

Attachment 5: Pre-DA and Design Review Panel Response

Pre-DA and Design Review Panel Comments and Response

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Design Review Panel	
1 Relationship to Nimbin Reserve This small piece of public open space is bounded on two (2) sides by the subject site. Buildings A and E have end walls that face the reserve, with only minor windows in those walls. In addition to safety and security concerns, this is a missed opportunity. At a minimum, the apartments adjoining the end walls should be reoriented so that their private open spaces and living areas face the reserve. The Panel recommends a further change in which the two end units on each floor of each building are replanned so that they both face the reserve.	Increased opening and balconies have been incorporated into the north-west elevation of Building A and the north-east elevation of Building E to provide a greater level of surveillance over Nimbin Reserve.
2 Public Thoroughfare A public pathway is proposed within the site along its southeast boundary. The Panel is not convinced of the need for this pathway, since it serves only the Allengrove Crescent cul-de-sac. If it is to be included in the proposal, the Panel comments as follows: • The end facades of Buildings A, B, C and D facing the pathway should have larger openings, particularly to living areas, to provide greater visual surveillance of the pathway. • The project's Communal Gardens face south and may be subject to vandalism. They should be relocated to the secure external areas within the development. • Adequate lighting is essential. • The stepped buildings and fence alignment provides opportunities for concealment. The edges of the link should be redesigned with	In response to the concerns of the Design Review Panel, the proposal has been amended and the public path deleted.

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clear sight lines to improve safety and security for pedestrians. Entries to the development should be more highly visible along the link.	
3 Ground Floor Unit Access	The Panel questioned the lack of direct access from the street for ground floor units facing Epping and Lane Cove Roads. Whilst it is appreciated that in some cases level differences do not reasonably permit this, it may be possible for some units to have direct access, particularly along Epping Road. The Panel requested that this issue be further investigated. Level differences between the site and the Lane Cove Road make the provision of direct access to ground floor units problematic. Access would require the installation of a significant number of stairs, punctuations in retaining walls and reductions in landscape area. Retaining walls and courtyard walls are also used to minimise noise exposure to the ground floor units from both Epping and Lane Cove Road.
4 It is recommended that the direct access to ground floor units along Allengrove Crescent be replanned so that each unit has its own direct pathway to the street. High walls at street level should be avoided.	The landscaping in front of Building A on Epping Road is designed to be fairly dense to provide a buffer to the noise and pollution and Epping Rd. Introducing pathways would act to reduce the effect of this buffer.
5 Circulation	Each of the ground floor units has direct access from the Allengrove Crescent frontage. High walls have been amended to low height walls with palisade fencing above providing transparency and opportunities for surveillance, yet still defining the public and private open space areas.
The north-south pedestrian access way within the development steps around buildings, resulting in poor sight lines and wayfinding. Its maze like character is dominated by ramping with little space remaining for any meaningful vegetation. As the main circulation spine within the development, which will be highly used by residents and visitors, the legibility of this space should be improved.	The DA has been amended to improve the north-south pedestrian way. Building levels have been modified to reduce differences in levels, reducing the extent of ramping and retaining walls. This has allowed for increased communal pockets with paving, respite seating, mass planting and feature tree planting to be provided at the junctions between Buildings A, B and E and B, C and E.
Internal pathways are dominated by high retaining walls and fences to	Three different themes of feature trees are used to designate between the four

