

**Meeting Date:** Tuesday 8 August 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

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**1 CONFIRMATION OF MINUTES - Meeting held on 13 June 2017**

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**Report prepared by:** Senior Coordinator - Governance  
**File No.:** CLM/17/1/3/2 - BP17/651

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**REPORT SUMMARY**

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

**RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 5/17, held on 13 June 2017, be confirmed.

**ATTACHMENTS**

**1 MINUTES - Planning and Environment Committee Meeting - 13 June 2017**

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 5/17**

**Meeting Date:** Tuesday 13 June 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**Councillors Present:** Councillors Yedelian OAM (Chairperson), Laxale and Stott.

**Apologies:** Nil.

**Leave of Absence:** Councillor Pendleton.

**Absent:** Councillors Maggio, Salvestro-Martin and Simon.

**Staff Present:** Acting Director – City Planning and Development, Acting Director – Corporate and Organisational Support Services, Acting Director – Customer and Community Services, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Assessment Officer – Town Planner, Senior Coordinator – Development Engineering Services, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 9 May 2017**

**RESOLUTION:** (Moved by Councillors Stott and Laxale)

That the Minutes of the Planning and Environment Committee 4/17, held on 9 May 2017, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan (objector representing himself, his wife and other residents of Emu Street), Richard Reeve (objector), Doug Cummins (representing the applicant) addressed the meeting in relation to this Item.

Note: A copy of photographs of dwellings that present as three storeys in the location of 12 Emu Street, West Ryde were tabled by the Acting Director – City Planning and Development in relation to this Item and a copy is on FILE.

**RECOMMENDATION:** (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Section 96 application to modify Local Development Application No. MOD2016/0110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be refused for the following reasons:-
1. Noncompliance with Ryde Development Control Plan 2014 with regards to Part 3.3 *Dwelling Houses and Dual Occupancy (attached)*:
    - *Section 2.1 Desired Future Character* – the addition will result in a dwelling that is not consistent with the desired future character of low scale 2 storey development due to the three storey appearance of the development when viewed from Winbourne Street East.
    - *Section 2.8.1 Building Height* – the proposed development exceeds 2 storeys in height when viewed from Winbourne Street East.
  2. The adverse impact of the proposal (3 storeys) due to its proximity to dwellings of Heritage Conservation significance in the City of Ryde.
  3. The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest due to the nature and extent of negative amenity objections received from the local community.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Councillors Laxale and Yedelian OAM

Against the Motion: Councillor Stott

Note: This matter will be dealt with at the Council Meeting to be held on **27 JUNE 2017** as dissenting votes were recorded and substantive changes were made to the published recommendation.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- 3 6 FOURTH AVENUE, EASTWOOD - LOT 130 IN DP4648 Local Development Application – Construction of a multi dwelling housing development containing three (3) dwellings, including a two-storey five-bedroom dwelling at the front of the site, and two single-storey three bedroom dwellings to the rear, and strata subdivision. LDA2015/0651.**

Note: Glenn Wong (representing the applicant) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Laxale and Stott)

- (a) That Local Development Application No. LDA2015/00651 at 6 Fourth Avenue, Eastwood be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

- 4 8 FOURTH AVENUE, EASTWOOD - LOT 129 IN DP4648. Local Development Application – Construction of a multi dwelling housing development containing three (3) dwellings, including a two-storey five-bedroom dwelling at the front of the site, and two single-storey three bedroom dwellings to the rear. Includes strata subdivision. LDA2015/0652.**

Note: Stephen Brading (objector) and Glenn Wong (representing the applicant) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Laxale and Stott)

- (a) That Local Development Application No. LDA2015/652 at 8 Fourth Avenue, Eastwood be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

**ITEM 1 (continued)**

**ATTACHMENT 1**

The meeting closed at 5.33pm.

CONFIRMED THIS 8TH DAY OF AUGUST 2017.

Chairperson

- 
- 2 6 LEXCEN PLACE, MARSFIELD. LOT 70 DP 718680. Development Application – Demolition, new residential apartment building comprising 4 x 3 bedroom apartments over a semi-basement parking level for 6 vehicles - under the State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2017/0167**
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**Report prepared by:** Creative Planning Solutions; Senior Coordinator - Development Assessment

**Report approved by:** Acting Manager - Assessment; Acting Director - City Planning and Development

**File Number:** GRP/09/5/6/2 - BP17/788

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## 1. Report Summary

**Applicant:** Raffi Yessaeian

**Owners:** Raffi Yessaeian

**Date lodged:** 8 May 2017

This report considers a development application (DA) for the demolition of all existing buildings and the construction of a new residential flat building (RFB) comprising of 4 x 3 bedroom apartments over a semi-basement parking level for six (6) vehicles – under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP). A more detailed description of the development is provided in **Section 5** of this report.

The DA was notified in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP2014) from 11 May to 7 June 2017. In response, 126 submissions were received, all of which objected to the proposed development.

The issues of concern raised in the submissions related to the following:

- Character/ Compatibility with Local Area
- Floor Space Ratio
- Privacy Impacts
- Application of the ARHSEPP
- Provisions of Affordable Housing
- Height
- Frontage
- Parking and Vehicular Access
- Solar Access/ Overshadowing
- Excavation/Basement
- Drainage
- Geotechnical Report

## ITEM 2 (continued)

A preliminary assessment of the application identified the following issues for which an email recommending withdrawal of the DA was sent to the applicant on 14 June 2017:

- Public Interest – i.e. based on significant number of objections received by Council;
- Inadequate Solar Access to the Proposed Dwelling;
- Inadequate Dwelling Size;
- Impacts on the Character of the Local Area;
- Inconsistency with the Design Quality Principles under SEPP65;
- Non-compliances with the following provisions of the Apartment Design Guide for SEPP65:
  - Part 3D – Communal and Public Open Space
  - Part 4A – Solar and Daylight Access
  - Part 4C – Floor to Floor Heights
  - Part 4D – Apartment Size and Layout
  - Part 4E – Private Open Space
  - Part 4H – Acoustic Privacy
  - Part 4K – Apartment Mix
  - Part 4M – Facades
  - Part 4N – Roof Design

Given the issues with the DA were inherent and fundamental to the design of the proposal, the applicant was advised that amended plans would not be accepted given the significant amount of changes that would be required.

The above issues and stance from Council were reiterated to the applicant at a meeting held with Council officers on 27 June 2017.

The DA was also assessed by the Council's Urban Design Review Panel on 28 June 2017. The comments from the UDRP were unsupportive of the DA and raised the following issues:

- Appearance, character and context within the surrounding low density residential environment;
- Solar access to proposed dwelling was insufficient;
- Building size and layout includes excessive hallways and was below minimum sizes;
- Access, including no internal access to the semi-basement garage and no lift to the upper levels of the building.
- Private open space location and dimension was not optimal and resulted in privacy impacts;
- Non-compliance with the ADG, including storage, ceiling height, solar access, privacy, dwelling size, private open space area, and roof aspects of the development.



## ITEM 2 (continued)

On 5 July 2017 the applicant submitted amended plans to Council in an attempt to address issues raised within Council's email of 14 June 2017, along with those issues raised by the UDRP in the meeting on 28 June 2017, and this assessment report is based on those plans dated 5 July 2017.

The amendments to the plans address previous non-compliances with solar access, the private open space dimensions, storage, minimum dwelling sizes, and replace the previous flat roof component of the building with a pitched/ gabled type arrangement.

The amended plans included relatively minor design changes in response to the concerns raised by Council's UDRP, but did not substantially alter the proposal overall, which is for a residential flat building containing 4 units.

Although the amended plans have delivered a higher level of compliance with the relevant planning controls, the proposal remains non-compliant with the following:

- Clause 16A ' Character of the Local Area' under the ARHSEPP;
- The following Design Quality Principles of SEPP65:
  - Principle 1: Context and neighbourhood character
  - Principle 2: Built form and scale
  - Principle 3: Density
  - Principle 5: Landscape
  - Principle 6: Amenity
  - Principle 8: Housing diversity and social interaction
  - Principle 9: Aesthetics
- The following provisions of the Apartment Design Guide:
  - Part 3D – Communal and Public Open Space
  - Part 4C – Floor to Floor Heights
  - Part 4D – Apartment Size and Layout
  - Part 4H – Acoustic Privacy
  - Part 4K – Apartment Mix
  - Part 4M – Facades
  - Part 4Q – Universal Design

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);

## ITEM 2 (continued)

- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

Furthermore the proposal has been assessed as including unacceptable impacts on the built environment, and is hence unsuitable for the subject site. For these reasons, along with the significant level of objection received, the DA is not considered to be in the public interest.

For these reasons, along with the detailed responses covered in this report, and attached compliance checklists, the proposal is recommended for **REFUSAL**.

## RECOMMENDATION:

- (a) That Local Development Application No. LDA2017/0167 be refused for the following reasons:

Section 79C(1)(a)(i) of the Act      The proposal is considered to be inconsistent with Clause 16A 'Character of the Local Area' of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The proposal is unsatisfactory in terms of the following Design Quality Principles Contained within Schedule 1 of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*:

- Principle 1: Context and neighbourhood character
- Principle 2: Built form and scale
- Principle 3: Density
- Principle 5: Landscape
- Principle 6: Amenity
- Principle 8: Housing diversity and social interaction
- Principle 9: Aesthetics

The proposal is unsatisfactory in terms of the following provisions of the *Apartment Design Guide*:

- Part 3D – Communal and Public Open Space
- Part 4C – Floor to Floor Heights
- Part 4D – Apartment Size and Layout
- Part 4H – Acoustic Privacy
- Part 4K – Apartment Mix
- Part 4M – Facades
- Part 4Q – Universal Design

**ITEM 2 (continued)**

The proposal is unsatisfactory in terms of Development Engineering and Waste Disposal issues regarding the design of the basement carpark, namely:

- drainage disposal (uncertainty as to whether or not a pipe exists within the drainage easement to the rear of the site);
- design of basement car park;
- driveway gradients;
- lack of waste storage areas (both garbage and recycling bins storage areas required).

Section 79C(1)(b) of the Act      The likely impacts of the proposal on the built environment are unsatisfactory due to the proposal introducing a discordant building typology to the street. The resultant impact is a proposal that will unduly impact on the amenity of adjoining property by way of visual and acoustic privacy.

Section 79C(1)(c) of the Act      The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.

Section 79C(1)(e) of the Act      The significant public objection to the proposal, along with unjustifiable non-compliances with the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, and the *Apartment Design Guide* are evidence the proposal is not in the public interest.

(b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 ARH SEPP Compliance Table
- 2 ADG Compliance Table
- 3 Email to Applicant
- 4 Notes from meeting with Applicant 27 June 2017
- 5 Map indicating submissions made
- 6 A4 Plans
- 7 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 2 (continued)**

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Senior Coordinator - Development Assessment**

Report Approved By:

**Vince Galletto  
Acting Manager - Assessment**

**Liz Coad  
Acting Director - City Planning and Development**

## ITEM 2 (continued)

### 2. Site Details

<b>Address</b>	6 Lexcen Place, Marsfield (LOT 70 Deposited Plan 718680)
<b>Site Area</b>	Overall development 611.6m <sup>2</sup> <ul style="list-style-type: none"><li>• Curved frontage to Lexcen Place – 17m</li><li>• Northern-eastern side boundary – 35m</li><li>• Angled south-western side boundary – 32m</li><li>• North-western rear boundary – 32m</li></ul>
<b>Site Description</b>	<p>The subject site is located on the western side of Lexcen Place, which is a small cul-de-sac located off Treharne Close in Marsfield.</p> <p>The site has a slope towards the rear (by some 2.2m over the 35m length of the site for a gradient of approximately 1 in 16 or 6%). The site contains a single dwelling and some small shrubs/trees towards the rear of the site.</p>
<b>Planning Controls</b>	<ul style="list-style-type: none"><li>• SEPP (Affordable Rental Housing) 2009</li><li>• SEPP No 65 – Design Quality of Residential Apartment Development</li><li>• Apartment Design Guide (ADG) for SEPP65</li><li>• SEPP No 55 – Remediation of Land</li><li>• SEPP (Building Sustainability Index: BASIX) 2004</li><li>• Ryde Local Environmental Plan 2014</li><li>• Ryde Development Control Plan 2014</li></ul>
<b>Zoning</b>	R3 – Medium Density Residential

**ITEM 2 (continued)**



**Location of Subject Site**

**Source: Ryde Council Mapping System**



**Aerial image of subject site highlighted in red. Noted in this image is the character of the surrounding area comprising predominantly of dwelling houses.**

**Source: [www.sixmaps.nsw.gov.au](http://www.sixmaps.nsw.gov.au) – edited by CPS for diagrammatic purposes.**

**ITEM 2 (continued)**



Image of the subject site as viewed from Lexcen Place.

Source: <https://www.google.com.au/maps>

**3. Councillor Representations**

Name of Councillor: Councillor Laxale

Nature of the representation: Call-up to Planning and Environment Committee

Date: 19 May 2017

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Unknown

Any other persons (e.g. consultants) involved in or part of the representation: None

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**ITEM 2 (continued)**

Name of Councillor: Councillor Maggio

Nature of the representation: Call-up to Planning and Environment Committee

Date: 22 May 2017

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: Email from neighbour at No 4 Lexcen Place forwarded.

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Name of Councillor: Councillor Salvestro-Martin

Nature of the representation: Call-up to Planning and Environment Committee

Date: 7 June 2017

Form of the representation (e.g. via email, meeting, phone call): Email to Councillor Help Desk

On behalf of applicant or objectors? Unknown

Any other persons (e.g. consultants) involved in or part of the representation: None.

**4. Political Donations or Gifts**

None disclosed in applicant's DA submission or in any submission received.

**5. Proposal**

LDA2017/0167 seeks consent for the demolition of all existing buildings on the site and then construction of a new residential flat building (RFB) comprising of four (4) x three-bedroom apartments over a semi-basement parking level for six (6) vehicles and associated apartment storage areas.

The proposal is being submitted under the ARHSEPP, and as such one dwelling within the development must be used for the purposes of affordable housing managed by a registered community housing provider for a minimum 10 years.



## ITEM 2 (continued)

The building accommodating the four (4) apartments is partly two-storeys in height, and also partly three-storeys in height where the semi-basement level extends more than 1.2m above the existing ground level. For this reason, the provisions of SEPP65 and the ADG apply.

Pedestrian and vehicular access to the building is proposed from the Lexcen Place frontage.

The external areas of the building are to be dedicated as private open space areas for the ground level apartments. The front setback area is to include the driveway cross over and ramp to semi-basement parking level, along with a pedestrian entry path and partial private open space area for Unit 2.

Associated works include site landscaping and storm water drainage works.

The appearance of the proposed development is shown in the following drawing (perspective image of proposed development, showing appearance of the development when viewed from Lexcen Place).



Applicant's submitted perspective image of the proposed development. Noted in this image is the partial private open space area within the front setback (behind brown fence to left of frame) along with the three-storey element of the proposal where Unit 1 and Unit 3 are located above the semi-basement garage. Also noted is the applicant's amendment which has replaced the flat roof parapet with a pitched and gable-type presentation to the street.

*Source: Applicant's submitted amended plans dated 5 July 2017.*

## ITEM 2 (continued)

### 6. Background

The DA was lodged with Council on 8 May 2017.

The DA was notified in accordance with the provisions of DCP2014 from 11 May 2017 to 17 May 2017. In response, 126 submissions were received, all of which raised objections to the proposal. It is noted that many of these submissions were pro-forma copies of the same submission but signed by separate/individual residents.

The issues of concern raised in the submissions related to the following (and will be discussed in more detail in the Submissions section of this report below):

- Character/ Compatibility with Local Area
- Floor Space Ratio
- Privacy Impacts
- Application of the ARHSEPP
- Provisions of Affordable Housing
- Height
- Frontage
- Parking and Vehicular Access
- Solar Access/ Overshadowing
- Excavation/Basement
- Drainage
- Geotechnical Report

On 14 June 2017, an email was sent to the applicant advising of the outcome of Council's neighbour notification and preliminary assessment, and to advise of Council's intended process for determination of their DA. A copy of Council's email of 14 June 2017 is attached to this report (see **Attachment 5**). Pertinently, the applicant was advised:

- that due to the number of significant issues of concern with the proposal, Council officers are unlikely to support the DA;
- Council officers would not be prepared to accept amended plans under the current DA (as significant design changes to address the various issues of concern would be required);
- to withdraw the DA within 14 days (ie by 28 June 2017).

## ITEM 2 (continued)

The issues of concern raised in Council's email 14 June 2017 are summarised as follows:

- **Public Interest** – the applicant was advised that Council had notified the DA to adjoining/nearby properties and advertised the DA in the local press. As a result, Council had received over 100 submissions objecting to the development proposal. Copies of the submissions were provided to the applicant, and the applicant was advised the number of submissions represents a high level of community opposition to the DA.
- **Solar Access** – the proposal would result in only 50% of the dwellings achieving a compliant level of solar access when assessed against the provisions of clause 14(1)(e) of the ARHSEPP. This is less than the minimum 70% requirement.
- **Dwelling Size** – Proposed Unit 2 and 4 have a non-compliant area of 94.39m<sup>2</sup>, which is 0.61m<sup>2</sup> short of the 95m<sup>2</sup> minimum under clause 14(2)(b)(iv) of the ARHSEPP.
- **Character** - The proposal was considered to be inconsistent with the current and future character of the local area when having regard to the relevant NSW Land and Environment Court Planning Principle established in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSW LEC191 at 22-31*. For this reason the proposal was considered to offend the local area character provisions of clause 16A of the ARHSEPP.
- **Design Quality Principles** – The proposal was considered to be inconsistent with the following Design Quality Principles under *State Environmental Planning Policy (No 65—Design Quality of Residential Apartment Development)* (SEPP65):
  - Principle 1: Context and neighbouring character;
  - Principle 2: Built form and scale;
  - Principle 3: Density;
  - Principle 4: Sustainability;
  - Principle 5: Landscape;
  - Principle 6: Amenity;
  - Principle 8: Housing diversity and choice;
  - Principle 9: Aesthetics.

## ITEM 2 (continued)

- Apartment Design Guide - The proposal was considered to be inconsistent with the following provisions of the ADG under SEPP65:

**Part 3A – Site analysis:** the proposal has inappropriately taken into consideration to context and character of the local area;

**Part 3D – Communal and Public Open Space:** the proposal provides communal open space areas which fails to comply with the minimum requirements of the ADG – i.e. 25% of the site area.

**Part 4A – Solar and Daylight Access:** 50% of the dwellings within the development receive a compliant level of solar access. This is less than the 70% minimum.

**Part 4C – Floor to Floor Heights:** the proposal provides for 3m floor to floor heights. This is less than the 3.1m minimum.

**Part 4D – Apartment Size and Layout:** Unit 2 and Unit 4 fall 0.61m<sup>2</sup> short of the 95m<sup>2</sup> minimum size for three-bedroom apartments with two bathrooms.

**Part 4E – Private Open Space:** the submitted plans appeared to demonstrate the private open space areas on the ground floor for Unit 1 failed to comply with the minimum area and dimension requirements, and Unit 3 on the upper floor failed to comply with the minimum area requirements.

**Part 4H – Acoustic Privacy:** the internal layouts of the dwellings had not included layouts that would be conducive to minimisation of noise transfer.

**Part 4K – Apartment Mix:** With all dwellings being three-bedroom apartments, the proposal provides no range of apartment types or sizes.

**Part 4M – Facades:** It is contended the modern building design and character will be out of sequence in the broader streetscape that comprises almost exclusively of 1980's and 1990's project dwelling houses with pitched roofs.

**Part 4N – Roof Design:** The proposed development contains a hybrid flat and pitched roof design which is integrated into the building. The large flat roof component presents poorly to the street which is made up on pitched roof of hipped and gabled styles.

## ITEM 2 (continued)

At the applicant's request, a meeting was held with Council officers (Acting Manager Assessment, Senior Co-ordinator – Assessment, and Consultant Town Planner), the applicant, their Consultant Planner and Project Architect on 27 June 2017. In this meeting, the issues outlined in Council's email of 14 June 2017 were reiterated, along with the issues raised by objectors in the significant number of submissions that had been received by Council. A copy of the notes from the meeting with the applicant of 27 June 2017 are held at **Attachment 6**.

In this meeting the applicant generally expressed their desire to continue with the determination, along with their intention to submit amended plans in an attempt to address some of the issues raised by Council in their email of 14 June 2017.

On 28 June 2017 the proposed RFB was considered by Council's Urban Design Review Panel at Council's Top Ryde office. Aside from the UDRP members, also present at this meeting was the applicant, the applicant's architect, along with Council officers and Council's consultant town planner.

At the time of writing this report, formal meeting notes from the UDRP in relation to this DA have not been prepared. However the comments from the UDRP were generally as follows:

- The UDRP was critical of the proposal's design, and appearance, particularly when viewed from the street. The UDRP was particularly critical of the building's front elevation and roof form, citing the flat roof as being a discordant element within the street, and suggesting this be reverted to a pitched/ gabled design to better respond to existing buildings within Lexcen Place.
- The UDRP also raised issue with the proposal's inability to achieve compliance with the solar access provisions of the ADG. In the opinion of the UDRP, the non-compliance with the solar access provisions was one that could be easily overcome with the introduction of skylights to Dwelling 4.
- The UDRP was generally unsupportive of many aspects of the buildings layout. In particular it was considered the dwellings included excessive hallway and corridor areas which combined with the minimal apartment areas, lead to small rooms and convoluted access throughout the apartments. Criticism was also raised over the split level design for Unit 1 and Unit 3, with the UDRP being of the opinion the number of stairs within the apartments being undesirable.

## ITEM 2 (continued)

- The UDRP was also critical of the proposal's access arrangements. The UDRP noted that there was no internal access to the basement garage, and that residents would have to exit the basement via stairs to the outside of the building, and then re-enter the building via the front pedestrian entry to access their apartments. The UDRP noted that although a platform lift was available for disabled access to the ground floor apartments, there was no lift or platform lift available to the upper level units. As such these upper apartments were non-visitable and cause for concern by the UDRP.
- The UDRP also questioned the architect's decision to orientate the private open space area and living rooms areas for select apartments within the development. In the opinion of the UDRP, an alternative layout could improve areas of non-compliance with regard to solar access and visual privacy.
- The URDP also raised the areas of non-compliance with the ADG, and suggested some minor amendments to the plans could ensure compliance with the storage, ceiling height, solar access, privacy, dwelling size, private open space area, and roof aspects of the development.

On 5 July 2017 the applicant submitted amended plans to Council in an attempt to address issues raised within Council's email of 14 June 2017, along with those issues raised by the UDRP in the meeting on 28 June 2017. Despite Council's advice to the applicant (in email dated 14 June) that amended plans would not be accepted for this DA, given the relatively minor nature of the design changes, Council officers have accepted the amended plans – which form the basis of assessment in this

report. It is noted that the changes included in the amended plans did not significantly alter the overall design of the development, and therefore neighbour notification was not required.

The amendments to the plans include:

- Introduction of two skylight windows over the balcony of Unit 4 and Unit 3, and skylight windows over its living room to achieve compliance with solar access requirements of the ARHSEPP and ADG.
- Additional details on the plans to define the private open space areas for the ground floor apartments, and ensure these areas comply with required area and dimensions under the ADG.
- A raised planter box and privacy screen on top has been added to the private open space area for Unit 2 to improve privacy towards neighbouring properties.

## ITEM 2 (continued)

- Nominated storage areas have been included within the basement, and clarification has been added to the plans for storage areas within the apartments to comply with the ADG.
- In order to address the minor non-compliances with the minimum dwelling sizes under the ARHSEPP and ADG, the sizes of Unit 2 and Unit 4 have been enlarged to meet the minimum 95m<sup>2</sup> requirement.
- The balustrading for the upper level balconies has been adjusted to ensure these areas meet the minimum area and dimension requirements for private open space under the ADG.
- Height dimensions have been added to roof ridges and also to window sill heights on side elevations demonstrating compliance with ADG in relation to privacy within adjoining properties.
- In response to the UDRP and Council comments on the presentation of the building to the street, the applicant has removed the originally proposed flat parapet and replaced it with a pitched gable-type roof.

As such, the report contained herein is based on the applicant's amended plans dated and received by Council on 5 July 2017.

## 7. Submissions

The application was notified between 11 May 2017 to 17 May 2017 in accordance with the provisions of DCP2014. In response, 126 submissions were received, all of which objected to the proposal.

The key issues raised in the submissions are summarised below, followed by a comment on how the issue has been considered as part of the assessment.

**A. Character/ Compatibility with Local Area.** *The most common objection raised throughout the submissions is the proposal's incompatibility with the character of the local area, and streetscape of Lexcen Place. Concern is raised that the proposed RFB will be out of context with the predominant built form of dwellings houses, and to a lesser extent duplexes/triplexes. Concern is also raised regarding the proposal's incompatibility with the local area on the basis of the impacts the development will have on adjoining property.*

**Assessing Officer Comment:** A comprehensive character assessment in line with Schedule 1 of Part 3.5 of the *Ryde Development Control Plan 2014* (DCP2014) 'Guidelines for Local Area Character Assessment' is included within **Attachment 1**.

## ITEM 2 (continued)

Furthermore, the assessment of the proposal against Clause 16A 'Character of local Area' of the ARHSEPP has been included within this assessment report. This character assessment has held due regard to the NSW Land and Environment Court Planning Principle established in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 at 22-31*.

The DA has also been put before Council's Urban Design Review Panel (UDRP) who has made comments with regard to the proposal's compatibility with the context and character of the local area, as required under SEPP65.

As indicated throughout this report and having regard to the assessment of the proposal made by the UDRP, it is considered that the proposal will be incompatible with the character of the local area identified above for the following reasons:

- *Building Typology* – the proposal is for a three-storey cement rendered building, with partial face brick elements in an area that is dominated by single dwelling houses with full face brickwork;
- *Building Heights* – a three-storey building is proposed in an area that is dominated by two-storey high buildings only;
- *Site Coverage and Floor Space Ratio* – The proposal includes an FSR of 0.67:1 which exceeds that prescribed under the LEP2014, and is incongruous with the FSR of other buildings in the local area which would appear to be at 0.5:1 or less;
- *Scale and Form of Dwellings* – the proposed RFB will include four (4) attached dwellings over a three-storey building height. This density of dwellings is significantly greater than the one (1) dwelling per allotment arrangement on other properties within the local area;
- *Frontage Treatment* – the basement driveway ramp, private open space areas within the front setback, and also fencing within the front setback introduces discordant elements to the otherwise homogenous frontage treatments within the streetscape;
- *Building Style and Finishes* – the proposal is a contemporary design that includes a presentation to the street of predominately cement rendered finishes.



## **ITEM 2 (continued)**

With regard to the proposal's compatibility with the local area, it is considered the RFB will give rise to overlooking opportunities, and subsequent loss of privacy to adjoining properties, particularly those properties fronting Sobraon Road that adjoin the rear boundary of the subject site. The elevated private open space areas (approx. 1m above ground level) for Unit 1 and Unit 2 combine with the slope of the site to exacerbate overlooking of the rear private open space areas of 29, 29A and 31 Sobraon Road.

The north-eastern side elevation of the RFB will include thirteen (13) windows, eleven (11) of which are to habitable rooms. The south-western side elevation includes nine (9) windows, all of which are to habitable rooms. This proliferation of side facing windows is incommensurate to the adjacent dwelling houses, and is considered to give rise to overlooking opportunities. It is noted that applicant has claimed within the UDRP meeting that the 1.5m window sill heights will prevent overlooking. However this is disputed as a 1.5m window sill height is considered insufficient to eliminate overlooking potential given the average eye level is above 1.5m.

The raised private open space areas to the rear, along with the lower and upper private open space areas fronting Lexcen Place, are considered to give rise to acoustic impacts that are disproportionate to the quiet surrounds currently experienced by residents of Lexcen Place who live within a lower density residential environment.

As demonstrated previously, the proposal's inharmonious appearance within the Lexcen Place streetscape, though the discordant building proposed will result in a visual impact when viewed from both the public domain and from adjoining private properties.

Given the above comments, the proposal's physical impacts on surrounding development are deemed unacceptable.

Discussed in more detail under the ARHSEPP assessment later in this report is the importance of also taking into consideration the future character of the area, where it is likely the current character will be subject to change.

The discussion outlines the very large public opposition that has arisen through notification of the subject site, in particular the public's opposition to medium density residential developments that the zone otherwise permits. This is evidence of the public's desire to have the local area downgraded from an R3 Medium Density Residential zone, to a R2 Low Density Residential zone.

Given the above, there is considered to be uncertainty over the likely future character of the local area, and as such, it is considered that more weight needs to be given to the current character.

## ITEM 2 (continued)

With this in mind, the issues raised by the objectors are generally concurred with. For this reason, the proposal's incompatibility with the character and context of the local area forms a recommended reason for refusal of the DA.

**B. Floor Space Ratio.** *Another common objection raised throughout the submissions is that relating to the proposal's floor space ratio (FSR) exceeding the 0.5:1 FSR limit prescribed by the LEP2014.*

*The objectors see this FSR exceedance contributing to a building that is of a greater scale/density than that of other properties in the local area.*

**Assessing Officer Comment:** An FSR bonus is available for RFBs that contain affordable housing under Division 1 of the ARHSEPP.

The DA has been submitted under the ARHSEPP, with an assessment confirming the ARHSEPP applies to the proposed development on the subject site – refer to ARHSEPP compliance table in **Attachment 1** and detailed discussion later in this report.

In this circumstance the amount of bonus floor area that may be granted is dependent on both the existing maximum FSR allowable on the land and the percentage of affordable housing that will be offered as part of the development.

The existing FSR allowable on the land is 0.5:1 under LEP2014. The applicant proposed to allocate 25% of the buildings gross floor area (GFA) as affordable housing, and as such, when utilising the formula contained within Clause 13 of the ARHSEPP, a FSR limit of 0.75:1 applies.

The proposal has been assessed as having a FSR of 0.67:1, and as such satisfactorily complies with the 0.75:1 limit applying to this development.

Despite the proposal's compliant FSR, it is acknowledged that the scale of the building is considerably greater than what the underlying planning controls would otherwise dictate, and as such, contributes to the proposal's incompatibility with the character of the local area.

**C. Privacy Impacts.** *Objectors have raised concern in relation to the proposal impact on the visual and acoustic privacy afforded to adjoining properties as a result of overlooking and elevated private open space areas.*

**Consultant Assessing Officer Comment:** Raised earlier in response to the proposal's compatibility with the local area was how the RFB will give rise to overlooking opportunities, and subsequent loss of privacy to adjoining properties, particularly those properties fronting Sobraon Road that adjoin the rear boundary of the subject site.

## ITEM 2 (continued)

The elevated private open space areas (approx. 1m above ground level) for Unit 1 and Unit 2 are considered to combine with the slope of the site to exacerbate overlooking of the rear private open space areas of 29, 29A and 31 Sobraon Road.

The north-eastern side elevation of the RFB will include thirteen (13) windows, eleven (11) of which are to habitable rooms. The south-western side elevation includes nine (9) windows, all of which are to habitable rooms. This proliferation of side facing windows is incommensurate to the dwelling houses adjacent (i.e. 4 and 8 Lexcen Place), and is considered to give rise to overlooking opportunities.

Once again, it is noted that applicant has claimed within the UDRP meeting that the 1.5m window sill heights will prevent overlooking. However this is disputed as a 1.5m window sill height is considered insufficient to eliminate overlooking potential given the average eye level may be above 1.5m.

Discussed earlier was the raised private open space areas to the rear, along with the lower and upper private open space areas fronting Lexcen Place. These are considered to give rise to acoustic impacts that are disproportionate to the quiet surrounds currently experienced by residents of Lexcen Place who live within a lower density residential environment, and whose private open space areas are closer to natural ground level.

Having regard to the above, the objectors concerns with regard to loss of visual and acoustic privacy are considered to have merit.

Accordingly, privacy impacts are identified as a significant issue of concern and have been included as a recommended reason for refusal of the DA.

**D. Application of the ARHSEPP.** *Concern is raised regarding the applicability of the ARHSEPP to the proposed development and whether the site is within an 'accessible area' as required by Division 1 of the ARHSEPP. In particular, concerns are raised over the safety of the applicant's nominated route to the bus stops on Herring Road via the public pathway between Lexcen Place and Winston Street. Questions have also been raised over the gradients to the bus stop and their unsuitability for less mobile people.*

**Assessing Officer Comment:** Clause 10 of the ARHSEPP provides that for Division 1 to apply, development for the purposes of RFBs must be permitted with consent under another environmental planning instrument. Furthermore, the site must not contain a heritage item (or interim heritage item), and must also be located within an 'accessible area'.

RFBs are permissible under the R3 Medium Density Residential zoning of the site. Furthermore the site does not include a heritage or interim heritage item.

## ITEM 2 (continued)

As such, it is necessary to ascertain whether the subject site is within an 'accessible area' to determine whether Division 1 of the ARHSEPP applies.

On this point, the following key definitions are contained within Clause 4 of the ARHSEPP:

***accessible area*** means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

***walking distance*** means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

Bus Stop ID No. 212251 located on Herring Road, near the intersection with Winston Street, is measured as being approximately 382m walking distance from the subject site. A return bus stop is located on the opposite side of Herring Road – Bus Stop ID No. 212237.

According to Sydney Buses, this bus stop is serviced by the following regular bus services:

- **288** – a daily full time service between Epping, Macquarie University, Macquarie Centre, North Ryde, Lane Cove and City - QVB. Operates via Freeway.

**Comment:** A view of the current Sydney Buses timetable for bus route 288 (effective March 2008), and the transportsw.info website confirms this service would meet the frequency requirements of the ARHSEPP.

## ITEM 2 (continued)

- **507** – a daily daytime service between Ryde, Meadowbank, Putney, Gladesville, Drummoyne, Rozelle, White Bay, City - QVB and City - Circular Quay. It is noted that selected Monday to Saturday services extend to Macquarie Centre and Macquarie University.  
**Comment:** A view of the current Sydney Buses timetable for bus route 507 (effective 8 August 2010), and the transportnsw.info website confirms this service would not meet the frequency requirements of the ARHSEPP as select services on a Sunday, and early in the mornings during the week are not available.
- **518** – a daily daytime and early evening service between Macquarie University, Macquarie Centre, Denistone East, Ryde, Gladesville, Drummoyne, Rozelle, White Bay, City - QVB and City - Circular Quay  
**Comment:** A view of the current Sydney Buses timetable for bus route 518 (effective 8 August 2010), and the transportnsw.info website confirms this service would not meet the frequency requirements of the ARHSEPP as select services on a Sunday are not available.

Having regard to the above, the 288 bus service alone would be sufficient to meet the service/frequency requirements of Division 1 of the ARHSEPP, however when considered in conjunction with the bus services offered by the 507 and 518 bus routes also, this bus stop is very well serviced, and provides passenger with access to a wide variety of locations between the City of Ryde and Sydney CBD.

The remaining question is whether the walking path required to reach the bus stop would traverse to this bus stop meets the definition of 'walking distance' as defined under Clause 4 of the ARHSEPP.

The shortest distance between 6 Lexcen Place and Bus Stop ID No. 212251 on Herring Road is via the route as shown in the following air photo, and includes walking south-east along Lexcen Place, then crossing through to Winston Street via a public pathway, then south-east along Winston Street, across Wilding Street to the intersection of Herring Road. One would then need to walk 50m north-east along Herring Road to the subject bus stop. As previous outlined, this distance is approximately 382m and complies with the 400m limit prescribed by the ARHSEPP:

**ITEM 2 (continued)**



**Map showing walking route to accessible bus stop service. This has been measured at 382m during the site inspection.**

***Source: Ryde Council mapping system***

The definition for 'walking distance' also suggests the route is to be one that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

On 12 July 2017 the consultant assessing officers traversed this route on foot, along with the aid of a trundle wheel to confirm the distance as being compliant with the ARHSEPP's 400m limit.

The following comments are made having regard to the definition for 'walking distance':

- The entirety of the route can be walked using public footpaths;
- Only one (1) street needs to be crossed, that being Wilding Street where it intersects with Winston Street.
- Both sides of Wilding Street include kerb laybacks.

## ITEM 2 (continued)

- Both Wilding Street and Winston Street are local roads with speed limits of 50km/h.
- Good sight lines exist along Wilding Street and Winston Street.
- A street light exists at the intersection of Wilding Street and Winston Street.
- Based on the above points, the crossing of Wilding Street is considered to be appropriately safe for pedestrian access.
- Street lighting is installed at both ends of the 65m long pedestrian pathway linking Lexcen Place with Winston Street.
- The pedestrian pathway is concrete paved for the entirety of its length;
- The pedestrian pathway has some level of passive surveillance from the adjoining dwelling houses.
- The pedestrian pathway includes clear sightlines from one end to the other.

On the above basis, the proposal is considered to satisfactorily meet the ARHSEPP's definition of 'walking distance'.

The pedestrian pathway claimed to be unsafe by the objectors is shown in the following photo.



**Photograph captured during site inspection showing the pathway claimed to be unsafe by objectors. Given the wide pathway, clear sightlines, paved surface, street lighting at either end, and passive surveillance opportunities from adjoining dwelling houses, it is considered that the pathway is adequately safe for the purposes of pedestrian access to the bus stop.**

*Source: CPS – July 2017*

## ITEM 2 (continued)

It is acknowledged that the submissions have raised concern over the gradient of Winston Street being inappropriate for the purposes of gaining access to the nominated bus stop on Herring Road. On this point, it is noted that the access requirements of Division 1 of the ARHSEPP are not predicated on achieving minimum gradients, unlike that for *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. For this reason, unless one were to consider the gradient so steep that they were then unsafe, the walking distance pathway would otherwise be considered appropriate.

Concerns were also raised by objectors over the pedestrian safety of the path between Lexcen Place and Winston Street. On this matter it is noted that the path was measured as being 65m long, not 100m as suggested by some objectors. It is also noted that while no street lights are included along the pathway, there are street lights at both ends of the pathway.

A review of the crime maps produced by the NSW Bureau of Crime Statistics and Research has revealed no crime hotspots occurring within the nearby vicinity of the nominated route from 6 Lexcen Place to the subject bus stop.

