

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSNH-85
<b>DA Number</b>	LDA2020/0133
<b>LGA</b>	City of Ryde
<b>Proposed Development</b>	<p>Construction of three (3) residential flat buildings containing a total of 150 apartments 6 – 11 storeys in height with three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces.</p> <p>It is proposed to provide a mix of social and private housing, with 30 social housing units provided, within Building A.</p> <p>Associated site preparation and civil engineering works and landscaping works are also proposed.</p>
<b>Street Address</b>	63 – 77 West Parade, West Ryde
<b>Applicant/Owner</b>	<p>Applicant: Billbergia Pty Ltd</p> <p>Owner: NSW Land and Housing Corporation</p>
<b>Date of DA lodgement</b>	22 May 2020
<b>Number of Submissions</b>	Twenty (20) submissions were received. Nineteen (19) objecting to the proposal, and one (1) in support of the proposal.
<b>Recommendation</b>	Deferred Commencement Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<p>General Development over \$ 30,000,000.</p> <p>The development has a capital investment value of \$ 57,550,791.00</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2000;</li> <li>• Environmental Planning and Assessment Act 1979;</li> <li>• State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land;</li> <li>• State Environmental Planning Policy (SEPP) (State and Regional Development) 2011;</li> <li>• State Environmental Planning Policy (SEPP) (Infrastructure) 2007;</li> <li>• State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004;</li> <li>• State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Flat Development;</li> <li>• State Environmental Planning Policy (SEPP) (Vegetation in Non-Rural Areas);</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Draft Remediation of Land (State Environmental Planning Policy);</li> </ul>

	<ul style="list-style-type: none"> <li>• Draft Environment State Environmental Policy;</li> <li>• Ryde Local Environmental Plan 2014; and</li> <li>• Ryde Development Control Plan 2014.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1: Conditions of consent Attachment 2: Supplementary details submitted by applicant regarding tenure mix and housing distribution.
<b>Clause 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Bulk and Scale of the Proposal</li> <li>• Building Height</li> <li>• Traffic Impacts</li> <li>• Overshadowing</li> <li>• Construction Impacts on Adjoining Building</li> </ul>
<b>Report prepared by</b>	Alicia Hunter, Senior Town Planner
<b>Report date</b>	November 2020

#### Summary of s4.15 matters

**Yes**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

#### Legislative clauses requiring consent authority satisfaction

**Yes**

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

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### Clause 4.6 Exceptions to development standards

**Not  
Applicable**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

#### Special Infrastructure Contributions

**Not  
Applicable**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### Conditions

**Yes**

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## Assessment Report and Recommendation

### 1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a residential development at 63 – 77 West Parade, West Ryde (Lot 1 - 8 DP 19985).

The application proposes the construction of three (3) residential flat buildings. Specifically, the proposal comprises:

- Site preparation and civil engineering works;
- Construction of three (3) residential flat buildings 6 – 11 storeys in height containing a total of 150 apartments (30 to Building A, 57 to Building B and 63 to Building C). The proposal will comprise of a mix of social and private housing, with 30 social housing units provided, within Building A.
- A common basement, with three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces and loading dock, storage areas and servicing; and
- Landscaping works, including the removal of 40 of 44 of the trees on site.

Note: As a result of the proposed development two (2) trees will be required to be removed from the adjoining site to the east. The site is owned by Sydney Trains.

Concept Plan Approval (CPA) MP09\_0029 was granted 18 June 2010 for the development of the site. This Concept Approval has been subsequently amended overtime. As a result of these amendments, the following building envelope controls are applicable to the site:

- CPA MP09\_0029 MOD 2 allows for a maximum gross floor area of 13,149m<sup>2</sup>. The application proposes a total gross floor area of 13,149m<sup>2</sup>;
- CPA MP09\_0029 MOD 2 for construction of three (3) residential flat buildings containing a total of 150 apartments, 6 – 11 storeys in height; and
- CPA MP09\_0029 MOD 2 also provided for building envelope controls, as they relate to building setbacks and separation.

The development application was notified and advertised between 11 May 2020 and 5 June 2020. Twenty (20) submissions were received. Nineteen (19) objecting to the proposal, and one (1) in support of the proposal.

Concerns raised in the submissions related primarily to the bulk and scale of the proposal as well as the proposed building height and associated traffic impacts. Additional concern was raised with regard to overlooking, and construction impacts on adjoining buildings.

The proposal is consistent with the provisions detailed within MP\_0029 (and subsequent Modifications MP\_0029 MOD 1, MOD 2 and MOD 3), including the Statement of Commitments (as amended by MOD 2) and the NSW Future Directions for Social Housing Policy.

The development does not comply with the floor space ratio or building height requirements of the Ryde Local Environmental Plan 2014 (RLEP 2014). However, the Concept Plan Approval prevails over the requirements of the RLEP 2014.

The application has demonstrated that the site can be appropriately remediated and made suitable for the proposed use under clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Appropriate conditions are included on the draft consent (Attachment 1).

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. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

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

## **2. APPLICATION DETAILS**

**Applicant:** Billbergia Pty Ltd

**Owner:** NSW Land and Housing Corporation

**Estimated value of works:** \$ 57,550,791.00

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

## **3. SITE DESCRIPTION**

The subject site is located at 63 – 77 West Parade, West Ryde and legally described as Lot 1 - 8 DP 19985. The site is vacant and is a rectangular shaped allotment, with a primary frontage to West Parade and the T9 Northern Railway line to its eastern boundary. Historically a single dwelling existed on each lot, which have all been demolished.

The site has a total combined area of 3,748m<sup>2</sup> and is currently vacant with scattered vegetation located throughout.

The site has a sloping topography with a RL of 30.39 toward the south-eastern corner of the site, and an RL of 29.00 toward the north-western corner of the site.

Surrounding development consists of a mix of residential, commercial and retail development. To clarify the location of the application site and specifically that of the subject site, refer to the aerial image in **Figures 1** and photographs of the site in **Figures 2 to 5**.



**Figure 1: 63 – 77 West Parade, West Ryde (Hatched in orange).**



**Figure 2: 63 – 77 West Parade, West Ryde. Looking north along West Parade.**





**Figure 3:** 63 – 77 West Parade, West Ryde. Looking east into the subject site.



**Figure 4:** 63 – 77 West Parade, West Ryde. Looking south into the subject site.



**Figure 5:** 63 – 77 West Parade, West Ryde. Looking south into the subject site (61 West Parade in the background).

#### **4. SITE CONTEXT**

Development in the vicinity of the subject site comprises a mixture of residential, commercial and retail development. **Figure 8** shows the site in its context, as follows:

**North:** The West Ryde Train Station commuter car park is located directly north of the site.

**South:** Two (2) nine (9) storey residential flat buildings with a two (2) storey car parking area and swimming pool (61 West Parade, West Ryde) is located directly south of the subject site. Further south is West Ryde Train Station and the West Ryde Town Centre containing a mix of high density residential, retail and commercial premises. See **Figure 6**.



**Figure 6: South of the site – 2 x 9 storey residential flat buildings.**

**West:** Directly west of the site is a number of three (3) storey residential flat buildings, as shown in **Figure 7**.





***Figure 7: West of the site – Three (3) storey residential flat buildings.***

***East:*** Directly east of the site is the T9 Northern Railway line. Further east of this is the Ryde-Eastwood Leagues Club.





**Figure 8: Site context**

## 5. PROPOSAL

The application proposes the construction of three (3) residential flat buildings. Specifically, the proposal comprises:

- Site preparation and civil engineering works;
- Construction of three (3) residential flat buildings 6 – 11 storeys in height containing a total of 150 apartments (30 to Building A, 57 to Building B and 63 to Building C). The proposal will comprise of a mix of social and private housing, with 30 social housing units provided, within Building A.
- A common basement including three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces and loading dock, storage areas and servicing; and
- Landscaping works, including the removal of 40 of 44 of the trees on site and 2 (two) trees on the adjoining site to the east.

### Site Preparation and Tree Removal

Site preparation works include the removal of 40 trees of the 44 on site. These are noted in red at **Figure 9** below. Of the 40 trees proposed to be removed six (6) are considered to be high category, nine (9) are considered to be medium category and 25 are considered to be low category.

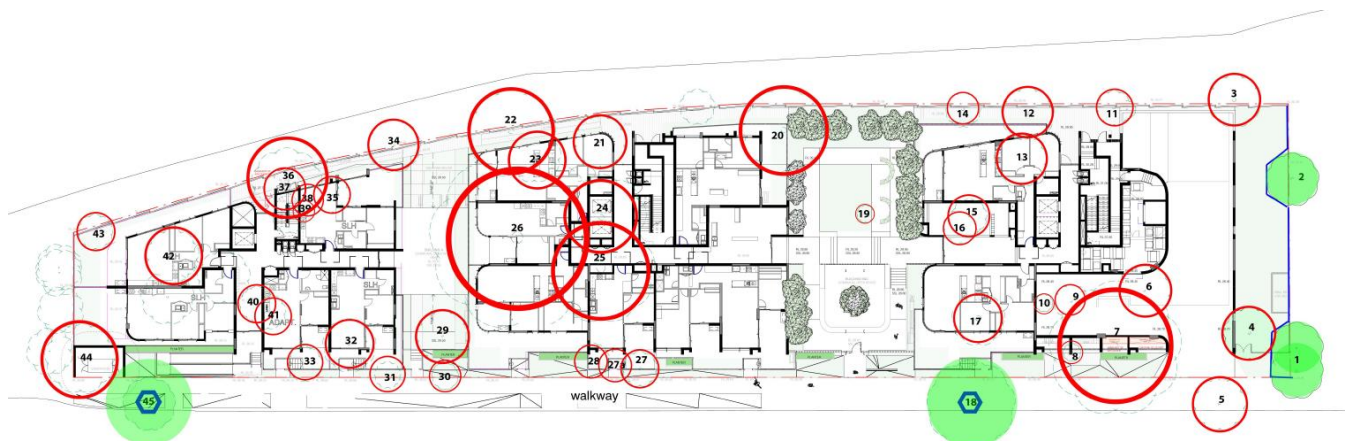
It is noted that none of the six (6) high category trees proposed to be removed are locally native species. Further, only twelve (12) trees to be removed are endemic to the Ryde LGA and of which are comprised of mainly short-lived, minor trees.

Of the 25 low category trees proposed to be removed, 12 are exempt under Ryde DCP 2014 Part 9.5 Tree Preservation and can be removed without development consent.

The majority of trees to be removed are located within the proposed building footprint or within close proximity to the basement level excavation, associated piling works are proposed within the structural root zone of these trees, with the exception of tree five (5). Tree five (5) located toward the south-west corner of the site is located within the public domain and is proposed to be removed.

The two (2) remaining trees within the public domain (street trees No's. 18 and 45) are proposed to be retained.

In addition, the proposal included the removal of two (2) trees on the adjoining site to the east. Tree three (3) is located in the south-east corner of the site, and tree 34 is located directly east of the corner of Building A. Trees three (3) and 34 are located on land owned by Sydney Trains. No owners consent was provided with this application. These trees are required to be removed as they are located within close proximity to the basement level excavation and associated piling works.



**Figure 9: Trees to be removed (circled in red). Trees to be retained (highlighted in green)**

### Residential Flat Buildings

The application proposes to construct three (3) residential flat buildings containing a total of 150 apartments 6 – 11 storeys in height (see **Figures 10-12**). The three (3) buildings have a combined total Gross Floor Area (GFA) of 13,149m<sup>2</sup>.

The 150 apartments are to be distributed between the three buildings as follows:



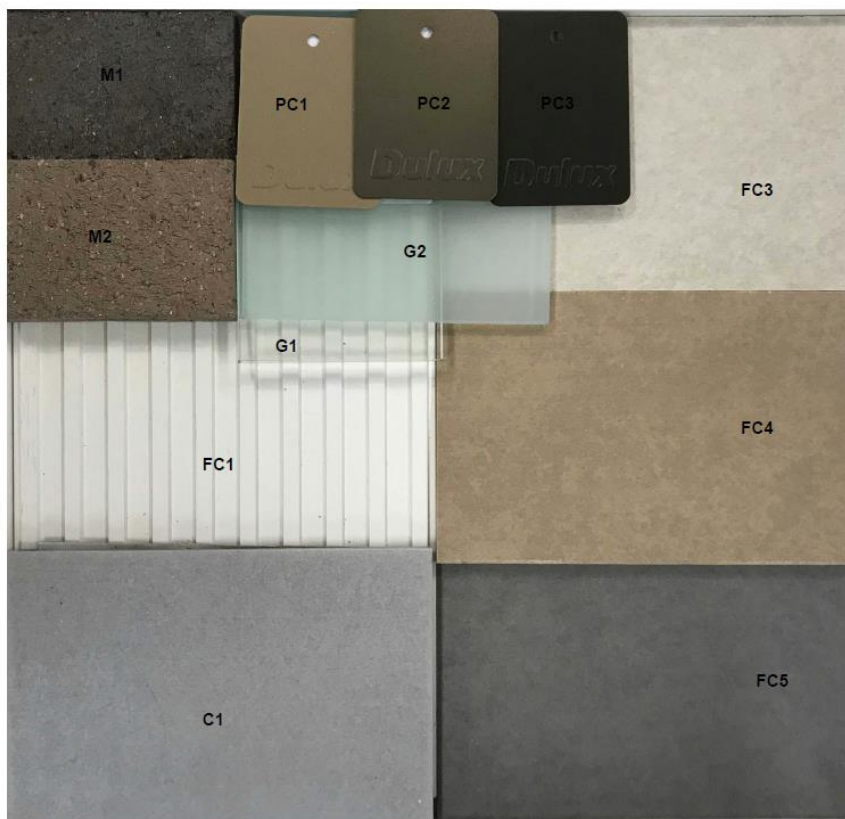
- The proposal will comprise of a mix of social and private housing, with the 30 apartments within Building A all provided as social housing units. This will result in a mix of 30 social housing apartments and 120 private apartments – a ratio of 80:20.





**Figure 12: Photomontage of the proposed development (View toward south of the site along the T9 Rail line).**

As shown in **Figure 13**, it is proposed to construct the building with masonry, aluminium, concrete and glazed finishes.



**Figure 13: Material Finishes.**

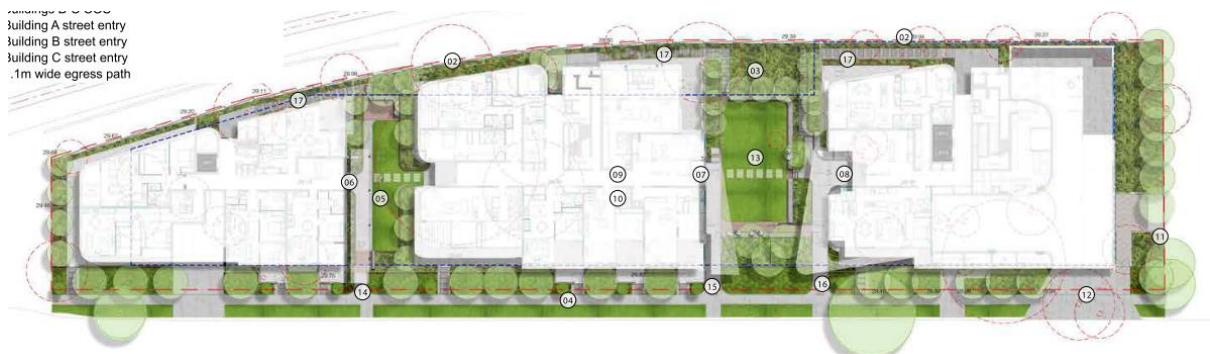


## Landscape and Public Domain

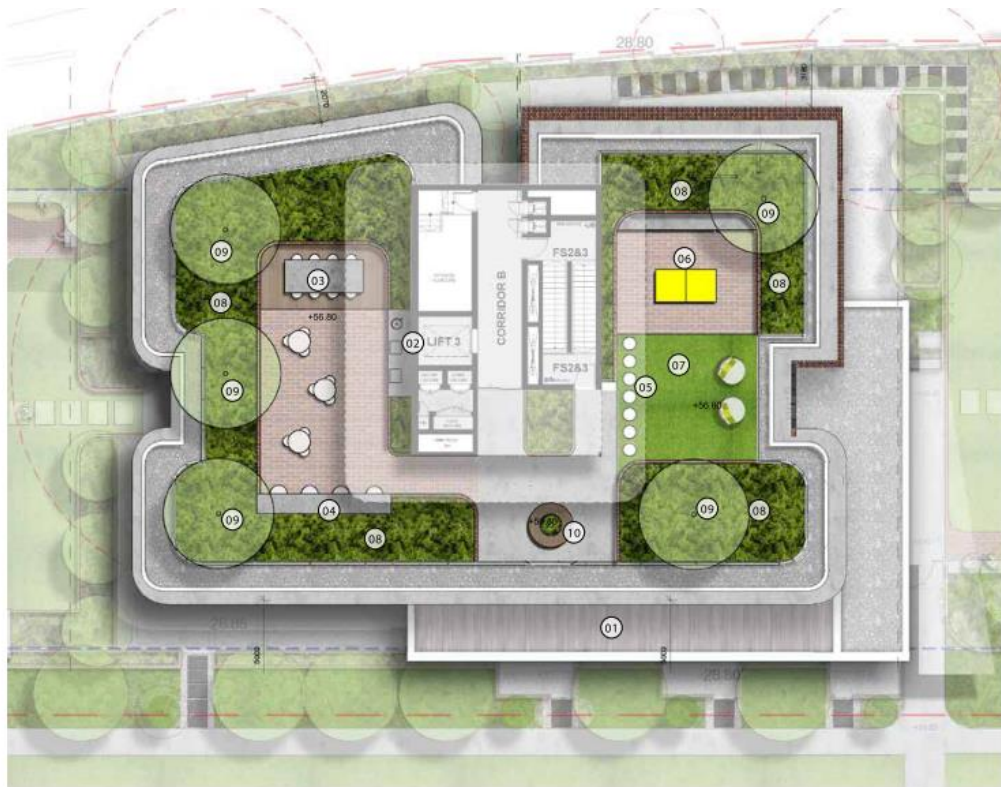
The application proposes a landscape strategy comprising of the following elements:

- Communal open spaces and landscape areas on the ground floor (560m<sup>2</sup>). See **Figure 14**;
- Landscape communal roof terrace to Building B (377m<sup>2</sup>). See **Figure 15**; and
- A total of 262.36m<sup>2</sup> of deep soil planting with a dimension of 6m, and a total of 309m<sup>2</sup> of deep soil planting with a dimension of 3m.

