Form 43 (version 1)
UCPR 36.11

ORDER

COURT DETAILS	
Court	**LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES**
Division	Class 1
Registry	Level 4, 225 Macquarie Street, Sydney
Case number	10468 of 2012
TITLE OF PROCEEDINGS	
Applicant	**EGC Custodian Services Pty Ltd**
Respondent	**Minister for Planning & Infrastructure**
DATE OF ORDER	
Date made or given	17 September 2012
Date entered	26 SEP 2012
TERMS OF ORDER	

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

The Court notes that the parties or their representatives have reached agreement at or after a conciliation conference held pursuant to s 34 of the *Land and Environment Court Act* 1979, presided over by Commissioner Brown on 30 July 2012, as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions) as set out in the document annexed hereto.

By consent, the Court makes the following orders:

1 The parties have reached an agreement as to the terms of the decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).

2 The terms of the decisions are as follows:

a. The Applicant is granted leave to rely upon the following documents attached at Annexure A:

i. amended concept plans dated 29 August 2012 and prepared by Candalepas Associates:

1. DA 1000 Issue D, Cover Sheet;
2. DA 1001, Issue D, Locality Plan;
3. DA 1002 Issue D, Site Analysis Plan;
4. DA 1100 Issue D, Concept Plan Envelopes;
5. DA 1101 Issue D, Basement Floor Plans;
6. DA 1102 Issue D, Ground Floor Plans;
7. DA 1103 Issue D, Level 1-4 Floor Plans;
8. DA 1201 Issue D, Site Sections;

9. DA 1202 Issue D, Site Sections;
10. DA 1301 Issue D, Elevations;
11. DA 1302 Issue D, Elevations;
12. DA 1701 Issue D, Development Analysis;
13. DA 1801 Issue D, Shadow Analysis;

ii. *SEPP 65 Verification Statement Issue D Prepared to Accompany a Part 3A Concept Plan Application for 1-9 Allengrove Crescent, 116A Epping Road and 259-263 Lane Cove Road, North Ryde* dated August 2012 and Prepared by Candalepas & Associates;

iii. Letter dated 29 August 2012 from GM Urban Design and Architecture Pty Limited.

(together referred to as the '**Concept Plan Application**')

b. The Appeal is allowed in respect of the Concept Plan Application for the proposed residential development at 116A-122B Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent in the manner and subject to the conditions and the Statement of Commitments set out in Schedules 1, 2 and 4 in Annexure B;

c. Each party pays its own costs of the proceedings.

3 Pursuant to Section 34(3) (a) of the *Land and Environment Court Act* the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 2 above.

4 It is noted that it is intended that when the Planning and Assessment Commission (as delegate for the Minister) approves the Concept Plan Application, it will exercise the powers under the former section 75P of the *Environmental Planning and Assessment Act 1979* in the following manner:

a. pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, that the further environmental assessment requirements for approval to carry out the development are as set out in Schedule 3 to Annexure B; and
b. pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are subject to Part 4.

SEAL AND SIGNATURE

Court seal

Signature

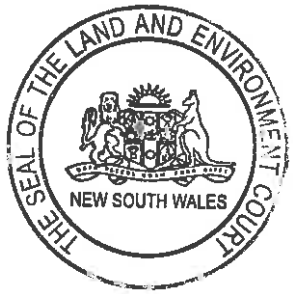
Capacity Leonie Walton
Acting Registrar

Date 21 NOV 2012

THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	**Addisons Lawyers**, solicitors for the Applicant
Legal representative	David O'Donnell, Addisons Lawyers
Legal representative reference	DOD
Contact name and telephone	Helen Macfarlane/ Stephanie Vatala (02) 8915 1018



Form A (version 1)
Land and Environment Court Act section 34(3)

Section 34 Agreement

COURT DETAILS	
Court	Land and Environment Court of New South Wales
Class	1
Case number	10468 of 2012
TITLE OF PROCEEDINGS	
Applicant	**EGC Custodian Services Pty Ltd, ACN 100 540 270**
Respondent	**Minister for Planning and Infrastructure**
FILING DETAILS	
Prepared by	**Minister for Planning and Infrastructure, Respondent**
Legal representative	Christine Hanson Director Legal Services Department of Planning and Infrastructure
Legal representative reference	
Contact name and telephone	Anna Summerhayes, 9928 6429

Section 34 Agreement

1 The parties have reached an agreement as to the terms of the decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).

2 The terms of the decisions are as follows:

a. The Applicant is granted leave to rely upon the following documents attached at Annexure A:

i. amended concept plans dated 29 August 2012 and prepared by Candalepas Associates:

1. DA 1000 Issue D, Cover Sheet;
2. DA 1001, Issue D, Locality Plan;
3. DA 1002 Issue D, Site Analysis Plan;
4. DA 1100 Issue D, Concept Plan Envelopes;
5. DA 1101 Issue D, Basement Floor Plans;
6. DA 1102 Issue D, Ground Floor Plans;
7. DA 1103 Issue D, Level 1-4 Floor Plans;
8. DA 1201 Issue D, Site Sections;
9. DA 1202 Issue D, Site Sections;

10. DA 1301 Issue D, Elevations;

11. DA 1302 Issue D, Elevations;

12. DA 1701 Issue D, Development Analysis;

13. DA 1801 Issue D, Shadow Analysis;

ii. *SEPP 65 Verification Statement Issue D Prepared to Accompany a Part 3A Concept Plan Application for 1-9 Allengrove Crescent, 116A Epping Road and 259-263 Lane Cove Road, North Ryde* dated August 2012 and Prepared by Candalepas & Associates;

iii. Letter dated 29 August 2012 from GM Urban Design and Architecture Pty Limited.

(together referred to as the '**Concept Plan Application**')

b. The Appeal is allowed in respect of the Concept Plan Application for the proposed residential development at 116A-122B Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent in the manner and subject to the conditions and the Statement of Commitments set out in Schedules 1, 2 and 4 in Annexure B;

c. Each party pays its own costs of the proceedings.

3 Pursuant to Section 34(3) (a) of the *Land and Environment Court Act* the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 2 above.

4 It is noted that it is intended that when the Planning and Assessment Commission (as delegate for the Minister) approves the Concept Plan Application, it will exercise the powers under the former section 75P of the *Environmental Planning and Assessment Act 1979* in the following manner:

a. pursuant to section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, that the further environmental assessment requirements for approval to carry out the development are as set out in Schedule 3 to Annexure B; and

b. pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979*, that all future stages of the Concept Plan approval are subject to Part 4.

Date: 17 September 2012

SIGNATURE

Signature of legal representative: Helen Macfarlane

Capacity: solicitor for the applicant by her employed solicitor Helen Macfarlane

Date of signature: 17-9-2012

Signature of legal representative: Anna Summerhayes

Capacity: solicitor for the respondent by her employed solicitor Anna Summerhayes

Date of signature: 17 September 2012.

ANNEXURE A TO SECTION 34 AGREEMENT DATED 17 SEPTEMBER 2012

i. Amended concept plans dated 29 August 2012 and prepared by Candalepas Associates:

1. DA 1000 Issue D, Cover Sheet;
2. DA 1001, Issue D, Locality Plan;
3. DA 1002 Issue D, Site Analysis Plan;
4. DA 1100 Issue D, Concept Plan Envelopes;
5. DA 1101 Issue D, Basement Floor Plans;
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ii. *SEPP 65 Verification Statement Issue D Prepared to Accompany a Part 3A Concept Plan Application for 1-9 Allengrove Crescent, 116A Epping Road and 259-263 Lane Cove Road, North Ryde* dated August 2012 and Prepared by Candalepas & Associates;

iii. Letter dated 29 August 2012 from GM Urban Design and Architecture Pty Limited.

