



Planning &
Infrastructure

**MAJOR PROJECT ASSESSMENT: 116a –
122b Epping Road, 259 – 263 Lane Cove
Road and 1 - 9 Allengrove Crescent,
North Ryde (Ryde LGA) (MP10_0037)**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

March 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PPR	Preferred Project Report
Proponent	EGC Custodian Services Pty Ltd
RtS	Response to Submissions

Cover Photograph: Proposed development viewed from Epping Road.

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Published March 2012
NSW Department of Planning & Infrastructure
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EXECUTIVE SUMMARY

EGC Custodian Services Pty Ltd has lodged a Concept Plan application for a residential flat development at 116a – 122b Epping Road, 259 – 263 Lane Cove Road and 1 – 9 Allengrove Crescent, North Ryde.

The application seeks concept approval for:

- 5 building envelopes of 4 to 8 storeys with capacity for 196 units and 273 basement car parking spaces;
- 19, 916sqm of gross floor area (1.62:1 FSR);
- a mix of 1, 2 and 3 bedroom units; and
- 5, 334sqm landscaped area.

The project has a capital investment value of \$101.5 million and will create 250 construction and 12 operational jobs.

The site is zoned R2 Low Density Residential under *Ryde Local Environmental Plan 2010* and the proposal is prohibited. The proposal is a transitional Part 3A Major Project under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Department publicly exhibited the application from 1 to 31 December 2010. A total of 38 public and 5 agency submissions were received. Subsequent to the notification, the Department received a 1,412-signature petition and statement of objections. Ryde Council objected to the proposal on grounds including urban design; amenity; traffic and pedestrian accessibility; social impact assessment; and adequacy of consultation. The key issues that were raised in the public submissions included density, height, layout, open space, amenity, traffic and parking.

On 25 May 2011, the proponent submitted a Preferred Project Report, which reduced the density, height, and length of the internal service lane, and increased setbacks.

The Department recommends modifications to the Concept Plan that reduce the height of 4 buildings by 1 – 2 storeys, which results in a further 1444m² (14 apartments) reduction in gross floor area. On balance, and subject to the modifications proposed, the proposal is acceptable for the following reasons:

- it will provide housing and employment close to Sydney's global economic corridor and public transport infrastructure;
- the density will assist in achieving the housing targets of the *Draft Sydney Inner North Subregional Strategy*;
- it has been demonstrated that the building envelopes will generally provide adequate residential amenity; and
- overall, the proposal will deliver an improved urban design outcome for the land.

The Department is satisfied that the site is suitable for the proposed development and recommends the Concept Plan be approved subject to the modifications.

In accordance with the Minister for Planning and Infrastructure's delegation dated 14 September 2011, the Planning Assessment Commission may determine the application as the Council has objected and there were more than 25 public submissions in the nature of objections received.

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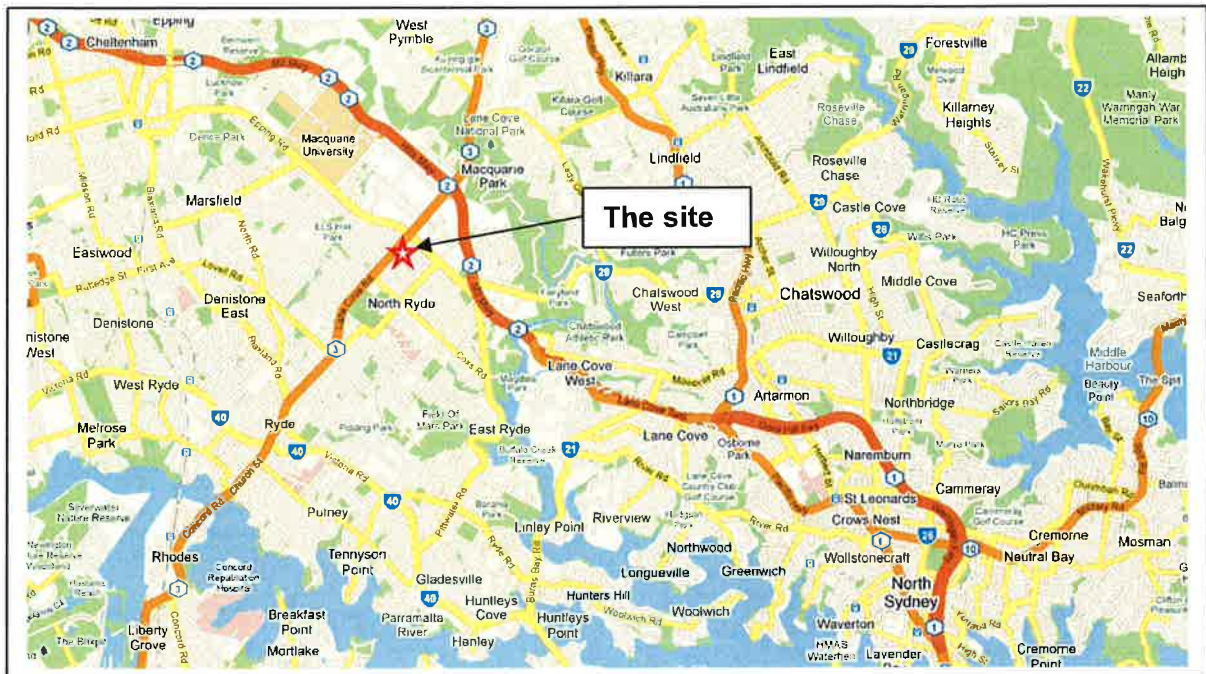
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1. BACKGROUND

EGC Custodian Services Pty Ltd ('the proponent') seek concept plan approval for a residential flat development at 116a – 122b Epping Road, 259 – 263 Lane Cove Road and 1 - 9 Allengrove Crescent, North Ryde (comprising Lot 9 DP576484, Lot 2 DP371325, Lot 1 DP845252, Lot 2 DP524945, Lot 10 DP739172, Lot 1 DP504970, Lot 24 DP869002, Lot 1 DP656171, Lot 2 DP656172, Lots 3-7 DP28702) ('the site') (Figure 1).

The site is located within the Ryde Local Government Area approximately 11km north-west of Sydney CBD. It is within walking distance of Macquarie Park Specialised Centre (large, globally focused companies in a business park setting near Macquarie University) and the NSW Government's Global Economic Corridor. The site is located close to public transport services, including nearby bus services and 500m from Macquarie Park train station.

Figure 1: Project Location



Surrounding land uses on the southern side of Epping Road are predominantly single residential dwellings. Commercial and retail land uses are located to the north of the site on Epping Road.

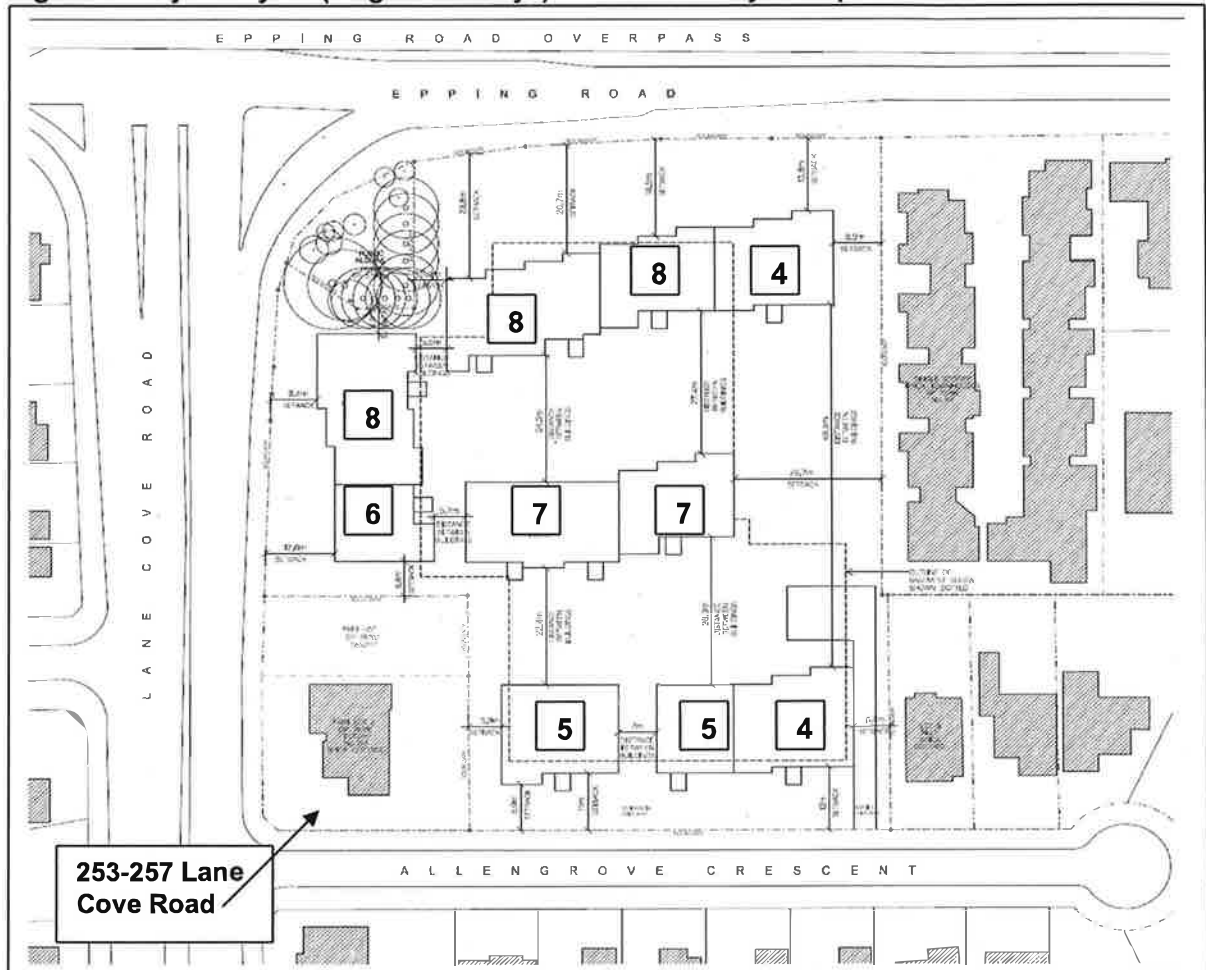
The site is 12,297sqm in area and is occupied by 15 dwelling houses (Figure 2). The site is located near the high point of Allengrove Crescent and slopes gently to the north east towards Epping Road and to the north west towards Lane Cove Road.