In addition, contact has been made with the NSW Police Service (Shane Carne, Crime Prevention Officer Ryde Local Area Command), and the following comments have been provided:

*“as a general rule Ryde LAC does not provide crime statistical data. We refer all such requests to BOSCAR (ie the NSW Bureau of Crime Statistics and Research website), where local crime statistics can be obtained. That said I am not aware of any local issues within that vicinity, or that any residents have contacted police regarding this.”*

On the above basis, there is no reason to consider that the aforementioned pathway is unsafe.

Accordingly, the nominated route to the bus stops meets the relevant definitions for an ‘accessible area’ and ‘walking distance’. For this reason, compliance with Clause 13 of the ARHSEPP is achieved, and the ARHSEPP can apply to the proposal.

**E. Provision of Affordable Housing.** *Objectors state that affordable housing is not needed within the area, and should be located in more appropriate locations. Objectors have stated that sufficient supply of affordable housing already exists, and have pointed to developments within the area, including developments owned by the NSW Government’s Land and Housing Corporation (LAHC).*

**Assessing Officer Comment:** There is a clear distinction between affordable housing, social housing, community housing, as well as housing for seniors or people with a disability.



## ITEM 2 (continued)

Housing provided by LAHC is not necessarily affordable housing, which is housing for very low, low and moderate income earning households, which include households with an annual income of up to about \$80,000. People that fall within consideration of affordable housing include people who have no place to live, people on low and moderate incomes and key workers who need to live close to their employment.

The City of Ryde Affordable Housing Policy 2016-2031 (Policy) outlines the Ryde LGA is not affordable for most families requiring a three-bedroom dwelling.

At 3 June 2015, the case study within the Policy indicates there were no dwellings affordable to 'very low' income households. Only 7% (23 dwellings) were affordable to 'low' income households of which most (19) of which were one-bedroom apartments, and 56% (197 dwellings) were affordable to 'moderate' income households, including only nine (9) three-bedroom dwellings.

The Policy outlines the lowest medians for housing costs were in the suburbs of West Ryde and Meadowbank, and the most expensive areas were in the suburbs North Ryde and Gladesville.

As such, City of Ryde's Policy clearly indicates a need for more affordable three-bedroom dwellings.

Given the proposal will provide for an affordable three-bedroom dwelling, it is considered that the development is consistent with Council's Policy for more affordable housing.

Accordingly, the notion that affordable housing is not needed within the area, and that sufficient supply of affordable housing already exists within the area, is inconsistent with Council's Policy and this point of objection is not supported. However, the proposal is considered to be unacceptable for other reasons (in particular the character of the area etc) as discussed throughout this report.

**F. Height.** *Concerns have been raised stating that the upper floor level of the development commences at the upper ceiling level of the adjoining dwelling at 4 Lexcen Place. Objectors have stated that part of the building is three (3) storeys and is not in character with the broader streetscape of two storey dwelling houses. It has also been raised that the proposed height will be taller than all other dwelling houses in the street.*

**Assessing Officer Comment:** Although the proposal complies with the overall 9.5m height limit under the LEP2014, it is agreed that the proposal will include a three-storey component, and as such be inconsistent with the two-storey nature of other buildings within the local area.

## ITEM 2 (continued)

As outlined earlier in this report, the height of the building, in terms of the number of storeys proposed, is a key reason why the proposal is deemed incapable of complying with the local character and context requirements of the ARHSEPP and SEPP 65.

The proposal incompatibility with the context and character of the local area forms one of the recommended reasons for refusal of the DA.

**G. Frontage.** *Concerns have been raised over frontage and front setback arrangements for the proposed development, in particular the inappropriate frontage width to accommodate a RFB, and the resultant impacts on adjoining property.*

**Assessing Officer Comment:** It is acknowledged that the applicable planning controls do not prescribe a minimum frontage requirement for RFBs within the R3 Medium Density Residential zone.

Nevertheless, the frontage and front setback arrangements for the proposal have been considered when having regard to the proposal's ability to be compatible with the character of the local area.

As outlined earlier in this report, the basement driveway ramp, private open space areas within the front setback, and also fencing within the front setback introduces discordant elements to the otherwise homogenous frontage treatments within the streetscape.

The introduction of private open space areas to the front setback area for Unit 2 on the ground floor, and then Unit 3 and 4 on the top floor will activate the street in a way that is inconsistent with other buildings in the street that focus private open spaces to the rear. The acoustic impacts of private open spaces within the front setback are considered disproportionate to the quiet surrounds currently experienced by residents of Lexcen Place.

For the above reasons, the frontage and front setback arrangements of the proposal are unacceptable.

**H. Parking and Vehicular Access.** *Objectors have raised concerns over the development's inadequate parking provision which will result in increased demand for on-street parking, and vehicular access conflicts due to the increased number of vehicle movements.*

## ITEM 2 (continued)

**Consultant Assessing Officer Comment:** Clause 14(2)(a) of the ARHSEPP prescribes that Council must not refuse consent on the basis of parking, if a minimum of 1.5 parking spaces is provided for each three-bedroom dwelling. The proposal includes 4 x 3-bedroom dwellings and as such requires a minimum of six (6) parking spaces.

The proposed semi-basement car park will include parking for six (6) vehicles, and as such achieves compliance with the provisions of Clause 14(2)(a) of the ARHSEPP.

On this basis, Council cannot refuse consent to the development on the basis of parking.

Accordingly, the proposal is considered to be satisfactory when having regard to parking and vehicular access.

As part of the assessment of the subject DA, the proposal was referred to both Council's Senior Co-ordinator – Development Engineering and City Works and Infrastructure (Waste) teams, and their responses are discussed in the Referrals section of this report. In summary, both Council's Senior Co-ordinator – Development Engineering and Waste Officer have raised some issues of concern with the development, which could be resolved by amended plans/additional information if Council was mindful to approve the application. However given the recommendation of refusal, Council officers have not raised these issues with the applicant because the proposal is generally considered to be unacceptable in principle, for a range of other reasons discussed throughout this report.

- I. **Solar Access/ Overshadowing.** Concern is raised that the proposal will result in unacceptable levels of overshadowing and therefore compromising the level of solar access afforded to adjoining property. In addition, objectors at 10 Lexcen Place have indicated their intention to install solar panels on their roof which will be impacted upon by the proposal.

**Assessing Officer Comment:** The applicant's amended plans include shadow diagrams depicting the level of overshadowing expected at 9am, 12pm and 3pm at the winter solstice – see drawings below.

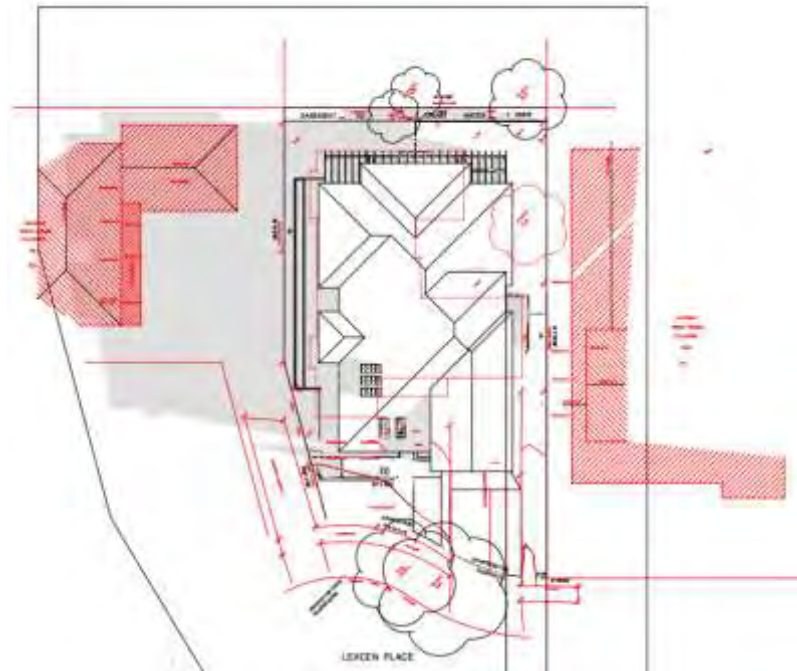
The diagrams demonstrate that due to the favourable orientation of the allotment, at least three (3) hours solar access will be maintained to adjoining dwellings and private open space areas.

As such, the proposal would be considered acceptable in terms of Council's solar access requirements for neighbouring properties under DCP2014.

## ITEM 2 (continued)

With regard to future solar panels to be located at 10 Lexcen Place, it is noted the shadow diagrams reveal solar access will be achieved to the roof of this adjoining dwelling from approximately 10am onwards at the winter solstice. As such, a satisfactory level of solar access will be afforded.

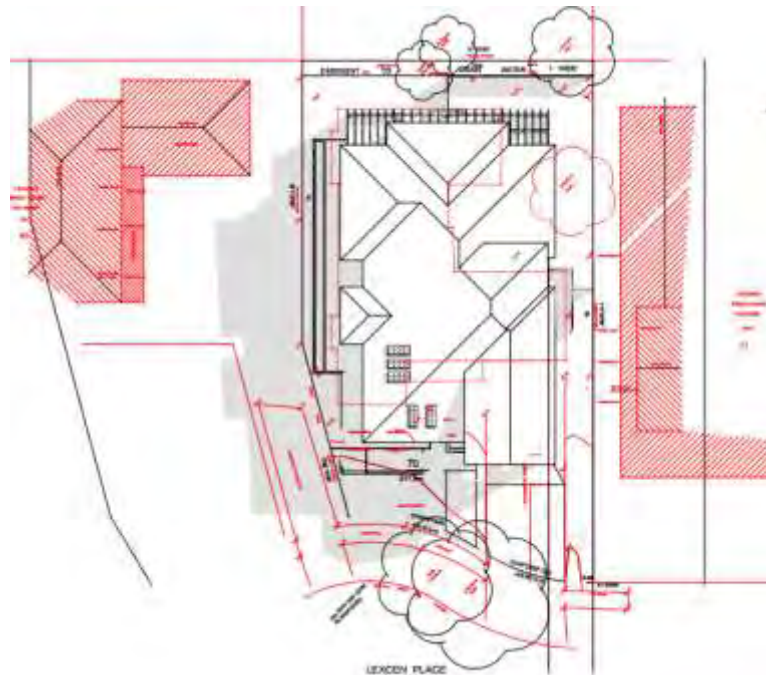
It is noted that the proposal includes a compliant overall building height, and is also setback from the boundary by 3m. A compliant dwelling house could be erected on the subject site that is 9.5m high and located only 1.5m off the side boundary. Given the above, the objections raised in relation to solar access/ overshadowing are not supported in this instance.



**Extract of the 9am shadow diagrams for the amended proposal at the winter solstice. Noted in this image the shadow impacting upon the dwelling house at 10 Lexcen Place.**

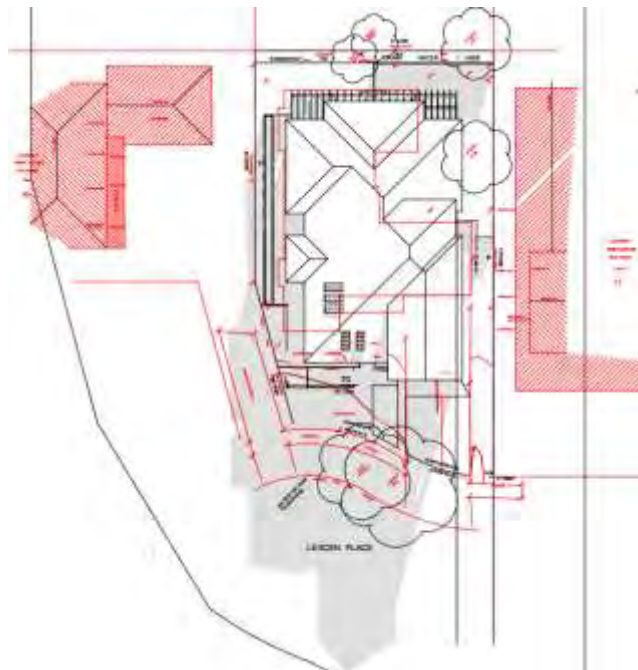
***Source: Architect's submitted shadow diagrams.***

**ITEM 2 (continued)**



**Extract of the 12pm shadow diagrams for the amended proposal at the winter solstice. Noted in this image the shadow no longer impacts the dwelling house at 10 Lexcen Place, with the shadow falling only on the adjoining driveway area.**

***Source: Architect's submitted shadow diagrams.***



**Extract of the 3pm shadow diagrams for the amended proposal at the winter solstice. Noted in this image the shadow does not impact on the dwelling house at 10 Lexcen Place, with the shadow falling predominantly over the street and driveway areas.**

***Source: Architect's submitted shadow diagrams.***

## ITEM 2 (continued)

**J. *Excavation/Basement.*** Concerns have been raised by objectors regarding the proposed basement and the level of excavation potentially causing risk to neighbouring properties. Some objectors have claimed that adjoining properties were not designed to withstand any impact of basement excavation on adjoining properties.

**Assessing Officer Comment:** The proposal is to include a semi-basement level for car parking, and will not be entirely in basement when having regard to the definitions contained within the Dictionary of LEP2014.

However, should the DA be approved, Council's standard conditions of consent will include measures to support neighbouring dwellings, and require compliance with Australian Standards. Council's standard conditions also include minimum requirements for excavation adjacent to adjoining land, and if deemed necessary dilapidation surveys/ reports.

Having regard to the above, should the DA be approved, appropriate safeguards could be conditioned to ensure risk to adjoining property is minimised.

**K. *Drainage.*** Concern is raised regarding the construction of the basement on clay foundations causing a detrimental impact on drainage and causing site instability for adjoining properties.

**Assessing Officer Comment:** As part of the assessment of the subject DA, the proposal was referred to Council's Senior Co-ordinator – Development Engineering for assessment in terms of the proposed stormwater drainage arrangements against the relevant provisions of Council's DCP2014.

As outlined within the referral response contained within this report, Council's Senior Co-ordinator – Development Engineering has advised that the proposal is generally satisfactory in terms of stormwater disposal. In this regard, the proposal is considered unlikely to have any detrimental impact on drainage as suggested by the objectors.

As identified in the Referral Comments (see Referrals section of this report below), Council's Senior Co-ordinator – Development Engineering has advised that it is unclear if there is an existing pipe within the drainage easement which the development is proposed to connect into. This is a relatively minor matter which could be resolved by provision of additional information. However given the recommendation of refusal, Council officers have not raised this issue with the applicant because the proposal is generally considered to be unacceptable in principle, for a range of other reasons discussed throughout this report.

## ITEM 2 (continued)

**L. Geotechnical Report.** *Concerns have been raised that a geotechnical report has not been submitted, and therefore potential impacts on neighbouring properties associated with excavation of the basement carpark have not been able to be considered by the applicant in the DA submission.*

**Assessing Officer Comment:** It is noted that there has been no geotechnical report submitted with this DA. According to Council's mapping system, the subject site is not located within an area affected by landslip or slope instability, so therefore it would not be necessary for the DA submission to include a geotechnical report.

A review of the DA plans indicates that the proposed development would require excavation of between 1.9m and 3.0m for the basement carpark and the vehicle ramp leading to the basement carpark. Although this is a significant amount of excavation in a residential context, Council would not normally require any geotechnical assessment at the DA stage for potential impacts on neighbouring properties, given that the site is not located in an area affected by land slip or slope instability.

Instead, appropriate conditions of consent are normally imposed requiring the applicant to undertake dilapidation reports for neighbouring properties. In this regard, a "pre-commencement" dilapidation report (prior to commencement of construction), and then a "post-construction" dilapidation report (prior to the issue of an Occupation Certificate) would be required via conditions of consent. These conditions would also include a requirement for the applicant to rectify any damage attributable to the construction of the development, as identified in the post-construction dilapidation report.

If Council was mindful to approve this DA, appropriate conditions can be included requiring pre-commencement and post-construction dilapidation reports as noted above.

Given the above, the submissions have been taken into consideration in the assessment of the application consistent with the requirements of Section 79C of the Act. The application is recommended for refusal and as such many of the concerns raised are agreed with and considered to be valid reasons for refusal.

### 8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

Not required as the assessment has not identified any development standards that have been varied.

## ITEM 2 (continued)

### 9. Policy Implications

#### (a) Relevant Provisions of Environmental Planning Instruments etc:

##### **State Environmental Planning Policy No. 55 – Remediation of Land**

The *State Environmental Planning Policy No. 55 – Remediation of Land* applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The proposal involves demolition of an existing dwelling house and the construction of a residential flat building for four dwellings. Given the existing residential land use of the site, and also that the proposal remains residential in nature, contamination of the land is considered unlikely.

On this basis, the site is considered to be suitable in its present state for the proposed development and no further investigations of contamination are considered to be warranted.

##### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The development is identified under the *Environmental Planning and Assessment Regulation 2000* (Regulations) as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 813036M dated 12 April 2017) which provides the development with a satisfactory target rating. A standard condition of consent will be imposed to ensure compliance with the BASIX Certificate.

Although the applicant has submitted amended plans for the proposal, the modifications are minor and do not materially differ from the original proposal. Therefore in accordance with Regulation 55A of the EP&A Regulation, a new BASIX certificate is not considered necessary.

##### **State Environmental Planning Policy (Affordable Rental Housing) 2009**

The NSW Government's *State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009* (ARHSEPP) is designed to increase the amount and diversity of affordable housing in NSW.

Division 1 of the ARHSEPP promotes infill affordable rental housing in existing residential areas that are accessible by public transport. Developments are required to be well-located and to be designed to be compatible with the character of the locality.



## ITEM 2 (continued)

The following covers each clause under Division 1 of the ARHSEPP, and provides a comment on how the proposal performs against each of these clauses:

### **Clause 10 - Development to which Division applies**

Clause 10 of the ARHSEPP provides that for Division 1 to apply, development for the purposes of residential flat buildings (RFBs) must be permitted with consent under another environmental planning instrument. Furthermore, the site must not contain a heritage item (or interim heritage item), and must also be located within an 'accessible area'.

Ryde LEP 2014 identifies RFBs as being permitted with consent under the site's R3 Medium Density Residential zone. The subject site does not include a heritage or interim heritage item. Furthermore, the subject site is located within 400m of a bus stop that is serviced by a bus service that meets the frequency requirements of the ARHSEPP, and as such the site meets the definition of an 'accessible area' – refer to ARHSEPP compliance table in **Attachment 1** for details.

Given the above, the subject site and proposal are considered to satisfy the provisions of Division 1, and therefore be development to which Division 1 applies.

### **Clause 13 - Floor space ratios**

Clause 13 of the ARHSEPP provides an FSR bonus for RFBs that contain affordable housing. The amount of bonus floor area that may be granted is dependent on both the existing maximum FSR allowable on the land and the percentage of affordable housing that will be offered as part of the housing development.

The minimum amount of affordable housing a provider must offer in order to be granted a bonus floor space is 20 per cent of the total gross floor area (GFA) of the building.

Clause 13 provides the following formula for calculating the FSR bonus:

$$\text{formula floor space bonus} = (AH/100):1.$$

*Note: AH represents the proportion of GFA in the development which is for affordable housing.*

The applicant specifies that 25% of the building's GFA is proposed to be used for affordable housing. Therefore the bonus allows for a maximum FSR on the site of 0.75:1.

The proposed FSR is calculated at 0.67:1 which complies with this FSR limit prescribed by Clause 13.

## ITEM 2 (continued)

### **Clause 14 - Standards that cannot be used to refuse consent**

Clause 14 of the ARHSEPP includes a range of development standards that if complied with, cannot be used to refuse development consent.

Each of these development standards are explored below, along with a comment on the proposal's performance against these standards:

- Clause 14(1)(a) – repealed;
- Clause 14(1)(b) – site area minimum of 450m<sup>2</sup>. The proposal has a site area of 611.6m<sup>2</sup>, and therefore complies;
- Clause 14(1)(c) – landscaped area of at least 30% of the site area is to be provided. The proposal includes a landscaped area of 252.4m<sup>2</sup>, or 41.26% of the site, and therefore complies.
- Clause 14(1)(d) – deep soil area of not less than 15% of the site area is required, with a minimum dimension of 3m and if practicable, at least two-thirds of the deep soil is located at the rear of the site area. The proposal includes 106.35m<sup>2</sup> of deep soil area with minimum 3m width that equates to 17.38% of the site area. 72.7m<sup>2</sup> of deep soil area out of the 106.35m<sup>2</sup> deep soil zone is located at the rear of the site which equates to just over two-thirds at 68%. Accordingly, the proposal is taken to comply with the deep soil requirements of the ARHSEPP.
- Clause 14(1)(e) – three hours solar access between 9am and 3pm at the winter solstice to the living rooms and private open space to 70% of dwellings is required. The amended plans and shadow diagrams submitted with the DA demonstrate three of the four apartments within the proposed development will the solar access requirements. This has been achieved through the introduction of skylights on the upper level which was a recommendation of Council's UDRP.
- Clause 14(2)(a) – parking at a rate of 1.5 spaces per three bedroom dwellings is required. Given the proposal includes 3 x three-bedroom apartments, six (6) parking spaces is required. The proposal provides for six (6) parking spaces within the proposed semi-basement garage, and therefore complies with this development standard.

## ITEM 2 (continued)

- Clause 14(2)(b) – dwelling size minimum for three-bedroom dwellings is 95m<sup>2</sup>. The applicant's amended plans now ensure all apartments meet the 95m<sup>2</sup> minimum as follows:
  - Unit 1 – 100.14m<sup>2</sup>
  - Unit 2- 95.04m<sup>2</sup>
  - Unit 3 – 98.44m<sup>2</sup>
  - Unit 4 – 95.04m<sup>2</sup>
- Clause 14(3) – this clause simply notes that a consent authority may consent to a development whether or not compliance with the development standards under clause 14 is achieved.

However, having regard to the above, given the proposal achieves compliance with all of the development standards under clause 14 of the ARHSEPP, Council cannot refuse consent to the development on the basis of site area, landscaped area, deep soil zones, solar access, parking or dwelling size.

### **Clause 15 – Design requirements**

Clause 15 of the ARHSEPP does not apply to a development to which SEPP65 applies. Given the proposal is for an RFB containing three (3) or more dwellings, and given the building includes a partial three-storey component, SEPP65 does apply. In this instance, the design requirements of Clause 15 have no work to do.

### **Clause 16 - Continued application of SEPP 65**

Clause 16 of the ARHSEPP prescribes that nothing in the ARHSEPP affects the application of SEPP65. As outlined above, the SEPP65 applies to the proposal, and is addressed in detail within this report, and also the SEPP65/ ADG compliance table contained within **Attachment 1**.

It is noted that the proposal is generally satisfactory when having regard to the provisions of SEPP 65 and the ADG. The exceptions are those aspects of SEPP 65 that relate to the consistency of new development with the character of the local area. With regard to the ADG, it is noted the proposal includes non-compliances with the provisions relating to communal open space, ceiling heights, acoustic privacy, apartment mix, and universal design guidelines. These areas of non-compliance are addressed in more detail under the SEPP65 section of the assessment report.

## ITEM 2 (continued)

### **Clause 16A - Character of local area**

Clause 16A outlines that a consent authority must not consent to development under Division 1 (i.e. the proposed development) unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

For guidance on the compatibility of development with the character of the local area, reference is made to the NSW Land and Environment Court Planning Principle established in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 at 22-31*.

Within this planning principle, the character of the local area is to be assessed principally on the visual catchment in which the development will be viewed.

Having regard to the above, the visual catchment is generally taken to include all properties within the Lexcen Place cul-de-sac, and to a lesser extent those properties to the rear of the subject site which front Sobraon Road.

A brief account of the local area character is bullet pointed below, taking reference from the Schedule 1 of Part 3.5 of the *Ryde Development Control Plan 2014* (DCP2014) 'Guidelines for Local Area Character Assessment':

- *Building Typology* – two-storey brick dwelling houses with pitched tiled roofs;
- *Building Heights* – predominantly two-storey buildings with overall heights equal to or less than 9.5m, as per the underlying LEP2014 building height limit.;
- *Site Coverage and Floor Space Ratio* – low density environment typified by building comprising of floor space ratios (FSR) equal to or less than 0.5:1, as per the underlying LEP2014) FSR limit.
- *Scale and Form of Dwellings* – the dwelling houses within the local area are mostly detached and two-storey in height, while their form is typified by pitched roofs with both hipped and gabled stylings.
- *Frontage Treatment* – frontages within the local area are made up of grassed verges, with footpaths, select street trees, curbs and guttering. The front yards of the dwelling houses are typically grassed with garden variety low-rise vegetation planting. No front or return fences are included within the local area. Front setbacks to dwellings are in the order of 6m.
- *Building Style and Finishes* – typical of 1980s to 1990s project homes with face brick facades, and ceramic tiled roofs.

## ITEM 2 (continued)

- *View and Vistas* – the local area forms part of the Marsfield suburban neighbourhood and is not benefited by any significant views over waterways or landscape vistas.

The proposal is considered to be incompatible with the character of the local area identified above for the following reasons:

- *Building Typology* – the proposal is for a three-storey cement rendered building, with partial face brick elements;
- *Building Heights* – three-storey building;
- *Site Coverage and Floor Space Ratio* – FSR of 0.66:1 which exceeds that prescribed under the LEP2014, and is incongruous with the FSR of other buildings in the local area;
- *Scale and Form of Dwellings* – the proposed RFB will include four (4) attached dwellings over a three-storey building height. This density of dwellings is significantly greater than the one (1) dwelling per allotment arrangement on other properties within the local area.
- *Frontage Treatment* – the basement driveway ramp, private open space areas within the front setback, and also fencing within the front setback introduces discordant elements to the otherwise homogenous frontage treatments within the streetscape;
- *Building Style and Finishes* – the proposal is a contemporary design that includes a presentation to the street of predominately cement rendered finishes.

In line with *Project Venture Developments Pty Ltd v Pittwater Council*, to test whether a proposal is compatible with its context, two questions should be asked.

- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

**Comment:** The above assessment, which has taken guidance from DCP2014, clearly demonstrates the proposal's appearance is inharmonious with the buildings around it and the streetscape character of Lexcen Place.

## ITEM 2 (continued)

The proposal will see the introduction of a residential flat building to the street that contains mostly single dwelling houses. Furthermore, the modern presentation, building style, and frontage treatment will add a discordant element to Lexcen Place that is inharmonious with the homogenous nature of development that already exists in the local area.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

**Comment:** The proposal is considered to give rise to overlooking opportunities, and subsequent loss of privacy to adjoining properties, particularly those properties fronting Sobraon Road that adjoin the rear boundary of the subject site. The elevated private open space areas (approx. 1m above ground level) for Unit 1 and Unit 2 combine with the slope of the site to exacerbate overlooking of the rear private open space areas of 29, 29A and 31 Sobraon Road.

The north-eastern side elevation of the RFB will include thirteen (13) windows, eleven (11) of which are to habitable rooms. The south-western side elevation includes nine (9) windows, all of which are to habitable rooms. This proliferation of side facing windows is incommensurate to the dwelling houses adjacent, and is considered to give rise to overlooking opportunities.

The raised private open space areas to the rear, along with the lower and upper private open space areas fronting Lexcen Place, are considered to give rise to acoustic impacts that are disproportionate to the quiet surrounds currently experienced by residents of Lexcen Place who live within a lower density residential environment.

Demonstrated earlier was the proposal's inharmonious appearance within the Lexcen Place streetscape. The discordant building proposed will present a visual impact when viewed from both the public domain and from adjoining private properties.

Given the above comments, the proposal's physical impacts on surrounding development are deemed unacceptable.

The responses to the two key questions established within *Project Venture Developments Pty Ltd v Pittwater Council* demonstrate the proposal is incompatible with its existing context.

Critically, it is acknowledged the aforementioned planning principle covers situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing.

## **ITEM 2 (continued)**

On this point it is noted that subject site is currently zoned R3 Medium Density Residential under LEP2014, whereby the objectives of the zone encourage a medium density residential environment which includes residential flat buildings as a permissible form of development. This is somewhat inconsistent with the existing character of the local area which is typified by low density residential accommodation.

As such, one may initially consider it more appropriate that the character of the area be considered with regard to a medium density future, rather than that of the existing low density residential environment. However, it should be noted that as part of the assessment of the proposed development, Council undertook notification of the DA in accordance with the provisions of Section 2.1 of the DCP2014. In response, 126 submissions in objection to the proposal have been received, with almost all submissions raising concern over the current R3 Medium Density Residential zoning and the higher density housing that this zoning would permit. In particular residents have pointed out the current low density built form is one which ideally should be preserved in the local area.

On this point it is considered the proposal will be incompatible with the desired future character of the local area as evidenced by the large number of submissions received from adjoining owners. For this reason, the proposal fails to satisfy Clause 16A of the ARHSEPP.

### ***Clause 17 - Must be used for affordable housing for 10 years***

Clause 17 outlines that the affordable rental housing component of the proposed development is to be secured for a minimum of 10 years and managed by a registered Community Housing Provider (CHP). Pursuant to Clause 17(1)(b) of the ARHSEPP, the mechanism for securing this outcome is via a restriction registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919.

The proposal has nominated one (1) apartment to be used as affordable housing in accordance with this clause. Accordingly, should the DA be approved a condition of consent requiring the apartment to be maintained as affordable housing by a CHP for 10 years will be included.

### ***Clause 18 – Subdivision***

Clause 18 of the ARHSEPP prescribes that land on which development has been carried out under Division 1 may be subdivided with the consent of the consent authority.

## **ITEM 2 (continued)**

The current proposal does not include subdivision. It is noted the applicant outlines within their submitted Statement of Environmental Effects that it is their intention to lodge a separate DA for strata subdivision of the building in the future, should the DA be approved.

### **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

A full assessment of the proposal under the relevant provisions of SEPP 65 and the *Apartment Design Guide* (ADG) is provided within the compliance table held in **Attachment 1**. The non-compliances identified in the table are assessed in detail below.

#### **Assessing Officer’s Foreword:**

Clause 4 of SEPP65 states the policy applies to the erection of a new RFB that is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and contains at least 4 or more dwellings.

The proposal is for the construction of a part-two part-three storey RFB containing four (4) x three-bedroom dwellings.

Although comprising only two (2) levels of residential apartments, the partial three-storey component is a result of the semi-basement car park extending more than 1.2m above the existing ground level. For this reason, SEPP65 is applies.

#### **Schedule 1 - Design Quality Principles**

The following outlines those design quality principles under Schedule 1 of SEPP65 which are considered to be offended by the proposed development:

##### **Principle 1: Context and neighbourhood character**

For the reasons raised in relation to the proposal’s performance against Clause 16A of the ARHSEPP earlier in this report, it is considered the proposal fails to respond and contribute to its context.

##### **Principle 2: Built form and scale**

The three-storey RFB is of a scale, bulk and height (in terms of storeys) that is inconsistent with the existing and desired future character of the street as evidenced by the overwhelming public objection to the proposal, the medium density future of the area.



## **ITEM 2 (continued)**

### Principle 3: Density

The existing dwelling density for the local area is typified by detached dwelling houses on allotments with areas of approximately 600-700m<sup>2</sup>. As such, an average dwelling density of 1 dwelling per 650m<sup>2</sup> results. The proposal includes four (4) dwellings on an allotment of land that has an area of 611.6m<sup>2</sup>, which presents a dwelling density that is substantially higher than that of the local area.

When expressed as a FSR, the build form density of the subject site varies the 0.5:1 FSR limit by 34% - i.e. 0.67:1.

### Principle 5: Landscape

This principle outlines that a positive image and contextual fit for developments should be achieved by contributing to the landscape character of the streetscape and neighbourhood.

Demonstrated earlier in this assessment when reviewing the proposal against the character requirements of the ARHSEPP, it was noted the proposal's inclusion of private open space within the front setback, along with a basement driveway ramp and fences detract from the homogenous treatment of front boundary setbacks within Lexcen Place. Accordingly, the proposal is not considered to positively contribute to the landscape character of the streetscape.

### Principle 6: Amenity

As evidenced with the ADG assessment below, and also the character assessment earlier in this letter, the proposal presents opportunities for overlooking and subsequent loss of privacy, along with acoustic and visual impacts to adjoining property and the public domain. As such, the proposal is not considered consistent with the amenity principle of SEPP65 which encourages good internal and external amenity design outcomes.

Furthermore it is noted that proposal fails to achieve compliance with the minimum dwelling sizes and floor to floor heights of the ADG which would also compromise internal amenity.

### Principle 8: Housing diversity and social interaction

The proposal comprises entirely of three-bedroom dwellings. As such, the development fails to achieve consistency with the dwelling mix guidelines established within the ADG, and therefore cannot be seen to promote housing diversity.

## **ITEM 2 (continued)**

Furthermore the proposal includes a non-compliant level of communal open space areas, which compromises the opportunities for social interaction within the development.

### **Principle 9: Aesthetics**

This principle outlines how the visual appearance of a well-designed apartment development should respond appropriately to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

As outlined earlier, the proposal includes large expanses of cement rendered brickwork presenting to Lexcen Place. This appearance is in stark contrast to the mostly face brick detached dwelling houses within the street.

Accordingly, it is considered that the proposal does not appropriately respond to the existing or future local context, nor does it include desirable elements and repetitions of the streetscape.

### **Non-Compliances with ADG**

#### **1. Part 3D – Communal and Public Open Space**

The proposal is considered to be inconsistent with the following objective and design criteria in relation to the public domain interface:

##### *Objective 3D-1*

- Communal open space has a minimum area equal to 25% of the site
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)

The development has incorporated 12% (73.26m<sup>2</sup>) of the site as communal open space. This does not comply with the ADG minimum requirement of 25% of the site to be communal open space. The location and size of the communal open space within the front setback and side setback areas does not provide for recreational opportunities or communal activities. The accessibility for residents to the communal open space is poor with only one access point for Unit 1.

The proposed communal open space area will receive direct sunlight to 50% of the communal open space within the northern setback for a minimum of 2 hours between 9am and 3pm on 21 June.

## ITEM 2 (continued)

### 2. Part 4C – Ceiling Heights

The proposal is considered to be inconsistent with the following objectives and design criteria in relation to ceiling heights:

*Objective 4C-1 – Ceiling height achieves sufficient natural ventilation and daylight access.*

*Design Criteria – Minimum ceiling height for habitable rooms is 2.7m.*

*Objective 4C-2 – Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms*

The proposed floor to floor heights for the ground floor of the building is 3m, which is contrary to the design guideline set out in Section 4C of the ADG. The upper level shows floor to ceiling heights of 2.7m.

The minimum floor to floor height for residential flat buildings is 3.1m to allow for services and fittings with the bulkhead of the floor in order to achieve a 2.7m clearance from floor to ceilings.

When taking into consideration floor coverings and bulkheads, the proposed 3m floor to floor height is considered to provide for a poorer sense of space in the apartments.

The following drawing (Section 2 as per the applicant's amended DA plans) is included below, and shows the floor to floor heights of the development. As noted above, these would be reduced slightly when floor coverings and bulkheads are included, reducing the internal amenity of the development.



**Cross Section of proposed development, showing floor to floor heights.  
Source: Applicant amended DA plans, marked up.**

## **ITEM 2 (continued)**

### **3. Part 4D – Apartment Size and Layout**

The proposal is considered to be inconsistent with the following objectives and design criteria in relation to apartment size and layout:

*Objective 4D-1 – The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity*

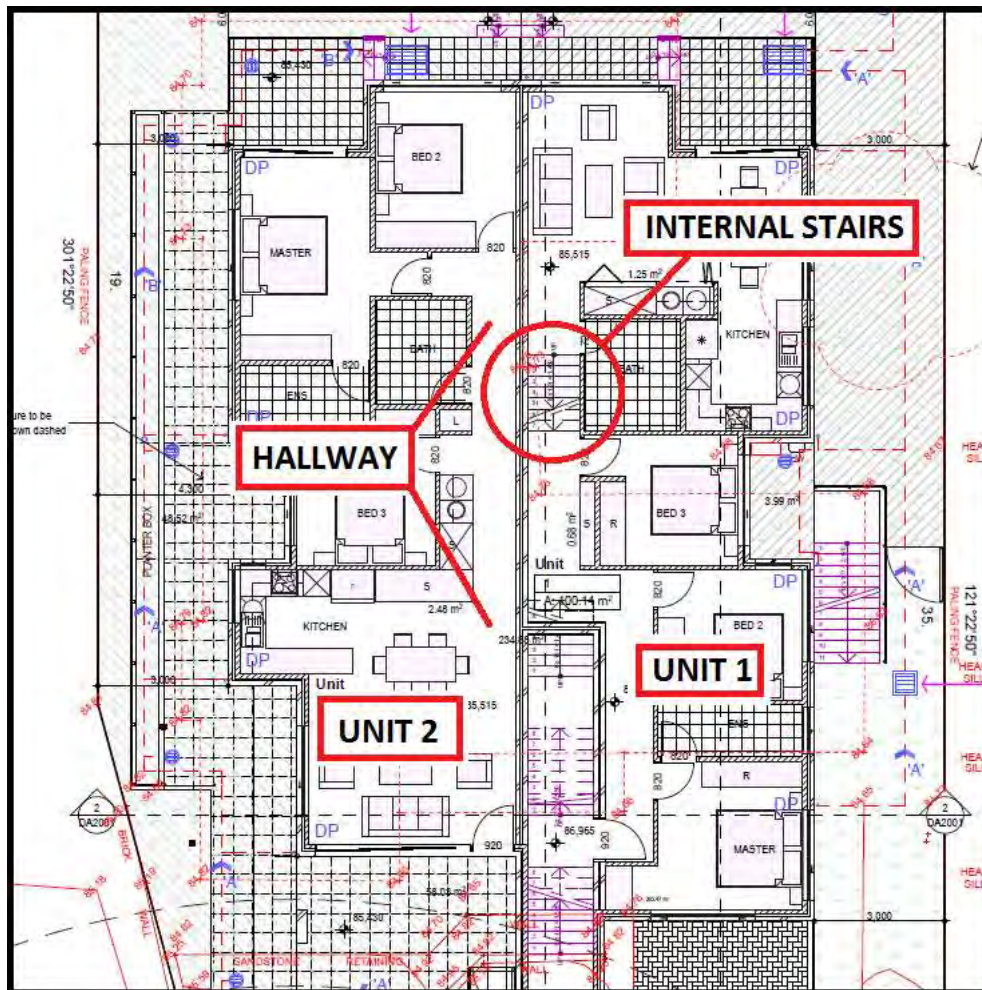
While it is acknowledged the applicant's amended plans have now ensured all apartments meet the minimum areas prescribed by the ADG, it is argued the poor layout of the apartments offends the objective of this guidelines outlined above.