SEPP 65 DESIGN VERIFICATION STATEMENT

ISSUE D
PREPARED TO ACCOMPANY A
PART 3A CONCEPT PLAN APPLICATION
SUBMITTED TO THE NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Project Site Address

1-9 ALLENGROVE CRESCENT,
116A EPPING ROAD AND 259-263 LANE COVE ROAD, NORTH RYDE

prepared on behalf of

EGC Custodian Services

prepared by

CANDALEPAS
ASSOCIATES

LEVEL 9, 219 CASTLEREAGH ST
SYDNEY NSW 2000

T: 02 9283 7755
F: 02 9283 7477
E: architects@candalepas.com.au

1. SUMMARY

This SEPP 65 Design Verification Statement has been prepared on behalf of EG Custodian Services in support of a Part 3A Concept Plan Application to the NSW Department of Planning and Infrastructure.

The development involves:

- The demolition of the existing 16 dwellings
- Excavation for two stepped basement levels
- The construction of a multi-residential development in five rows of buildings:
  - Row along Epping Road, height varying from 3 to 5 storeys
  - Row along Lane Cove Road, height varying from 3 to 4 storeys
  - Internal row to the north, height varying from 3 to 5 storeys
  - Internal row to the south, height varying from 3 to 4 storeys
  - Row along Allengrove Crescent, height varying from 2 to 3 storeys

We confirm that Mr Angelo Candalepas of Candalepas Associates directed the design of the enclosed Concept Plan application, which is represented by drawings (DA 1000-1002, 1100-1103, 1201, 1202, 1301, 1302, 1701 and 1801, all Issue D) and that Mr Candalepas is registered as an architect in NSW (registration No. 5773) in accordance with the Architects Act 1921.

We confirm that the enclosed documentation achieves the design principles set out in *State Environmental Planning Policy 65 - Design Quality of Residential Flat Development* and has been designed with regard to the publication *Residential Flat Design Code.*

2. DESIGN QUALITY PRINCIPLES

PRINCIPLE NO. 1: CONTEXT

Good design responds and contributes to its context. Context can be defined as the key natural and built features of the area.

The site is known as 116A Epping Road, 259-263 Lane Cove Road and 1-9 Allengrove Crescent North Ryde. It has a site area of 12,297sqm. It is located on the southern corner of Epping and Lane Cove Roads and is adjacent to the Epping Road overpass. It also has a south western frontage to Allengrove Crescent which is a cul-de-sac accessed directly from Lane Cove Road. Immediately to the north of the site is a small council reserve with a number of large trees up to 24m high; on its western corner is a low rise detached dwelling.

The southern side of Epping Road has single storey villas abutting the south eastern boundary, further south are low rise detached houses and duplex developments. The north western side of Epping Road is a similar character although a two storey commercial building is located on the opposite side of Lane Cove Road. Epping Road has a 6 lane overpass directly in front of the site. On the north eastern side of Epping Road (opposite side of the Epping Road overpass) the land is primarily zoned for commercial purposes. The buildings vary in scale between 5 and 11 storeys.

Lane Cove Road, to the west of Epping Road is characterised by detached houses and duplex developments. Lane Cove Road, to the east of Epping Road is in the proximity of Macquarie Park Train Station and within the high density Macquarie Park corridor zoned primarily for commercial purposes. The buildings located here have large floor plates and are up to 11 storeys high.

The site on Allengrove Crescent is bounded by single and two storey developments to the north and south of the site. To the east there are various town-house and villa-home developments.

The proposed residential development ranges in height from 2-5 storeys and will contain a mix of 1 bed, 2-bed and 3-bed dwellings.

It is argued here that the existing housing development in this context (of single houses facing Epping Road and Lane Cove Road) is not an appropriate urban form. In the context of placing residential

uses on this site, the proposal considers the noxious character of the roadways by placing dwellings further away and beyond landscaped buffers against the same. In so doing, the present minimal setbacks are reconsidered and setbacks considered adequate for landscaping adjacent Epping Road and Lane Cove Road are put in place.

With respect to Allengrove Crescent, the built form directly adjacent the extant housing stock to the south at two levels is considered an appropriate interface, being consistent with the currently expected heights foreshadowed in Council's own controls.

Built forms throughout the proposal are fragmented and stepped in ways that enable a reduction of surface areas; in so doing, the sense of smaller-sized forms are designed to sit adjacent to the existing low-scale forms in a complimentary manner.

PRINCIPLE NO. 2: SCALE

Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings.

The bulk, height and scale of the development have been carefully considered in the context of the surrounding buildings and within the context of the urban scale of the surrounding streets and roadways as well as the scale of the urban forms nearby.

The development consists of five rows of buildings, one fronting Epping Road, one fronting Lane Cove Road, one fronting Allengrove Crescent and two blocks located at the centre of the site. The siting, bulk and height of these buildings have been designed to respond to the buildings on adjacent sites and the nature of the environment at the roadways that characterise the site as a robust urban environment.

The row on Epping Road fronts a main road that is 6 lanes in width with an overpass at the intersection of Epping Road and Lane Cove Road. The buildings on the opposite side of Epping Road have large floor plates and are up to 11 storeys high. In responding to the nature of the environment the building steps up towards the busy intersection and overpass and steps down to a height of 9m adjacent to the low scale villas on the south east boundary.

The row on Lane Cove Road fronts a main road that is also 6 lanes in width and is parallel to the overpass at the intersection of Epping Road and Lane Cove Road. The buildings on the opposite side of Lane Cove Road are predominantly single storey detached dwellings.

The row on Allengrove Crescent is measurably lower in scale than the other rows as it is sited on a residential street with low forms of dwelling on both sides. The proposed form at Allengrove Crescent is lowest at the south east boundary adjacent to a single dwelling. The form considered appropriate in this area is generally low with a height of 2 and 3 levels. The topography of the site enables an even lower height to be read from the street, given the proposed setback of around 9m. In this context, the buildings may read an entire level lower.

The internal rows are not readily seen from any public roadway or street as are the other rows. Even so, they are considered at their ends and where they are seen, in a manner that enables visibility of these central rows to be considered in context. To this end the central rows are stepped in their building footprint; they are also stepped in the vertical section.

PRINCIPLE NO. 3: BUILT FORM

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and manipulation of building elements.

The building alignments of the development have been designed to match or exceed all neighbouring setbacks. The Epping Road building has a minimum setback of 10m which exceeds that provided by the neighbouring single storey villa-home development. This setback creates a scale and proportion that relates well to the single dwellings that characterise the area. The side setback to the eastern boundary and adjacent to the neighbouring single storey villa-home development is one which is more than double of that which exists adjacent. This is appropriate given that the adjacent development is of

lower form than that which is proposed here. All five rows in this area have been sited to maximise the distance from the south east boundary which is set back at distances that range from 6.6m up to 9m (with 4 of the 5 rows offering a 9m setback). These setbacks enable a minimum of 3 hours of sun access to the northern windows of the single storey villa-home development adjacent at that boundary.

The setback along Lane Cove Road is between 7.5m and 12.5m to allow a landscape buffer between the building row and the roadway. The present built form at the site provides a smaller setback than proposed here. Further, the development opposite Lane Cove Road also provides a smaller setback as does the general urban form to the west of Allengrove Crescent. The proposed setbacks here are therefore considered adequate given the extant setbacks in this context.

The building setback on Allengrove Road aligns with or exceeds the setback of the residences on either side of the development. This row is divided into two separate building elements with different heights (2 and 3 levels).

