and FSR ranging from 22-30 metres and 1:1 to 2:1 for the commercial/technological business park environment on the opposite side of Epping Road. In contrast, the FSR attributed to the R2 low density residential zone is 0.5:1 and the building height is 9.5m, with Epping Road providing a physical and relevant separation between the land uses and the scale of development.

Figure 11: Photomontage of Building B- February 2013 amended proposal (Source: SJB Architects)

Therefore, on balance, it is considered that the form and scale of Building A should be further reduced to ensure that it provides a better urban response to its immediate low density residential context whilst permitting an increase in density over and above that which is currently permitted in Ryde LEP 2010. To address this, the department recommends the following amendments to the form of Building A:

- That the overall height of Building A be reduced predominantly to 3 storeys at the northern and western ends close to neighbouring residential boundaries.
- That 5 storeys be permitted only well within the site. Given the size of the site and its significant length to Epping Road, it is considered that a 5 storey form can be accommodated on the site without compromising the amenity of the neighbouring properties. This will also provide for an appropriate transition in height across the site.
- That a small element of 6 storeys be permitted, being setback a minimum of 5 metres from the northern facade. Again, this element is considered to provide an appropriate transition in height across the site and is centrally located on the building where the visual impact and amenity impacts can be minimised.
- That the proposed setback of 10 metres to the northern boundary be retained. This setback is considered appropriate in order to ensure Building A responds to the prevailing alignment of buildings along the southern side of the Epping Road and to provide for suitable landscape embellishment.

The department considers that the above amendments are required to satisfy Principles 1 (context), 2 (scale) and 3 (built form) of SEPP 65.

The amended form for Building A, is recommended in the terms of approval. The department notes that as part of the future development application, the final architectural detailing of a building will be required.

A marked-up photomontage and a floor plan showing the height reductions for Building A are provided at **Figures 12** and **13** below.

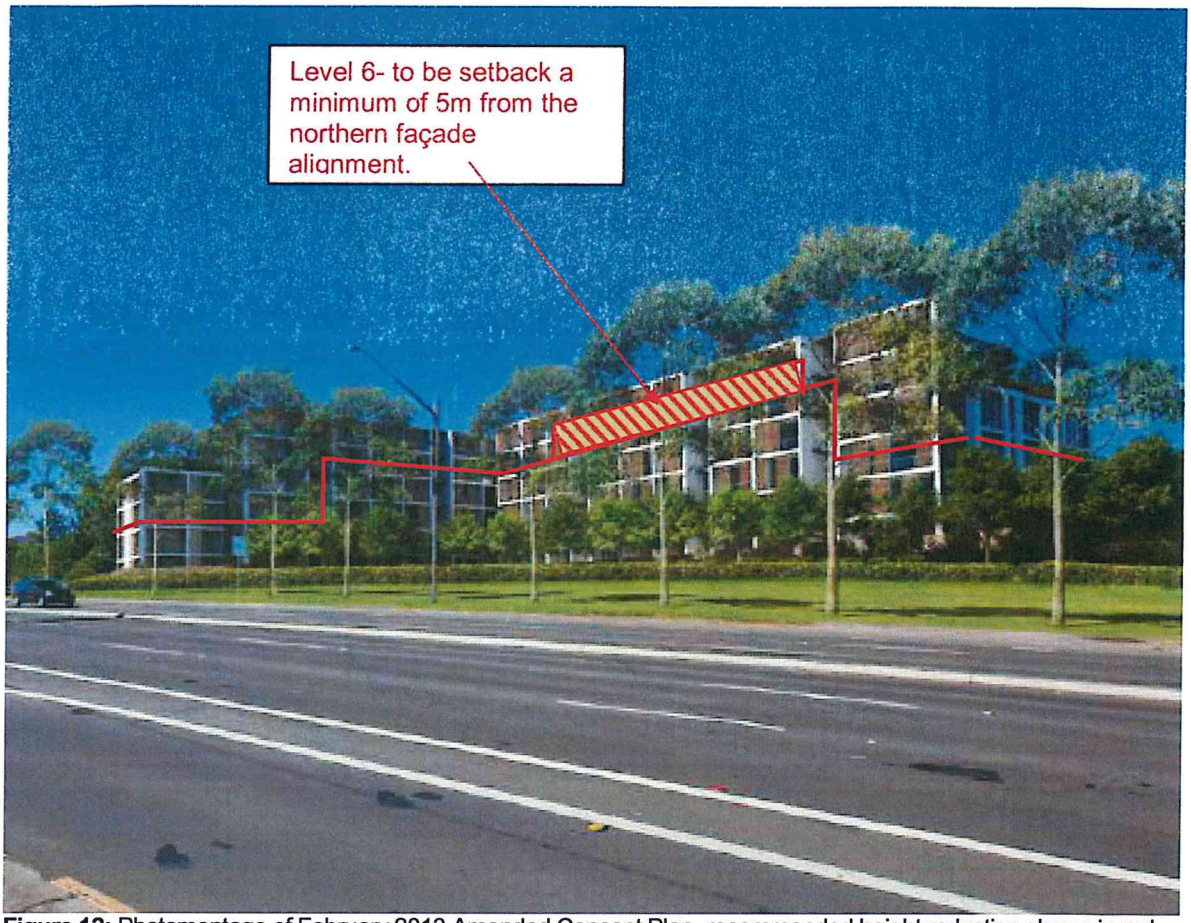

Figure 12: Photomontage of February 2013 Amended Concept Plan -recommended height reduction shown in red

Further to the above, the department notes that concerns have been raised in submissions in relation to the overall bulk and unarticulated length of Building A. The building presents a frontage to Epping Road of approximately 90 metres (refer **Figure 13**), which is in contrast to the adjacent detached dwelling houses presenting frontages of approximately 10-15 metres. In order to ensure that Building A exhibits a high degree of articulation and to assist in breaking down the scale and physical length of the building, the department recommends a further assessment requirement requiring that the three-storey height of Building A be modulated into elements of no greater than 20 metres. This will allow approximately 4 vertical elements in the western leg of the building and 3 vertical elements along the northern leg. To ensure that the 3-storey height is prevalent, the department also recommends that the upper levels (4-6) of Building A be designed as a recessive element. Through the use of materials and finishes and good design, the department is satisfied that a suitable architectural solution can be achieved within the parameters of the amended building envelope.

Subject to these amendments, the department considers that concerns raised in relation to the building height, bulk and scale of Building A have been appropriately addressed.

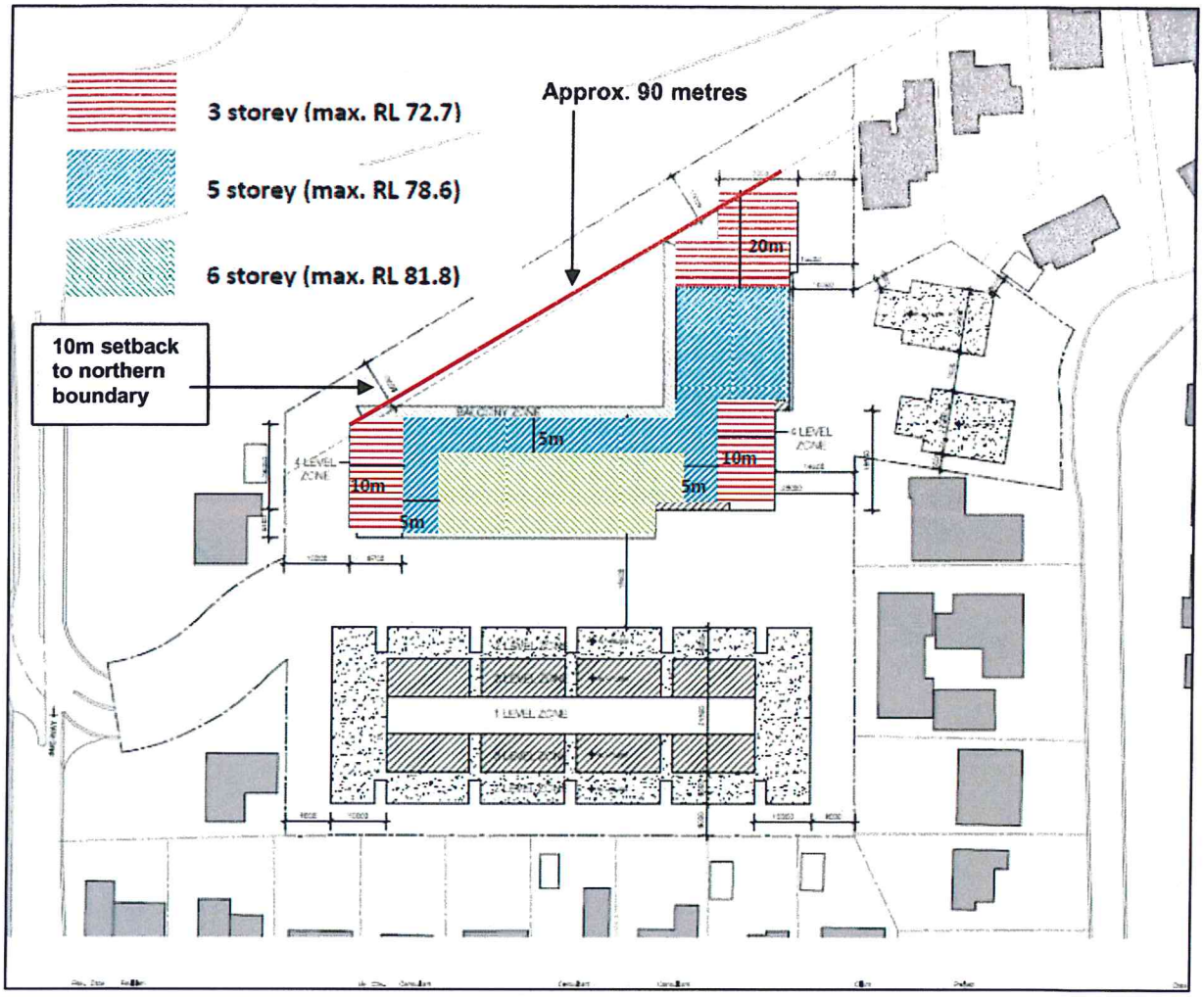

Figure 13: Recommended height reductions for Building A

Visual Impact

The proponent's February 2013 submission is accompanied by a visual analysis of the proposal. A number of key photomontages are included in the submission to demonstrate the visual impact of the proposal when viewed from key locations on Epping Road and the surrounding local road network. Having considered this submission and as detailed in this report, the department considers the built form and visual impact of Buildings B-D to be generally acceptable.