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private spaces (Section 01 and 02). Greater consideration of the pedestrian spaces within the development is needed to provide better human scale to the space and to provide a balanced approach between privacy and outlook within communal and private areas. Stepped retaining walls and planting could assist.	rows of buildings to assist with way finding. Stepped retaining walls and landscaped batters are used to improve pedestrian amenity within the site.
More emphasis on the pedestrian entries into the site is recommended.	Pedestrian entries are highlighted with portico type canopies at the Epping Road, Lane Cove Road and Allengrove Crescent frontages of the site. Letterboxes and security access is located beneath each canopy.
6 External Open Space If the widths of Buildings A, B and C are reduced as described under "Lightwells" below, the amount of open space between these buildings would increase. This additional open space should be located between Buildings B and C to consolidate it in one (1) location and provide some hierarchy to the spaces within the site. The Communal Gardens could be relocated to this space.	Removal of the lightwells will not allow for any significant increase in space between Buildings A, B and C to allow for significant communal gardens to be provided between B and C. Buildings A, B and C fit within the approved envelopes (subject to minor variations) and it is our view that the benefit of the lightwells to the amenity of the 50 affected apartments far outweighs the benefit of increasing the distance between buildings by approximately 500mm.
7 The Panel is not convinced the green roof over the car park entry ramps is beneficial other than as a cosmetic treatment to the exposed roof. Further consideration to the extent of this space and its impact on the pedestrian space adjoining Buildings C and D is needed.	We also note that the distance between buildings complies with SEPP 65 and RFDC requirements. The roof over the car park entry ramps has been broken down to two (2) levels and has been lowered to the extent possible given the need for service vehicles to access the car park. Landscaping has been placed on the roof in order to soften the visual impact. The pedestrian space between Buildings C and D has been maximised within the given site constraints to the benefit of pedestrians.

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8 Lightwells The proposal includes lightwells to Buildings A, B and C. These were not part of the Concept Approval design. The Applicant indicated that these lightwells provide cross ventilation to the associated apartments and that these apartments are included in the total count of cross-ventilated units for the development. The lightwells are approximately 2.5m wide and on Site Section - 02 appear to extend down into the basement parking. The Panel questions the efficacy of the lightwells for cross-ventilation and views them as unacceptable because of the potential for noise and odours to travel between units. They are up to five (5) times taller than they are wide, and would therefore offer little daylight to adjoining spaces, particularly on the lower levels. If the lightwells were removed, along with the adjoining internal rooms (refer below), the overall width of the buildings could be reduced to a footprint similar to that of Building D, thereby increasing the width of the external spaces between the buildings.	Attached is a section which indicates the workings and benefits of the lightwells. We note that these do not extend down into the basement parking area but only to the ground level at which there is landscaping. We believe that the lightwells are appropriate for the following reasons; • They allow for cross flow ventilation to an additional 50 apartments. • There is no overlooking into other apartments. This has been achieved by directing the windows in particular orientations and providing for translucent glazing where necessary. • They provide visual depth to the study areas. It is noted that a feature wall will be provided to the southern side of the lightwells. • They provide natural light to the study areas. • They provide some natural light to the kitchen area. • They do not have any mechanical discharge into these areas – i.e. there will be no odours.
9 Internal Spaces The single aspect units in Buildings A, B and C include an internal room facing a lightwell. This room appears to be shown on the plans as a study, but could easily be converted into a bedroom. The amenity of these rooms is unacceptable and they should be removed. The single aspect units in Buildings E also have internal spaces without direct access to light and air. They should also be deleted.	This issue is addressed in relation to the issue of use of lightwells above.

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10 Bedroom Windows The bedrooms to the single aspect units in all buildings have a solid external wall and receive light and air solely from the adjoining terrace or balcony. It is recommended that operable windows be provided in the external walls. This will assist natural ventilation. If traffic noise is an issue, the windows can be closed and will then still provide morning sunlight to these bedrooms.	Bedroom windows have been amended to address this issue.
11 Natural Cross-Ventilation It is understood that the Applicant's estimate of the total number of cross-ventilated units relies on the inclusion of single aspect apartments which connect to the proposed lightwells. As noted above, the Panel does not accept that the lightwells can be relied upon for natural ventilation. It notes that in the Concept Approval, the number of units served by a lift and stair was typically three, two naturally cross-ventilating and one single aspect. In the current proposal each lift and stair generally serves four units, two naturally cross-ventilating and two single aspect. The percentage of units naturally cross-ventilating is therefore expected to be less than the 60% standard in the SEPP 65 Residential Flat Design Code.	Natural cross ventilation calculations in accordance with the Residential Flat Design Code currently include single aspect units that benefit from access to the lightwells. Notwithstanding this, the proposal can be readily amended to meet the required 60% natural cross ventilation Rule of Thumb of the RFDG, through the inclusion of operable skylights in the upper most apartments, should Council and the Panel be of the view that the skylights cannot be included.
12 Sunshading Whilst metal screens are provided for sunshading on most elevations where they are required, there are some locations where screens are not shown, but are necessary (the West Elevation facing Lane Cove Road for example). All openings receiving sun west of due north should have screens.	All apartments and the development as a whole meet BASIX requirements. The openings on Buildings B,C and D are highlight windows and are relatively small in size that do not require screens. The western windows to Building D have an extruded 'hood' that extends 300mm