The proposal includes the planting of 66 new trees within the site including six (6) Tuckeroo trees, 41 Dwarf Lemon Scented Gum trees, 14 Quandong trees, four (4) Blueberry Ash trees and one (1) Water Gum. A number native shrubs, ferns and grasses are also proposed.



**Figure 14: Ground floor landscape plan.**



**Figure 15: Roof top landscape plan.**

The application proposes the construction of a combined three (3) storey basement car park containing 171 parking spaces and 23 bicycle spaces. Associated plant rooms and waste, loading and storage areas are also proposed.

## 6. BACKGROUND

On 2 February 2009 an application for Concept Approval was lodged with the New South Wales Department of Planning, Industry and Environment (formerly NSW Department of Planning) for consideration as a Major Project under Part 3A of the Environmental and Assessment Act, 1979 (EP&A Act).

Concept Approval MP09\_0029, granted 18 June 2010 granted consent for:

- The use of the site for residential, retail and commercial purposes;
- Excavation of the site for the construction of the basement car parking area;
- Construction of three (3) buildings containing a total of 138 apartments with a mix of social and private housing, as well as commercial floor space, retail floorspace and car parking; and
- Landscaping works.

**12 Storeys**

**6 Storeys**

**8 Storeys**

**5 Storeys**

**A**

**B**

**C**

**Basement Parking**

**Retail**

**Office**

**BUILDING A**

**BUILDING B**

**BUILDING C**

Page 14 of 79

The Concept Approval proposed 138 apartments, 77 to Building A, 32 to Building B and 29 to Building C. The proposal stated that Building A would comprise of private housing and Buildings B and C would comprise of social housing. Retail and commercial spaces were proposed in Buildings A and B. Despite this, no condition or commitments in this respect were included on the approval regarding the positioning or ratio of social housing within the development.

The Statement of Commitments under the original Concept Plan Approval included provision that the Applicant undertake the development in respect of the following:

- Housing NSW undertakes that the project will be designed with reference to all relevant codes, standards and regulations;
- Housing NSW will undertake the project, the delivery of all permanent social housing structures and elements together with all associated temporary works, in accordance with the conditions of approval and all associated documentation, codes, standards and regulations;
- Housing NSW undertakes that good trade practices and methodologies will be implemented throughout the project;
- Housing NSW will undertake the project in a manner to prevent or minimise harm to the environment resulting from the delivery and operation of the project;
- Housing NSW undertakes to protect public infrastructure which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project; and
- Housing NSW undertakes to protect private property which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project.

Three (3) subsequent modifications have been granted overtime. MP09\_0029 MOD 1 was approved on 20 October 2014 and extended the lapsing date of the concept approval from 18 June 2015 to 18 June 2018.

Further, MP09\_0029 MOD 2 granted 20 November 2018 comprised of the following:

- Deletion of the approved commercial and retail floor space;
- An increase in the provision of dwellings from 138 to a maximum of 150;
- Revised building envelopes, including building height, separation and setbacks;
- Amendment to the provision of car parking numbers; and
- Extending the lapsing date from 18 June 2018 to 18 June 2020.

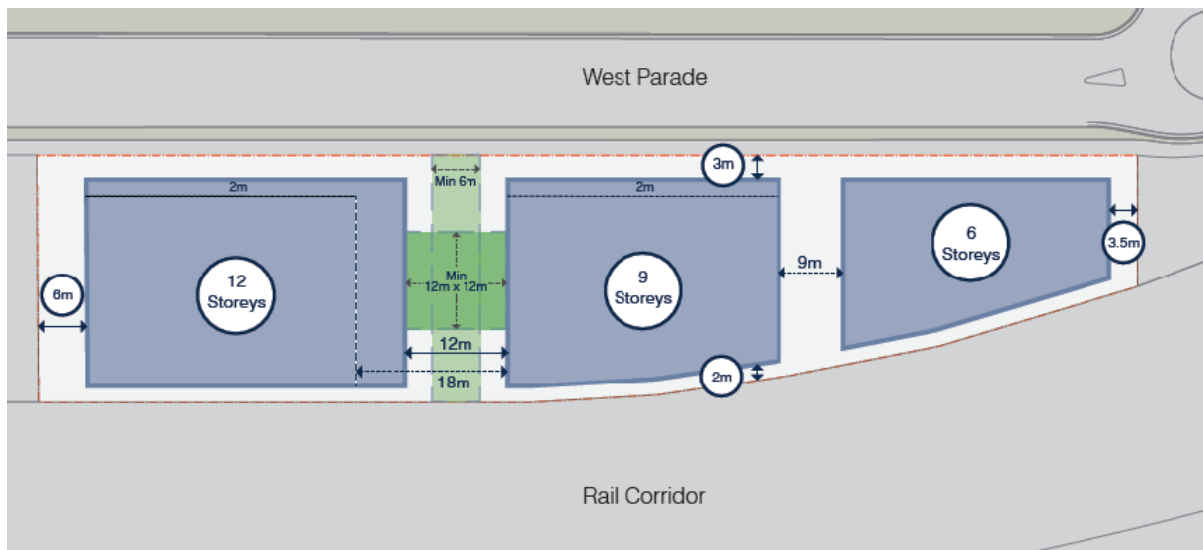
Further, an amendment was made to the Statement of Commitments. The amendments included an applicant name change (Housing NSW to LAHC) and an amendment to Commitment 1. The amendment included the requirement to assess any future project for consistency with the NSW Future Directions for Social Housing Policy. Commitment 1 now reads as follows:

- LAHC undertakes that the project will be assessed for consistency with the NSW Future Directions for Social Housing Policy and be designed with reference to all relevant codes, standards and regulations.

The amended approved building envelope is shown in **Figures 17 and 18**.



**Figure 17: Concept Plan MP09\_0029 (Mod 2) Approved Building Envelope (Height).**



**Figure 18: Concept Plan MP09\_0029 (Mod 2) Approved Building Envelope (Building Separation and Setbacks).**

The most recent modification (MP09\_0029 MOD 3) was granted on 14 May 2019 to prevent the approval from lapsing. The lapsing date of the Concept Approval was amended to require the lodgement of a Development Application to Council by 20 June 2020.



## **6.2 Development Application History**

The applicant first met with Council in November 2019 for a pre-lodgement meeting and an Urban Design Review Panel meeting (UDRP). The UDRP raised a number of issues with the proposal which have been addressed in the amended development application.

The development application was lodged on 28 April 2020 and notified and advertised between 11 May 2020 and 5 June 2020. Twenty (20) submissions were received. Nineteen (19) objecting to the proposal, and one (1) in support of the proposal.

Following lodgement of the development application the applicant again met with the UDRP (11 June 2020). On 1 July 2020 the UDRP provided comments regarding the submitted proposal.

The UDRP noted that upon resubmission of amended plans, the application was not required to be re-referred to the UDRP, instead it was recommended that Council's Urban Designer review the application as amended.

Amended plans were received by Council on 20 July 2020, Council's Urban Designer reviewed the amended plans, and their comments have been incorporated below.

A preliminary review of the application was undertaken and additional information was requested by Council on 7 August 2020.

The issues raised/information requested can be summarised as follows:

a) Built Form, Scale and Density

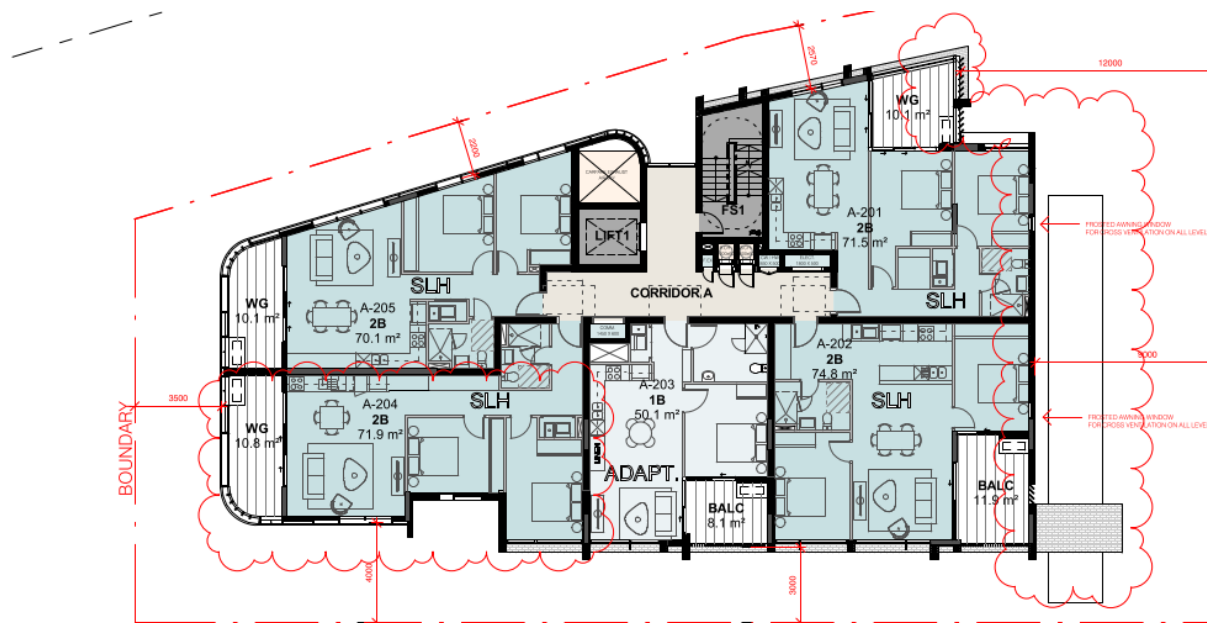
*Building Layout*

In its comments on 1 July 2020 the UDRP raised concern with the internal layout of the proposed corner units of each building and the orientation of the living areas and balconies to these units towards the rail line. The UDRP noted the adverse impact on an occupants amenity as a result of this proposed design.

Amended plans submitted on 20 July 2020 reconfigured the internal layout for each corner unit with living areas positioned away from the rail line. Council's Urban Designer reviewed the amended plans and noted that the amended reconfiguration did not adequately address the concerns raised by the UDRP, specifically relating to amenity of future occupants.

Further amended plans were submitted to Council on 19 August 2020, and Council's Urban Designer reviewed the amended plans and noted that the amended design had still not addressed matters previously raised.

On 14 September 2020 amended plans were submitted to Council. The amended plans reconfigured the internal layout of the corner units by relocating the winter gardens/balconies to the south (see **Figure 19**). This will ensure the amenity of future occupants is satisfactory, namely the living rooms were reconfigured to mitigate the acoustic impact from the rail line.



**Figure 19: Reconfigured internal layout of corner units.**

### *Basement Access*

In its comments on 1 July 2020 the UDRP raised concern with the proposed access ramps and substation being located within the front setback.

The 20 July 2020 amended plans removed the access ramps from the front setback and relocated the substations to within the building envelope of Buildings A and C. The deep soil areas were increased as a result.

### *Front Setback*

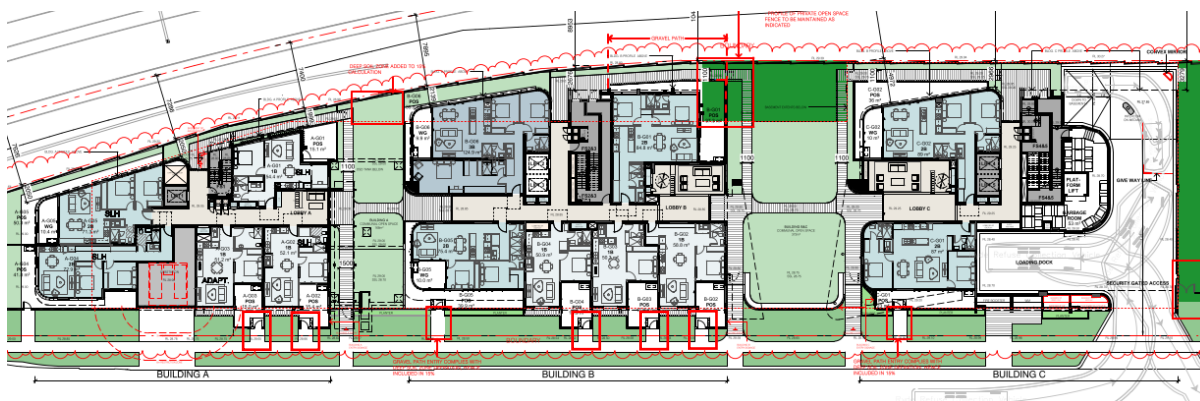
In its comments on 1 July 2020 the UDRP noted that an increase in significant landscaping within the front setback is required, as well as the relocation of overhead powerlines.

The 20 July 2020 amended plans reconfigured the ramps and accessways from the front setback and provided a significant increase in deep soil planting. The applicant noted that the relocation of overhead powerlines would be addressed prior to the issue of a Crown Building Works Certificate.

Council's Urban Designer reviewed the amended plans and noted that the amended plans removed the ramps and accessways from the front setback and provided a significant increase in deep soil planting. However, recommended the gated entry of the ground floor units be brought forward to address and activate the street frontage.

Further amended plans were submitted to Council on 19 August 2020. These were reviewed by Council's Urban Designer who noted that the amended design had not addressed matters previously raised.

On 14 September 2020 final amended plans were submitted to Council. The amended plans reconfigured the gated entry of the ground floor units. The entries were brought forward, and are considered to activate the street frontage (see **Figure 20**).



**Figure 20: Amended site plan demonstrating the active street frontage. Entry gates to the units are highlighted in red.**

### *Building Separation*

In its comments on 1 July 2020 the UDRP raised concern with the proposed building separation between the rear of the proposed buildings and the proposed acoustic wall. Concern was noted that no deep soil planting is proposed along this boundary, and that the proposed walkway may create additional amenity concern.

The 20 July 2020 amended plans included the provision of a continuous planter adjacent to the proposed acoustic wall. Further, the proposed walkways were removed along the eastern boundary.

It is noted that due to the location of the adjacent rail corridor, deep soil planting is not able to be achieved as Sydney Trains do not permit overhanging trees to a rail line.

### *Landscape*

In its comments on 1 July 2020 the UDRP raised concern with the lack of sufficient landscaping within the front setback of Buildings A and B. Reconfiguration of the access ramps and relocation of the substations was also recommended.

The 20 July 2020 amended plans reconfigured the ramps and accessways from the front setback and provided a significant increase in deep soil planting. In addition the amended plans demonstrated the relocation of the substations.

Further to this the UDRP noted that the communal open space areas between Buildings A and B seems to serve Building A only whereas Buildings B and C have access to the larger space to the south and the roof space at Building B reducing equitable access to communal open space to all future occupants.

The amended plans submitted on 20 July 2020 reconfigured the internal layout for lobby of Building B. Access to the lobby and roof top communal open space is achievable for all future occupants.

### *Amenity*

In its comments on 1 July 2020 the UDRP raised concern with the pathway located along the rear boundary setback, and that the proposed walkway may create amenity concern for future occupants. The UDRP recommended additional planting be proposed in this setback.

The 20 July 2020 amended plans removed the proposed walkway along the rear boundary. In addition, the amended plans included the provision of a continuous planter adjacent to the proposed acoustic wall.

The UDRP also noted concern with the communal open space between Buildings B and C being used as an entry/egress point to access buildings.

The 20 July 2020 amended plans also demonstrated the relocation of the building access points to be adjacent to the edge of each building. The communal open space is free of primary access pathways (see **Figure 21**).



**Figure 21: Landscape plan demonstrating primary access pathways to each building.**

## Safety

The UDRP noted that each proposed building should have its own clear street address with the lift's lobbies visible from the street and the communal open space should not be compromised by access ramps and the constant movement of visitors and residents through that area.

The 20 July 2020 provided each building with its own entry. Each entry is defined by individual design elements and entry canopies. The communal open space areas have been redesigned to promote movement of residents and visitors to the site.

## Housing Diversity and Social Interaction

In its comments on 1 July 2020 the UDRP raised concern with the provision of social housing being located wholly within Building A. Concern was noted that this may isolate the social housing component of the project, rather than more subtly integrating it throughout the development. This matter is addressed in Part 8.1 of this report.