As established above, the proposed overall height of Building A, in conjunction with its unbroken mass, presents an unacceptable built form. Building A visually dominates the streetscape and its immediate context, as the scale is incongruous with the established and prevailing low scale of residential development on the southern side of Epping Road. This disparity in form is obvious in a number of photomontages which have accompanied the submission.

Figures 14 and **15** below, illustrate the proposal as seen on approach from the east and west of Epping Road to the site. The predominantly 6 storey form of the development is visually dominant and results in the building projecting some 4 storeys above the prevailing height of neighbouring buildings.

The amendments recommended to the built form and height of Building A (refer to discussion above) are considered imperative to reduce the visual impact of the development and provide a reasonable balance between achieving the strategic intent of State policy and preserving the amenity of low scale residential context within which the development is sited.

Figure 14: Photomontage of February 2013 Amended Concept Plan- approaching the site from the east on Epping Road (Source: SJB Architects)

Figure 15: Photomontage of February 2013 Amended Concept Plan- approaching site from the west on Epping Road (Source: SJB Architects)

Building footprints and setbacks

Subject to the design amendments recommended above, the department finds the building footprints and siting to be acceptable. Consistent with the requirements of SEPP 65, the setbacks are considered appropriate and are generally in excess of 10 metres where the buildings exceed 2 storeys in height (refer to **Figure 6)**.

The setbacks proposed to neighbouring boundaries are considered appropriate in terms of ensuring a satisfactory level of building separation and minimising overshadowing impacts. The department notes that Building B is proposed to be setback 6 metres from the rear boundary of the site. This setback is consistent with the 6 metre setback requirements specified in Ryde Development Control Plan 2010 for residential flat buildings and multi dwelling housing.

The setbacks proposed are capable of accommodating passive open space for the respective units and deep soil planting to assist in embellishing the landscape quality of the building setting and contributing to the amenity of the neighbourhood.

Building A is proposed to be setback 10 metres from the RMS road reserve. In conjunction with the design amendments to Building A recommended above, the department finds this setback and the building siting to be acceptable and an appropriate response to concerns raised in submissions (including by the RMS) noting that this setback will provide significant opportunity to landscape the site and positively contribute to the streetscape.

Density and unit mix

The department submits that the proposed development will result in a density which exceeds that currently permitted pursuant to Ryde LEP 2010 given the R2 zoning only permits low density forms of residential development ie. residential flat buildings are not permitted. Notwithstanding this, the amended and conditioned form of the development will ensure a sensitive design response to the site context.

The department notes that the final density, in terms of unit numbers on the site, will be subject to detailed assessment with a future development application to be submitted to the Council. The February 2013 amended concept plan was designed to accommodate 157 apartments on the site equating to an FSR of 1.29:1. The final FSR and density will be further reduced on the site as a result of amendments recommended by the department. The department has estimated that approximately 15 units would be deleted based on the current indicative design for Building A.

The concept plan includes a unit mix compromising 37 (or 23.6%) one bedroom apartments, 112 (or 71.3%) two bedroom apartments and 8 (or 5.1%) three bedroom apartments. Statistically, the Ryde LGA has a higher than Sydney average percentage of single dwelling houses, 85.6% whereas the Sydney statistical division is approximately 61%. Whilst the final density on the site will be reflective of market demand at the time, the proposal will provide alternative housing options in the LGA, which is considered to be appropriate in its broader strategic context.

The department notes that section 2.1 of Part 3.4 (Residential Flat Buildings & Multi Dwelling Housing) of Ryde DCP 2010 species that the number of one bedroom dwellings in any development is not to exceed 50% of the total number of dwellings on the site. The unit mix proposed in the concept plan would comply with this provision.

SEPP 65 and RFDC Assessment

An assessment of the proposed concept plan against the key provisions of State Environmental Planning Policy No 65- Design Quality of Residential Flat Development (SEPP 65) and the Residential Flat Design Code (RFDC) is provided below. Detailed consideration of the key provisions is provided at **Attachment E**.

Building Separation

The RFDC recommends minimum building separation distances, dependent on building height, in order to maximise visual and acoustic privacy between residential flat buildings and to minimise the bulk and scale and visual impact of buildings. The RFDC recommendations for minimum separation between buildings are outlined in **Table 4**.

Table 4 – RFDC Building Separations Recommendations

Building Height	Minimum Separation (metres)		
	Habitable rooms	Habitable rooms & non habitable rooms	Non habitable rooms
Up to 4 storeys (12 metres)	12	9	6
Between 5 and 8 storeys (12 to 25 metres)	18	13	9

The following level of separation between the building envelopes internal to the site are proposed (refer **Figure 6**):

- 18.5 metre separation between the 4 and 6 storey component of Building A and the 2 storey element of Building B.
- 24.5 metre separation between the 6 storey component of Building A and the 3 storey element of Building B.

Having regard to the minimum separation provisions in the RFDC, the department is satisfied that the proposal for Buildings A and B is acceptable with respect to building separation. The proponent has indicated that the use of operable louvers and screens can also assist, where required, to control visual privacy.

With respect to Buildings C and D, the department notes that a building separation of 7.5 metres is proposed. Given the two storey height of these buildings, this separation is considered acceptable and is generally consistent with the prevailing setbacks in the neighbouring residential area. The concept plan indicates that living areas and open space relative to the buildings can be designed without compromising the amenity of the residents on the site and in adjoining properties.

Building Depth

The RFDC recommends a building depth of between 10 and 18 metres. The typical indicative apartment layouts, as illustrated in the concept proposal, range from 9.6 metres to 20.3 metres and therefore, generally comply with this provision. The apartments in Building A, marginally exceed the recommended building depth, however, these apartments have been designed to have dual aspect and therefore, will achieve satisfactory levels of natural cross ventilation and solar access. The proposal is considered acceptable with respect to the building depth.

Solar Access

The RFDC requires 70% of living rooms and private open spaces to receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter, reducing to two hours in dense urban areas. The proponent has advised that more than 70% of the units would meet these solar access requirements.

The department notes that detailed information has not been provided to enable an accurate analysis of compliance. However, compliance will be possible and subject to detailed analysis at the development application stage.

In relation to overshadowing of adjoining properties, it is required that adjoining windows to living areas and private open space will continue to receive three hours of sunlight access between 9am and 3pm in mid winter. With reference to the proponent's shadow diagrams, the department notes:

- 9am – the backyards of the dwellings located adjacent to the south of the site would be substantially covered by shadow. Minor impacts to the façades of a number of dwellings is noted, but the northern façade of these dwellings are largely in sunlight;
- Midday – the overshadowing at this stage is removed from the private open spaces of the dwellings to the south and the overshadowing impact is largely contained within the subject site. There is no overshadowing impact of note to any adjacent properties; and
- 3pm – there is additional overshadowing to the backyards of properties to the east including numbers 6, 12, 14 and 16 David Avenue and 166 Epping Road. However, by this stage these properties have already experienced more than three hours of sunlight between the hours of 9am and 3pm.

Having regard to the above, it is evident that the proposal will ensure a satisfactory level of solar access is maintained both within the site and to neighbouring properties. It is anticipated that the design amendments recommended above, will result in further improvements to the level of solar access to Building B and the neighbouring David Avenue properties and 166 Epping Road.

5.3. Landscaping and Public Domain works

The indicative landscaping strategy for the concept plan has been prepared by Aspect Studio. It incorporates a number of landscape elements which seek to embellish the site, its landscape character and open space function. The landscape strategy incorporates the following:

- The provision of a green buffer to assist the site's integration into the surrounding urban and residential fabric;
- Unifying various open spaces within the site through material choice, colour, spatial geometry and planting selection;
- Adherence to water sensitive urban design and ESD principles in terms of stormwater management, selection of low water-use plants and porous surfaces; and
- The provision of new public connections through the site that extend existing pedestrian and cycle links.

In addition to the above, the concept plan also proposes the revitalisation of the RMS land directly to the north of the site.