In particular, the UDRP comments on the excessive amount of hallway areas is noted, along with the inclusion of staircases within the Unit 1 and Unit 3 of the development.

These elements detract from the functionality and standard of amenity afforded to residents of these apartments.

The following drawing is included below (ground floor plan as per the applicant's amended DA plans), and illustrates the length of hallway (unit 2) and inclusion of internal staircases (unit 1). It is noted that only the ground floor plan is provided for illustrative purposes only, and the first floor plan is similar to the ground floor plan.

**ITEM 2 (continued)**



Ground Level floor plan of proposed development, showing length of hallway (unit 2) and internal stairs (unit 1).

Source: Applicant amended DA plans, marked up.

**4. Part 4H – Acoustic Privacy**

The proposal is considered to be inconsistent with the following objectives and design criteria in relation to acoustic privacy:

*Objective 4H-1 – Noise transfer is minimised through the siting of buildings and building layout*

*Design Guidance – Window and door openings are generally orientated away from noise sources*

*Objective 4H-2 – Noise impacts are mitigated within apartments through layout and acoustic treatments.*

## ITEM 2 (continued)

*Design Guidance – Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:*

- *rooms with similar noise requirements are grouped together*
- *doors separate different use zones*
- *wardrobes in bedrooms are co-located to act as sound buffers*

The proposed development does not minimise noise transfer through the siting of the building and layout as the living room areas of Unit 1 are located adjacent to the bedroom areas of Unit 2.

However Units 3 and 4 have good building layout and acoustic treatments as the living room areas of Unit 3 are located adjacent to the living room areas of Unit 4 and the bedroom areas of Unit 3 are located adjacent to the bedrooms of Unit 4.

It is noted the communal open space area and basement garage exit on the northern elevation is located less than the minimum of 3m from the bedrooms of Unit 2.

Given the above, the objectives for minimisation of noise transfer and mitigation of noise impacts within apartments is not achieved.

### **5. Part 4K – Apartment Mix**

The proposal is considered to be inconsistent with the following objectives in relation to apartment mix:

*Objective 4K-1 – A range of apartment types and sizes is provided to cater for different household types now and into the future*

Design guidance – The apartment mix must be is appropriate, taking into consideration:

- *the distance to public transport, employment and education centres*
- *the current market demands and projected future demographic trends the demand for social and affordable housing*
- *different cultural and socioeconomic groups*

*Design guidance – Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households*

## **ITEM 2 (continued)**

The development has not incorporated a range of apartment types and sizes. The development has proposed 4 x 3-bedroom apartments with a very similar sizes and layouts.

No evidence has been submitted by the applicant to demonstrate the proposed apartment mix aligns with current market demands and/or future demographic trends, or socio/economic groups.

Furthermore, the proposal includes no lift or platform lift to provide disabled access to Units 3 and 4 on the top level of the building. As such, it is argued the proposal does not support diverse household types and stages of life for people to age in place or accommodate multi-generational families.

### **6. Part 4M – Facades**

The proposal is considered to be inconsistent with the following objectives in relation to facades:

*Objective 4M-1 – Building facades provide visual interest along the street while respecting the character of the local area*

As covered earlier in this report, the proposal's large expanses of rendered brickwork presenting to Lexcen Place does not respect the character of the local area with is predominated by face brick dwelling houses.

### **7. Part 4Q – Universal Design**

The proposal is considered to be inconsistent with the following objectives in relation to universal design:

*Objective 4Q-1 – A variety of apartments with adaptable designs are provided.*

*Design guidance – Design solutions for adaptable apartments include: convenient access to communal and public areas*

*Design guidance – Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.*

No evidence has been submitted by the applicant to demonstrate a minimum 20% of dwellings achieve the Liveable Housing Guidelines.

## ITEM 2 (continued)

It is noted that an access report has been submitted and states the proposed development is compliant with Code (NCC)-2016/BCA Part D3, Disability (Access to Premises-Buildings 2010) as a level pedestrian ramp grade is achieved from the street to ground level apartments.

It is noted the building does not include a lift, and as such disabled access to the upper level units (i.e. Unit 3 and 4) is not achievable.

Furthermore no convenient or disabled access is available to the communal open space area within the northern side setback. Access is only available via the stairs from the semi-basement garage, for exiting the property to the street, then entering the communal open space on the northern side of the basement driveway ramp.

## Ryde Local Environmental Plan 2014

### Zoning

Under the *Ryde Local Environmental Plan 2014* (RLEP2014) the zoning of the subject site is R3 Medium Density Residential. Within the R3 zone, 'residential flat buildings' are identified as being permitted with consent.

Within the dictionary of the RLEP2014 'residential flat buildings' are defined as follows:

***residential flat building*** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

With regard to the above, it is noted the proposal is for a building containing four (4) dwellings that is not an attached dwelling nor multi-dwelling housing. In this regard, the proposed development, being a 'residential flat building', is permitted with consent.

The proposal is considered capable of satisfying the objectives for medium density residential development. To demonstrate this, each of the objectives for the R3 zone are included below, followed by a comment from the assessing officer:

- To provide for the housing needs of the community within a medium density residential environment.

***Comment:*** The proposal is considered to be consistent with the built form density of what one would expect within a medium density housing zone. Although the proposal is for a residential flat building, only four (4) dwellings are proposed. Furthermore, the building maintains a compliant 8.619m building height (well below the 9.5m limit), and a compliant FSR of 0.66:1 which is substantially compliant with the 0.75:1 limit that applies when taking into account the provisions of the ARHSEPP.



## ITEM 2 (continued)

- To provide a variety of housing types within a medium density residential environment.

**Comment:** The local area is typified by large two-storey dwelling houses, with some multi dwelling housing development interspersed between. Accordingly, the proposed residential flat building development will introduce a new housing type to the local area, and therefore satisfy the requirements of this objective to provide for a variety of housing types within a medium density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**Comment:** The proposal is not considered to impact on the ability for other land to provide facilities or services to meet the day to day needs of residents.

- To encourage revitalisation, redevelopment and housing choice in a residential area.

**Comment:** The proposal will replace an existing dwelling house with four (4) three-bedroom dwellings within a residential flat building. As such, the proposal constitutes redevelopment of land that will increase housing choice in an area that is predominated by dwelling houses. Therefore compliance with this objective is achieved.

### Remaining provisions

Compliance with remaining development standards and provisions of the LEP2014 which may be relevant to this application is considered in the following Table:

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause - 2.6 Subdivision	The application does not include consent for the strata subdivision of the building.	N/A
Clause - 4.3 Building height	Maximum permitted height is 9.5m. The proposed height is assessed as being 9.027m. This occurs at the eastern front portion of the building where the upper storey pitched/gabled end fronting the street is located above the ground floor and basement adjacent to Lexcen Place. At this point the upper roof is at RL93.667 and the existing ground level below is at RL84.64	Yes

**ITEM 2 (continued)**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
Clause - 4.4 FSR	<p>The maximum FSR prescribed for the site is 0.5:1. However, the proposed development will include 25% GFA as affordable housing. Under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>, 25% of the GFA to be used as affordable housing equates to a bonus FSR of 0.25:1. Therefore the maximum FSR of the site is 0.75:1. Given the site area is 611.6m<sup>2</sup>, this means that development on the site must have a maximum gross floor area (GFA) of 458.7m<sup>2</sup>.</p> <p>The GFA for the proposal has been assessed as 408m<sup>2</sup> which equates to 0.67:1, given the site area of 611.6m<sup>2</sup>.</p>	Yes
Clause - 5.1A Land intended to be acquired for a public purpose	The site is not shown on the Land Reservation Acquisition Map for LEP2014 as being required for future public purposes.	N/A
Clause - 5.10 Heritage	As per Schedule 5 of LEP2014 and as per the heritage maps contained under LEP2014, the subject site is not identified as a heritage item nor is the site adjacent to or in the near proximity of a heritage item. The site is also not located within a heritage conservation area.	Yes
Clause - 6.1 Acid sulphate soils	The subject site is not mapped as affected by Acid Sulphate Soils under LEP2014.	N/A
Clause - 6.2 Earthworks	<p>Clause 6.2 of LEP2014 aims to ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>As noted previously, it is noted that no geotechnical report has been submitted with the DA, however a geotechnical report would not be required given that the site is not located within an area affected by</p>	Yes (could be addressed via conditions)

**ITEM 2 (continued)**

<b>Clause</b>	<b>Comment</b>	<b>Complies</b>
	landslip or slope instability. Council would normally address potential impacts on neighbouring properties via dilapidation reports (pre-commencement and post-construction) which could be imposed via conditions of consent.	
Clause - 6.4 Stormwater management	<p>It is noted that the proposal has been referred to Council's Senior Co-ordinator – Development Engineering for assessment as part of this development. As noted in the Referrals section of this report (below), Council's Senior Co-ordinator Development Engineering has advised that although the Site benefits from a drainage easement, it is not clear if there is a pipe within the easement. The applicant would be required to carry out a dye test by a registered plumber to confirm that the easement contains a pipe. Appropriate certification would also need to be provided.</p> <p>However, in the absence of this information, it cannot be confirmed that the development is satisfactory in terms of Clause 6.4 of Ryde LEP 2014.</p>	<b>No</b>

**(b) Any draft environmental planning instruments (i.e. LEPs)**

No draft environmental planning instruments have been identified as being applicable to the proposed development.

**(c) The provisions of any development control plan applying to the land**

**Ryde Development Control Plan 2014**

Part 2 - Administration

Part 2.1 'Notification of Development Applications' applies to the proposed development. The development has been notified to neighbours and advertised in accordance with the requirements of this Part of the DCP, as discussed in the Submissions section of this report.

## **ITEM 2 (continued)**

### Part 3 – Development Type

Part 3 of Council's DCP2014 contains development controls for the following development types:

- Brothels,
- Child Care Centres
- Dwelling Houses and Dual Occupancy
- Multi Dwelling Housing; and
- Boarding Houses.

Given the proposal is for a RFB, the above DCP2014 provisions do not apply. Instead the provisions of the ADG are referred to for guidance on apartment design.

### Part 7 – Environment/ Part 8 – Engineering/ Part 9 – Other Provisions

These sections of the DCP2014 include planning controls that apply to the proposed development, such as waste minimisation and management, stormwater management, driveways, encumbrances, access and parking controls.

As part of the assessment of the DA, the proposal has been referred to Council's Waste Officer to ascertain compliance with the relevant development controls relating to waste minimisation and management.

The DA was also referred to Council's Senior Co-ordinator – Development Engineering to comment on matters associated with stormwater drainage, vehicular access, parking and easements.

For details on how the proposal performs against these technical provisions of the DCP2014, reference should be made to the relevant referral section of this report.

## **10. Likely impacts of the Development**

### **(a) Built Environment**

The likely impacts of the proposed development on the built environment have been considered in the assessment.

As discussed throughout this report, the proposal has been subject to a rigorous assessment in terms of the provisions of SEPP 65, as well as referral of the proposal to the Urban Design Review Panel (UDRP).

The Assessment Officer's assessment, and consideration of the proposal by the UDRP agree the proposal will be an incongruous development within the Lexcen Street the following reasons:

## ITEM 2 (continued)

- *Building Typology* – the proposal is for a three-storey cement rendered building, with partial face brick elements in an area that is dominated by single dwelling houses with full face brickwork;
- *Building Heights* – a three-storey building is proposed in an area that is dominated by two-storey high buildings only;
- *Site Coverage and Floor Space Ratio* – The proposal includes an FSR of 0.67:1 which exceeds that prescribed under the LEP2014, and is incongruous with the FSR of other buildings in the local area which would appear to be at 0.5:1 or less;
- *Scale and Form of Dwellings* – the proposed RFB will include four (4) attached dwellings over a three-storey building height. This density of dwellings is significantly greater than the one (1) dwelling per allotment arrangement on other properties within the local area;
- *Frontage Treatment* – the basement driveway ramp, private open space areas within the front setback, and also fencing within the front setback introduces discordant elements to the otherwise homogenous frontage treatments within the streetscape;
- *Building Style and Finishes* – the proposal is a contemporary design that includes a presentation to the street of predominately cement rendered finishes.

With regard to the proposal's compatibility with the local area, it is considered the RFB will give rise to overlooking opportunities, and subsequent loss of privacy to adjoining properties, particularly those properties fronting Sobraon Road that adjoin the rear boundary of the subject site. The elevated private open space areas (approx. 1m above ground level) for Unit 1 and Unit 2 combine with the slope of the site to exacerbate overlooking of the rear private open space areas of 29, 29A and 31 Sobraon Road.

Given the above comments, the proposal's physical impacts on surrounding development are deemed unacceptable, and as such the impacts of the proposal on the built environment cannot be supported.

### (b) Natural Environment

The likely impacts of the proposal on the natural environment have been considered in this assessment. The proposal is not shown on Council's mapping to be subject to any sensitive environmental hazards, such as flooding, bush fire, acid sulphate soils, riparian land, endangered urban bushland or slope instability. Furthermore, the proposal will not result in the removal of any significant vegetation.

## **ITEM 2 (continued)**

On this basis, the proposal is considered to be acceptable when having regard to its impact on the natural environment.

### **11. Suitability of the site for the development**

The suitability of the site for the proposed development has been considered in the assessment.

The proposal has been determined to be inconsistent and incompatible with the current and likely future character of the local area. The incompatibility is based on the following issues which are covered in more detail in the preceding section on the proposal's incompatibility with the Built Environment:

- Building Typology
- Building Heights
- Site Coverage and Floor Space Ratio
- Scale and Form of Dwellings
- Frontage Treatment
- Building Style and Finishes
- Visual Privacy Impacts
- Acoustic Privacy Impacts.

Given the above comments, the proposal's physical impacts on surrounding development are deemed unacceptable, and will pose design challenges and constraints on the development potential of surrounding sites.

For this reason the proposal is considered not to be a suitable development for the subject site.

Furthermore, the proposal's inability to achieve satisfactory compliance with the planning provisions contained within the ARHSEPP and SEPP65 is further evidence that the proposed RFB is unsuitable for the site.

### **12. The Public Interest**

It is considered that the proposal is not in the public interest for the reasons discussed in the following paragraphs.

Following the notification of the subject DA in accordance with Council's DCP2014, an overwhelming response objecting to the proposal has been received from the public. This has included 126 submissions all raising significant concern with the proposal, its suitability for the subject site, and importantly its incompatibility with the prevailing low density character of the local area.

## ITEM 2 (continued)

Typically, the submissions received in objection to a DA alone are not considered to be demonstrative of the wider public interest, however when such a large response is received by Council, this significant community objection cannot be ignored.

There is also a general public interest in ensuring the relevant planning provisions contained within environmental planning instruments, policy guidelines and development control plans are upheld. As demonstrated within this report, there are a number of critical non-compliances demonstrate with the ARHSEPP and SEPP65 that are unjustifiable when having regard to the objects of those planning controls. In this regard, the proposal's non-compliance with these planning provisions can be seen as further evidence why the proposal is not in the public interest.

It is acknowledged there is a public interest in the provision of affordable housing which is demonstrated within the City of Ryde's Affordable Housing Policy 2016-2031. However the provision of one (1) affordable housing dwelling (for ten (10) years only) in the proposed development must be considered within the context of the proposal's inability to comply with the relevant planning controls, and also the significant number of submissions received by Council in objection to the proposal.

Therefore, on balance, despite the positive contribution to affordable housing, the negative aspects of the proposal demonstrated within this report support the argument the proposal is not in the public interest.

## 13. Consultation – Internal and External

### Internal Referrals

**Senior Co-ordinator – Development Engineering:** Has undertaken a review of the proposal and provided the following comments:

#### Stormwater Management

*The subject property slopes to the rear and is benefitted by an easement to drain water. However, it is not clear if there is an existing pipe within the easement.*

*The proposed stormwater management system for the development discharges to the rear easement via an underground OSD tank located within the rear porch area. The volume and the details of the OSD tank comply with Council's DCP requirements.*

## ITEM 2 (continued)

### Vehicle Access and Parking

*Parking for the development has been proposed in the basement with a 5.5m wide driveway at the boundary and narrowing to the ~3.7m wide entry door to the basement.*

*As noted in the SEE, the application has been submitted under the provisions for the SEPP (Affordable Rental Housing) which, under Clause 14 (Standards which cannot be refused development consent), Section (2)(a)(ii) states;*

*In any other case-at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,*

*Council's DCP Part 8.3 requires 1.4 to 1.6 spaces for three bedroom flat buildings and 1 visitor parking space for 5 dwellings. The development consists of four three- bedroom units and requires 5.6(6 spaces) to 6.4(seven spaces) parking spaces. **However the development does not provide for any visitor parking spaces.***

*The development complies with the minimum parking requirement of 6 spaces.*

*The access driveway to the basement car park has a steep gradient (23.7%). The applicant has not provided any long sections to demonstrate that driveway gradients can be achieved.*

*The parking layout as proposed has some problems in accessing the last two south-eastern parking spaces. The vehicles coming down the driveway have to turn 180 degrees towards these spaces and do a S-turn into the parking space. Entry and exit to these two parking spaces cannot be done using a simple three point turn.*

### Waste and Service Requirements

*See CW & I comments.*

### Recommendation

*Assessment of the engineering components of the proposed development has revealed the following matters need to be addressed;*



## ITEM 2 (continued)

- *The levels as shown on the drainage plan indicates that access driveway gradients to the basement carpark do not comply with AS 2890.1. Levels need to be revised and a long section of the driveway from gutter level to the basement car park is to be provided.*
- *Access to the two parking spaces on the south-eastern side of the basement carpark requires vehicles to turn 180 degrees from the access ramp and do a S-turn into the parking spaces. This will be an extreme difficult manoeuvre for occupants and the car park layout should be revised for easy three point manoeuvre into and from these two parking spaces.*
- *Demonstrate that a pipe exists within the easement at rear. A dye test should be carried out by a registered plumber and a certification from the plumber indicating that a pipe exists within the easement is required.*

Assessment Officer's Comment: The above comments from Council's Senior Co-ordinator Development Engineering indicates some issues of concern regarding the driveway gradients to the basement carpark, the design of the basement car park (access to two of the car spaces), as well as uncertainty that a drainage pipe exists within the easement at the rear of the site.

In relation to the easement, a review of the deposited plan (DP 718680) for the subject land confirms that the site benefits from an easement to drain water, meaning that they have a legal right to discharge stormwater through this easement and on into Council's drainage system. However, it is not known whether or not a pipe exists within this easement. In this regard, the applicant would be required to demonstrate that a pipe exists within the easement, which is a relatively simple matter where a registered plumber carries out a dye test and provides certification to Council that a pipe exists within the easement.

However, the matters relating to the driveway gradients and basement car parking layout are more significant and could potentially require a re-design of the basement carpark and driveway access to the car park.

These are further reasons why this development is considered to be unacceptable at the subject site and is recommended for refusal. So therefore, these issues of concern raised by Council's Senior Co-ordinator – Development Engineering have not been raised with the applicant for their attention because to do so could imply that the development may be satisfactory if these issues are resolved.

Furthermore, issues of concern regarding waste storage areas have been identified by Council's Waste Officer (see Referral comments below), which has the potential to require further design issues to be resolved in relation to the basement car park.

## **ITEM 2 (continued)**

**City Works and Infrastructure:** The proposal was referred to Council's City Works and Infrastructure directorate for consideration in terms of traffic and waste issues. The following comments have been provided:

### Comments from Traffic Officer:

*The proposed development (i.e. 4 x 3-bedroom units) is likely to produce two (2) additional vehicle trips in the peak hour. This is considered negligible on the surrounding road network.*

*In accordance with Clause 14 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, six (6) car parking spaces are proposed for four 3-bedroom units (i.e. 1.5 spaces per 3 bedroom unit). This complies with the requirements of the Affordable Rental Housing SEPP and is therefore acceptable.*

### Comments from Waste Officer:

*The plans do not show where the waste and recycling bins will be stored and the waste management plan does not give any details of ongoing management of the waste. Please provide these details. Bin configuration will need to be 2 x 240L waste bins and 2 x 240L recycle bins.*

Assessment Officer's Comment: Although the basement level includes various storage areas – as required for the residential units above, there is no designated area provided for waste bin storage (ie garbage or recycling bin storage area). The design of the basement level would therefore need to be adjusted to include garbage/recycle storage areas, which could require a significant re-design of the basement. These are further reasons why this development is considered to be unacceptable at the subject site and is recommended for refusal.

## **Urban Design Review Panel:**

As discussed in the Background section of this report, the proposal was referred to Council's Urban Design Review Panel (URDP) for assessment under the provisions of SEPP 65.

As noted previously, at the time of writing this report, formal meeting notes from the UDRP in relation to this DA have not been prepared. However the UDRP raised a number of issues of concern regarding the design and external appearance of the proposal, as well as solar access.

## **ITEM 2 (continued)**

The applicant has submitted amended plans in response to the issues of concern raised by the UDRP, and also the areas of non-compliance with the provisions of the ADG. While the amended plans have addressed some aspects of non-compliance with the ADG, many of the issues raised by the UDRP remain outstanding. These include the following issues:

- Despite the improved roof presentation to Lexcen Place, Council still has concerns with the proposal's inability to be consistent or compatible with the context/ character of the local area.
- Many aspects of the building layout still remain of concern. These include the excessive hallway and corridor areas within the apartments which lead small rooms. Criticism over the split level design for Unit 1 and Unit 3 as maintained as this arrangement has not been modified.
- The access arrangements for the building still include no internal access to the basement garage. Furthermore the upper level units are inaccessible to less mobile people with no lift or platform lift proposed.
- No change to the orientation of the private open space area and living rooms areas is included, and as a result, visual privacy issues are still inherent to the building's design.
- ADG non-compliances with ceiling height, privacy, acoustics, universal design, and apartment mix are still present with the amended design.

### External Referrals

None.

## **14. Critical Dates**

There are no critical dates or deadlines to be met.

## **15. Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

## **16. Other Options**

The recommendation of this report is refusal due to the numerous issues of concern raised with the design as currently submitted and the significant level of community opposition to the proposal.

## ITEM 2 (continued)

The only practical alternative recommendation would be approval subject to conditions. Although some of the issues of concern may be able to be addressed via conditions of consent, this alternative of approval subject to conditions is not recommended because of the fundamental issues of concern with the design as currently submitted – in particular the inconsistency of this type of development with the character of the area. There are also particular design issues of concern that are un-resolved in relation to the basement level, including carpark design, lack of waste storage areas, and driveway gradients to the basement.

Another alternative to the refusal recommendation would be a further deferral of the DA to enable the applicant to submit further amended plans. However this is not recommended, given that the applicant has already submitted amended plans with this application, and the overall quantum of design changes required for this development to be considered satisfactory would be significant and would be beyond what is considered acceptable when amending a development application under Section 55 of the *Environmental Planning and Assessment Regulation 2000*. It is noted that this Section of the EP&A Regulations states that acceptance of amended plans is at Council's discretion.

## 17. Conclusion

The application seeks consent for demolition of all existing structures, and then construction of a new residential apartment building comprising four (4) x three-bedroom apartments over a semi-basement parking level for 6 vehicles, pursuant to the ARHSEPP. The application has been assessed against the matters for consideration under Section 79C of the Act.

As demonstrated in this report, the proposal has been assessed as being inconsistent with a wide range of provisions of SEPP65, the ADG, and the ARHSEPP. The proposal will have unacceptable impacts on the built environment, being an unsuitable site for the development, and not being in the public interest.

For the reasons detailed in this report and as indicated in the Recommendation of this report above, the DA is recommended for **REFUSAL** pursuant to Section 80(1)(b) of the Act.

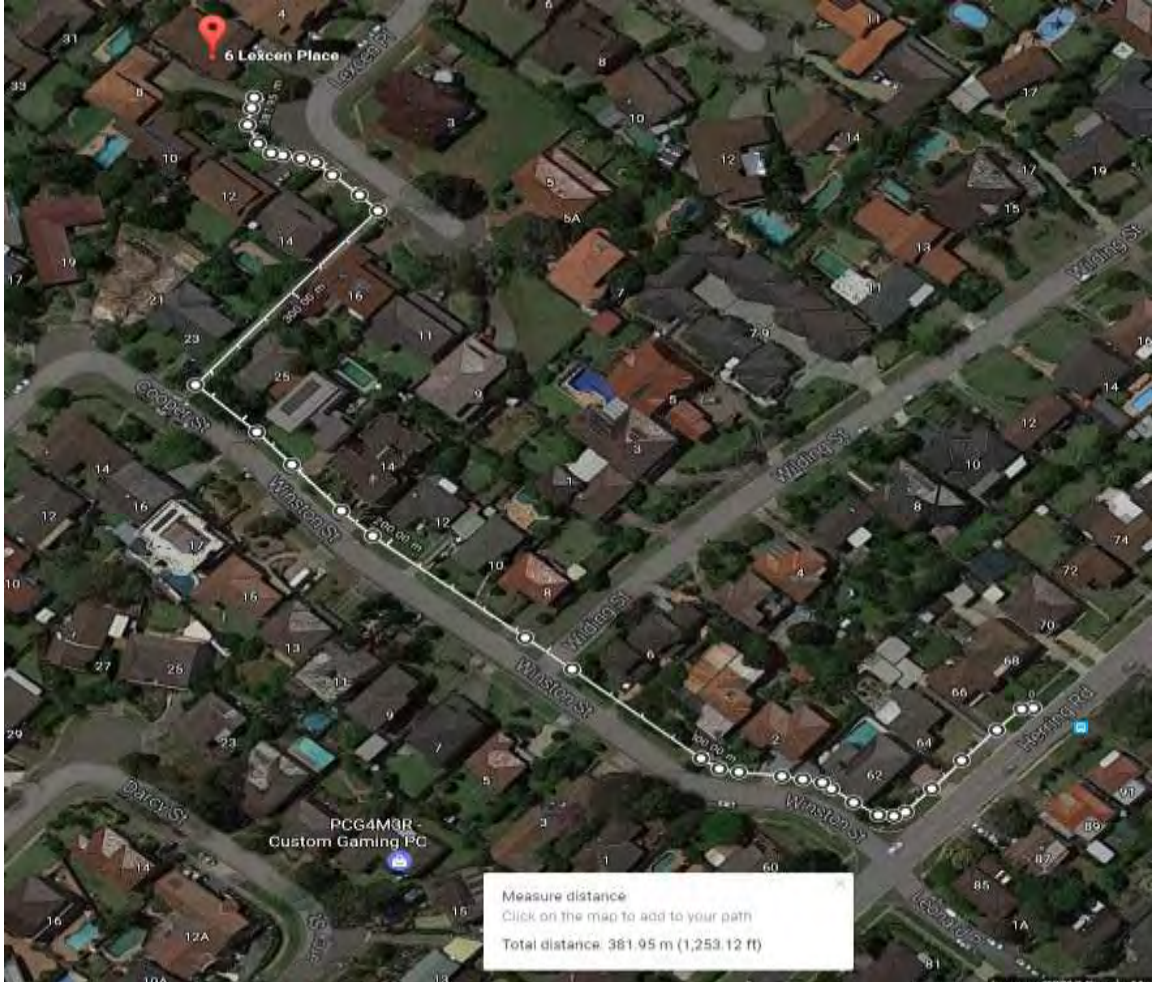
**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
<b>State Environmental Planning Policy (Affordable Rental Housing) 2009</b>			
<b>Division 1 In-fill affordable housing</b>			
<b>10 Development to which Division applies</b>	(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:	The proposed development is for the purposes of a residential flat building.	Yes
	(a) the development concerned is permitted with consent under another environmental planning instrument, and	The proposed development is for a residential flat building which is permitted with consent under the site's R3 Medium Density Residential zone in the Ryde Local Environmental Plan 2014 (RLEP2014).	Yes
	(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.	<p>A review of Council's RLEP2014 mapping does not identify a heritage item on the site, nor is there an interim heritage order or state heritage item on the land.</p> <p>No heritage items have been identified within the near vicinity, and the subject site is not located within a heritage conservation area.</p>	Yes
	(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	As at 29 May 2017, the subject site is located within an accessible area and is located within 400m (381.95m) walking distance of a bust stop (Bus Stop ID: 212251), (See <b>Figure 1</b> below) used by a regular bus service (288) every hour from Monday to Friday between 6am and 9pm and Saturdays and Sundays every hour from 8am to 6pm. Other bus services such as the 507 and 518 also service this stop. Refer to <b>Figure 1</b> below for compliant walking distance to the aforementioned bus stop.	Yes

ITEM 2 (continued)

ATTACHMENT 1

Clause	Requirement	Proposed	Complies?
 <p><b>Figure 1</b> – Map showing 381.95m walking distance to accessible bus stop service. Source: <a href="http://www.googlemaps.com">www.googlemaps.com</a></p>			
	<p>(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.</p>	<p>The subject site is located within the Sydney region and therefore this clause does not apply</p>	<p>N/A</p>

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
<b>13 Floor space ratios</b>	(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	<p>The Statement of Environmental Effects nominates one (1) unit will be used for the purposes of 'affordable housing' which constitutes approximately 25% of the GFA of the development.</p> <p>Although not shown on the plans which unit is to be nominated as 'affordable' this can be conditioned in accordance with clause 17 of the ARHSEPP.</p>	Yes
	(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:	The existing maximum FSR permitted under the RLEP2014 is 0.5:1. The proposal includes 25% GFA to be used as affordable housing which equates to a bonus FSR of 0.25:1. Therefore the maximum FSR is 0.75:1.	
	(a) if the existing maximum floor space ratio is 2.5:1 or less:	The existing maximum FSR is 2.5:1 or less.	
	(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or	Less than 50% affordable housing proposed.	N/A
	(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:  AH is the percentage of the gross floor area of the development that is used for affordable housing.  $Y = AH \div 100$  or	<p>25% of GFA proposed to be used for affordable housing. Therefore the bonus FSR allows for a maximum FSR on the site of 0.75:1.</p> <p>Note: The proposed FSR is calculated at 0.66:1 which complies with this FSR limit.</p>	Yes
	(b) if the existing maximum floor space ratio is greater than 2.5:1:	Existing maximum FSR is not greater than 2.5:1.	N/A
	(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for	As above	N/A

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
	affordable housing is 50 per cent or higher, or		
	(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:  AH is the percentage of the gross floor area of the development that is used for affordable housing.  $Z = AH \div 2.5$ .	As above	N/A
	(3) In this clause, gross floor area does not include any car parking (including any area used for car parking).  Note. Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> .	Noted.	
<b>14 Standards that cannot be used to refuse consent</b>	<b>(1) Site and solar access requirements</b> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:	In accordance with Clause 14(3), non-compliance with these development standards does not mean that Council must refuse the application. Rather, it simply means that the particular standard that is not complied with is not ruled out as a potential reason for refusal.	
	(a) (Repeated)		
	<b>(b) site area</b> if the site area on which it is proposed to carry out the development is at least 450 square metres,	Site area = 611.6m <sup>2</sup> .	<b>Yes</b>
	<b>(c) landscaped area</b> if:		
	(i) in the case of a development	Development Application is not	N/A



**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
	application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or	being made by a social housing provider	
	(ii) in any other case—at least 30 per cent of the site area is to be landscaped,	252.40m <sup>2</sup> or 41.26% of the site is proposed to be landscaped area.	Yes
	<p><b>(d) deep soil zones</b></p> if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:		
	(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and	106.35m <sup>2</sup> or 17.38% of the site is proposed to be deep soil area.	Yes
	(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	Only deep soil areas with minimum dimensions of at least 3m have been included in the above calculation.	Yes
	(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	72.7m <sup>2</sup> of deep soil area out of the 106.35m <sup>2</sup> deep soil zone is located at the rear of the site which equates to just over two-thirds at 68%.	Yes
	<p><b>(e) Solar access</b></p> if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	<p><u>Proposed development</u></p> The amended plans and shadow diagrams submitted with the development application demonstrate three of the four apartments within the proposed development will receive a minimum of 3 hours of sunlight between the hours of 9am and 3pm to living rooms and private open spaces. This has been achieved through the introduction	Yes

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
		of skylights on the upper level which was a recommendation of Council's UDRP to achieve compliance with the solar access requirements.	
	<b>(2) General</b> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
	<b>(a) parking</b> if:		
	(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	Development Application is not being made by a social housing provider	N/A
	(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	The proposal includes 4 x 3 bedroom apartments. <u>Requirements:</u> 6 car spaces required (i.e. 4 dwellings x 1.5 parking spaces) <u>Proposed:</u> 6 car spaces are proposed.	Yes
	<b>(b) dwelling size</b> if each dwelling has a gross floor area of at least:		
	(i) 35 square metres in the case of a bedsitter or studio, or	No studios proposed.	N/A
	(ii) 50 square metres in the case of a dwelling having 1 bedroom, or	No 1-bedroom apartments proposed.	N/A

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
	(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or	No 2-bedroom apartments proposed.	N/A
	(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	Unit 1 – 100.14m <sup>2</sup> Unit 2- 95.04m <sup>2</sup> Unit 3 – 98.44m <sup>2</sup> Unit 4 – 95.04m <sup>2</sup> The amended plans now demonstrate all dwellings complying with the 3 minimum 95m <sup>2</sup> requirement.	Yes
	(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	Noted.	Noted
<b>15 Design requirements</b>	(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	Not applicable, as clause 15 (2) applies to the subject proposal.	N/A
	(2) This clause does not apply to development for the purposes of a residential flat building if State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies to the development	Applies as the development is for the purposes of a residential flat building and <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies to the development.  Refer to compliance table for SEPP65 and the ADG under separate cover.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
<b>16 Continued application of SEPP 65</b>	Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	Noted.  Refer to compliance table for SEPP65 and the ADG under separate cover.	Yes
<b>16A Character of local area</b>	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Refer to Local Area Character Assessment prepared under separate cover in line with Schedule 1 of Part 3.5 of the <i>Ryde Development Control Plan 2014</i> .  It is noted that the Local Area Character Assessment has determined the proposal is not compatible with the character of the local area.	Noted.
<b>17 Must be used for affordable housing for 10 years</b>	(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:	One unit has been proposed to be used as affordable housing in accordance with this Clause. Accordingly, should the DA be approved a condition of consent requiring the unit to be maintained as affordable housing by a social housing provide for 10 years will be included.	Yes
	(a) for 10 years from the date of the issue of the occupation certificate:	As above.	Yes
	(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and	As above.	Yes
	(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and	As above.	Yes
	(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance	As above.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 1**

Clause	Requirement	Proposed	Complies?
	with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.		
	(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	As above.	Yes
<b>18 Subdivision</b>	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Noted.	N/A

**Summary of Non-Compliances/ Issues:**

**Clause 16A - A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.**

**Comment:** An assessment of the proposal's compatibility with the character of the local area has been undertaken in line with the Local Area Character Assessment guide within Schedule 1 of Part 3.5 of the *Ryde Development Control Plan 2014*.

The Local Area Character Assessment has determined the proposal is not compatible with the character of the local area.

