety have great importance. Therefore, Roads and Maritime request Council to amend the SIDRA modelling considering the above. The amended SIDRA model should be submitted to RMS for review. • RMS understands that currently the roundabout of Railway Parade, East Parade and Rowe Street is experiencing considerable delays during peak hours. Proposed carpark development would generate additional within the vicinity which would potentially have an impact to the operation of this roundabout. Therefore, Council should identify necessary mitigation measures for this roundabout to accommodate additional traffic due to the development. • It has been noted that no changes to the traffic arrangements in Rowe Lane has been proposed part of this development. However, if any changes are necessary in Rowe Lane traffic movements it would be subject to the preparation of a Traffic Management Plan (TMP) and approved by the RMS and Ryde Local Traffic Committee. • Revised consideration will be given upon submission of the abovementioned information. |
| Second referral | <p>RMS grant concurrence subject to the following conditions being addressed by Council:</p> <ul style="list-style-type: none"> • Traffic generated by the proposed development needs to be managed without any changes to the signal phasing and/or re-arrange signal time for East Parade/Rutledge Street/ First Avenue intersection. Modifying traffic control signals at this location will have adverse |

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| | <p>impacts on the wider road network.</p> <ul style="list-style-type: none"> • Council should address potential traffic impacts along East Parade particularly at Rowe Street & East Parade roundabout due to the proposed development. <p><i>Refer to Section 7.1 of this report for further discussion.</i></p> |
| NSW Police | |
| Initial referral | <p>NSW Police comment the proposal is supported by a CPTED report that details a number of recommendations including:</p> <ul style="list-style-type: none"> • That all fire hydrants, pumps and metres be secured in locked cabinets to prevent unauthorised access. • In order to increase overall lux levels and illuminance throughout levels 1 to 5, design detail should consider painting ceilings, wall areas and columns white. Rooftop parking should feature pole lighting with beam angle spreads eliminating dark spaces. Throughout the car park, the lighting colour temperature should be set at 4000 Kelvin, the most appropriate colour for identification. • The Rowe Street façade feature creative external lighting 'wash' to enhance its 'status' within the streetscape. Appropriate flood lighting should be installed to highlight the Rowe Lane fire exit. • To minimise malicious damage risks, we recommend that anti-graffiti coatings be applied to all wall and façade painting areas; • The CCTV (IP Network) installations ensure an 'all points' coverage of levels, focusing on disabled parking pays, lift lobbies, stairwell and their doorways, plant rooms, bicycle and motor bike parking bays, ramp areas, the main vehicle/pedestrian entrance and rear stairway egress to the lane. • In preventing (restricting) vehicle access to upper levels at designated times, installation of perforated roller doors, as opposed to boom gates. The design detail prevent pedestrian access to upper levels when 'locked off'. Roller door installations at street entry. • That all fire stair doors have eye level glass panels installed to assist with identification of levels and persons accessing the stairs. • The monitorable 'help points' be installed at each level adjacent to the lift lobbies, at bicycle, motor bike and disabled parking zones. <p>These should be imposed as a condition of consent.</p> <p><i>Comment: The recommendations of the CPTED report have been included in the draft consent with the exception of roller doors at the street entry as roller shutter doors are contrary to RDCP 2014 (as discussed earlier) and they are not required noting the public car park is accessible 24/7. (See condition number 28).</i></p> |
| Ausgrid | |
| Initial referral | <p>No comments received as of 23 September 2019. As such, it is taken that Ausgrid raise no concerns with the proposed development. Standard conditions of consent relating to utilities providers have been included.</p> |
| Development Engineer | |
| Initial referral | <p>Councils Development Engineering team raise no objection and comment:</p> <ul style="list-style-type: none"> • The proposed exemption from OSD is considered acceptable noting OSD would exacerbate flooding in the local area; • The proposed WSUD components are compliant with Council's DCP; |

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| | <ul style="list-style-type: none"> The plans indicate the potential for 'future' parking ticket machine which would entail installation of boom gates. The proposed design could result in queueing onto the footpath. Lesser queue lengths may be required for a vehicle number plate recognition system. A queue analysis is advised should the proposed 'no controlled entry' change in the future. The exit configuration to Rowe Lane is satisfactory, however an increase to the exit lane width to 4m would be beneficial and is conditioned. All parking aisle dimension, grades and space widths are considered compliant with relevant standards. Subject to recommended conditions, the proposal is acceptable. <p><i>Comment: The recommended conditions of consent have been included in the draft consent.(See condition numbers 13 to 15, 33, 42 to 45, 79, 94, 100).</i></p> |
| Environmental Health | |
| Initial referral | <p>Councils Environmental Health team raised no objection and comment:</p> <ul style="list-style-type: none"> A detailed site investigation report to demonstrate that the site is suitable for the proposed use as per the recommendations of the preliminary contamination investigation submitted with the application is required; The recommendations of the Acoustical Noise Assessment Report submitted with the application included recommended noise mitigation measures. These shall be imposed as conditions of consent. Subject to recommended conditions, the proposal is acceptable. <p><i>Comment: The recommended conditions of consent have been included in the draft consent. (See condition numbers 22, 23, 36 to 41, 66 to 71, 97 to 100).</i></p> |
| City Works for Traffic & Public Domain | |
| Initial referral | <p>Amended information was requested to enable completion of the assessment. Information sought is outlined as follows:</p> <ul style="list-style-type: none"> Swept path shall adopt AS2890.1 design vehicles. Updated swept path analyses is required with regard to: <ul style="list-style-type: none"> B85 Car Inbound with B99 Car Outbound from/to Rowe Street for both directions. B99 Car Left Turn Outbound from the Car Park to Rowe Lane. Clarification is required on vehicle access arrangements, owing to inconsistencies in submitted information. The traffic report should make reference to Council's Eastwood Traffic & Parking Study. The submitted traffic assessment presented is not calibrated to reflect existing conditions. |
| Second referral | <p>Council's City Works team raise no objection and comment:</p> <ul style="list-style-type: none"> The 2018 Cardno traffic and parking study prepared on behalf of Council assessed traffic impacts of expanding the existing at grade public car park would have minimal impacts on the intersections across the town centre. The traffic report submitted with the application notes the proposal will have negligible impacts on the local road network and is not intended to generate additional traffic into the precinct, rather it will assist with supplementing the current shortfall of off street parking in the centre. |