The concept plan includes an option to landscape and embellish the Crown Road Reserve. The RMS has advised that any changes to this area will need to be designed in order to maintain the functional requirements of the land and furthermore, to not compromise the future use for road widening purposes. The department considers that potential improvements to this land including with respect to shared access (pedestrian/cycle) to be a beneficial outcome and has recommended a condition to require this design resolution for this land to be developed in consultation with the RMS.

The proposal's compliance with the 'rules of thumb' for open space in the RFDC is presented in **Table 5** below.

Table 5: Concept Plan's compliance with RDFC- landscaping

Element/Rule of Thumb	Proposal	Department comment
Landscaped Area (excludes adjacent road reserve)- adds value to the quality of life within the development in the form of privacy, outlook and views, to improve micro climate, to improve stormwater quality and to contribute to biodiversity.	6,301sqm or 45.22% of the site area	The department is satisfied that the quantum of landscaped area will provide for a suitable range of open space options appropriate for the sites residential use.
Deep soil zones- a minimum of 25% of the open space area should be a deep soil zone.	4,332sqm or 68.88% of the landscaped area	The proposal substantially exceeds the deep soil planting requirements. The deep soil planting areas are predominantly located around the perimeter of the site. This will provide for opportunities to maximise screen planting along the site boundaries and for the establishment of mature planting to contribute to the streetscape and landscape character of the area.
Communal open space- should generally be at least between 20-30% of the site area. Where developments are unable to achieve the minimum, they must demonstrate that residential amenity is provided in the form of increased private open space and/and or contribution to public open space.	1,207sqm or 19.16% of the landscaped area.	The proposal does not comply with the communal open space requirements. Notwithstanding this, the department is satisfied that generous private open space areas allocated to each unit, in conjunction with the variety of communal open space areas throughout the site, are appropriate for the development.

In line with the objectives of the RFDC, the department is satisfied that a landscape scheme can be delivered for the site which will improve the amenity of the site and the outlook for residents and neighbouring properties, and is capable of delivering a range of open space opportunities (ie. passive, private and communal). Furthermore, the open space for each apartment is able to exceed the 4 metre dimensional requirements specified in RDFC. The concept plan adequately illustrates that private open space provision is of an adequate size and dimension.

A further environmental assessment requirement has been recommended to specifically address the amenity of the communal courtyard fronting Epping Road, to ensure that its design is not adversely impacted by traffic (Refer to further discussion in the **section 5.7** of this report). As stated above, the matters raised by the RMS with respect to the future design and embellishment of the Crown Road Reserve are also addressed. Subject to compliance with these requirements, the department finds this aspect of the proposal to be acceptable.

With reference to the photomontage at **Figure 11** illustrating the indicative design for Building B, the department notes that the concept proposal includes provision of private open space opportunities at the ground, first and second floor levels of the building. The department considers that balconies at the second floor level, given their elevation and size, have the potential to adversely impact on the privacy and amenity of neighbouring residential premises to the south (fronting Parklands Road). Additionally, these balconies are not required to achieve the minimum recommended open space requirements of RFDC. For these reasons, it is recommended that the Concept Plan be modified to delete the second floor level balconies from Building B.

5.4. Traffic and Parking

Traffic

The concept plan seeks to provide vehicular ingress and egress to the site via the following means, as illustrated in **Figure 16**:

- Whiteside Street: is proposed to operate as a two-way street north of its intersection with the internal road and as a one-way street south of this intersection. A left turn onto Epping Road has been agreed in principle with the RMS and is to be provided should the development proceed. However, the RMS noted that this access may not be available in the future if a road is constructed in the road reserve.
- David Avenue: is proposed as an egress only point from the site and would allow access via the local road network to Lane Cove Road. A boom gate is proposed to restrict egress for residents only.

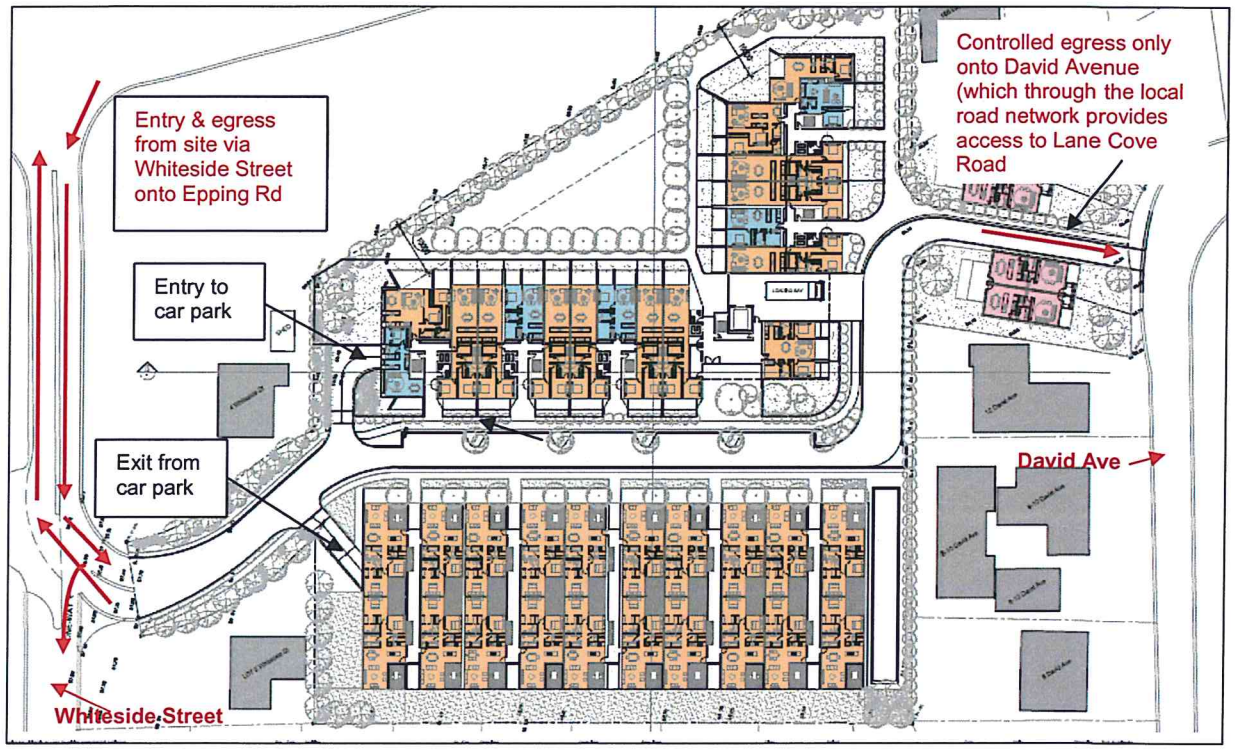

Figure 16: Proposed Site Access

The concept plan includes parking for 225 cars within two basement levels. Access to and egress from the basement is via separate driveways. The footprint of the basement broadly reflects the alignment of the buildings at ground floor level and access is integrated with the building lobbies.

The proponent's traffic consultants, Traffix, has estimated that the February 2013 amended concept plan would result in traffic generation from the site of 63 vehicles per hour based on trip generation of 0.40 vehicles per hour/dwelling. Traffix has advised that this is the worst case scenario, whereas the RMS Guidelines would permit the adoption of the lesser rate of 0.29 vehicles per hour/dwelling and therefore, it is highly likely that the traffic generation from the development will be significantly less. This would be in the order of 46 vehicular movements per hour (9 vehicles/hour in and 37 vehicles/hour out during the AM peak).

Based on the above traffic generation rates, it estimated that of the 37 vehicles exiting the site, 13 vehicles per hour are likely to use Epping Road and the remainder will utilise the local road network. On this basis, the proponent contends that this low level of traffic activity does not warrant any changes to the existing road network nor the need for a local traffic management study. Notwithstanding this, the proponent has committed to prepare the local area traffic management study in response to community and Council concerns. The

proponent also contends that the site's accessibility to nearby transport services will further reduce the reliance on car based travel and result in further reductions to the traffic generation rates.

Concerns have been raised in submissions in relation potential adverse traffic impacts including on the local road network performance and level of service for intersections. Concerns have also been raised in relation to whether the proposal is strategically located to benefit from alternative transport options and therefore, whether the justification as a transport orientated development is sufficient to warrant the proposed density and form. These matters are considered separately below.

Local Road Network

In order for the traffic and parking issues associated with the proposal to be thoroughly and rigorously considered, the department engaged the services of Parsons Brinckerhoff to undertake an independent traffic assessment (PB Traffic Study). As relevant, the key conclusions and recommendations from the PB Traffic Study are discussed below.

The site is located in close proximity to major arterial roads in Epping Road and Lane Cove Road, in addition to a sub-arterial road in Herring Road. These roads are currently under significant operational stress in both the AM and PM peak periods. This results in significant flow-on effects to the local road network as vehicles attempt to enter the two major arterial roads and results in substantial congestion and queuing times. **Figure 17** shows the area of the local traffic network in blue.

Figure 17 – Local traffic network

Council has raised concerns with the impact on the local traffic network on the following basis:

- Vehicle access should be directly to Epping Road or via Whiteside Street to Epping Road in order to avoid traffic funnelling into the local road network; and
- A vehicle connection onto David Avenue would funnel traffic into the local traffic network.

The PB Traffic Study concludes that the development would generate a low amount of additional traffic onto the surrounding road network. However, it recommends that a Local Area Traffic Management Plan (LATM) study be completed to determine this impact in terms of traffic volumes, on-street parking, two-way traffic flow, pedestrian and cyclist facility and general road safety concerns.