Figure 2: Existing Site Layout

2. PROPOSED PROJECT

2.1. Project Description

The project seeks concept plan approval for the demolition of the site's existing dwellings and a residential flat development of 5 building envelopes of 4 to 8 storeys with 196 units and 273 basement parking spaces. The project layout is shown in **Figure 3** and the key components of the project are listed in **Table 1**.

Figure 3: Project Layout (height in storeys) – Preferred Project Report**Table 1: Key Project Components**

Aspect	Description
Project Summary	<ul style="list-style-type: none"> • 5 building envelopes • 196 units: 47 x 1 bed, 122 x 2 bed and 27 x 3 bed units • 273 parking spaces over 3 basement levels • Vehicular access from Allengrove Crescent only
Gross floor area	19,916sqm
Floor space ratio	1.62:1
Height (storeys)	4 – 8 storeys
Height (metres)	10m – 26.25m (excluding lift overruns and roof plant)
Number of units	196
Landscaped area	5,334sqm
Private landscaped area (per unit average)	40sqm ground floor 9sqm upper floors

2.2. Project Need and Justification

The site is opposite the Macquarie Park 'Specialised Centre' and within an established urban area identified as part of the NSW Government's Global Economic Corridor. The *Draft Sydney Inner North Subregional Strategy* identifies targets for 60,000 jobs and 30,000 dwellings in the area (by the year 2031).

The *Metropolitan Plan for Sydney 2036* updates Sydney's 2005 Metropolitan Strategy and integrates the *Metropolitan Transport Plan*. It identifies revised targets of 62,000 jobs and 44,000 dwellings (by the year 2036) for Sydney's inner north. The proposal will support the Plan by integrating housing and employment opportunities close to public transport.

2.3. Concept Plan

The proponent has applied for approval of a concept plan under section 75M of the EP&A Act. The Concept Plan comprises 5 residential building envelopes, 273 car parking spaces and driveway crossovers. The concept excludes landscaping items, ancillary buildings (for example, garden sheds), entry porticos, roof plant and lift overruns.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal is a transitional major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of commercial, residential or retail development with a CIV over \$100 million under clause 13, Schedule 1 of State Environmental Planning Policy (Major Development) 2005.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the Act, continues to apply to 'transitional Part 3A projects'. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75J of the Act.

3.2. Permissibility

The site is zoned R2 Low Density Residential under *Ryde Local Environmental Plan 2010*. Residential flat buildings are prohibited in the zone. The site is also zoned R2 Low Density Residential under *Draft Ryde Local Environmental Plan 2011* (certified for exhibition).

3.3. Environmental Planning Instruments

Under sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the

project. The Department's consideration of relevant SEPPs and EPIs is at **Appendix D**.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

The Department has considered the objects of the Act, including the encouragement of Ecologically Sustainable Development (ESD) in the assessment of the application. The project does not raise significant issues regarding the Objects of the Act.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) in the *Protection of the Environment Administration Act 1991* (NSW) (POEA Act). Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

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

The proposal is considered consistent with the ESD principles. A full assessment of the proposal in relation to ESD principles is included at **Appendix D**.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 1 December until 31 December 2010 on the Department's website, at the Department's Head Office, Ryde City Council Customer Service Centre and Ryde Library. The

Department also advertised the public exhibition in the Northern District Times, the Gladesville Weekly Times, the Sydney Morning Herald and the Daily Telegraph on 1 December 2010 and gave written notice to land owners, and relevant State and local government authorities.

The Department received 43 submissions during the exhibition of the EA: 5 from public authorities and 38 from the general public. A summary of the issues raised in submissions is provided below.

The proponent's Preferred Project Report (PPR) (see section 4.4 below) was not exhibited but was referred to Council for comment (see section 4.2 below) and was published on the Department's website.

4.2. Public Authority Submissions

Five submissions were received from public authorities: Ryde City Council, Sydney Water, NSW Transport, Office of Environment and Heritage (the former DECCW), and the Roads and Traffic Authority (RTA, now Roads and Maritime Services). Council was the only authority that objected and NSW Transport raised matters to be resolved.

Ryde City Council objected to the project, summarised as follows:

Comments on EA:

- urban design - too high, insufficient articulation and street interface/activation, part commercial use more appropriate on major intersection, orientation to Epping Road, inadequate public open space, isolation from local shops (see sections 5.2 and 5.4 below);
- amenity – overshadowing, privacy, quality of life (see section 5.2);
- traffic and pedestrian accessibility – poor surrounding pedestrian amenity, and insufficient road width and access to local road network (see section 5.3);
- inadequate social impact assessment – needs of population, and access to and impacts upon service and infrastructure provision (see sections 1 and 5.4);
- inadequate community consultation and inappropriate public exhibition timing over Christmas period – Council was in recess, staff unavailable to answer public enquiries, contrary to Department's community consultation guideline, no consultation by the proponent prior to lodgement of EA (see section 4);
- Part 3A of the EP&A Act - issues regarding discretion in decision making (see section 3); and
- accuracy of EA – incorrectly states that Council's local strategy will not meet housing targets, and confuses strategic role of Macquarie Park (see sections 1 and 5.1).

Comments on PPR:

Council objected to the PPR on the grounds that it did not satisfactorily deal with the issues raised in Council's exhibition submission.

Sydney Water did not object to the project and:

- confirmed the site had sufficient water and wastewater capacity for the project; and
- recommended the proponent obtain a Section 73 (servicing) Certificate.

NSW Transport did not support the project unless the following matters were resolved:

- reduction in on-site parking provision;
- provision of accessible, weather protected bicycle parking at ground level; and
- preparation of a sustainable travel plan as part of the draft Statement of Commitments.

Office of Environment and Heritage did not object to the project and made no comments.

Roads and Maritime Services (RMS) (the former RTA) did not object to the project and recommended conditions of approval, including:

- layout of parking areas to comply with relevant Australian Standards;
- proponent to upgrade Lane Cove Road footpath;
- proponent to provide pedestrian refuge at Allengrove Crescent and Lane Cove Road intersection;
- incorporate durable materials in the development design to mitigate traffic noise from surrounding roads; and
- all associated works to be at no cost to RMS.

4.3. Public Submissions

38 submissions were received from the public. Of those, 35 (92%) objected to the project, 2 (5%) supported the project and 1 (3%) did not object but raised concerns. The key issues raised in public submissions are listed in **Table 2** and the location of submitters is shown at **Figure 4**.

On 9 September 2011, a 1,412-signature petition was received opposing any development on the southern side of Epping Road exceeding 2 storeys and on 15 September 2011, a statement of objections was received from the Whiteside Action Group.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
Traffic and access	87
Height	47
Zoning & permissibility	42
Scale	39
Privacy	39
Amenity	37
Overshadowing	37
Density	34
Consultation	32
Noise	29
Visual impact	26
Construction impacts - dilapidation	24

Issue	Proportion of submissions (%)
Out of character	24
Property values	24
Public transport	16
Precedent	13
Public interest	3
ESD	3

The two submissions in support of the project stated:

- modern area for living and working, close to facilities, services and train station;
- should include solar power for itself and nearby residents;
- buildings will provide noise barrier from Epping Road and a wind break;
- looks very good; and
- suitable main road location.

The Department has considered the issues raised in submissions in its assessment of the project.

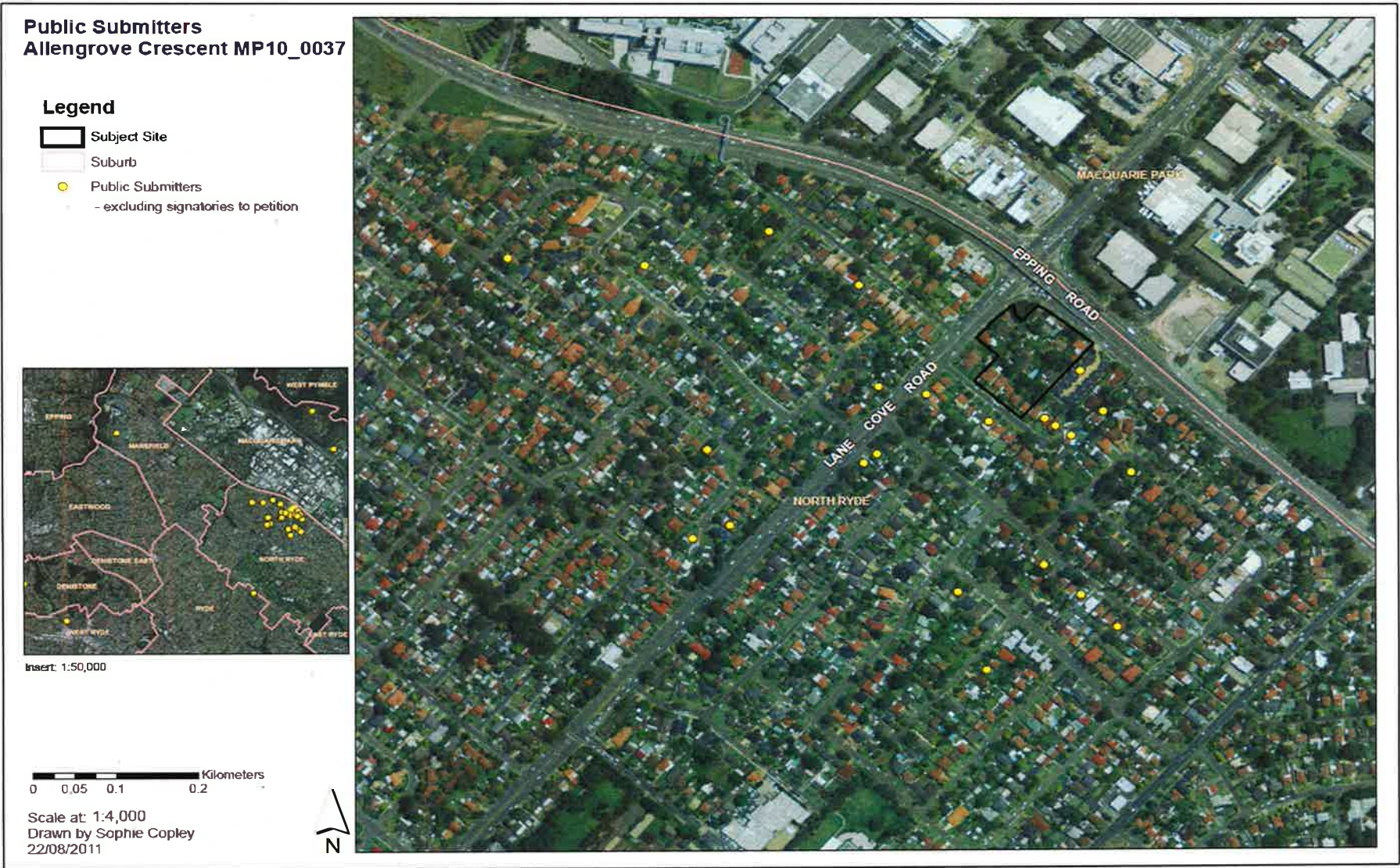


Figure 4: Location of public submitters

4.4. Proponent's Response to Submissions

The Proponent provided a response to the issues raised in submissions (see **Appendix C**). The response included a PPR, which contained the following changes to the concept plan:

- density reduced from 269 units to 196 units;
- GFA reduced from 28,370sqm to 19,916sqm;
- FSR reduced from 2.3:1 to 1.62:1;
- maximum height reduced from 11 to 8 storeys;
- all but 1 building (south eastern corner, still 4 storeys) reduced in height;
- setbacks to Epping Road and Allengrove Crescent increased by 2m;
- setbacks of building adjacent to 253 Lane Cove Road increased;
- deletion of building at south eastern end of middle block, increasing setback from that boundary (with 114 Epping Road) from 9m to 26.7m;
- re-orientation of buildings along Lane Cove Road to the street; and
- service lane reduced in length.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- strategic context;
- built form;
- amenity impacts; and
- traffic and access.

5.1. Strategic context

Strategic direction and Sydney's Global Economic Corridor

The *Metropolitan Plan for Sydney 2036* ('the Metropolitan Plan') identifies a range of strategic directions for Sydney's growth and prosperity: strategic transport corridors to focus sustainable residential growth; limits to urban sprawl; more development near public transport; new housing within walking distance of centres with good public transport; and improved availability of affordable housing within existing urban areas.

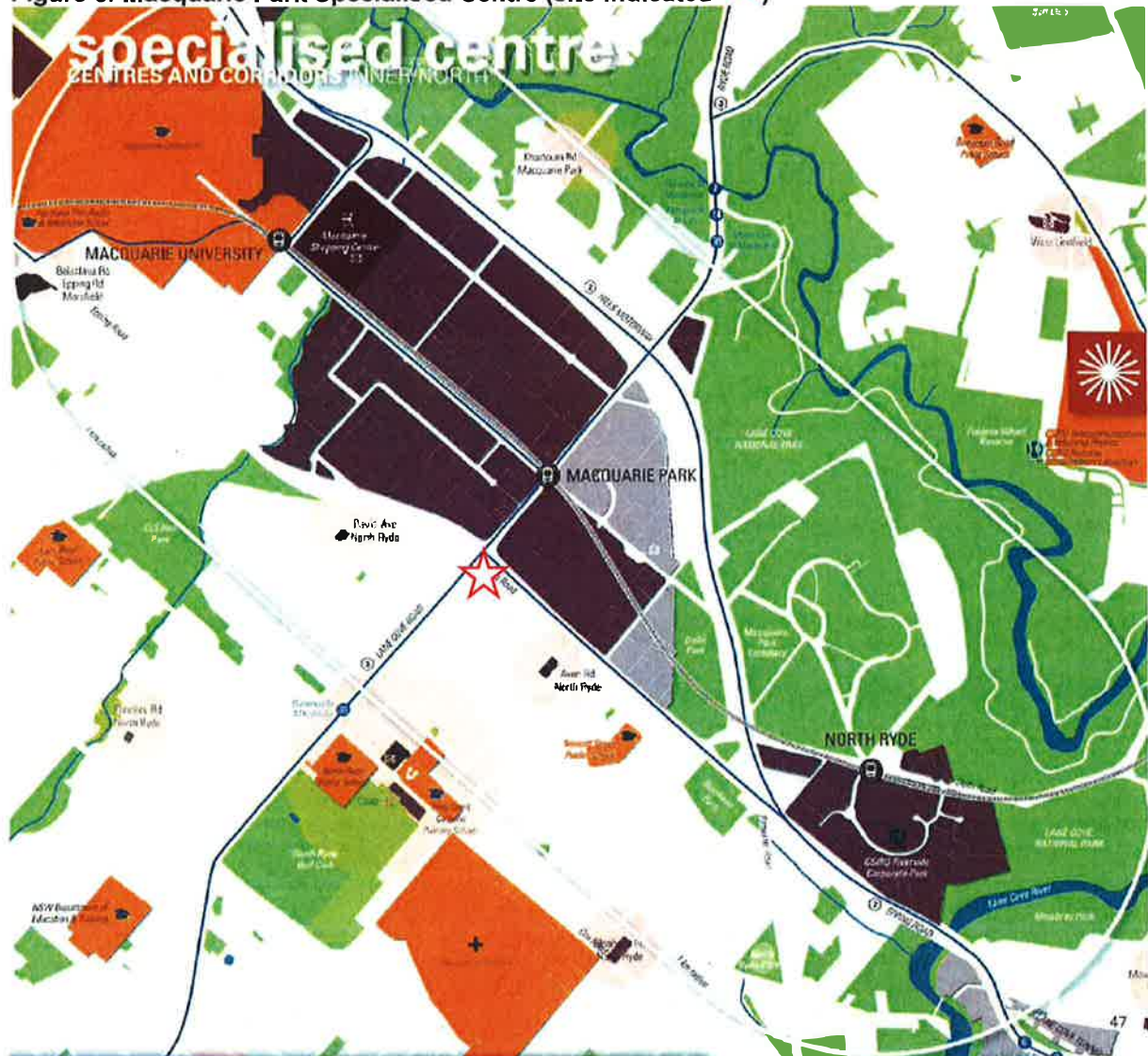
The site is close to significant employment generators. It is located in an area identified by the State Government as Sydney's Global Economic Corridor (**Figure 5**) which contains around 40% of Sydney's jobs. The corridor is an economic arc in which several specialised business centres have emerged in centres outside Sydney's regional cities and major centres. The corridor stretches from Sydney Airport and Port Botany in the south through the city centre and North Sydney to Macquarie Park in the north, and will remain the powerhouse of Australia's economy.

The Metropolitan Plan differentiates specialised centres from other strategic centres. Specialised centres perform vital economic and employment roles across the whole metropolitan area and are critical in sustaining Sydney's competitiveness. The primary significance of specialised centres is as employment destinations and the State Government has a strategic interest in their success.

Macquarie Park Specialised Centre ('Macquarie Park') is a business park and university located within the global economic corridor. The Metropolitan Plan

identifies Macquarie Park as an important employment hub with a target of 23,100 jobs. It provides for clustering of particular industries and enterprises, particularly those with links to Macquarie University, in new modern campus-style development. Between 2001 and 2006, jobs increased by 26% in Macquarie Park. The *Draft Sydney Inner North Subregional Strategy* ('the Subregional Strategy') identifies a subregional employment growth target of 62,000 by the year 2036.

Figure 5: Macquarie Park Specialised Centre (site indicated )



Macquarie Park Corridor is zoned B3 Commercial Core and B7 Business Park with height limits up to 44m (under Ryde LEP 2010). Draft Ryde LEP 2011 proposes potential additional capacity of 3 million square metres of employment floor space by the year 2031 for Macquarie Park with potential to generate a significant increase in jobs. Macquarie Park provides limited dwelling opportunities in order to consolidate its specialist employment functions.

The Metropolitan Plan aims to locate 80% of the 770,000 additional dwellings required by the year 2036 within walking distance of centres with good transport accessibility. It also aims to increase the proportion of homes within 30 minutes by public transport of jobs in a major centre.

The proposal will provide increased housing density within walking distance to Macquarie Park employment hub and assist in promoting the viability of the corridor and associated public transport infrastructure.

Transport

Access to the global economic corridor has been boosted by significant new public transport infrastructure: the Chatswood to Epping Rail Link connects Macquarie Park and Macquarie University with further residential areas and major centres such as Chatswood and Hornsby.

The site is close to a network of metropolitan bus services with the nearest stop located approximately 180m away. The site is also located near several new train stations: approximately 400m to the south west of Macquarie Park; 1.5km from Macquarie University; and 1.2km from North Ryde. The proposal will increase residential density within proximity to those three train stations. A range of commercial, medical, retail and educational facilities and services, including the Macquarie Centre and Macquarie University are located within 1.5km of the site.

Increased housing density close to public transport and facilities will reduce the need for private vehicle travel, lower congestion, improve air quality, reduce greenhouse gas emissions and improve housing affordability.