The proposal considers appropriate built form in the context of the significant roadways at the site as well as the more sensitive location of urban forms at Allengrove Crescent. It is noted that higher buildings are proposed adjacent to the larger roadways and larger setbacks are proposed for those buildings where the context requires landscape buffers. This enables consideration of the site as enabling both a landscape setting and robust built forms within the context of the existing characteristics of the subject site.

PRINCIPLE NO. 4: DENSITY

Good design has a density appropriate for a site and its context, in terms of floor space yields (or numbers of units or residents).

The proposed intensification of the site provides a suitable density which acknowledges the accessibility of the site to public transport opportunities.

The proposal places a higher density of population on the site than is currently available by the housing presently at the site and the possibility for development as a result of the Council of the City of Ryde's planning controls. In so doing, the density proposed is well served by public roadway and railway infrastructure. Further, the density proposed is also of a significantly higher amenity, critically, for light, landscape and air, than the extant housing stock. The density on the site is supportable due to its improvement on the extant available amenity and its location.

The density proposed is consistent with good planning principles, adjacent urban infrastructure as well as current planning policies of the NSW government.

PRINCIPLE NO. 5: RESOURCE, ENERGY AND WATER EFFICIENCY

Good design makes efficient use of natural resources, energy, and water throughout its full life cycle, including construction.

The proposed development has considered many environmental design initiatives. These are summarised below and detailed in the Concept Plan application documentation:

- Orientation of most buildings is to the north east, allowing living spaces to optimise solar access, reducing heating and artificial lighting requirements.
- Units situated on Lane Cove Road have a north-west orientation which allows excellent solar access.
- Sun-screening devices and strong shuttering elements reduce solar gains and increase the control of the internal environment against inappropriate sun gain in summer. This is coupled with the ability for heat gain in winter enabled by the same sun-shading devices (being pulled away in those winter months).
- Cross ventilation is enabled in all units, (cross ventilation to units opposite the lift can be achieved through screens/louvers to the foyer facades).
- Reduction in water use via efficient fittings, low water demand, landscaping and efficient irrigation systems.
- Rainwater reuse.
- Energy efficient lighting, heating and instantaneous gas hot water.
- The reuse and recycling of construction and demolition waste.

- Car sharing facilities are planned in the development.

PRINCIPLE NO. 6: LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both the residents and for the public domain.

The design of the development into five rows of buildings has created desirable open landscape space between the building rows and further landscape spaces along Lane Cove Road and Epping Road. The character of the spaces within the development and those on the fringes are designed to vary considerably.

The communal courtyards have been designed as spaces to be directly experienced and viewed by the residents. They respond to the topography of the site and provide soil depth in appropriately sited locations for large tree plantings.

The landscape areas along Epping Road and Lane Cove Road are bio-retention parks and community gardens. The bio retention spaces have environmental and recreational attributes; they capture the stormwater and filtrate the water prior to it entering the Lane Cove River catchment.

The design has also carefully considered the trees on neighbouring boundaries, in particular the trees within the public reserve on the corner of Epping Road and Lane Cove Road. The buildings have been set back appropriately so as to not disturb any tree protection zones.

PRINCIPLE NO. 7: AMENITY

Good design provides amenity through the physical, spatial and environmental quality of a development.

The proposed development includes a mix of 1-bed, 2-bed and 3-bed units. All units have a north-east or north-west aspect. A minimum of 70% of the apartments in the development receive a minimum of three hours of solar access to the living areas and private open spaces during mid-winter.

The five rows of buildings are broken up into smaller blocks with individual foyer entries. These foyers serve 2-4 units per floor creating small, naturally lit foyer spaces that minimise the number of people using them. This configuration enables individuals to engage more easily with their neighbours and reduces the now-familiar security risk of long corridors.

All units are open plan with narrow floor plates facilitating good cross ventilation to all habitable rooms (See Diagrams 1 & 2). Each unit within the development has been provided with a private open space off the main living area, by way of either a terrace or balcony with a minimum dimension of 2m.

Areas of communal open space may be provided in the landscape zones between the rows. Such spaces may be able to house communal kitchen gardens or like development enabling active use. Such use is enabled by the significant dimension of these landscape areas as seen in the plans.

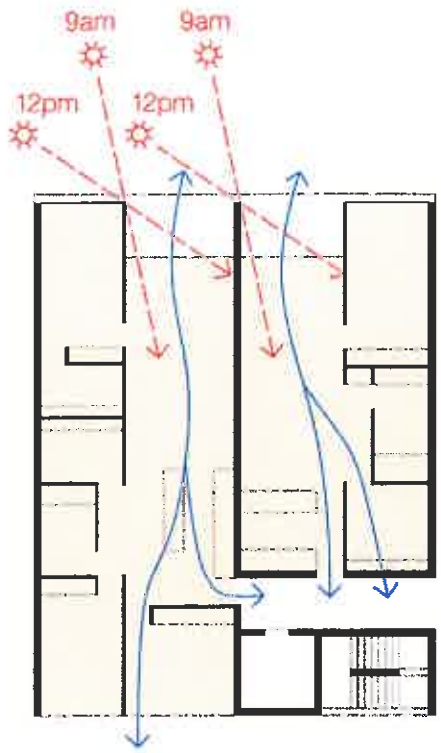

Diagram 1 Cross Ventilation and Solar Access to Typical NE Facing Units on June 21st

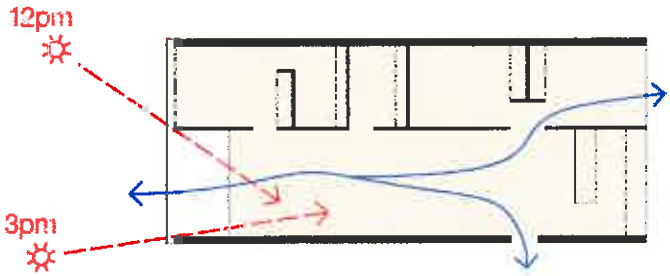

Diagram 2 Cross Ventilation and Solar Access to Typical NW Facing Unit on June 21st

THE SEAL OF THE LAND AND ENVIRONMENT COURT
NEW SOUTH WALES

PRINCIPLE NO. 8: SAFETY AND SECURITY

Good design optimises safety and security, both internal to the development and for the public domain.

The design proposes the following security measures to restrict and control access around the proposed development and to ensure that a high level of safety and security is provided within the design:

- General surveillance is natural in the configuration of the units where private open spaces at balcony and terrace-levels are directly adjacent to garden areas and paths of travel.
- Public pathways are able to be straight lines and well lit at night.
- A video entry system at all residential entry points linked to the units will allow access through the external security point upon confirmation from inside.
- A FOB (Free On Board) key is proposed to be supplied to occupants. This allows access through entry security points and controls lift-entry and lift-exit; for which security is dependent on pre-programmed access allocations. The FOB can be kept inside a wallet, unlocking the security points upon approach.
- The residential mail boxes are located at the various residential entry points.

PRINCIPLE NO. 9: SOCIAL DIMENSIONS

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The site is located close to all necessary facilities such as public transport, childcare facilities, schools, health care, shopping, educational and leisure facilities. With Macquarie Park Rail Station within 400m and a regular bus network on Epping Road and Lane Cove Road, there is an ease of connectivity to the city, and other local and regional destinations.

The development consists of a mix of unit types with a range of apartment sizes that are considered appropriate for the area.

PRINCIPLE NO. 10: AESTHETICS

Quality aesthetics require the appropriate composition of building elements, texture, materials and colours and reflect the use, internal design and structure of the development.

The proposed development has been carefully considered with respect to the surrounding natural and built environment.

