

Concept Approval


Section 75O and 75P of the *Environmental Planning & Assessment Act 1979*

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act), the NSW Planning Assessment Commission determines:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2,
- (b) under section 75P(1)(b) of the Act, development the subject of the Concept Plan is subject to Part 4 or Part 5 or the Act whichever is applicable,
- (c) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further environmental assessment requirements specified in Schedule 3 of this approval.

The modification and further assessment requirements are required to:

- Encourage the orderly future development of the site; and
- Ensure adequate mitigation of environmental impacts of future development.



Garry West
Member of the Commission



Donna Campbell
Member of the Commission



Richard Thorp
Member of the Commission

Sydney

10 September 2013

SCHEDULE 1

Application No.:	MP10_0165
Proponent:	EGC Custodian Services Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	Lot 6 DP 260000, Lot 3 DP 25688 & Lot 4 DP DP25688 5 Whiteside Street and 14 & 16 David Avenue, North Ryde
Project as approved:	Residential flat development concept, including: <ul style="list-style-type: none">• use of the site for residential flat buildings;• indicative building envelopes for 4 buildings to a maximum height of RL 78.6;• Limiting the maximum yield to 135 units;• Two split basement levels of car parking;• Road works and site access arrangements to support the development; and• Landscaping and associated works.

DEFINITIONS

Act	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended).
Advisory Notes	means advisory information in relation to the approved development.
BCA	means the <i>Building Code of Australia</i> .
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means City of Ryde Council.
Department	means the Department of Planning and Infrastructure or its successors.
Director-General	means the Director-General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Urbis Pty Ltd dated 6 June 2011.
Minister	means the Minister for Planning & Infrastructure.
MP10_0165	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
Preferred Project Report (PPR)	means the Preferred Project Report prepared by Urbis Pty Ltd dated 4 April 2012 as amended by submission from Urbis dated 25 February 2013 (including Attachments 1-4) and as amended specification prepared by SJB Architects dated 22.02.2013.
Proponent	means EGC Custodian Services Pty Ltd or any party acting upon this approval.
Regulation	means the <i>Environmental Planning and Assessment Regulation, 2000</i> (as amended).

SCHEDULE 2

PART A - TERMS OF APPROVAL

A1 DEVELOPMENT DESCRIPTION

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

- a) Use of the site for residential flat buildings;
- b) Indicative building envelopes for 4 building with a maximum height to RL78.6, as follows:
 - a. Building A: RL 78.6 (excluding building plant, lift overruns and similar which shall not exceed RL 79.8)
 - b. Building B: RL 71.60
 - c. Building C&D: RL 71.97
- c) Two basement levels of car parking;
- d) Road works to support the development; and
- e) Landscaping and associated works

subject to compliance with the modifications in **Part B** of this approval.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

The approval shall be generally in accordance with MP10_165 and the Environmental Assessment prepared by Urbis Pty Ltd, dated June 2011, except where amended by the Preferred Project Report, the Statement of Commitments dated 17 July 2011 and the following drawings:

Architectural Drawings prepared by SJB Architects			
Drawing No.	Revision	Name of Plan	Date
DA-01	06	Cover Sheet	22.02.2013
DA-02	06	Locality Plan	22.02.2013
DA-04	06	Envelope Plan (includes RL's)	22.02.2013
DA-05	06	Basement Levels	22.02.2013
DA-06	06	Ground Floor	22.02.2013
DA-07	06	First Floor	22.02.2013
DA-08	06	Second Floor	22.02.2013
DA-09	06	Third Floor	22.02.2013
DA-10	06	Fourth & Fifth Floor	22.02.2013
DA-11	06	Typical Apartment Plans	22.02.2013
DA-12	06	Section A + B	22.02.2013
DA-13	06	Elevations N/E/S/W (includes RL's)	22.02.2013
DA-19	06	Shadow Analysis 01- June 22nd	22.02.2013
DA-20	06	Shadow Analysis 02- June 22nd	22.02.2013
DA- 22	06	Materials Palette	22.02.2013

except for as modified by the following pursuant to Section 75O(4) of the Act.