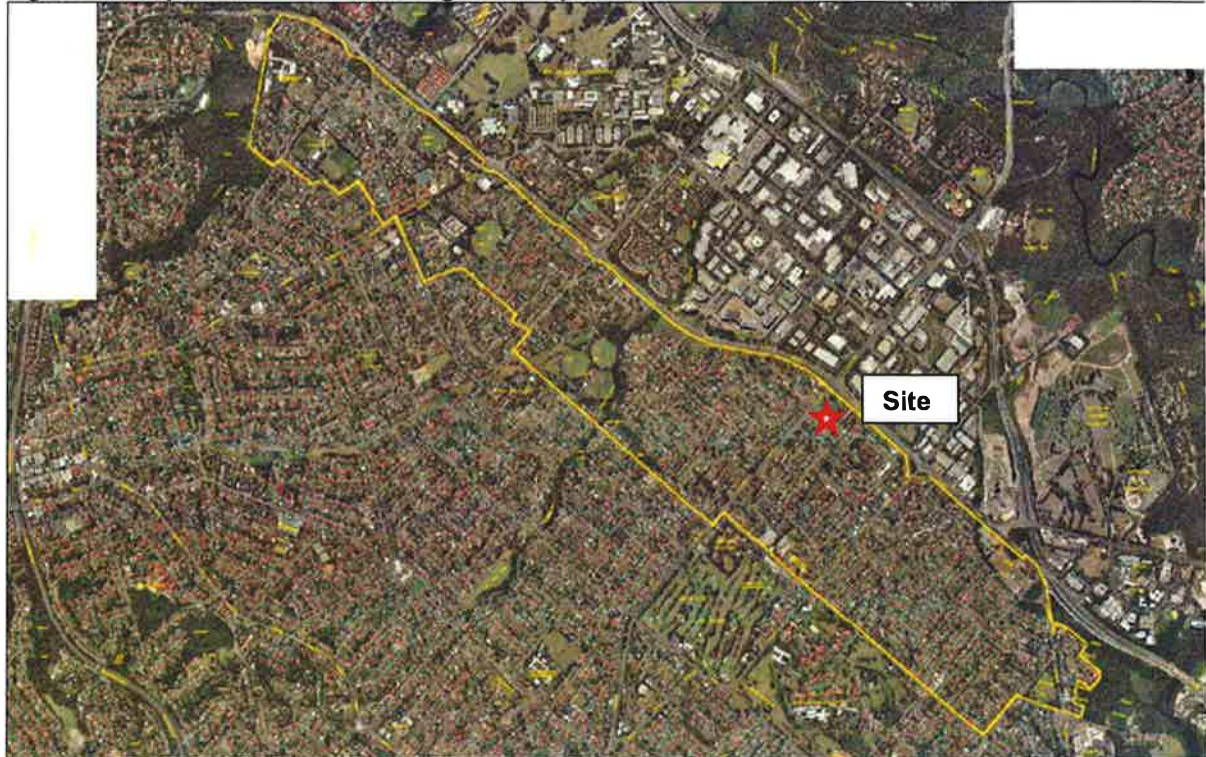
Housing

The project will contribute to the achievement of the State Government's housing targets and connect residents with employment opportunities. It will promote the efficient use of public and private resources and support the continued economic growth of the locality by integrating housing and employment opportunities. The project will ensure that existing transport infrastructure is well utilised and provide the population with greater opportunity to access key strategic centres within 30 minutes of home by public transport. The project will also increase diversity of housing supply.

The site and the surrounding area to the south of Epping Road, comprise low density residential development, predominantly one to two storeys. The site is zoned R2 Low Density Residential and has a 9.5m height limit under Ryde LEP 2010. Draft Ryde LEP 2011 (certified for exhibition) proposes to continue those provisions for this area of North Ryde.

Under the Draft Subregional Strategy, Ryde LGA has a housing target of 12,000 additional dwellings by the year 2031. Whilst Epping Road acts as a physical boundary between higher and lower density areas, Council's preferred option in its Local Planning Study ('the Study') (supporting Draft Ryde LEP 2011) is to investigate the southern side of Epping Road (**Figure 6**) to determine the location, extent and character of any potential future residential transition areas. The site is located within this study area.

The Study notes that the southern side of Epping Road has relatively good access to the employment, retail, entertainment, and public transport opportunities within Macquarie Park, as well as nearby Lane Cove National Park and the regional road network. The Study further notes the preferred option will address the housing needs of present and future residents of Ryde City in an area close to jobs, public transport, shopping, services, education and recreation opportunities.

Figure 6: Proposed area for investigation of potential future residential transition areas

The proposed scale and height of the project should be considered within the above strategic context. The project will increase housing density in the locality and contribute to the viability of a diverse range of local businesses and services. This will contribute to improved sustainability and affordability in the locality. On balance, given the site's strategic context and importance, the Department considers it is suitable for higher density residential development.

5.2. Built Form

The Department has considered the built form of the proposal in the context of the site's location and surrounding development, as well as the proposal's amenity impacts. Amenity impacts of the proposal have been considered against relevant policies, including *State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings* (SEPP 65) and the accompanying *Residential Flat Design Code 2002* (RFDC), as well as a merit assessment of the impacts on neighbouring properties. Consideration has been given to the likely transformative nature of the area given the strategic context discussed above.

The Department and public submissions raised concerns about the height, location, layout, setbacks, and interface with adjacent residential development. The Concept Plan provides indicative building and apartment layouts only and further detailed assessment of buildings will occur at future application stages. Notwithstanding this, an assessment has been undertaken based on the proposed building envelopes.

The proposal is a response to adjacent dominant road infrastructure (**Figure 7**) and balances the mass and form of taller commercial development to the north (**Figures 8 and 9**) with appropriate stepping down and setting back from adjoining properties. The Department has assessed the proposal on its merits and considers that the PPR and recommended height amendments (see below and recommended term of

approval B1) will provide an appropriate residential form and scale for the neighbourhood.

Figure 7: Development to the north of the site – Epping Road overpass



Figure 8: Macquarie Park commercial development



Figure 9: Macquarie Park commercial development

The proposed 8 storey building envelopes on Epping and Lane Cove Roads are considered an appropriate design response to the site's gateway location at a major intersection and strategic proximity to Sydney's global economic corridor and public transport infrastructure. The envelopes relate to the dominant elements to the north, being the Epping Road overpass and the higher built form to the north of Epping Road, comprising buildings of a similar scale at Macquarie Park (**Figures 8 and 9**). The envelopes address the Epping/Lane Cove Road intersection and the scale relationship is appropriate. The building heights fronting Allengrove Crescent and within the site have different scale relationships and these are discussed in more detail below under the heading 'Building height'.

Development impacts:

The potential impacts of the project will result from its height and setbacks.

The proposed 4 – 8 storey (10m – 26.25m) building envelopes will be higher than the established residential scale to the south of Epping Road and potentially impact upon adjoining properties. The assessment below separates the proposal's internal and external amenity impacts.

Internal amenity

The proposal generally complies with the requirements and recommendations of SEPP 65 and the RFDC except for building separation distances (see discussion below and detailed assessment at **Appendix D**).

Sunlight access:

The RFDC guideline requires 70% of living rooms and private open spaces of units to receive a minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter, reducing to 2 hours in dense urban areas. Indicative unit layouts show more than 75% (147) of units will comply with the 3 hour guideline.

Building separation:

The RFDC generally requires a 13m building setback between habitable rooms (for 5 to 8 storey buildings). The proposed envelope facing Lane Cove Road will be separated from the building envelopes to its rear by 5.5m. The Department supports a reduced separation in this instance as:

- The opposing units in the buildings are oriented away from each other, minimising acoustic and visual privacy impacts;
- The affected units are dual aspect and have an alternate orientation from the opposing building;
- Increasing the setbacks in the northern corner will provide a greater corridor through which noise and pollution from the adjoining roadways can enter the internal parts of the site; and
- Increasing the separation does not create a substantial break in the built form, but instead opens views of the buildings side elevations.

The proposed 7m setback between the 2 x 5 storey building envelopes on Allengrove Crescent is also considered acceptable given the recommended reduction in height of those envelopes (to 4 storeys) and the absence of openings on the relevant elevations (see below and **Figure 10**).

Building height:

Notwithstanding the height reductions in the PPR, the Department raises concerns regarding the southeastern building envelope in the middle of the site and whether its height appropriately relates to the adjoining villa homes. Of equal concern are the height relationships with adjoining properties on Allengrove Crescent. The heights proposed in the PPR do not provide a good transition in scale to this development.

The following amendments (see modification B1) are recommended as they will provide a more appropriate transition to the surrounding low scale development and better respond to the scale and character of the local area:

- A 2 storey reduction in the height of the southeastern building envelope, in the middle of the site (to 5 storeys). This will provide a more appropriate transition in heights to the adjoining single storey dwellings at 114 Epping Road.
- A 1 storey reduction in the building envelopes fronting Allengrove Crescent (to 3, 4 and 4 storeys). This would result in a development more responsive to the scale and character of Allengrove Crescent

These height reductions would reduce the gross floor area by approximately 1,444 sqm (14 apartments), leaving a total gross floor area of approximately 18, 472sqm (1.5:1).

External amenity

Council's DCP requires (for dense urban areas):

- sunlight to at least 50% of the principal area of ground level private open space of adjacent properties of a minimum of two hours between 9am and 3pm on June 21, and;
- windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface,