## *Aesthetics*

In its comments on 1 July 2020 the UDRP raised concern with the extent of blank side walls, specifically the southern walls of Buildings A and B. The UDRP recommended the use of articulation and fenestration to provide visual interest and not close the building to that space.

The amended plans received on 20 July 2020 demonstrated the redesign of the southern facades of all three (3) buildings.

### b) Landscape

In its original review of the application, Council's Consultant Landscape Architect/Arborist requested the applicant provide an increase to the provision of deep soil areas throughout the site. It was also requested that further detail regarding these areas and detail regarding the proposed landscaping on the roof top of Building B be provided.

It was noted to the applicant that compliance with the requirements of the ADG must be achieved.

In addition, concern was raised with the lack of sufficient landscaping within the front setback of Buildings A and B. Reconfiguration of the access ramps and relocation of the substations was recommended.

Further to this, it was identified to the applicant that no deep soil planting is proposed along the rear boundary. Deep soil planting was requested to provide increased amenity levels for future occupants of the units facing the rear boundary.

It was also identified that Tree 3 (*Cinnamomum Camphora*) and Tree 34 (*Castanospermum Australe*) on the neighbouring property (within the rail corridor) may be impacted as a result of the proposed development. It was noted to the applicant that Sydney Trains will be required to be consulted and provide owners consent regarding the removal of this tree.

An amended landscape design was requested addressing the above matters.

### *Deep Soil Areas*

The amended plans submitted on 14 September 2020 demonstrated an increase in the provision of deep soil areas, and clarified calculation methods used.

Council's Consultant Landscape Architect/Arborist reviewed the amended plans and noted agreement with the calculation of the provision of deep soil areas.

### *Front Setback*

The 20 July 2020 amended plans reconfigured the ramps and accessways within the front setback which resulted in a significant increase in landscaped area.

### *Rear Setback*

On 20 July 2020 amended plans were submitted to Council. The amended plans included the provision of a continuous planter adjacent to the proposed acoustic wall. Further, the proposed walkways were removed along the eastern boundary.

The continuous planter is 0.5 – 1m in width and features a variety of strap leaf perennials and ferns as well as climbers.

Council's Consultant Landscape Architect/Arborist reviewed the amended plans and noted that the whilst the proposed planter does not meet Council's request in providing deep soil planting along the rear boundary, the planter will provide a sufficient landscape buffer given the allowable setbacks and site constraints.

It is noted that due to the location of the adjacent rail corridor, deep soil planting is not able to be achieved (Sydney Trains do not permit overhanging trees to a rail line).

#### *Podium Planting*

The 20 July 2020 amended plans included a revised section drawing for the roof top podium which demonstrated soil volume and depth for proposed landscaping.

#### *Neighbouring Trees*

The proposal included the removal of two (2) trees on the adjoining site to the east. Tree three (3) is located in the south-east corner of the site, and tree 34 is located directly east of the corner of Building A. Trees three (3) and 34 are located on land owned by Sydney Trains. No owners consent was provided with this application.

Council's Consultant Landscape Architect/Arborist noted that these trees are required to be removed as they are located within close proximity to the basement level excavation and associated piling works. No concern was raised with their removal.

Accordingly, as no owners consent has been provided, a deferred commencement condition is recommended (as shown at **Attachment 1**) requiring consent to be obtained for the removal of these trees prior to the activation of the consent as follows:

***Tree removal at Main Northern Railway Corridor. The submission of documentary evidence to Council that a separate development consent or a Tree Permit has been obtained for the removal of Trees 3 and 34 as shown on the Tree Assessment Table prepared by Bluegum Tree Care and Consultancy (dated March 2020).***

#### c) City Works (Traffic)

Council's Traffic Engineer reviewed the application and requested the following additional information:

- Amended heavy vehicle swept paths demonstrating access to the site can be achieved (in accordance with Council's Waste Vehicle template); and
- An amended access driveway design to allow simultaneous inbound and outbound movements of Council's Waste Collection Vehicle with a B99 car. The manoeuvring clearance of two vehicles passing one another shall be provided as per Clause 5.4c of AS2890.2-2018.

Additional information which satisfied the issues raised by Council was submitted on 13 October 2020.

d) City Works (Waste)

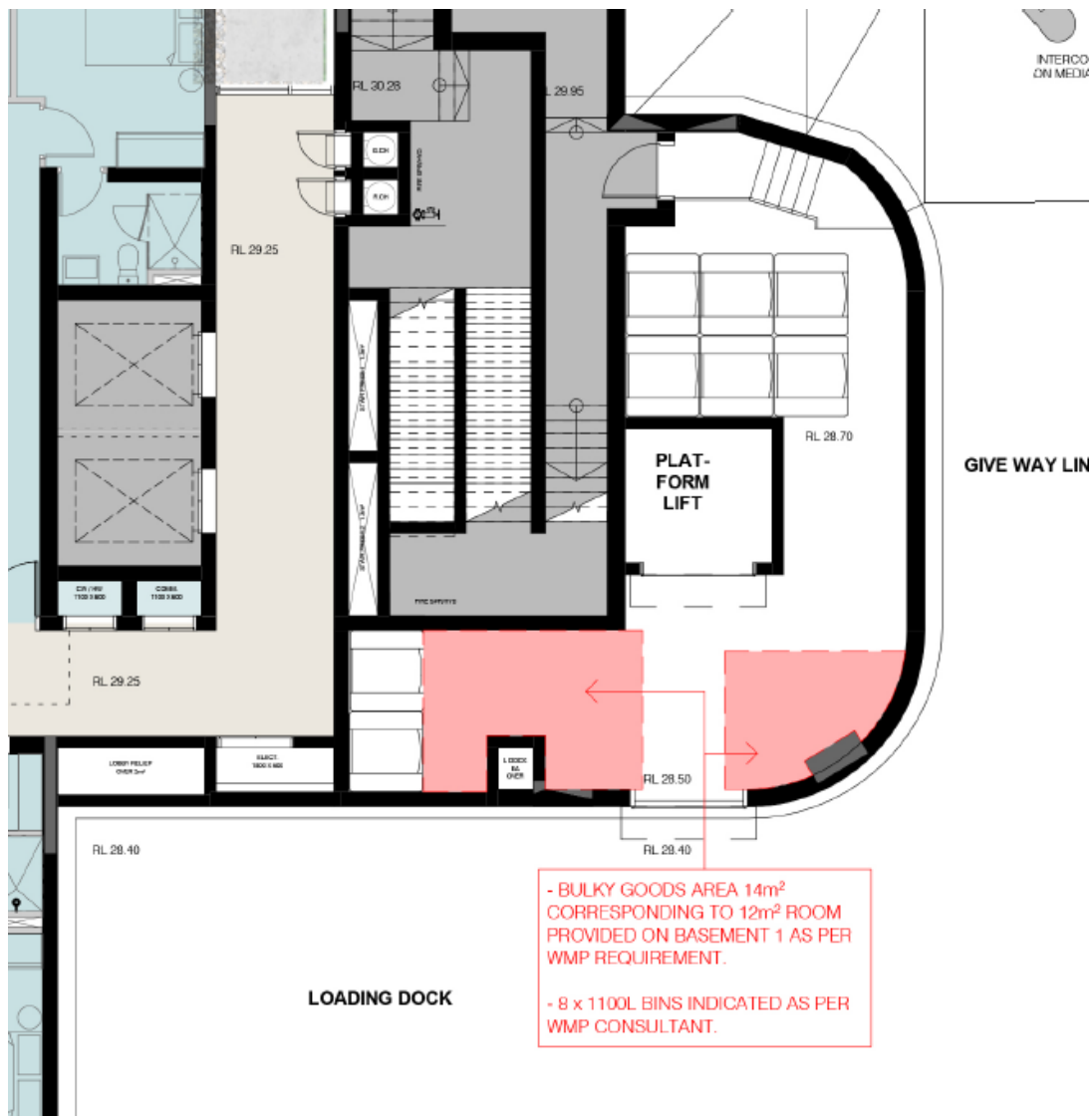
Council's Waste Officer reviewed the application as submitted and requested the applicant provide additional information with regard to:

- The bulk waste storage area and compliance with Council's Development Control Plan;
- The proposed resident parking entry point and its proximity to the loading dock;
- Height clearance of the car parking entry, and compliance with Council requirements; and
- Amended heavy vehicle swept paths demonstrating access to the site can be achieved (in accordance with Council's Waste Vehicle template).

A response to Council's Request for Information was received on 19 August 2020.

Council's Waste Officer reviewed this additional information and 4 September 2020 noted that details relating to the bulk waste storage area, as well as the additional heavy vehicle swept paths had not been submitted.

Additional information which satisfied the issues raised by Council was submitted on 13 October 2020 (see **Figure 22**).



**Figure 22: Amended waste storage plan.**

### Development Engineering

Upon lodgement Council's Senior Development Engineer reviewed the application and requested further information regarding potential drainage easements onsite, including:

- The OSD tank proposed to be located between buildings A & B;
- Onsite detention calculations;
- Roof drainage; and
- Long section details of the loading bay area.

A response to Council's Request for Information was received on 18 August 2020. Council's Senior Development Engineer reviewed the amended information and noted the following.

### *On Site Detention (OSD)*

With regard to OSD, Council's Senior Development Engineer notes:



*The revised stormwater plans depict that all roof and surface area drainage is routed to the OSD system (as requested) however due to the site being so flat, the consultant has nominated levels of surface drainage which are above the nominated architectural levels (generally 500mm difference). This is lines D & E only, which extends to the further south ends of the site.*

Council's Senior Development Engineer further notes:

*The revised design exacerbates the hydraulic efficiency of the system, with the consultants DRAINS modelling indicating that the system will surcharge (overflow due to inefficiency) at the extreme end of the drainage system (pits D1, E1 & F1), even sections arising from the minor (5yr ARI) storm event. This is concerning as the design does not provide well defined overland flowpaths to cater for this.*

In order to resolve this, Council's Senior Development Engineer has recommended that the surface drainage (garden paths, etc) south of the OSD system be reconfigured to discharge to the kerb, bypassing the OSD and that the roof drainage discharge directly to the OSD system under a separate system. Conditions of consent have been recommended in this regard. **(See Condition 55 & 56).**

#### *On Site Detention Calculations*

With regard to OSD calculations, Council's Senior Development Engineer noted:

*The applicant's calculations have determined the PSD based on the 5yr ARI pre-development, state-of-nature conditions (100% grass). This is a considerably more conservative design principal than Council's DCP and is accepted.*

Upon final review of the application, as amended, Council's Senior Development Engineering identified the following issues with respect to the RDCP.

- *The analysis does not correlate with the design principal. With the maximum 5yr ARI predeveloped site discharge determined to be 101L/s (less the road catchment), the post-development system results in a net discharge of some 179L/s for the 100yr ARI storm event (the road catchment should be disregarded – Council's DCP warrants consideration for development on the lot only);*
- *A significant proportion of runoff is surcharge flow (overflowing water) from the OSD system during the 100yr event. See the red figures highlighted in the applicants 100yr analysis below. This is estimated to be 130L/s during the 100yr ARI event and is likely to result in some 50-100mm of water over the footpath from the property. Councils DCP requires all runoff to be directed under a controlled manner up to this storm event; and*
- *The design does not utilise the full extent of the provided storage. The proposed level of the discharge pit is some RL28.40m yet the eastern portion has the underside of the tank at some RL28.77m.*

Council's Senior Development Engineer notes that in order to comply with the RDCP 2014, an amended design would be required. The amended design would be required to incorporate the following:

- Access grates raised such to ensure the upper portion of storage is fully utilised; and
- In order to fully eradicate any surcharge flows, the degree of storage will likely need to be increased. This could be achieved in various ways (possibly an onsite detention basin in the courtyard area or garden beds).

These amendments are capable of being resolved via condition with amendments made prior to the issue of a Crown Building Works Certificate. Conditions of consent have been recommended in this regard. **(See Conditions 55 & 56).**

### *Roof Drainage*

With regard to the amended roof drainage plan, Council's Senior Development Engineering has reviewed the amended plan, however, notes that it will be essential to separate the roof and surface drainage systems.

Conditions of consent have been recommended in this regard. **(See Condition 55).**

### *Section Plan*

On 13 August 2020, amended section drawings were submitted to Council. Council's Senior Development Engineering has reviewed the amended drawings and noted that appropriate details have been provided and demonstrated that a minimum 4.5m height clearance is achieved in the design. Appropriate conditions requiring the section details to be shown on the Crown Building Works Certificate plans will be recommended. **(See Condition 55).**

### e) Sydney Trains

In accordance with Clause 86(4) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Trains. A request for further information was received on 21 May 2020, specifically the applicant was requested to provide:

- Architectural and Structural Cross Section drawings.

In addition to this, a further request for information was received on 25 May 2020. The applicant was requested to clarify methods used in the submitted acoustic report.

Additional information was provided to Sydney Trains on 4 and 18 June 2020. Sydney Trains reviewed this additional information and on 8 July 2020 requested the applicant provide an updated Structural Assessment Report detailing an assessment of ground movements resulting from the proposed excavation. In addition, an updated monitoring plan was requested and a number of clarifications relating to the amended acoustic report. This information was provided to Sydney Trains on 28 July 2020.

Sydney Trains assessed the additional information provided in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007, and granted concurrence subject to appropriate conditions of consent. **(See Conditions 28-33, 75-79, 97-100, 130, 131 & 164-168.)**

## **7. APPLICABLE PLANNING CONTROLS**

The CPA was approved pursuant to the now repealed Part 3A of the EP&A Act (MP 09\_0209, as modified), and as such Clause 3B of Schedule 2 of the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 applies, which states:

*“the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan”.*

It follows that this assessment has been undertaken to ensure compliance with the CPA, however the development has also been assessed against the objectives of the Ryde LEP 2014 and Ryde DCP 2014.

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

- SEPP (State and Regional Development) 2011;
- SEPP No. 55 – Remediation of Land;
- SEPP (Infrastructure) 2007;
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP No. 65 Design Quality of Residential Flat Development);
- SEPP (Vegetation in Non-Rural Areas);
- Draft SEPP (Remediation of Land);
- Draft Environment SEPP;
- Ryde LEP 2014; and
- Ryde DCP 2014.

## **8. PLANNING ASSESSMENT**

### **8.1 Environmental Planning & Assessment (Savings, Transitional & Other Provisions) Regulation 2017**

#### Consistency with the Concept Approval

Schedule 2 of the EP&A (Savings, Transitional & Other Provisions) Regulation 2017 provides transitional arrangements following the repeal of Part 3A. Clause 2 of Schedule 2 provides that a project that is the subject of an approved concept plan is a ‘transitional Part 3A project’. Clause 3 of Schedule 2 provides that Part 3A continues to apply to, and in respect of, a transitional Part 3A project.

Clause 3B of Schedule 2 applies to a development for which a concept plan has been approved under Part 3A. Clause 3B(2)(a) provides that if Part 4 applies to the carrying out of the development, the development is taken to be development that

may be carried out with development consent under Part 4. Clause 3B(2)(f) provides that the provisions of any environmental planning instrument or any development control plan do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.

As stated above, Concept Approval MP09\_0029 was granted 18 June 2010. This Concept Approval has been subsequently amended overtime. As a result of these amendments, the following building envelope controls are applicable to the site:

#### *Gross Floor Area*

Concept Approval MP09\_0029 MOD 2 allows for a maximum gross floor area of 13,149m<sup>2</sup>. The application proposes a total gross floor area of 13,149m<sup>2</sup>.

#### *Building Height*

As shown in Figure 15 (earlier in this report), Concept Approval MP09\_0029 MOD 2 for construction of three (3) residential flat buildings containing a total of 150 apartments, and 6 – 11 storeys in height. The building envelope controls are as follows:

**Table 1: Building Envelope Controls**

Building	Control	Proposed	Complies
Building A (Northern most building)	6 Storeys/RL 50.0	6 Storeys/RL 50.0	Yes
Building B (Centre Building)	9 Storeys/RL 60.0	9 Storeys/RL 60.0	Yes
Building C (Southern most building)	12 Storeys/RL66.5	12 Storeys/RL66.5	Yes

#### *Building Setbacks and Separation*

As shown in **Figures 17 & 18**, Concept Approval MP09\_0029 MOD 2 also provided for building envelope controls, as they relate to building setbacks and separation. The controls are as follows.

**Table 2: Building Setback Controls**

Setbacks	Control	Proposed	Complies
Northern Boundary	3.5m	3.5m	Yes
Southern Boundary	6m	6.05m	Yes
Rear Boundary	2m	2m	Yes
Front Boundary	3m	3m	Yes

**Table 3: Building Separation Controls**

Separation	Control	Proposed	Complies
Building A – B	9m	9m – 18m	Yes
Buildings B – C	12m – 18m	15m – 18m	Yes



## Statement of Commitments

The Statement of Commitments are as follows.