A3 BUILDING ENVELOPES AND SEPARATION

Building footprints and setbacks are to be generally consistent with the Concept Envelope Plan DA-04 referred to in Condition A2, except where amended by the Modifications in Part B.

A4 PRIVATE OPEN SPACE

All apartments must be provided with private open space with a minimum depth of 2 metres. Private open space at ground level shall not be less than 25m², with a minimum dimension of 4 metres.

A5 ROOFTOP PLANT

All rooftop plant on Building A shall be generally restricted to the area identified as the 'services zone' shown on the building envelope plan DA-04 referred to in Condition A2.

A6 ADAPTABLE UNITS

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

A7 BUS BAY- EPPING ROAD

No approval is issued or implied in respect to the provision of a bus bay on Epping Road on the RMS owned crown road reserve.

A8 ACCESS TO COUNTY ROAD RESERVATION

No approval is issued or implied in respect to the provision of access to the crown road reservation.

A9 LAPSING OF APPROVAL

Approval of the Concept Plan shall lapse 5 years after the determination date, unless a development application has been approved and the development has commenced.

A10 INCONSISTENCY BETWEEN DOCUMENTATION

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

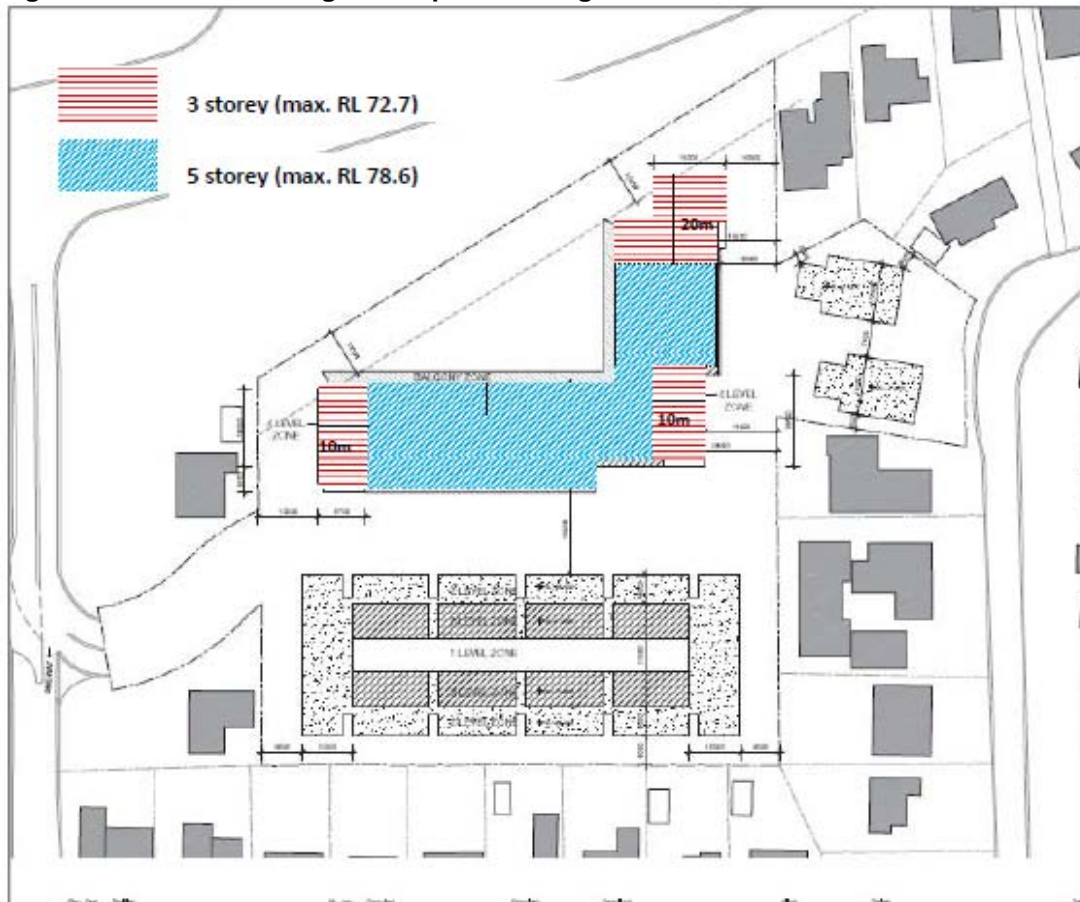
PART B – MODIFICATIONS

B1 BUILDING ENVELOPE HEIGHT MODIFICATIONS

The building heights shown on 'Envelope Plan' DA-04 prepared by SJB Architects and referred to in condition A2 shall be modified as follows:

- a) the building envelope for Building A (fronting Epping Road) shall be reduced to 3 and 5 storeys (maximum RLs 72.2 and 78.6, respectively) as illustrated in **Figure 1** below, excluding any plant, lift overruns, or similar projections). Drawings indicating heights to AHD shall be provided with the future application/s.

Figure 1: Revised Building Envelope - Building A



B2 BUILDING ARTICULATION- Building A

Building A shall include strong elements of vertical and horizontal articulation to assist in reducing the visual mass of the development when viewed from Epping Road and from within the site. The vertical articulation shall not exceed 3 storeys in height when measured from the ground floor. To further assist in breaking down the scale and physical length of the building, the three-storey height of Building A is to be modulated into elements of no greater than 20 metres.

Levels 4 and 5 shall be designed to be recessive and setback from the Level 1-3 building line. The use of varied materials and finishes shall be used to accentuate these level changes.

Note: the design shall ensure that the building reads from Epping Road as a series of integrated smaller elements rather than one continuous façade.

B3 DEVELOPMENT YIELD

A maximum of 135 units is permitted.

Note: Section 94 Contributions shall be payable based on the ultimate unit mix included in future development applications in accordance with Council's DCP.

B4 ROADWAYS

The internal driveway between the townhouses fronting David Avenue shall be designed to accommodate two-way traffic.

Note: this modification is imposed to ensure full access to both Whiteside Street and David Avenue to share the traffic load on the surrounding road network.

B5 CAR PARKING RATE

The provision of on-site parking shall be in accordance with the lower limit requirements of Ryde DCP 2010.

B6 BALCONIES- LEVEL 2, BUILDING B

No south facing balconies or terraces are to be provided on the first floor of Building B.

Note: this modification is imposed to preserve the amenity of existing residential properties to the south by minimising opportunities for overlooking.

B7 FINAL CONCEPT PLAN

A final Concept Plan including a Statement of Commitments reflecting the modifications in B1, B2, B3, B5 and B6 above shall be submitted for the Director General's approval within 3 months of this approval.

Note: this is in order to provide certainty as to the final form of the approved Concept Plan, to guide Council's future assessment of a development application.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. BUILDING DESIGN

- a) The future development application/s shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval.
- b) The future development application/s shall achieve design excellence in accordance with the Director General's Design Excellence Guidelines.
- c) The future development application/s shall demonstrate sufficient building modulation and articulation to provide an acceptable built form, and varied horizontal building planes to provide visual interest, quality and definition to street walls and shall be no less than that illustrated on the concept plans DA-060 to DA-010 referenced in Condition A2.
- d) The detailed design shall incorporate durable materials to mitigate road traffic noise from Epping Road 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).
- e) The future development application/s shall include an acoustic assessment that demonstrates how the proposed development will comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

2. PRIVACY

The future development application/s shall demonstrate that adequate privacy screening and treatment will be provided to minimise privacy impacts between buildings located on the site and adjoining properties. Particular regard should be given to minimising opportunities for direct overlooking from balconies and living room areas along the southern elevation of Building B.

3. LANDSCAPING

The future development application/s shall include detailed landscape plans demonstrating consistency with Council's requirements.

The landscaping plan shall include deep soil planting zones along all boundaries incorporating mature screen planting and shall incorporate a schedule of landscaping that includes local endemic species.

4. CONTAMINATION

Prior to the lodgement of the first development application, the proponent is to undertake a detailed assessment of any potential contamination on the site and implement the recommendations in section 9.0 of the report titled "Report to EG Fund Management on Phase 1 Preliminary Environmental Site Assessment for Proposed Medium Density Residential Development at 166A Epping Road, 14 and 16 David Avenue, North Ryde" prepared by Environmental Investigation Services dated April 2008.