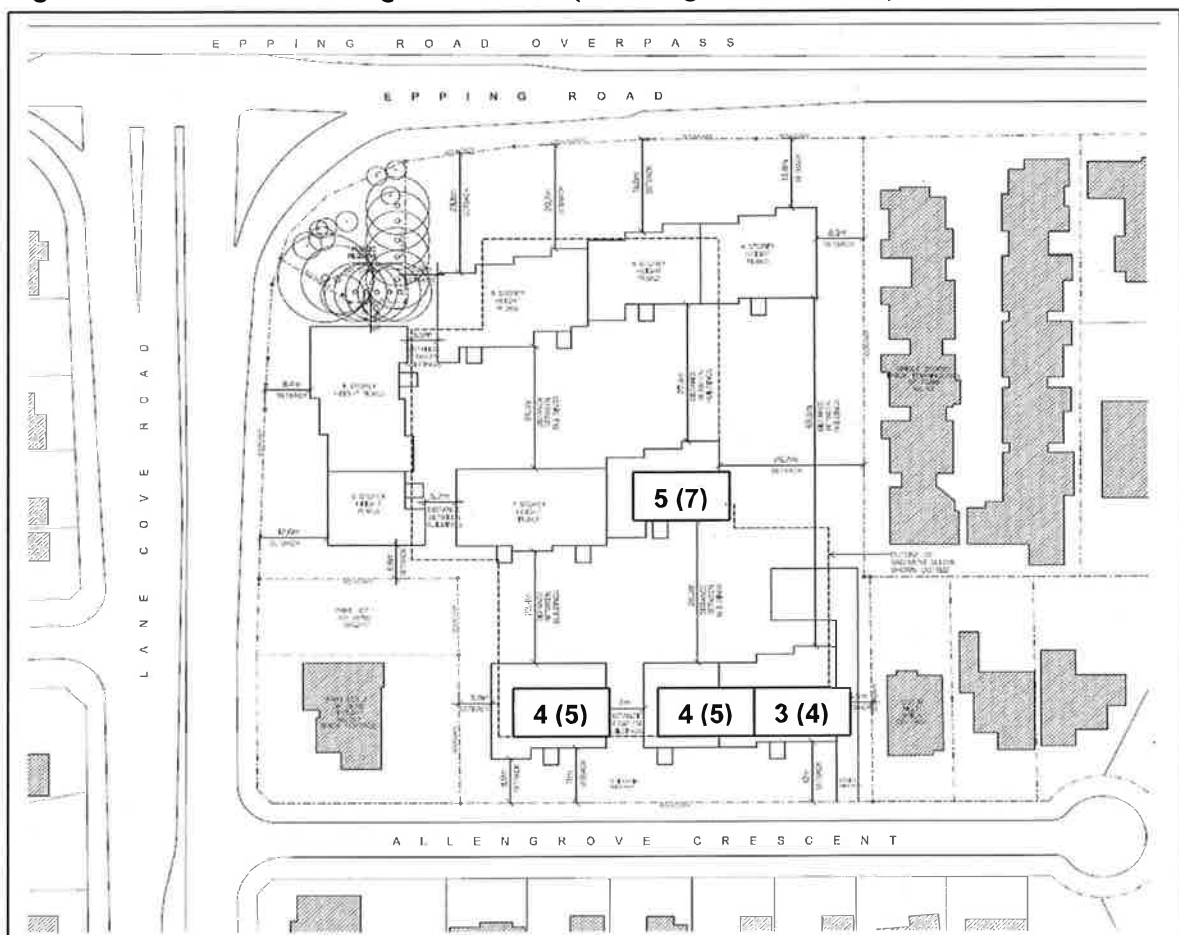
where this can be reasonably maintained given the orientation and topography of the subject and neighbouring sites.

The proposal will result in all adjoining properties receiving a minimum of 3 hours sunlight in mid winter to north facing windows and private open space, complying with Council's requirement.

The orientation of the proposed building envelopes (generally north-south, or east-west to Lane Cove Road) will minimise overlooking of adjoining properties. Details of ameliorative screening treatment for balconies will be required and assessed with future applications.

The Department considers that the recommended changes to the building envelope heights will provide an appropriate transition to neighbouring properties. Building envelopes will step down from the Epping Road to Allengrove Crescent, in response to the prevailing height of surrounding development. Overall, the Department is satisfied that the proposal will not have any unreasonable amenity impacts on surrounding properties.

Figure 10: Recommended height reductions (PPR heights in brackets)



Visual impact

Road infrastructure associated with Lane Cove and Epping Roads, including the overpass at the intersection is a dominant feature of the locality (**Figure 2**).

The modern, simple aesthetics of the proposed building envelopes (**Figure 11**) relate well to commercial development to the north. The proposal responds to the streetscape context by stepping building envelopes up to 8 storeys towards the Lane Cove/Epping Roads intersection and down towards Allengrove Crescent. The recommended amendments (see above) will improve the appearance of the development and its visual impact.

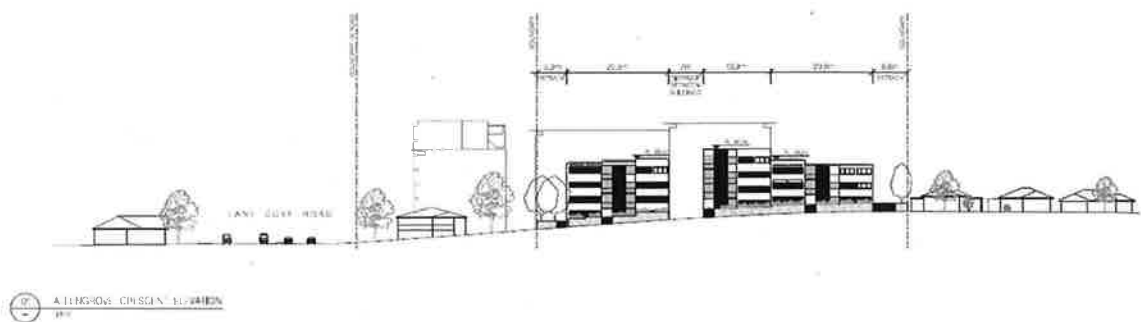
The proposal will address each street frontage and generally continue the pattern of adjacent residential street setbacks. The proposed building form and appearance will be modulated by balconies, varied colours and textures, and landscaping.

Density

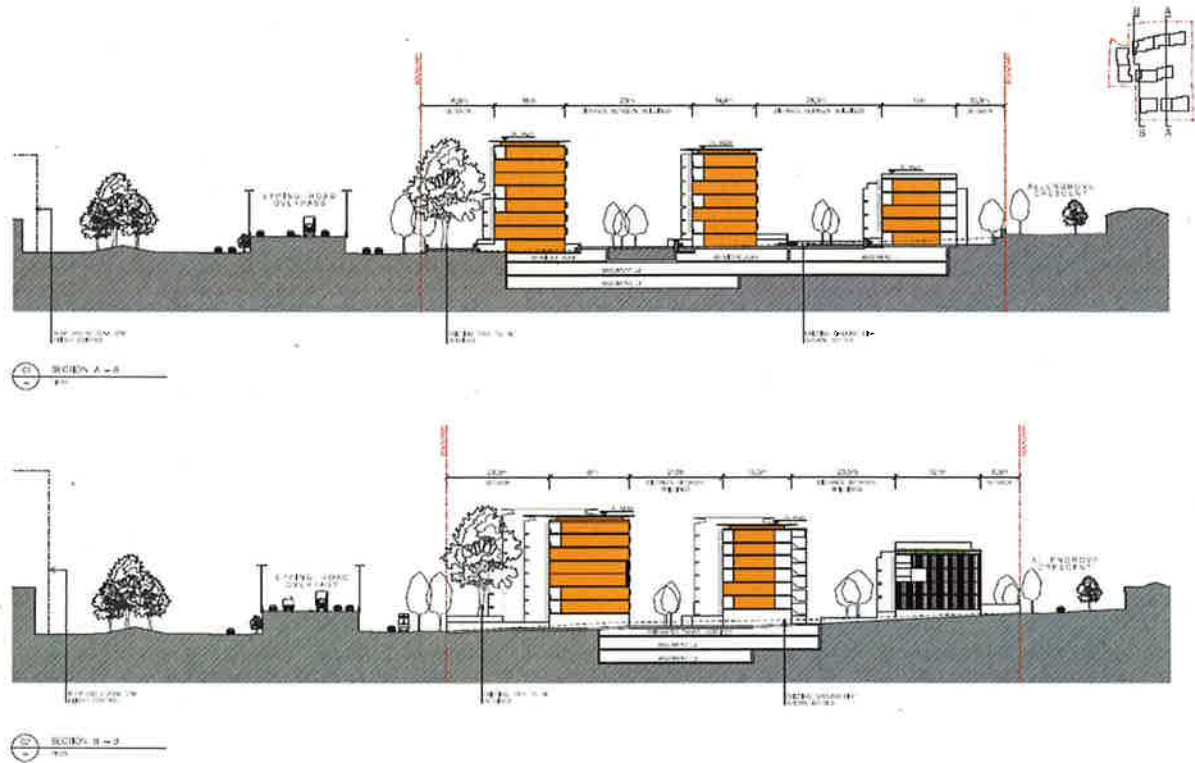
The Department raised concerns about the proposed density and required the proponent to further analyse density options, which would also address issues regarding height, layout, setbacks, and open space provision. The site is subject to a maximum FSR of 0.5:1 under Ryde LEP 2010 and the proposed FSR is 1.62:1 (or approximately 1.5:1 with the recommended height reductions). This compares with the commercial area to the north of the site on Epping Road, which is subject to a maximum FSR of 1:1 to 2:1.

The PPR reduced the proposed density by 73 units, 8,454sqm GFA and 0.63:1 FSR (from 2.25:1 to 1.62:1) (see section 4.4 above). However, as discussed above (and see **Figure 10**), further height reductions are recommended to improve the relationship to adjoining properties and Allengrove Crescent streetscape. The Department considers that those recommendations are an appropriate response and will result in an appropriate site density.

Figure 11: Amended proposal (PPR) – Allengrove Crescent elevation



Sections looking south east



Conclusion:

As outlined above, the Department recommends reducing the height of the following building envelopes (**Figure 10**):

- the southeastern 7 storey building envelope in the middle of the site be reduced by 2 storeys (to 5 storeys); and
- the 3 building envelopes fronting Allengrove Crescent be reduced by 1 storey each (to 4, 4 and 3 storeys, respectively).

The recommended reductions in height will provide a better transition to adjoining development on the southern side of Epping Road.

Overall, the Department considers that the built form (as recommended to be modified) is acceptable as:

- other tall buildings of up to 8 storeys are located within the vicinity of the site;
- the building envelopes (as modified) will provide an appropriate transition to nearby lower scale residential development;
- the proposal will not lead to any unreasonable internal or external amenity impacts; and
- the proposal is consistent with the *Draft Sydney Inner North Subregional Strategy* and the *Metropolitan Plan for Sydney 2036* which seek to promote higher density development in close proximity to public transport and job opportunities.

5.3. Traffic and Access

Public submissions raised concerns regarding existing traffic congestion and dangerous conditions on surrounding arterial roads, traffic generation, the capacity of Allengrove Crescent to accommodate the proposal, inadequate on-site and on-street parking, construction traffic impacts and public transport.

The RTA did not raise any issues regarding the capacity of the surrounding road network to accommodate traffic generated by the proposal. Council raised concerns regarding traffic generation and the capacity of surrounding roads.

Traffic:

Lane Cove and Epping Roads (State Roads) have 75,000 and 50,000 vehicle movements per day (vpd), respectively. Epping Road is generally six lanes, and forms a grade-separated overpass in the vicinity of the site (**Figure 2**) with an 80km/hour speed limit. On and off ramps are located at the intersection of Lane Cove and Epping Roads. Lane Cove Road is generally six lanes and has a 70km/hour speed limit near the site.