**Table 4: Statement of commitments**

Conditions	Comment
A1. Development Description (MP09_0029 Mod 2)	The DA is considered consistent with the development description and Concept Plan drawings as revised by the most recent section 75W Application.
A2. Development in Accordance with Plans and Documentation. (MP09_0029 Mod 2)	The DA is generally consistent with the drawings, Environmental Assessment, Statement of Commitments and Architectural and Landscape Design Guidelines approved with the most recent section 75W Application.
A3. Maximum Gross Floor Area (13,149m <sup>2</sup> ) (MP09_0029 Mod 2)	13,149m <sup>2</sup> proposed, consistent with the condition.
A4. Inconsistencies between Documentation	Documentation is considered to be consistent.
A5. Date of Approval Liable of Lapse (18 June 2020) (MP09_0029 Mod 3)	Complies. Development Application was lodged on 22 May 2020.
<b>Part B – Future Environmental Assessment Requirements</b>	
Built Form	Comment
<p>Building Design</p> <p>Future Development Applications shall demonstrate that façade design on all elevations and the roof of buildings incorporates high quality architectural expression due to the highly visible location of the proposed development.</p>	<p>The UDRP raised concern with the extent of blank side walls, specifically the southern walls of Buildings A and B. The UDRP recommended the use of articulation and fenestration to provide visual interest and not close the building to that space.</p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans demonstrated the redesign of the southern facades of all three (3) buildings. The amended proposal included the addition of windows to each building as well as architectural elements to create visual interest. (see <b>Figure 23</b>).</p> <p>Council's Urban Designer reviewed the amended plans and advised no further comment is required regarding matters of Urban Design.</p>

Conditions	Comment
<p><b>DA DESIGN</b></p> <div data-bbox="207 336 510 757">  <p>BUILDING A</p> </div> <div data-bbox="646 336 949 757">  <p>BUILDING B</p> </div> <div data-bbox="1061 336 1364 757">  <p>BUILDING C</p> </div>	
<p><b>PTW RESPONSE</b></p> <div data-bbox="207 869 510 1290">  <p>BUILDING A</p> </div> <div data-bbox="646 869 949 1290">  <p>BUILDING B</p> </div> <div data-bbox="1061 869 1364 1290">  <p>BUILDING C</p> </div>	
<p><b>Figure 23: Original and amended design. Amended design demonstrating articulation elements.</b></p>	
<p><b>Privacy</b>  Future Development Applications shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts between Building A, B and C, and the adjacent West Parade properties.</p>	<p>Adequate privacy screening has been provided for. The proposal complies with the ADG.</p>
<p><b>Driveways</b>  Future applications shall clearly document the bus zone outside No. 75 West Parade which may need to be relocated as a result of the proposed driveway.</p>	<p>The application documentation clearly demonstrated the location of the bus zone area. Council's Public Domain Engineers have noted that the bus zone may need to be relocated while the upgrade works for the footpath are being undertaken.</p> <p>A condition has been recommended in the consent requiring the relocation of the bus zone area prior to the</p>

Conditions	Comment
	commence of works. This condition also requires the applicant to reinstate the bus zone area. The applicant will be required to submit details to Council prior to the commencement of works. <b>(See Condition 33, 66 &amp; 67).</b>
Travel Access Guide/Green Travel Plan Future Development Applications shall provide details of any Travel Access Guide (TAG)/Green Travel Plan prior to the occupation of any building on site. This should include an investigation of car sharing schemes.	A condition has been recommended in the consent requiring a Framework Travel Plan to be submitted to Council prior to the issue of a Crown Building Works Certificate. <b>(See Condition 171).</b>
Landscaping Future Development Applications shall include detailed landscape plans demonstrating that sufficient deep soil can be provided for landscaping, particularly along West Parade.	Sufficient deep soil areas compliant with the requirements of the ADG have been provided. The amended design has increased the deep soil areas within the setback to West Parade.
Design Objectives and Design Guidelines Future Development Applications shall demonstrate compliance with the Proponent's Design Objectives and Design Guidelines (Concept Plan Drawings prepared by Architectus, drawing numbers MOD0003 – MOD0006, 18 October 2018).	The proposed application is considered to comply with the Design Objectives and Guidelines. See Section 8 of the report.
Car Parking Future Development Applications shall apply car parking rates in accordance with either the City of Ryde's relevant car parking controls, car parking controls as specified in Part 3J of the Apartment Design Guide and the Affordable Rental Housing SEPP, whichever is less.	Three (3) basement car parking levels containing 171 parking spaces and 23 bicycle spaces have been proposed.  Complies with Part 9.3 of the RDCP 2014.  Note: The ADG directs compliance with the Guide to Generating Traffic Developments. The Guide requires a minimum of 140 parking spaces. The application proposes 171 parking spaces.  Compliance with the Guide is a recommended minimum, the provision of 171 parking spaces is considered acceptable.
<b>Schedule 4 – Statement of Commitments - General</b>	
LAHC undertakes that the project will be assessed for consistency with the NSW Future Directions for Social Housing Policy and designed with reference to all relevant codes, standards and regulations.	The Future Directions for Social housing Policy addresses the number of social housing apartments that should be provided in a development. This is discussed in greater detail at the end of the table.

Conditions	Comment
LAHC will undertake the project, the delivery of all permanent social housing structures and elements together with all associated temporary works, in accordance with the conditions of approval and all associated documentation, codes, standards and regulations.	The development (as amended) is considered to satisfy this commitment.
LAHC undertakes that good trade practices and methodologies will be implemented throughout the project.	The development (as amended) is considered to satisfy this commitment.
LAHC will undertake the project in a manner to prevent or minimise harm to the environment resulting from the delivery and operation of the project.	The development (as amended) is considered to satisfy this commitment.
LAHC undertakes to protect public infrastructure which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project.	The development (as amended) is considered to satisfy this commitment.
LAHC undertakes to protect private property which requires protection as a result of the project and to meet the cost of carrying out any repairs thereto which are attributable to the project.	The development (as amended) is considered to satisfy this commitment.
<b>Schedule 4 – Statement of Commitments – Specific Environmental Considerations</b>	
LAHC undertakes to incorporate high standards of environmentally sustainable design (ESD) and construction within the project.	<p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP. <b>(See Condition 3).</b></p> <p>The proposed development has been designed to incorporate cross ventilation, thermal massing, stormwater harvesting, grey water filtration and shade planting.</p> <p>The development (as amended) is considered to satisfy this commitment.</p>
LAHC will have regard to the strategic priorities and actions outlined in the current Environmental Sustainability Strategy (ESS) for LAHC during the design, construction and operation phases of the development.	<p>The proposal is considered to meet the priorities and actions outlined in the ESS by providing a development which meets the requirements of the ADG, as well as providing a built form which has been designed to incorporate cross ventilation, thermal massing, stormwater harvesting, grey water filtration and shade planting.</p> <p>A detailed Construction Management Plan was submitted as part of this application. The Plan details strategies and methods proposed to be used within the</p>

Conditions	Comment
	<p>construction phase of the development. This is considered appropriate in achieving the actions outlined in the ESS for LAHC.</p> <p>The development (as amended) is considered to satisfy this commitment.</p>
LAHC will undertake a preliminary environmental site assessment (PESA) and a hazardous materials assessment (HAZMAT).	<p>A Detailed Site Investigation (DSI) report was submitted as part of this application. Its findings are discussed in Part 8.3 of this report.</p> <p>The development (as amended) is considered to satisfy this commitment.</p>
Dependent upon the findings of the PESA and HAZMAT, Housing NSW LAHC will undertake further studies and if necessary carry out remediation works as are considered appropriate to accord with acceptable industry standards and practices.	<p>A Detailed Site Investigation (DSI) report was submitted as part of this application. Its findings are discussed in Part 8.3 of this report.</p> <p>The development (as amended) is considered to satisfy this commitment.</p>
LAHC has undertaken preliminary acoustic, drainage and groundwater, geotechnical and wind assessment studies. The findings of such studies are incorporated within the Environmental Assessment. Further assessment studies will be undertaken if recommended or required. The recommendations of all such studies will be implemented to accord with acceptable industry standards and practices.	<p>An acoustic report, geotechnical report and wind assessment were submitted as part of this application.</p> <p>Conditions have been recommended to ensure the findings are implemented. <b>(See Conditions 42, 43, 59 &amp; 112).</b></p> <p>The development (as amended) is considered to satisfy this commitment.</p>
LAHC as the owner of the project will implement appropriate environmental management strategies and practices to realise and maintain for the benefit of residents and the greater community the advantages resulting from the ESD design and construction principles embodied within the project.	<p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP. <b>(See Condition 3).</b></p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>The development (as amended) is considered to satisfy this commitment.</p>

### Compliance with Concept Approval

MOD 2 amended the Concept Approval to include an amended Statement of Commitments. This amendment outlined commitments in respect of the projects consistency with New South Wales (NSW) Future Directions for Social Housing Policy.



The Statement of Commitments amended as part of MOD 2 (MP09\_0029) states that:

*LAHC undertakes that the project will be assessed for consistency with the NSW Future Directions for Social Housing Policy and be designed with reference to all relevant codes, standards and regulations*

Of particular relevance to this development application, action 1.1(d) of the NSW Future Directions for Social Housing Policy states that:

The NSW Government will:

*(d) Ensure large developments target a 70:30 ratio of private social housing to enable more integrated communities (generally with an increased number of social housing where practical).*

It is proposed to provide 150 apartments (30 to Building A, 57 to Building B and 63 to Building C). This will result in a mix of 30 Social Housing Apartments and 120 private apartments – a ratio of 80:20.

In Council's initial assessment, it was considered, given the cost, the density and the scale of the development, that the proposal is 'large in scale', and as such, inconsistent with Action 1.1(d) of the NSW Future Directions for Social Housing Policy.

This was advised to the applicant, where it was also identified that the distribution and access arrangement of the apartment mix was not considered to be conducive to a fully integrated development for social housing. Noting the Social Housing Apartments are proposed to be wholly contained in Building A.

In response to these matters the applicant provided a Tenure Mix Impact Assessment, prepared by Urbis (dated 16 October 2020), a letter prepared by Mr Richard Wood, Program Director, Delivery (LAHC) (dated 16 October 2020) and a letter prepared by Mr Lyal Gorman, Chief Executive Officer, Evolve Housing Limited (dated 12 October 2020). These documents are included at **Attachment 2**.

The consistency with these components of the Statement of Commitments is discussed below:

#### *Tenure Mix*

The social housing component of the proposal is part of the NSW Government's Communities Plus program. The program is underpinned by the NSW Future Directions for Social Housing Policy which aims to create sustainable and responsive outcomes for social housing tenants within NSW. The Policy is underpinned by three (3) key strategic priorities which are as follows:

- More social housing;
- More opportunities, support and incentives to avoid and/or leave social housing; and
- A better social housing experience.

Supporting these policies are a number of Action Items. As discussed above, it was identified to the applicant that the proposal is considered to be inconsistent with Action 1.1(d) of the NSW Future Directions for Social Housing Policy which requires large development to ensure a target of a 70:30 ratio of private to social housing is provided for.

Addressing this matter specifically, in its Tenure Mix Assessment, prepared by Urbis, the author noted:

With regard to large developments, Urbis noted:

*The targeted 70:30 ratio was intended in Action 1.1 of Future Directions to apply to 'large developments'. Future Directions does not include a definition of 'large developments'. However the separation of Communities Plus, the NSW Government's primary program for the redevelopment of social housing stock, into two streams creates a de facto definition, where 'major sites' equate to 'large development' and 'other sites' equate to medium to small development. This definition aligns with research findings, discussed in Chapter 5, that there is greater benefit in looking at the spatial allocation of social, affordable and private housing at a neighbourhood scale (4,000 – 8,000 residents) compared to at a project scale.*

*The proposed development of 150 units is therefore best understood, according to both policy and research, as a small to medium development.*

In a letter dated 16 October 2020, Program Director, Delivery, Mr Richard Wood confirmed this finding. Mr Wood detailed that through the Communities Plus program, selected development sites are identified offered to the market and include neighbourhood scale and major urban transformation redevelopments. Mr Wood specifically notes that:

*The West Ryde project is not considered a 'large' project by LAHC as it falls within the Neighbourhood scale of Communities Plus.*

In addition, Mr Wood states:

*It is important to note that the target of a 70:30 ratio is just that; a target. Future Directions does not require a 70:30 ratio.*

Urbis, in its Tenure Mix Assessment, further noted:

*The 70:30 ratio was also identified in Future Directions as a target, rather than a development standard. The forthcoming Housing Strategy for NSW, expected to be completed in 2021, is set to supersede Future Directions. The Discussion Paper leading into the Housing Strategy does not specify a desired tenure ratio split or development standards for social housing developments. In addition, neither the State Environmental Planning Policy (Affordable Rental Housing) nor the proposed State Environmental Planning Policy (Housing Diversity) contain planning controls relating to the preferred tenure mix in social housing developments which incorporate other tenures.*

Upon review of the additional information received, Council is satisfied and agrees with the advice of Mr Wood and that of Urbis. It is furthermore considered that the proposed development is of neighbourhood scale, as such, the 70:30 ratio of private to social housing is not considered relevant to this proposal.

It is considered that sufficient evidence has been provided demonstrating that the proposed tenure mix of 80:20 is appropriate in achieving consistency with the Statement of Commitments amended as part of MOD 2 (MP09\_0029), specifically noting that the proposal is not considered to be large in scale, and that the ratio, is a target, rather than a development standard.

The proposed development will aid in the redevelopment of the subject site for purposes of social housing and meet the strategic priorities of the Future Directions Policy.

### *Distribution of Housing*

It was identified to the applicant that the distribution and access arrangement of the apartment mix is not considered to be conducive to a fully integrated development for social housing. Noting the Social Housing Apartments are proposed to be wholly contained in Building A.

Addressing this matter specifically, in its letter dated 16 October 2020 Program Director, Delivery, Mr Richard Wood detailed the concept of delivering a *tenure blind* development. Mr Wood stated:

*The design of the West Ryde project comprises three buildings, all completely aligned in architectural style and quality delivering a tenure blind outcome. The concept of tenure blind is that you cannot tell from the external appearance whether a building is social or private which will be the case with West Ryde.*

Concurring with this, in its Tenure Mix Assessment, prepared by Urbis, the author noted:

*The proposed Buildings A, B and C have all been designed to the same quality standard by PTW. All external finished on Building A (which is proposed to be occupied by social housing tenants) are from the same palette of materials as those used on Buildings B and C (which are proposed to be occupied by private market owners and tenants).*

*There will be one builder for the entire development and construction of all three buildings will occur simultaneously. There is one also Finishes and Fixtures Schedule for the whole development.*

*The development therefore aligns with the principle of tenure blind design, which Nouwelant and Randolph call the “most valuable guiding design principle for mixing market and subsidised housing” (2016, p. 2). Given the single builder, concurrent construction of the buildings and the single Finishes and Fixtures Schedule, the proposal will avoid the risk that different construction standards will erode the tenure blind design delivered by PTW.*

In addition to the above, Council's Urban Designer noted:

*I am satisfied that the social housing units are aesthetically indistinguishable from the market housing in Buildings B and C in terms of the building façade design, landscape planting and the use of materials and finishes. I am also satisfied that the social housing and market housing components are of equally high quality in the design of the built form, communal open space, building access and internal unit layout and amenity. I am of the opinion that the proposal is capable of integrating social housing into the overall development despite providing social housing units in a separate building.*

Mr Wood has also noted that in order to deliver an effective and efficient, sustainable social housing project the provision of social housing units wholly within Building A is appropriate for the following reasons:

*Management of the social housing units if dispersed on a unit-by-unit basis throughout a building(s) under a strata scheme, makes tenant management and service provision more fragmented and less efficient.*

*If possible, a dedicated single social housing stratum, rather than strata, is preferred by CHPs, where tenancy management and service can be focused to allow tenants the most direct interaction and assistance.*

*As most social tenancies are on subsidised rents whereby the tenant pays between 25% and 30% of their household income, which is usually a statutory income, as rent, CHPs rely on streamlined management processes and government subsidies (Commonwealth Rent Assistance) to deliver management services.*

*Adding strata management fees adds a significant cost to the management of the social housing dwellings and CHPs may not be able to manage the units at no net loss in such a scenario.*

This was confirmed in a letter prepared by Mr Lyal Gorman, Chief Executive Officer, Evolve Housing Limited (dated 12 October 2020). Mr Gorman stated:

*At the West Ryde Communities Plus site, Evolve Housing supports a clustered layout where a separate stratum can be allocated by core or by building noting that a clustered arrangement still actively encourages opportunities for social interaction in the common open space area being provided across the project and through roof top gardens. It should also be noted that this approach does not adversely influence community building, engagement and social cohesion.*

*Unit-by-unit integration presents some inefficiencies for housing and service providers such as clients being spread thinly across the housing development as well as the costs and risks associated with being part of private strata schemes. Lower social housing rents combined with strata levies and other operational cost could ultimately make the operational phase of the project financially unviable.*

The advice of Mr Wood and Mr Gorman is accepted.

The proposal is considered to result in a development which will deliver a sustainable and responsive social housing project. The proposal is considered to meet the strategic priorities detailed in the Future Directions Policy for a development of this scale.

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

The proposal is categorised as a 'General Development over \$30 million' under Schedule 7 of the above planning instrument and as such the proposal is required to be determined by the Sydney North Planning Panel in accordance with Section 4.7 of the EP&A Act.

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

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP55) apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Detailed Site Investigation (DSI) was submitted as part of the Development Application prepared by Douglas Partners (dated March 2020). The DSI included a summary of previous land uses. This summary is reproduced below:

**Table 5: Land Use summary (Source: DSI prepared by Douglas Partners, dated March 2020).**

Approximate Dates	Land Use
Prior to 1951	Residential with vegetation.
1951 - 2002	Residential
2002 – 2010	Residential. It is noted that the residential dwellings on the site were demolished between 2002 & 2010

The site is currently vacant.