The above advice from Parsons Brinkerhoff was provided prior to the February 2013 amended concept plan being submitted to the department. Nonetheless, the reduction in the traffic generation rates when compared to the PPR scheme is only 2 vehicles per hour based on unit reductions from 163 to 157. The department noted that further reductions in the traffic generation rates will result from the design amendments recommended in section 5.2 of this report which propose further reductions to the building height, bulk and scale of Building A.

Whilst it is submitted that the local road network and the level of service at key intersections (refer to discussion below) is under operational stress, it is evident that the proposal alone would have minimal impact on the current road network and therefore, should not be solely responsible for resolving existing the local traffic network issues.

In order for the department to approve the concept plan approval, it must be satisfied that the potential impacts upon the local traffic road network could be effectively managed. The PB Traffic Study has recommended a Local Area Traffic Management Study be prepared. Based on the overall limited impacts of the proposal, the department considers it appropriate for the study to be undertaken as part of the future development application. This will enable the study to be undertaken based on the final density of the development presented in the future development application and furthermore, for the study to inform necessary local road improvements which are relevant to the proposal.

With respect to the access arrangements for the site, it is noted that there have been submissions received objecting to the internal access road to David Avenue. The PB Traffic Study has considered this matter and has concluded that the David Avenue access is essential to provide for alternative access to the site in the event that the county road reservation is implemented in the future. Furthermore, it concludes that the David Street access will assist in distributing traffic impacts on the local road networks as opposed to concentrating all traffic impacts associated with access and egress from the site on Whiteside Street.

Having considered the advice provided by Parsons Brinkerhoff, the department is satisfied with the access design and has recommended appropriate requirements to reinforce and stipulate these design requirements for the David Avenue exit.

In view of the above, the department considers that the potential for adverse impacts upon the local traffic network will not be significant and finds this aspect of the proposal acceptable.

Intersection Level of Service

The proponent has identified the following intersections as being the most likely to be affected by the proposal:

- Lane Cove Road and Epping Road;
- Epping Road and Herring Road;
- Trevitt Street and Lane Cove Road;
- Whiteside Street and Epping Road; and
- Napier Street and Lane Cove Road.

The department accepts that the majority of the intersections in the surrounding area are currently under significant operational stress. This is highlighted in **Table 6** which presents the data provided in the Traffix Study. The level of service provides for a rating of intersection performance in the following manner:

- A: Good operation
- B: Good with acceptable delays and space capacity
- C: Satisfactory
- D: Operating near capacity
- E: At capacity
- F: Unsatisfactory and requires additional capacity.

Table 6 – Existing and Future Level of Service (LoS)

Intersection	Existing Los		Future LoS	
	Period	LoS	Period	LoS
Lane Cove Road and Epping Road	AM	F	AM	F
	PM	E	PM	E
Herring Road and Epping Road	AM	D	AM	D
	PM	E	PM	E
Whiteside Street and Epping Road	AM	NA	AM	B
	PM	NA	PM	B
Trevitt Road and Lane Cove Road	AM	F	AM	F
	PM	E	PM	E
Paul Street and Lane Cove Road	AM	F	AM	F
	PM	E	PM	E
Napier Crescent and Lane Cove Road	AM	F	AM	F
	PM	E	PM	E

The traffic assessment provided by the proponent argues that the modelling undertaken indicates that the proposal would have a negligible impact on the functionality of the critical intersections at either the AM or PM peak period. The modelling indicates that the proposal would generate a maximum of 63 veh/hr during peak periods. These results are shown in **Table 6** above and demonstrate that the level of service at key intersections is unchanged.

The department notes that the RMS, in conjunction with Hills M2, is proposing to construct and operate a new eastbound on-ramp from Lane Cove Road to the M2 Motorway at Macquarie Park with motorway widening between the new ramp and the existing Delhi Road eastbound off-ramp. The application for this project was approved by the department in February 2013.

The EA for the M2 on-ramp predicts that the intersection performance of Epping Road and Lane Cove Road would improve as a result of these works from F to D during the AM period and F to C during the PM period.

The department accepts that if the M2 on-ramp is constructed, then there would be a minor reduction in traffic congestion in the local area, in particular the Epping Road/Lane Cove Road intersection.

In view of the above, the department is satisfied that whilst the proposal would result in additional traffic using the already at stress intersections, the level of impact from the additional traffic resulting from this proposal would be negligible.

Parking

The proposal provides a parking layout incorporating 2 split basement levels comprising 225 car spaces all accessed via Whiteside Street. The department notes that additional

reductions in the number of car parking spaces are likely as a result of the amendment to the building envelope of Building A, as detailed in the **section 5.2** of this report.

The department has considered the parking rates applying to the subject site against the RMS's Guide to Traffic Generating Development and the Ryde Development Control Plan 2010. **Table 8** provides a comparison of the parking rate requirements. It is noted that the proponent's traffic consultant has calculated that 223 spaces are required to comply with Council's DCP parking controls. 225 parking spaces are proposed including 2 courier spaces.

Table 8 – Comparison of Parking Rate Requirements

February 2013 Amended Concept Proposal	RMS Guide to Traffic Generating Developments	Ryde DCP 2010 Parking Controls
157 units comprising: 1x bedroom units= 37 2x bedroom units= 112 3x bedroom units= 8	▪ 0.6 spaces/ 1 bed unit= 23 ▪ 0.9 spaces/2 bed unit= 101 ▪ 1.4 spaces/3 bed unit= 12 ▪ 1 visitor space/5 units= 32	▪ 0.6-1.0 space/1 bed unit (=23-37) ▪ 0.9-1.2 spaces/2 bed unit (=101-135) ▪ 1.4-1.6 spaces/3 bed unit (=12-13) ▪ 1 visitor space/5 units (=32)
225 parking spaces*	**168 parking spaces**	**Lower rate= 168 parking spaces** **Upper rate= 217 parking spaces**

**The proponent has calculated the car parking for visitors based on1 space/ 4 dwellings. Ryde DCP 2012 requires that visitor spaces for residential flat buildings be calculated at a rate of 1 space/5 dwellings.*

The department notes that in accordance with the DGRs for the project, the proposal was required to consider appropriate on-site parking provision having regard to Council and RMS guidelines and the availability of public transport. The lower rate of the DCP is consistent with the RMS requirements. The department has established (refer section 5.1) that the site is suitable for higher density development noting its proximity to public transport. This will in turn reduce private vehicle dependency for future residents. The department is of the opinion that this lower rate should be applied to the proposal. This approach is consistent with the recommendations in the PB Traffic Study and in line with the transit oriented development principles. A requirement has been recommended to address this matter.

The department notes that the final parking numbers will be determined as part of the assessment of the future development application.

Other Matters

In addition to the conditions highlighted above, the PB Traffic Study also makes a number of recommendations to address the following:

- The final design for the Epping Road and Whiteside Street intersection and layout;
- The design of the mid-block turning area associated with access on Whiteside Street;
- The preparation of a travel plan to reduce car dependency including consideration of a community bus service between the proposed development and the train stations; and
- Further improvements to pedestrian and bicycle networks and facilities between the proposed development and Macquarie Park and Macquarie University Railway Stations and surrounding centres in order to reduce car dependency.

The department considers that these recommendations are appropriate and relevant to the design resolution of the proposal. Appropriate terms have been recommended to address these matters. The final design of the Epping Road and Whiteside Street intersection and associated works in Whiteside Street to facilitate access and egress from the site will be required to be designed in consultation with, and approved by the RMS in consultation with Council (as appropriate), as part of the future development application.

5.5. Contamination

The application is supported by a Phase 1 Environmental Site Assessment (ESA) undertaken by Environmental Investigation Services. The key objective of the ESA is stated as assessing the soil conditions at the site to determine whether the proposed land use can satisfy the requirements of State Environmental Planning Policy No.55- Remediation of Land. In this regard, the ESA assesses the likelihood for contamination to exist on the site and furthermore, makes recommendations with respect to the need for any future investigations or management of the site (as appropriate).

The findings of the ESA are informed by an assessment of the historical site uses, a review of regional geology and groundwater conditions, a search of WorkCover Dangerous Goods License and a field sampling program.

The ESA concludes as following with respect to the assessment:

- The historic information and inspections of the site and surrounding areas did not indicate any obvious on-site or nearby off-site activity that could be expected to generate significant soil contamination;
- Potentially contaminating activities/facilities may be associated with the historic use of the site including the use of chemicals associated with past agricultural farming practices. Accordingly, further testing is recommended across the site in order to meet the minimum sampling and analysis requirements of the EPA;
- Laboratory results from selected soil samples taken across the site did not indicate elevated levels of contaminants. The testing includes an analysis for the presence of heavy metals, petroleum hydrocarbons (TPH), Polycyclic Aromatic Hyrdocarbons (PAHs), Organochlorine (OC) Pesticides and Polychlorinated Biphenyls (PCBs). In all instances, the results of the analyses were below the site assessment criteria;
- The potential presence of asbestos containing materials was observed on the site and associated with existing building structures. The ESA therefore recommends that a building materials survey on all site buildings and structures be undertaken prior to their demolition. The department notes that asbestos was not detected in ten (10) soil samples that were taken across the site; and
- If off-site disposal of soil is proposed, further analysis of samples for waste classification is required.