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13 Elevations It is noted that if windows to the bedrooms in single aspect apartments are provided (refer bedroom windows above) the corresponding elevations will be improved by reducing the perceived mass of the external bedroom walls. The Panel also notes that the North Elevation facing Epping Road, and to a lesser extent the West Elevation facing Lane Cove Road, are less visually interesting than other elevations within the scheme. It is recommended that the North and West Elevations be enhanced along the lines of the other elevations to provide greater articulation and visual interest and reduce their perceived scale.	Noted, and the proposal has been amended to incorporate the required window change SJB Architects have advised the following: <i>"The North Elevation facing Epping Road, and to a lesser extent the West Elevation facing Lane Cove Road, have been designed in response to an edge condition which is different to the other elevations. These two facades face onto high traffic streets and have a scale and massing which responds directly to its character. The base of these facades has high quality landscaping in response to a more pedestrian scale. It is our view that the design of these facades are appropriately scaled and detailed and contain a suitable variation of material."</i>
Pre – DA Meeting	
1. Draft Ryde LEP 2011 & Draft Development Control Plan 2011 At its meeting of 12 March 2013, Council endorsed Draft Ryde LEP 2011. The Draft Plan has been forwarded to the Department of Planning and Infrastructure for consideration. If the Draft LEP is gazetted, then Council's Development Control Plan 2011 becomes effective. If the LEP is gazetted before this application is lodged, the LDA submission needs to address any relevant changes in the new DCP. For the most part, this may be confined to changes in terminology and procedure but it should be noted that Draft DCP2011 does not include an existing Part that deals specifically with Residential Flat Buildings (DCP2010-Part 3.4 Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone). The subject Part was seen to apply to subject	At the time of preparation for lodgement of this DA, the Ryde LEP 2011 was yet to be gazetted.

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proposal on the basis that the character of the development is high density although the underlying zoning is low density. Under any new DCP2011, the Part will no longer apply.

2. Concept Plan Allengrove Site

The Concept Plan application for the Allengrove site as a Major Project has been handled by the NSW Department of Planning and Infrastructure (DP&I) and its predecessors. Following amendments to the Major Projects State Environmental Planning Policy, Council is now the assessment authority for future phases of development on the site and depending on the value of individual developments, the Sydney East Joint Regional Planning Panel is the approval authority for residential developments exceeding \$20 million in value.	Noted.
As such, your application is the first application for this site to be submitted directly to Council. Therefore, the application needs to be tailored specifically to the needs of Council so that it can clearly and effectively execute its obligations under the Environmental Planning and Assessment Act and in accordance with the plans, policies and expectations of Council and its community. The proponent needs to understand that the Council requirements for a lodging Local Development Application will be different to those for a Major Projects application to a State Government authority. In practice, this may require a revisiting of some past matters in order to inform and engage Council including a number of new Councillors who will not be familiar with the history of the project and some of the individual issues that arise as a result of that history.	Noted.
The Concept Plan application was also the subject of concern for local residents and community groups. Any development application will be deeply scrutinised. There is already an active community group who will	Noted.

have an interest in all aspects of the proposed development.

3. Changes to the Concept Plan

The proponent has provided a report and plans explaining how the submitted design relates to the approved Concept Plan. Council's position is that the changes proposed warrant an application to the DP&I for a Modification to the Concept Plan approval.

Whilst, we are of the opinion that the DA is "generally consistent" with the Concept Plan, the applicant has taken Council's advice and has lodged a Section 75W Modification Application to the DP&I for approval.

In this regard, Council notes the reduced height of the buildings and would support any approach to reduce the height of the development. With regard to the changes to the building footprint, Council will consider the changes alongside the advice of the Urban Design Review Panel and other factors. It is noted that any future modification application may not confine itself to the changes shown in the submitted plans.

Noted.

4. Submission Requirements

Additional reports that should be provided:

- Safer by Design or CPTED Report. It is noted that a report was prepared for the Major Project application.
- Wind Assessment Report.

A CPTED Report and Wind Assessment Report have been submitted as part of the DA documentation.