The DSI concluded that the potential for contamination to be present on the subject site from industry or other similar sources is low and that the potential for contamination to be presented associated with the presence of the adjacent rail corridor is low to moderate.

The DSI notes that an elevated concentration of PCB was found in testing, however, concludes that as the sample was obtained from within the basement excavation zone, as such the PCB impacted soil will be removed from the site as part of the development works. The DSI further concludes that the PCB impacted soil will not impact the post-construction site suitability for the proposed development.

Overall, the DSI concluded that the site is suitable for the proposed development.

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation has advised that the site is suitable for the proposed on-going residential land use. **(See Conditions 121-122).**



With the inclusion of these conditions the proposal is considered satisfactory for the purposes of SEPP55.

#### **8.4 State Environmental Planning Policy (Infrastructure) 2007:**

##### *Sydney Trains*

In accordance with Clause 86(4) of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Metro. As detailed in Section 6(f) of this report, following receipt of additional information in accordance with the Sydney Metro Underground Guidelines, Sydney Metro assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007, and granted concurrence subject to appropriate conditions of consent. **(See Conditions 28-33, 75-79, 97-100, 130, 131 & 164-168).**

No adverse effects on the safety or structural integrity or the safe and effective operation of the Sydney Trains line are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clause 86(4) of SEPP (Infrastructure) 2007.

##### *Transport for New South Wales (TfNSW) (formally Roads and Maritime Service)*

In accordance with Clause 104 of SEPP (Infrastructure) 2007 the application was formally referred to TfNSW.

TfNSW assessed the proposal in accordance with the requirements of Clause 104 of the SEPP (Infrastructure) 2007 and advised no objections to the proposed development were raised. No conditions were recommended.

It is noted that TfNSW provided comment for consideration of Council with regard to compliance of the proposed car parking areas with the relevant Australian Standards and AUSTROADS requirements. In addition, TfNSW noted that all vehicles must enter and exit the site in a forward direction.

Council's Senior Coordinator Development Engineering noted that the proposal complies with the requirements, and as such the comments provided are superfluous to the application.

No adverse effects on the road corridor are considered to arise as a result of the proposed development.

Overall, it is considered that the application is consistent with Clause 104 of SEPP (Infrastructure) 2007.

## 8.5 **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate (see Certificate No. 1017767M\_02 dated 10 September 2020) has been submitted with the application.

The Certificate confirms that the development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below:

**Table 6: Basix Commitments.**

Commitment	Target	Proposed
Water	40	45
Thermal Comfort	Pass	Pass
Energy	25	38

A standard condition has been included requiring compliance with this BASIX certificate. **(See condition 3).**

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

The SEPP aims to improve the design quality of residential flat development.

This proposal has been assessed against the following matters relevant to the SEPP for consideration:

- Urban Design Review Panel;
- The SEPP 65 Design Quality Principles; and
- The Apartment Design Guide.

### Ryde Urban Design Review Panel (UDRP)

The proposal as reviewed by the UDRP on 1 July 2020 after lodgement. The comments made by the Panel are included below.

### Design Quality Principles

**Table 7: UDRP Comments.**

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<b>Context and Neighbourhood Character</b>  Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character	The site is in close proximity to West Ryde Railway Station and shops and as such is an appropriate location for higher density residential development. The main contextual issue is the relationship with the opposite side of Railway Parade, which is currently occupied by three-storey walk-up flats. The

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>site and the block opposite have the same FSR and height controls with relatively modest development standards – an FSR limit of 1.0:1 and a height limit of 11.5m. The site has an approved Concept Plan with considerably higher densities and heights.</p> <p>Although there is a significant difference in bulk and scale between the proposal and its neighbours opposite and this will remain the case under current zoning, the Panel considers the proposal to be an acceptable response to its context, noting that it extends the higher development to the south and does not overshadow the neighbours on the opposite side of the street. Overlooking of the neighbours occurs to their street facades, where visibility from the public domain already occurs. The proposed structures may assist in shielding the neighbours from rail noise.</p> <p><b><u>Assessing officer comment:</u></b></p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Built Form and Scale</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The Panel understands that the proposal is now compliant with the maximum allowable height.</p> <p>The separation distances and arrangements of the building have been adjusted so between 9m and 12m is provided between Building C and B and between 15 – 18m is provided between Buildings B and A at lower levels. Between Building B and C this increases at level 06 to a minimum of 18 which now complies with the ADG.</p> <p>The separation between Buildings A and B also increase at level 4 to a minimum of 12m which also complies with the ADG. These changes are supported and considered appropriate as the scheme has to rely on outlook for units into the gaps between the buildings due to the poor amenity offered by the eastern boundary with the rail line.</p> <p>The Panel notes that the layouts within the buildings have also been amended and the circulation cores have been shifted to the east and back towards the rail line boundary. This is also a positive amendment to the scheme which reduces the number of units detrimentally impacted by the rail corridor. There are still units with facades to the rail line. In Building A there are two corner units per floor generally, one has its balcony facing to the north away from the rail line which is accepted as a positive solution. The other corner unit still has its living area and balcony oriented to the rail line.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>This is not considered an ideal outcome and the unit should be redesigned to shift the living room onto the corner with the balcony facing towards the gap to minimize the noise impacts. This is likely to require the balcony to maintain its current separation but move more centrally along the southern façade. The Panel realizes this may reduce the solar access to that private open space, but it should be able to be maintained through non openable windows to the living room on the eastern elevation. Given the acoustic impacts the Panel considers this is a better outcome.</p> <p>Building B and C both have two corner apartments on each floor with frontage to the rail line. One is a corner unit with its balcony and living area oriented to the north which is supported. The other units however have their living rooms and balconies with their only outlook towards the rail line. This is not considered acceptable and these units should be redesigned as discussed previously.</p> <p>The loading and basement access has been redesigned in Building C however this has been accommodated with some adverse results. Firstly the direct pedestrian access into the building from the street has been deleted with the only access now through the central communal open space and the vehicle ramp has been moved to be positioned hard against the rear setback. This precludes landscape opportunities along the rail corridor edge and means that the vehicle ramp sits partially outside the building envelope for the entire length of Building C. This is a poor outcome and not supported.</p> <p>The basement generally has been shifted to the east so that it is no longer at the site boundary to the street. This relocation is supported and the 3m deep soil zone is positive. However, this area should be kept clear of ramps and services such as substations which should be within one of the buildings envelopes – ideally Building C where it can take advantage of the vehicle ramp access.</p> <p>The Panel also considers that the front setback area should be heavily landscape with significant vegetation and power lines should be relocated underground as part of this application.</p> <p>The Panel previously requested that the buildings have an increased separation to the rail line acoustic wall and boundary. The 2m is still evident in the drawings. Whilst some of the units have been reoriented this is still an issue as no deep soil planting is provided to screen outlook to the rail line and the setback is also filled with pathways that create additional amenity concerns.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p><b><u>Assessing Officer comment:</u></b></p> <p><i>Building Layout</i></p> <p>On 14 September 2020 amended plans were submitted to Council. The amended plans reconfigured the internal layout of the corner units to ensure the amenity of future occupants is satisfactory.</p> <p><i>Basement Access</i></p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans removed the access ramps from the front setback and relocated the substations to within the building envelope of Buildings A and C. The deep soil areas were increased as a result.</p> <p><i>Front Setback</i></p> <p>On 14 September 2020 amended plans were submitted to Council. The amended plans reconfigured the gated entry of the ground floor units. The entries were brought forward, and are considered to activate the street frontage.</p> <p><i>Building Separation</i></p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans included the provision of a continuous planter adjacent to the proposed acoustic wall. Further, the proposed walkways were removed along the eastern boundary.</p> <p>It is noted that due to the location of the adjacent rail corridor, deep soil planting is not able to be achieved (Sydney Trains do not permit overhanging trees to a rail line).</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal has an FSR of 3.52:1. It is understood that it is compliant with the density provisions of the Concept Plan. The Panel considers the density acceptable, given that the project is in close proximity to West Ryde Station, is located within a high-density residential zone and that privacy impacts on neighbours should be limited to the street facades of the flat building's opposite, which already address the public domain.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>The development (as amended) is considered to satisfy this principle.</p>



SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p><b>Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The Panel anticipates inclusion of the most up-to-date innovations in technologies such as solar electric generation and LED lighting throughout.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>LED lighting is proposed in each dwelling as well as communal areas.</p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides</p>	<p>A deep soil setback is now provided to the street frontage which is positive. A landscape design concept for the site has now been provided. Trees are indicated to the southern boundary however the section for the rear or eastern boundary contains only low planting other than in the central breaks between the buildings. This is not sufficient and should be amended to ensure a line of trees are also possible along the entire length of the boundary.</p> <p>The sections of Building B show tree planting to the street setback and this is positive but is not apparently achieved for either Building B or A.</p> <p>Additional tree planting is required in front of both Building A and B. Ramps for building A are to be reoriented so that they are contained primarily within the building footprint and not occupying the front setback area. The Panel notes the applicants comment that the level difference required by the controls creates the issue and the Panel considers that a reduced level difference of perhaps 600mm would be acceptable if the ramp is contained within the building and not in the public frontage of the site. This should be combined with relocation of the substation out of the front setback and into the building envelope of one of the towers.</p> <p>The two gaps between the three buildings are proposed as communal open space. Neither of these spaces contains any deep soil within the space itself due to the basement car</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>for practical establishment and long-term management.</p>	<p>parking. Some of the car spaces should be amended to become deeper soil pockets one floor level deep into the basement to support substantial trees in these spaces.</p> <p>The COS between Buildings A and B seems to serve Building A only whereas Buildings B and C have access to the larger space to the south and the roof space at Building B. The Panel is concerned that this appears to segregate residents from the northern building. An access should be provided for Building B to the northern space and for Building A to the southern space by connecting the Building B foyer through to the northern courtyard. This ties the development together and give equitable access within the site for all residents to both spaces.</p> <p>The southern space is partially occupied by the ramped access points to both Building B and C. The Panel does not support this approach and considers that both buildings should have a direct street access and the COS should only be used for resident recreation not dominated by access points and ramps.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans reconfigured the ramps and accessways from the front setback and provided a significant increase in deep soil planting. In addition the amended plans demonstrated the relocation of the substations.</p> <p>The amended plans submitted on 20 July 2020 also reconfigured the internal layout for lobby of Building B.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space,</p>	<p>The pathway located along the rear eastern setback creates amenity issues for residents in the ground level apartments due to its proximity to the rail line. The amenity for these units is already compromised by the 2m setback and the high sound wall and the setback should be increased to an absolute minimum of 3m as the layouts have habitable rooms depending on this boundary as an outlook. Greater landscape along this boundary is needed to soften the outlook to the acoustic sound wall as well as for units above that have screened outlook over the rail line.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Some units appear to have issues with layout due to the sharp angles in some rooms where there is not sufficient space to move past a bed.</p> <p>There are still units with the primary unit outlook oriented to the rail line and these should be redesigned as discussed earlier. Otherwise the unit's layout are well considered and supported.</p> <p>The utility of the COS between Building B and C is compromised by the use of some of this area as the primary access to the buildings. This will discourage use of the space for passive recreation and force residents into the noisier and more shadowed portion of the space</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans removed the proposed walkway along the rear boundary. In addition, the amended plans included the provision of a continuous planter adjacent to the proposed acoustic wall.</p> <p>Further, the amended plans demonstrated the relocation of the building access points to be adjacent to the edge of each building. The communal open space is free of primary access pathways.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Safety</b></p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The decision to use the communal open space for the building access is not supported. Each building should have its own clear street address with the lift's lobbies visible from the street and the communal open space should not be compromised by access ramps and the constant movement of visitors and residents through that area.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>Amended plans submitted on 20 July 2020 demonstrated that each building now has its own entry. Each entry is defined by individual design elements and entry canopies. The communal open space areas have been redesigned to promote movement of residents and visitors to the site.</p> <p>The development (as amended) is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p><b>Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The Panel notes that all of the social housing units will be located in Building A and will fully occupy it. There is some concern that this will to some degree highlight and isolate the social housing component of the project, rather than more subtly integrating it throughout the development. The ground level communal open space, for example, directly adjoins Buildings B and C (and can be made directly accessible from them as noted above), whereas the smaller open space between Buildings A and B is not sufficient on its own as communal open space.</p> <p>The two ground level open space areas also appear heavily overshadowed and unable to satisfy the requirements of the ADG. The Panel notes that there is COS on top of Building B but this space is not accessible to Building A or C.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>The applicant has provided additional information in respect of the location of the social housing units and is discussed in Part 8.1 of this report.</p> <p>The proposal is considered to result in a well designed development which responds to social context by providing housing and facilities responsive to the local area.</p> <p>Amended plans submitted on 20 July 2020 reconfigured the internal layout for lobby of Building B. Access to the lobby and roof top communal open space is achievable for all future occupants. As a result, the proposal is considered to comply with the solar access provisions of the ADG – noting that the principle communal open space has been proposed to the roof top of Building B.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p><b>Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly</p>	<p>The design development of the proposal is supportive and is resulting in an interesting series of buildings that will enhance the neighbourhood.</p> <p>The extent of blank side walls however needs more design development. The blank wall of Building A facing the central open space between A and B needs articulation and fenestration to provide visual interest and not close the building to that space. Use of high-level windows and vertical frosted windows could assist.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
desirable elements and repetitions of the streetscape.	<p>The southern wall of Building B and C also presents as predominantly blank and should be reviewed using similar treatments to increase their visual interest.</p> <p><b><u>Assessing Officer comment:</u></b></p> <p>On 20 July 2020 amended plans were submitted to Council. The amended plans demonstrated the redesign of the southern facades of all three (3) buildings. The amended design included frosted and screened windows as well as a canopy entrance to each building.</p> <p>The development (as amended) is considered to satisfy this principle.</p>

### ***Apartment Design Guide (ADG)***

The SEPP also requires the Consent Authority to take into consideration the requirements of the ADG with regard to the proposed residential apartment building. The following table addresses the relevant matters.

With respect to the ADG, the proposal will result in two (2) non-compliances with regard to building depth and building separation. These non-compliances are the result of specific parameters set by the CPA. The non-compliances are further assessed in relevant sections of this report and considered satisfactory based on individual merit, as well as consistency with the CPA.

**Table 8: ADG matters.**

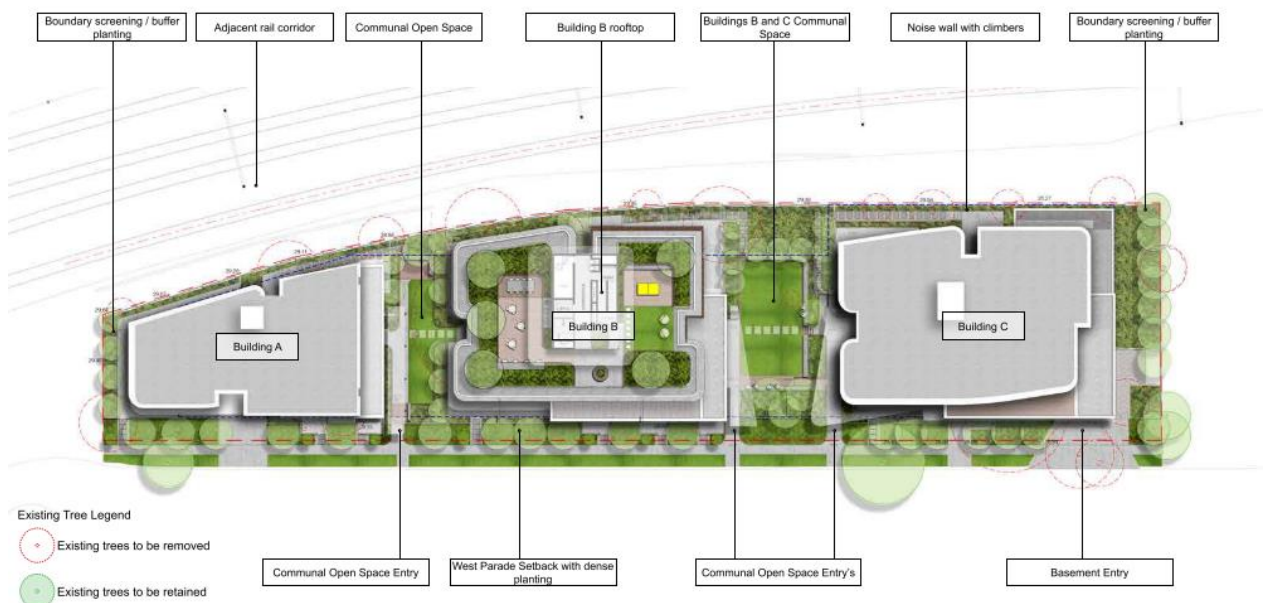
Clause	Proposal	Compliance
<b>Part 2 - Development Controls</b> <b>Note:</b> This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.		
<b>2E - Building Depth</b>  Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	As stated above, Concept Approval MP09_0029 (and its subsequent modifications) granted consent for envelopes associated with gross floor area and building height. As a result, the building capacity has been set for the site, as such, compliance with this requirement of the ADG is not required. However, the following is noted with regard to matters detailed in Part 2E – Building Depth of the ADG.	No. Variation Acceptable