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| | <p>This is supported by the Cardno study which identifies a shortfall of 250 car spaces in the town centre.</p> <ul style="list-style-type: none"> • There is potential for queuing onto the street should boom gates be installed in the future. Should parking management options be considered, vehicle number plate recognition systems without boom gates at the entry point or pay and display parking should be considered. • Street trees are required to be planted at the Rowe Street frontage in accordance with the Public Domain Technical Manual and Eastwood Street Tree Master Plan. The exact location will have to be approved by Council's landscape architect. • Subject to recommended conditions, the proposal is acceptable. <p><i>Comment: The recommended conditions of consent have been included in the draft consent. (See condition number 12-13, 45-53, 60-63, 78, 87-95).</i></p> |
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10. PUBLIC NOTIFICATION & SUBMISSIONS

The application was advertised in the *Northern District Times* on 27 March 2019, and was advertised for a twenty-one (21) day period from 27 March 2019 until 17 April 2019 inclusive. This process included the sending of three hundred and seventy four (374) letters to the owners/residents/tenants of surrounding properties.

In response three (3) submissions were received. The issues raised in the submissions included the following:

- *Increase traffic as a result of the proposal, illegal parking and trolley dumping.*

Comment: The Traffic Study has identified that the traffic generation rates for the car park are as follows:

- 0.40 peak hour vehicle trips per parking space for the AM peak hour period
- 1.03 peak hour vehicle trips per parking space for the PM peak hour period and Saturday peak hour period.

It is assumed that the additional vehicle trips generated by the proposed development are evenly split between inbound and outbound movements. Utilising the above rates and travel assumptions, the proposed 150 space parking facility (which represents an additional 101 spaces), is anticipated to generate the following additional vehicle trips to and from the site during peak periods:

- 41 additional vehicle trips during the weekday morning peak hour period comprising 21 inbound and 20 outbound movements
- 104 additional vehicle trips during the weekday evening peak hour period comprising 52 inbound and 52 outbound movements
- 104 additional vehicle trips during the weekend midday peak hour period comprising 52 inbound and 52 outbound movements.

SIDRA analysis has been completed that confirms the additional traffic generated by the proposed development is not expected to have any significant impacts on the surrounding road network.

There is nothing to suggest that the development will result in additional illegal parking or trolley dumping.

- *The proposed sight distances at Rowe Street should be improved for pedestrian and driver safety.*

Comment: The entry and exit configuration is of sufficient width and affords good sight distances and is able to accommodate access swept paths. This has been confirmed by the Senior Development Engineer.

- *Provision of charging stations for electric motorcycles and scooters should be provided.*

Comment: The development does propose two (2) charging station spaces for electric vehicles at the ground floor of the proposed car park. This system is proposed to be a multi-point system that will allow for the charging of cars as well as scooters and motorcycles.

11. THE PUBLIC INTEREST

The standards and 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 building height standard under the RLEP 2014, the variation was considered and deemed to be acceptable pursuant to Clause 4.6 of RLEP 2014. The development has otherwise 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 B4 zone. In its current form, the proposed development is therefore considered to be in the public interest. Further, the proposal will provide significant public benefits in addressing the current and significant shortfall of public car parking within the Eastwood town centre.

12. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site is not affected by notable hazards such as flooding or bushfire prone land. The proposal as amended is considered to be suitable for the subject site for the reasons contained within the report.

13. CONCLUSION

After consideration of the development against section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Consideration of various design matters by the UDRP and Council's technical departments have been addressed in the amended design, with any matters of concern recommended to be addressed via conditions of consent.

The proposal is generally consistent with the desired future character of the Eastwood Town Centre precinct as identified in the relevant planning instruments. It will contribute to economic growth and prosperity of Eastwood town centre by addressing the current

short fall of free public car parking and facilitate the orderly development of the site. The proposed multistorey car park building is of high-quality architectural design, which has responded to its site constraints and the site's location within the B4 mixed use zone.

This report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. This report recommends that consent be granted to this application in accordance with recommended conditions provided in *Attachment 1*. These conditions have been reviewed by the applicant who has agreed with all of the conditions (see letter at *Attachment 3*).

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

14. RECOMMENDATION

Pursuant to Section 4.16 of the EP&A Act 1979 the following is recommended:

- a) That the Sydney North Planning Panel grant consent to development application LDA2019/0073 for demolition of existing public car park to construct a multi-level public car park to accommodate 146 cars subject to the conditions of consent in **Attachment 1** of this report.
- b) That a copy of the development consent be forwarded to NSW Roads and Maritime Service.

Report prepared by:

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