5. Comments on Submission requirements

- (a) Arborist Report / Landscaping Plans: Existing trees to be retained or to be removed should be identified in the Landscaping Plan. The provisions of Council's DCP2010 - Part 9.6 - Tree Preservation need to be addressed. Consideration under the threatened species legislation may be warranted (e.g. a seven part test of significance) if any of the affected trees fall into that category.

The Concept Approval did not allow for the retention of any trees on the site. Therefore all trees from the site will be removed and a comprehensive landscape concept is proposed for the site.

A new arborist report has not been prepared for the site. An excerpt of the

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	previous arborist report is provided at Attachment ___ which identifies the species of existing trees across the site. Appendix D of the Director General's Environmental Assessment Report dated March 2012 identifies the following in relation to Biodiversity: <i>"Following an assessment of the Proponent's EA and PPR it is considered there is no threat of serious or irreversible environmental damage as a result of the project. The site has a low level of environmental sensitivity and does not contain any threatened or vulnerable species, populations, communities, or significant habitats. Therefore the project will not impact upon the conservation of biological diversity or ecological integrity".</i>
(b) <u>Demolition Plan</u>: Consideration needs to be given to whether the LDA submitted is also seeking approval for demolition. Other requirements for Council's consideration include submission of a Demolition Work Method Statement and photographs of all structures proposed to be demolished. If it is proposed to include demolition, Council requires payment of all relevant fees and charges associated with this at the time that the LDA is lodged. Please note that the calculation of the Security Deposit (or Damage Deposit) is based on the length of road frontage for the site. In this case that figure is approximately 250 metres. Prior to finalising the LDA for submission, a Fee Schedule should be sought from Council's Customer Service Centre (9952 8222) so that the full amount payable can be identified. Any consideration to adjust the Damage Deposit to reflect a controlled entry exit point can only be made at the highest level and would require supporting information within the Demolition Plan and Construction Management Plan.	A Demolition Plan has been prepared for the site identifying that all structures are proposed to be demolished. A Demolition Report provides photographs of all existing dwellings across the site. A Demolition Work Method Statement is a conditionable matter. The proposal includes the demolition of all structures and the appropriate Security Damage Deposit has been paid as part of the application fees.

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(c) The proposal to include reports addressing energy efficiency, water efficiency, Water Sensitive Urban Design and a BASIX Certificate is noted. However, Council has its own DCP Part covering some of these matters (DCP2010 Part 7.1 – Energy Smart, Water Wise). While it is recognised that some elements of the DCP have been superseded by more recent legislation and controls, the SEE for the LDA should address the applicable sections of this DCP.	NatHERs, BASIX Certificates and an ESD report are all provided as part of the DA submission documents.
(d) As identified above, the SEE needs to fully address Council's controls as they apply to the project. While the Major Project application has a long history, this is its first full exposure to Council's Assessment Planning Team. The merits of the proposed design will need to be strongly and clearly argued with solid supporting information. Additional background information on the concerns that have been raised to date by Council and the community are available from the Department of Planning and Infrastructure's Major Projects Register (on its website). The SEE should be used to show how the proposed design can deal positively with those issues that can be addressed. In any case, the SEE must deal fully with all the items in the Statement of Commitments for the project and the items in Schedule 3 of the approval (Future Environmental Assessment Requirements).	The SEE addresses all of Council's controls as they apply to the project.
(e) A perusal of submissions on the Concept Plan indicates that traffic and parking is seen as a major issue associated with this development. As such, it is not sufficient to rely solely on the fact that the Concept Plan has been approved to say that the traffic and car parking issue is addressed. Council and the community remain to be convinced that the surrounding road network can cope with the additional traffic and car parking that will be generated by this development. Please note that Allengrove Crescent has an operational Resident Parking scheme (see diagram below). Any	A Traffic Impact Assessment has been prepared for the proposed development and addresses the potential traffic and parking issues associated with the proposal.

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impacts on how that scheme will operate into the future in this locality should be addressed in the LDA.

6. "Isolated Site" at 253-257 Lane Cove Road

It was recognised at the Major Projects stage that approval of the Concept Plan as submitted had potential to isolate No 253-257 Lane Cove Road as future potential development site. This was addressed by the former proponent in the submitted design and has also been considered in the current design process. In this regard, it is noted that the affected site is currently zoned R2 – Low Density Residential and does not have scope for redevelopment at the same scale as the Concept Plan site.