Subject to the above investigations being undertaken, the ESA concludes that the site can be made suitable for the proposed development.

The department notes that the submission from Council has raised issue with the extent of the contamination assessment undertaken. The recommendations in the ESA are considered to be sound and reasonable, noting that a Phase 1 Preliminary ESA is not technically required to include on-site testing. The department considers it to be pertinent and relevant that further testing be undertaken on the site prior to the submission of the future development application to verify the preliminary findings reported in the ESA. Accordingly, a requirement has been recommended to ensure that the future development application complies with the report recommendations for further site testing and if required, a Remediation Action Plan be prepared and submitted with the future development application.

5.6. Other Matters

Acoustic Impacts

A Noise Impact Assessment (NIA) prepared by Heggies Pty Ltd was submitted with the application. The NIA has included an assessment of the prevailing noise environment and in particular, the level of road traffic noise impacting on the site from Epping Road. The NIA is accompanied by a noise survey which has included an assessment of the predicted traffic noise levels on the façade of the concept proposal.

The NIA concludes that compliance with the relevant noise criteria can be achieved with standard and acoustically upgraded building design and construction methods including acoustically upgraded glazing. Mechanical and or alternative means of passive ventilation will also be required to those living rooms and bedrooms which are most exposed to the traffic noise.

With respect to the passive recreation areas which are exposed to the traffic noise from Epping Road, the NIA has recommended the following:

- A 2.6 metre noise wall be constructed along the northern boundary of the site to ameliorate traffic noise to the communal courtyard; and
- A 1.2 metre high perimeter wall be constructed along the northern and south-east edge of the rooftop terrace.

Based on the conclusions of the NIA, the department recommends a further environmental assessment requirement to ensure that noise impacts are adequately addressed and mitigated, including the following:

- The incorporation of durable materials into the building design to mitigate road traffic noise 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);
- The preparation of 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); and
- That further consideration be given to reducing the visual prominence of the acoustic wall to Epping Road by ensuring that the design is appropriately integrated with the landscape treatment.

Subject to compliance with the above, the department finds this element of the proposal to be acceptable.

Isolated Sites

The department has considered the isolation of No. 4 Whiteside Street (refer **Figure 1**), which is located to the west of the subject site. The department notes that attempts were made to acquire the property of 4 Whiteside Street, however no agreement could be reached, as detailed in the PPR.

The department is satisfied that the concept plan will not unduly compromise the future development potential of this site or the site's amenity. In this regard, the proposed setback of Building A, which is in excess of 12 metres to the boundary, will ensure adequate building separation. Substantial opportunities for screen planting also exist along the western boundary and will at maturity sufficiently screen and enhance the developments setting. On this basis, the department considers the proposal to provide an appropriate design response and furthermore, is satisfied that reasonable attempts have been made to facilitate amalgamation.

SWC Easement

The stormwater management strategy proposes that the SWC easement on the western portion of the site be traversed in order to convey stormwater to Council's drainage infrastructure in Whiteside Street. It is appropriate that SWC be consulted with respect to the final details regarding this bridging detail. A requirement has been included in the terms of approval which addresses this matter.

Developer Contributions

The Proponent's PPR has outlined that a total developer contribution of $1.4 million dollars would be payable based on the unit mix proposed in the PPR. The final proposal would result

in further variations to the contribution payable, as the contribution will be based on the ultimate unit mix included in the future development application.

6. CONCLUSION

The department has assessed the merits of the concept plan taking into consideration the issues raised in public and agencies submissions. The department has recommended a number of future assessment requirements to address key issues in relation to built form, traffic impacts and landscaping. The reductions in height, density and subsequently, traffic generation will result in potential impacts to neighbouring properties and the surrounding road network being minimised. In its amended form, the concept proposal will secure an improved level of amenity for the future residents of the development.

The department considers that the sites accessibility to public transport infrastructure, employment opportunities and a range of services and facilities, deem it suitable for the proposed development. The proposal is also consistent with and supports the strategic direction in the Draft Metropolitan Strategy for Sydney, the Metropolitan Plan for Sydney 2036 and Draft Inner North Subregional Strategy.

On the basis of the above, the department recommends that the concept plan be approved subject to those modifications and future assessment requirements in the attached instrument.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure:

a) Consider the recommendations of this report
b) **Approve** the concept application, subject to conditions, under section 75M of the EP&A Act, having considered all relevant matters in accordance with (a) above; and
c) **Sign** the attached Instrument of Approval (Appendix F)

27.6.15

Ben Lusher
Acting Director
Metropolitan and Regional Projects South

Chris Wilson
Executive Director
Development Assessment Systems & Approvals

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4288

APPENDIX B SUBMISSIONS

See the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4288

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4288 \

APPENDIX D PROPONENT'S AMENDED SUBMISSION (FEBRUARY 2013 AMENDED CONCEPT PLAN)

See the Department's website at
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4288

APPENDIX E ENVIRONMENTAL ASSESSMENT AND PREFERED PROJECT REPORT

Environmental Assessment (as exhibited)

The Proposal, as detailed in the Environmental Assessment (EA), sought Concept Plan approval for building footprints and heights, parking numbers and driveway crossovers and the landscape scheme. Specifically, approval was sought of the demolition of existing site structures, excavation for the provision of two stepped basement levels and the construction of 213 apartments in four (4) blocks varying height from two to eight storeys. The proponent's Environmental Assessment is provided at **Attachment A**.

A plan illustrating the concept plan is provided at **Figure 1**.

A photomontage of the development is illustrated in **Figure 2**. The visual analysis submitted with the application, prepared by SJB Architects, advises that Building A (fronting Epping Road) creates a counterpoint to the Avaya Building on the northern side of Epping Road, and by its scale helps to reduce the dominance of Epping Road (as physical barrier) and to balance the contradiction in scale between the north and southern sides of Epping Road.