**ITEM 2 (continued)**

**ATTACHMENT 2**

**State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development**

**Apartment Design Guide – Compliance Table**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
<b>SEPP 65 Design Quality of Residential Apartment Development</b>		
<p><b>Clause 4 Application of Policy</b></p> <p>(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:</p> <p>(a) the development consists of any of the following:</p> <p>(i) the erection of a new building,</p> <p>(ii) the substantial redevelopment or the substantial refurbishment of an existing building,</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>(c) the building concerned contains at least 4 or more dwellings.</p>	<p>The proposed development meets the provisions of clause 4 as follows:</p> <p>(a) The development consists of the erection of a new building.</p> <p>(b) The proposal is considered to be three (3) storeys as the lowest ground level which is used for car parking and protrudes more than 1.2m above existing ground level to a maximum of approximately 2.3m within the front section of proposed Unit 1.</p> <p>(c) The proposed development contains four (4) dwellings.</p>	<p><b>Yes – SEPP 65 applies.</b></p>
<b>Apartment Design Guide</b>		
<b>Part 3 Siting the development Design criteria/guidance</b>		
<p><b>3B Orientation</b></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The proposal is considered to be satisfactorily orientated so as to optimise solar access, while at the same time ensuring neighbouring development maintains a compliant level of solar access when having regard to the provisions contained within Council's DCP2014.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
<p><b>3C Public domain interface</b></p> <p>Transition between private &amp; public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The development will provide clear differentiation to the pedestrian entrances by the use of architectural detailing and changes in materials and landscaping. The design allows for balconies on the upper floors and the ground floor to overlook the public domain which complies with the relevant design guidance.</p> <p>While in most circumstances this may be encouraged from a casual surveillance perspective, it is noted this will introduce a foreign element to the street which is currently dominated by single dwelling houses with private open spaces to the rear of the allotments.</p> <p>Setback areas are generally well landscaped to ensure the appearance of the building is softened, however landscape arrangements within the front setback are not necessarily supported as they will introduce private open space to this area with is a discordant element in the street.</p> <p>Despite the above criticisms of the proposal, it is noted the development satisfies the objectives and design guidance under this section of the ADG.</p>	<p>Yes</p>
<p><b>3D Communal &amp; public open space</b></p> <p>Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.</p> <p>Design Criteria:</p> <ol style="list-style-type: none"> <li>1. Provide communal open space with an area equal to 25% of site;</li> <li>2. Minimum 50% of usable part of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</li> </ol>	<p>The development has incorporated 12% (73.26m<sup>2</sup>) of the site as communal open space. This does not comply with the ADG minimum requirement of 25% of the site to be communal open space. The location and size of the communal open space within the front setback and side setback areas does not provide for recreational opportunities or communal activities. The accessibility for residents to the communal open space is poor with only once access point from the rear.</p> <p>The proposed communal open space area will receive direct sunlight to 50% of the communal open space within the northern setback for a minimum of 2 hours between 9am and 3pm on 21 June.</p>	<p><b>No</b></p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies												
<p><b>3E Deep Soil Zone</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design criteria</p> <ol style="list-style-type: none"> <li>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</li> </ol>	<p>A minimum of 42.812m<sup>2</sup> is required. The development has provided approximately 86.35m<sup>2</sup> (14.2%) of deep soil zones.</p>	<p>Yes</p>												
<p><b>3F Visual Privacy</b></p> <p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p><u>Design Criteria</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="193 1272 655 1630"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The development complies with the building separation requirements as the proposed RFB is separated from the south west side boundary and north east side boundary by 3m. This allows for equitable sharing of the 6m building separation requirement in line with the ADG.</p> <p>The actual building separation from the adjoining development at 8 Lexcen Place is 12m, and from 4 Lexcen Place is 4.8m.</p>	<p>Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m (4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p><b>3G Pedestrian Access &amp; entries</b></p> <p>Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>The building entries and pedestrian access points connect to Lexcen Place. These entries are clearly identifiable and accessible from the street.</p>	<p>Yes</p>												



**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
<p><b>3H Vehicle Access.</b></p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicular access is located on Lexcen Place.</p> <p>The car park entry has been integrated into the front façade of building and a roller door is provided.</p> <p>The entry will allow for at least two (2) vehicles to be on the driveway waiting for the roller door to open. The vehicular entry will provide adequate separation distances and clear sight lines, particularly as no front fencing is proposed.</p>	<p>Yes</p>
<p><b>3J Parking Provisions.</b></p> <p><b>Car parking:</b></p> <p>For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p><b>Bicycle Parking</b></p> <p>Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>This control does not apply as the subject site is not within 800m of a train station.</p> <p>ARH SEPP car parking rates to apply. Refer to ARH SEPP compliance table.</p> <p>On this point, it is noted the development provides for a compliant number of car parking spaces (i.e. six (6) spaces).</p>	<p>N/A</p>
<p><b>Part 4 Designing the building</b></p>		
<p><b>4A Solar &amp; daylight access</b></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p>	<p>The amended plans and shadow diagrams submitted with the development application demonstrate three of the four apartments within the proposed development will receive a minimum of 2 hours of sunlight between the hours of 9am and 3pm to living rooms and private open spaces. This has been achieved through the introduction of skylights on the upper level which was a recommendation of Council's UDRP to achieve compliance with the solar access requirements.</p> <p>The shadow diagrams submitted reveal all apartments will receive at least some direct sunlight access. Unit 2 would receive a small</p>	<p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
<p>Design should incorporate shading and glare control, particularly for warmer months.</p>	<p>amount of solar access at mid-winter to the front facing living area, while all other receive in excess of 2 hours.</p> <p>The proposal incorporates eaves, roofs over private open space balconies and courtyards, along with louvers on select windows and balconies. These are considered to assist in shading and glare control in warmer months.</p>	
<p><b>4B Natural Ventilation</b></p> <p>All habitable rooms are naturally ventilated and the design layout of single aspect apartments are to maximise natural ventilation.</p> <p><u>Design criteria</u></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>All of the units will be cross ventilated as the proposed dwelling's design layout has been designed to maximise natural ventilation.</p>	<p>Yes</p>
<p><b>4C Ceiling Heights</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights for habitable rooms, and 2.4m for non-habitable rooms.</p>	<p>The proposed floor to floor heights for the ground floor of the building is 3m, which is contrary to the design guideline set out in Section 4C of the ADG. The upper level shows floor to ceiling heights of 2.7m.</p> <p>The minimum floor to floor height for residential flat buildings is 3.1m to allow for services and fittings with the bulkhead of the floor in order to achieve a 2.7m clearance from floor to ceilings.</p>	<p>No</p>
<p><b>4D Apartment size and layout</b></p> <p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup></li> </ul>	<p>Unit 1 – 100.14m<sup>2</sup></p> <p>Unit 2- 95.04m<sup>2</sup></p> <p>Unit 3 – 98.44m<sup>2</sup></p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies									
<ul style="list-style-type: none"> <li>• 1 bedroom = 50m<sup>2</sup></li> <li>• 2 bedroom = 70m<sup>2</sup></li> <li>• <b>3 bedroom = 90m<sup>2</sup></b></li> <li>• 4 bedroom = 102m<sup>2</sup></li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m<sup>2</sup> Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>Unit 4 – 95.04m<sup>2</sup></p> <p>The amended plans now demonstrate all dwellings complying with the minimum internal area of 95m<sup>2</sup>.</p> <p>All habitable room depths comply with the minimum requirements.</p> <p>All master bedrooms exceed 10m<sup>2</sup>.</p> <p>All combined living/dining rooms comply and exceed the minimum width requirement of 4m for a 3 bedroom apartment.</p>										
<p><b>4E Private Open Space and balconies</b></p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><u>Design criteria</u></p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="196 1637 668 1960"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	<p>The proposed development includes two ground floor three-bedroom dwellings and two upper level three-bedroom dwellings.</p> <p>Unit 1 and 2 on the ground floor are afforded large private open space areas (73.75m<sup>2</sup> and 148.9m<sup>2</sup> respectively) which include the parts of the side setback and rear setback.</p> <p>For Unit 3 and 4 on the upper level, a minimum area of 12m<sup>2</sup> is required with minimum dimension of 2.4m.</p> <p><b>Comment:</b></p> <p>Unit 3 – includes a front balcony with an area approx. 12.02m<sup>2</sup>. The minimum depth of</p>	<p>Yes</p>
Dwelling type	Minimum area	Min.depth									
Studio apartments	4m <sup>2</sup>	N/A									
1 bedroom	8m <sup>2</sup>	2m									

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)			Proposal	Complies										
2 bedroom	10m <sup>2</sup>	2m	2.4m is achieved with the balcony having a depth of 2.7m.  Unit 4 –Complies - includes a front balcony with minimum area of 12m <sup>2</sup> . In addition, the minimum depth of 2.4m is achieved with the balcony having a depth of 2.6m.											
3+ bedroom	12m <sup>2</sup>	2.4m												
Ground or podium	15m <sup>2</sup>	3m												
<b>4F Common circulation and spaces.</b> <u>Design criteria</u> The maximum number of apartments off a circulation core on a single level is 8. Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of the corridor.			A maximum of 2 apartments are to be accessed from a circulation space on the first floor.	Yes										
<b>4G Storage</b> Adequate, well designed storage is to be provided for each apartment.  <u>Design criteria</u> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table border="1" data-bbox="189 1422 671 1713"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment.			Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<b>Unit 1</b> Apartment storage – 5.79m <sup>3</sup> Basement storage – 14.82m <sup>3</sup> Total storage – 20.61m <sup>3</sup>  50% of 10m <sup>3</sup> required storage provided within apartment.  <b>Unit 2</b> Apartment storage – 7.44m <sup>3</sup> Basement storage – 83.85m <sup>3</sup> Total storage – 91.29m <sup>3</sup> 50% of 10m <sup>3</sup> required storage provided within apartment.  <b>Unit 3</b> Apartment storage – 5.58m <sup>3</sup> Basement storage – 18.75m <sup>3</sup> Total storage – 24.33m <sup>3</sup>	Yes
Dwelling type	Storage size volume													
Studio	4m <sup>3</sup>													
1 bedroom apt	6m <sup>3</sup>													
2 bedroom apt	8m <sup>3</sup>													
3 + bedroom apt	10m <sup>3</sup>													

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
	<p>50% of 10m<sup>3</sup> required storage provided within apartment.</p> <p><b>Unit 4</b></p> <p>Apartment storage – 5.79m<sup>3</sup></p> <p>Basement storage – 18.81m<sup>3</sup></p> <p>Total storage – 24.6m<sup>3</sup></p> <p>50% of 10m<sup>3</sup> required storage provided within apartment.</p> <p>With the applicant's amended plans, all of the apartments now achieve compliance with the minimum storage requirements.</p>	
<p><b>4H Acoustic privacy</b></p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The proposed development does not minimise noise transfer through the siting of the building and layout as the living room areas of Unit 1 are located adjacent to the bedroom areas of Unit 2.</p> <p>However the Units 3 and 4 have good building layout and acoustic treatments as the living room areas of Unit 3 are located adjacent to the living room areas of Unit 4 and the bedroom areas of Unit 3 are located adjacent to the bedrooms of Unit 4.</p> <p>It is noted the communal open space area and basement garage exit on the northern elevation is not located a minimum of 3m away from the bedrooms of Unit 2.</p>	<b>No</b>
<p><b>4K Apartment mix</b></p> <p>A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The development has not incorporated a range of apartment types and sizes. The development has proposed 4 x 3 bedroom apartments with a very similar layout.</p>	<b>No</b>
<p><b>4M Facades</b></p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The design of the facades incorporates a number of different building elements including recesses and projections for corners and the provision of balconies including balustrade fencing.</p>	<b>No</b>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
<p>Building facades are expressed by the façade.</p>	<p>The amended plans now include a pitched/ gabled roof form presenting to the street which is considered to be an improvement in the building's façade when considered in the context of the local area.</p> <p>However, the proposal's large expanses of rendered brickwork presenting to Lexcen Place does not respect the character of the local area with is predominated by face brick dwelling houses.</p>	
<p><b>4N Roof design</b></p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use the roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	<p>The modified proposal has moved away from a hybrid flat and pitched roof design, and now includes pitched roof elements throughout, with a gable type presentation to the street. These are considered to be appropriately integrated into the building so as to present as an integrated whole.</p> <p>There are no opportunities to use the roof space for residential accommodation.</p>	Yes
<p><b>4O Landscape design</b></p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>The landscape design aims to provide recreational opportunities as well as being attractive for the residents and visitors. The landscape planting will enhance the streetscape as well as contribute to the amenity of the occupants.</p>	Yes
<p><b>4P Planting on structures</b></p> <p>Appropriate soil profiles are provided.</p>	<p>The development will comply with the minimum soil depth as specified in the ADG.</p>	Yes
<p><b>4Q Universal design</b></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	<p>A minimum 20% of dwellings must achieve the Liveable Hosing Guidelines, however evidence of this has not been included within the applicant's submission.</p> <p>It is noted that an access report has been submitted and states the proposed development is complaint with Code (NCC)-2016/BCA Part D3, Disability (Access to Premises-Buildings 2010) as a level pedestrian ramp grade is achieved from the street to ground level apartments.</p>	<b>No</b>

**ITEM 2 (continued)**

**ATTACHMENT 2**

Apartment Design Guide Requirement (ADG)	Proposal	Complies
	<p>It is noted the building does not include a lift, and as such disabled access to the upper level units (i.e. Unit 3 and 4) is not achievable.</p> <p>A wheelchair platform is proposed for access to the basement garage.</p>	
<p><b>4U Energy efficiency</b></p> <p>Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The modified development now satisfactorily complies with solar design and natural ventilation requirements of the ADG. Furthermore a compliant BASIX certificate has been submitted in support of the DA.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

**From:** [Chris Young](#)  
**To:** "[raffi.yessaeian@dcencompass.com.au](mailto:raffi.yessaeian@dcencompass.com.au)"  
**Bcc:** [Liz Coad](#); [Vince Galletto](#); [Ben Tesoriero](#) ([Ben.Tesoriero@cpsplanning.com.au](mailto:Ben.Tesoriero@cpsplanning.com.au))  
**Subject:** 6 Lexcen Place, Marsfield, LDA2017/167  
**Date:** Wednesday, 14 June 2017 2:04:13 PM  
**Attachments:** [image002.jpg](#)

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Raffi,

The purpose of this email is to advise you of the outcome of Council's neighbour notification and preliminary assessment, and to advise of Council's intended process for determination of your development application (DA).

A preliminary assessment of your development application has been carried out, and a number of significant issues of concern have been identified (as outlined below). As a result of these significant issues of concern, Council officers are unlikely to support your DA.

These issues are inherent and fundamental to the design of the proposal as currently submitted, and inconsistency with the character of the area. Any plan amendments required to achieve satisfactory compliance with the relevant planning controls would be beyond what is considered acceptable when amending a DA under Section 55 of the *Environmental Planning and Assessment Regulation 2000*, and therefore Council is not prepared to accept amended plans for the current DA.

**Accordingly, it is recommended that you withdraw your DA within 14 days. Your unexpended DA fees will be partly (50%) refunded if you withdraw your DA within this time. If you do not withdraw your DA within 14 days, we will continue to prepare an assessment report with a likely recommendation of refusal. No refund of DA fees will be made if Council formally determines your DA.**

**Process for Determination of Your Development Application**

Three (3) Councillors have called your DA up to Council's Planning and Environment Committee for consideration and determination. In addition, following Council's neighbour notification process for your DA, over 100 submissions have been received. For these reasons, Council officers cannot exercise delegated authority to determine your DA.

It is intended to refer your DA to the next available meeting of Council's Planning & Environment Committee (which is 8 August 2017), unless you decide to withdraw the DA beforehand. Please note that this date is tentative and is subject to Management confirmation that your DA has been placed on the agenda for this Committee meeting date. You will have the opportunity to address the Committee when your DA is due to be considered, and further details will be provided to you in relation to the meeting date (when confirmed) and the process for attending and addressing the Committee in due course.

**Neighbour Notification and Preliminary Assessment of Your DA**

Neighbour Notification:

Council has notified your DA to adjoining/nearby properties, and advertised the DA in the local



## ITEM 2 (continued)

## ATTACHMENT 3

press. As a result, Council has received over 100 submissions of objection to your development proposal (copies have been provided to you separately). While many of these are “pro-forma” copies of the same submission, they do indicate a high level of community opposition to the DA. The report to the Planning & Environment Committee will address the issues of concern raised in the submissions as part of the Council officer’s assessment.

### Preliminary Assessment Against Planning Controls:

#### ***State Environmental Planning Policy (Affordable Rental Housing) 2009***

The proposal has been submitted pursuant to Division 1 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP). The following are those aspects of the proposal which have been assessed as non-compliant with the ARH SEPP provisions.

#### Solar Access

Clause 14(1)(e) prescribes that a consent authority must not refuse consent to development to which Division 1 of the ARHSEPP applies if living rooms and private open spaces for 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

The shadow diagrams submitted with the DA poorly demonstrate the level of solar access afforded to each of the dwellings within the RFB. A review of the floor plan layouts, location of private open space areas and the orientation of the site would appear to reveal those dwellings on the southern side of the building (i.e. Unit 2 and Unit 4) fail to receive a compliant level of solar access.

Proposals for RFB development should be accompanied by solar access diagram to help substantiate a building ability to comply with the solar access provisions of the ADG.

#### Dwelling Size

Clause 14(2)(b)(iv) prescribes that a consent authority must not refuse consent to development to which Division 1 of the ARHSEPP applies if each three-bedroom dwelling has a gross floor area of at least 95 square metres.

The plans submitted with the DA indicate that Unit 2 and Unit 4 have a non-compliant area of 94.39m<sup>2</sup>, which is 0.61m<sup>2</sup> short of the 95m<sup>2</sup> minimum.

#### Character of Local Area

Clause 16A outlines that a consent authority must not consent to development under Division 1 unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

For guidance on the compatibility of development with the character of the local area, reference is made to the NSW Land and Environment Court Planning Principle established in *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191 at 22-31.

## ITEM 2 (continued)

## ATTACHMENT 3

Within this planning principle, the character of the local area is to be assessed principally on the visual catchment in which the development will be viewed.

Having regard to the above, the visual catchment is generally taken to include all properties within the Lexcen Place cul-de-sac, and to a lesser extent those properties to the rear of the subject site which front Sobraon Road.

A brief account of the local area character is listed in the bullet-points below, taking reference from the Schedule 1 of Part 3.5 of the *Ryde Development Control Plan 2014* (DCP2014) 'Guidelines for Local Area Character Assessment':

- *Building Typology* – two-storey brick dwelling houses with pitched tiled roofs;
- *Building Heights* – predominantly two-storey buildings with overall heights equal to or less than 9.5m, as per the underlying LEP2014 building height limit.;
- *Site Coverage and Floor Space Ratio* – low density environment typified by building comprising of floor space ratios (FSR) equal to or less than 0.5:1, as per the underlying Ryde Local Environmental Plan 2014 (LEP2014) FSR limit.
- *Scale and Form of Dwellings* – the dwelling houses within the local area are mostly detached and two-storey in height, while their form is typified by pitched roofs with both hips and gables.
- *Frontage Treatment* – frontages within the local area are made up of grassed verges, with footpaths, select street trees, curbs and guttering. The front yards of the dwelling houses are typically grassed with garden variety low-rise vegetation planting. No front or return fences are included within the local area. Front setbacks to dwellings are in the order of 6m.
- *Building Style and Finishes* – typical of 1980s to 1990s project homes with face brick facades, and ceramic tiled roofs.
- *View and Vistas* – the local area forms part of the Marsfield suburban neighbourhood and is not benefited by any significant views over waterways or landscape vistas.

The proposal is considered to be incompatible with the character of the local area identified above for the following reasons:

- *Building Typology* – three-storey cement rendered building, with partial face brick elements, and a predominant flat roof presenting to Lexcen Place.
- *Building Heights* – three-storey building;
- *Site Coverage and Floor Space Ratio* – FSR of 0.66:1 which exceeds that prescribed under the LEP2014, and is incongruous with the FSR of other buildings in the local area;
- *Scale and Form of Dwellings* – the proposed RFB will include four (4) attached dwellings over a three-storey building height, that includes a predominant flat roof presentation to the street. Where pitched roof elements are proposed, the roof pitch angle is significantly lower than that of other buildings in the street.
- *Frontage Treatment* – the basement driveway ramp, private open space areas within the front setback, and also fencing within the front setback introduces discordant elements to the otherwise homogenous frontage treatments within the streetscape;
- *Building Style and Finishes* – the proposal is a contemporary design that includes a presentation to the street of predominately cement rendered finishes and a flat roof.

## ITEM 2 (continued)

## ATTACHMENT 3

In line with *Project Venture Developments Pty Ltd v Pittwater Council*, to test whether a proposal is compatible with its context, two questions should be asked.

- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

**Comment:** Based on the above assessment, which has taken guidance from DCP2014, it is considered that the proposal's appearance is inharmonious with the buildings around it and the streetscape character of Lexcen Place.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

**Comment:** The proposal is considered to give rise to overlooking opportunities, and subsequent loss of privacy to adjoining properties, particularly those properties fronting Sobraon Road that adjoin the rear boundary of the subject site. The elevated private open space areas for Unit 1 and Unit 2 combine with the slope of the site to exacerbate overlooking of the rear private open space areas of 29, 29A and 31 Sobraon Road.

The north-eastern side elevation of the RFB will include thirteen (13) windows, eleven (11) of which are to habitable rooms. The south-western side elevation includes nine (9) windows, all of which are to habitable rooms. This proliferation of side facing windows incommensurate to the dwelling houses adjacent, and is considered to give rise to overlooking opportunities.

The raised private open space areas to the rear, along with the lower and upper private open space areas fronting Lexcen Place, are considered to give rise to acoustic impacts that are disproportionate to the quiet surrounds currently experienced by residents of Lexcen Place who live within a lower density residential environment.

Demonstrated earlier was the proposal's inharmonious appearance within the Lexcen Place streetscape. The discordant building proposed will present a visual impact when viewed from both the public domain and from adjoining private properties.

Accordingly, it is considered that the proposal's physical impacts on surrounding development are unacceptable, and will pose design challenges and constraints on the development potential of surrounding sites.

The responses to the two key questions established within *Project Venture Developments Pty Ltd v Pittwater Council* demonstrate the proposal is incompatible with its existing context.

### ***State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development***

Clause 28(1) of SEPP65 outlines that following receipt of a DA for which SEPP65 applies, Council must refer the application to the Design Review Panel (DRP) for advice concerning the design quality of the development before it determining the application.

## ITEM 2 (continued)

## ATTACHMENT 3

Arrangements have been made to refer your DA to a meeting of the DRP, and as such additional matters potentially raised by the DRP may need to be addressed.

Nevertheless, it is acknowledged that in determining a DA, Council must also take into consideration the design quality of the development when evaluated in accordance with the design quality principles, and the Apartment Design Guide (ADG).

The following is an outline of the key areas of concern Council's planning assessment has raised with against the design quality principles and the ADG.

### *Schedule 1 - Design Quality Principles*

-

#### *Principle 1: Context and neighbourhood character*

-

For the reasons raised in relation to the proposal's performance against Clause 16A of the ARH SEPP earlier in this letter, it is considered the proposal fails to respond and contribute to its context.

-

#### *Principle 2: Built form and scale*

-

The three-storey RFB is of a scale, bulk and height (in terms of storeys) that is inconsistent with the existing and desired future character of the street.

#### *Principle 3: Density*

-

The existing dwelling density for the local area is typified by detached dwelling houses on allotments with areas of approximately 600-700m<sup>2</sup>. As such, an average dwelling density of around 1 dwelling per 650m<sup>2</sup> results. The proposal includes four (4) dwellings on an allotment of land that has an area of 611.6m<sup>2</sup>, which presents a dwelling density inconsistent with that of the local area.

When expressed as a FSR, the build form density of the subject site varies the 0.5:1 FSR limit by 32% - i.e. 0.66:1.

-

#### *Principle 4: Sustainability*

-

This principle outlines that good sustainable design includes appropriate sunlight for the amenity and liability of residents. As covered in further detail below when assessing the proposal's performance against the ADG solar access requirement, insufficient information has been provided to clearly demonstrate the private open space areas and living rooms achieve suitable solar access.

-

#### *Principle 5: Landscape*

-

This principle outlines that a positive image and contextual fit for developments should be achieved by contributing to the landscape character of the streetscape and neighbourhood.

## ITEM 2 (continued)

## ATTACHMENT 3

Demonstrated earlier in this assessment when reviewing the proposal against the character requirements of the ARHSEPP, it was noted the proposal's inclusion of private open space within the front setback, along with a basement driveway ramp and fences detract from the homogenous treatment of front boundary setbacks within Lexcen Place. Accordingly, the proposal is not considered to positively contribute to the landscape character of the streetscape.

-

### Principle 6: Amenity

-

As evidenced with the ADG assessment below, and also the character assessment earlier in this letter, the proposal presents opportunities for overlooking and subsequent loss of privacy, along with acoustic and visual impacts to adjoining property and the public domain. As such, the proposal is not considered consistent with the amenity principle of SEPP65 which encourages good internal and external amenity design outcomes.

Furthermore it is noted that proposal fails to achieve compliance with the minimum dwelling sizes and floor to floor heights of the ADG which would also compromise internal amenity.

-

### Principle 7: Safety

No comment.

### Principle 8: Housing diversity and social interaction

-

The proposal comprised entirely of three-bedroom dwellings. As such, the development fails to achieve consistency with the dwelling mix guidelines established within the ADG, and therefore cannot be seen to promote housing diversity.

Furthermore the proposal includes a non-compliant level of communal open space areas, which compromises the opportunities for social interaction within the development.

-

### Principle 9: Aesthetics

This principle outlines how the visual appearance of a well-designed apartment development should respond appropriately to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

As outlined earlier, the proposal includes large expanses of cement rendered brickwork, along with flat roofs presenting to Lexcen Place. This appearance is in stark contrast to the face brick detached dwelling houses with pitched tiled roofs that are of a hipped and gabled style within the street.

Accordingly, it is considered that the proposal does not appropriately respond to the existing or future local context, nor does it include desirable elements and repetitions of the streetscape.

-

### *Apartment Design Guide*

## ITEM 2 (continued)

## ATTACHMENT 3

### *Part 3A – Site Analysis*

Part 3A of the ADG requires proposal's to take into consideration their surrounding context, and ensure appropriate design outcomes ensue. For the reasons outlined above when commenting on the proposal's incompatibility with the local area, the development is also considered to be inconsistent with the provisions of Part 3A.

### *Part 3D - Communal and Public Open Space*

Part 3D of the ADG includes communal open space area requirements for RFB developments. In particular, communal open space needs to be provided at a rate equal to 25% of the site area. The site area is 611.6m<sup>2</sup>, therefore the communal open space area requirement is 153.9m<sup>2</sup>.

The proposal has been assessed as having a communal open space area of 43.52m<sup>2</sup>, which is non-compliant at an equivalent of only 7.1% of the site area.

Note: The plans submitted poorly indicate the delineation between private open space areas and communal open space areas on the ground floor, with some contradictions evident between the landscape plan and the photomontage images. In particular, the fences shown delineating the private open space area for Unit 2.

### *Part 4A – Solar and Daylight Access*

Part 4A prescribes that living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.

As outlined above, the shadow diagrams submitted with the DA poorly demonstrate the level of solar access afforded to each of the dwellings within the RFB. Proposals for RFB development should be accompanied by solar access diagrams to help substantiate a building ability to comply with the solar access provisions of the ADG.

### *Part 4C - Floor to Floor Heights*

The proposed floor to floor heights for the ground floor of the building is 3m, which is contrary to the design guideline set out in Section 4C of the ADG - refer to page 87 of ADG and figure below.

The upper level shows floor to ceiling heights of 2.7m.

The minimum floor to floor height for RFBs is 3.1m to allow for services and fittings within the bulkhead of the floor in order to achieve a 2.7m clearance from floor to ceilings.

## ITEM 2 (continued)

## ATTACHMENT 3

### Part 4D - Apartment Size and Layout

Part 4D of the ADG prescribes that three-bedroom dwellings which include two bathrooms are to have a minimum internal floor area of 95m<sup>2</sup>.

At 98m<sup>2</sup>, both Unit 1 and 3 comply with the minimum internal area of 95m<sup>2</sup>, however at 94.39m<sup>2</sup> Units 2 and 4 do not comply.

### Part 4E - Private Open Space

Part 4E of the ADG prescribes the private open space area requirements for different sized dwellings. For Unit 1 and 2 on the ground floor, a minimum area of 15m<sup>2</sup> with a minimum depth of 3m is required. For Unit 3 and 4 on the upper level, a minimum area of 12m<sup>2</sup> is required with minimum dimension of 2.4m.

Unit 1 on the ground floor fails to comply because the rear deck only has an area of 11m<sup>2</sup>, which falls short of the 15m<sup>2</sup> minimum by 4m<sup>2</sup>. In addition, the minimum depth of 3m is not maintained for the entirety of the private open space area.

Unit 3 on the upper floor also fails to comply as the front balcony only has an area 11.5m<sup>2</sup> when taking into consideration the reduced floor area resulting from the recessed balustrade. This falls short of the 12m<sup>2</sup> minimum by 0.5m<sup>2</sup>. The minimum depth of 2.4m is however achieved.

### Part 4G - Storage

Part 4G of the ADG states that adequate well designed storage is to be provided for each apartment.

In particular, the design criteria specifies the following:

- 3 + bedrooms apartment – 10m<sup>3</sup> storage volume.
- At least 50% of the required storage is to be located within the apartment that is in addition to kitchens, bathrooms and bedrooms.

## ITEM 2 (continued)

## ATTACHMENT 3

Units 2, 3 and 4 show on the plans that storage is to be provided within the dwellings, and also within the basement. However Unit 1 does not have an area specifically allocated within the basement for storage. It is noted a general area labelled 'Storages' is included on the basement level, however it is unknown whether this is for exclusive use by Unit 1.

Nevertheless, the general storage allocation across all units fails to achieve the requirements of the ADG which specify that 50% of the storage space is to be provided within the dwelling. All dwellings include between 20 and 39% of their storage space within the apartment, which is non-compliant with this provision.

### Part 4H - Acoustic Privacy

Part 4H of the ADG states that noise transfer is to be minimised through the siting of buildings, building layout and acoustic treatments. Plant rooms, services and communal open spaces are to be located at least 3m away from bedrooms.

The proposed development does not minimise noise transfer through the building layout as the living room areas of Unit 1 are located adjacent to the bedroom areas of Unit 2. It is also noted the communal open space areas is not located a minimum of 3m away from the bedrooms of Unit 1 or Unit 2.

It is again noted here that discrepancies are included on the plans and photomontage images for the delineation of private open space areas and communal open space areas on the ground floor.

### Part 4K - Apartment Mix

Part 4K of the ADG states that a range of apartment types with a different number of bedrooms (1 bed, 2 bed, 3 bed etc.) should be provided within the development.

The proposed development has not included a range of apartment types and sizes. The development has proposed 4 x three bedroom apartments with a very similar layout which is therefore non-compliant with the ADG.

### Part 4M - Facades

Part 4M of the ADG states that building facades are to provide visual interest, respect to the character of the local area and deliver amenity and safety for residents.

It is contended the modern building design and character will be out of sequence in the broader streetscape that comprises almost exclusively of 1980's and 1990's project dwelling houses with pitched roofs.

### Part 4N - Roof Design

Part 4N of the ADG prescribes that roof treatments are to be integrated into the building design and positively respond to the street.



**ITEM 2 (continued)**

**ATTACHMENT 3**

The proposed development contains a hybrid flat and pitched roof design which is integrated into the building. The pitched roof design responds well to the street, but the flat roof design is inconsistent with the broader streetscape of pitched roofs.

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Your development application has also been referred to other sections of Council for referral comments (namely Development Engineering, City Works and Infrastructure – Traffic and Waste, and also Building Surveyor). Please note that further issues of concern may be raised upon completion of assessment by these referral officers.

My contact details are provided below in case you have any further queries. Please note that I will be on annual leave from 19 to 23 June (inclusive).

**ITEM 2 (continued)**

**ATTACHMENT 4**

<b>Meeting with applicant</b>	
<b>6 Lexcen Place Marsfield. LDA2017/167. Proposed Residential Flat Building containing 4 x 3 bedroom apartments under SEPP (Affordable Rental Housing) 2009</b>	
<b>27 June 2017 – 11am</b>	
<b>Landmark Meeting Room, Level 1, Binary Centre 3 Richardson Place, North Ryde.</b>	
<b>In attendance:</b>	
<b>Council Officers:</b>	Vince Galletto – Acting Manager Assessment Chris Young – Senior Co-ordinator – Assessment Ben Tesoriero – Consultant Town Planner – Creative Planning Solutions
<b>Applicant:</b>	Raffi Yessaeian – Applicant Sinisa Lazarevic – Architect Nigel White – Consultant Planner
<b>SUMMARY OF DISCUSSIONS:</b>	
Vince	<ul style="list-style-type: none"> <li>The purpose of the meeting is to discuss the contents of the email 14 June 2017 from Council officers to the applicant, regarding issues of concern with the proposal and the process for Council's consideration and determination of the DA, as requested by the applicant.</li> <li>The Acting Director (Liz Coad) was requested to attend but was unavailable due to a prior commitment/conflicting meeting time.</li> <li>Advised that this DA has attracted a very significant number of objections from local residents, and significant concerns about the proposal have also been raised to Council officers by the Councillors.</li> </ul>
Sinisa	<ul style="list-style-type: none"> <li>Explained the applicant's intentions and design philosophy of the proposed development.</li> <li>Proposal is for family accommodation with parents to reside on in the ground floor unit and (adult) children in the units above.</li> <li>Design is for a residential flat style development permissible in the R3 zoning of the property. It is a manor house style development consistent with the NSW State Government's recent Discussion Paper on alternative housing designs/styles – that has been designed to fit within the current planning controls of Council (R3 zone under Ryde LEP 2014) and SEPP (Affordable Rental Housing) 2009.</li> <li>A boarding house proposal was considered, but the proponents thought that this would be a more straight forward development proposal.</li> <li>The proposed FSR (0.66:1) is considerably lower than other residential flat developments done in other Council areas (recent 0.8:1 in Parramatta).</li> <li>The proposal has greater side setbacks (3m – 4.5m) than would be expected for a 2 storey dwelling (1.5m).</li> <li>Clarified that the private open space for the ground floor level units would be equally shared between these units.</li> <li>Potential privacy impacts on neighbours has been addressed through</li> </ul>

**ITEM 2 (continued)**

**ATTACHMENT 4**

	<p>provision of 1600mm high sill windows where these face neighbouring properties.</p>
Ben	<ul style="list-style-type: none"> <li>• Proposal as a 3-storey building is subject to SEPP 65 the Apartment Design Guide (ADG) and requires referral to Council's Design Review Panel (arranged for 28 June).</li> <li>• A number of concerns were identified with these planning controls (as summarised in Council's email 14 June) – including apartment size, setbacks, and solar access.</li> <li>• However the main concern is consistency with the existing character of the area. The email 14 June outlines in detail the criteria used to make a character assessment (including Land and Environment Court Planning Principle etc) – and this requires assessment in terms of both the existing and desired future character.</li> <li>• The proposal introduces an entirely different form of development to that which currently exists.</li> </ul>
Sinisa	<ul style="list-style-type: none"> <li>• The R3 zoning allows this form of development, and this is the first of it's type in this particular estate, so it is only to be expected that it will be different to what presently exists.</li> </ul>
Nigel	<ul style="list-style-type: none"> <li>• Wants the opportunity to lodge amended plans, as they feel that many of the issues can be addressed through design amendments.</li> </ul>
Sinisa	<ul style="list-style-type: none"> <li>• Suggested that the proposal would be reduced to a 2-storey development by removal of bedroom 1 unit 1 (and adjustment to basement level and driveway gradients).</li> <li>• The other issues of concern could be addressed through amended plans which could be provided within the next 3-4 working days.</li> </ul>
Vince	<ul style="list-style-type: none"> <li>• Suggested withdrawal of the current DA, and lodgement of a substantially reduced scheme if the applicant still wishes to pursue this development on the site. This would need to be under a separate DA.</li> </ul>
Chris	<ul style="list-style-type: none"> <li>• Acceptance of amended plans is at Council's discretion, and it is considered that the amendments required would be significant and therefore not substantially the same as the current DA. Council officers will therefore not be prepared to accept amended plans on the current DA, as advised in Council's email 14 June.</li> </ul>
	<p><b>Summary of Outcomes &amp; Next Steps</b></p> <ol style="list-style-type: none"> <li>1. As advised in Council's previous email 14 June, it is intended to refer this DA to the Planning &amp; Environment Committee (meeting date of 8 August 2017), unless the DA is withdrawn beforehand.</li> <li>2. Council will not accept amended plans in relation to this DA. Any amendments to provide for a substantially reduced scheme would be significantly different to the current proposal and therefore would need to be submitted as a new DA.</li> </ol>

**ITEM 2 (continued)**

**ATTACHMENT 4**

	<p>3. To ensure that Council's corporate timeframes for preparing assessment reports and finalising meeting agendas are met – Council officers require a clear indication of whether or not you will be withdrawing the current DA <b>within 7 days (ie by 6 July 2017)</b>. If no advice is received within this time, Council officers will continue finalise the assessment report for the 8 August 2017 meeting.</p> <p>4. The applicant can make a verbal presentation to the Planning &amp; Environment Committee when the DA is to be considered (also any resident objectors will have the same opportunity). Further details will be provided on how to make a presentation to the Committee when the agenda has been finalised.</p>
	<p>Meeting concluded at 11.45am</p>

**ITEM 2 (continued)**

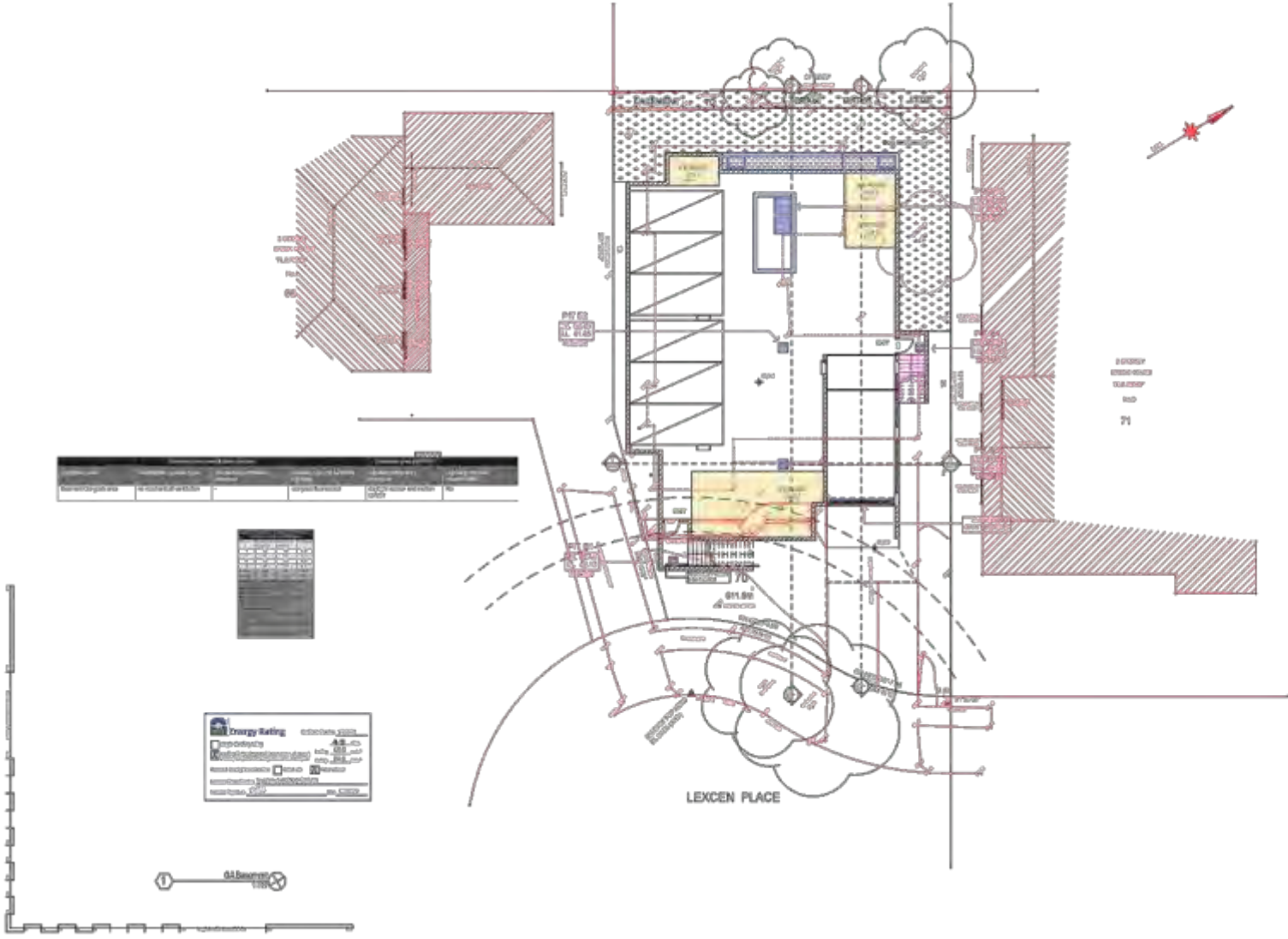
**ATTACHMENT 5**



LDA2017/0167

**ITEM 2 (continued)**

**ATTACHMENT 6**



DRAWING INFORMATION		DRAWING TITLE	
DATE	11/08/2017	DRAWN	...
BY	...	CHECKED	...
SCALE	...	DATE	...
PROJECT NO.	...	...	...
...	...	...	...