However, in dealing with this issue the LDA will need to consider the impact in light of the principles established by the NSW Land and Environment Court proceedings of *Melissa Grech vs. Auburn Council* [2004] NSWLEC 40 for isolated sites and demonstrate this to Council's satisfaction.

The three (3) principles to consider are:

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and

The issue of the isolated site at No.253-257 Lane Cove Road was addressed as part of the assessment and determination of the Concept Application, as demonstrated in the Director General's Environmental Assessment Report dated March 2012 which states:

"Site amalgamation:

Submissions raised issues regarding the isolation of the proposal from the adjoining property at 253-257 Lane Cove Road which is occupied by a single storey dwelling. The PPR details the proponent's unsuccessful attempts to negotiate and purchase that property over several years.

The Department considers that the proposal will not adversely affect the ability of the owner of 253-257 Lane Cove Road to develop that property in accordance with Council's existing controls. Further indicative building envelopes (prepared by the proponent) show how a similar residential flat development could be accommodated successfully on that site. The Department notes that reasonable attempts have been made to facilitate the amalgamation of the site but that these efforts have been unsuccessful. The setbacks and stepping down of the proposal to 253-257 Lane Cove Road are an appropriate design response in the circumstances."

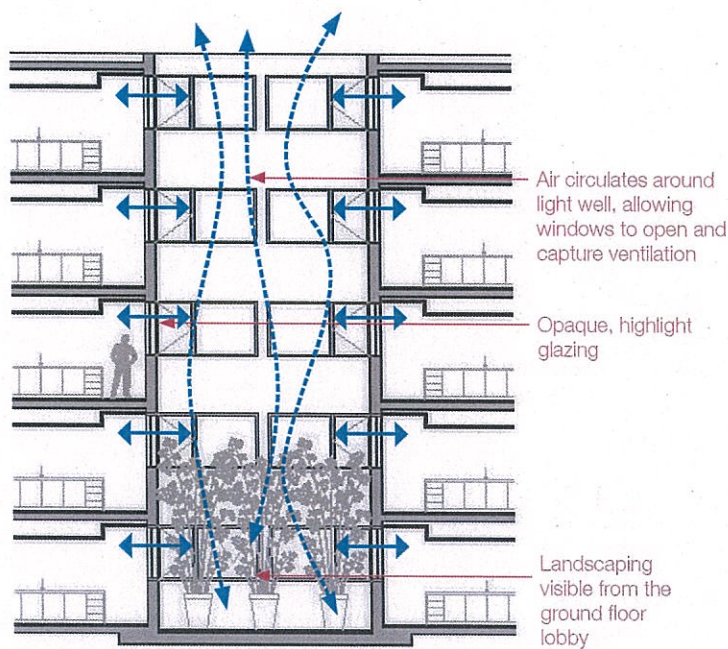
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addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.	Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.
7. Waste Management	The means of site waste management has been determined and it is proposed to use Council's services. In this regard, it is recommended that the proponents discuss waste management needs with Council's Section Manager for Waste Management (Jude Colechin) prior to finalising the design. In general, the separate loading facility proposed to accommodate Council's standard waste collection vehicle appears workable but additional information should be included in the overall Site Waste Management Plan to clearly identify the processes of waste collection, storage and delivery to the loading point for all categories of waste.
8. Traffic and Car Parking	As indicated above, the issue of traffic generated by the proposed development and the impact on local traffic conditions will be a matter that will receive a high level of scrutiny from the community when the LDA is lodged. In this regard, the application should include details on how the measures proposed under the approved Concept Plan will be
A Waste management Plan has been prepared for the proposal and accompanies the DA. The author of the WMP has been in contact with Council's Waste officers in relation to the design of the loading facility.	A Traffic Impact Assessment has been prepared for the proposed development and addresses the potential traffic and parking issues associated with the proposal.
The Statement of Commitments identifies that a parking space will be made	12 / 14