Allengrove Crescent is a local road terminating in a cul de sac at its south eastern end. It generates approximately 35vphr, provides left-in/left-out access only to Lane Cove Road, and is subject to a two-hour residential parking scheme.

The proponent's traffic report estimates the proposal would generate 78 vehicle trips per hour and result in minimal variation to queue lengths on nearby intersections with Epping and Lane Cove Roads. It concluded that the level of service at key intersections would remain generally unchanged because of the proposal.

The traffic report further concluded that proposed traffic generation on Allengrove Crescent, whilst a significant relative increase would result in only a minor absolute increase in volumes and remain under the RTA's environmental goal of 200 vphr. Consequently, the residential amenity of Allengrove Crescent would not be affected and the road would continue operating with a local road function.

Access - Allengrove Crescent:

The EA provides for the dedication to Council of 2m of the site along the south western boundary. Council considered the width of Allengrove Crescent too narrow to cater for the proposal or provide sufficient manoeuvring space. It recommended, as a basis for discussion with the proponent, a possible 5m widening of Allengrove Crescent to achieve an envisaged minimum 20m width for the length of the site. Council noted that without widening of Allengrove Crescent adjacent to the adjoining property at 253-257 Lane Cove Road, a workable useful width may not be achievable. The Department subsequently requested details from the proponent of widening options.

The proponent's traffic report stated that the existing carriageway width of Allengrove Crescent is adequate and could accommodate all future traffic volumes associated with the proposal. It considered that a 'No Stopping' restriction on the northern side of Allengrove Crescent adjacent to the site would achieve Council's objectives for a 20m width. However, the PPR noted that a 2m dedication was included in the proposed setbacks of buildings.

A 'No Stopping' restriction along the site frontage would result in the loss of on-street parking spaces and is considered undesirable in the circumstances. The Department considers that a 2m dedication (for an approximate carriageway width of 17m for the length of the site) is reasonable, and is included in the recommended conditions of approval.

Service access:

The Department requested an alternative location and design of the proposed service lane, which traversed the entire length of the site's south eastern boundary (**Figure 12**) to address the site layout and transition to adjoining properties.

The alternative servicing arrangement in the PPR provides a 4m wide, one-way lane ramped downwards alongside the site's south-eastern boundary terminating in a turning bay adjacent to the rear boundary of 11 Allengrove Crescent (**Figure 13**). The adjacent boundary with the service lane will be landscaped. The proponent's traffic report concludes that the service lane will accommodate low volumes and operate satisfactorily. Details of waste bin storage areas will be required with future applications (see recommended condition 11, Schedule 3).

Vehicular access to the basement parking area will be via a 6.2m wide combined entry/exit on Allengrove Crescent providing left in/right out movements only. The proponent's traffic report recommends a median on the access driveway (within the site boundary) with details at future application stage.

Figure 12: Original (EA) service lane



Figure 13: Amended (PPR) proposed site & service access



Pedestrian accessibility and safety:

The proposal will reduce the number of footpath crossings:

- on Allengrove Crescent from 5 (existing dwelling driveways) to 2 (entry to basement parking and service driveway);
- on Epping Road from 4 to 0; and
- on Lane Cove Road from 3 to 0.

Whilst the proposal will generate additional traffic movements across the adjacent footpath on Allengrove Crescent, the reduced number of footpath crossings on Epping and Lane Cove Roads will improve pedestrian safety and increase the capacity for on-street parking on Allengrove Crescent by approximately 3 spaces.

The proposal includes internal pedestrian connectivity to provide access to nearby bus stops and pedestrian crossings. The proposed site boundary walls will be set back to provide increased footpath widths along Epping and Lane Cove Roads.

The RTA recommended the proponent provide and fund at its own cost:

- a pedestrian refuge at the Allengrove Crescent and Lane Cove Road intersection;
- upgrade the adjacent Lane Cove Road and Allengrove Crescent footpaths in order to increase pedestrian safety; and
- a construction zone on Allengrove Crescent only.

Recommended approval conditions include the RTA's recommendations. The Department considers that proposed access arrangements are satisfactory and adequately address safety issues.

Parking:

Concern was raised regarding the proposed amount of on-site car parking. The DGRs required the EA to demonstrate the provision of minimal levels of on-site parking having regard to local planning controls, RTA guidelines, the site's high public transport accessibility and car sharing opportunities.

In the PPR on-site parking was reduced from 394 to 273 spaces, which is 12 spaces less than Council's requirement of 285 spaces (Ryde DCP 2010) (**Table 3**).

Table 3: Proposed car parking provision

Dwelling type (bed)	No. of dwellings	DCP 2010 rates (spaces per unit)	Spaces required	Spaces provided
1	47	1	47	41
2	122	1.2	146	146
3	27	1.6	43	43
Visitor		1 per 4 units	49	43
Totals			285	273

The Department recognises the sites proximity to public transport, employment lands and retail facilities. Future residents are likely to use a range of transportation options to access the site rather than solely private vehicles. Private motor vehicles however remain an important means of transport and sufficient parking must be provided to minimise off site impacts. It is recommended that a condition of approval be imposed requiring compliance with Council's Parking requirements. The required amount of parking is reduced by the recommended amendments to height (section 5.2) which will reduce the GFA.

The project incorporates measures to promote car sharing, public transport use, walking and cycling. Those measures will be further addressed during future applications.

The Department considers that transport and accessibility impacts have been satisfactorily addressed, and can be adequately managed and mitigated by conditions of approval and assessment requirements for future applications.

5.4 Other issues

Open space:

The Department raised concerns about the proposed site layout, the size and location of communal open space, and noise. The RFDC recommends 25% of the site be communal open space with 25% deep soil zone, 25m² ground level private open space per unit with a minimum 4m dimension, and 2m minimum dimension for balconies.

The PPR reconfigured the proposed site layout (see section 5.1), and increased and reconfigured the communal open space (shown in **Figure 13**). It also increased deep soil zones, including mounding to provide additional soil depth for planting. The proposal complies with the RFDC recommendations, providing approximately 30% of the site as communal open space with 40% as deep soil zone.

The proposed communal open space will provide opportunities for active and passive recreation, including a communal garden. The recommended height reductions in building envelopes (see section 5.1 above) will increase mid-winter sunlight to the communal open space and ameliorate privacy impacts.

The site is within 1km of open space, including pocket parks and a network comprising Wilga Park and ELS Hall Reserve and other recreational facilities, including golf courses.

The Department is satisfied that the proposal will provide acceptable private and communal open space and that it is in proximity to public open space.

Noise:

The site's arterial road location poses potential noise pollution and associated amenity impacts. The proponent's noise impact assessment concluded that compliance with relevant noise criteria can be achieved with standard building design and construction methods, and that noise impacts do not preclude the proposed development of the site. The upgrading of glazing for some of the units will include

the provision of quality seals, laminated glazing and solid core doors with seals with details known at the detailed design stage.

The predicted noise levels for the proposal will exceed the accepted criteria necessitating mechanical ventilation for most of the living and bedroom areas within the proposed buildings. Mechanical ventilation will be designed to allow windows to be open whilst providing additional acoustic impact attenuation during particularly noisy times. All units will have natural cross ventilation to living areas.

The Department recommends further assessment requirements requiring further detailed noise impact assessment, details of internal layouts, construction, materials (including glazing treatments), mechanical ventilation mechanical plant, and landscaping to mitigate noise impacts. The conditions include requirements to submit an acoustic assessment with future development applications; and incorporate durable materials in the building design to mitigate road traffic noise in accordance with the *Environmental Noise Management Manual* (RTA) and the *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning).

Site amalgamation:

Submissions raised issues regarding the isolation of the proposal from the adjoining property at 253-257 Lane Cove Road (**Figure 3**) 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.

Public infrastructure:

Submissions raised issues regarding the capacity of public services and utilities to cater for the development and increased population on the site. Sydney Water advised that drinking water and wastewater systems have sufficient capacity for the development. The RTA recommended the provision of works to ensure an acceptable level of traffic and pedestrian safety (see Section 5.2 and recommended condition of approval 4, Schedule 3); and the Council required the payment of Section 94 monetary contributions with future applications.

The site is located in an established urban area and the Department considers public infrastructure to service the proposal is largely adequate. However, future applications will require the payment of Section 94 contributions to Council for local facilities and services.

Construction impacts:

Submissions raised issues regarding noise, traffic, health and dilapidation impacts during construction periods. The proponent's statement of commitments and the recommended conditions of approval include requirements for construction management plans and dilapidations surveys with future applications (see recommended condition of approval No. 4 Schedule 3). It is considered that construction impacts can be appropriately mitigated and managed by those requirements.

6. CONCLUSION

The Department's assessment has considered the scale, height and form of the proposal within the site's strategic context. It has found that the site's accessibility to transport infrastructure, including significant new public rail transport, employment opportunities and a range of services and facilities make it suitable for the proposal.

The proposal will increase housing supply in an area identified by Council for investigation of higher densities. The Department has recommended modifications to the proposal to improve its transition to neighbouring dwellings and provide a greater level of internal amenity. The modifications comprise a 2 storey reduction to the 7 storey southeastern building in the middle of the site and a 1 storey reduction in the building envelopes fronting Allengrove Crescent.

The Department recommends the Concept Plan be approved subject to those modifications and future assessment requirements in the attached instrument.

7. RECOMMENDATION

Having considered the key issues in relation to the project, the Department notes the following key findings:

- The site adjoins the Macquarie Specialised Centre, which contains employment, education and retail facilities;
- The site is located in close to proximity to public transport, with Macquarie Park station 500 metres away;
- The development has been designed to mitigate impacts from the surrounding road network and will provide an appropriate residential amenity; and
- The scale and form of the proposal has been modified to ensure the relationship to adjoining development is managed, whilst recognising the site is located in an area that is likely to transform to a higher density in the future.

It is therefore 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 modifications, under Section 750 of the Environmental Planning and Assessment Act, 1979;
- C) **sign** the attached Instrument of Approval (**Appendix F**)


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APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3841

APPENDIX B SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3841

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=3841

APPENDIX D 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 – It is considered there is no threat of serious or irreversible environmental damage as a result of the project. The project replaces fifteen dwellings with a medium density residential flat development. It incorporates amendments to the design to reduce its environmental impacts and increase amenity for future occupants of the site.