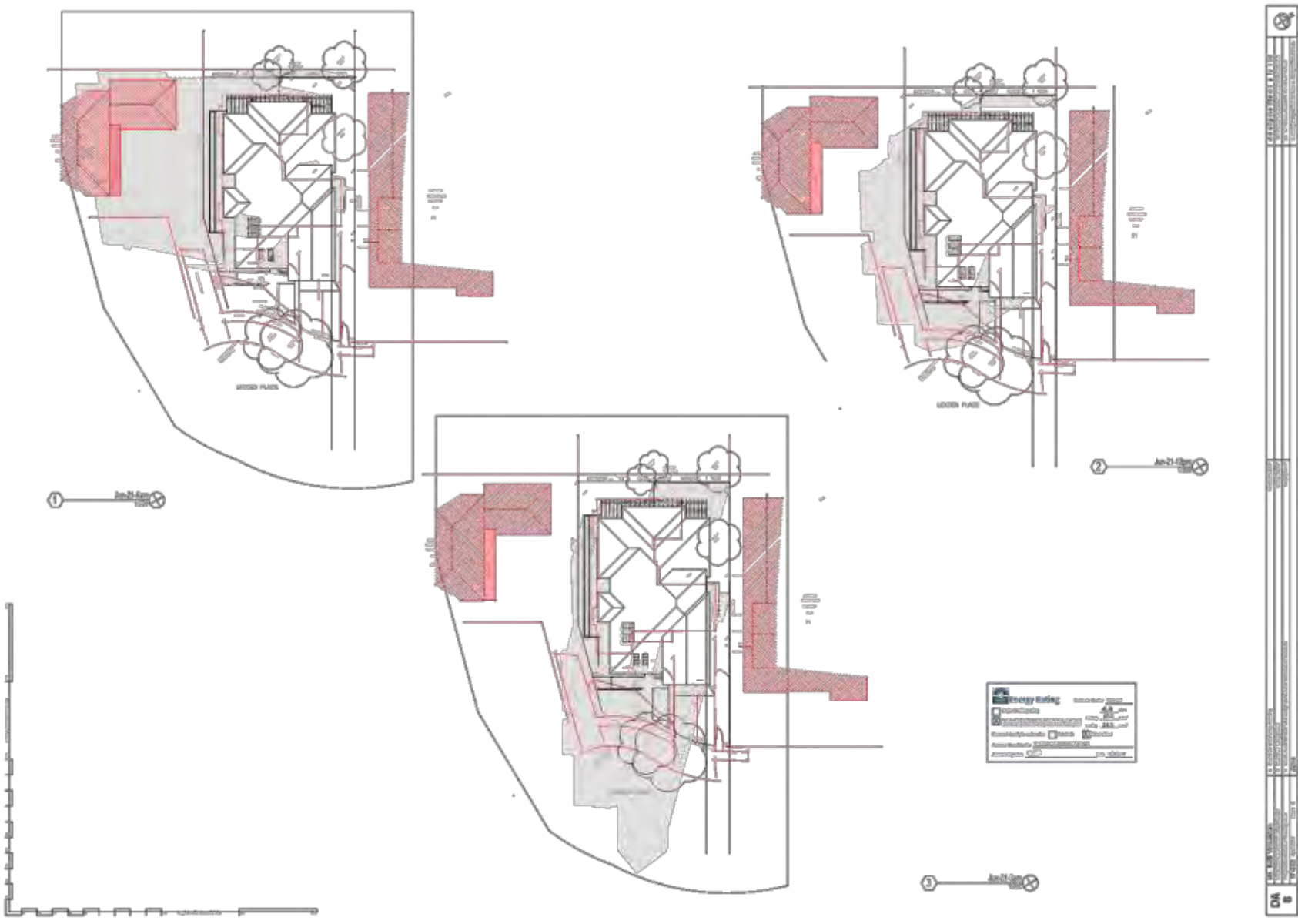
**ITEM 2 (continued)**

**ATTACHMENT 6**



**ITEM 2 (continued)**

**ATTACHMENT 6**





- 3 10 MONASH ROAD, GLADESVILLE. LOT 35A DP 401201, LOT 35B DP 401201. Local Development Application for demolition, new part 3 / part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces. LDA2016/0624**

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**Report prepared by:** Assessment Officer - Town Planner

**Report approved by:** Acting Manager - Assessment; Acting Director - City Planning and Development

**File Number:** GRP/09/5/6/2 - BP17/784

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## 1. Report Summary

**Applicant:** HWR Pty Ltd.

**Owner:** HWR Pty Ltd.

**Date lodged:** 23 December 2016.

This report considers a development application (DA) for demolition of existing buildings and ancillary structures, and construction of a new part 3 / part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces.

The DA was publically exhibited in accordance with the provisions of the Ryde Development Control Plan 2014 (Ryde DCP 2014) between 20 January 2017 and 15 February 2017, and notified in *the Northern District Times* on 25 January 2017. In response, 11 submissions objecting to the proposal were received. The issues of concern raised in the submissions have been addressed in the report, and are summarised as follows:

- Consistency of materials, finishes and design with the character of the local areas
- Height
- Parking
- Overshadowing
- Traffic and Pedestrian Safety
- Street tree planting
- Water pipe leaks in Monash Road and Eltham Street
- Gross floor area (GFA) calculations
- Garbage collection
- Active street front to College Street
- Impact of *Acorp Developments Pty Limited v City of Ryde Council [2016] NSWLEC 1650* for the right of way across the site to 6A-8 College Street.

### **ITEM 3 (continued)**

The applicant's proposal has been assessed against the provisions of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP65), Ryde Local Environmental Plan (Ryde LEP 2014), and Ryde DCP 2014. The proposal generally complies with the applicable planning controls except for minor variations to height, floor space ratio (FSR), and Level 4 setbacks. These non-compliances are considered to be minor in the context of the development as discussed in the body of the report. Council's Urban Design Review Panel (UDRP) are supportive of the proposed development.

It is recommended that the proposed development be approved, subject to conditions of consent.

**Reason for Referral to Planning and Environment Committee:** More than 5 submissions (11 submissions received).

**Public Submissions:** 11 submissions were received objecting to the development.

**SEPP 1 (or clause 4.6 Ryde LEP 2014) objection required?** Yes - variation to the height requirement as stipulated under Clause 4.3, and to the FSR requirement under Clause 4.4 of Ryde LEP 2014.

**Value of works:** \$8,765,711.00

### **RECOMMENDATION**

- (a) That Local Development Application No. LDA2016/0624 being LOTS 35A and 35B, DP401201 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

### **ATTACHMENTS**

- 1** Draft Conditions of Consent
- 2** Comments from Heritage Officer
- 3** Map indicating submissions made
- 4** A4 Plans
- 5** A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 3 (continued)**

Report Prepared By:

**Rebecca Lockart**  
**Assessment Officer - Town Planner**

Report Approved By:

**Vince Galletto**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Planning and Development**

### ITEM 3 (continued)

#### 2. Site (Refer to attached map.)

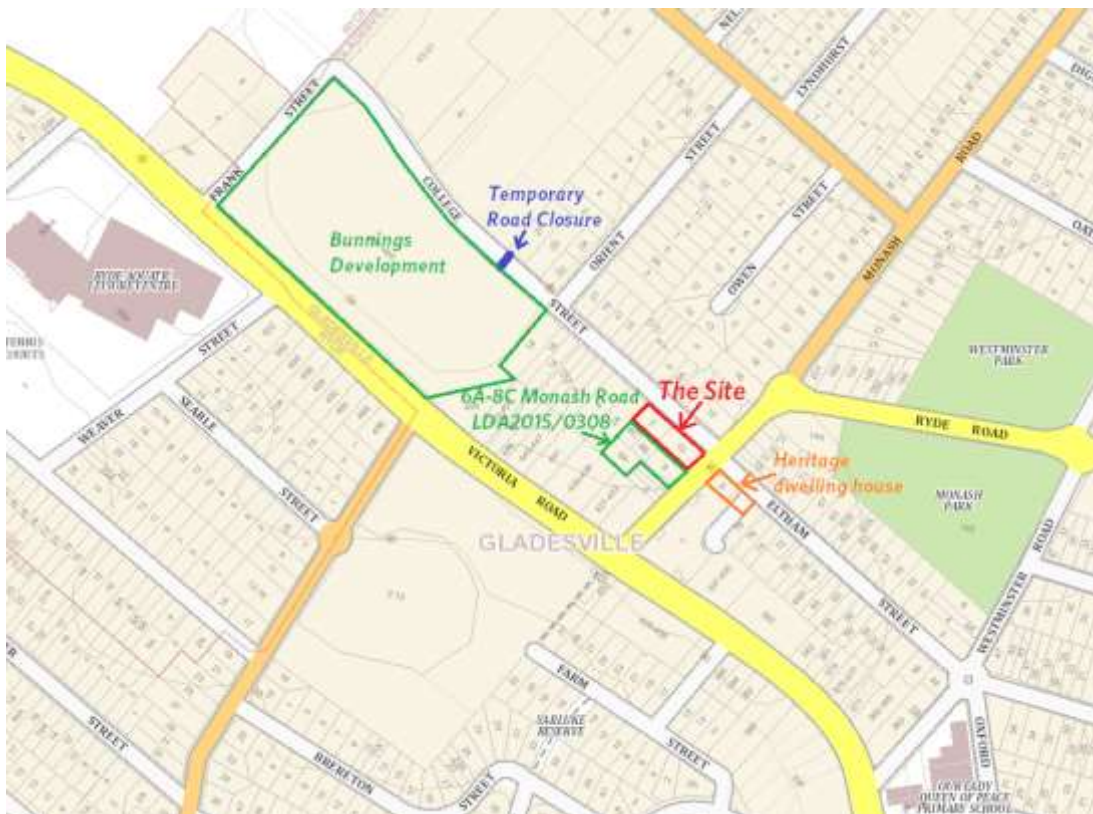
- Address** : 10 Monash Road, Gladesville and 2 College Street, Gladesville
- Site Description** : Site Area: 1359m<sup>2</sup>  
Frontage to Monash Road: 20 metres  
Frontage to College Street: 65.4 metres  
Depth: 20.32 metres
- Topography and Vegetation** : The site slopes from south-east to the north-west, with the highest point being in the south east corner of the site.
- The site has limited vegetation comprising scattered shrubs and trees and grassed areas.
- Existing Buildings** : 2 College Street: single storey brick residential dwelling with separate single storey brick garage.  
10 Monash Street: single storey building currently used for business purposes, with a separate garage.
- Planning Controls Zoning** : B4 Mixed Use under Ryde LEP 2014
- Other** :  
- State Environmental Planning Policy No.55 (Remediation of land)  
- State Environmental Planning Policy (Building Sustainability Index: BASIX)  
- State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development  
- State Environmental Planning Policy (Infrastructure) 2004  
  
- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
- Ryde Development Control Plan 2014  
- Section 94 Development Contributions Plan.

**ITEM 3 (continued)**



**Figure 1. Aerial photograph of the site**

**Source: Ryde Maps**



**Figure 2. Site location and context**

**Source: SIX Maps**

### **ITEM 3 (continued)**

#### **3. Councillor Representations**

Nil.

#### **4. Political Donations or Gifts**

Any political donations or gifts disclosed? No.

#### **5. Proposal**

The proposal is for demolition of existing buildings and ancillary structures, and construction of a new part 3/ part 4 storey mixed use development containing one commercial tenancy and 21 residential apartments over two levels of basement car parking containing 37 spaces (**Figure 3**). Details of the proposed development are as follows:

- Demolition of existing buildings and removal of trees;
- Site excavation for basement car parking levels;
- Two levels of basement car parking with 37 car parking spaces with entry from an access way off College Street;
- Twenty-one residential apartments comprising four (4) x 1-bedroom, fourteen (14) x 2-bedroom and three (3) x 3-bedroom apartments;
- Landscaping and communal open space, including a roof top terrace;
- Public domain improvements along the College Street and Monash Road frontages; and
- Stormwater management works and other required infrastructure upgrades.

### ITEM 3 (continued)



*Figure 3. Photomontage of proposed development from College Street. Source: Olsson & Associates Architects*

## 6. Background

- Development Application LDA2016/0624 was lodged on 23 December 2016. In accordance with Council's notification policy the application was notified and advertised from 20 January 2017 and 15 February 2017. A total of 11 submissions were received.
- The proposal was also reviewed by Council's Urban Design Review Panel (UDRP) on 14 March 2017. This was the second time the Panel had reviewed the proposal. The Panel advised that there were still some amendments required.
- The applicant was advised by email dated 4 April 2017 to address the UDRP matters, in addition to issues raised in the public submissions and with particular attention drawn to the method of calculation of GFA for lower ground storage areas, and provision of storage within apartments in line with the Apartment Design Guide (ADG).
- Amended plans were received on 26 May 2017 with amendments to the calculation of floor space ratio and height of buildings details, minor changes to the College Street façade in line with UDRP comments, and the extent of landscaping within the College Street frontage for the ground floor apartments. The submission also included a response to the objections received during the notification period.

### ITEM 3 (continued)

- These amended plans did not result in any major change to the architectural plans received on 26 May 2017 and therefore neighbour re-notification was not required.

### 7. Submissions

The proposal was advertised and notified in accordance with Ryde DCP 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 25 January 2017 in the *Northern District Times*. Notification of the proposal was from 20 January until 15 February 2017.

11 submissions were received. The issues raised in the submissions are outlined and addressed below:

- a) *Concerns raise that the design, choice of materials and finishes is out of character with the local area.*

The materials and finishes of the development include dry pressed face brick from PGH premium collection in Macarthur Mix colour (reddish brown). The applicant has stated that this material has been carefully selected by the architect to be “*both reflective of contemporary building design and the many homes in the locality built using face brick, including the heritage listed cottage directly opposite the site*”.

The PGH Bricks & Pavers website provides the product swatch for the proposed brick type shown at **Figure 4** below:



**Figure 4. Product swatch of Macarthur Mix Dry Pressed brick. Source: [www.pghbricks.com.au](http://www.pghbricks.com.au)**

The applicant also submitted an example of brick with expressed slab from a recently completed project in Lane Cove shown at **Figure 6**. It is noted that the concrete slab proposed in the subject DA is to be painted *Sea Elephant (Dulux)* (**Figure 5**), rather than the exposed concrete finish.



### ITEM 3 (continued)



**Figure 5. Sea Elephant (Dulux) paint colour of exposed slab edge**



**Figure 6. Example of brick with expressed slab from project at Lane Cove**  
**Source: Olsson & Associates Architects**

Objections raise concern with the proposed materials stating comments such as: the building *'is very ugly, sticks way out over the corner and does not have any equivalent colour scheme in the area'*; and *'the look of the structure is not in line with other buildings in the area and will not fit in to its surroundings'*.

There are two aspects underlying each of these objections – the design of the building, and the compatibility of the development with the surrounding neighbourhood. These are addressed below.

#### ***i. Design***

The UDRP Review made the following comments regarding the proposal:

*"The proposal is for a well-resolved, well-designed mixed use building that generally follows the envelope within the DCP. The proposal sits within the height and floor space controls and meaningfully responds to the DCP setback controls.*

*The Panel supports the proposal with a small number of minor recommendations to improve the final architectural expression and material quality of the proposal. It is an otherwise exemplary proposal for the Gladesville area."*

### ITEM 3 (continued)

The UDRP made a small number of recommendations for the consideration of the proponent and their architect including:

- *Refinement and careful consideration of the material quality assigned to the expressed slab edge is encouraged to ensure the design intent translates to a high quality built result*
- *As discussed with the proponent's architect during the meeting, The Panel encourages further refinement of the projecting slab edge on the upper-most floor at the corner of Monash Road and College Street, with a view to potentially eliminating this projection on the College Street frontage for the portion currently extending beyond the corner balcony.*

These amendment have been made to the amended plans dated 26 May 2017. In relation to the expressed slab, the applicant provided additional information on 30 May 2017 stating that the description of the Exposed Slab Edge on the Materials and Finishes Sheet (Drawing No. A-501, dated 29/5/2017) to specify a minimum Finish Level of Class 2 as per AS3610.

As the UDRP considers the development to be well-designed, and as the development generally complies with the relevant planning controls guiding the overall built form (as further detailed in this report), the proposed design of the building is supported.

#### **ii. Compatibility of the developmental the surrounding area**

*Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191 at 22-31 sets the Land and Environment Court planning principle for assessment of compatibility of a development in the urban environment as follows:*

##### ***Planning principle: compatibility in the urban environment***

- 22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.*
- 23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.*

**ITEM 3 (continued)**

- 24 *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*
- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
  - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- 25 *The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.*
- 26 *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*
- 27 *Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*
- 28 *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- 29 ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*
- 30 *Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to **architectural style** expressed through roof form, fenestration and materials.*

**ITEM 3 (continued)**

*31 It should be remembered that most people are not trained planners or urban designers and experience the urban environment without applying the kind of analysis described above. As people move through the city, they respond intuitively to what they see around them. A photomontage of a proposed development in its context provides the opportunity to test the above analysis by viewing the proposal in the same way that a member of the public would.*

Specifically in relation to paragraph 24 above, it is considered that the proposal's physical impacts on the surrounding area are acceptable. Constraints on the development potential of surrounding sites are considered through providing the potential for an access way/easement along the north-western boundary of the site to neighbouring properties, and compliance with the relevant setbacks to allow for future development of neighbouring sites.

The question of whether the proposal's appearance is in harmony with the buildings around it and the character of the street is more subjective. The existing context of surrounding development is a mixed environment as shown in the images at **Figure 5 – 8**. Based on paragraph 26, the relationship of the proposal with the surrounding neighbourhood is well considered, with the proposal complying with the setbacks and landscaping requirements, and while not strictly complying with the Ryde LEP 2014 height and FSR controls, still observing the intent and objectives of these controls by providing a graduation of heights from Monash Road to College Street to allow for greater compatibility with the surrounding low density neighbourhood.

ITEM 3 (continued)



**Figure 6. Heritage item at 1-9 Monash Road with mixed-use development behind and low density residential development to the left**



**Figure 5. Development along Monash Road, with the subject site on the right**



**Figure 8. Retail and low density residential development on the NE corner of Monash Road and College Street opposite the site.**



**Figure 7. Low density residential development adjacent to the site on College Street.**

### ITEM 3 (continued)

The site is not within a conservation area, and the development has endeavoured to reflect the materials and finishes of the surrounding environment through including red brick with an expressed slab edge with the objective of providing a transition of design between the large residential flat buildings of Victoria Road and Monash Road, to the low density residential areas to the north and north-west.

In relation to the compatibility of the development with the heritage item opposite the site, Council's Heritage Officer has no objections to the development on heritage grounds, stating:

*“The building incorporates a palette of materials and colour finishes that are largely neutral in tone and hue. The use of face brick as the external surface finish is supported as it provides a meaningful interpretation that aids in the relationship to the materiality of the heritage item opposite, which is of face brick construction, together with the Inter-War period shops south of the site in Monash Road (although not listed items of heritage significance).”*

The applicant has provided a photomontage of the proposed development in its context. The proposal is considered consistent in scale and style of surrounding, taking cues from low density architectural styles rather than the concrete rendered finishes of the residential flat buildings of Victoria Road. In this manner the development is considered to provide a transitional role between the higher densities of Victoria Road and the lower densities of College Street. The design is considered visually compatible with its context, and appropriately responds to and reflects the essential elements that make up the character of the surrounding urban environment.



**Figure 9. Photomontage of proposed development from Monash Road. Source: Olsson & Associates Architects**

### ITEM 3 (continued)

– Ryde DCP 2014 – Character

As noted in paragraph 26 of the Planning Principle, *“In some areas, planning instruments or urban design studies have already described the urban character”*. The Vision Statement for the Monash Road Precinct under Ryde DCP 2014 Part 4.6 Section 2.2.1 describes the desired urban character of the surrounding urban environment as follows:

*“The northern precinct at Monash Road is to maintain its local retail role, whilst gaining additional retail, commercial and residential development. The precinct’s heritage items and main street retail character are to be protected and enhanced with narrow frontage shopfronts and built forms that relate to the scale and character of existing buildings. The precinct will provide local shopping within a more cohesive built form and an improved public domain.”*

The ground floor retail space will contribute to the local shopping precinct, while the development also provides additional residential development. The proposal will not impact the heritage item across the road, with the built form designed generally in accordance with the Monash Road Key Site Built Form Controls under Section 4.3.1 of this Part of the DCP, while stepping down in height and prominence along College Street. The shop front responds to the character statement with a narrow frontage, and a built form that relates to the scale of the existing building in regard to height and setbacks, and reflects the character of the existing neighbour of through using materials commonly found within the local area.

*b) Objections raise that the proposed development will overshadow Monash Road*

As seen in **Figure 10**, on the winter solstice the proposed development will cast a shadow to 6A-8 Monash Road between 9am-12 noon, however by 3pm this shadow is moved to be cast over Monash Road and the heritage item at 1-9 Monash Road.

**ITEM 3 (continued)**

9.00 am



12.00 pm





**ITEM 3 (continued)**



**Figure 10. Retail and low density residential development on the NE corner of Monash Road and College Street opposite the site**

- c) *The height, bulk and scale of the proposed development is not in keeping with surrounding development and the DCP specifies a maximum limit of 4 levels for the site with 3 storeys along the Monash Road frontage, however the proposed development includes 4 storeys to Monash Road.*

Bulk and scale (height & FSR) of the proposed development generally accords with the built form objectives and controls for the site under Ryde LEP 2014 and Ryde DCP 2014. The site forms part of the transition area between Victoria Road and College Street and the proposed built form outcome is appropriate in the context of the site.

The predominant height of the building is 4 storeys, with the development terracing down to the north along College Street. The four storey street frontage provides an appropriate corner presence for the site to create visual interest. The overall height as proposed has been supported by the Urban Design Review Panel. In addition, the development provides adequate transition & amenity to the adjacent heritage and residential buildings.

Notwithstanding the 4 levels to Monash Road, the development is generally within the maximum height limit set under Ryde LEP 2014 except for minor variation of up to 338mm as outlined later in this report under the Ryde LEP 2014 assessment. The development complies with the maximum height controls along the street frontage with Monash Road.

### ITEM 3 (continued)

Further assessment of the proposal against Ryde DCP 2014 is provided later in this report.

- d) *Objections raise that the site provides insufficient off street parking, with the development likely to impact the availability of on street parking in the area.*

Adequate car parking for customers, residents and visitors have been provided on the site as demonstrated under the Ryde DCP 2014 assessment. It is unlikely that the on street car parking demand will change as a result of the proposed development as the proposed development provides the required car parking in accordance with Council's car parking controls and therefore contains all required parking on site.

- e) *Traffic and Pedestrian Safety. Objections raise concerns regarding pedestrian safety crossing Monash Road, and the extra traffic as a result of the proposed development.*

Council's Traffic Engineer was requested to provide comment on the current and future status of the College Street/Eltham Street/Monash Road intersection and the additional traffic impacts that may arise from the proposed development. The following response was provided:

*"The net increase of 10 vehicles is not anticipated to create significant traffic implications, both for drivers or pedestrians.*

*With 4 unrelated accidents [at this intersection] since 2009, the warrants are not met to treat the intersection as a black-spot location. Therefore it does not qualify for any facilities.*

*Note that, as part of the Bunnings Area Study, it was recommended that the intersection be upgraded to a signalised intersection. Council is currently investigating this option. However, should it not meet the warrants, Council may investigate other alternatives."*

While it is recognised that residents have concerns regarding pedestrian safety in the area, the scale of the development is not of a size that would warrant a full upgrade of the intersection as part of the subject application noting the proposal only contains 21 apartments and 37 parking spaces. It is noted that Council is currently investigating this intersection as part of a broader study area, and upgrades to the intersection may occur as a result of Council investigations.

- f) *Objections raise concern that a number of trees will be removed, with no details provided regarding proposed street tree planting.*

### ITEM 3 (continued)

The proposed tree removal under this application is supported as the trees are all exotic species, with none of the trees significant within the landscape. Public domain improvement works will form part of the consent conditions in accordance with the Ryde Public Domain Technical Manual, such as footpath paving, provision of an awning along Monash Road, street tree planting to beautify the street, and provision of street lighting. Details of the public domain improvements are subject to future detail in consultation with Council's City Works & Infrastructure Section prior to the issue of Construction Certificate (refer **Condition 67**).

*g) A submission raises that there are water pipe leaks in Monash Road and Eltham Street which is the result of overdevelopment in the area.*

Council's Stormwater Coordinator Asset Systems and Senior Engineer Stormwater Assets attended the site and the area within the vicinity of the site on 11 May 2017. It was reported that no water leaks were observed on Monash Road or Eltham Street, and Council's stormwater lines in this area are in working condition. It is their understanding that there were water leak problems along Eltham Street, however these were fixed by Sydney Water last year.

*h) Gross floor area calculations incorrectly excluded the waste rooms and corridor of the lower ground floor level*

The definition for 'basement' under Ryde LEP 2014, requires "*the floor level of that space [to be] predominantly below ground level (existing) and ... the floor level of the storey immediately above [to be] less than 1 metre above ground level (existing)*". The calculation for GFA under Ryde LEP 2014 excludes storage, vehicular access, loading areas, garbage and services located within the basement.

The objection raised that the areas considered to be basement in the original submitted plans, did not meet the definition of basement, and accordingly should count as GFA. Review of the concerns raised in the submission regarding GFA calculations identified that a miscalculation of GFA had occurred due to the applicant considering the waste rooms and corridor of the lower ground floor level to be within a 'basement level'.

The applicant was accordingly requested to review the overall calculations of GFA, and subsequently the floor space ratio (FSR) for the proposal.

### ITEM 3 (continued)

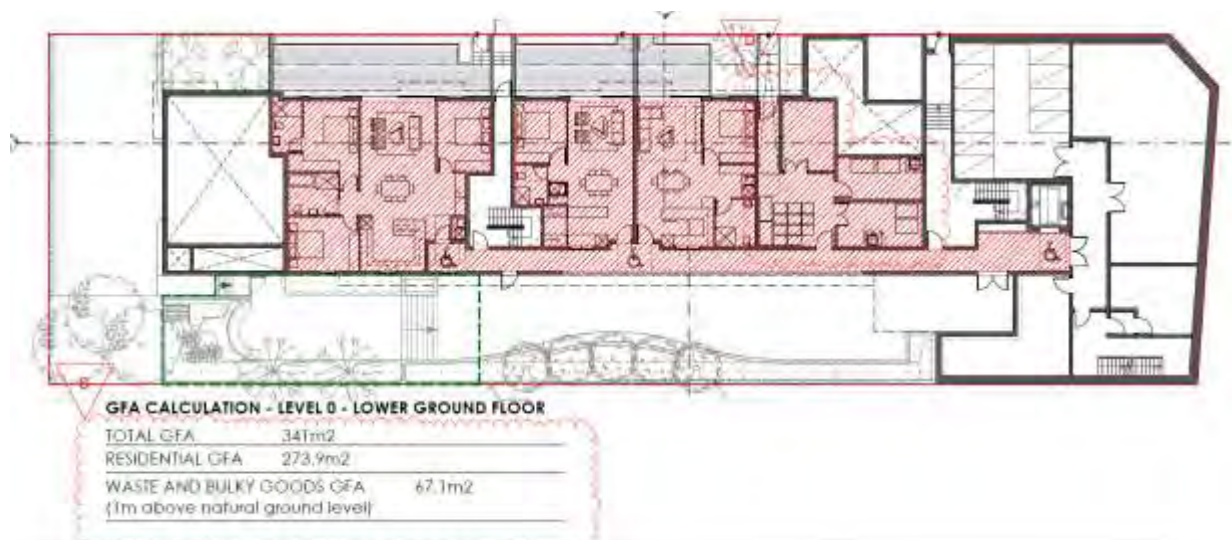
Amended plans dated 26 May 2017 included a discussion on this matter by the applicant's planning consultant, DFP Planning Consultants, stating:

*"The plans submitted with the Development Application excluded the waste rooms, the retail and residential storage area, fire stairs and hydrant pump room on the lower ground floor. Due to the sloping nature of the site, part of the lower ground floor (Monash Street end) is below ground level (i.e. basement structure), part of the building is partially below existing ground level and part of the building (western end) is at ground level.*

*In calculating floor space ratio, areas including plant rooms, areas used for vertical circulation such as stairs and lift, building voids and car parking are excluded. In addition, storage, loading areas, garbage and services areas within a basement are excluded.*

*The retail and residential storage area, hydrant pump room as well as the fire stairs are all located below ground and form part of a basement area and are therefore excluded from the calculation of gross floor area (GFA) and hence FSR.*

*The commercial waste room, residential waste room, residential bulk goods waste room and the waste holding room were originally excluded from the calculation of the gross floor area. These rooms have floor levels below existing ground level, however the floor level of the storey immediately above these spaces is greater than 1 metre above existing ground level. Therefore, these spaces are required to be counted as gross floor area and therefore part of the building's FSR. The floor area of these spaces is 67.1m<sup>2</sup>, as illustrated by the clouded notation on the plan below.*



### ITEM 3 (continued)

*As a result of the additional 67m<sup>2</sup> GFA, the revised FSR for the proposed development is 1:75:1. Therefore, there is a minor variation to the maximum FSR of 0.05:1. As a result of the slight variation in the FSR, an amended Clause 4.6 Variation Request has been prepared to address the variation in FSR, and is included at Attachment 2. The variation to the FSR arises due to the slope of the site and the use of space partly below ground and partly above ground. The floorspace is not used for habitable purposes and does not contribute to the bulk and scale of the building nor does it have any nexus to the minor variation to the building height, which is limited to a small section of the roof parapet and awning over the private open space”.*

An assessment of the Clause 4.6 for a variation to the FSR is included under the Ryde LEP 2014 assessment later in this report, however for the purpose of this objection, the calculation of GFA is now considered to be satisfactory, in accordance with the calculation requirements of the Ryde LEP 2014.

#### *i) Garbage collection – location of waste room and method of collection*

An objection from the neighbour at 6A-8 College Street raised concern that garbage should be integrated into the basement and collected via the rear access way, stating *“the provision of numerous bins into a residential street is a poor outcome and results in a future garbage truck collection close to the corner of College Street and Monash Road intersection”.*

The applicant met with Council’s waste management and planning staff on Tuesday 2 November 2016, prior to DA lodgement, to discuss the location of the residential waste room within the proposed building. At the meeting the applicant presented two options for waste collection:

1. Locating the waste room in the basement near the location of the ramp into the basement from the access driveway. The basement location would have required trucks to stand on the driveway, with waste bins to be collected from the waste room and moved to the waiting garbage truck. Due to the site slope and proposed basement heights and levels, a truck could not fully enter the basement for waste collection.
2. An alternate location towards the top/middle part of the site with direct access to College Street, and kerb site waste collection.

Council staff agreed that due to the proposed development comprising only 21 apartments the kerbside collection of residential waste was supported, on the basis that bins are appropriately stored within the building and with suitable ramp access to the kerb to be provided. The storage of commercial waste is to be in a separate room, with collection services to be agreed with a commercial waste contractor.

### ITEM 3 (continued)

Council's Waste Officer has reviewed the development as proposed and supported the proposed waste collection and storage option, with construction and operational conditions included on the draft consent to ensure wastes generated on the premises will be stored and disposed of in an environmentally acceptable manner, in addition to requiring garbage and recycling bins to always be stored on-site between collections. Refer **Conditions 74-76, 120, 140 - 142, and 158**.

#### *j) Provision of infrastructure –parking, access, sewerage and waste services*

An objection is raised that the development should not be supported as there is 'no capacity planning for parking access, sewerage and waste services in the area as a result of increased densities'.

Residential flat buildings and higher residential densities are permissible within the Gladesville/ Victoria Road area under Ryde LEP 2014 within the B4 Mixed Use zone. The controls under the Ryde LEP 2014 were informed by strategic planning undertaken for the Ryde LGA, which was directed by broader Sydney metropolitan planning undertaken by the NSW Department of Planning and Environment. Planning for increases in population density across Sydney is generally undertaken at a State level in consultation with relevant branches of Government to ensure infrastructure capacity is upgraded in areas of growth.

While regional services such as sewage and water supply across Sydney are a responsibility of the NSW State Government which is required to respond to meet demand as required, local services such as parking, access and waste services are looked at on a local scale. Council's waste office, traffic and development engineers have reviewed the proposed development and concluded that the proposal will cause a negligible impact on the surrounding traffic network, the waste collection services are capable of meeting the additional capacity for the area and access to the site is supported.

#### *k) Active street front to College Street not meaningfully provided*

A submission raises that the proposal does not provide an active edge to College Street frontage because of the projecting basement walls and a large service area on the ground floor.

**Figure 11** identifies the street level uses which are over the lower ground and ground levels of the development. The site has a slope of 4.75m from the corner of Monash Road and College Street to the rear of the site. **Figure 12** provides a photograph of this elevation of the existing site.

### **ITEM 3 (continued)**

The Built Form Plan under Part 4.6 Gladesville Town Centre and Victoria Road of Ryde DCP 2014 reproduced at **Figure 13** identifies that the College Street frontage is to have retail/commercial/residential uses with street articulation and a 0m setback for the portion of the site closer to Monash Road, and a 2m setback for the rest of the College Street frontage.

The proposed development in responding to the significant site slope along College Street has split the active uses across two levels, with a retail space facing the Monash Road street frontage which continues around the corner of the site to College Street at RL52.10, services and emergency access at RL50.75, and residential apartments at RL49.10. The residential uses consist of 37.4m of the 68.12m frontage which respond to the residential nature of College Street through providing a street address and direct street level access to these apartments. The proposed uses and activation is generally in accordance with the Built Form Plan as shown at **Figure 13**.

While there is approximately 15m of inactive uses between the edge of the retail window frontage and the residential unit frontage along College Street, this portion of the site provides the necessary service and emergency access to the site from the street, which is preferred to occur from this frontage, rather than from Monash Road.

In light of the above, it is considered that the proposed activation of College Street is satisfactory.