The use of a range of materials and textures bring a richness and character to the site that sets a high standard of design.

3. RESIDENTIAL FLAT DESIGN CODE COMPLIANCE

Residential Design Flat Code –Topic	Compliance Y=yes, N=no, NA= not applicable	Comment
Part 01 – Local Context		
Amalgamation and subdivision	Y	
Building envelopes	Y	The proposed development has been designed within the existing built parameters of the surrounding area by responding to the increased building height and density across Epping Road and stepping down in bulk and scale to the south of the development to reflect the residential character of the adjoining properties. Appropriate building setbacks to the street have provided generous landscape opportunities to act as a buffer between the proposed development and the street. Similarly, appropriate setbacks to the neighbouring boundaries provide clearly defined open spaces which are visually linked to the neighbouring open spaces to lessen the perceived bulk of the proposed buildings. Building heights have been carefully considered to maximise the potential solar access and natural ventilation opportunities within the site and the neighbouring properties.
Building depth – 10-18m	Y	All units are capable of maintaining a building depth between 10-18m, maximising day lighting and natural ventilation.
Building separation – up to four storeys: 12m between habitable rooms, 9m between habitable rooms/balconies and non-habitable rooms, 6m between non-habitable rooms 5-8 storeys – 18m between habitable rooms, 13m between habitable rooms/balconies and non-habitable rooms, 9m between non-habitable rooms	Y	The suggested building separation distances have been generally achieved throughout the proposed development.
Street setbacks – reinforce the existing street setbacks	Y	The street setbacks proposed respond to the local context and address the street in a manner

		consistent with the local context and character.
Side and rear setbacks - respond to the existing rhythm and spatial separation in the street and Council requirements.	Y	Side and rear setbacks respond to the existing rhythm and spatial separation of existing buildings on the site.
Floor space ratio – Council requirements and appropriate to location and opportunities of the site	Y	The proposal is in alignment with the Metropolitan Strategy in terms of providing an appropriate density on a site which is located within a strategic centre and within 400m of a rail station. The proposal was based on forms that were considered appropriate. An FSR may vary dependent on the efficiency of the plans at later design stages. In this context, FSR is not considered as relevant as urban form.
Part 02 - Site Design		
Deep soil zones –min 25% of the open space should be a deep soil zone.	Y	Approximately 43% of the site is landscaped area, of which 53% is deep soil planting. The amount of landscape proposed satisfies these provisions. The proposed change in levels across the whole of the development also provides opportunities for generous podium planting.
Fences and walls – provide definition between public and private, improve privacy and contribute positively to the public domain	Y	All fences and walls provide clear definition between public and private spaces, improve privacy and contribute positively to the public domain.
Landscape design –add value to the quality of life by outlook, privacy and views, habitat for native plants and animals, improve microclimate.	Y	The site comprises 33% publicly accessible open space and 10% private open space to provide an appropriate mix of shared communal experiences with adequate private open space provisions. All private open spaces will allow for screening elements to provide privacy from communal open space.
Open Space – 25-30% of the site area is to be communal open space. Minimum areas at ground level are 25sqm, with a minimum dimension of 4m.	Y	The amount of proposed communal open space exceeds the minimum requirement here and offers a high level of utility and amenity. All private open space at ground level is able to exceed the requirement of 25sqm and minimum dimension of 4m as noted here.
Orientation – optimize solar access to residential apartments and reinforce streetscape character	Y	The proposed building layout responds to the streetscape whilst maximising solar access. Solar access is optimised to living spaces and associated private open spaces by providing north, north easterly and north westerly orientations.

Planting on Structures – Large trees – 150 cubic m volume, soil depth 1.3m, soil area 10mx10m Medium trees – 35 cubic m volume, soil depth 1m, soil area 6mx6m Small trees – 9 cubic m volume, soil depth 0.8m, soil area 3.5mx3.5m Shrubs – min soil depth 0.5 – 0.6m Ground cover – min soil depth 0.3 – 0.45m Turf – min soil depth 0.1-0.3m	Y	The proposal exceeds the deep soil requirements, and in addition, podium tree and shrub planting are able to be provided in accordance with these provisions.
Storm water management	Y	The proposal has been designed incorporating WSUD initiatives
Safety – definition between public and private space	Y	The layout of the buildings and allocation of active spaces have been designed to ensure a maximisation of passive surveillance. Definition between public and private space is able to be achieved throughout the development with the use of carefully designed fences, walls and gates. Soft landscaping and changes of material in paving also distinguishes these boundaries.
Entries oriented to public streets	Y	Entrances to units are able to be designed to access Epping Road, Lane Cove Road and Allengrove Crescent directly
Orient living areas over public and communal spaces	Y	All units offer living areas and associated balconies or terraces overlooking landscaped public open space.
Minimise opportunities for concealment	Y	Open communal walkways to unit entries front onto public open space minimising opportunities for concealment around stairwells.
Separate access for residents in mixed use buildings	N/A	The proposed development is a multi-residential development only. Mixed used buildings are not proposed.
Visual Privacy – maximise visual privacy between buildings	Y	Visual privacy is maximised within the proposed development by incorporating appropriate building separation controls.
Use screens and offsets to achieve privacy	Y	Semi-solid balustrades to balconies, louvers to windows, vertical fins between balconies and other devices are used throughout the development to maximise privacy between adjacent units.
Provide separation distances	Y	The proposed development can facilitate compliance with the guidelines in terms of visual and acoustic privacy.
Separate private from	Y	A combination of level changes, retaining walls

communal		and vegetation help define the boundaries between private open space and public open space.
Building Entry – identifiable entry	Y	The hierarchy of access points ensures that way finding is logical and building entrances are able to be made apparent.
Provide ground floor apartments with direct street entrance	Y	The proposed development provides the ability for direct street access to individual ground floor apartments.
Separate pedestrian and vehicle entry points	Y	The proposed development clearly distinguishes and separates pedestrian and vehicle entry points.
Circulation space to be adequate for movement of furniture	Y	Circulation space of all units is more than adequate in accommodating a variety of furniture arrangements
Parking – underground parking	Y	The proposed development provides two levels of underground parking and is capable of accommodating resident and visitor parking requirements to an acceptable level considering the proximity to rail infrastructure.
Ensure no negative impacts to streets from parking arrangements	Y	The car parking is located tightly under the building footprint to enable the maximum amount of deep soil zones in the front and rear of the development.
Provides bicycle parking	Y	The proposed development is capable of providing prescribed bicycle parking.
Pedestrian Access – maximise the number of visit-able, accessible and adaptable apartments	Y	Barrier-free access is possible to the entrance of all proposed buildings. Security is provided at the entry point of every building. This enables the site to not be a 'gated community'.
Consider public through site pedestrian access for large developments	Y	Several landscaped open walkways are provided within the development connecting major entries, communal open space, site facilities and all the major road frontages, (viz: Epping Road, Lane Cove Road and Allengrove Crescent).
Vehicle Access – minimise conflicts with pedestrians	Y	In order to minimise conflicts with pedestrians, driveway access has been limited to a single crossover at Allengrove Crescent and pedestrian access to the basement level car parking is provided separately.
Separate pedestrian and vehicle entries	Y	The proposal is able to distinguish pedestrian from vehicular entry points, using material variation, landscaping and signage.
Optimize opportunities for active street frontages	Y	The proposal is able to distinguish pedestrian from vehicular entry points, using material variation, landscaping and signage.
Screen garbage and loading areas	Y	Garbage and loading areas are screened or concealed within alcoves to avoid unsightly views.