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implemented (including the widening of Allengrove Crescent) and how this will work with the current resident parking scheme.	available for use by shared vehicles. In accordance with the Statement of Commitments, the proposal incorporates a car share car space within the basement.
The "transit oriented development" features of the proposal need to be clearly identified and should include plans and details on how the car share scheme will work. For example, some plans at a higher level of detail could be included to highlight such features. Details of the landscaping strategy should be included in the application including the means to improve pedestrian connectivity across the site between Macquarie Park Railway Station and essential community facilities.	In accordance with the Statement of Commitments, 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.
For traffic and car parking internal to the site, the following issues have been identified for the proposed design: • Ensure that the design can accommodate the safe movement of vehicles throughout all the car parking areas. A swept path analysis should be included. • This analysis should include a focus on the supporting columns located adjacent to ramps and where there is a turning movement at a change of level. For example in Drawing No. DA – 202, the column at the bottom of the main eastern ramp may be in constant risk of collision and an alternative structural design should be considered. • Details of the bicycle parking strategy should be presented including visitor spaces as well as residents' secured spaces.	Pedestrian egress is provided for the residents to all three street frontages, ensuring that residents have good connectivity to nearby bus stops and to facilitate access between the site and Macquarie Park Railway Station.
	Swept path analysis for the basement is provided as part of the Traffic Impact Assessment.
	Noted.
	Details of the proposed bicycle parking is provided in the Traffic Impact Assessment and the Sustainable Travel Plan which accompany the DA. Secure bicycle parking is provided both within the basement and at ground level.
9. Landscaping Given the extent of basement over the site, the Landscape Plan should	The DA documentation includes detailed Landscape Concept Plans for the proposal which include cross-sections of the landscape areas. The cross

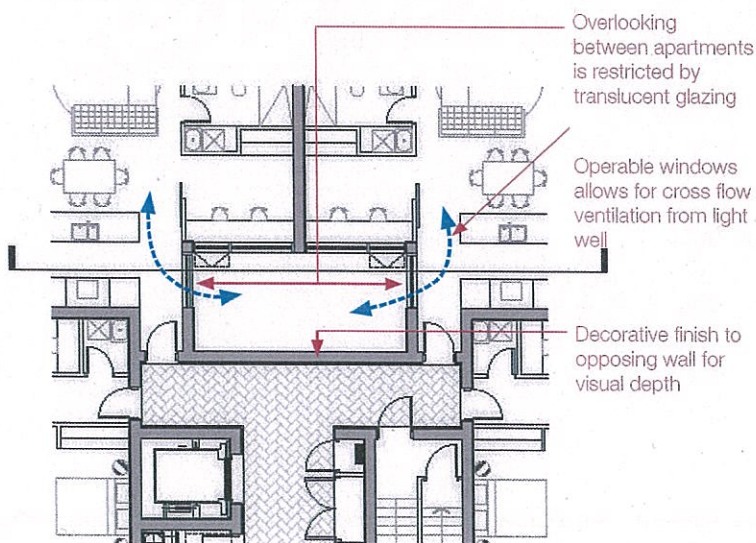
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include sufficient details to demonstrate that deep soil planting areas over the site are workable and to show how landscaping over the constructed areas will be viable in the long term.	sections provide sufficient detail to demonstrate soil depths and type of proposed landscaping.

Appendix - Light Well Statement

Light wells are of benefit to the apartment design as they greatly contribute to the amenity of the apartment. This is achieved by allowing the occupant to have access to cross-flow ventilation and allowing the occupant to take advantage of the 'Stack Effect' to aid in passively heating and cooling the apartment. Further benefits include; additional visual depth to the study areas by using a decorative finish to the opposing wall and the opportunity for additional diffuse light to enter the apartment.



Typical Section



Typical Plan

- Operable windows to each apartment corridor allow for air to circulate through from the light well and cross ventilate the apartment
- The window to each apartment corridor is translucent and set high off the floor level to maintain privacy
- Windows to the study allow for cross ventilation through each apartment
- During the night cold air sinks into the light well, trapping cool air to help cool the apartment during the summer months
- Warm air purged from the apartment, rises up and out of the Light well during the summer months to help reduce heat load
- Planting to the ground floor, viewed from the lobby adds visual amenity to each lobby. Adding planting also helps to mitigate noise within the light well
- The study area adjacent the operable windows, are of low-noise generation uses.
- Visual depth is created from the study area by using a decorative finish to the opposing wall