ITEM 3 (continued)

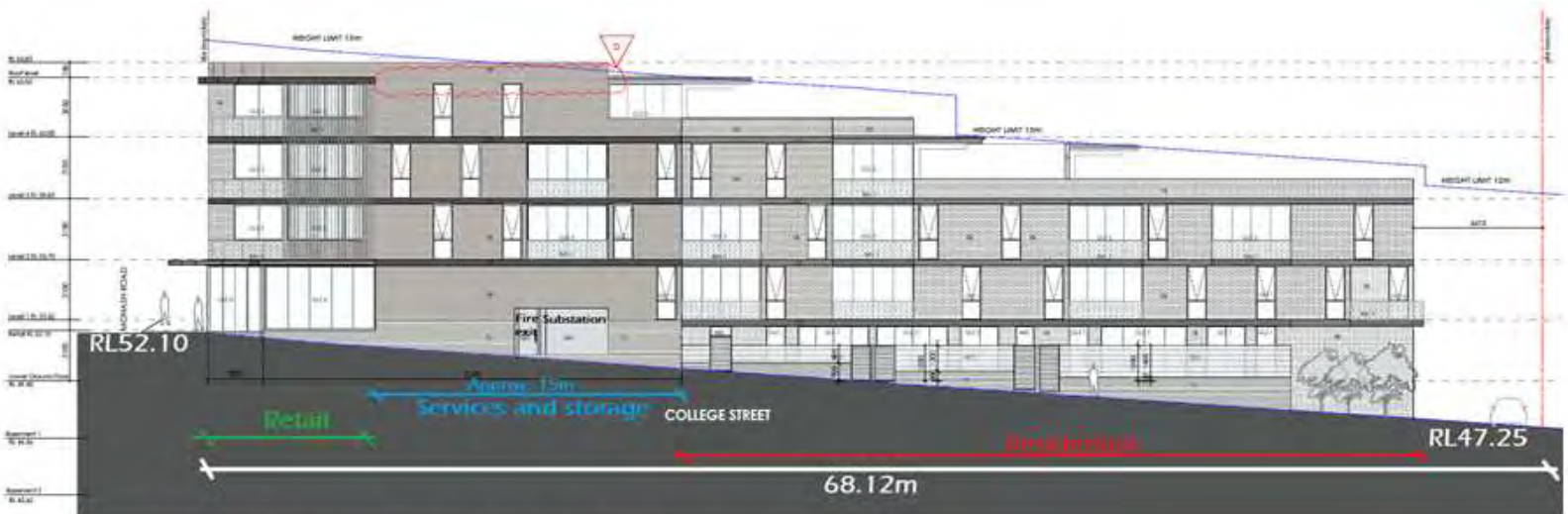


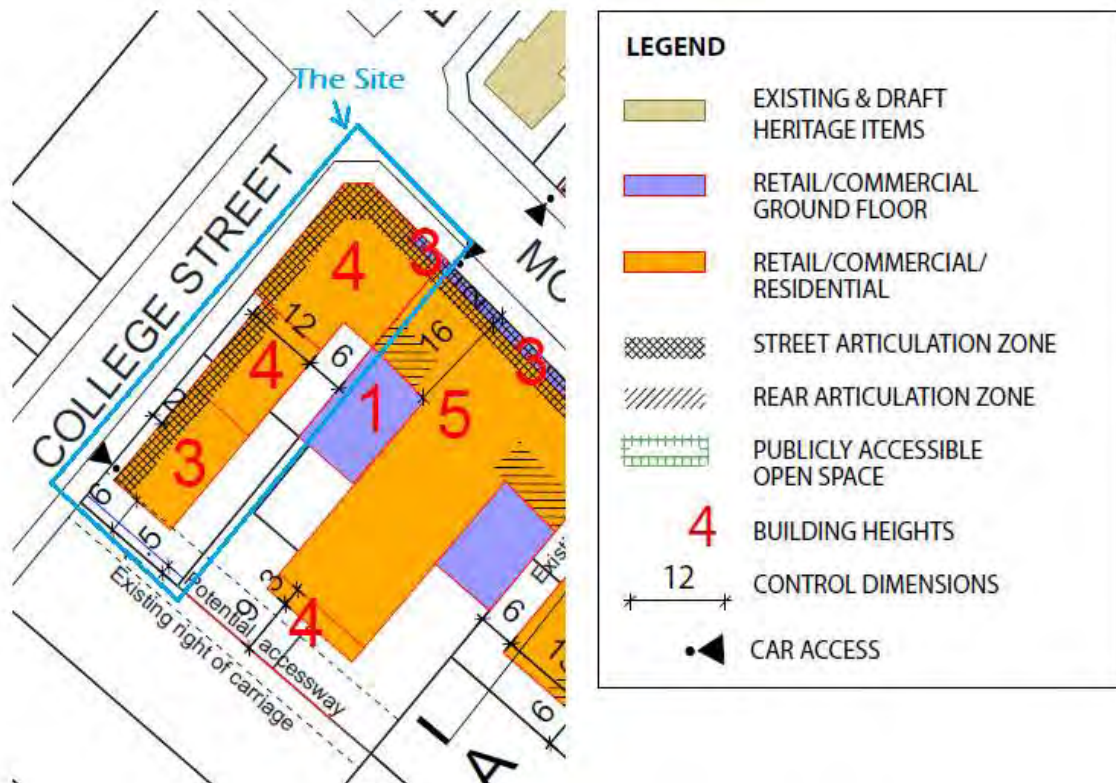
Figure 11. North east elevation – College Street – identifying street level uses



Figure 12. North east elevation – Photograph of existing site



**ITEM 3 (continued)**



**Figure 13. Built Form Plan – Part 4.6 Gladesville Town Centre and Victoria Road – Ryde DCP 2014**

*l) Impact of Acorp Developments Pty Limited v City of Ryde Council [2016] NSWLEC 1650 for the right of way across the site to 6A-8 College Street.*

Legal representations from HWL Ebsworth Lawyers on behalf of the owner of 6A-8 Monash Road have raised a number of objections to the proposed development in relation to the *Acorp Developments Pty Limited v City of Ryde Council [2016] NSWLEC 1650* deferred commencement approval under LDA2015/0308. These include the following items, which are each addressed below:

- i. Our client is presently considering its position as to the commencement or proceedings pursuant to section 40 of the Land & Environment Court Act 1979 or section 88K of the Conveyancing Act 1919.*

LDA2015/0308 was granted deferred commencement approval by the Land and Environment Court subject to the following conditions:

- An easement to drain stormwater being established over 2 College Street (the subject site), in order for the development lots to legally drain to the point of discharge;
- Obtaining a right of way benefitting 6A-8 Monash Road over 2 College Street (the subject site) in the area highlighted in yellow at **Figure 14**; and

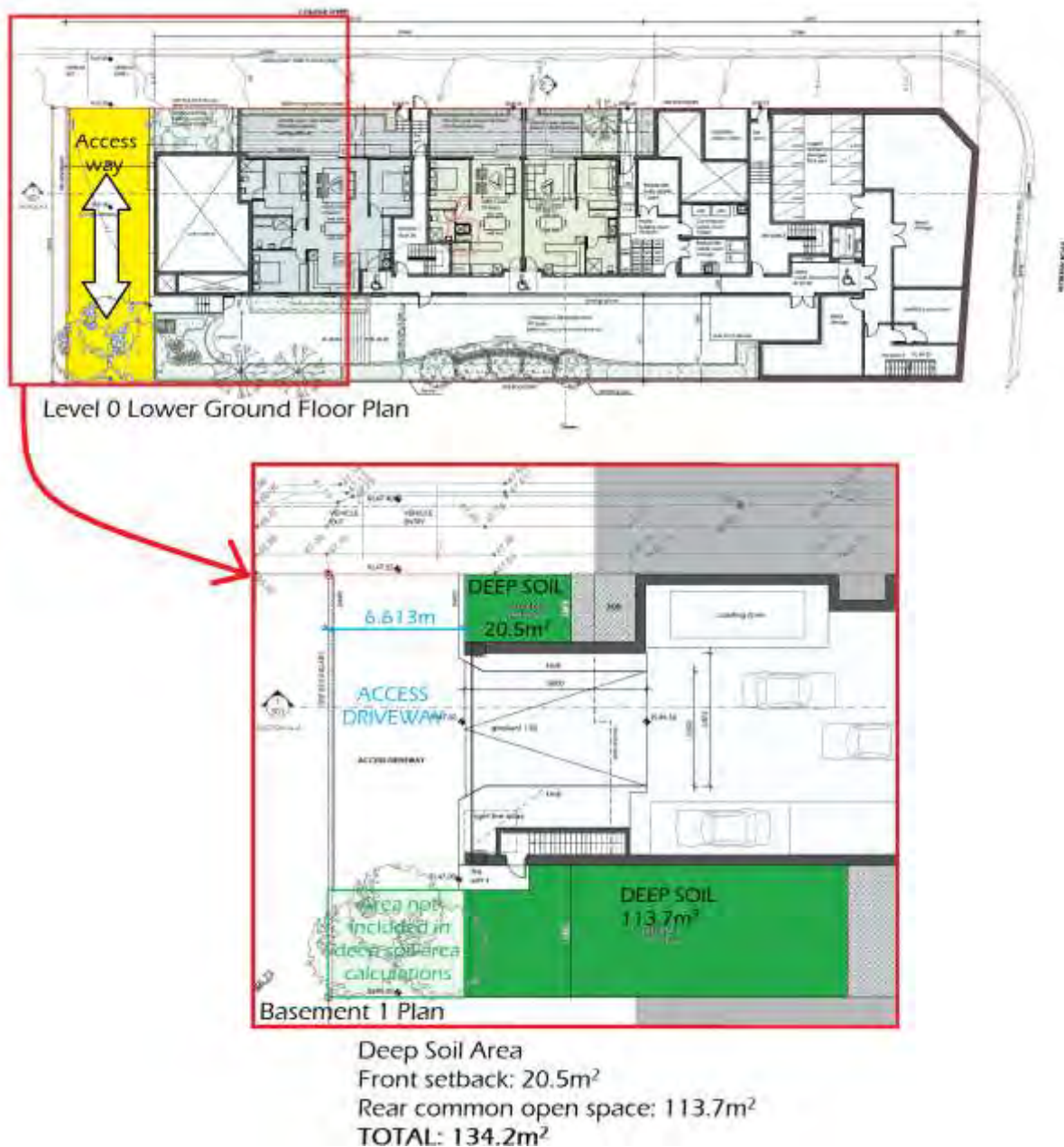
### ITEM 3 (continued)

- Preparing and submitting to Council a detailed site investigation report in accordance with *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) demonstrating that the site is suitable for the proposed use. With the notation that Council may require site audit of detailed investigation report verifying the information contained in the detailed site investigation report.

The proposed development under this DA has provided the access driveway in the location of the potential right of way, to the required width and location identified in the Built Form Plan (see **Figure 13**), with no building located in this part of the site to preclude future access if an easement is established. Regardless of any Court proceedings regarding the right of way, the proposed development has planned for the option of this access way being provided should it be obtained by the owner of 6A-8 Monash Road, which in no way prevents the approval of this application.

A small strip of landscaping is proposed adjoining the site boundary and the access driveway, identified in **Figure 14** as '*Area not included in deep soil area calculations*'. Should an easement be registered in accordance with the access requirements of Ryde DCP 2014 Part 4.6 – Gladesville Town Centre and Victoria Road Corridor, **Condition 162** has been recommended on the draft consent allowing for the removal of the temporary landscaping, or allowing for the temporary landscaping not to be planted if it has not yet been planted.

**ITEM 3 (continued)**



**Figure 14. Basement 1 and Lower Ground Floor Plan identifying access way and deep soil areas**

- ii. *The above development application proposes and relies upon deep soil landscaping and trees which would obstruct the proposed right of access for our client's property as contemplated by the plans approved by the Land & Environment Court on 9 December 2016.*

### ITEM 3 (continued)

Approximately 134.2m<sup>2</sup> (or 9.9% of the site area) is proposed as deep soil zone in the form of the common open space area along the site's southern boundary and within the front setback area, as shown at **Figure 14**, without relying upon deep soil landscaping at the south western end of the driveway in the area of the potential future right of way. This amount of deep soil planting exceeds the ADG requirement for 7% deep soil planting and accordingly is not a reason for Council to refuse the application.

*iii. In light of the recent events described above, and the fact that our client may well be forced to commence Court proceedings seeking the grant of a right of access over 2 College Street, we are instructed to reiterate the submission lodged by our client on 15 February 2016. Approval of the above development application would not, in our client's submission:*

- *conform with the Key Site Plan relating to the Site under DCP 2014, or the alternative Key Site Plan accepted by the Court; and*

The Key Site Plan (i.e. the amended Ryde DCP 2014 Built Form Plan) accepted by the Court does not make any substantive changes to the subject site under this application, however does note the sole vehicular access to 6A-8 Monash Road being from the 'potential access way' at the rear of the subject site (refer **Figure 15**). It is noted in this regard, that the court granted deferred commencement approval for LDA2015/0308 subject to obtaining the easement across the subject site. The proposed development does not block access or prevent the development of this easement should it be obtained.

Furthermore, this plan, shown at **Figure 15**, does not form part of the Ryde DCP 2014, and is not required to be considered under Section 79C of the EP&A Act. The applicant has provided the following in response to this concern:

*"Whilst the Court has given consideration to an "amended" Key Sites Diagram, this amendment has not been the subject of any consultation with the applicant, nor publicly exhibited for comment. The Key Sites Diagram in RDCP has not been amended by Council and it remains the plan against which the application is to be assessed."*

- *result in an orderly or logical outcome; and*
- *promote and co-ordinate the orderly and economic use and development of the area contrary to the objects of the Environmental Planning and Assessment Act 1979.*

**ITEM 3 (continued)**

The proposed development has made provision for a future right of way across the rear of the site. The proposed tree planting, which has been reduced to one (1) tree by Council's Landscape Architect (refer **Condition 1(a)**) and the species amended to a Cheese Tree (*Glochidion ferdinandi*), will provide the desired amenity outcomes in the short term until when / if an easement is obtained, but can also be easily removed without impacting the deep soil area required on the site per recommended **Condition 162**.

It is considered that the development promotes the orderly and logical outcome for development of the subject site, and for 6A-8 Monash Road, and facilitates the 'orderly and economic use and development of land' by making provision for the right of way should it be obtained, without restricting, delaying or preventing the development of the subject site.



**Figure 15. Amended Ryde DCP 2014 Built Form Plan accepted by the LEC under Acorp Developments Pty Limited v City of Ryde Council**

- iv. *We respectfully submit that the above matters, together with our client's continuing attempts to obtain a right of access over 2 College Street, are relevant matters which should be considered by Council in its assessment of the above development application.*

### **ITEM 3 (continued)**

The above assessment has taken into consideration the points raised in the objection. These concerns have been addressed through the provision of the driveway for the subject site in the location of the potential access way and to the required widths, though not relying on the proposed landscaped area to reach the required deep soil area calculations under the ADG, and through not developing within this portion of the land.

The approval of this development application by no means prevents the granting and development of a right of way across the rear of the site and in doing so promotes and co-ordinates the orderly and economic use and development of land in accordance with the Objects of the EP&A Act.

#### **8. SEPP1 (or clause 4.6 RLEP 2014) objection required?**

If yes, provide details and percentage variation.

#### **9. Policy Implications**

##### **Relevant Provisions of Environmental Planning Instruments etc:**

##### **(a) Ryde Local Environmental Plan 2014**

##### **Clause 2.3 Zone Objectives**

Commercial premises (retail, business and offices), shop top housing and residential flat buildings are permissible within the B4 Mixed Use zone subject to the approval of Council.

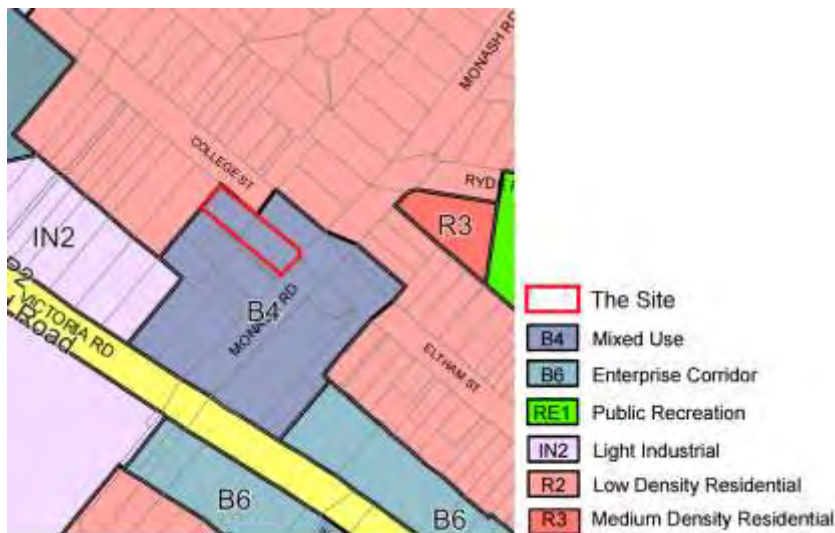
The objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

### ITEM 3 (continued)

The proposed development is considered to be consistent with the relevant objectives of the zone as it will provide additional residential accommodation and retail development within walking and cycling distance of retail and commercial development along Victoria Road and public transport Sydney Bus routes to the City, Eastwood, Macquarie Part and West Ryde. The proposal supports and integrates with the commercial uses within the Gladesville Town Centre and Victoria Road Corridor, while also providing a suitable transitioning development between the R2 Low Density Residential zoned land to the north and north-west of the site (**Figure 16**).

It is noted that the site is located within Gladesville Town Centre (as defined by the Ryde LEP 2014 'Centres Map' and Ryde DCP 2014).



**Figure 16. Ryde LEP 2014 zoning map**

### Clause 4.3(2) Height of buildings

Under this Clause, there are three height controls applying to the subject site, with a 15m height control for 10 Monash Road, 13m for the eastern portion of 2 College Street and 12m for the western part of 2 College Street in the area identified as a future access driveway as shown at **Figure 17**. The objective of this is to provide a transition between the 19m building heights permitted along Monash Road and Victoria Road and the 9.5m low density residential area along College Street and Monash Road.

**ITEM 3 (continued)**



**Figure 17: Ryde LEP 2014 height of buildings map**

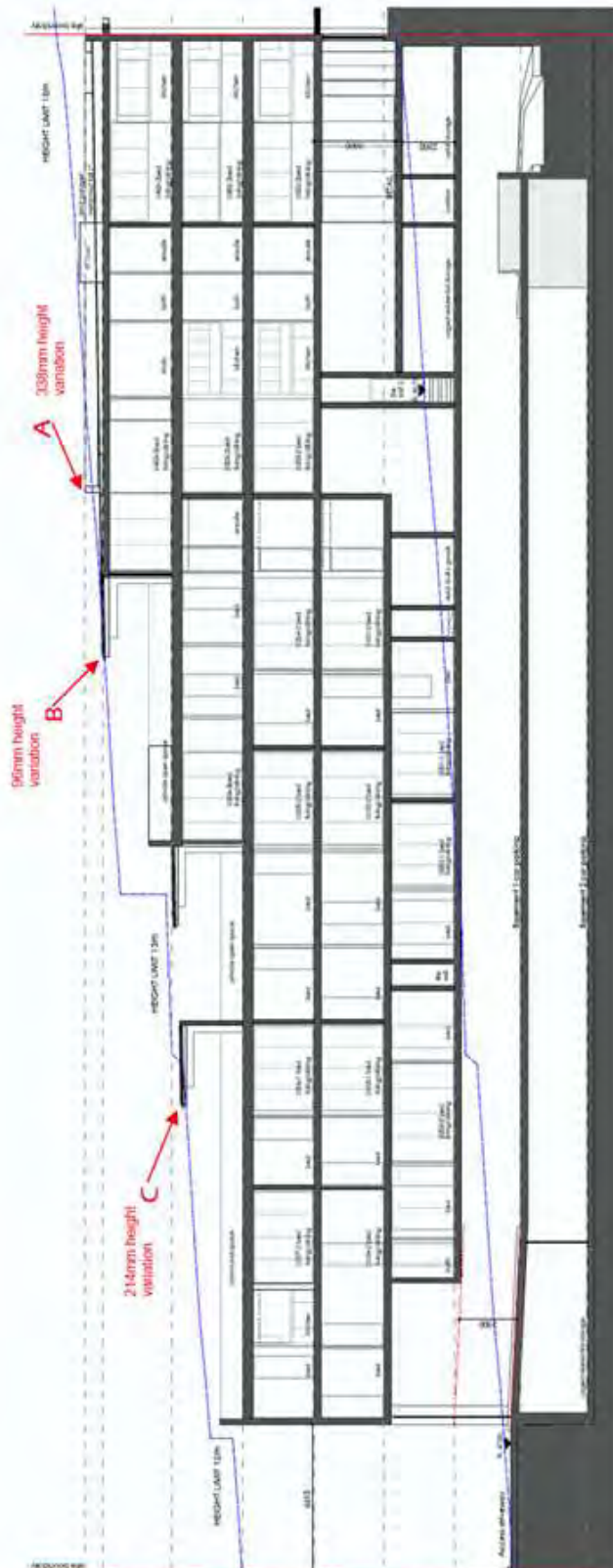
**Table 1 and Figure 18** depict the maximum building height of the proposed development within the 12m, 13m and 15m height control areas shown at **Figure 17**, and identify that maximum height of the proposed building slightly exceeds the respective 13m and 15m height zones applying to the site in three areas identified as area A, B and C.

**Table 1. Summary of proposed maximum building heights**

	Height Control	Maximum Height (RL)	Existing ground level (RL)	Maximum Height	Exceedence	Compliance
A	15m	RL65.83	RL50.492	15.338m	338mm	No – Clause 4.6 variation submitted
B	15m	RL65.05	RL48.954	15.096m	96mm	No – Clause 4.6 variation submitted
C	13m	RL61.80	RL48.586	13.214m	214mm	No – Clause 4.6 variation submitted
Driveway	12m	No development	RL46.96	0m	Nil	Yes



**ITEM 3 (continued)**



**Figure 18. Building Section Plan of proposed development identifying height exceedances Clause 4.6 Exceptions to development standards – Height of building**

### ITEM 3 (continued)

A request for exemption under clause 4.6 was lodged as the maximum height of the building exceeds the maximum height of buildings control under Clause 4.4 of Ryde LEP 2014. The applicant's seeks a variation to Clause 4.3 of the Ryde LEP 2014 entitled 'Height of buildings'. The objection outlines the rationale for the departure and identifies the constraints of the site.

The proposal departs from this development standard by a maximum of 338mm within the maximum height control of 15m (Area A), and 214mm within the maximum height control of 13m (Area C). The height exceedances are shown at **Figure 18** and outlined above at **Table 1**. The height variations are:

- 338mm above the 15m height for the parapet;
- 96mm above the 15m height for the pergola/awning of unit 403; and
- 214mm above the 13m height limit for the pergola/awning to the communal open space.

This exception is considered to warrant Council's support and is discussed in further detail within this report.

The clause sets out the tests for establishing if the variation is 'well founded' and requires the consent authority to be satisfied of the following matters:

#### 1. Is the planning control a development standard?

Yes, Clause 4.3 'Height of buildings' of the Ryde Local Environment Plan 2014 is a development standard under the definition of the EP&A Act.

#### 2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development.

The applicant has stated that the primary justification for the proposed variation is due to the sloping site topography and the existing ground levels. The applicant further states that:

- *"The extent of the height breach is limited to the roof parapet and awning structures and additional excavation of the site is not considered to achieve a better overall environmental outcome for the site as there are minimal environmental impacts associated with the additional building height."*

### ITEM 3 (continued)

- *The height variation is generated due to the provision of the upper level terrace which requires a thicker slab for waterproofing purposes. A consistent slab height is maintained throughout the building which results in minor variations to the building height due to the site slope.*
- *Reducing the overall height of the building by reducing the awning structures would result in poorer indoor and outdoor amenity outcomes for the apartments and private open space. Stepping the height of the parapet would provide a poorer design response to the form of the building.*
- *The building design has sought to avoid variations in floor level (i.e. off-set floor levels), off-set basement levels or sloping basement levels as this would require deeper excavation to accommodate basement levels.*
- *The exceedance of the height limit will be imperceptible when viewed from the street and will not affect the way in which the building is perceived from public places and it is considered that the proposed building is consistent with the desired future character of the locality.*
- *The proposal satisfies the B4 Mixed Use zone objectives and the objectives of the building height and floor space ratio standards under RLEP.*
- *The 13m and 15m height limit allows for a 3 and 4 storey building. The proposal is a 3 and 4 storey apartment building which is consistent with the desired future character. Strict compliance would result in either additional excavation of the retail level, which would be unacceptable as the retail floor level would be well below Monash Road or spilt floor levels.”*

The following assessment has also been provided by the applicant regarding why it is considered that compliance with the standard is unreasonable or unnecessary in the circumstances of the case:

- *“The proposed design provides a minimal variation to the building height limits and more generous open space within the site than required by the relevant planning controls.*
- *Only minor elements of the building exceed the 13m and 15m height limit and it is considered that providing consistent floor levels is a better design and environmental outcome than providing offset floor levels or deeper excavation, as there are minimal environmental impacts associated with the additional building height.*
- *The exceedance of the building height limit does not reduce the amount of solar access available to the residential units within the development, nor impact on solar access to the private and communal open space within the proposed mixed use development. The proposed development achieves a minimum of 2 hours of solar access to 85.7% of apartments and cross ventilation to 90% of apartments.*

### ITEM 3 (continued)

- *The exceedance of the building height limit will also not result in a loss of solar access to adjoining properties. Nor will exceedance of the building height limit reduce views from adjoining properties.*
- *The proposal is considered to demonstrate good urban design, is not excessive in terms of height, bulk and scale and will provide a positive contribution to the streetscape. The proposed development also achieves the desired urban character for the site and locality and as discussed above the proposal satisfies the planning objectives for the B4 Mixed Use zone and building height control under RLEP. Exceedance of the building height limit will not be discernible when viewed from the street.*
- *The exceedance of the building height limit does not generate any adverse amenity impacts on the future residents of the proposed development or future adjoining residential development and the building height is appropriate for the site's urban centre context.*

*Accordingly, as demonstrated above, strict compliance with the height standard is considered to be both unreasonable and unnecessary in this instance."*

It is considered that compliance with the 'height of buildings' development standard is unreasonable in this case. The proposed departure from the development standard in relation to the height of building is acceptable for the following reasons:-

- The development incurs the minor building height breach due to the existing topography of the site. The incursions are primarily from the roof area of the development including the parapet and pergola/awnings.
- The proposed development respects the intent of the height of building controls under Ryde LEP 2014, with only minor portions of the building encroaching the 13m and 15m height limit.
- In terms of bulk and scale the minor breach does not result in an additional storey nor does it result in an overdevelopment of the site. The portions of the roof that exceed the height control are minor and only located in limited areas of the roof form as shown at **Figure 15**.
- Due to the orientation of site and minimal nature of the exceedance, the encroachment to the 13m and 15m height control does not result in additional detrimental impacts to the surrounding properties such as overshadowing or privacy impacts.
- The proposed development complies with all the building envelope controls for a development of this type, meeting the minimum front, side and rear setback controls under the ADG and Ryde DCP 2014.

### ITEM 3 (continued)

- The development does not unreasonably compromise the amenity of surrounding properties with respect to privacy or overshadowing.
- Overall, the design of the proposal is commensurate with the existing locality and desired future character of the street, satisfying the underlying objectives of the clause.
- The proposed height is considered to meet the objectives of the control. A strict numerical compliance with the development standard would not deliver any substantive additional benefits to the owners or occupants of the surrounding properties or the general public and such compliance can therefore be considered to be unreasonable and unnecessary in the circumstances of the case.

### 3. Environmental grounds to justifying contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section. All of the above issues are supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

### 4. The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

#### Consistent with objectives for development within the zone in which the development is proposed to be carried out

The proposed development is consistent with the objectives of the B4 Mixed Use zone as detailed earlier in this report.

#### Consistent with the objectives of the particular standard

The objectives of Clause 4.3 Height of Buildings are:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

### ITEM 3 (continued)

The proposed development is consistent with these objectives as:

- The proposed development is compatible with the emerging character of the area. The bulk and scale of the building as viewed from the street is consistent with the planning controls and desired character for Gladesville and Victoria Road area. The height of this development will respond to street presentation to College Street and Monash Road and the emerging developments along within the immediate locality. The heights also respond to the low density character of development to the north and north-west of the site. The overall built form ensures acceptable setbacks, streetscapes, scale and visual interest in the building.
- The applicant has provided shadow diagrams for 9.00am, 10am, 11am, 12noon, 1pm, 2pm and 3.00pm in midwinter. The diagrams demonstrate that there will be no unreasonable overshadowing to surrounding properties, with the proposed development at 6A-8 Monash Road receiving direct solar access to the majority of the site for approximately 3 hours between 12am and 3pm as shown earlier at **Figure 10**. This is considered acceptable given the site controls for both sites and the site orientation.
- The development supports sustainable integrated land use and transport development around key public transport infrastructure, providing additional residential accommodation within walking distance to services and bus stops.
- The impact on adjoining properties is considered later in this report under the ADG assessment. The height exceedance will not add to any impact due to shadowing as demonstrated by the above figure. The careful design of the development has aimed to reduce privacy impacts between the developments in addition to neighbouring sites

**5. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and the exception is well founded.**

The applicant has provided a written request which adequately justifies the variation to the development standard.

The justification provided for the departure from the development standard is considered well founded as the objectives of the standard are achieved notwithstanding non-compliance with the standard. Additionally the written request provides justification for the departure and addresses the constraints of the site while also addressing how the proposal meets the objectives of the ADG, Ryde LEP 2014 and DCP 2014.

### **ITEM 3 (continued)**

In this instance, there is sufficient environmental planning grounds to justify contravening the development standard. These grounds are particular to the circumstance of the proposed development on this site. To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

### **6. Concurrence of the Director General.**

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

### **Conclusion**

Compliance with the development standard would be inconsistent with the aims of the Ryde LEP 2014 and the objectives of the EP&A Act. Refusal of the application on the basis of this minor non-compliance which is unique to the site, would hinder the orderly and economic use and development of the site as the development is in all other means compliant with the relevant mandatory planning controls, with this exception of the minor breach of the maximum height control of 15m by 338mm and 13m by 214mm.

In light of the above assessment, the variation to the height of buildings standard is supported.

### **Clause 4.4 (2) – Floor space ratio**

This Clause prescribes a maximum floor space ratio (FSR) of 1.7:1 for the subject site. The site has an area of 1359.5m<sup>2</sup> which allows a maximum GFA of 2311.15m<sup>2</sup>.

The development proposes 2378.2m<sup>2</sup> of GFA allocated across the site as outlined in **Table 2** thus the development slightly exceeds the maximum GFA permitted under this clause by 2.9%. A Clause 4.6 variation has been submitted for the minor exceedance.

### ITEM 3 (continued)

**Table 2. Summary of GFA and Uses across each floor**

<i>Floor Level</i>	<i>Area (m<sup>2</sup>)</i>	<i>Use</i>
Basement 1 and 2	0	Basement 1: 13 car spaces, bicycle and motorbike parking and loading zone Basement 2: 24 car spaces and caged residential storage.
Lower Ground	341.0	Units U001 (adaptable), U002, U003, Retail storage, caged residential storage, commercial and residential waste rooms.
Ground/Level 1	597.2	Units U101 (adaptable), U102, U103, U104, Retail (171.6m <sup>2</sup> ).
Level 2	675.0	Units U201, U202, U203, U204 (adaptable), U205, U206, U207.
Level 3	432.7	Units U301, U302, U303, U304 – including private terrace, communal terrace.
Level 4	332.3	Units U401, U402, U403 – including private terrace
<b>Total</b>	<b>2378.2</b>	<b>FSR: 1.75:1</b>

#### Clause 4.6 Exceptions to development standards – FSR

A request for exemption under clause 4.6 was lodged as the floor space ratio exceeds the maximum floor space ratio control under Clause 4.4 of Ryde LEP 2014. The applicant's seeks a variation to Clause 4.4 of the Ryde LEP 2014 entitled 'Floor Space Ratio'. The objection outlines the rationale for the departure and identifies the constraints of the site.

The proposal departs from this development standard by 67.05m<sup>2</sup> or 2.9%. The exceedance is the result of part of the lower ground area not being considered 'basement' thus the commercial waste room, residential waste room, residential bulk goods waste room and the waste holding room on the lower ground floor are counted as GFA under the calculation requirements of Ryde LEP 2014.

This exception is considered to warrant Council's support and is discussed in further detail within this report.

The clause sets out the tests for establishing if the variation is 'well founded' and requires the consent authority to be satisfied of the following matters:

#### 1. Is the planning control a development standard?

Yes, Clause 4.4 'Floor Space Ratio' of the Ryde Local Environment Plan 2014 is a development standard under the definition of the EP&A Act.



### ITEM 3 (continued)

#### 2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary as the development complies with the objectives of the standard. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development.

The applicant has stated that the primary justification for the proposed variation is due to the slope of the site and the use of space being partly below ground and partly above ground, though not meeting the requirements for a basement. The applicant also states:

*"Gross Floor Area is defined in the dictionary of the RLEP as follows:*

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

*Relevantly, basement is defined in the dictionary of the RLEP as follows:*

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

### ITEM 3 (continued)

*The commercial waste room, residential waste room, residential bulk goods waste room and the waste holding room on the Lower Ground Floor were originally excluded from the calculation of the GFA. These rooms have a floor level below existing ground level, however the floor level of the storey immediately above these spaces is greater than 1 metre above existing ground level. Therefore, these spaces are required to be counted as GFA and therefore part of the building's FSR. The floor area of these spaces is 67.1m<sup>2</sup>.*

*The variation to FSR arises due to the slope of the site and the use of space partly below ground and partly above ground. The waste rooms are located behind the substation and a building void and it is not used for habitable purposes. The FSR variation does not contribute to the bulk and scale of the building nor does it have any nexus to the minor variation to the building height, which is limited to a small section of the roof parapet and awning over the private open space on Level 4 and communal open space on Level 3."*

The following assessment has also been provided by the applicant regarding why it is considered that compliance with the standard is unreasonable or unnecessary in the circumstances of the case:

- *"The building design has sought to avoid variations in floor level (i.e. off-set floor levels), off-set basement levels or sloping basement levels as this would require deeper excavation to accommodate basement levels.*
- *It is predominantly the sloping topography of the site that generates the non-compliance with the FSR as the waste rooms are not wholly within the basement and the level above is greater than 1m above existing ground level. The waste room is located to provide ease of access for waste collection as well as a centralised location which services both the residential apartments and the commercial/retail tenancy.*
- *The waste area located on the lower ground floor has floor levels below existing ground level and behind the substation. These spaces are not a useable habitable space or retail space.*
- *The variation to the FSR does not result in a variation to the height, nor result in additional bulk and scale.*
- *Non-compliance with the height or FSR standard does not contribute to adverse environmental impacts in terms of overshadowing, visual impacts or view loss to neighbouring properties, nor does it generate any adverse amenity impacts on the future residents of the development or future adjoining development.*
- *The proposal satisfies the B4 Mixed Use zone objectives and the objectives of the building height and floor space ratio standards under RLEP."*

### **ITEM 3 (continued)**

In consideration of the above points, compliance with the 'floor space ratio' development standard is unreasonable in this case. The proposed departure from the development standard in relation to the floor space ratio is acceptable for the following reasons:-

- The exceedance of 2.9% is considered minor and inconsequential to the overall bulk and scale of the development. The exceedance is imperceptible with the additional area relating to the waste and services areas which are located partially below natural ground level;
- In terms of bulk and scale the minor breach does not result in an additional storey nor does it result in an overdevelopment of the site;
- The proposed development complies with all the building envelope controls for a development of this type, meeting the minimum front, side and rear setback controls under the ADG and Ryde DCP 2014.
- The development type is commensurate with the emerging character and scale of development along Monash Road;
- The development does not unreasonably compromise the amenity of surrounding properties with respect to privacy or overshadowing.
- Strict numerical compliance with the development standard would not deliver any substantive additional benefits to the owners or occupants of the surrounding properties or the general public and such compliance can therefore be considered to be unreasonable and unnecessary in the circumstances of the case.
- Overall, the design of the proposal is commensurate with the existing locality and desired future character of the street, satisfying the underlying objectives of the clause.

### **3. Environmental grounds to justifying contravening the development standard.**

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section. All of the above issues are supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

**ITEM 3 (continued)**

- 4. The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.**

*Consistent with objectives for development within the zone in which the development is proposed to be carried out*

The proposed development is consistent with the objectives of the B4 Mixed Use zone as detailed earlier in this report.

*Consistent with the objectives of the particular standard*

The objectives of Clause 4.4 Floor Space Ratio are:

- (a) to provide effective control over the bulk of future development,*
- (b) to allow appropriate levels of development for specific areas,*
- (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

The proposed development is consistent with these objectives as:

- The bulk and scale of the development is consistent with development within the local area and is considered an appropriate level of development for the site;
- The development complies with the relevant built form controls of the ADG and Ryde DCP 2014 and will not result in additional bulk;
- The development consolidates two sites as envisaged by the controls of Ryde DCP 2014 which supports a sustainable development pattern near to Victoria Road bus infrastructure;
- The additional floor space is not used for habitable purposes with the exceedance related to the waste, storage and service areas of the building.

- 5. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and the exception is well founded.**

The applicant has provided a written request which adequately justifies the variation to the development standard.

The justification provided for the departure from the development standard is considered well founded as the objectives of the standard are achieved notwithstanding non-compliance with the standard. Additionally the written request provides justification for the departure and addresses the constraints of the site while also addressing how the proposal meets the objectives of the ADG, Ryde LEP 2014 and DCP 2014.

### ITEM 3 (continued)

In this instance, there is sufficient environmental planning grounds to justify contravening the development standard. These grounds are particular to the circumstance of the proposed development on this site. To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act.

#### 6. Concurrence of the Director General.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-Generals concurrence for exceptions to development standards.

#### Conclusion

Compliance with the development standard would be inconsistent with the aims of the Ryde LEP 2014 and the objectives of the EP&A Act. Refusal of the application on the basis of this minor non-compliance of 2.9%, would hinder the orderly and economic use and development of the site.

In light of the above assessment, the variation to the FSR standard is supported.

#### Other relevant provisions

The **Table 3** below considers other provisions relevant to the evaluation of this proposal:

**Table 3. Ryde LEP 2014 Applicable Clauses**

<b>Clause</b>	<b>Comment</b>
<b>Clause 5.1 Relevant acquisition authority</b>	No part of the site is mapped as being reserved for acquisition for public purposes.
<b>Clause 5.9 Preservation of trees and vegetation</b>	<p>The application seeks the removal of four (4) trees from the site. No objection is raised to the proposed removal as all four (4) trees are exotic species, being a Jacaranda, a Bangalow Palm and two Italian Cypress Trees. The submitted Arboricultural Impact Assessment identifies these trees as having low landscape significance.</p> <p>The proposed landscape plan includes replacement trees planting of various mature sizes and is considered to represent a high quality landscape design by Council's Consultant Landscape Architect. As such, the proposed tree removal is supported.</p>
<b>Clause 5.10 Heritage Conservation</b>	This clause requires the consent authority assesses the extent to which the carrying out of development which is located <i>within the vicinity of a heritage item</i> will impact the heritage significance of the heritage item.

**ITEM 3 (continued)**

<b>Clause</b>	<b>Comment</b>
	Being located opposite a local heritage listed item at 9 Monash Road, Council's Heritage Officer has reviewed the proposed development and submitted documentation, and concluded that no objections are raised on heritage grounds. Refer <b>Attachment 3</b> for a copy of the Heritage Officer's comments.
<b>Clause 6.1 Acid sulfate soils</b>	The site is not impacted by acid sulfate soils.
<b>Clause 6.2 Earthworks</b>	The proposed development includes excavations for a two levels of basement car parking. Council's Senior Coordinator Development Engineering Services requires that a number of conditions be included in the consent to address issues such as a sediment and erosion control plan to be submitted prior to any works commencing on site. Subject to the imposition of the recommended conditions of consent, the development is considered satisfactory for the purposes of this Clause.

**(b) Relevant SEPPs**

***State Environmental Planning Policy No 55 - Remediation of Land***

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP, Council must consider if the land is contaminated. If it is contaminated, whether is it suitable for the proposed use; and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A preliminary site investigation has been carried out by Soilsrock Engineering Pty Ltd (Stage 1 – Preliminary Site Investigation Contamination Assessment). A site history review found that the site has previously been used for residential purposes and doctors consulting rooms, while the surrounding area has had industrial and commercial uses. The submitted Stage 1 report identifies that there may be potential contaminants on the site, however a further Stage 2 Detailed Site Investigation for Contaminated Sites report will need to be undertaken.

Council's Environmental Health Officer (EHO) has recommended conditions of consent requiring a detailed site investigation report, and remediation of land to occur prior to issue of a Construction Certificate (refer **Conditions 43 – 47**), with no Construction Certificate to be issued until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation. In light of this, the proposed development application is considered satisfactory for the purposes of SEPP55.

### ITEM 3 (continued)

#### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The development is defined as 'BASIX Affected Development' under the *Environmental Planning and Assessment Regulation 2000*.

The applicant has provided BASIX Certificates No. 756976M\_02. The certificate indicates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency.