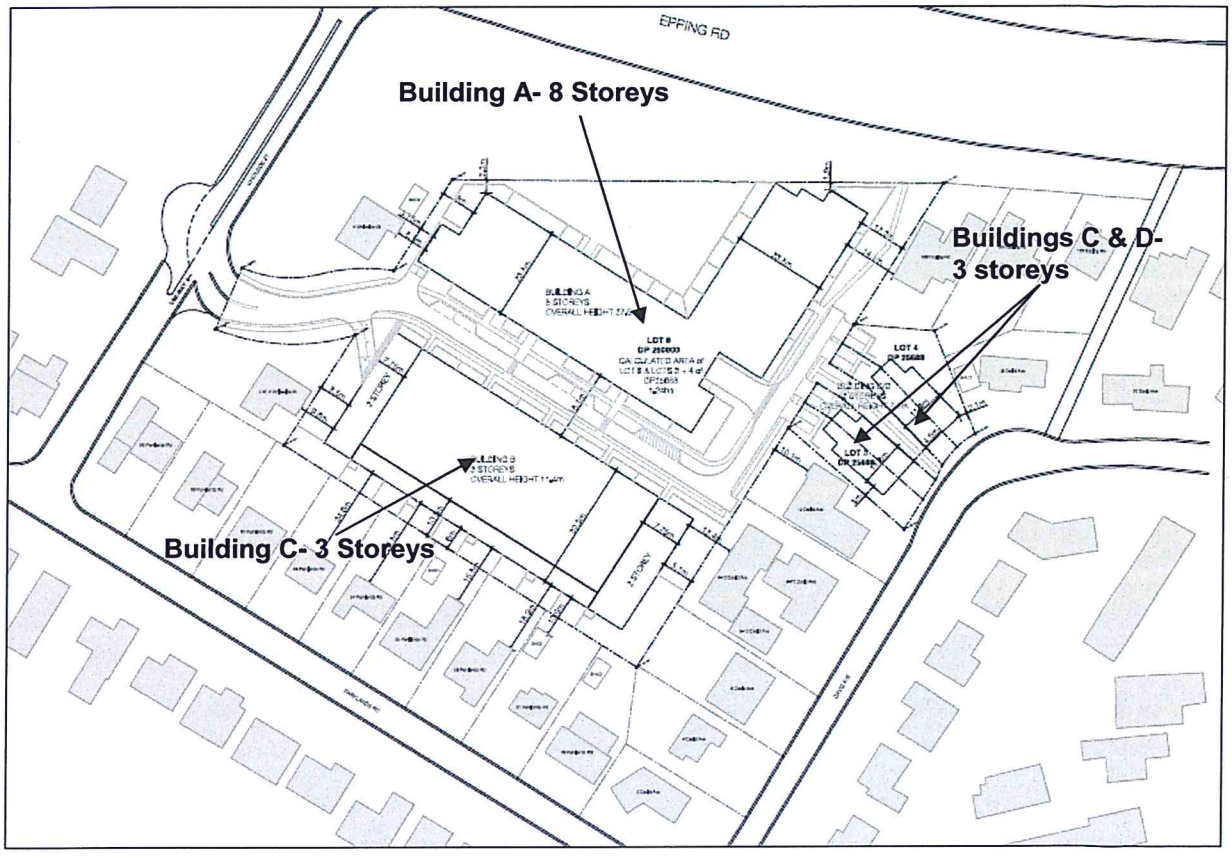

Figure 1: Original Concept Plan (source: SJB Architects

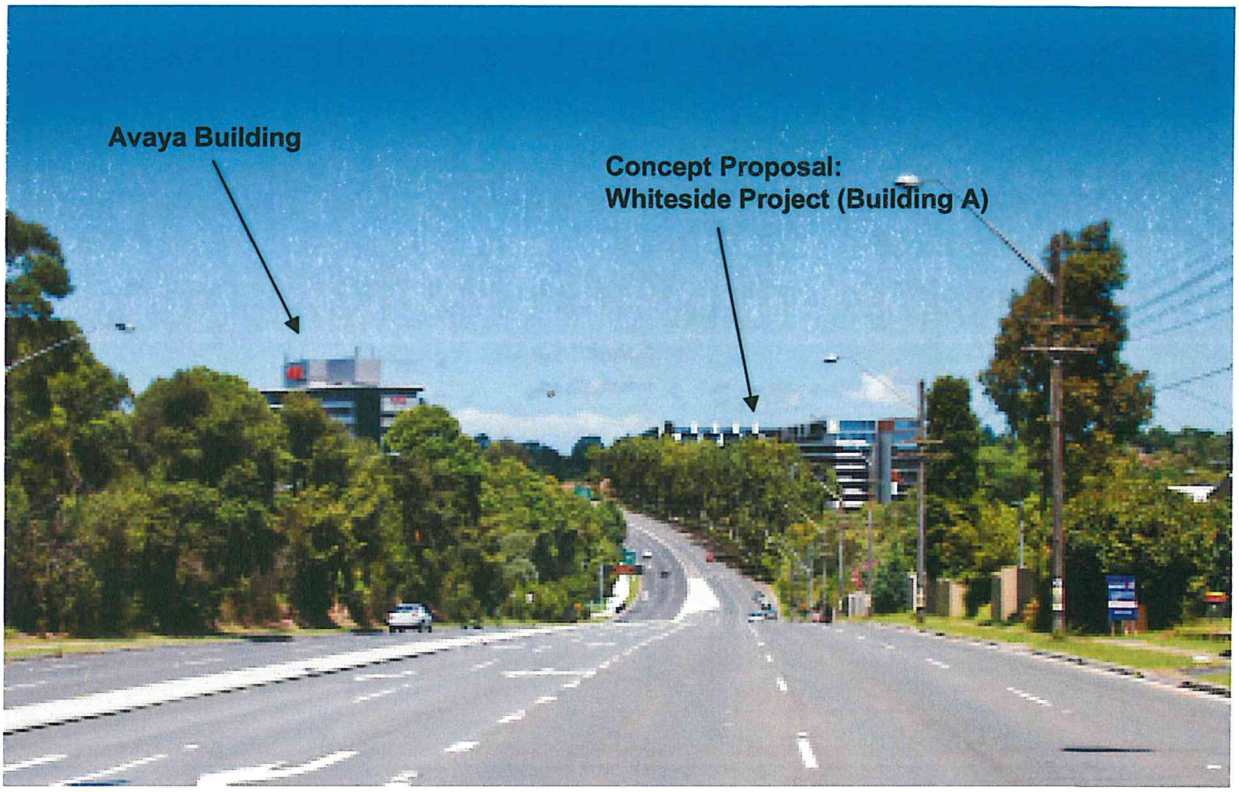

Figure 2: Photomontage illustrating the original Concept Plan (source: SJB Architects)

The section below, illustrates the building heights proposed in the concept plan and the built form relative to neighbouring development.

Avaya Building (10 storeys

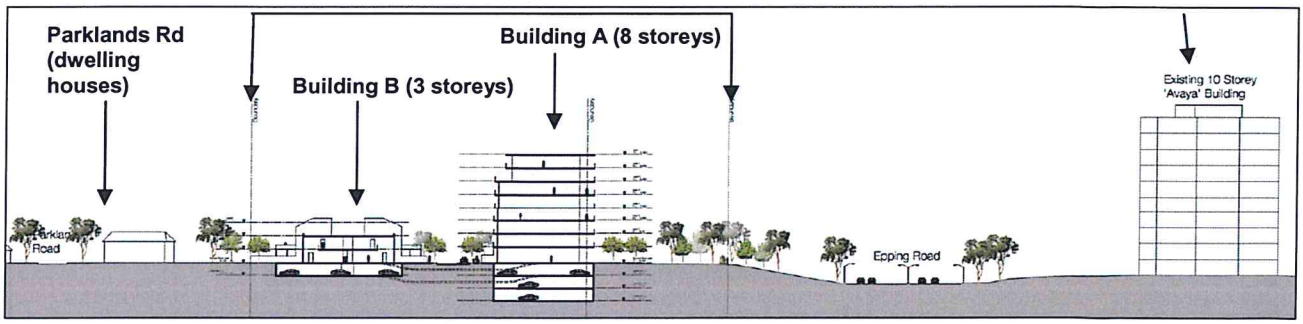

Figure 3: Section through the Concept Plan showing relationship to existing development (source: SJB Architects)

Preferred Project Report

Following public exhibition of the EA, the department wrote to the proponent advising that the proposal had a poor interface with the surrounding low density residential area and was inconsistent with key principles of State Environmental Planning Policy No.65- Design Quality of Residential Flat Development (SEPP 65) and the Residential Flat Design Code (RFDC). The department advised that significant amendments would be required to address issues of built form, density and access. These concerns were also identified in submissions received during the exhibition of the EA- refer to **Section 4.0** of this report.

On 5 April 2012, the proponent submitted a Preferred Project Report (PPR), which included an amended concept plan. Most significantly, the PPR included a reduction in the scale and density of the development including the reduction in the height of Building A from 8 storeys to 6 storeys.

The specific details of the proposal as presented in the PPR are provided in **Table 1**.

Table 1: Key Project Components

Aspect	*Description*
Project Summary	• **4 building envelopes 163 units: 45 x 1 bed, 103 x 2 bed and 15 x 3 bed** • **225 parking spaces, contained in two level basement** • **Vehicular access from Whiteside Street. Vehicular egress to Whiteside Street and David Avenue.** • **Road works to Whiteside Street to facilitate vehicular access from the development to Epping Road**
Gross floor area	18,027.80m²
Floor space ratio	1.29:1
Height	Building A: 4 - 6 storeys (height of 19.2m) Building B: 2 - 3 storeys (height of 11.4m) Buildings C + D: 2 storeys (height of 7.8m)
Number of units	163 units

Figures 4 to **7** illustrate the amended concept plan as presented in the PPR. It is noted that the siting of the buildings remains generally consistent with that presented in the EA. Building A retains a 2.0 metres to the northern boundary (ie. to the RMS crown road reserve).

The proponent's PPR is provided at **Attachment C**.

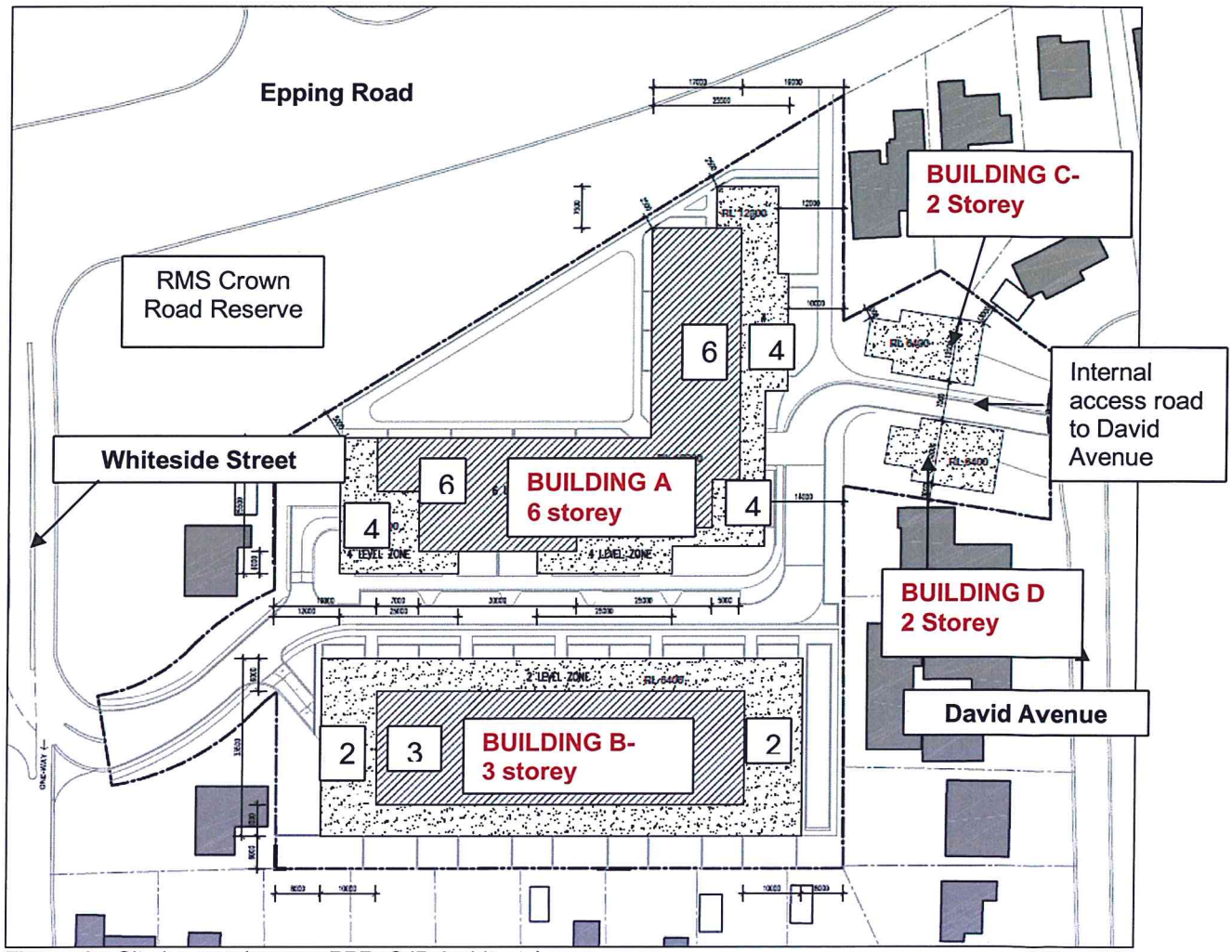

Figure 4 – Site Layout (source: PPR- SJB Architects)