Provide security doors to car parking entries	Y	Security doors will be provided to all units where security is considered a requirement (this is usually ground floor units and some units on Level 1).
Return façade materials into the car park entry where visible to the street	Y	The façade materials along Allengrove Crescent return into the car park entry recess for the extent visible from the street.
Driveways max 6m	Y	The width of the proposed driveway complies with this provision.
Part 03 - Building Design		
Apartment layout – private open space for every apartment	Y	All units have been designed with private open space. This is in the form of terraces at the ground floor level and balconies on upper levels.
Orient living rooms to primary outlook and aspect	Y	Primary outlooks from living rooms in all apartments have been orientated to enable views of landscaped areas within the development
Living rooms adjacent to main private open space	Y	Living rooms of all apartments are adjacent to a private open space in the form of a terrace on ground levels and balconies on upper levels.
Locate habitable rooms on the external face of the building	Y	Where possible, habitable rooms, kitchens and bathrooms have been located on the external face of the buildings to maximise solar access and to facilitate natural ventilation.
Maximise opportunities for natural daylight through:	Y	The majority of the proposed unit types are "cross-through,' thereby providing maximised natural daylight access and ventilation opportunities.
Avoid locating kitchens in the main circulation space such as the hall or at entry	Y	The majority of the apartment layouts involve an open plan which provides flexibility in the room layout and breaks down the concept of circulation space.
Single aspect apartments – max depth of 8m	Y	The proposed development can facilitate compliance with the guidelines.
Back of kitchen no more than 8m to a window	Y	All building modules can readily comply.
Width of cross over or through apartments over 15m deep to be min 4m wide	Y	All cross over units with depths over 15m are able to have a minimum width of 4m.
Avoid deep narrow apartments	Y	Unacceptably deep and narrow units have been avoided within the development.
Apartment sizes (general) 1 bed – 50 sqm 2 bed – 70 sqm 3 bed – 95 sqm	Y	The proposed development can facilitate compliance with the guidelines.
Apartment mix	Y	A diversity of apartment types and sizes has been proposed.
Balconies – provide all apartments with open	Y	The proposed balconies are integrated into the overall architectural form in accordance with

space, ensure they are functional and integrated into the overall architectural form, allow for casual overlooking and address. Min depth – 2m		these provisions.
Must be useable in configuration	Y	All balconies are able to comply and are sufficiently well-proportioned to be functional and promote indoor/outdoor living.
Ceiling Heights Mixed use – ground floor 3.3m min Residential – 2.7m for habitable, 2.4m for non-habitable.	Y	The building volumes have been designed to comply with these requirements.
Flexibility – multiple entries and building cores (larger buildings over 15m length)	Y	The development proposes one entry and building core per maximum of 4 units.
Thin cross sections	Y	All individual buildings within the proposed development maintain a thin cross-section in accordance with these provisions.
Windows to habitable rooms	Y	In all apartments, windows have been provided to habitable rooms.
Ground floor apartments – optimize ground floor units with separate entries and access to open space as a terrace or garden.	Y	Ground floor units incorporate separate access to open space via a private terrace.
Max level change from street to ground floor of units – 1.2m	N/A	
Housing choice	Y	The proposed building volumes can facilitate the provision of flexible housing.
Internal circulation – double loaded corridor max 8 units	NA	The proposed development volumes avoid the use of double loaded corridors.
Mixed Use – optimal ground floor height for range of uses	N/A	
Storage – 50% in each apartment and 50% in the basement Storage – Studio and 1 bed 6 cubic meters 2 bed 8 cubic meters 3 bed 10 cubic meters	Y	The proposed development will facilitate compliance with the guidelines.
Acoustic Privacy	Y	All units are capable of compliance with these requirements.
Daylight access – living	Y	As demonstrated in the solar studies, these

areas and private open spaces to receive 3 hours direct sunlight between 9am and 3pm in mid-winter – in dense urban areas 2 hours may be acceptable.		requirements are capable of being achieved in that an appropriate number of units are able to receive 3 hours solar access in mid-winter.
Limit single aspect with SW-SE aspect to max 10%	N/A	The proposed development does not provide units with SW-SE aspects.
Limit light wells for daylight – prohibited for habitable rooms	N/A	The proposed development does not provide light wells
Natural Ventilation – Building depth 10-18m	Y	All units are capable of maintain a building depth between 10-18m, maximising day lighting and natural ventilation.
60% units to be naturally cross ventilated	Y	The proposed building units can facilitate the provision of this guideline in achieving natural cross ventilation.
25% of kitchens to have access to natural ventilation	Y	The proposed building units can facilitate the provision of this guideline.
Awnings and signage	Y	Clear and legible signage is able to be designed. This signage responds to the development's scale, proportions and architectural detailing.
Facades – promote high quality architecture, ensure new developments have facades which define and enhance the public domain and desired character, ensure building elements are integrated into the form and design.	Y	All facades of the development have been designed with an appropriate scale, rhythm and proportion. Building elements are integrated into the overall building form and facade design. This ensures the integrity of the development's use and contextual character.
Roof design – contribute to the overall quality of the building, integrate it into the design of the building composition and contextual response	Y	The proposed residential scale roof form contributes to the overall quality of the building as well as relating to the context of smaller building forms within the surrounding site context.
Energy efficiency – reduces the requirement for heating and cooling, reliance on fossil fuels and minimise green-house emissions, support renewable energy initiatives.	Y	The proposed concept development intrinsically incorporates a range of passive energy efficient techniques including maximising thermal mass, maximising solar gain, maximising natural ventilation opportunities, maximising the opportunity for the use of photovoltaic panels (by the inclusion of flat roofs in the development), the integration of rain-water harvesting in the landscape design.
Maintenance	Y	The development is able to incorporate windows to enable cleaning from inside the building. Building maintenance systems are able to be incorporated into the design of the building form, roof and facade. The materials for the building's roof and facades are able to be durable, easily cleaned and

		graffiti resistant.
Waste Management	Y	Appropriate proposals for the type, amount and disposal of waste (generated during demolition, excavation and construction of the development) are able to be incorporated in any future Development Application.
Water Conservation	Y*	Water reduction measures are able to be included in the proposed development due to its size.

GM Urban Design & Architecture
Studio 201
8 Clarke Street
Crows Nest NSW 2065

T. 9460 6088
F. 9460 6099
M. 0407 007 444
E. gmorrish@gmu.com.au
W.www.gmu.com.au

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

29 August 2012

Department of Planning
Bridge Street
Sydney NSW 2000

To whom it may Concern

Re: Allengrove Crescent, North Ryde

The Development Application for residential apartments at 1-9 Allengrove Crescent and 116A Epping Road and 259-263 Lane Cove Road, North Ryde has been the subject of a S34 Conference through the Land and Environment Court process. As part of the S34 Conference the Department of Planning tabled suggested heights, setback distances and relationships of built form for the site that would have the potential to address the Contentions in the case.

Since this meeting the applicant has prepared amended sketch plans that consider a proposal that amends the design as indicated by the Department of Planning. After further consultation with the Department and their legal representatives these sketches have been produced as amended drawings to facilitate approval of the development through the Part 3A process as a section 34 agreement.

The amendments to the design include:

- A maximum height of 5 storeys with this height located only to the north east corner of the site on Epping Road and a partial 5th floor behind this building within the site.
- Maximum heights to Lane Cove Road of 3-4 storeys.
- Maximum heights to Allengrove Cres of 2-3 storeys
- Maximum heights to the south eastern boundary of the site of 2-3 storeys
- Maximum heights within the site of 4 storeys.
- Increased building footprints across the site to relocate massing resulting in 4 rows of development from Epping Road to Allengrove Crescent as requested by the Department's representatives. Two of these rows present frontage to Epping Road and Allengrove Road
- Retention of a linear block form with frontage to Lane Cove Road.
- Communal and private open space provided between the linear rows of development with separation distances varying from 12-18m in accordance with the requirements of the Residential Flat Design Code.