If a Remediation Action Plan is required, it is to be submitted with the development application.

5. CONSTRUCTION AND OPERATIONAL IMPACTS

The future development application/s shall include:

- a) A Construction Management Plan;
Note: A construction zone for demolition and construction vehicles is not permitted on Epping Road
- b) Dilapidation surveys of residential properties adjoining the site, Council infrastructure adjoining the site and the adjoining RMS County Road reserve;
- c) A stormwater management plan which addresses the stormwater treatment train recommendations in the report titled "Whiteside Street, North Ryde- Stormwater Management and Flood Assessment- Revised Part 3A Concept plan Application" prepared by Worley Parsons and dated 31 May 2011.
- d) Details of acoustic treatments to be implemented to address the recommendations in section 6.0 of the report titled "Noise Impact Assessment, Proposed Residential Development,

Whiteside Street, North Ryde (Revision 4) prepared by Heggies Pty Ltd/ SLR dated 1 June 2011.

The treatment proposed for the acoustic wall along the Epping Road frontage of the site is to be appropriately integrated with the landscaping treatment. The use of earthworks (ie mounding) is to be considered to reduce the prominence of any fencing.

- e) The results of the further geotechnical investigations to address the recommendations in sections 4.0 and 5.0 of the report titled "Report to EGC Custodian Services Pty Ltd on Geotechnical Investigations for proposed residential development at Whiteside Street site, David Avenue & Epping Road, North Ryde, NSW" prepared by Jeffery and Katauskas Pty Ltd dated 11 April 2008 including with respect to potential groundwater intercept as a result of the basement construction.

6. ESD

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

7. BASIX CERTIFICATE- DETAILS TO BE LODGED WITH A DEVELOPMENT APPLICATION

A copy of a completed BASIX certificate must be lodged with the future development application/s and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the application.

8. PUBLIC DOMAIN

The future development application/s shall address the following:

- a) The provision by the proponent at no cost to Roads and Maritime Services (RMS) or Council of all necessary street works, including:
 - the upgrade of the footpath surrounding the site to the satisfaction of Council.
 - the removal of all redundant driveways and replacement with kerb and gutter to match existing to the satisfaction of RMS and Council, as appropriate.
- b) The landscape embellishment of RMS owned land fronting Epping Road. The design shall be prepared in consultation with RMS. Any proposal shall not compromise the site's access or be a maintenance issue for the RMS.

9. CAR PARKING

The future development application/s shall address the following:

- a) provision for building maintenance vehicles and removalists shall be provided on-site;
- b) the layout of the proposed car parking areas associated with the development, including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions should be in accordance with Australian Standards AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage; and
- c) the design of parking facilities so that all vehicles, including service vehicles, enter and exit the site in a forward direction.

10. SUSTAINABLE TRAVEL PLAN

Prior to the lodgment of the first development application a Sustainable Travel Plan shall be prepared, including investigation of car sharing schemes and the on-site provision of a car share parking spaces, and any other actions designed to encourage safe, healthy and sustainable travel options and reduce car dependency. The Plan shall include a commitment to implement its recommendations as part of any future development applications on the site

The Plan is to give consideration to the provision of a community bus service between the development and the train stations within the Macquarie Park Corridor.

The Plan is to be developed in consultation with Council.

11. SITE ACCESS

The future development application/s shall comply with the following requirements:

- a) All vehicles shall enter and leave the site in a forward direction.

- b) All vehicles shall be wholly contained within the site before being required to stop.

12. VEHICULAR ACCESS

Future development application/s shall be accompanied by plans detailing left-in access only from Epping Road via Whiteside Street and left-in, left-out and right-in access only to Whiteside Street/site access. The plans shall be prepared in consultation with, and the final design approved by, Council and the RMS and shall address the following:

- a) The design for the treatment on Whiteside Street/site access to:
 - a. minimise the potential for vehicles to rat-run past this site to access Epping Road (noting that egress onto Epping Road is prohibited); and
 - b. better manage the conflict points between No.2A and 3 Whiteside Street and to clearly define which traffic stream has the right-of-way.
- b) The design details to address and minimise safety issues arising from the existing merge lane across Whiteside Street on Epping Road.
- c) The design for the two-way section of Whiteside Street south of the site including to allow vehicles to make a safe U-turn manoeuvre in the northern end of the two-way section of Whiteside Street.