A condition has been imposed in accordance with the *Environmental Planning & Assessment Regulation, 2000* requiring compliance with the *Schedule of BASIX Commitments* made in the Certificate (See **Conditions 3, 61 & 127**)

#### ***State Environmental Planning Policy (Infrastructure) 2007***

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. The following provisions of the Infrastructure SEPP are applicable to this DA:

##### *Clause 102 Impact of road noise or vibration on non-road development*

This clause applies to development for residential purposes on land in or adjacent to the road corridor for any road with an annual average daily traffic volume of more than 40,000 vehicles (based on RMS data) and that the consent authority considers is likely to be adversely affected by road noise or vibration. Before determining a development application for development to which this clause applies, Council must consider the NSW Department of Planning's '*Development near Rail Corridors and Busy Roads (Interim Guideline)*'. Additionally as the development is for residential use Council must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Council's EHO has reviewed the submitted DA Acoustic Assessment prepared by Acoustic Logic, in consideration of the Infrastructure SEPP requirements and has recommended conditions requiring the acoustic treatment works proposed in the submitted acoustic report be implemented (refer **Condition 23**).

### ITEM 3 (continued)

#### ***Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

#### ***State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development***

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) requires that prior to determination of application for apartment development, the consent authority must take into consideration the following:

- A. The advice (if any) of the design review panel;
- B. The design quality of the development evaluated against the design quality principles provided under Schedule 1 of the SEPP; and
- C. The Apartment Design Guide.

#### **A. Urban Design Review Panel**

On 14 March 2017, Council's Urban Design Review Panel reviewed the proposal for a second time. The following is a summary of the comments provided to the applicant and the applicant's response or amendment to the proposal in relation to these comments:

- a) ***College Street planter boxes.*** *The arrangement of the ground floor units to College Street has improved since the Panel's initial review and these street level dwellings enjoy good address and outlook. The Panel recommends increased planter box depth (in plan) along College Street to support meaningful planting.*



### ITEM 3 (continued)

#### **Assessment Officer's Comments**

The amended plans did not address this concern of the UDRP however, Council's Consultant Landscape Architect has specifically included a condition requiring the raised planters within the private open space areas of Units U002 and U003 to be increased in volume to enable the provision of small trees and to increase the level of screening of the façade (see **Condition 1(b)**). This will not only support meaningful planting, but improve the privacy for these ground floor apartments.

- b) **Aesthetics.** *The proposal is considered, credible and well-resolved, and is supported by the Panel with the following, minor comments offered for the consideration of the proponent and their architect.*
- *Refinement and careful consideration of the material quality assigned to the expressed slab edge is encouraged to ensure the design intent translates to a high quality built result.*
  - *As discussed with the proponent's architect during the meeting, The Panel encourages further refinement of the projecting slab edge on the upper-most floor at the corner of Monash Road and College Street, with a view to potentially eliminating this projection on the College Street frontage for the portion currently extending beyond the corner balcony.*

#### **Assessment Officer's Comments**

The proposed materials selected are of a high quality which have been chosen for durability and being low maintenance. The Panel's suggestion of deleting the projecting slab edge on the upper-most floor along College Street has been undertaken in the amended plans.

As indicated above, the applicant has generally incorporated the suggestions of the Panel and the proposal is considered to be satisfactory.

#### **B. Design quality principles provided under Schedule 1 of the SEPP**

There are 9 design quality principles identified within SEPP 65. The following **Table 1** provides an assessment of the development proposed against the 9 design principles of the SEPP.

**ITEM 3 (continued)**

**Table 1. 9 design principles of SEPP 65**

<b>Design Quality Principle</b>	<b>Comment</b>
<p><b>Context &amp; neighbourhood character</b>            Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The surrounding area primarily consists of single dwellings along College Street with mixed use development to the east/south-east along Monash Road and Victoria Road. The site is zoned B4 Mixed Use and is located within land identified as the Gladesville Town Centre.</p> <p>The proposed development responds appropriately to the 'transitional' role that the site plays between the low density residential areas to the north/north-west and the commercial development to the east/south-east.</p> <p>The requirements by Council's City Works and Infrastructure for footpath paving and street tree planting will assist in linking the Town Centre/Victoria Road to the proposed development.</p> <p>The retail space facing Monash Road, and the three units with direct individual access from College Street will contribute to activation along this street and minimise blank or inactive uses facing either street frontage.</p>
<p><b>Built form and scale</b>            Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed design is considered suitable for the site. The proposal complies with the desired future character of the locality and the density and height provisions applicable to the site. The height, front setback and building separation side setback has been adequately provided.</p> <p>The scale in terms of height is consistent with objectives of the height control identified in Ryde LEP 2014 despite the minor noncompliances, and will not adversely impact the character of the streetscape.</p> <p>The design is acceptable in terms of its built form and function. The level of articulation provides satisfactory visual relief. The building form is contemporary, incorporating materials which are representative of development in the local area and respects the low density residential buildings currently in the locality.</p> <p>The design reflects the topography of the site and Council's planning controls and addresses both street frontages through appropriate design elements which will</p>

**ITEM 3 (continued)**

<b>Design Quality Principle</b>	<b>Comment</b>
	<p>contribute positively to the existing and emerging character of the surrounding streetscape.</p> <p>The building is setback generally in accordance with the advice provided by Council's UDRP. Paving and landscaping is also proposed along the street frontage to enhance the built form. The building height is generally acceptable. The development will result in a high quality built form.</p>
<p><b>Density</b>            Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The FSR control applicable to the site specifies a FSR of 1.7:1, with the development exceeding this by 0.05:1, which as assessed earlier in this report is considered acceptable.</p> <p>In addition, the proposal complies with the street setback requirements to Monash Road and College Street and the density is appropriate for the site and is consistent with the desired future character of the locality.</p>
<p><b>Sustainability</b>            Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The applicant has provided a BASIX Certificate which indicates that the development will meet the energy and water use targets set by the BASIX SEPP.</p> <p>The design maximises solar access and cross ventilation to apartments. The development complies with the ADG with respect of minimum required solar access and natural cross ventilation.</p> <p>The design is generally consistent with objectives for cross ventilation, solar access, energy efficiency and water management &amp; conservation as provided in the ADG.</p>
<p><b>Landscape</b>            Good design recognises that together landscape and buildings operate as an integrated and</p>	<p>The development is considered to be appropriate in terms of on-site amenity for the future occupants. Approximately 134.2m<sup>2</sup> (or 9.9% of the site area) is proposed as deep soil zone in the form of the common</p>

**ITEM 3 (continued)**

<b>Design Quality Principle</b>	<b>Comment</b>
<p>sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>open space area along the site's southern boundary.</p> <p>The proposed landscaping will provide a positive contribution to the existing vegetation visible within the streetscape, and provide appropriate replacement planting for the proposed trees to be removed. Streetscape planting along the site's frontage, in consideration of the conditions recommended by Council's Consultant Landscape Architect (see <b>Conditions 1(a)-(c), and 62 - 64</b>) will assist in improving the aesthetics of the building, particularly when viewed from adjacent properties and College Street.</p> <p>The site will be landscaped to provide an acceptable aesthetic quality for both the residents and the public.</p>
<p><b>Amenity</b>            Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The development will provide adequate amenity or the future occupants, and ensure a reasonable level internal privacy and of sunlight access within each apartment. The following are noted which are consistent with the above principle:</p> <ul style="list-style-type: none"> <li>• 85.7% (18 units) will receive a minimum of 2 hours solar access to living rooms at midwinter thus complying with the ADG minimum requirement of 70%.</li> <li>• 100% (21 units) will receive some sunlight access of varying amounts in midwinter.</li> <li>• 90.5% (19 units) will achieve natural cross ventilation complying with the ADG minimum requirement of 60%.</li> <li>• 66.7% (14 units) will achieve natural ventilation to the kitchen.</li> <li>• The size of bedrooms in all units complies with the minimum size under the ADG.</li> <li>• Acoustic privacy is considered and incorporated in the design.</li> <li>• Balconies and/or private open space is provided to all apartments.</li> <li>• On-site parking and storage areas are provided.</li> </ul>

**ITEM 3 (continued)**

<b>Design Quality Principle</b>	<b>Comment</b>
	<ul style="list-style-type: none"> <li>• Comprehensive landscaping and public domain improvements are proposed.</li> <li>• Provision of a centralised lift and accessibility have been incorporated into the design.</li> </ul> <p>Overall the proposed design and orientation of the units is considered to result in an acceptable level of amenity for future occupants of the building.</p>
<p><b>Safety</b>            Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development is considered consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> <li>• Clearly located entries to the residential lobby and ground/street level units.</li> <li>• Constant passive surveillance of College Street and Monash Road.</li> <li>• Clear definition between public and private spaces, with residents only able to access the residential domain.</li> <li>• Appropriate signage will be provided to the buildings entrance with appropriate lighting.</li> <li>• Lighting both internal and external will be provided in accordance with Australian Standards.</li> <li>• Additional safety conditions have been included to ensure the development optimises safety and security (refer <b>Conditions 144 - 149</b>)</li> </ul>
<p><b>Housing diversity and social interaction</b>            Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal includes a mix of 1, 2 and 3 bedroom apartments and internal layouts that provide greater housing choice. Three (3) apartments (14%) located over Levels 1, 2 and 3, will be adaptable to allow flexibility for differing levels of physical abilities and an ageing population. The proposal also includes a variety of communal open spaces to provide different opportunities for social interaction.</p> <p>This is considered to be a suitable mix of housing which should attract single, couples and family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 &amp; 2 bedroom apartments are well represented in this proposal.</p>

**ITEM 3 (continued)**

<i>Design Quality Principle</i>	<i>Comment</i>
<p><b>Aesthetics</b>            Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The overall appearance of the building is considered to reflect the 'narrow infill apartment' building type under the ADG and encouraged by the SEPP65 guidelines and is consistent with Council's LEP controls. The development has also incorporated suitable articulation, an appropriate response to the sites sloping topography and a variety of materials and finishes to assist in reducing the apparent massing of the development.</p> <p>The landscaping elements will further enhance the character of the neighbourhood and overall the aesthetics are considered to respond suitably to the context of the site and the desired future character of the area.</p>

**C. Apartment Design Guide**

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The following table provides an assessment of the proposal against the matters in the ADG:

**Table 2. Apartment Design Guide Assessment**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<p><b>Building Depth</b>            Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building proposes 13m – 20m depth.</p> <p>Notwithstanding the proposed depth variation, the proposal provides for acceptable amenity as the building has been designed to have greater modulation and articulation, allowing for better air circulation. The development has 19 out of the 21 apartments receiving the required cross ventilation requirements. In addition the habitable rooms depth is under the maximum allowed and the extent of variation is not excessive with only the street frontage to Monash Street section of the building not complying with the maximum 18m depth. Given UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.</p>	<p>No – variation acceptable.</p>

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<p><b>Building Separation</b>            Minimum separation distances for buildings are:  <i>Up to four storeys (approx 12m):</i>            - 12m between habitable rooms/balconies            - 9m between habitable and non-habitable rooms            - 6m between non-habitable rooms  <i>Five to eight storeys (approx 25m):</i>            - 18m between habitable rooms/balconies            - 12m between habitable and non-habitable rooms            - 9m between non-habitable rooms  <i>Nine storeys and above (over 25m):</i>            - 24m between habitable rooms/balconies            - 18m between habitable and non-habitable rooms            - 12m between non-habitable rooms</p> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres.</li> </ul>	<p>Proposal is for one 4 storey building. Development is 4 storeys at Monash Road, but at rear along College Street has only 3 storeys.</p> <p>The building separation is provided as follows:</p> <p>South west side:            - 0m blank wall to boundary with No 8 Monash            - 6.351m to side boundary</p> <p>North west rear:            - 6.613m to rear boundary</p>	<p>Yes</p> <p>Yes</p>
<p><b>Front, Rear &amp; Side Setbacks</b>            See discussion under the relevant Development Control Plan.</p>	<p>Front setback to Monash Road: 0m per Ryde DCP controls.</p> <p>Front Setback to College Street: 0m for front section and 3.27m to rear portion in line with Ryde DCP controls.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Part 3 Siting the development</b>  <b>Design criteria/guidance</b></p>	<p>Consideration</p>	<p>Compliance</p>
<p><b>3B Orientation</b>            Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout has been designed to face the corner of College St and Monash Rd. The proposed orientation allows the building to maximise northern solar access balanced against noise impacts from Victoria Road and desirable outlooks for most apartments to the north. The proposal suitably minimises overshadowing of neighbouring properties. The proposal is considered satisfactory in this regard.</p>	<p>Yes</p>
<p><b>3C Public domain interface</b>            Transition between private &amp; public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>Clear sightlines are provided from Monash Road and College Street into the development which encourages passive surveillance and crime deterrence.</p>	<p>Yes</p>

**ITEM 3 (continued)**

Part 2 Development the controls			Considerations	Consistent												
<p><b>3D Communal &amp; public open space</b>            Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.  <b>Design Criteria</b></p> <ol style="list-style-type: none"> <li>1. Provide communal open space with an area equal to 25% of site;</li> <li>2. Minimum 50% of usable rea of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</li> </ol>			<p>Required: 339.9m<sup>2</sup>.            Proposed: 475.4m<sup>2</sup>.</p> <p>The development provides approximately 475.4m<sup>2</sup> of communal space in the form of a communal ground level courtyard of 297.6m<sup>2</sup> in addition to 177.8m<sup>2</sup> communal terrace on level 3</p> <p>Over 50% of the usable communal open space receive minimum 2 hours of sunlight in mid- winter.</p>	<p>Yes</p> <p>Yes</p>												
<p><b>3E Deep Soil Zone</b>            Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.  <b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</li> </ol>			<p>Required: 95m<sup>2</sup>            Proposed: 134.2m<sup>2</sup>.</p> <p>The proposal provides 134.2m<sup>2</sup> of deep soil landscape area.            The deep soil area will have minimum dimension of 5.151m.</p>	<p>Yes</p>												
<p><b>3F Visual Privacy</b>            Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.  <b>Design Criteria</b>            Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="255 1534 790 1765"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p><b>Note:</b></p> <ul style="list-style-type: none"> <li>• Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</li> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> </ul>			Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The proposed development is satisfactory with regard to building separation under the ADG controls (refer building separation and setback assessment outlined earlier in this table). Apartments will receive reasonable levels of external and internal visual privacy.</p>	<p>Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms														
Up to 12m(4 storeys)	6m	3m														
Up to 25m (5-8 storeys)	9m	4.5m														
Over 25m (9+ storeys)	12m	6m														



**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<ul style="list-style-type: none"> <li>No building separation is required between blank party walls.</li> </ul>		
<p><b>3G Pedestrian Access &amp; entries</b> Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entry to the building is suitably identifiable from Monash Road and from College Street for units with separate individual access at ground level.</p>	Yes
<p><b>3H Vehicle Access.</b> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access from the north western side driveway off College Street. Council's Senior Coordinator Development Engineering Services has reviewed the access point and has no objections to the proposal.</p>	Yes
<p><b>3J Parking Provisions.</b> <b>Car parking:</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station; or</li> <li>within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<ul style="list-style-type: none"> <li>0.6space/ 1 bed</li> <li>0.9space/ 2 bed</li> <li>1.4 space/ 3 bed</li> <li>0.2 space/ unit (visitor parking);</li> </ul> <p>Proposal involves:            1 Bed: 4 X 0.6 -1 = 2.4 - 4            2 Bed: 14 X 0.9 -1.2 = 12.6 – 16.8            3 Bed: 3 x 1.4 -1.6 = 4.2 – 4.8            Visitor: 4.2</p> <p>Requires: 19.2-25.6 residents and 4.2 visitors</p> <p>Total residential spaces required: 23.4 – 29.8</p> <p>Proposed: 26 residential spaces</p>	Yes
<p><b>Bicycle Parking:</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Bicycle parking and motorbike parking is provided on the Basement level 1.</p> <p><b>Condition 157</b> is included on the consent identifying number of spaces required.</p>	Yes
<p><b>Basement Design for parking:</b></p> <ul style="list-style-type: none"> <li>Basement car park not to exceed 1m above ground (use stepped/ split level).</li> <li>Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.</li> </ul>	<p>Basement parking does not exceed 1m above ground.</p> <p>Ventilation of the basement has not been shown on the plans. <b>Conditions 77 - 80</b> have been imposed.</p>	Yes

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<b>Part 4 Designing the building</b>		
<b>4A Solar &amp; daylight access</b>		
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	The proposal provides solar access for more than 2 hours to 18/21 apartments, representing 85.7% of the total apartments.	Yes
No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	<p>15% of the development is 3.15 apartments.</p> <p>The proposal will have 1 apartment not receiving direct sunlight between 9am and 3pm mid-winter (U.201) at all.</p> <p>2 other apartments will receive between 1 and 2 hours direct sunlight between 9am and 3pm mid-winter being U.301 and U.401 however this will be to the western facing bedrooms.</p> <p>Accordingly 3 units will receive no direct sunlight to the living room or private open spaces, in compliance with the maximum controls.</p>	Yes
Design should incorporate shading and glare control, particularly for warmer months.	Design has incorporated balconies, external louvres and planting to external walls.	Yes
<b>4B Natural Ventilation</b>		
All habitable rooms are naturally ventilated.	All habitable rooms have direct access to a window opening for natural ventilation.	Yes
Design layout of single aspect apartments to maximises natural ventilation.	The single aspect apartments have depths less than 8 meters for living rooms, with a floor-to-ceiling height of 2.80m - 2.85m. This will allow for effective air circulation.	Yes
<u>Design criteria for natural cross ventilation:</u>		
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The proposal provides natural cross-ventilation to 19 out of 21 apartments, representing 90.5% of the total apartments	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The overall depth of each of the cross-over/cross through apartments is less than 18 metres, being between 12 to 17m (U.201, U.301 and U.401).	Yes

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		<b>Considerations</b>	<b>Consistent</b>												
<b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table border="1" data-bbox="261 555 774 869" style="margin-top: 10px;"> <thead> <tr> <th colspan="2">Min ceiling height for apartment &amp; mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area , 2.4m for 2<sup>nd</sup> floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground &amp; 1<sup>st</sup> floor to promote future flexibility of use.</td> </tr> </tbody> </table>		Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 <sup>nd</sup> floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.	Ground floor (retail): 3.6m Residential: 2.80m - 2.85m	Yes
Min ceiling height for apartment & mixed use buildings															
Habitable rooms	2.7m (3.1m floor to floor)														
Non Habitable	2.4m														
2 storey apts	2.7m for main living area , 2.4m for 2 <sup>nd</sup> floor														
Attic spaces	1.8m at edge of room														
Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.														
<b>4D Apartment size and layout</b> Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup>;</li> <li>• 1 bedroom = 50m<sup>2</sup>;</li> <li>• 2 bedroom = 70m<sup>2</sup>;</li> <li>• 3 bedroom = 90m<sup>2</sup>;</li> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> Note: ➤ Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> ;		The application proposes 1, 2 & 3 bedroom units. The internal areas of the proposed units comply with the minimum requirements.	Yes												
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		All habitable rooms have direct access to a window opening that achieve minimum of 10% of the room area. No borrowed daylight and air is proposed.	Yes												
Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.		Required 2.5 x 2.85 = 7.125m. Apartment U.207 exceeds the 7.125m with a maximum depth of 8.2m. Despite this, the min depth of the living room is 6.4m with the additional width from the entry area of the open plan apartment.	Yes												
		Combined living, dining and kitchen areas are less than 8m from a window.	Yes												
Master bedrooms - minimum area of 10m <sup>2</sup> (excluding wardrobe space).		Generally the master bedrooms are 10m <sup>2</sup> or over.	Yes												
Bedroom - minimum dimension of 3m (excluding wardrobe space)		All bedrooms have minimum dimension of 3m.	Yes												
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments;</li> </ul>		All units meet this requirement with all apartments with a 3.6m or 4m width respectively in accordance with the controls.	Yes												

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>																	
	<b>Considerations</b>	<b>Consistent</b>															
<ul style="list-style-type: none"> <li>• 4m for 2 and 3 bedroom apartments.</li> </ul>																	
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>The cross over apartments have a minimum width of between 3 - 6m. The area where it is only 3m is the bedroom. The layout of the apartments living areas can accommodate lounge furniture and are generously proportioned therefore the apartments are not long and narrow.</p>	No – Acceptable															
<p><b>4E Private Open Space and balconies</b>            Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><b>Design criteria</b>            1. All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	<p>All of the balconies comply with minimum size and depth requirements.</p>	Yes
Dwelling type	Minimum area	Min.depth															
Studio apartments	4m <sup>2</sup>	N/A															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3+ bedroom	12m <sup>2</sup>	2.4m															
<p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	<p>Ground level units are proposed with private open space area fronting College Street. These are all in excess of 15m<sup>2</sup> and depth greater than 3m.</p>	Yes															
<p><b>4F Common circulation and spaces.</b>  <b>Design criteria</b>            1. The maximum number of apartments off a circulation core on a single level is 8.            2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Maximum of 7 apartments per floor is proposed.</p>	Yes															
<p>Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor.</p>	<p>Adequate ventilation and sunlight will be available into the corridor as a window is proposed along the length of the corridors on Levels 0, 1 and 2, with windows and an access doorway on Level 3, and open void on Level 4.</p>	Yes															


**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>												
	<b>Considerations</b>	<b>Consistent</b>										
<p><b>4G Storage</b> Adequate, well designed storage is to be provided for each apartment. <b>Design criteria</b> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p>All units have more than 9.9m<sup>2</sup> of storage with the relevant 1,2 and 3 bedroom apartments including above the minimum storage and allocation requirements within the lower ground storage area and within the apartment itself.</p>	Yes
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<p><b>4H Acoustic privacy</b> Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.  Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.  Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>An Acoustic Assessment Report prepared by Acoustic Logic has been submitted. This report concludes that the proposed site is capable of complying with all relevant acoustic criteria through means of standard acoustic treatment and management. The acoustic treatment and management method as suggested in this report include treatments to:</p> <ul style="list-style-type: none"> <li>• Glazing, (windows and doors)</li> <li>• External Roof/Ceiling</li> <li>• External Walls</li> <li>• Entry doors</li> <li>• Mechanical ventilation to habitable rooms</li> </ul> <p>(see <b>Condition 23</b> )</p>	Yes										
<p><b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>A mix of 1, 2 &amp; 3 bedroom apartments have been provided.</p>	Yes										
<p><b>4L Ground floor apartments</b> Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The buildings facades provide visual interests with use of horizontal and vertical elements and materials and finishes of the building. The main entrance is clearly defined and the entrances to each of the ground floor apartments will be facing a separate street, and have a clear street presence through landscaping and fencing.</p>	Yes										

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
Building functions are expressed by the façade.	The building is residential and the design reflects the proposed use of the building.	Yes
<b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street.	Roof elements are integrated into the building design.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised.	Communal open space proposed on the roof on Level 3 which will get unimpeded solar access between 9am and 3pm	Yes
Roof design incorporates sustainability features.	It is proposed to have a roof communal terrace on Level 3. A pergola is shown on the plans to provide shading in addition to substantial tree planting.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposal includes a landscape plan. Council's Consultant Landscape Architect has reviewed the plan and has advised that the plan provides for a high quality landscape design with appropriate species and level of deep soil planting, with minor amendments to U102 and U103 planter widths (see <b>Condition 1(b)</b> ).	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	Council's Consultant Landscape Architect has reviewed the landscaping plan and is satisfied with the plan. To ensure that the development in terms of soil provision complies with the recommended soil profiles, a condition on the consent has been imposed requiring compliance with the relevant soil depth (see <b>Condition 62</b> ).	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided.	An Accessibility Report has been submitted with the proposal and that the development has been designed to incorporate 3 adaptable apartments (14.3%). (see <b>Conditions 58-59</b> ).	Yes
<b>4R Adaptive reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A	N/A

**ITEM 3 (continued)**

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<p><b>4S Mixed use</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	N/A	N/A
<p><b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.</p>	<p>Awning along Monash Road and corner of College Street integrates with the design of the building in terms of materials and finishes and is well located around the front of the development and retail areas see <b>Figure 19</b>.</p>  <p><b>Figure 19. College Street Elevation plan showing proposed awning</b></p>	Yes
<p><b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	Complies with BASIX.	Yes

**(d) Any draft LEPs**

Nil.

**ITEM 3 (continued)**

**(e) Any DCP**

Ryde DCP 2014

**Part 4.6 Gladesville Town Centre & Victoria Road Corridor**

The purpose of this DCP is to facilitate the revitalisation of Gladesville Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities. The site is located within the Monash Road Precinct which includes sites adjacent to the Monash Road and Victoria Road intersection. The vision for this precinct is to maintain its retail role and protect its heritage character while encouraging additional retail, commercial and residential development.

**Table 3** demonstrates compliance with the relevant planning controls for the site.

**Table 3. 9 Ryde DCP 2014 – Part 4.6 Gladesville Town Centre & Victoria Road Corridor**

Control	Comment	Compliance
<b>3.1 Built Form</b>		
<b>3.1.1 Built Form Heights</b>		
a. Buildings must comply with the maximum heights described in the Ryde Local Environmental Plan 2014 (LEP).	An assessment of building height is provided earlier under Ryde LEP 2014. While the building has a minor exceedance of height, this variation is considered acceptable.	No – Clause 4.6 variation submitted
b. Floor to ceiling height must be a minimum of 2.7 m for residential uses.		
c. To ensure that the ground floor levels are adaptable over time for a range of uses, the floor to floor height at ground level in all mixed use developments is to be a minimum of 3.6 m, regardless of the initial proposed use.	2.80m - 2.85m floor to ceiling height for residential uses proposed and 3.6m floor to floor on the ground floor.	Yes Yes
<b>3.1.2 Active Street Frontages</b>		
a. Provide ground level active uses where indicated on the Active Street Frontages Control Drawing (Figure 4.6.05).	Active street frontages are provided along Monash Road in the form, of the retail premises, and residential units along College Street.	Yes
b. Active uses contribute to personal safety in the public domain and comprise:		
i. Community and civic facilities;		
ii. Recreation and leisure facilities;		
iii. Shops;		
iv. Commercial premises;		
v. Residential uses, particularly entries and foyers, however, these must not occupy more than 20% of the total length of each street frontage.	A shop/commercial premises and residential uses are proposed.	Yes




**ITEM 3 (continued)**

Control	Comment	Compliance
<p>c. Where required, active uses must comprise the street frontages for a depth of at least 10 m.</p> <p>d. Vehicle access points may be permitted where Active Street Frontage is required if there are no practicable alternatives.</p> <p>e. Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.</p> <p>f. Serviced apartments, hotels and motels shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level.</p>	<p>The retail premises has a depth of approximately 15m.</p> <p>Vehicle access point is from College Street.</p> <p>No security grills proposed.</p> <p>Not a serviced apartment, hotel and motel.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>3.1.3 Buildings Abutting the Street Alignment</b></p> <p>Provide continuous street frontages with buildings built to the street boundary in the Gladesville Town Centre except as shown in the key site diagrams.</p> <p><u>Setback Diagram G: (Monash Road)</u></p> <ul style="list-style-type: none"> <li>• 0m - Grd level from street boundary.</li> <li>• 2m Level 4 and above.</li> </ul> <p><u>Setback Diagram I (College Street).</u></p> <ul style="list-style-type: none"> <li>• 0m for first half of frontage</li> <li>2m for western end of frontage</li> </ul>	<p>The key site diagram suggests for buildings at this frontage to be built to the street boundary on Monash Road with a 2m setback for level 4.</p> <p>This has not been achieved as Level 4 proposes a 0m setback. The UDRP has raised no concern with this noncompliance, stating: <i>“The proposal is for a well-resolved, well-designed mixed use building that generally follows the envelope within the DCP. The proposal sits within the height and floor space controls and meaningfully responds to the DCP setback controls.”</i></p> <p>The key site diagram suggests for buildings at this frontage to be built to the street boundary on the portion closest to Monash Road, with a 2m setback for the rest of the College Street frontage</p> <p>0m setback for the first portion of College Street defines the corner and building in this area, separating the retail use from the residential uses, while the ground floor 3.6m setback along College Street allows for adequate landscaping in front of the ground floor units, and the 2.75-3.27m upper levels setback provides for an appropriate level of articulation and variation in the building façade.</p>	<p>No – variation supported see further discussion below this table.</p> <p>Yes</p>

**ITEM 3 (continued)**

Control	Comment	Compliance				
<p><b>3.1.4 Setbacks</b></p> <p>a. Setbacks shall be in accordance with the following Table and Figures 4.6.07 and 4.6.08:</p> <table border="1" data-bbox="240 504 738 660"> <tr> <td data-bbox="240 504 300 660">G</td> <td data-bbox="300 504 467 660">Monash Road North Gladesville Precinct</td> <td data-bbox="467 504 595 660">Ground Level: 0 m</td> <td data-bbox="595 504 738 660">Upper Levels: 2 m, Level 4 and above</td> </tr> </table> <p>b. The ground floor and lower levels of buildings on Victoria Road (except within the Gladesville Town Centre precinct) must be set back 2 m from the front property boundary and built to this alignment. Paving and footpath treatments are to be provided within the setback area in accordance with Section 3.3 of this DCP and Ryde Public Domain Technical Manual.</p> <p>c. All levels of buildings in side streets must be setback a minimum 2 m except as shown in Key Site Diagrams (Refer chapter 4.0 this Part) or the Setbacks Control Drawing Figure 4.6.07. Street trees and deep soil are to be provided within the setback area.</p> <p>d. All levels of buildings on the western side of Osgathorpe Street must be set back 3 m and built to this alignment, with deep soil and large canopy trees in the front setback.</p> <p>e. All levels of buildings in Farm Street must be set back 6 m, and built to this alignment with deep soil and large canopy trees in the front setback.</p>	G	Monash Road North Gladesville Precinct	Ground Level: 0 m	Upper Levels: 2 m, Level 4 and above	<p>Refer assessment above under 3.1.3</p> <p>N/A</p> <p>College Street setback by 2m</p> <p>N/A</p> <p>N/A</p>	<p>No – variation supported see further discussion below this table.</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>
G	Monash Road North Gladesville Precinct	Ground Level: 0 m	Upper Levels: 2 m, Level 4 and above			
<p><b>3.1.5 Rear Setbacks and Residential Amenity</b></p> <p>a. Provide 9 m ground level setback generally at the rear of sites fronting Victoria Road in the North Gladesville and Monash Road Precincts except where adjoining Gerard Lane and as shown in Key Sites Diagrams. Refer Figure 4.6.09 Setback I and Figure 4.6.09 Setback J.</p> <p>b. Provide 12 m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).</p> <p>c. Buildings fronting Victoria Road may</p>	<p>The rear setback for the proposed development complies with the key sites diagram as shown at <b>Figure 12</b>.</p> <p>The proposal includes a minimum setback to the rear boundary of 6.613m for Levels 0 – 2 setback, with each level above setback further from the rear boundary up to a setback of 43m for Level 4.</p> <p>The setback is considered appropriate for the site in the context of the laneway and neighbouring properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>				

**ITEM 3 (continued)**

Control	Comment	Compliance
<p>build to the side boundary for a depth of 20 m measured from the street frontage. A side setback is then required to achieve 12 m separation between proposed and potential residential land uses.</p> <p>d. Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.</p>	<p>Opposite side of College Street is low density residential zoned. Only residential uses are proposed along College Street with retail uses on the street corner only at ground level.</p> <p>The proposed materials and finishes aim to reflect the low density residential character of the neighbourhood.</p>	<p>Yes</p> <p>Yes</p>
<p><b>3.1.6 Conservation Area Built Form Design Guidelines</b></p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p><b>3.1.7 Awnings</b></p> <p>a. Provide awnings over footpaths for ground level building frontages where shown on the Awnings Control Drawing below (Figure 4.6.11).</p>  <p><i>Figure 4.6.11 Awnings Control Drawing</i></p>	<p>The proposal provides an awning along the Monash Road frontage and around the corner to College Street as required under Figure 4.6.11 of the DCP.</p>	<p>Yes</p>
<p><b>Access</b></p>		
<p><b>Vehicular Access</b></p>		
<p>1. Provide vehicular access from the local roads network in preference to Victoria Road. This will require development of public laneways within the rear setbacks of most sites.</p> <p>2. Where laneway proposed, must include 2-way carriageway of 6m width, 1.5m footpath &amp; 0.5m setbacks from other built elements.</p>	<p>The vehicle ingress/egress point for the building is located from College Street Laneway is 6.613m wide. The laneway abuts an existing ROW along 2A College Street which is also identified as providing an access way to the rear of sites fronting Victoria Road. The width of the laneway is therefore considered appropriate to achieve the desired future outcome of providing a 2-way carriageway and footpath along this joint boundary.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Public Parking</b></p>		
<p>1. Provide publicly accessible parking to support retail, entertainment and commercial land uses, church and educational institutions as shown on</p>	<p>This control pertains to the need to provide at least the number of any existing public parking spaces on a site as part of any redevelopment. Given no public car parking currently exists on the site, this control is</p>	<p>Yes</p>

**ITEM 3 (continued)**

Control	Comment	Compliance
<p>the Parking Control Drawing.</p> <p>2. Provide secure bicycle parking in every building equal in area to 1 car space for every 100 car spaces or part thereof.</p>	<p>not applicable to the proposal. Council's Traffic Engineer supports this arrangement.</p> <p>Bicycle parking racks have been provided in the Basement 1 level within a total area of approximately 17.5m<sup>2</sup>.</p>	<p>Yes</p>
<b>3.3 Public Domain</b>		
<b>3.3.1 Pedestrian Connections</b>		
<p>Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages</p>	<p>The proposal is subject to conditions from Council's City Works and Infrastructure Section requiring public domain works to be undertaken along the street frontages (<b>Refer Condition 67</b>). The site is not identified to provide any pedestrian routes.</p>	<p>Yes</p>
<b>3.3.2 Public Domain Framework</b>		
<p>Create vehicular and/pedestrian connections through major development sites (See Public Domain Controls in Section 4 for specific sites).</p>	<p>The subject site is identified as a Key Site being the Monash Road Key Site. This site is required to provide a laneway along the rear boundary adjoining 2A College Street which has been accommodated for in the design of the development, however requires an easement to be granted across it to benefit 8A-8 Monash Road to function as a 'laneway'</p>	<p>Yes</p>
<b>3.3.3 Landscape Character</b>		
<p>Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.6.15) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.</p> <p>Select Trees based on the scale of buildings, width of the street, aspect and environmental parameters such as soil type.</p>	<p>Council's Consultant Landscape Architect has reviewed the submitted Landscape Plan and has advised that the communal open space need further enhancement to ensure a space of high functionality and usability. The general layout and arrangement of the communal open space areas is supported however additional shade to Level 2 is required to ensure year round usability. See <b>Condition 1(c)</b>.</p>	<p>Yes</p>
<b>3.3.4 Urban elements</b>		
<p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and</p>	<p>Public domain specifications will be achieved subject to conditions. See <b>Conditions 67-70</b></p>	<p>Yes, subject to conditions</p>

**ITEM 3 (continued)**

Control	Comment	Compliance
secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.		
<b>4.3.1 Monash Road Key Site Built Form Controls</b>		
<b>Building Uses and Ground Floor Activities</b> a. Provide mixed use development with retail or commercial activities on the ground level particularly on Victoria Road and Monash Road frontages, with commercial, retail or residential upper floors. b. Provide commercial or retail uses fronting Monash Road.	Retail premises provided on ground floor facing Monash Road.	Yes
<b>Street Frontages</b> c. Provide a continuous active frontage at ground level abutting the property boundary on Victoria Road and Monash Road.	Ground level facing Monash Road includes a continuous retail premises facing the street corner.	Yes
<b>Building Heights</b> e. Provide development in accordance with Figure 4.6.23 Built Form Plan for building heights in storeys.	Building heights generally comply with Built Form Plan with the exception of the fourth storey facing Monash Road which has a 0m setback. This is considered acceptable as it contributes to the street presence of the development, accentuates the street corner and will have no undesirable impacts with regard to amenity or aesthetics.	No – variation supported see further discussion below this table.
<b>Building Depth and Separation</b> f. Must be in accordance with Figure 4.6.23 Built Form Plan building depth and separation requirements. g. An 18 m wide building envelope maximum including balconies and façade articulation is preferred.	Building depths and separation controls are met with 6m setback to 8 Monash Road and 0m setback at the street frontage. Proposed development complies with ADG setback controls and building widths.	Yes  Yes
<b>Building Setbacks</b> h. Provide zero setbacks along Victoria Road and Monash Road on the ground, first and second floors in accordance with Figure 4.6.23 Built Form Plan and Figure 4.6.24 Setbacks. i. Provide upper level setbacks in accordance with Figure 4.6.23 Built Form Plan and Figure 4.6.24 Setbacks. Upper	0m setback on Monash Road on the ground, first and second floors in accordance with Figure 4.6.23 Built Form Plan and Figure 4.6.24 Setbacks.  Upper level setbacks are also at 0m. The design of having the development with a 0m setback allows the development to define the corner site while remaining	Yes  No – variation supported see further discussion

**ITEM 3 (continued)**

Control	Comment	Compliance
<p>level setbacks are measured to the edge of any balcony or building façade.</p> <p>j. Provide a 2m setback for ground floor fronting College Street. Upper levels above the ground floor residential uses should also be setback 2m.</p> <p><i>Note: Balconies may not protect into the setback. Refer cross hatching on sections.</i></p> <p>k. Provide zero setbacks at the corner of Monash Road and College Street for ground floor and upper levels to a maximum of 3 storeys to maintain a 3 storey built form on the corner of Monash Road and College Street.</p>	<p>generally within the height controls under Ryde LEP 2014.</p> <p>Development fronting College Street is setback &gt;2m.</p>	<p>below this table.</p> <p>Yes</p>
<p><b>Minimising Vibration, Noise and Air Pollution in Residential Buildings Near Busy Roads</b></p> <p>l. Design to minimise vibration, noise and air pollution in the internal layout and materials selection of residential buildings. Development must comply with NSW Planning &amp; Infrastructure, Development Near Rail Corridors and Busy Roads - Interim Guidelines.</p> <p>m. Internal circulation corridors, bathrooms, laundries and other non-habitable spaces should be located adjacent to the busy road.</p> <p>n. Living rooms and primary balconies should be located and oriented away from the main road.</p> <p>o. Additional techniques to minimise the impacts of a busy road include glazed balconies or wintergardens, louvred balcony screens and double glazing.</p> <p>p. Cross ventilation is to be maintained by means such as glass and metal louvres, and cross over or two storey apartment types.</p>	<p>The application has been reviewed by Council's EHO who has considered the application satisfactory against the requirements of this clause.</p> <p>The orientation of habitable rooms faces away from the direction of Victoria Road.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Public Domain</b></p> <p>q. At least 10% of the site area is to be provided as public domain or community space in the form of a potential vehicular access way 6 m wide and a footpath 1.5 m wide to connect to the local street network OR to Council's approval.</p> <p>r. A development application for new floor</p>	<p>The site proposes a 6.6m vehicular access way along the site's western boundary as shown on the DCP mapping. This will contribute to the local street network should the neighbouring site at 6A – 8 Monash Road obtain the necessary easements across the subject site.</p> <p>This equates to 134m<sup>2</sup> or 9.8% which is</p>	<p>Yes</p>

**ITEM 3 (continued)**

Control	Comment	Compliance
space that exceeds 500m <sup>2</sup> is to provide a detailed traffic and pedestrian access study that demonstrates safe and convenient access, including consideration of loading/unloading arrangements.	considered to meet the requirements of this clause.	