The comments provided in this letter related to urban design and SEPP 65 considerations are based on review of the following drawings:

- DA 1100 D, 1102 D, 1103 D
- DA 1201 D, 1202 D
- DA 1301D, DA1302 D
- D1801D

Comment –

Summary

The proposal as amended achieves the outcomes and requirements of SEPP 65. As can be seen from the SEPP 65 Design Verification Statement the proposal has achieved an appropriate response to the context around the site and its future potential as well as providing a reasonable solution regarding the placement of built form and relationships between the new development and the adjoining properties.

The Residential Flat Design Code assessment (RFDC) shows that the proposal is compliant with the Rules of Thumb and objectives of the

RFDC and will achieve compliance. The proposal is recommended to the Department of Planning and the Land and Environment Court for approval.

Consideration of the Urban Design Merits of the proposal

- Heights:

The amended proposal achieves a high level of response to the low scale forms and allowable heights under the current controls. At the edges of the site the proposed 2-3 storey building forms present development that is of a similar or lower scale than can be achieved under the current controls affecting this precinct. The 2 and 3 storey forms to Allengrove Crescent will provide a sensitive interface to the street and will not create dominant built form to the street when considered against the existing single and two storey houses and villas that currently comprise the streetscape.

To Epping Road and Lane Cove Road the scale of the development appropriately increases to a maximum height of 5 storeys which occurs near the intersection of these two roads. The 5 storey corner is appropriate to mark the significance of the intersection and achieves some sense of transition from the much taller commercial development on the other side of Epping Road. To Lane Cove Road a 3 and 4 storey scale is provided. This height is not aggressive when compared to the existing development form on the other side of the roadway and is in fact roughly the same scale as could be achieved under the current controls. This is responsive to the current context and controls but is unlikely to achieve the goals of the Metrostrategy in terms of the TOD. The boundaries of the site adjacent to existing low scale dwelling houses is handled well. The proposal reduces its scale to only 2 and 3 storeys which is entirely consistent with the current height allowed on the adjoining sites. The narrow ends of the blocks face this side boundary which reduces the scale of the development and intersperses the buildings with landscape. When combined with the generous setbacks to these blocks the proposal will be predominantly hidden by landscape and will present close to these properties as a development that is envisaged by the controls.

Regarding the existing dwelling on the corner of Allengrove Crescent and Lane Cove Road the proposal offers a 3 storey form for the full depth of the individual new buildings. This provides a sensitive response to the current development but is quite low when the future redevelopment of this site is considered. A slight increase in the height could achieve an appropriate outcome and 3 storey scale could be limited only to the first unit in each block adjacent to the house to ensure that a future 4 storey scale can be achieved on the dwelling house site. Given that the allowable height is 3 storeys for the area this would not constitute an overdevelopment.

- Building footprints:

The development form has been amended to lower building heights and provide increased building footprints within the site. This has achieved a lower scale response across the site in its entirety and a lower scale relationship to the site edges. The proposal now presents a series of rows of low scale apartments that are oriented to the north east. Given the narrow depth of these apartment footprints the majority of apartments will be dual aspect and all should be able to achieve cross ventilation and excellent solar access. The building forms fragment towards Allengrove Crescent with the blocks breaking into smaller buildings, which is an appropriate response to the finer grain of the existing area in combination with the low scale heights to this street.

The separation distances provided between the rows of apartments is compliant with SEPP 65 and the RFDC. Between the 3 and 4 storey blocks is a separation distance of 12-13.5m. The suggested apartment layouts will result in balconies and bedrooms facing access areas, kitchens and bedrooms across the separation courtyard. The RFDC requires a separation of 12m up to 4 storeys in height between habitable rooms so the scheme is fully compliant.

Between the 4 and 5 storey row the separation distance is 13m for the lower 4 levels and then increases to 18 for the upper 5th level. The RFDC requires a minimum of 18m between habitable rooms and balconies for development from 5 to 8 storeys. Again the proposal is fully compliant with the RFDC.

The relationship of the north facing rows and the building form facing Lane Cove Road is that of side walls to circulation areas generally. Windows to the side facades would be limited to frosted bathroom windows and secondary frosted windows to laundries only. The blocks to Lane Cove Road will present kitchens, public circulation and second bedrooms or studies. Therefore there will be no privacy or amenity issues.

- Landscape and open space:

The proposal contributes a significant portion of the site to open space. Between the building footprints will be landscape courtyards including both private open space terrace areas to the ground floor units and pathways for access to the buildings themselves. As part of the future Development Application the proposal will resolve the detail of the landscape, path locations, courtyards and terraces to ensure a high level of privacy to open space and habitable windows as well as good surveillance of the communal areas. The proposal is providing a total of 43% of the site as landscaped area with 53% of this open space as deep soil zones. This far exceeds the requirements of the RFDC which seeks 25-30% open space and only 25% of that to be deep soil. The location of the deep soil is also well considered. The car parking has been limited at the first level to only the area close to Allengrove Road predominantly under the building footprints. The second level extends further into the site but this approach maintains deep soil to all site edges and also allows a good depth of soil to the courtyard areas. The design approach will give the best possible opportunity for trees to reach maturity and a strong landscape character to be established for the site.

- Internal amenity:

The narrow depth of the building forms and the frequency of proposed core locations provide a high level of future amenity for residents of the proposal. The typical floor of each block contains 2 x dual aspect units and then either one or two single aspect units that gain ventilation and light potentially from the open access. This delivers a maximum of only 4 units per core and in some cases only 3 units per core. The provision of light and ventilation to both ends of the units is a positive outcome and will offer high levels of amenity to the residents of the proposal.

Every unit is provided with a balcony that meets the depth requirements of the RFDC and faces either north east or north west with outlook to either the streets or to the internal courtyards. This is also supported and will provide good amenity and solar access for the private outdoor spaces.

The orientation of the units ensures a high level of solar penetration into the units. The proposal will achieve 70% of solar access for a minimum of 3 hrs between 9am and 3pm in midwinter and will also achieve 100% of cross ventilation. Storage as required by the RFDC will also be provided and the proposal will have no south facing units at all. Overall the proposal has the potential to achieve a very high standard of internal amenity for residents.

- Density:

The proposal achieves a reasonable density for the site. The relationships established to the site edges ensure a sensitive response to the current controls and adjacent development and the internal layout of the site meets the requirements of SEPP 65. The proposed density is perhaps lower than would ideally occur for a site in such close proximity to a TOD centre but it is understood that this is the outcome sought by the Department of Planning. The proposal will provide for high quality housing in an area very close to facilities and transport as well as employment and therefore the proposed density is supported for this site.

- The architecture:

In terms of the architectural expression of the proposal it must be remembered that this application does not constitute a Development Application so the elevations are an expression of potential architectural character but are not fully resolved. The proposal has been developed further from the original application and now includes more defined roof forms that hover above the building forms below with strong horizontal and vertical definition to respect the finer grain character of the surrounding residential neighbourhood. Texture and colour will be introduced to the proposal through the use of natural materials and high quality man made materials such as terracotta tiles, sandstone, timber etc. The proposal has the potential to achieve a very high quality architectural expression and the reputation of the architects and number of awards that they have won ensures that excellence will be achieved in the final detail design.

