

15 January 2014

**DETERMINATION OF THE MODIFICATION OF A CONCEPT PLAN APPROVAL  
FOR A RESIDENTIAL DEVELOPMENT AT  
ALLENGROVE CRESCENT, NORTH RYDE  
MP10\_0037 MOD 1**

**1. CONCEPT PLAN MODIFICATION APPLICATION**

The Allengrove Crescent, North Ryde Concept Plan for seven residential apartment buildings was approved, under Consent Orders issued by the Land & Environment Court, on 26 September 2012.

The proposed modification sought approval to:

- Modify the approved building envelopes both vertically and horizontally;
- Reduce the number of buildings from seven to five by deleting the space between buildings and enclosing the basement ramp entry;
- Increase the number of basement levels from two to three;
- Modify the indicative floor layout and mix of units;
- Obtain approval for 179 units;
- Obtain approval for 218 car spaces (*205 approved*); and
- Modify the basement including a new entry ramp design, change in basement levels to increase head heights and provide for waste storage and collection area.

**2. DELEGATION TO THE COMMISSION**

On 17 December 2013 the Concept Plan MOD was referred to the Planning Assessment Commission ('the Commission') for determination under Ministerial delegation dated 14 September 2011, at the discretion of the Executive Director, Development Assessments Systems & Approvals due to PAC's consideration of the original Concept Plan.

The Chair of the Planning Assessment Commission, Ms Gabrielle Kibble AO constituted the Commission to determine the project with Ms Abigail Goldberg.

**3. DEPARTMENT'S ASSESSMENT REPORT**

The Director-General's Assessment Report provided an assessment of the following key issues:

- Density;
- Traffic generation and parking;
- Residential amenity;
- bulk and scale; and
- Consistency with the Concept Plan approval.

The Assessment report concluded that the site is capable of accommodating the increased density and the proposal would not lead to any unreasonable traffic, amenity or visual impacts.

The application was recommended by the Department for approval, subject to conditions.

## 4. MEETINGS

### City of Ryde Council

On 13 January 2014 the Commission met with the City of Ryde Council staff, including the Acting General Manager, to discuss the Department's recommendation. The meeting focussed on Council's key concerns, namely, the exercise of modifications; the incremental increase in the number of units through the Section 75W process and resultant parking issues. Council also raised concern with the traffic report not accurately detailing the potential impact on the main intersection of Lane Cove Road and Epping Road.

### Meeting with Proponent

The Commission also met with the proponent's consultants on 13 January 2014 for a briefing on the project.

The proponent briefly outlined the history of the project. The meeting then focused on the issue of residential demand in the area; the amenity, layout and access arrangements arising from the amendments and the interface of the modified design with the surrounding residential development.

## 5. COMMISSION'S CONSIDERATION

The Commission has reviewed the Department's Assessment Report and associated documents, including submissions from the City of Ryde Council, agencies and the public, and the proponent's response.

The key community concerns relate mainly to application of modifications; built form (density); amenity impacts on existing residents by way of traffic, and inconsistency with the LEP.

### 5.1 Application of Modifications

Council and the community raised concern that the proponent has the ability to lodge any number of modification applications.

Section 75W of the Environmental Planning and Assessment Act 1979 (the Act) provides that a proponent may request the Minister to modify a project previously approved by the Minister. The Commission notes that Section 5.5 of the Department's assessment report states the proposed modification is generally consistent with the Concept Plan approval and that the proposal will not have any unreasonable visual or amenity impacts (Section 5.4) and the Commission accepts this advice.

### 5.2 Built Form (Density)

A summary of the unit mix is provided below.

Dwelling Type	Concept Plan	MOD 1
Studio	8	21
One bedroom	49	14
One bedroom + study	-	58
Two bedroom	72	39
Two bedroom + study	-	38
Three bedroom	25	9
<b>TOTAL</b>	<b>154 (indicative)</b>	<b>179</b>

The approved development provided indicative building envelopes for seven buildings containing approximately 154 apartments. The modification to reduce the number of buildings from seven to five while providing a cap on the number of apartments, as a result of further developed and detailed architectural drawings, results in a development that, generally, is still in accordance with the approved indicative envelopes.

Following careful consideration of the location and size of the site and its proximity to public transport and services, the Commission agrees with the Department's assessment that the increase in the number of units will not result in any substantial change to the building bulk and height; and that the increase is minor and can be accommodated on the site without significant environmental or amenity impacts.

The Commission is therefore of the opinion that the further detailed designs are an improvement on the approved drawings, resulting in a development that is more suited to the local context, justifying the modification application in this instance.

### **5.3 Traffic and Parking**

The community raised concern with traffic and parking impacts on the surrounding street network indicating the development will exacerbate the existing traffic and parking conditions in the area. The Commission examined the plans along with the peer review of the Traffic Impact Assessment conducted by Christopher Hallam & Associates Pty Ltd, dated 9 October 2013 who agreed with an analysis conducted by the proponents traffic consultant, GTA Consultants, that the site access is appropriate and following a review of traffic estimates that traffic implications at intersections in the area will be satisfactory.

The Commission agrees with the Department's assessment that the increase in traffic generated by the modification is minor and within acceptable guidelines for a local road network.

### **5.4 Consistency with Concept Plan approval**

Following a review of the modification, the Commission agrees with the Department that the changes are generally consistent with the Concept Plan approval.

## **COMMISSION'S DETERMINATION**

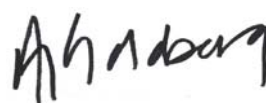
The Commission has carefully considered the information available including the Director-General's Environmental Assessment Report and supplementary documents and submissions made by the Council, agencies and the public, and agrees with the Department's conclusions and recommendation for approval subject to conditions.

The Commission accepts the assessment report has adequately addressed the issues raised by the Council and in public submissions, and where required, recommends conditions of consent to mitigate potential impacts, including imposing a cap on the number of units for the project.

Having regard to the relevant issues the Commission finds the proposed modification should be approved subject to the Department's recommended conditions of consent.



Gabrielle Kibble AO  
**Member of the Commission**



Abigail Goldberg  
**Member of the Commission**