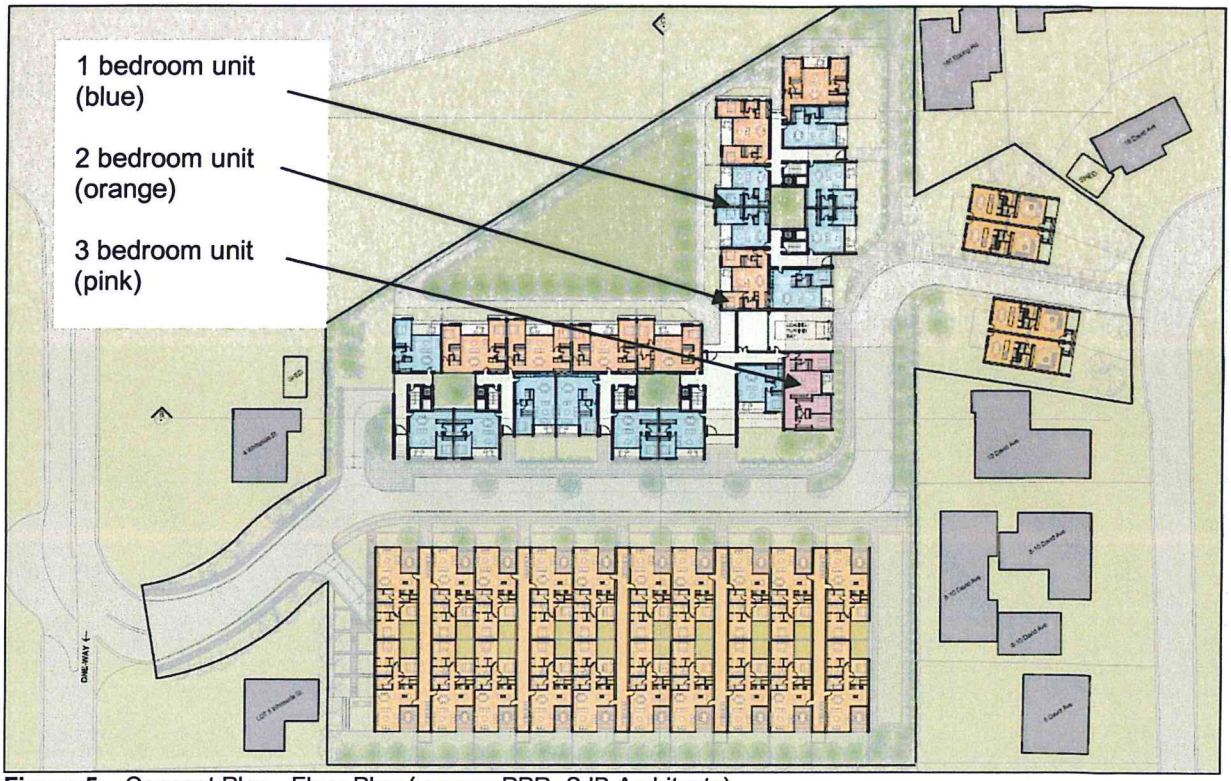

Figure 5 – Concept Plan- Floor Plan (source: PPR- SJB Architects)

Figure 6: Photomontage of the internal road looking towards the northern facade of Building B (source: PPR- SJB Architects)

Figure 7- Photomontage of the northern elevation of Building A as viewed from the west on approach from Epping Road (source: PPR- SJB Architects)

APPENDIX F CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

There are four accepted ESD principles:
(a) *the precautionary principle,*
(b) *inter-generational equity,*
(c) *conservation of biological diversity and ecological integrity,*
(d) *improved valuation, pricing and incentive mechanisms.*

The Department has considered the proposed development in relation to ESD principles and has made the following conclusions:

Precautionary Principle – No irreversible or serious environmental impacts have been identified. No significant climate change risks are identified as a result of this proposal.

Inter-generational Principle – The proposal would not impact on the ability of future generations to maintain the same standard of living as currently experienced.

Biodiversity Principle – There is no threat of serious irreversible environmental damage as a result of this proposal.

Valuation Principle – The valuation principle is more appropriately applied to broader strategic planning decisions and not at the scale of this application. The principle is not considered relevant to this particular concept plan application.

SECTION 75I(2) OF THE ACT AND CLAUSE 8B OF THE REGULATION

The Director-General's report to the Minister for the proposed project satisfies the relevant criteria under section 75I of the Act as follows:

Section 75I(2) Criteria	Response
Copy of the proponent's environmental assessment and any preferred project report.	The proponent's EA and PPR are located on the Department's website www.planning.nsw.gov.au
Any advice provided by public authorities on the project.	A summary of the advice provided by public authorities on the project for the Minister's consideration is set out in Section 4 of this report.
Copy of any report of the Planning Assessment Commission.	A copy of the PAC's report will be placed on the Department's website www.planning.nsw.gov.au
Copy of or reference to the provisions of any state environmental planning policy that substantially governs the carrying out of the project.	Each relevant SEPP substantially governing the carrying out of the project is identified within this appendix (see below).
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this division.	An assessment of the development relative to the prevailing environment planning instrument is provided in this appendix (see below).
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety.
A statement relating to compliance with the	The proposal adequately complies with the

environmental assessment requirements under this division with respect to the project	DGRs

The Director-General's report to the Minister for the proposed project satisfies the relevant criteria under Clause 8B of the EP&A Regulation as follows:

Clause 8B Criteria	***Response***
An Assessment of the environmental impacts of the project	An assessment of the environmental impact of the proposal is contained in **Sections 4** and **5** of this report.
Any aspect of the public interest that the Director- General considers relevant to the project	The impact of the development on the public interest is discussed throughout this report.
The suitability of the site for the project	An assessment of the site suitability is contained in section 5 of this report.
Copies of submissions received by the Director-General in connection with the public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is at **section 4** of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS

To satisfy the requirements of sections 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments which govern the carrying out of the project and which have been taken into consideration in the environmental assessment of the project.

The primary controls guiding the assessment of the proposal are:

- *State Environmental Planning Policy (Major Development) 2005*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development* and *Residential Flat Design Code* (Planning NSW, 2002)
- *State Environmental Planning Policy No. 55 – Remediation of Land;* and
- *Ryde Local Environmental Plan 2010* and *Ryde Development Control Plan 2010*

Development standards provisions of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under section 75R of the Act. However, in accordance with the DGRs, the objectives of the above EPIs, relevant development standards and other plans and policies governing the carrying out of the project are appropriate for consideration in this assessment.

ASSESSMENT AGAINST PRIMARY CONTROLS

State Environmental Planning Policy (Major Development) 2005

The proposal is a major project under Part 3A of the Act as it is development for the purpose of a residential, commercial or retail project with a capital investment (CIV) of more than $100 million under clause 13 of Schedule 1 of the Major Development SEPP. Therefore, the Minister for Planning and Infrastructure is the consent authority.

Whilst it is noted that the CIV is $86.7 million (for the proposal as described in the EA), when the project was declared as a major project, the CIV was above $100 million. As such, the proposal continues to be a major project under Part 3A.

State Environmental Planning Policy (Infrastructure) 2007
Schedule 3 of the SEPP requires traffic generating developments to be referred to Roads and Maritime Services (RMS). The RMS has provided comments on the proposal. A detailed discussion on those comments and other traffic related matters is located at **sections 4** and **5** of this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
SEPP – BASIX aims to establish a scheme to encourage sustainable residential development in NSW. The current BASIX targets for residential flat buildings commenced on 1 July 2006 and require all new residential dwellings in NSW to achieve a 30% reduction in energy use and a 40% reduction in potable water use. A detailed assessment of BASIX requirements will be undertaken during the assessment of future development application.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
SEPP 65 seeks to improve the design quality of residential flat development through the application of ten design principles. An assessment against those principles is provided below.

The EA and the PPR confirm that the development has been designed against the design principles, and future applications will be required to demonstrate a level of detailed design consistent with the SEPP.