Clause	Proposal	Compliance												
	<p>The proposed building ranges in depth from 14m to 20m, and each proposed apartment ranges in depth from 7m to 12m.</p> <p>The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation.</p> <p>Further, the spatial arrangement of the buildings on the site and their design will result in a quality development outcome and a high standard of urban design. The building will not appear to be overly dominant or out of character with the surrounding environment.</p>													
<p><b>2F - Building Separation</b></p> <p>Minimum separation distances for buildings up to 9 storeys should be:</p> <ul style="list-style-type: none"><li>• 24m between habitable rooms / balconies</li><li>• 18m between habitable / balconies and non-habitable rooms</li><li>• 12m between non-habitable rooms.</li></ul>	<p>As shown earlier in Figure 16, Concept Approval MP09_0029 MOD 2 provided for building envelope controls, as they relate to building separation. The controls are as follows.</p> <table><tr><th>Separation</th><th>Control</th><th>Proposed</th><th>Complies</th></tr><tr><td>Building A – B</td><td>9m</td><td>9m – 18m</td><td>Yes</td></tr><tr><td>Buildings B – C</td><td>12m – 18m</td><td>15m – 18m</td><td>Yes</td></tr></table> <p>The proposal is considered to be consistent with the provisions detailed within MP_0029 (and subsequent Modifications MP_0029 MOD 1, MOD 2 and MOD 3), as such, compliance with this requirement of the ADG is not required. However, the following is noted with regard to matters detailed in Part 2F – Building Separation of the ADG.</p> <p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>	Separation	Control	Proposed	Complies	Building A – B	9m	9m – 18m	Yes	Buildings B – C	12m – 18m	15m – 18m	Yes	<p>No. Variation Acceptable</p>
Separation	Control	Proposed	Complies											
Building A – B	9m	9m – 18m	Yes											
Buildings B – C	12m – 18m	15m – 18m	Yes											
<p><b>2G – Street Setbacks</b></p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"><li>• define a future streetscape with the front building line</li><li>• match existing development</li><li>• step back from special buildings</li></ul>	<p>Concept Approval MP09_0029 MOD 2 provided for building envelope controls (refer Figure 16), as they relate to building setbacks. The controls are as follows.</p> <table><tr><th>Setbacks</th><th>Control</th><th>Proposed</th><th>Complies</th></tr><tr><td>Front Boundary</td><td>3m</td><td>3m</td><td>Yes</td></tr></table>	Setbacks	Control	Proposed	Complies	Front Boundary	3m	3m	Yes	<p>Yes</p>				
Setbacks	Control	Proposed	Complies											
Front Boundary	3m	3m	Yes											

Clause	Proposal	Compliance
<ul style="list-style-type: none"> <li>retain significant trees</li> <li>in centres the street setback may need to be consistent to reinforce the street edge</li> <li>consider articulation zones accommodating balconies, landscaping etc. within the street setback</li> <li>use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street</li> <li>manage corner sites and secondary road frontages</li> </ul>	<p>It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of West Parade. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments. The proposed building will sit within a landscaped setting, creating opportunities for lower level planting and an active street frontage.</p>	
<b>Part 3 - Siting the Development</b> This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications		
<b>3B Orientation</b>  Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	Each building layout has been orientated to predominantly face West Parade and is not out of character with the existing streetscape.	Yes
<b>3C Public domain interface</b>  Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The building has well defined private and communal open spaces that transition adequately from the public domain.	Yes
<b>3D Communal &amp; public open space</b>  Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.  1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	<p>The ADG requires that the site provide 937m<sup>2</sup> as communal open space. The proposed development provides three (3) communal open spaces areas. As shown in <b>Figure 24</b> below, each space comprises:</p> <p>Communal Open Space A &amp; B: 168m<sup>2</sup>            Communal Open Space B &amp; C: 392m<sup>2</sup>            Communal Open Space Roof Top B: 377m<sup>2</sup></p> <p>50% of the usable area of communal open space achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.</p>	Yes

Clause	Proposal	Compliance
	<p>Equitable, clear and safe access to all communal open space is accessible to all residents. Open walkways and accessible entry ways ensure the residents from Building A can access the larger space between Buildings B and C. The communal open space on the rooftop of Building B is accessed via the lift core within Building B. Clear and direct access is provided via walkways from Buildings A and C.</p> <p>The size, location and design of the proposed communal open space provides a functional, landscaped area which encourages social interaction for future occupants.</p>	



**Figure 24: Landscape Master Plan.**

<p><b>3E Deep Soil Zone</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m.</p>	<p>7% (262.36m<sup>2</sup>) of the site area is to be deep soil. The development has provided 262.36m<sup>2</sup> of deep soil zones within the street setback areas. This DSA is 7% of the site area and is considered satisfactory.</p>	Yes
<p><b>3F Visual Privacy</b></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum</p>		Yes

Clause	Proposal	Compliance												
<p>required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th><th>Habitable rooms &amp; balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	See discussion under Section 2F - Building Separation.	
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access &amp; entries</b></p> <p>Pedestrian access, entries and pathways are accessible and easy to identify.</p>	The development proposes a pedestrian entry to each building from West Parade. Each entry is accessible and well defined.	Yes												
<p><b>3H Vehicle Access.</b></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access and egress is proposed to be provided toward the south-west corner of the site. The access driveway has a proposed width of 10.3m.</p> <p>The proposal provides for well-designed and safe vehicle and pedestrian access and loading area. Therefore the proposal is considered to be consistent with this objective and associated policies.</p>	Yes												
<p><b>3J Parking Provisions.</b></p> <p><u>Car parking</u> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p><u>Bicycle Parking</u> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Three (3) basement car parking levels containing 171 parking spaces and 23 bicycle spaces have been proposed.</p> <p>The development complies with Part 9.3 of the RDCP 2014.</p> <p>Note: The ADG directs compliance with the Guide to Generating Traffic Developments. The Guide requires a minimum of 140 parking spaces. The application proposes 171 parking spaces. Compliance with the Guide is a recommended minimum, the provision of 171 parking spaces is considered acceptable.</p>	Yes												

Clause	Proposal	Compliance
<b>Part 4 - Designing the Building</b> This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications		
<b>4A Solar &amp; daylight access</b>  Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.  No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.  Design should incorporate shading and glare control, particularly for warmer months	116 (i.e. 77%) of the proposed units will receive the required 2 hours of direct sunlight between 9am and 3pm midwinter.  The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including awnings are proposed.	Yes
<b>4B Natural Ventilation</b>  At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	66% of apartments are cross ventilated.	Yes
<b>4C Ceiling Heights</b>  Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.	All of the floors will have a floor to ceiling height of 2.7m, complying with this provision.	Yes
<b>4D Apartment size and layout</b>  Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup></li> <li>• 1 bedroom = 50m<sup>2</sup></li> <li>• 2 bedroom = 70m<sup>2</sup></li> <li>• 3 bedroom = 90m<sup>2</sup></li> <li>• 4 bedroom = 102m<sup>2</sup></li> </ul> Every habitable room must have a window in an external wall with a total minimum glass area of not less	The proposed apartments have the following minimum internal areas: <ul style="list-style-type: none"> <li>• 1 bed units: 50.1m<sup>2</sup> - 58.8m<sup>2</sup></li> <li>• 2 bed units: 70.1m<sup>2</sup> – 89.8m<sup>2</sup></li> <li>• 3 bed unit/2 bed unit + study: 99m<sup>2</sup> – 100.7m<sup>2</sup></li> <li>• 3 bed unit + study: 104.4m<sup>2</sup> – 113.8m<sup>2</sup></li> </ul> All of the apartments exceed the minimum requirements.  All habitable rooms have a window compliant with the rates.	Yes

Clause	Proposal	Compliance																		
<p>than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m<sup>2</sup> Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>All habitable room depths are no greater than 8m from a window.</p> <p>The master bedrooms, where proposed, have a minimum area of 10m<sup>2</sup>, excluding wardrobe space.</p> <p>Living rooms/combined living/dining area have a minimum 4m width for 2 and 3 bedrooms, respectively.</p>																			
<p><b>4E Private Open Space and balconies</b></p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Min area</th><th>Min depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m<sup>2</sup></td><td>N/A</td></tr> <tr> <td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr> <tr> <td>3+ bedroom</td><td>12m<sup>2</sup></td><td>2.4m</td></tr> <tr> <td>Ground or podium</td><td>15m<sup>2</sup></td><td>3m</td></tr> </tbody> </table>	Dwelling type	Min area	Min depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	Ground or podium	15m <sup>2</sup>	3m	<p>The proposed apartments have the following minimum balcony areas:</p> <ul style="list-style-type: none"> <li>• 1 bed units: 8m<sup>2</sup> – 15.4m<sup>2</sup></li> <li>• 2 bed units: 10m<sup>2</sup> – 19.6m<sup>2</sup></li> <li>• 3 bed unit/2 bed + study: 12m<sup>2</sup> – 19.6m<sup>2</sup></li> <li>• 3 bed unit + study: 12.1m<sup>2</sup> – 12.2m<sup>2</sup></li> </ul> <p>All of the apartments also exceed the minimum requirements for balcony depth. Balconies meet the minimum size requirements.</p> <p>Ground level courtyards meet the required 15m<sup>2</sup> and minimum dimensions.</p>	Yes
Dwelling type	Min area	Min depth																		
Studio apartments	4m <sup>2</sup>	N/A																		
1 bedroom	8m <sup>2</sup>	2m																		
2 bedroom	10m <sup>2</sup>	2m																		
3+ bedroom	12m <sup>2</sup>	2.4m																		
Ground or podium	15m <sup>2</sup>	3m																		
<p><b>4F Common circulation and spaces.</b></p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>The development proposes a maximum of 6 apartments to be accessed from the circulation space.</p> <p>Building B is 9 storeys in height and contains a total of 57 apartments. Two (2) lifts have been proposed</p>	Yes																		



Clause	Proposal	Compliance										
	Building C is 12 storeys in height and contains a total of 63 apartments. Two (2) lifts have been proposed.											
<b>4G Storage</b>  In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apt</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apt</td><td>8m<sup>3</sup></td></tr><tr><td>3 + bedroom apt</td><td>10m<sup>3</sup></td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p>The proposed apartments have the following minimum storage areas:</p> <ul style="list-style-type: none"><li>• 1 bed units: 6m<sup>3</sup></li><li>• 2 bed units: 8m<sup>3</sup></li><li>• 3 bed unit/2 bed + study: 10m<sup>3</sup></li><li>• 3 bed unit + study: 16m<sup>3</sup></li></ul> <p>All of the apartments exceed the minimum requirements.</p> <p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p>	Yes
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<b>4H Acoustic privacy</b>  Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.  Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.  Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from adjoining apartment buildings, and the adjoining rail line. An acoustic wall is proposed along the rear boundary.</p> <p>Noisy areas within buildings (such as the entrance) are not located next to bedrooms.</p>	Yes										
<b>4K Apartment mix</b>  A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	<p>The development has incorporated the following apartment mix:</p> <ul style="list-style-type: none"><li>• 1 Bedroom (35%);</li><li>• 2 Bedroom (36%);</li><li>• 2 Bedroom + Study (1%);</li><li>• 3 Bedroom (19%); and</li></ul>	Yes										

Clause	Proposal	Compliance
	<ul style="list-style-type: none"> <li>3 Bedroom + Study (8%)</li> </ul> <p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p>	
<b>4M Facades</b>  Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.  Building facades are expressed by the façade.	<p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.</p> <p>The development will reinforce the desired future character of the area and enhance the amenity of the locality.</p>	Yes
<b>4N Roof design</b>  Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.	<p>The development has proposed a flat roof which is integrated with the overall development. The roof design incorporates communal open space and landscaping that improves the amenity for future occupants of the building.</p>	Yes
<b>4O Landscape design</b>  Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	<p>A total of 937m<sup>2</sup> of landscaped areas are provided throughout the site.</p> <p>Extensive deep soil landscaping is proposed along the front setback area. In addition, viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site. All proposed species are appropriate locally endemic species.</p> <p>Council's Consultant Landscape Architect/Arborist has advised that the amended landscaping plan is satisfactory.</p>	Yes
<b>4P Planting on structures</b>  Appropriate soil profiles are provided.	<p>The proposal includes the provision of a communal roof top terrace on the roof top of Building B.</p> <p>Council's Consultant Landscape Architect/Arborist has reviewed the proposed podium and notes that the proposed scheme complies with the soil and volume depths stipulated in Part 4P of the ADG.</p>	Yes

Clause	Proposal	Compliance
	<p>With regard to the minimum surface area requirements for small-medium tree planting, Council's Consultant Landscape Architect/Arborist notes that the numerical requirements have not been met, however, concludes that the area provided is sufficient for the establishment of the species proposed.</p> <p>The applicant has proposed an automatic watering system irrigation system with micro-jet sprinkler heads and low density, rubber modified polypropylene reticulation, to include filters, bends junctions, ends and other ancillary equipment. Details of the system proposed have been included on the landscape plan. <b>Condition 1</b> will ensure these commitments are implemented.</p>	
<p><b>4Q Universal design</b></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	<p>30 universal design "silver" units (Livable Housing Guidelines)*<sup>1</sup> are required to be provided.</p> <p>The access report submitted with the application indicated that the proposed development is capable of achieving this. A condition has been recommended to ensure these design features are implemented.</p>	Yes. (See <b>Condition 41</b> )
<p><b>4U Energy efficiency</b></p> <p>Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The development complies with solar access and natural ventilation requirements.</p> <p>A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p>	Yes

*\*1Livable Housing Guidelines (LHD Guidelines) provides design guide lines to help make home more versatile, easier access and cost effective to better meet the changing needs of occupants over their lifetimes.*

*Three levels of performance are detailed in the LHD Guidelines, Silver Level, Gold Level and Platinum Level. The Silver Level provides for 7 core design elements which provide home occupants with the opportunity to reduce or avoid costs associated with retrofitting a home to improve access in future, should it be required.*

## **8.7 State Environmental Planning Policy (Vegetation in Non-Rural Areas):**

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the site. The aims of the plan are to protect the biodiversity values of trees

and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

As detailed earlier in this report, the proposal results in the removal of 40 of the 44 trees on site. Of the 40 trees proposed to be removed six (6) are considered to be high category, nine (9) are considered to be medium category and 26 are considered to be low category. Of the 25 low category trees proposed to be removed, 12 are exempt under Ryde DCP 2014 Part 9.5 Tree Preservation and can be removed without development consent.

Of the 40 trees proposed to be removed, one (1) tree is located within the public domain, Tree five (5). Tree five (5) is a *Lophostemon Confertus* (Brushbox) and is located toward the south-west corner of the site. Tree five (5) is located within the proposed driveway crossover.

It is noted that none of the six (6) high category trees proposed to be removed are locally native species. Further, only twelve (12) trees to be removed are endemic to the Ryde LGA and of which are comprised of mainly short-lived, minor trees.

In addition, the proposal included the removal of two (2) trees on the adjoining site to the east. Tree three (3) is classified as a low category trees and can be removed without development consent. Tree 34 is considered to be medium category.

Overall a total of six (6) high category (not locally native), ten (10) medium category and 13 low category are proposed to be removed as part of this development consent, as summarised in Table 9.

**Table 9: Ryde DCP 2014 – Part 9.5 Tree Preservation – Tree Removal Summary**

Total trees on site	44 trees		
Total trees on adjoining site	2 trees		
Trees to be removed	40 trees on the subject site 2 trees on the adjoining site  It is noted that 13 of the 40 trees proposed to be removed can be removed without development consent. Resulting in a total of 29 trees to be removed as part of this development consent.		
Summary of Arboricultural Assessment of trees to be removed	High category: 6 Medium category: 10 Low category: 13 Exempt trees: 13		
	<b>Tree No.</b>	<b>Species</b>	<b>Location</b>
	Tree 7.	Cedrus Deodara / Himalayan Cedar	Within the basement footprint

High category tree species to be removed	Tree 17.	Brachychiton Acerifolius / Kurrajong	Within the basement footprint
	Tree 20.	Cedrus Deodara / Himalayan Cedar	Within the basement footprint and stormwater trenching area
	Tree 24.	Melaleuca Quinquenervia / Broad-leaved Paperbark	Within the basement footprint
	Tree 25.	Castanospermum Australe / Blackbean	Within the basement footprint
	Tree 26.	Corymbia Citriodora / Lemon-scented Gum	Within the basement footprint

Source: Arboricultural Impact Appraisal and Method Statement (prepared by Naturally Trees, dated 21 July 2020, Rev C).

The proposal includes the planting of 66 new trees within the site including six (6) Tuckeroo trees, 41 Dwarf Lemon Scented Gum trees, 14 Quandong trees, four (4) Blueberry Ash trees and one (1) Water Gum. A number of native shrubs, ferns and grasses are also proposed.

It is noted that the applicant was asked to consider the extent of the proposed tree removal on site. The applicants Arborist reviewed the proposal and noted:

*Each of the trees proposed for removal are located within or directly adjacent to the proposed basement excavation or construction footprint.*

*There were no minor changes to the design that could be implemented to facilitate tree retention.*

Council's Consultant Landscape Architect/Arborist reviewed the response and noted:

*In response to the SNPP comments and the explanation provided by Blue Gum Tree Care dated 13 October 2020 – we generally concur with the findings of the report and agree with recommendations provided for tree retention and removal.*

*To provide some context; of the forty-two (42) trees which have been nominated for removal, just six (6) are of high retention value (none of these are locally native species). Elsewhere, only twelve (12) trees to be removed are endemic to the Ryde LGA and of which are comprised of mainly short-lived, minor trees. Eleven (11) of the forty-two (42) trees to be removed are weed species which are exempt from protection under the provisions of Part 9.5 – Tree Preservation of Ryde DCP 2014.*

*Whilst it would be generally preferred if more trees were able to be retained, the allowable building footprint and setbacks preclude any substantial tree retention on a development of this size.*

Council's Consultant Landscape Architect/Arborist reviewed the amended landscape design and advised that no objection is raised to the removal of six (6) high category, ten (10) medium category and 13 low category trees, subject to the replanting of 66 new trees, and replacement planting of one (1) along West Parade within the public domain.