Note: the design shall not preclude any current vehicle movements on Whiteside Street including access to existing properties and garbage vehicle manoeuvrability. The applicant shall investigate whether garbage vehicles currently utilise the turn around facility on Whiteside Street and allow (if necessary) for these vehicles to be accommodated in the proposed design via the provision of an appropriate turn around facility

- 13. The future development application shall be accompanied by plans detailing the two-way design of the access driveway onto David Avenue.

14. LOCAL AREA TRAFFIC MANAGEMENT STUDY (LATM Study)

Prior to the lodgement of the first development application a LATM Study for the local road network shall be prepared in consultation with Council and the RMS in order to determine necessary measures to improve the local traffic flow, reduce traffic speeds, improve safety, reduce potential for accidents, and provide for pedestrian and cyclists (also see **15** below).

The LATM Study is to assist in determining the percentage of traffic related to the development over the existing traffic volume situation and therefore, the likely impact on the local road network.

The LATM Study is to include a recommendation of the measures and infrastructure required to mitigate traffic impacts resulting from the development. The applicant is to fund the LATM Study and those mitigation and infrastructure works required to mitigate traffic impacts as a result of the development.

In addition to the above, the LATM Study shall detail the outcome of a local road network investigation including the following:

- a. suggest improvements to minimise traffic flow distribution from Kent Road into Milroy Street, Trevitt Street and Napier Crescent;
- b. investigations into the additional traffic loading to the Kent Street/Lane Cove Road intersection with the view of potential capacity improvements for the side road; and
- c. a road safety audit.

The applicant shall consult with Council and the RMS regarding the preparation of the Study.

The completed LATM Study is to be submitted to Council and the RMS for review. Any recommendations made by Council and the RMS to mitigate traffic impacts from the development are to be implemented in addition to the recommendations identified in the Study. Recommendations of Council or the RMS which are identified as mitigation measures arising from the development are to be paid for by the proponent.

15. IMPROVEMENTS TO PEDESTRIAN AND BICYCLE NETWORK AND FACILITIES

Prior to the lodgement of the first development application a report reviewing the existing pedestrian and bicycle network provided between the proposed development and the Macquarie Park and Macquarie University Railway Stations, bus stops and nearby services (including business centre and shopping centre) is to be prepared. The report is to make practical and feasible recommendations

regarding improvements to be implemented to existing infrastructure to enhance pedestrian and cyclist amenity, safety and security (particularly during the evening and at night) and facilities and connections with the existing network in order to promote walking and cycling and reduced car dependency.

The report is to be prepared in consultation with Council and is to be supported by a Crime Prevention Through Environmental Design assessment (CPTED).

16. STORMWATER AND DRAINAGE

The design of the stormwater drainage facilities are to be generally in accordance with Council's requirements.

If the final stormwater solution requires the Sydney Water easement on the western section of the site to be traversed, evidence of consultation with Sydney Water regarding the design of the stormwater outlet is to be submitted with the future application/s.

17. SYDNEY WATER REQUIREMENTS

Prior to the lodgement of the future application/s, the proponent is to liaise with Sydney Water regarding their servicing requirements for water and wastewater. Evidence of this consultation is to be submitted with the future application. Sydney Water's requirements are to be accommodated in the design, as appropriate.

18. SERVICES PROVISIONS

The future development application/s is to be supported by evidence of consultation with all relevant service providers (including Energy Australia, AGL and Telstra) in order to demonstrate that infrastructure and/or upgrades are available to service the development.

19. GROUNDWATER

The future development application/s is to demonstrate that the development does not impact upon the health of groundwater dependent ecosystems; and where basements intercept groundwater, they are to be tanked.

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

20. WASTE SERVICING

The future development application/s shall provide details of suitably located and landscaped on-site storage areas for waste bins.

21. STAGING OF DEVELOPMENT

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

ADVISORY NOTES

Nil