The project is based on a risk-weighted assessment of various development options. The amendments, the Department's evaluation of the proposal together with recommended approval conditions for mitigation and assessment requirements for future applications indicate that serious or irreversible damage to the environment is unlikely to result. The site does not contain any threatened or vulnerable species, populations, communities or significant habitats. The site therefore has a low level of environmental sensitivity.

Inter-Generational Principle – The project represents a sustainable use of the site as the development will utilise existing transport infrastructure and make efficient use of the site. The development of the site also has positive social, economic, and environmental impacts. The project amendments together with recommended approval conditions will ensure that the environmental health of present and future generations is maintained.

Biodiversity Principle – 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.

Valuation Principle – The proposal seeks to maximise the site's location near infrastructure, enabling residents to live near work, leisure and other opportunities. The project has had regard to environmental considerations in terms of stormwater management, visual impact, noise, and amenity and has integrated those concerns into the amended design. The project integrates economic and social development and environmental protection by providing housing close to jobs and services and accommodates environmental considerations regarding water sensitive urban design, sunlight access, noise, and amenity.

The Proponent is committed to ESD principles and has reinforced this through the Environmental Assessment which explores key ESD opportunities. The project incorporates ESD principles and water sensitive urban design to meet stormwater pollution reduction targets. ESD measures also include initiatives to ensure future compliance with SEPP BASIX, SEPP 65, and strategies regarding energy efficiency, materials, and transport. The Department is satisfied that the proposal is consistent with ESD principles.

SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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 is located 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 govern 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 environmental 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 application is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The proposal adequately complies with the DGRs.

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

Clause 8B criteria	Response
An assessment of the environmental impact 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 public consultation under Section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in submissions is at Section 4 of this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of sections 75(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 Part 3A 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.

COMPLIANCE WITH PRIMARY CONTROLS

State Environmental Planning Policy (Major Development) 2005

As discussed previously in Section 3.1 of this report, the proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a residential, commercial or retail project with a capital investment of more than \$100 million under clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. Therefore, the Minister for Planning and Infrastructure is the approval authority.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP requires traffic generating developments to be referred to the Roads and Traffic Authority. The Roads and Traffic Authority has provided comments on the proposal. A detailed discussion on those comments and other traffic related matters is 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. Further assessment of BASIX requirements will be undertaken during the assessment of future applications.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and Residential Flat Design Code 2002

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 PPR confirm 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 adjacent to Sydney's Global Economic Corridor and new public transport infrastructure. The site is suitable for the development considering its proximity to services and facilities.
Principle 2: Scale	This matter is discussed above in Section 5 and on balance is considered appropriate.
Principle 3: Built Form	This matter is discussed above in Section 5 and is considered appropriate.
Principle 4: Density	The proposed density is consistent with site's proximity to public transport and employment opportunities.
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 above in Appendix D. Further assessment of these requirements will be undertaken during the assessment of future applications.
Principle 6: Landscape	The proposal includes a combination of landscaping in deep soil zones and open space areas; private and communal open space areas, including a community garden and orchard walk planting.
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 impacts are provided in Section 5 .
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 applications.
Principle 9: Social Dimensions and Housing Affordability	The Concept Plan includes various unit types to encourage a diverse social mix and a vibrant community. This will assist in providing affordable housing within the area.
Principle 10: Aesthetics	The specific details of the buildings proposed within the Concept Plan will be assessed with future applications.

Residential Flat Design Code 2002

The Residential Flat Design Code (the RFDC) is closely linked to the principles of SEPP 65. The Code provides 'rules of thumb', which detail prescriptive standards for residential flat development to ensure developments comply with the intent of the RFDC.

Whilst the proposal is for Concept Plan approval only, it has been assessed against those standards (where relevant to the application). A full assessment will be made with future applications.

RFDC Rules of thumb	Department's Response
Building depths no greater than 18m (glass line to glass line). Should building depths be more than 18m, satisfactory daylight and natural ventilation are to be achieved.	The majority of units comply with the recommended maximum building depths (96%) and with the ventilation requirements (81% naturally cross ventilated and 100% kitchens naturally ventilated). The minor non-compliance with the recommended building depth (19m) is relatively insignificant and will not adversely affect amenity.
Building depths from 10 - 18m and a minimum of 60% of units be naturally cross ventilated and 25% of kitchens with access to	

RFDC Rules of thumb	Department's Response
natural ventilation.	
<p>Building separation: 4 storey building: 12m between habitable rooms/balconies; 9m between habitable room/balcony & non habitable rooms; and 6m between non habitable rooms.</p> <p>5 to 8 storey buildings: 18m between habitable rooms/balconies; 13m between habitable room/balcony & non habitable rooms; and 9m between non habitable rooms.</p>	<p>The proposal generally complies with building separation requirements except for two setbacks. This is discussed in Section 5.</p>
Formal crime risk assessment for all residential developments of more than 20 new dwellings	<p>The proposal will provide clearly identifiable communal and private areas, passive surveillance within and outside the site, and small foyers. A CPTED assessment was included in the EA and detailed treatments and strategies will be submitted with future applications.</p>
<p>A minimum of 70% of apartments to receive at least 3 hours of sunlight to living spaces and private open spaces in midwinter between 9am and 3pm, reducing to 2 hours in dense urban areas. The number of single aspect units with a southerly aspect (SW-SE) should be limited to no more than 10% of the total units proposed.</p>	<p>The proposal complies with those requirements (> 75%). All units have a north-east aspect.</p>
A mix of apartment types providing housing choice and supporting equitable housing access.	<p>The PPR proposes a mix of floor layouts and apartment types which satisfies the Code.</p>
<p>Single aspect apartments be limited in depth to 8m from a window and a kitchen should be no more than 8m from a window. Cross-over apartments over 15m deep should be minimum 4m wide to avoid deep, narrow units. Minimum recommended apartment sizes are: 1 bed cross through 50m²; 1 bed single aspect 63.4m²; 2 bed corner 80m²; 2 bed cross through 89m²; 2 bed cross over 90m²; and 3 bed 124m².</p>	<p>The PPR generally accommodates the minimum apartment sizes. Further detail will be submitted with future applications. Units without dual aspect (approximately one third) will be ventilated via louvres to common foyer areas.</p>

RFDC Rules of thumb	Department's Response
Minimum apartment sizes to contribute to housing affordability: 50m ² for 1 bed; 70m ² for 2 beds; and 95m ² for 3 beds.	

Overall, the proposed Concept Plan is generally consistent with the aims and provisions of the rules of thumb. The proposal will provide a high quality environment with communal open space on a site in close proximity to public transport and employment.

In light of the assessment (in **Section 5** above), it is considered the proposal displays an acceptable level of consistency with the SEPP 65 principles. Further assessment against the requirements of the RFDC will occur during the assessment of future applications.

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 before the land is used for the intended purpose. The proponent's environmental site assessment concludes that the site can be made suitable for the proposed development, subject to the implementation of recommendations. The proponent has committed to preparing a remedial action plan with future applications.

Ryde Local Environmental Plan 2010 and Ryde Development Control Plan 2010

The relevant aims of the LEP at cl 1.2 (b) and (d) are:

- “(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) ...,
- (d) to manage development of Ryde to create a better environment.”

The proposal will provide medium density housing close to employment activities and is considered consistent with the above aims.

The relevant objectives of the R2 Low Density Residential zone at the Land Use table are:

- To provide for the housing needs of the community within a low density residential environment.
- ...
- To ensure that the general low density nature of the zone is retained ...
- To ensure that new development complements or enhances the local streetscape.
- ...
- To ensure that land uses are compatible with the character of the area and responsive to community needs.”

The proposal will provide housing in an area well serviced by public transport and close to employment and services. The recommended modifications will ensure the proposal responds to the surrounding neighbourhood scale.

CI 4.3(2) Height of buildings of the LEP sets a maximum height for development on the site of 9.5m as shown on the Height of Buildings Map. CI 4.4 Floor space ratio sets a maximum FSR for the site of 0.5:1 as shown on the Floor Space Ratio Map. The proposal does not comply with these development standards and the impacts of the proposed height and density are discussed in section 5.2 of this report. It is considered that the recommended modifications and conditions of approval will ensure impacts of the proposal are mitigated.

Ryde DCP became effective on 30 June 2010. The relevant objectives of the DCP at s1.5 are:

- “ ...
2. To enhance the existing amenity and character of the City of Ryde;
 4. To ensure new development is appropriate for its site and context;
- ...”

Section 5.2 of this report discusses the proposal in relation to the above aspects of the DCP.

Part 9.3 Parking Controls section 2.2 of the DCP contains general controls for high density (residential flat buildings), as follows:

- 0.6 to 1 space / one bedroom dwelling;
- 0.9 to 1.2 spaces / two bedroom dwelling;
- 1.4 to 1.6 spaces / three bedroom dwelling; and
- 1 visitor space / 5 dwellings.

The proposal complies with the above parking requirements.

Section 2.5 Large Development requires a Traffic and Parking Impact Assessment Report for large scaled development (generally with parking provision greater than 100 spaces). The EA includes a Transport and Accessibility Impact Study and complies with this requirement.

Section 2.7 Bicycle Parking requires bicycle parking equivalent to 10% of the required car spaces or part thereof and secure bicycle storage. Details of bicycle parking will be provided with future applications.

The following table sets out relevant DCP provisions for residential flat buildings (not within the Low Density Zone) as an indication of Council's requirements. Some of the DCP controls (for example, density and height) do not apply to the subject site as they apply to the Ryde LEP 2010 Residential Density Area Map.

Issue	Control	Proposed	Compliance/comment
Setbacks	Front (from main road without vehicular access): 4st = 12.5m 6st = 15.5m 8st = 18.5m	4st = 13.8m 6st = 12.6m 8st = 8.4 – 23.8m	Yes No Yes
	Front from any other road: 4st = 12.5m (s3.2.1 permits encroachments) 5st = 14m	4st = 12m 5st = 8.9m	Yes No
	Side & rear (from property boundary): 4st = 7.5m 5st = 9m 6st = 10.5m 7st = 12m	4st = 6.6 – 8.9m 5st = 5.9m 6st = 6.6m 7st = 26.7m	Yes No No Yes
Driveways	4m min width	6.2m	Yes

Section 3.2 of the DCP permits variation to the front, side and rear setbacks in order to produce irregular elevations. The application seeks concept plan approval for envelopes within which articulation of buildings, including balconies will occur. In this regard, the proposed setbacks, which are generally consistent with surrounding residential development are considered satisfactory.