- Conclusion

Review of the amended proposal demonstrates that the scheme will achieve a high quality outcome that is sensitive to the current controls and context of the site) It will increase the diversity of housing in the area and assist in providing housing for workers in close proximity to the commercial core of the centre as well as the rail line. The proposal is recommended to the Department of Planning and the court for approval.

Should there be any queries regarding the contents of this letter then please do not hesitate to contact the office on 9460 6088.

Yours Sincerely,

Ms Gabrielle Morrish
Managing Director
GM Urban Design & Architecture Pty Ltd

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

Annexure B to the Section 34 Agreement dated 17 September 2012

SCHEDULE 1

Application No.:	MP10_0037
Proponent:	EGC Custodian Services Pty Ltd
Land:	Lot 1 DP524945, Lot 2 DP524945, Lot 100 DP739172, Lot 101 DP739172, Lot 1 DP504970, Lot 10 DP606927, Lot 1 DP845252, Lot 2 DP845252, Lots 3-7 DP28702, Lot 2 DP371325, Lot 23 DP869002, Lot 24 DP869002, 116a – 122b Epping Road, 259 – 263 Lane Cove Road and 1 – 9 Allengrove Crescent, North Ryde.
Project:	Residential flat development concept, including: • Use of the site for residential flat buildings; • Indicative building envelopes for 7 buildings to a maximum height of 89.25m AHD; • Two basement levels of car parking; • Road works to support the development; and • Landscaping areas throughout the site.

NOTES RELATING TO THE DETERMINATION OF MP No. 10_0037

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Legal notices

Any advice or notice to the approval authority shall be served on the Director-General.

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

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PART C — DEFINITIONS

Act	means the *Environmental Planning and Assessment Act 1979* (as amended).
Advisory Notes	means advisory information in relation to the approved development.
BCA	means the *Building Code of Australia*.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means City of Ryde Council.
Department	means the Department of Planning and Infrastructure or its successors.
Director-General	means the Director-General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Urbis Pty Ltd dated 26 November 2010.
Minister	means the Minister for Planning & Infrastructure.
MP No. 10_0037	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report and as amended in the description and plans in Schedule 2, Conditions 1 and 2.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report (PPR)	means the Preferred Project Report prepared by Urbis Pty Ltd dated 24 May 2011.
Proponent	means EGC Custodian Services Pty Ltd or any party acting upon this approval.
Regulation	means the *Environmental Planning and Assessment Regulation, 2000* (as amended).

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

SCHEDULE 2

TERMS OF APPROVAL

1. DEVELOPMENT DESCRIPTION

Concept Plan approval is granted to the development as described below:

a) Use of the site for residential flat buildings;
b) Indicative building envelopes for 7 buildings to a maximum height of 89.25m AHD;
c) Two basement levels of car parking;
d) Road works to support the development; and
e) Landscaping areas throughout the site,

subject to compliance with the modifications of this approval.

2. DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP 10_0037 and the Environmental Assessment prepared by Urbis Pty Ltd dated 26 November 2010, except where amended by the Preferred Project Report prepared by Urbis Pty Ltd dated 24 May 2011, and except where amended by the following drawings:

Architectural Drawings prepared by Candalepas Associates			
Drawing No.	**Revision**	**Name of Plan**	**Date**
DA-1100	D	Concept Plan Envelopes	29.08.2012
DA-1101	D	Basement Floor Plans	29.08.2012
DA-1102	D	Ground Floor Plan	29.08.2012
DA-1103	D	Level 1 - 4 Floor Plans	29.08.2012
DA-1201	D	Site Sections	29.08.2012
DA-1202	D	Site Sections	29.08.2012
DA-1301	D	Elevations	29.08.2012
DA-1302	D	Elevations	29.08.2012
DA-1701	D	Development Analysis	29.08.2012
DA-1801	D	Shadow Analysis	29.08.2012

except for as modified by the following:

3. BUILDING ENVELOPES

Building envelopes are to be generally consistent with the Concept Plan Envelopes.

4. PRIVATE OPEN SPACE

All apartments must be provided with private open space with a minimum depth of 2 metres. Private open space at ground level shall not be less than $25m^2$, with a minimum dimension of 4 metres.

5. ADAPTABLE UNITS

At least 10% of all dwellings provided across the site must be adaptable apartments.

6. ROADWAYS

(a) Allengrove Crescent is to be widened in accordance with Council's specifications and requirements (see also Schedule 3 Condition 7(a)).

(b) Allengrove Crescent is to have "No Stopping" and "No Parking" restrictions in accordance with Schedule 3(7(a)).

7. LAPSING OF APPROVAL

Approval of the Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1, unless an application is submitted to carry out a project or development which concept approval has been given.

8. INCONSISTENCY BETWEEN DOCUMENTATION

In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents referred to above, the modifications of the Concept Plan shall prevail.

THE SEAL OF THE LAND AND ENVIRONMENT COURT NEW SOUTH WALES

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. BUILDING DESIGN

a) Future applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code* 2002.

b) Future buildings shall be designed to incorporate greater horizontal and vertical articulation and modulation. Such articulation/modulation shall incorporate a variety of architectural techniques including variable material and colour choice, building stepping and the incorporation of appropriate openings. The modulation/articulation shall provide for visual interest, quality and definition to street walls.

c) Future applications shall ensure that the buildings fronting Allengrove present a built form, mass, scale and design that is consistent with the existing and future residential character of Allengrove Crescent. Particular regard shall be given to addressing Allengrove Crescent, including provision of individual access to each ground floor flat, where appropriate.

d) Future applications shall demonstrate that solar access complies with the provision of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*

e) The detailed design shall incorporate durable materials to mitigate road traffic noise from Lane Cove and Epping Roads in accordance with The Environmental Criteria for Road Traffic Noise (EPA, May 1999), the Environmental Noise Management Manual (RTA, 2001) and Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).

f) Future applications shall include an acoustic assessment that demonstrates how the proposed development will comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

g) The detailed design shall incorporate any changes necessitated as result of any dedication to Council for the widening of Allengrove Crescent (see Condition 7(a) below).

2. PRIVACY

Future applications shall demonstrate that adequate privacy screening and treatment will be provided to minimise privacy impacts between buildings located on the site and adjoining properties.

3. LANDSCAPING

Future applications shall include detailed landscape plans demonstrating consistency with Council's requirements, except where amended following any further discussion between the Proponent and Council.

4. CONSTRUCTION AND OPERATIONAL IMPACTS

Any future applications shall include construction management plans and dilapidation surveys.

Any future application shall address any potential contamination on the site and implement the recommendations of the Environmental Investigation Services report dated April 2008.

Details are to be submitted with future applications of the acoustic treatments to be implemented to address the recommendations of the Acoustic Assessment prepared by Heggies dated September 2010.

5. SUSTAINABLE TRAVEL PLAN

Future applications shall provide details of a Sustainable Travel Plan, including investigation of car sharing schemes and the on-site provision of a car share parking space.