It is noted that as discussed in Part 6.2(b) of this report, Council's Consultant Landscape Architect/Arborist, Tree Management Officer and Public Domain Engineer raised no objection to the removal of Tree 5, subject to appropriate

conditions requiring planting of a replacement tree in accordance with the West Ryde Street Tree Master Plan. It is noted that the designated species for this area is *Lophostemon Confertus*. **(See Condition 25 & 65).**

It is considered that the removal of 40 of the 44 trees on site, and the removal of two (2) trees on the adjoining site will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting and mitigation measures will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Ryde.

As such, the consent authority can be satisfied that the tree removal is in accordance with the SEPP.

## **8.8 Ryde Local Environmental Plan 2014**

The subject site is zoned R4 – High Density Residential under RLEP 2014. The proposed development is permitted in the zone.

### **Clause 2.3: Zone Objectives**

Clause 2.3(2) of LEP 2014 requires consideration to be given to the objectives for development in a zone when determining a development application. The objectives for development in this zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The land is zoned R4 High Density Residential under Ryde LEP 2014. The application proposes 150 dwellings, in a variety of types within a high density residential environment. Of the 150 dwellings proposed a total of 30 dwellings will be provided for social housing, ensuring the housing needs of the community are achieved.

A range of housing types are provided for, with a mix of 1, 2 and 3 bedroom apartments distributed across the development accommodating the needs of the existing and future residents of Ryde.

It is considered that the development satisfactorily meets the objectives of the High Density Residential zone.



## Summary of planning controls

**Table 10: Summary of planning controls**

Control	Requirement	Proposed	Comment
<b>Zone</b>	R4 High Density Residential	Residential Development	Complies
<b>FSR</b>	1:1	3.52:1	Does not comply. See note.
<b>Height</b>	11.5m	Building A: 20.95m Building B: 31.15m Building C: 37.25m	Does not comply. See note.

Note: As stated above, Concept Approval MP09\_0029 (and its subsequent modifications) granted consent for envelopes associated with gross floor area and building height. The proposal is consistent with these provisions.

### Clause 6.1 Acid Sulphate Soils

The site is not identified on the Acid Sulphate Soils Map. This clause is not applicable to the development.

### Clause 6.2 Earthworks

As a result of the removal of contaminated lands on the subject site a total volume of earthworks being 23,500m<sup>3</sup> over an area of 3,748m<sup>2</sup> is proposed to be undertaken. The extent of excavation is required for the construction of three (3) basement levels.

The scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of adjoining properties as the earthworks are localised to the vicinity of the site. The proposed earthworks will not change the line of the landscape or affect any existing structures or water bodies.

The earthworks are proposed to be undertaken in a way that avoids, remedies or mitigates adverse effects on the environment.

Further, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions. **(See Conditions 61, 106 & 111).**

### Clause 6.3 Flood Planning

This clause applies to land identified as “Flood Planning Area” on the Flood Planning Map, and other land at or below the flood planning level.

The site is not identified on the Flood Planning Map. This clause is not applicable to the development.

#### Clause 6.4 Stormwater Management

The objective of Clause 6.4 is to minimise the impacts of urban stormwater on land to which this clause applies, adjoining properties, native bushland and receiving waters.

The proposed development has been designed to maximise the use of water permeable surfaces on the subject site, as well as the use of on-site detention (OSD) tanks.

Further, Council's Senior Coordinator Development Engineering Services has reviewed the stormwater management scheme, and while amendments to the design are necessary to comply with Council's DCP, subject to Conditions recommended on the draft consent there are no objections raised in relation to compliance with the LEP. **(See Conditions 55-60, 110, 124,136, 137, 140, 141 & 173).**

No adverse impacts as a result of stormwater runoff to adjoining properties are considered to result.

#### **8.9 Any proposed instrument (Draft LEP, Planning Proposal).**

##### **Draft Remediation of Land State Environmental Planning Policy**

The Draft State Environmental Planning Policy (Remediation of Land) is proposed to replace SEPP 55. The Draft SEPP is proposed to provide a state-wide planning framework for the remediation of land. The Draft SEPP will maintain the objectives of SEPP 55 and reinforce the requirements of the existing framework.

The site is considered to be suitable for its future use.

The proposal is considered to be consistent with the objectives of Draft State Environmental Planning Policy (Remediation of Land).

##### **Draft Environment State Environmental Planning Policy**

The Draft Environment State Environmental Planning Policy is proposed to consolidate the following:

- SEPP No. 19 - Bushland in Urban Areas;
- SEPP (Sydney Drinking Water Catchment) 2011;
- SEPP No. 50 - Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury-Nepean River (No.2-1997);
- SREP (Sydney Harbour Catchment) 2005; and
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The Draft SEPP is proposed to provide a state-wide planning framework for the protection and management of the natural environment.

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

#### **8.10 City of Ryde Development Control Plan 2014**

The following sections of the Ryde DCP 2014 are of relevance, being:

- Part 7.2 – Waste Minimisation and Management;
- Part 8.1 – Construction Activities;
- Part 8.2 – Stormwater Management;
- Part 9.2 – Access for People with Disabilities;
- Part 9.3 – Parking Controls; and
- Part 9.5 – Tree Protection.

With regard to Parts 7.2, 8.2 and 9.5, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to the above matters. Therefore, the following assessment addresses Parts 7.1, 8.1, 9.2, 9.3 and 9.5.

The relevant sections of the RDCP 2014 have been assessed below.

It is further noted that while the site is situated within West Ryde, the site sits outside the West Ryde Town Centre boundaries and Part 4.3 West Ryde Town Centre does not apply to the development.

##### **Part 8.1 – Construction Activities**

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major development work, some level of inconvenience/impact may result once the construction commences. Conditions are recommended to require compliance with the submitted Construction Traffic Management Plan. **(See Conditions 17, 26 & 102-104).**

##### **Part 9.2 Access for People with Disabilities**

The application includes an Access Report prepared by McKenzie Group Consultation (dated 19 March 2020) which states subject to compliance with the recommendations, the development can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities).

The RDCP 2014 requires provision of Adaptable Housing in developments with 10 or more units. This development proposes 150 dwellings. Therefore the provision of Adaptable Housing required is 15 dwellings.

A total of 15 adaptable dwellings have been provided.

**Condition 40** is included on the draft consent to ensure compliance with the proposed number of adaptable dwellings and the recommendations of this report.

### Part 9.3 – Parking Controls

The following parking rates are applicable to residential development under the RDCP 2014.

- 0.6 to 1 space per one bedroom dwelling;
- 0.9 to 1.2 spaces per two bedroom dwelling;
- 1.4 to 1.6 spaces per three bedroom dwelling; and
- 1 visitor space per 5 dwellings.

Three (3) basement car parking levels containing 171 parking spaces and 23 bicycle spaces have been proposed. It is noted that a total of 16 accessible spaces are provided for, including one (1) accessible visitor space.

It is proposed that 24 parking spaces are allocated to Building A, 54 to Building B and 63 to Building C.

An assessment of the above parking rates to the proposed development is below:

**Table 11: RDCP parking rates.**

<i>Apartment Type</i>	<i>Minimum</i>	<i>Max</i>	<i>Provided</i>	<i>Compliance</i>
1 bedroom (53)	31.8	53	141 spaces	Yes
2 bedroom (56)	50.4	67.2		
3 bedroom (41)	57.4	65.6		
Sub-total	139.6 (140) spaces	185.8 (186) spaces	141 spaces	Yes
Visitor	30 spaces	30 spaces	30 spaces	Yes
Total	169.6 (170) spaces	215.8 (216) spaces	171 spaces	Yes

As the parking control for the site is a range, the proposal complies with the respective DCP control.

#### *Bicycle Parking*

Section 2.7 of this Part of the DCP outlines that:

- a. In every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*

A maximum car parking requirement of 171 parking spaces, equates to a minimum 17 bicycle parking spaces.

A total of 23 bicycle parking spaces have been provided. These spaces have been provided on basement level three (3) adjacent to the lift core of proposed building C. The proposal complies with the respective DCP control.

**Condition 172** has been included on the draft consent to require the parking allocation to be provided and maintained as outlined above.

Overall, it is considered that the proposed development has been designed in a manner which maintains the safety and efficiency of the transport network and provides adequate car parking for future users of the building.

#### Part 9.5 – Tree Protection

Part 9.5 of the RDCP 2014 seeks to maximise a sustainable urban forest canopy within the City of Ryde by ensuring the conservation of trees of ecological, heritage, aesthetic and cultural significance. As detailed in Part 8.7 of this report, the proposal results in the removal of 40 of the 44 trees on site.

In addition, the proposal included the removal of two (2) trees on the adjoining site to the east.

The tree removal has been addressed extensively in Part 8.7 of this report.

Overall, the proposal is considered to maximise (where possible) and provide for a sustainable urban forest canopy across the subject site. The proposed landscape design meets the objectives of Part 9.5 of the RDCP 2014.

#### **8.11 Section 7.11 - Development Contributions Plan – 2020**

Council's current Section 7.11 and Section 7.12 Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the increase in gross floor area on the subject site. It is noted that an entitlement has been given for the 8 existing residential allotments. The contribution that are payable with respect to the increase density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 583,363.47
Open Space & Recreation Facilities	\$ 1,004,525.21
Transport Facilities	\$ 308,386.03
Plan Administration	\$ 28,444.17
<b>The total contribution is</b>	<b>\$ 1,924,718.88</b>

A condition requiring the payment of Section 7.11 Contribution has been included in the attached conditions (see **Condition 34**).

#### **8.12 Planning Agreements OR Draft Planning Agreements**

There is no planning agreement or draft planning agreement applicable to this application.

#### **8.13 Any matters prescribed by the regulation**

There are no matters prescribed by the Regulation that have not been satisfied.

## **9. LIKELY IMPACTS OF THE DEVELOPMENT**

The development is consistent with the CPA controls with respect to the height and scale. The proposed built form and character of the development will contribute to an attractive public domain, and importantly will contribute towards additional social housing supply within the area.

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and built form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

## **10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

As detailed earlier in this report the proposal is considered to be consistent with the provisions and built form controls approved under MP\_0029 (and subsequent Modifications MP\_0029 MOD 1, MOD 2 and MOD 3).

The proposed development is considered to be a suitable development for the site, being permissible in the zone and being compliant with the relevant planning controls relating to the built form and the CPA. In addition, the proposal is integrated with the neighboring locality and provides visual connections with the surrounding built and natural form, providing additional housing mix in close position to public transport and services.

The proposal has appropriate regard for the urban character and amenity values of the area and enables development which provides for people and communities to provide for their social, cultural and economic wellbeing. The proposal sustains the areas resources, character and amenity.

## **11. PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was notified and advertised in accordance with Ryde Community Participation Plan. The development application was notified and advertised between 11 May 2020 and 5 June 2020. Twenty (20) submissions were received. Nineteen (19) objecting to the proposal, and one (1) in support of the proposal. The submissions are addressed below.

### Over development of the site

#### *Concern:*

Concern was raised regarding the over development of the site with regard to floor space ratio, building height and the number of dwellings proposed.



#### *Assessing Officer Response:*

Concept Approval MP09\_0029 was granted 18 June 2010. This Concept Approval has been subsequently amended overtime, which provide for the approved height, floor space and built form envelopes for the site. The development capacity was assessed under MP09\_0029, and as such these are not matters for consideration under this application that would warrant its refusal.

#### Character of the Area

##### *Concern:*

Concern was raised that the proposed development is out of character with the local area, and that a loss of amenity occur as a result of the proposed development.

##### *Assessing Officer Response:*

Concept Approval MP09\_0029 was granted 18 June 2010, the assessment concluded that the site was suitable for a higher density proposal given the sites location to public transport, the West Ryde Town Centre and services. As discussed above, the Concept Approval approved height, floor space and built form envelopes for the site. The proposal is consistent with these controls.

The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.

It is considered that the building will continue to contribute positively to the visual amenity and character of the streetscape, without resulting in any unreasonable adverse amenity impacts.

In addition, both Council's Urban Designer and the Urban Design Panel have indicated support for the proposal.

#### Overshadowing

##### *Concern:*

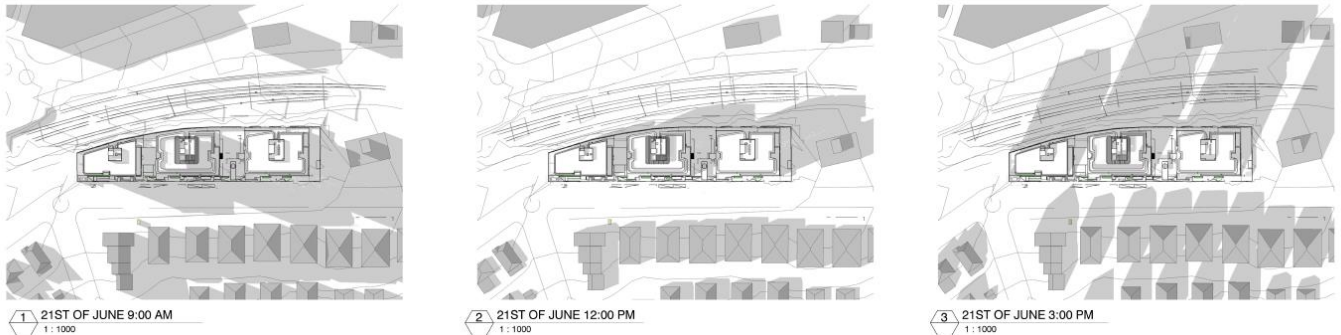
Concern was raised with regard to overshadowing of the development south of the site, 61 West Parade, West Ryde.

##### *Assessing Officer Response:*

In the assessment of the concept approval, the author was satisfied that the solar access to the occupants of 61 West Parade, West Ryde would not be unreasonably affected, as the main living areas/private open space of all units affected by the proposal will maintain a minimum of 3 hours of direct sunlight between 9am and 3pm in midwinter.

Shadow diagrams submitted as part of the application (see **Figure 25**) indicate that 61 West Parade, West Ryde will be partially overshadowed by the proposed development between 9am and 3pm on 21 June.

**Figure 25: Extent of overshadowing between 9am, 12pm and 3pm on 21 June.**



The diagram shown above also indicates that at 3pm, the proposed development will not overshadow the adjoining site.

It is considered that the proposal has been designed to allow reasonable daylight access to all adjoining buildings, and will not result in unreasonable overshadowing effects. Noting, the Concept Approval approved height, floor space and built form envelopes for the site and the proposal is consistent with these controls.

Adequate solar access is provided to the properties to the west of the site.

#### Overlooking (Residents of West Parade)

##### *Concern:*

Concern was raised with regard to overlooking to those properties directly opposite the subject site.

##### *Assessing Officer Response:*

The proposed development complies with the building setback controls approved as part of the Concept Plan Approval.

With regard to overlooking, it is considered that the proposed development has been designed to minimise the likelihood of any adverse overlooking of adjoining properties. This has been achieved by providing sufficient setbacks.

#### Communal Open Space (for occupants of the site)

##### *Concern:*

Concern was raised with regard to the extent of communal open space provided for occupants of the site.

*Assessing Officer Response:*

The ADG requires that the site provide 937m<sup>2</sup> as communal open space. The proposed development provides three (3) communal open spaces areas. Each space comprises:

Communal Open Space A & B: 168m<sup>2</sup>

Communal Open Space B & C: 392m<sup>2</sup>

Communal Open Space Roof Top B: 377m<sup>2</sup>

The size, location and design of the proposed communal open space provides a functional, landscaped area which encourages social interaction for future occupants.

Noise (for occupants of the site)

*Concern:*

Concern was raised with acoustic measures being implemented for the proposed dwellings.

*Assessing Officer Response:*

Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from adjoining apartment buildings, and the adjoining rail line. An acoustic wall is proposed along the rear boundary.

Noise areas within buildings (such as the entrance) are not located next to bedrooms.

Adaptable Dwellings

*Concern:*

Concern was raised with the distribution of adaptable dwellings throughout the development. Specifically, the lack of dwelling variety (being limited to one (1) bedrooms).

*Assessing Officer Response:*

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development provides design criteria and guidance for the provision of 20% of the total apartments to meet the Liveable Housing Design Guidelines (LHDG) silver level. The report states that 30 units have been designated as being designed to LHDG silver level.

Despite being limited to one (1) bedroom dwellings, the guidelines detailed in the LHDG are considered to be met.

### Nuisance (dust)

#### *Concern Raised:*

Concern was raised with regard to nuisance as a result of construction works (specifically dust).

#### *Assessing Officer Response*

Construction impacts are controlled by Part 8.1 of the RDCP 2014. Similar to any major development work, some level of inconvenience/impact such as increased noise level, may result once the construction commences. However, to address the issue, Council's standard conditions of consent have been imposed to control the impact of the construction activities. This includes the requirement to submit an erosion and sediment control plan. (**See Conditions 61 & 111**).