Key Principles of SEPP 65	Department's Response
Principle 1: Context	The site is located approximately a 1.2km walk from the nearest train station. The site is considered to have an appropriate strategic context to support an increase in residential density. Refer to discussion section 5 of this report.
Principle 2: Scale	The amended scale of the concept plan, as conditioned, is considered appropriate in its context and will minimise adverse environmental impacts. Refer to discussion section 5 of this report.
Principle 3: Built Form	The concept plan, as amended by condition is considered to provide an appropriate built form. Refer to discussion section 5 of this report.
Principle 4: Density	For reasons discussed in section 5 of this report, the density of the proposed development is considered appropriate and is supported by the site's proximity to public transport and employment opportunities. In its amended form (as recommended by condition), the proposal is considered to provide an appropriate balance better the prevailing low density of the surrounding residential area and the strategic context which support high density housing close to jobs and public transport.
Principle 5: Resource, Energy and Water Efficiency	The location and orientation of the building envelopes will provide opportunities to maximise solar access and natural ventilation. This matter is discussed in section 5 of this report. Further assessment of these requirements will be undertaken during the assessment of future development application.
Principle 6: Landscape	The proposal includes a combination of landscaping in deep soil zones and open space areas; and private and communal open space.

	This matter is discussed in section 5 of this report. The proposal is considered to satisfy this Principle.
Principle 7: Amenity	The concept plan seeks to optimise amenity in terms of solar access, cross ventilation, outlook and access to open space. Consideration of amenity of adjoining properties and visual impact are provided in section 5. The amended proposal is considered acceptable.
Principle 8: Safety and Security	The concept plan allows for good passive surveillance of road networks and communal private open space areas. Detailed assessment of through-site links, landscaping and access arrangements will be undertaken during the assessment of future development application.
Principle 9: Social Dimensions and Housing Affordability	The concept plan includes various unit types to encourage a diversity in social mix and housing choice.
Principle 10: Aesthetics	Specific conditions have been recommended by the department to guide the future design of the building including the articulation of Building A. A detailed assessment of the proposal's aesthetic will be undertaken at the future development application stage.

Residential Flat Design Code 2002

The Residential Flat Design Code (RFDC) is closely linked to the principles of SEPP 65. The RFDC provides 'rules of thumb', which detail prescriptive standards for residential flat development to ensure the development achieves an appropriate level of residential amenity.

Whilst the proposal is for Concept Plan approval only, it has been assessed against those standards which are relevant to the proposal. The project has been assessed against the key development controls contained within the RFDC (refer to section 5.0 of this report) and it is considered that the proposal achieves an acceptable level of compliance against the RFDC 'rules of thumb'.

A full and detailed assessment against the RFDC will be provided in future development application.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires a consent authority to consider whether the land is contaminated, and whether the land will be remediated prior to the land is used for its intended purpose. A Phase 1 Preliminary Environmental Site Assessment undertaken concludes that the site will most likely be suitable for residential development, subject to further assessment being undertaken following demolition of the existing buildings on the site. The proponent has committed to undertaking a remedial action plan should remediation be required for the future development application.

The requirements for further site testing to support the future development application are addressed in **section 5.5** of the report.

Ryde Local Environmental Plan 2010

The concept plans compliance with the key provisions of Ryde LEP 2010 are considered below.

Ryde LEP 2010	
Clause 1.2: Aims of the LEP (1) This Plan aims to make local	As stated in section 5 of this report, the proposal is consistent with strategic intent of a number of State

environmental planning provisions for land in Ryde in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows: (a) to create a broad framework of controls for the future development of all land in Ryde, (b) to encourage the management and development of land to provide a range of land uses, employment activities and housing types that respond to the welfare of the citizens of Ryde, (c) to conserve items and places in Ryde that are of natural, indigenous, cultural, social and historical significance, (d) to manage development of Ryde to create a better environment.	plans and policies. It will provide for housing choice in close proximity to the employment and public transport infrastructure of Macquarie Park. This is considered to respond to the housing and employment needs of the citizens of Ryde. The amendments recommended to the concept plan are considered to result in an improved development outcome. Conditions have been recommended to ensure that the environmental impacts resulting from the development are minimised. For the reasons outlined above, the proposal is not considered to be inconsistent with the aims of the Plan.
<u>Objective of R2 Low Density Residential Zone</u> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood. • To ensure that new development complements or enhances the local streetscape. • To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments. • To ensure that land uses are compatible with the character of the area and responsive to community needs.	The proposal is consistent with the zone objectives for the following reasons: • it will provide for a range of housing choices; • as amended, it is not considered to be incompatible with the prevailing low density character of the area; and • it will enhance the streetscape through the provision of improved landscaping. In its amended form, the concept proposal is considered to be compatible with the character of the area. The amended building siting, setbacks to boundaries and transitioning of building height, is considered to provide an appropriate response to the prevailing character of the low density residential environment.
<u>Clause 4.3 Height of Buildings</u> (1) The objectives of this clause are as follows: (a) to maintain desired character and proportions of a street within areas, (b) to minimise overshadowing and ensure a desired level of solar access to all properties, (c) to enable the built form in denser areas to create spatial systems that	Matters in relation to building height have been addressed section 5 of this report. The proposal does not comply with the 9.5 metres height limit which applies to the site. Refer to details in **Table 1** of the report. The department has given consideration to the objectives of the 4.3, and in the strategic context considers that a variation to the height limit is relevant and appropriate. Notwithstanding this, the department

relate to human scale and topography, (d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections, (e) to reinforce important road frontages in specific centres. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. (2A) Despite subclause (2), the maximum height of multi dwelling housing (attached) in Zone R2 Low Density Residential is: (a) for dwellings in the building that do not have a frontage to the street—6.5 metres, and (b) for dwellings with a frontage to the street, if adjoining lots contain dwelling houses that are less than 9.5 metres high—8 metres. ***Note: a height limit of 9.5 metres applies to the site as shown on the Height of Buildings Map -Sheet HOB_005***	considers that the concept plan will not compromise the objective of the height control for the following reasons: • The transitioning of building height (as conditioned) for Building A and the 2-3 storey height of Buildings B-D are considered to provide an appropriate urban form in the low scale residential context. • The concept plan has been assessed as providing an appropriate level of residential amenity both for occupiers of the development and neighbouring dwellings. In this regard, the proposal will ensure that the minimum standards for solar access are achieved. • Building A is setback 10 metres from the northern boundary and therefore, maintains the predominant building alignment to the Epping Road.
Clause 4.4 Floor Space Ratio (1) The objectives of this clause are as follows: (a) to provide effective control over the bulk of future development, (b) to allow appropriate levels of development for specific areas, (c) to enable the consent authority to assess and respond appropriately to future infrastructure needs. (1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios on land within the Macquarie Park Corridor are as follows: (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes, (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas, (c) to ensure that the peripheral locations of the corridor reflect the landscape needs and building setting requirements of the corporate building, (d) to reinforce the importance and function of the central spine (Waterloo Road and Riverside Main Street) with suitable built form, (e) to encourage the provision of a new	The February 2013 amended concept plan will result in an FSR of 1.26:1. This results in a non-compliance with the FSR of 0.5:1 which applies to the site and the neighbouring low density residential area. Having regard to the sites strategic context, the department considers that an increase dwelling density of the site is appropriate, subject to achieving an appropriate urban from. The detailed discussion in section 5.2 of the report address further design amendments to the concept plan and will result in a further reduction to the FSR.

street network, (f) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map ***A floor space ratio of 0.5:1 applies to the site as shown on the Floor Space Ratio Map -Sheet FSR_005***	
Clause 4.5A Density controls for Zone R2 Low Density Residential (1) The consent authority must not consent to the erection of multi dwelling housing (attached) on land in Zone R2 Low Density Residential unless: (a) the site area for the building is not less than: (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and (ii) for each 4 or more bedroom dwelling—365 square metres, and (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site. (2) The consent authority must not consent to the erection of a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless: (a) the lot has an area of not less than 580 square metres, and (b) it is satisfied that adequate arrangements have been made for the disposal of sewage and stormwater from each dwelling.	The department notes that these provisions do not apply to residential flat development.

Draft Ryde Local Environmental Plan 2012
The department has considered the key provisions in Draft Ryde LEP 2012 and notes that these provisions do not vary markedly from the provision in Ryde LEP 2010 and therefore, these provisions have not been separately considered for the purposes of this report.

Ryde Development Control Plan 2010 (DCP 2010)
The department notes that section 3.4 of DCP 2010: Residential Flat Buildings & Multi Dwelling Housing does not apply to low density residential zone. However, consideration has been given to a number of key provisions in this section of the DCP with respect to building setbacks and density. These matters have been addressed in section 5.0 of this report.

The concept plans compliance with the car parking control contained in DCP 2010 have been comprehensively addressed in Section 5.4 of the report. A condition is recommended to

require that the future development application demonstrate compliance with the 'lower limit' car parking provisions in the DCP 2010.

As relevant, further consideration will be given to the relevant provision in DCP 2010 in the assessment of the future development application.

NSW GOVERNMENT | Planning & Infrastructure

Disclosure of Contact with Registered Lobbyists

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP 10_0165

CONCEPT PLAN FOR A RESIDENTIAL DEVELOPMENT CONCEPT, 5 WHITESIDE STREET AND 14 & 16 DAVID AVENUE, NORTH RYDE

(Source: Preferred Project Report prepared by Urbis dated 15.7.2011)

NSW GOVERNMENT | Planning & Infrastructure

Department of Planning & Infrastructure 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39, Sydney NSW 2001 Phone 02 9228 6111 Fax 02 9228 6455 Website planning.nsw.gov.au