6. ESD

Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction, and ongoing operation phases, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

7. PUBLIC DOMAIN

Future applications shall address the following:

a) The provision by the proponent at no cost to Roads and Maritime Services (RMS) or Council of all necessary street works, including:
   - the dedication to Council of a 2m strip of land along the site's south western boundary for the widening of Allengrove Crescent in consultation with Council;
   - the widening of the carriageway of Allengrove Crescent along the site frontage, with new kerb and gutter;
   - the upgrade of the footpath along the site's frontage to Lane Cove Road and Allengrove Crescent to match the existing RMS works along the Epping Road off-ramp;
   - a pedestrian refuge at the intersection of Lane Cove Road and Allengrove Crescent (subject to Local Traffic Committee approval);
   - the removal of all redundant driveways along Lane Cove Road and Epping Road off-ramp and replacement with kerb and gutter to match existing to the satisfaction of RMS;
   - the removal of all redundant driveways along the site frontage to Allengrove Crescent, to the satisfaction of Council;
   - to implement "No Stopping" restrictions on both sides of Allengrove Crescent between Lane Cove Road and the western property boundary, where the road widening, referred to in Schedule 2, Condition 6(a), commences in consultation with Council; and
   - to implement "No Parking" restrictions on Allengrove Crescent between the western property boundary and the access to the basement carpark in consultation with Council.

b) The development shall provide pedestrian and cycle linkages through the site in accordance with the approved Concept Plan.

c) The landscape embellishment of Nimbin Reserve adjoining the site on the corner of Epping and Lane Cove Roads in consultation with RMS with evidence of consultation and any proposed embellishment submitted with future applications.

8. CAR PARKING

Future applications shall address the following:

a) the provision of on-site parking in accordance with the requirements of Ryde DCP 2010;

b) the layout of the proposed car parking areas associated with the development, including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions should be in accordance with Australian Standards AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage; and

c) the design of parking facilities so that all vehicles, including service vehicles, enter and exit the site in a forward direction.

9. STORMWATER AND DRAINAGE

Future applications shall address the design of stormwater drainage facilities generally in accordance with Council's requirements.

10. GROUNDWATER

Future applications are to demonstrate that the development does not impact upon the health of groundwater dependent ecosystems; and where basements intercept groundwater, they are to be tanked.

Monitoring of ground water levels is to commence prior to basement design and continued through to construction.

11. SERVICING

Future applications shall provide details of suitably located and landscaped on-site storage areas for waste bins.

12. STAGING OF DEVELOPMENT

Details of the intended staging of the development are to be submitted with the first application to ensure the orderly and coordinated development of the site.

ADVISORY NOTES

1. SYDNEY WATER SERVICING

The proponent is required to apply to Sydney Water for a Section 73 Certificate regarding any works, amplification and/or changes to the system required. It is recommended the proponent engage a Water Servicing Coordinator to obtain the certificate and manage the servicing aspects of the approved development. The proponent is also required to fund any adjustments needed to Sydney Water infrastructure as a result of the development.

2. CONSTRUCTION TRAFFIC MANAGEMENT

A construction zone for demolition and construction vehicles in not permitted on Lane Cove Road or the Epping Road off-ramp.

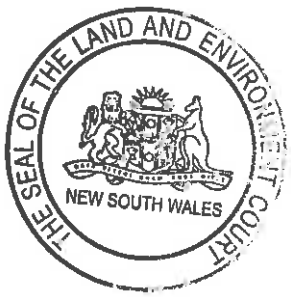
SCHEDULE 4

STATEMENT OF COMMITMENTS

MP 10_0037

CONCEPT PLAN FOR A RESIDENTIAL DEVELOPMENT CONCEPT, 116A – 122B EPPING ROAD, 259 – 263 LANE COVE ROAD AND 1 – 9 ALLENGROVE CRESCENT, NORTH RYDE

(Source: Preferred Project Report)



DRAFT STATEMENT OF COMMITMENTS FOR CONCEPT PLAN (MP10_0037) – 1-9 ALLENGROVE CRESCENT, 116A-122B EPPING ROAD AND 259-263 LANE COVE ROAD, NORTH RYDE

Subject	Commitments	Timing
1. Section 94 Contributions	Section 94 Contributions to be made for the project will be in accordance with calculations provided in Section 8.8 of the Environmental Assessment Report.	Section 94 Contributions will be paid prior to the issue of the Construction Certificate.
2. Car Share	A parking space will be made available for use by shared vehicles.	The car share space will be documented in the Development Application drawings and noted on the title.
3. Bicycle Facilities	Bicycle facilities: the project will provide for bicycle facilities and parking in accordance with Council's standards	Bicycle facilities will be documented at the Development Application stage of the project.
4. Public Reserve	The upgrade of the adjoining public reserve is proposed at the proponent's cost (it is noted that the proponent does not own the public reserve and as such this proposal is a commitment only and not a part of the project to which this application formally applies).	Upgrades to the public reserve will be documented at the Development Application stage of the project and implemented prior to occupation.
5. Public Domain	A commitment is made to establish street trees along Lane Cove Road, Epping Road and Allengrove Crescent. In addition, upgrades to the turf verge and pedestrian footpath bounding sections of Epping Road, Lane Cove Road and Allengrove Crescent are also proposed (it is noted that the proponent does not own the public reserve and as such this proposal is a commitment only and not a part of the project to which this application formally applies).	Upgrades to the public domain will be documented at the Development Application stage of the project and implemented prior to occupation.
6. Community Gardens	A community garden will be provided in accordance with the Landscape Plan and Landscape Report at Appendix L.	Community garden will be constructed prior to occupation and a plan of management will be prepared to be approved by the DoP prior to the issuing of a construction certificate.
7. Public Art	It is proposed to incorporate functional and aesthetic public art installations in the public domain under the Epping Road overpass. Artwork will be selected from works prepared by Macquarie University art students and as part of this commitment a design competition will be run. Both the installations and the design competition will be provided at the proponent's cost. It is noted that the proponent does not own the public domain space under the overpass and as such this proposal is a commitment only and not a part of the project to which	Public art installations will be in place prior to occupation.

Subject	Commitments	Timing
	this application formally applies). Details of this commitment are to be negotiated with Council and the RTA.	
8. Water Sensitive Urban Design (WSUD)	WSUD measures will be implemented in accordance within the Stormwater Management and Flood Assessment prepared by Worley Parsons (refer to Appendix N).	WSUD measures will be documented at the Development Application stage of the project
9. Transport Management	A single and one-off yearly rail pass from Macquarie Park to the Sydney CBD will be provided to the purchaser/s of each apartment. Note, one (1) rail pass only will be provided per apartment.	Rail passes will be provided at the time of sale for each apartment.
10. Dilapidation Surveys of Adjoining Properties	A Dilapidation Report will be prepared on surrounding buildings, roads, pavements and structures prior to the commencement of any excavation works, to document existing conditions, so that claims for damage due to vibrations or construction related activities can be accurately assessed	The Dilapidation Report will be submitted prior to the commencement of work.
11. Ecologically Sustainable Development (ESD)	ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Built Ecology and located at Appendix M.	ESD principles and measures will be documented at the Development Application stage of the project.
12. Construction Management	The proponent agrees to prepare a Construction Management Plan outlining the methods of construction, traffic management, crane height and location details and the like.	A Construction Management Plan shall be prepared prior to the issue of the Construction Certificate.
13. BCA Compliance	All building will be designed in accordance with the Building Code of Australia.	BCA compliance will be documented at the Development Application stage of the project
14. Augmentation of Utilities	The approval of all existing utility service providers (e.g. gas, electricity, telephone, water, sewer) will be obtained, and any required augmentation works undertaken.	The augmentation of services will be documented at the Development Application stage of the project
15. Noise Mitigation	Noise mitigation measures will be implemented in accordance with the Noise Impact Assessment prepared by Heggies (refer to Appendix Q)	Noise mitigation measure will be documented at the Development Application stage of the project
16. Remediation of Land	If necessary a Remedial Action Plan will be submitted for approval and audited upon implementation.	Details of land remediation will be documented at the Development Application stage of the project if necessary.

Subject	Commitments	Timing
17. Dedication of land for road reserve	Land will be dedicated to Council to allow the widening of Allengrove Crescent by 2 metres adjacent to the site.	This will be dedicated in accordance with Council and RTA requirements at the project application stage.