### Nuisance (noise as a result of building operations for receivers)

#### *Concern Raised:*

Concern was raised with regard to nuisance as a result of building operations, specifically plant equipment.

#### *Assessing Officer Response*

Appropriate noise shielding and attenuation techniques have been proposed as part of the building design. Further a condition has been recommended in the consent requiring the installation and operation of all plant equipment to comply with all recommendations of the Noise Impact Assessment prepared by JHA Services (dated 23 March 2020). **Conditions 43, 176 & 177** have been included on the draft consent to address operational noise on receivers and are considered to adequately address the concerns of the submitter.

### Parking (provision of parking)

#### *Concern:*

Concern was raised with the provision of on site car parking proposed.

#### *Assessing Officer Response:*

The RDCP 2014 requires a minimum of 171 car parking spaces and 17 bicycle spaces to be provided.

Three (3) basement car parking levels containing 171 parking spaces and 23 bicycle spaces have been proposed.

It is considered that the proposed development has been designed in a manner which maintains the safety and efficiency of the transport network and provides adequate car parking for future users of the building.

#### Parking (Loss of street parking)

##### *Concern:*

Concern was raised with the loss of on street parking as a result of the proposed development.

##### *Assessing Officer Response:*

The proposal will result in a loss of three (3) on street car parking spaces due to the location of the new access driveway, and requirements for no stopping areas to assist with access/egress from this access point. The loss of these spaces are based on the current streetscape conditions, which allows for approximately 22 street parking spaces.

The site, in its original form comprised of a total of eight (8) residential allotments. Each allotment had a vehicle crossing, allowing up to two (2) on street parks available per allotment – an approximate total of 16 on street parks. It is noted all previously existing vehicle crossings were removed at the time of demolition of the previously existing dwelling houses.

Once the development is completed, approximately 18 street parking spaces will remain. An increase of 2 on street spaces to what was originally existing.

Despite the loss of three (3) on street car parking spaces sufficient on street parking is considered to remain.

#### Increase in Traffic

##### *Concern:*

Concern was raised with regard to an increase in traffic congestion as a result of the proposed development.

##### *Assessing Officer Response:*

Whilst it is recognised that the proposed development will result in an increase in traffic generation in the area, the following is noted:

- The assessment of the concept approval concluded that the traffic generated by the proposal can be accommodated on the existing road network with minimal impact; and
- TfNSW assessed the proposal in accordance with the requirements of Clause 104 of the SEPP (Infrastructure) 2007 and advised no objections to the proposed development were raised. No conditions were recommended.

Further, it is considered that the intensity and nature of the proposal is compatible with road capacity and function. Both vehicle and pedestrian safety will be maintained. The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.

#### Safety to building (61 West Parade, West Ryde)

##### *Concern:*

Concern was raised in the submission with regard to structural safety of the building adjacent to site, namely 61 West Parade, West Ryde.

##### *Assessing Officer Response:*

Prior to the issue of the relevant Crown Building Works Certificate a pre-commencement dilapidation report providing an accurate record of the existing condition of 61 West Parade, West Ryde is required to be submitted to Council and the owners of the affected adjoining private properties. Upon completion of works, post-construction dilapidation report which clearly details the final condition of 61 West Parade, West Ryde is also required to be submitted to Council and the owners of the affected adjoining private properties. **(Conditions 62 & 135).**

In addition, **Conditions 4 & 59** have been included on the draft consent to address excavation that has potential to adversely impact the neighbouring property.

#### Noise During Construction

##### *Concern:*

The following question was raised:

*What will be the plan for noise reduction during the construction period?*

##### *Assessing Officer Response:*

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. **(Conditions 7, 17, 103 & 104).**

#### Street Parking During Construction

##### *Concern:*

The following question was raised:

*What will the arrangement be for street parking during the construction period?*

##### *Assessing Officer Response:*

A Construction Traffic & Pedestrian Management Plan (CTPMP) including Traffic Control Plan(s) is required to be prepared and submitted to Council for approval prior



to works commencing on site. The CTPMP will be required to address impacts to the general traffic, pedestrians and other road users within the surrounding public road network associated with all construction works (including demolition) corresponding to the development. **(See Conditions 26 & 102).**

### Design of the Dwellings

#### *Concern Raised:*

Concern was raised with regard to the internal design of each proposed dwelling. Matters raised include:

- The location of doorbell outlets;
- The location of TV and internet outlets; and
- Facial recognition (of entry to Buildings).

#### *Assessing Officer Response:*

The proposal has designed to achieve a high level of amenity for residents and each dwelling.

The detailed matters raised in this submission are not relevant to the assessment of this application.

### Purchase of the Site

#### *Concern Raised:*

A submission requested that Council should purchase the site for purposes of a park.

#### *Assessing Officer Response:*

The subject site is owned by the Land and Housing Corporation NSW and is suitable for development permissible within the zone, or in accordance with the approved Concept Plan.

This matter is not considered relevant to the assessment of this application.

### Greenspace Tax

#### *Concern Raised:*

A submission requested that a greenspace tax be implemented as part of any development consent.

#### *Assessing Officer Response:*

As part of this development the applicant is required to contribute toward the for the provision of various additional services required as a result of increased development density. A component of these contributions is paid toward open space

and community recreation areas. A condition has been included in the consent requiring the payment of these contributions.

### Redevelopment of Existing Apartment Blocks

#### *Concern Raised:*

A submission requested that consideration should be given to the redevelopment of existing apartment blocks, rather than using up greenspace.

#### *Assessing Officer Response:*

In accordance with the Environmental Planning & Assessment Act, 1979 if an environmental planning instrument or the like (an LEP or in this case Concept Approval MP09\_0029) provides that a specified development may be carried out on a site, a person can do so by obtaining an appropriate consent by the relevant consent authority.

Concept Plan MP09\_0029 assessed the suitability of the site for development and deemed that the site has the development capacity to support the built form of proposed development.

Whilst the site is currently vacant, it is not considered to be greenspace. The site is privately owned and previously contained 8 (eight) residential dwellings.

The site is considered to be suitable for development.

### Heritage Conservation Area

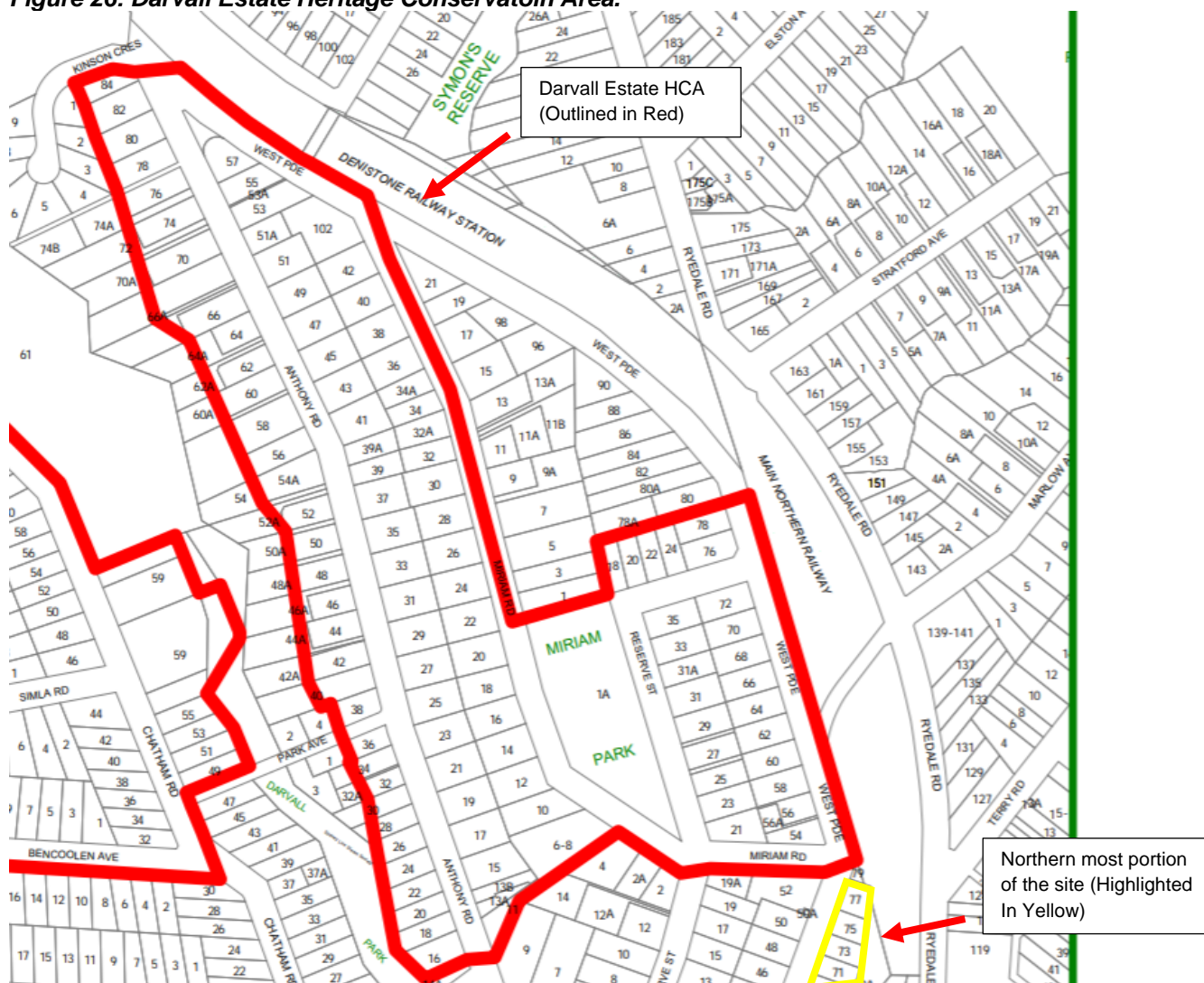
#### *Concern Raised:*

A submission was received which raised concern that the proposed development site does not form part of Heritage Conservation Areas, and that other sites in close proximity do.

#### *Assessing Officer Response:*

As part of Heritage Review undertaken by the City of Ryde a number of Heritage Conservation Areas (HCA'S) were proposed. As part of this review, Darvall Estate which is in close proximity to the site was identified (see **Figure 26**).

**Figure 26: Darvall Estate Heritage Conservatoin Area.**



The Heritage review was undertaken by GML Heritage Consultants. The review identified built, landscape and archaeological items that are of heritage significance to the City of Ryde.

Those properties identified in the Figure above were assessed as having a contribution to the significance of the Darvall HCA.

The subject site was not identified as contributing to the significance of the Darvall HCA.

As such this is not a matter for consideration under this application that would warrant its refusal

## 12. THE PUBLIC INTEREST

Pursuant to Section 75w of the Environmental Planning and Assessment Act, 1979, the concept approval and subsequent modifications underwent a separate approvals process which, through its approval was deemed to result in a development which would provide for environmental, social and economic benefits for the City of Ryde.

The proposal is considered to result in a development which will deliver a sustainable and responsive social housing project which will meet the strategic priorities detailed in the Future Directions Policy for a development of this scale.

The approval of the application is in the public interest because the development complies with the built form envelopes approved under the concept approval which is consistent with the scale and intensity approved on the site.

The proposal in its current form, to be in the public interest.

## **13. REFERRALS**

As detailed throughout this report, the application has been subject to a number of amendments following comments from various sections of Council and external referrals. The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application (as amended).

### **13.1 Internal Referrals**

- Senior Development Engineer

Council's Senior Development Engineer has reviewed the proposal and concluded that no objections are raised subject to appropriate conditions of consent. **(See Conditions 10, 12-15, 17, 54-61, 85, 86, 109-111, 136-142, 172 & 173).**

It was noted that upon submission of additional information, the review by Council's Senior Coordinator Development Engineering Services uncovered considerable flaws in the proposed stormwater design, mostly related to the level condition of the site and the relative level difference between the site and public drainage infrastructure to which it is to discharge to. To address this, the stormwater plans will require modification to eliminate surcharge flows up to the 100yr storm event and ensure the elected PSD is complied with.

These are matters that are capable of being addressed via condition with amended plans to be provided prior to the issue of a Crown Building Works Certificate. The amendments proposed are inconsequential to the overall development, with the proposed changes to the stormwater design capable of being provided within the footprint and envelopes of the development as proposed. The applicant has reviewed these conditions specifically and advised there are no objections.

- Consultant Landscape Architect/Arborist

Council's Consultant Landscape Architect/Arborist reviewed the amended landscape design and advised that no objection is raised to the removal of six (6) high category, ten (10) medium category and 13 low category trees, subject to the replanting of 66 new trees, and replacement planting of one (1) along West Parade within the public domain.

No objections were raised to the proposed development subject to appropriate conditions of consent. **(See Conditions 24, 25, 27, 80, 95, 96 & 124-129).**

- Tree Management Officer

Council's Tree Management Officer (TMO) reviewed the application with regard to the removal of one (1) street tree (Tree 5, *Lophostemon Confertus*), and the retention of two (2) street trees (Tree 18 and 45, *Lophostemon Confertus*).

Council's TMO raised no objection to the removal of Tree 5 subject to appropriate conditions regarding planting of a replacement species.

With regard to Tree 18, Council's TMO noted that excavation for the basement level parking has been calculated to be outside the Tree Protection Zone (TPZ). Council's TMO concluded that subject to appropriate conditions, no concern is raised with regard to the protection of Tree 18.

With regard to Tree 45, Council's TMO raised concern with the location of the proposed substation adjacent to this tree, and excavation impacts as a result of construction/installation. On 14 September 2020 amended landscape plans were received. The amended plans indicated the substation had been relocated further south of the tree.

With regard to Trees 18 and 45, Council's TMO raised no objection to the retention of these trees subject to appropriate conditions of consent. **(See Conditions 25 & 65).**

- Urban Designer

Council's Urban Designer has reviewed the proposal and has raised no objections, concluding that the amended design satisfactorily address all concerns raised by the UDRP and that additional comments made by Council's Urban Designer. No conditions were recommended.

- Environmental Health Officer

Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and has advised that the site is suitable for the proposed residential land use. Appropriate conditions have been imposed regarding discovery of additional contamination information, waste transportation and excavated material. No objections are raised subject to appropriate conditions of consent. **(See Conditions 20-23, 121-123, 163 & 175-177).**

- Waste Services

Council's Waste Service Officer has reviewed the proposal and is satisfied that the proposed waste service area will ensure all waste can be transferred and collected without compromising the amenity of residents or adjoining sites. No objections are raised subject to appropriate conditions of consent. **(See Conditions 71-74, 120, 156-162 & 174).**

- Traffic Engineer

Council's Traffic Engineer has reviewed the proposal and concluded that that the proposed access and egress arrangements will ensure that parking areas are readily accessible useable and adequately provide for circulation and manoeuvring of vehicles. No objections are raised subject to appropriate conditions of consent. **(See conditions 17, 26, 63, 87, 102, 114 & 115).**

- Public Domain

Council's Public Domain Engineer has reviewed the amended proposal and concluded subject to appropriate conditions of consent the proposed development will comply with City of Ryde Public Domain Technical Manual.

No objections are raised subject to appropriate conditions of consent **(Refer Conditions 12-15, 19, 64-70, 86-74, 119 & 143-155).**

#### **14.2 External Referrals**

- Sydney Trains.

In accordance with Clause 86 of SEPP (Infrastructure) 2007 concurrence was sought from Sydney Trains. Sydney Trains assessed the proposal in accordance with the requirements of Clause 86(4) of the SEPP (Infrastructure) 2007, and granted concurrence subject to appropriate conditions of consent. **(See Conditions 28-33, 75-79, 97-100, 130, 131 & 164-168).**

- Transport for New South Wales (TfNSW). (Formally Roads and Maritime Service).

In accordance with Clause 104 of SEPP (Infrastructure) 2007 the application was formally referred to TfNSW. TfNSW has reviewed the proposal and has raised no objections.

- New South Wales (NSW) Police

The application was formally referred to the NSW Police. The NSW Police has reviewed the proposal and has raised no objections subject to appropriate conditions of consent. **(See Condition 45).**

### **15. CONDITIONS**

As the development is a Crown development, the applicant has agreed to the attached conditions of consent.

### **16. CONCLUSION**

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

The development application is consistent with the land use zoning and provisions detailed within MP\_0029 (and subsequent Modifications MP\_0029 MOD 1, MOD 2 and MOD 3).

The development application will aid in the redevelopment of the subject site for purposes of social housing and meet the strategic priorities of the Future Directions Policy.

Furthermore, the proposal will result in a sustainable residential community which has high amenity values of a quality and character anticipated in a high density living environment.

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

## **17. RECOMMENDATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 the following is recommended:

- A. That the Sydney North Planning Panel grant 'Deferred Commencement' consent to development application LDA2020/0133 to undertake the construction of three (3) residential flat buildings containing a total of 150 apartments 6 – 11 storeys in height with three (3) basement car parking levels containing 171 parking spaces, 23 bicycle spaces and landscape works at 63 – 77 West Parade, West Ryde subject to the Conditions of Consent in Attachment 1 of this report.
- B. That a copy of the development consent be forwarded to Sydney Trains, Transport for NSW and NSW Police.
- C. That those who made a submission be advised of the determination.

### **Report prepared by:**

Alicia Hunter - Senior Town Planner

### **Report approved by:**

Rebecca Lockart - Senior Coordinator - Major Development

Sandra Bailey - Manager Development Assessment

Liz Coad Director - City Planning and Environment