[illegible]

APPENDIX F RECOMMENDED CONDITIONS OF APPROVAL

Concept Approval

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

As delegates of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, we determine:

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

Member of the Commission

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE 1

Application No.:

MP10_0037

Proponent:

EGC Custodian Services Pty Ltd

Approval Authority:

Minister for Planning and Infrastructure

Land:

Lot 9 DP576484, Lot 2 DP371325, Lot 1 DP845252, Lot 2 DP524945, Lot 10 DP739172, Lot 1 DP504970, Lot 24 DP869002, Lot 1 DP656171, Lot 2 DP656172, Lots 3-7 DP28702, 116a – 122b Epping Road, 259 – 263 Lane Cove Road and 1 – 9 Allengrove Crescent, North Ryde.

Project:

Residential flat development concept, including:

- Use of the site for residential flat buildings;
- Indicative building envelopes for 5 buildings to a maximum height of 98.00m AHD;
- Three basement levels of car parking;
- Road works to support the development; and
- Landscaping areas throughout the site.

NOTES RELATING TO THE DETERMINATION OF MP No. 10_0037

Responsibility for other approvals/ agreements

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

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

Legal notices

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

PART C — 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 26 November 2010.
Minister	means the Minister for Planning & Infrastructure.
MP No. 10_0037	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report (PPR)	means the Preferred Project Report prepared by Urbis Pty Ltd dated 24 May 2011.
Proponent	means EGC Custodian Services Pty Ltd or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).

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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 5 buildings to a maximum height of 98.00m AHD;
- c) Three basement levels of car parking;
- d) Road works to support the development; and
- e) Landscaping areas throughout the site,

subject to compliance with the modifications of this approval.

A2 DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND DOCUMENTATION

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

Architectural Drawings prepared by Candalepas Associates			
Drawing No.	Revision	Name of Plan	Date
DA-1100	C	Concept Plan Envelopes	05.05.2011
DA-1101	C	Basement Floor Plans	05.05.2011
DA-1102	C	Ground Floor Plan	05.05.2011
DA-1103	C	Typical Level 1 - 3 Floor Plan	05.05.2011
DA-1104	C	Floor Plans	05.05.2011
DA-1201	C	Site Sections	05.05.2011
DA-1202	C	Site Sections	05.05.2011
DA-1301	C	Elevations	05.05.2011
DA-1302	C	Elevations	05.05.2011
DA-1501	C	Area Calculations	05.05.2011
DA-1502	C	Solar Access Studies 01	05.05.2011
DA-1503	C	Solar Access Studies 02	05.05.2011
DA-1504	C	Solar Access Studies 03	05.05.2011
DA-1701	C	Development Analysis	05.05.2011

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

A3 BUILDING ENVELOPES

Building envelopes are to be generally consistent with the Concept Plan Envelopes, 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 ADAPTABLE UNITS

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

A6 ROADWAYS

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

A7 LAPSING OF APPROVAL

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

A8 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.

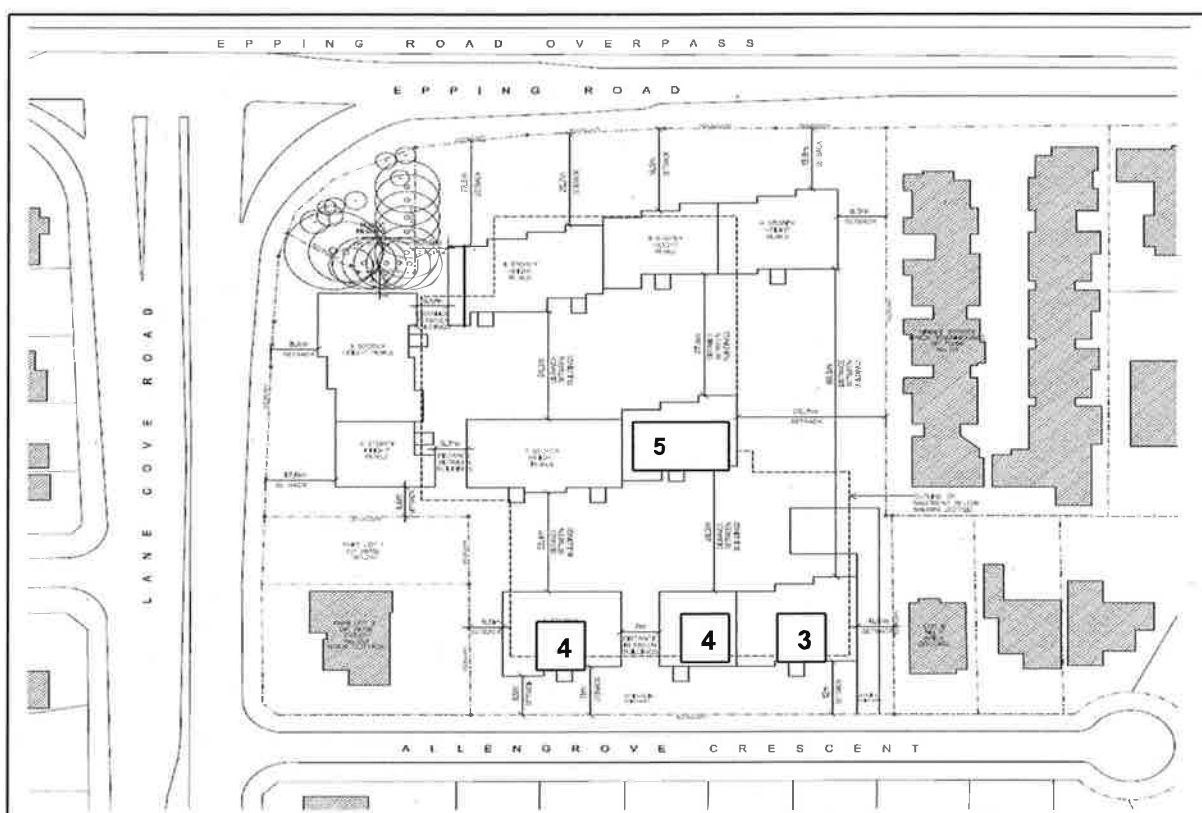
PART B – MODIFICATIONS

B1 BUILDING ENVELOPE HEIGHT MODIFICATIONS

The building heights shown on 'Concept Plan Envelopes' DA-1100 Issue C dated 5 May 2011 prepared by Candalepas Associates shall be modified as follows:

- a) the south-eastern building envelope in the middle of the site shall be reduced from 7 to 5 storeys (maximum RL90.00); and
- b) the building envelopes fronting Allengrove Crescent shall be reduced to 3, 4 and 4 storeys (maximum RLs 85.25, 87.50 and 85.50 respectively) (from south-east to north-west),

excluding any plant, lift overruns, or similar projections) with a corresponding decrease in the number of units and car parking spaces as depicted on Plan 1 below. Drawings indicating heights to AHD shall be provided with future applications.



Plan 1

Building heights (in storeys) approved subject to the above modifications.

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

1. BUILDING DESIGN

- a) Future applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002*, except where modified by this Concept Plan approval.
- b) Future buildings 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.
- c) Solar access to future dwellings shall be consistent with the approved Concept Plan.
- d) The detailed design shall incorporate durable materials to mitigate road traffic noise from Lane Cove and Epping Roads in accordance with *The Environmental Criteria for Road Traffic Noise* (EPA, May 1999), the *Environmental Noise Management Manual* (RTA, 2001) and *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
- e) Future applications shall include an acoustic assessment that demonstrates how the proposed development will comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
- f) The detailed design shall incorporate any changes necessitated as result of any dedication to Council for the widening of Allengrove Crescent (see Condition 7(a) below).

2. PRIVACY

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

3. LANDSCAPING

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

4. CONSTRUCTION AND OPERATIONAL IMPACTS

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

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

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

5. SUSTAINABLE TRAVEL PLAN

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

6. ESD

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

7. PUBLIC DOMAIN

Future applications shall address the following:

- a) The provision by the proponent at no cost to Roads and Maritime Services (RMS) or Council of all necessary street works, including:
 - the dedication to Council of a 2m strip of land along the site's south western boundary for the widening of Allengrove Crescent in consultation with Council;
 - the upgrade of the footpath along the site's frontage to Lane Cove Road and Allengrove Crescent to match the existing RMS works along the Epping Road off-ramp;
 - a pedestrian refuge at the intersection of Lane Cove Road and Allengrove Crescent (subject to Local Traffic Committee approval); and
 - the removal of all redundant driveways along Lane Cove Road and Epping Road off-ramp and replacement with kerb and gutter to match existing to the satisfaction of RMS.
- b) The development shall provide pedestrian and cycle linkages through the site in accordance with the approved Concept Plan.
- c) The landscape embellishment of Nimbin Reserve adjoining the site on the corner of Epping and Lane Cove Roads in consultation with RMS with evidence of consultation and any proposed embellishment submitted with future applications.

8. CAR PARKING

Future applications shall address the following:

- a) the provision of on-site parking in accordance with the requirements of Ryde DCP 2010;
- b) the layout of the proposed car parking areas associated with the development, including driveways, grades, turn paths, sight distance requirements, aisle widths and lengths and parking bay dimensions should be in accordance with Australian Standards AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage; and
- c) the design of parking facilities so that all vehicles, including service vehicles, enter and exit the site in a forward direction.

9. STORMWATER AND DRAINAGE

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

10. GROUNDWATER

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

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

11. SERVICING

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

12. STAGING OF DEVELOPMENT

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

ADVISORY NOTES

1. SYDNEY WATER SERVICING

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

2. CONSTRUCTION TRAFFIC MANAGEMENT

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

SCHEDULE 4

STATEMENT OF COMMITMENTS

MP 10_0037

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

(Source: Preferred Project Report)