**Level 4 street setback**

Various controls within Part 4.5 of Ryde DCP 2014 require the development to have a setback of 2m for Level 4 and above as shown at **Figure 12**. However, the subject site has a 0m setback to the corner of the street from the ground level to Level 4 as shown at **Figure 19**.

The proposed design with 4 storey street frontage at the Monash Road and College Street corner is considered to provide a strong corner treatment to the site. Stepping back the fourth storey would not result in a better design outcome for the development and would be inconsistent with the neighbouring development at 6A -8 Monash Road (deferred commencement approval LDA2015/0308). 6A – 8 Monash Road has a 0m setback for Levels Ground – Level 3, which aligns roughly with Levels 1 to Level 4 of the subject development (shown at **Figure 19**). Having a 2m setback to the street frontage at Monash Road would result in a visible blank wall at 6A-8 Monash Road for Level 3 and provide an inconsistent street edge along Monash Road. The subject development has a maximum height of the façade of RL65.83, while the development at 6A-8 Monash Road has a maximum height of RL66.47.

The proposed development with a 0m setback to Level 4 is considered an appropriate design response in the site’s context and in consideration of the development neighbouring the subject site, and is supported in in this instance.



**Figure 19. South east / Monash Road elevation of subject proposal and of the deferred commencement approved development at 6A-8 Monash Road.**

### **ITEM 3 (continued)**

#### **Part 7.2 Waste Minimisation and Management**

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP) with the application. This has been reviewed by Council's EHO and City Works & Infrastructure Waste Officer and is considered satisfactory with regard to demolition and construction.

With regard to ongoing waste management, the waste room is positioned to allow direct access from the waste rooms to College Street and sufficient space is provided for bulky waste storage.

Council's City Works and Infrastructure has reviewed the application with regard to ongoing waste management and has recommended conditions of consent to ensure the development meets Council's standards (refer **Conditions 74-76, 120, 142, and 158**).

#### **Part 9.2 Access for People with Disabilities**

This Part of Ryde DCP 2014 requires that it is necessary for residential apartment buildings to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. The application suitably demonstrates that the proposed development will comply with the DCP access requirements, level access from the street level to the foyer level, and lift access to upper levels.

Three (3) accessible units (i.e. 14%) are to be provided which have been assessed in the BCA and Access Compliance Assessment Report prepared by Certified Building Specialists submitted with the application. The following **Conditions 58 and 59** have been included on the draft consent to ensure compliance:

**58. Adaptable Units.** *Three (3) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the **Construction Certificate**, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.*

**59. Compliance with Access Report.** *The amended development is to comply with the requirements contained in the Statement of Compliance Access for People with a Disability Report prepared by Accessible Building Solutions (Ref: 216166) and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.*



### ITEM 3 (continued)

#### **Part 9.3 Parking Controls**

This Part of Ryde DCP 2014 specifies that car parking is to be provided at the following rates:

##### *Residential Development – High Density (Residential Flat Buildings)*

- 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
- 1 visitor space / 5 dwellings

The development will contain a total of 21 apartments comprising of:

- 4 x One Bedroom
- 14 x Two Bedroom
- 3 x Three Bedroom

**Table 4** below provides an outline of the required and proposed parking provisions under this Part.

**Table 4. Parking Assessment**

	<b>Number of apartments</b>	<b>Lower Limit</b>	<b>Upper Limit</b>
<b>One bedroom/studio</b>	4	2.4	4
<b>Two bedroom</b>	14	12.6	16.8
<b>Three bedroom</b>	3	4.2	4.8
<b>TOTAL RESIDENTIAL</b>	<i>21 apartments</i>	<b>19</b>	<b>26</b>
<b>Visitors</b>		4.2	4.2
<b>Retail</b>	172m <sup>2</sup>	6.88	6.88
<b>TOTAL</b>		<b>30.28</b>	<b>36.68</b>

The proposal provides 37 parking spaces and **Condition 157** has been imposed requiring the allocation of these spaces in accordance with Council's DCP (i.e. 4 visitor's spaces, a minimum of 19 residential and 7 retail). Three (3) of the units are to be adaptable, exceeding the minimum 10% requirement. Council requires that a disabled parking space be allocated to each of these units.

Council's Senior Coordinator Development Engineering Services has undertaken an assessment of parking and disabled spaces in accordance with Australian Standards and Councils controls and has concluded conditions to ensure the proposed parking complies.

**ITEM 3 (continued)**

Section 2.7 of this Part states:

*“In every new building, where the floor space exceeds 600 m<sup>2</sup> GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof”.*

Based on the above, four (4) bicycle spaces are required, and have been provided for within the ground level parking and storage area. This is reinforced by the imposition of **Condition 157** which requires that a minimum 4 bicycle spaces are to be provided.

The proposal is considered satisfactory with regard to car and bicycle parking.

**Section 94 - Development Contributions Plan – 2007 Interim Update (2014)**

Council's current Section 94 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$53,452.78
Open Space & Recreation Facilities	\$123,064.69
Civic & Urban Improvements	\$47,361.58
Roads & Traffic Management facilities	\$7,260.83
Cycleways	\$4,036.60
Stormwater Management Facilities	\$13,480.89
Plan Administration	\$1,088.50
<b>The total contribution is</b>	<b>\$249,745.88</b>

Condition on the payment of Section 94 Contribution of \$249,745.88 has been included in the draft notice of determination at **Attachment 1** (see **Condition 48**).

### **ITEM 3 (continued)**

#### **10. Likely impacts of the Development**

##### ***Safer by Design***

In assessing this development application Council must have regard for the “Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979” issued by the Department of Planning in April 2001. These guidelines include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and **Conditions 144 – 149** are recommended in this regard for information to be submitted with the Construction Certificate and for ongoing operation.

##### ***Construction Impacts***

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council’s standard conditions of consent to control the impact of the construction activities are recommended. In addition, **Conditions 88, 124, and 153** are recommended with regard to geotechnical monitoring during excavation.

#### **11. Suitability of the site for the development**

A review of Council’s Map of Environmentally Sensitive Areas (held on file) identifies that the subject site is located 100m from a heritage item, being the dwelling house at 1-9 Monash Road, Gladesville, which is an item of heritage significance, listed on Schedule 5 of the Ryde LEP 2014. As outlined above under the Ryde LEP 2014 assessment, the proposed development will not impact the heritage significance of the heritage item.

The site is therefore considered suitable for the proposed form of development.

#### **12. The Public Interest**

The proposed development is considered to be in the public interest as it provides an opportunity for the redevelopment of the site which will contribute to the growth and change within the City of Ryde by providing an increase in the local population and contribute to the provision of additional housing within an existing and established urban locality within close proximity to the CBD and public transport.

### ITEM 3 (continued)

The proposal has taken into account the applicable planning controls and any potential impact on the locality. Accordingly, the proposed development is considered to be in the public interest.

### 13. Consultation – Internal and External

#### *Internal Referrals*

**Senior Coordinator Development Engineering:** No objections raised to the application subject to 26 conditions of consent (refer **Conditions 29, 83 – 91, 100, 122 – 126, and 150 - 155**).

**Heritage Officer:** Has raised no objection to the application subject to one (1) condition of consent relating to the salvage of materials and building elements (refer **Condition 65**).

**Environmental Health Officer (EHO):** Has raised no objection to the application subject to 33 conditions of consent regarding air and noise pollution and contamination (refer **Conditions 19-28, 39- 47, 77-81, 121, 143, 158 -160**).

#### **City Works & Infrastructure:**

- **Traffic Engineer:** Provided an assessment of the traffic generation and parking requirements of the proposed development and has no objection to the proposal subject to seven (7) conditions of consent relating to construction traffic management, protection of Council's road infrastructure, and parking signage and line marking.
- **Waste Officer:** Council's Waste Officer has since considered the application satisfactory subject to 15 conditions of consent.
- **Public Domain:** Council's Civil Engineer – Public Domain has reviewed the subject development application and recommended 22 conditions of consent.
- **Drainage:** No objection by Council's Senior Asset Engineer, Stormwater with no conditions recommended.

#### *External Referrals*

**Consultant Landscape Architect:** Has raised no objection to the application subject to four (4) conditions of consent (refer **Conditions 1(a)-(c), and 62 - 64**). Council's Consultant Landscape Architect advised that the proposed tree removal is supported based on the species, location and health of the trees.

### **ITEM 3 (continued)**

It is also noted that Council's standard conditions relating to tree protection and removal works have also been included on the consent in addition to the recommended conditions from the Consultant Landscape Architect.

#### **14. Critical Dates**

There are no critical dates or deadlines to be met.

#### **15. Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

#### **16. Other Options**

*Nil.*

#### **17. Conclusion**

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal, as amended, is suitable for the site and is in the public interest.

The submitted application as revised seeks approval for a mixed use development that is permissible within the applicable B4 Mixed use zone and is in keeping with the objectives and expectations of Council's planning controls.

The proposal includes a minor non-compliance with the Height of Building and FSR controls that is considered acceptable on the basis that it will result in no discernible impact on the resultant built form, and that it does not impact adjoining development to an extent beyond that for a compliant development.

The application generally complies with the planning provisions. The issues raised in the submissions have been considered and have been adequately addressed through the assessment process or recommended conditions of consent. Refusal of the application is not warranted based on the reasons contained in the submissions.

In light of the above, it is recommended that the application LDA2016/0624 at 10 Monash Road and 2 College Street Gladesville be approved subject to conditions.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**PROPOSED CONSENT CONDITIONS**

**LDA2016/624 - 10 MONASH ROAD & 2 COLLEGE STREET GLADESVILLE**

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Analysis & Context	21/11/2016	A-110, Revision C
Site Plan	05/05/2017	A-120, Revision D
Demolition Plan	21/11/2016	A-150, Revision C
Basement 1 Plan	21/11/2016	A-2B1, Revision C
Basement 2 Plan	21/11/2016	A-2B2, Revision C
Level 0 (Lower Ground) Plan	21/11/2016	A-200, Revision D
Level 0 – Adaptable Apt	21/11/2016	A-200a, Revision C
Level 1 (Ground) Plan	21/11/2016	A-201, Revision C
Level 1 – Adaptable Apt	21/11/2016	A-201a, Revision C
Level 2 Plan	21/11/2016	A-202, Revision C
Level 2 – Adaptable Apt	21/11/2016	A-202a, Revision C
Level 3 Plan	21/11/2016	A-203, Revision C
Level 4 Plan	05/05/2017	A-204, Revision D
Roof Plan	05/05/2017	A-205, Revision D
Section A	21/11/2016	A-301, Revision C
Section B	21/11/2016	A-302, Revision C
Elevations S-E & N-W	05/05/2017	A-401, Revision D
Elevations N-E (College St)	05/05/2017	A-402, Revision D
Elevations S-W	21/11/2016	A-403, Revision C
Materials and Finishes Schedule	21/11/2016	A-501, Revision E
Ground Floor – Landscape Plan	8/12/2016	2016.0808DA1-1, Issue F, Sheet 1 of 3
Level 3 – Landscape Plan	8/12/2016	2016.0808DA1-2, Issue F, Sheet 2 of 3
Level 4 – Landscape Plan	8/12/2016	2016.0808DA1-3, Issue F, Sheet 3 of 3
Site Stormwater Management Layouts	6/12/2016	SW16205-S1, Issue B
Roof & Upper Floor Stormwater Layouts	6/12/2016	SW16205-S2, Issue B

**ITEM 3 (continued)**

**ATTACHMENT 1**

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) **Temporary Landscaping.** The three (3) *Eucalyptus saligna* (Sydney Blue Gum) located within the western corner of the site are to be deleted, with one (1) *Glochidion ferdinandi* (Cheese Tree) to be planted in this same location.
- (b) **Planting on Structure.** The raised planters within the private open space areas of Units U002 and U003 are to be increased in volume to enable the provision of small trees which provide a high level of screening to the College Street façade.
- (c) **Additional Shade – Level 2.** The communal open space at Level 2 is to include an additional shade structure to ensure year round usability of the space. Permanent, durable and weatherproof seating is to be provided under the shade structure to ensure appropriate amenity for residents.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 756976M\_02, dated 12 December 2016.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.

**ITEM 3 (continued)**

**ATTACHMENT 1**

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
14. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.



**ITEM 3 (continued)**

**ATTACHMENT 1**

15. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

**NOTE:** A plan of traffic management is to be submitted to and approved by the Consent Authority

16. **Design and Construction Standards** – All engineering works shall be carried out in accordance with the requirements as outlined within Council’s DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions here within.
17. **Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant’s expense.
18. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
19. **Connection by gravity flow** - All sanitary fixtures must be connected to the sewerage system by gravity flow.
20. **Plant and Equipment Noise** - The operation of any plant or machinery installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
  - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
  - (c) The transmission of vibration to any place of different occupancy.
21. **Road traffic noise criteria for sensitive developments** - The building(s) must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

**ITEM 3 (continued)**

**ATTACHMENT 1**

22. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
23. **Construction requirements** - All acoustical treatments nominated in the DA Acoustic Assessment prepared by Acoustic Logic, dated 24/8/2016, (Ref: 20161075.1) and any related project documentation must be implemented during construction.
24. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
  - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
  - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
  - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
  - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
  - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
  - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
  - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
  - (i) The room must be provided with adequate artificial lighting; and
  - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
25. **Garbage Chutes and Service Rooms Requirements** –All garbage chutes and service rooms must be constructed in accordance with *Schedule 4, Part 7.2 –Waste Minimisation and Management* -City of Ryde Development Control Plan 2014.

**ITEM 3 (continued)**

**ATTACHMENT 1**

26. **Separate development** -Separate development application must be submitted to Council for any future use of the commercial retail tenancy.
27. **Provision for the installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to any proposed future food premises.
28. **Provision for the installation of a grease trap** - Adequate provision must be made for the installation of a grease trap to any proposed future food premises.
29. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

**DEMOLITION CONDITIONS**

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

30. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
31. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

**ITEM 3 (continued)**

**ATTACHMENT 1**

**32. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**33. Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

**34. Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

**35. Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**36. Tip Dockets.** Tip dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

**37. Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

**38. Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works & Infrastructure Directorate
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- viii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- ix. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

**NOTE:** This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

39. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
40. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

### ITEM 3 (continued)

### ATTACHMENT 1

41. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
42. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.

### PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

43. **Detailed site investigation report** - The proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation works.

44. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.  
**No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.**

**ITEM 3 (continued)**

**ATTACHMENT 1**

45. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
46. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
  - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
  - (c) any council policy or development control plan relating to the remediation of land.
47. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
48. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$53,452.78
Open Space & Recreation Facilities	\$123,064.69
Civic & Urban Improvements	\$47,361.58
Roads & Traffic Management Facilities	\$7,260.83
Cycleways	\$4,036.60
Stormwater Management Facilities	\$13,480.89
Plan Administration	\$1,088.50
<b>The total contribution is</b>	<b>\$249,745.88</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

**ITEM 3 (continued)**

**ATTACHMENT 1**

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

49. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
50. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
51. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
52. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
53. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
54. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.



**ITEM 3 (continued)**

**ATTACHMENT 1**

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

55. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
56. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details Authority prior to the issue of an Occupation Certificate.
57. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
58. **Adaptable Units.** Three (3) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.

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59. **Compliance with Access Report.** The amended development is to comply with the requirements contained in the Statement of Compliance Access for People with a Disability Report prepared by Accessible Building Solutions (Ref: 216166) and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
60. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the **Construction Certificate**.
61. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
62. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
63. **Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the **Construction Certificate**.
64. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of **Construction Certificate**.
65. **Materials and colour finishes sample board.** Prior to the issue of any Construction Certificate, an amended materials and colour finishes sample board shall be prepared and submitted to the satisfaction of Council.

Amended plans shall also be submitted to Council detailing consistency with the revised materials and colour finishes sample board.

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Specifically, the building shall incorporate a wider variety of material and colour finishes, with face brick remaining the prevalent material finish.

66. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.

The CTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- v. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- vi. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- vii. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).
- viii. All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

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**NOTE:** This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

67. **Public domain improvements** - The public domain is to be upgraded in both Monash Road and College Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 2 - Gladesville. The work is to include paving, street light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works & Infrastructure, prior to the issue of the Construction Certificate.

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the City of Ryde Public Domain Technical Manual Section 2 – Gladesville. Please contact Council's Open Planning and Design team for the appropriate species, pit size and location.

**NOTE:** In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Monash Road and College Street frontages. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.
- (d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P3 along both Monash Road and College Street frontages of the development site. The street lighting will remain on the Ausgrid street lighting network.

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Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's City Works & Infrastructure prior to lodgement of the scheme with Ausgrid for their approval.

68. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, and DCP 2014 Part 8.2 - *Stormwater Management*, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed works into the remaining street scape.

- (a) The full reconstruction of half road width for the Monash Road and College Street frontages of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.
- (b) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the entire length of both Monash Road and College Street frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Monash Road and College Street.
- (c) Construction of full width granite footpath along the Monash Road and College Street frontages of the development site in accordance with the City of Ryde *Public Domain Technical Manual Section 2 – Gladesville*. The public footpath is to be designed as sloping from the boundary alignment towards the kerblines.
- (d) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (e) Staging of the public civil works, if any, and transitions between the stages.
- (f) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

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**NOTES:**

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
  2. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 “*Standards Enforcement*”.
69. **Driveway Access and boundary alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council’s Schedule of Fees & Charges at the time of the application.
70. **Vehicle Footpath Crossings** – To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards. The crossings shall match the paving style along the frontages of the development site.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the **Construction Certificate**.

71. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council’s City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council’s Schedule of Fees & Charges at the time of the application.

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72. **Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$30,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
73. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
74. **Waste storage and handling facilities.** Final details of the proposed waste storage and handling facilities must be approved by City of Ryde Council in writing before the issue of a **Construction Certificate**.
75. **Waste storage areas.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
  - 240L Bins – width 0.6m, depth 0.8m, height 1.1m
76. **Waste Collection details.** Safe easy access must be provided for waste collection vehicles to service the waste containers. "No Standing on Garbage Day (Monday, Wednesday & Friday) between 5.00am to 11.00am" signs will be placed on College St to enable the trucks to access the bins for servicing. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any **Construction Certificate**
77. **Mechanical Ventilation Details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
  - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and

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- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications.
78. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
79. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
80. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
81. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
82. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the Construction Certificate. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
83. **Vehicle Access & Parking.** All internal driveways, driveway gradients, vehicle turning areas, vehicle parking space/ loading bay dimensions, head room clearances must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards). The basement car park area is to be designed for all vehicles to enter and exit in a forward direction.

A certification by a suitably qualified engineer shall be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate.



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84. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

85. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to College Street generally in accordance with the drainage concept plans prepared by ALW Design Job No SW16205 S1& S2 Rev B dated 6/12/2016 with the following amendments.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Provision of a gully pit within the southern side of the access driveway and connect this to the boundary pit
- Connection to Council's underground pipeline in College Street via 375 dia pipe across the footpath and a standard junction pit,
- Subsoil drainage pipes are not to discharge directly to the kerb and must discharge to a boundary pit prior to discharge,
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

86. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

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87. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure(see condition 'Stormwater Management' above) located in College Street will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
88. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property(ies) if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
- provide appropriate support and retention to neighbouring property,
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;

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- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

89. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely those adjoining the side of site, No. 8, 8b,8c Monash Road & No 2 College Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
90. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.

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- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

91. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan* (ESCP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*:

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) Location and design criteria of erosion and sediment control structures,
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

92. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.

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- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
93. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
94. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
95. **Work Zones and Permits.** The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
96. **Notice of Intention to Commence Work –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Work* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and copies of all Road Activity Permits issued for the works.
97. **Pre-Construction Dilapidation Report –** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,  
(b) Kerb and gutter,  
(c) Footpath,

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- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's City Works & Infrastructure Directorate, prior to any work commencing.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

98. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
  - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
  - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

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- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
  - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
  - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
99. **Temporary Footpath Crossing** - A temporary footpath crossing must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.
100. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities

**DURING CONSTRUCTION**

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

101. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

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102. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
  - (b) An assessment of the expected noise impacts.
  - (c) Details of the work practices required to minimise noise impacts.
  - (d) Noise monitoring procedures.
  - (e) Procedures for notifying nearby affected residents.
  - (f) Complaints management procedures.
103. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
104. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
105. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
106. **Construction materials.** All materials associated with construction must be retained within the site.
107. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
108. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.



**ITEM 3 (continued)**

**ATTACHMENT 1**

109. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 “Traffic Control Devices for Work on Roads”.
110. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
- Trees approved to be removed:
- Tree 1 – *Jacaranda Mimosifolia* – Blue Jacaranda
  - Tree 2 – *Anchontopheonix cunninghamiana* – Bungalow Palm
  - Tree 3 – *Cupressus sempervirens* – Italian Cypress
  - Tree 4 – *Cupressus sempervirens* – Italian Cypress
111. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
112. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
113. **Tree removal -** Trees to be removed are to be done so in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.
114. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
115. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

**ITEM 3 (continued)**

**ATTACHMENT 1**

116. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

117. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- (a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- (b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- (c) Upon compaction of the applicable sub-base course.
- (d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- (e) Upon installation of any formwork and reinforcement for footpath concrete works.
- (f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

**ITEM 3 (continued)**

**ATTACHMENT 1**

118. **Tip docket.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
119. **Construction site management.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.
120. **Garbage and recycling rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
  - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
  - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
  - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
  - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
  - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
  - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
  - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
  - (i) The room must be provided with adequate artificial lighting; and
  - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning
121. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

**ITEM 3 (continued)**

**ATTACHMENT 1**

122. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No SW16205 S1& S2 Rev B dated 6/12/2016 prepared by ALW Design and as amended in the condition with the heading “Stormwater Management”.
123. **Stormwater Connection – Council Inspections.** The proposed stormwater connection to Council’s stormwater drainage infrastructure in College Street will require an inspection by Council’s City Works & Infrastructure Section. Inspection fees shall apply in accordance with Council’s fees & charges.
124. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
125. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
126. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

**ITEM 3 (continued)**

**ATTACHMENT 1**

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

127. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 756976M\_02, dated 12 December 2016.

128. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

129. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

130. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.

131. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**132. Signage and Linemarking**

- (a) **External.** “NO PARKING” signs shall be installed on College Street along the site’s frontage to enable unimpeded access for Council’s 11m waste vehicle for kerbside collection on waste collection day(s) only. A plan demonstrating the proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

**NOTE: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.**

- (b) **Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

**133. Compliance Certificate – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

**134. Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

**135. Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council’s Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

**ITEM 3 (continued)**

**ATTACHMENT 1**

136. **Post-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's City Works and Infrastructure Directorate, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of the report will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

137. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

138. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

139. **Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

**ITEM 3 (continued)**

**ATTACHMENT 1**

140. **Garbage services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any **Occupation Certificate**.
141. **Universal Council key.** Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.
142. **Waste storage paving.** The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily manoeuvred to the collection point.
143. **Certification of Mechanical Ventilation Work** - Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
144. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The carpark, carpark entry/exit points.
  - The ground floor lobby and lifts

The cameras should include the foyer area to the building including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to **identify** a person recorded by the camera. All other cameras **MUST** record footage of a nature and quality in which it can be used to **recognise** a person recorded by the camera. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

If requested by police, the applicant is to archive any recording until such time as they are no longer required. Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.



**ITEM 3 (continued)**

**ATTACHMENT 1**

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an **Occupation Certificate**.

145. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
146. **Lighting.** Lighting is to be provided around the site including the common areas, internal driveways, visitor parking areas, common pedestrian access from the street and the street frontage and all lighting is to comply with the following requirements:
- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
  - A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
  - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
  - Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
  - There will be no offensive glare onto adjoining residents.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an **Occupation Certificate**.

147. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an **Occupation Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

148. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

149. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
150. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
151. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
152. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
153. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- a) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention & pump out system) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- b) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- c) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- e) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

154. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

155. **Positive Covenant, Pump-out System.** To ensure the constructed basement pump-out system will be maintained in operable condition a Positive Covenant under Section 88 E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor of the land to maintain the constructed basement pump out system.

**ITEM 3 (continued)**

**ATTACHMENT 1**

156. **Consolidation.** All land titles within the development site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted to the PCA prior to the issue of any **Occupation Certificate** under the Environmental Planning and Assessment Act 1979.

**OPERATIONAL CONDITIONS**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

157. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- A minimum of 19 residential spaces (including at least 3 accessible spaces);
  - 7 commercial/retail spaces (including at least 1 accessible space);
  - 4 residential visitor spaces;
  - 4 bicycle parking spaces.
158. **Waste storage**
- (a) Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
  - (b) Garbage and recycling bins must always be stored on-site between collections.
  - (c) Waste room method. All waste storage areas must be maintained in a clean and tidy condition at all times.
  - (d) Employment of waste management staff. Staff or contractors must be employed to take the recyclable materials from the service compartments and sort the materials into the containers provided in the garbage and recycling room.
  - (e) Staff or contractors must be also take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.
  - (f) Waste storage/disposal – method. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
  - (g) Waste containers - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
  - (h) Recyclable wastes - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

**ITEM 3 (continued)**

**ATTACHMENT 1**

159. **Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
160. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
161. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
162. **Temporary Landscaping.** This condition applies if a right of carriageway across the north-west of the site is obtained benefitting 6A-8C Monash Road which is in accordance with the Ryde Development Control Plan 2014 – Part 4.6 Gladesville Town Centre and Victoria Road Corridor. Should the right of way be obtained, any landscaping works within the right of carriageway may be removed, or may be deleted if it has not yet been planted.

**ITEM 3 (continued)**

**ATTACHMENT 2**

**Heritage Referral Response**



To: Rebecca Lockart  
From: Michael Edwards  
Application No.: LDA2016/0624  
Date: 18<sup>th</sup> January 2017  
Address: 10 Monash Road & 2 College Street, Gladesville

**Consideration of the proposal:**

The development proposal seeks Council's approval for the demolition of the existing building on the site and construction of a multi-storey residential flat dwelling.

**Reason for the Heritage Referral:**

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of a dwelling house at 1-9 Monash Road, Gladesville, which is an item of heritage significance, listed on Schedule 5 of the Ryde LEP 2014.

**Statement of Cultural Significance:**

*The dwelling is of historical significance as evidence of the prominent orchard and produce industries of the Ryde district in the late 19th century. The dwelling is of historical significance as it was built in 1881 on lot 28 of the Eltham Estate subdivision, as a house built in conjunction with a produce store for William Jackson, orchardist and produce merchant, alderman and Mayor of Ryde (1887). The house also has historical association with William Reeves, another produce merchant, who leased the property from the mid-1890s, purchased it in 1910, and resided there till his death in 1948, and who also became an alderman on Ryde Municipal Council (1912). In 1909 the produce store on the property was marked on a subdivision map as "W.Reeves Store".*

*The house has aesthetic significance as a representative example of a Victorian Rustic Gothic style house with finely detailed timber bargeboards and verandah valence, typical of the style, located on a prominent corner site. The dwelling is a rare example of a late 19th century house associated with the orcharding industry of the time in the Gladesville area.*

**Consideration of the heritage impacts:**

The subject site is situated directly opposite the dwelling at 9 Monash Road, which is a late 19<sup>th</sup> century two storey Victorian period dwelling.

The subject site presently contributes to the low-scale residential character of Monash Road, however this character towards the southern end of the street is quickly being eroded as it transitions into multi-storey residential flat buildings, some with commercial spaces to the ground floors.

Currently, a single-storey, detached style dwelling is situated on the site. It displays the principal characteristics which are attributed to the domestic vernacular of the late 20<sup>th</sup> century and in my opinion, holds little architectural value or significance.

While the current dwelling reinforces the long-established low-scale residential character surrounding the heritage item opposite, it does not contribute to directly to the significance of the heritage item and demolition can be supported accordingly.

## ITEM 3 (continued)

## ATTACHMENT 2

In reviewing the Conservation Management Plan (Weir Phillips, November 2011) for the heritage item at 9 Monash Road, the curtilage assessment has concluded that:

### 5.7.4 Curtilage

*The history contained in this CMP has considered the development and significance of the site within the context of the development of the surrounding area. This philosophy alone presupposes links with the surrounding area arising from historical and functional relationships, settings and views. The assessment contained in this CMP has, however, demonstrated that, outside of historic records, there is no understanding of the original setting of the cottage and few significant view corridors.*

*The zoning of the site and the nature of development in the surrounding area makes it highly unlikely that the setting will be returned to semi-rural uses. All expanded heritage curtilage, as is currently provided by the existing heritage listing, serves little purpose. The draft heritage listing suggests a lot boundary curtilage for the cottage. This curtilage is not demonstrated in the existing streetscape because the lot is divided between the cottage and the adjacent landscape materials supply depot by cement block walls. While desirable, it is unlikely that Lot 1 will ever be re-dedicated to the sole use of the cottage, given the zoning of the consolidated development site. A reduced lot boundary curtilage is the most likely outcome.*

It is agreed that it is highly unlikely that the original rural landscaped setting of the heritage item will be reinstated or recreated, however this statement (and the curtilage assessment of the CMP) presupposes that the original rural landscape is the only context in which the heritage item can be meaningfully interpreted and appreciated. It is silent on the fact that whilst the heritage item was erected in the 1880s and set within a rural landscape for the next forty years, much of the surrounding landscape was developed in the Inter-War period of the early 20<sup>th</sup> Century (1920s), whereby the present character and context of the heritage item has largely remained unchanged for the past eighty years. It is acknowledged here that the subject site is one exception, having been redeveloped in the late 20<sup>th</sup> century, though still reinforcing the low-scale residential forms.

The setting and backdrop to 9 Monash Road has already been substantially compromised through the recent construction of the multi-storey shop-top housing building on the corner of Monash and Victoria Roads. More recently, development consent has been granted by the NSW Land and Environment Court for the redevelopment of the adjoining land at 6-8 Monash Road and will comprise a multi-storey residential flat building.

In this manner, given that the setting has already been substantially eroded and irreversibly compromised for the heritage item, together with the fact that the subject site contributes little to the significance of the heritage item, the redevelopment of the site is, in principle, supported.

The impact that the proposed development will have on the heritage item through overshadowing as well as diminishing the privacy of occupants, are equally pertinent issues to consider, as such impacts can have an incremental and deleterious impact on the amenity of the heritage item, which in turn, causes an impact on the heritage significance as it reduces the desirability and suitability for continued residential occupation.

Having reviewed the shadow diagrams, it appears that a reasonable level of unobstructed solar amenity is maintained to the heritage item. Subject to the satisfactory assessment by the Assessment Officer against the provisions of SEPP 65 with regards to visual privacy, no objections are raised in this manner.

The building incorporates a palette of materials and colour finishes that are largely neutral in tone and hue. The use of face brick as the external surface finish is supported as it provides a meaningful interpretation that aids in the relationship to the materiality of the heritage item opposite, which is of

**ITEM 3 (continued)**

**ATTACHMENT 2**

face brick construction, together with the Inter-War period shops north of the site in Manash Road (although not listed items of heritage significance).

However, I am concerned that the photomontage depicts a materially heavy building, resulting from the solidity and visual heaviness of the strong use of face brick.

In my opinion, this could be aided and softened by incorporating a more diverse materials palette, incorporating various tactile surface treatments and finishes that visually break up the expanses of masonry as well as taking cues from the materiality of the heritage item opposite.

Unless revised plans are received in response to the above comments, then subject to the following conditions, no objections are raised to the proposal on heritage grounds.

**Recommended conditions**

*Conditions which must be complied with prior to the issue of any Construction Certificate:*

**1. Materials and colour finishes sample board**

Prior to the issue of any Construction Certificate, an amended materials and colour finishes sample board shall be prepared and submitted to the satisfaction of Council.

Amended plans shall also be submitted to Council detailing consistency with the revised materials and colour finishes sample board.

Specifically, the building shall incorporate a wider variety of material and colour finishes, with face brick remaining the prevalent material finish.

**Reason:** Heritage conservation.

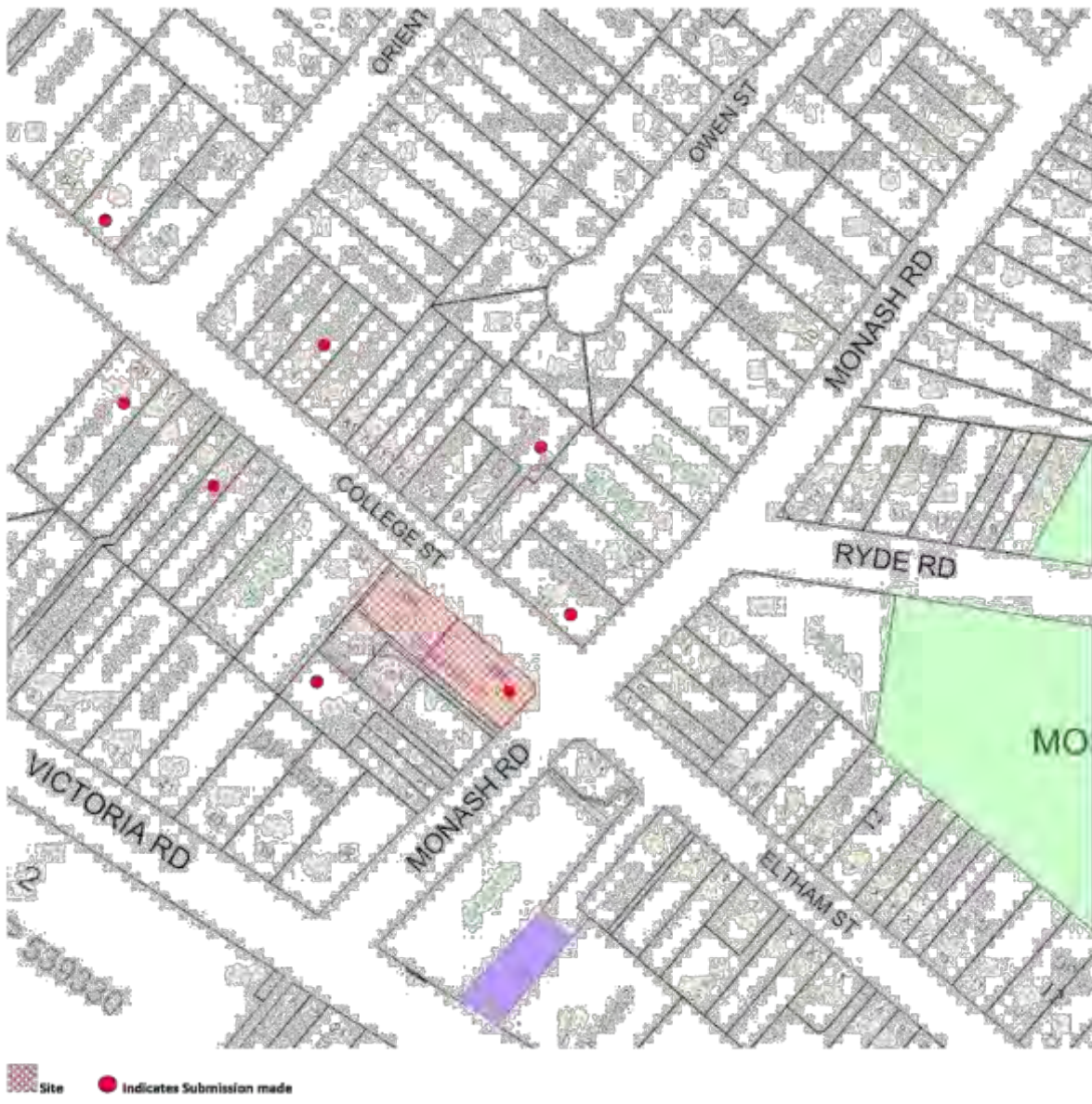
Regards,

Michael Edwards  
Heritage Advisor



**ITEM 3 (continued)**

**ATTACHMENT 3**



**ITEM 3 (continued)**

**ATTACHMENT 4**

**SITE PLAN WITH THE PROPOSED NEW BUILDING**



**PHOTOMONTAGE WITH THE PROPOSED NEW BUILDING (VIEW P01)**



NOTE: DO NOT CERTIFY PHOTOMONTAGE SET FOR LOCAL DETAILS.

	<b>CLIENT</b> <b>HWR PTY LTD</b>  <b>Contact person: Mr. Jeremy Quak</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>A</td> <td>27/08/2016</td> <td>FOR DEVELOPMENT</td> </tr> <tr> <td>B</td> <td>09/09/2016</td> <td>FOR DEVELOPMENT APPLICATION</td> </tr> <tr> <td>C</td> <td>21/11/2016</td> <td>AMENDED DESIGN FOR DEVELOPMENT APPLICATION</td> </tr> <tr> <td>D</td> <td>05/05/17</td> <td>DEVELOPMENT APPLICATION DEAP AMENDMENTS</td> </tr> </table>	REV	DATE	DESCRIPTION	A	27/08/2016	FOR DEVELOPMENT	B	09/09/2016	FOR DEVELOPMENT APPLICATION	C	21/11/2016	AMENDED DESIGN FOR DEVELOPMENT APPLICATION	D	05/05/17	DEVELOPMENT APPLICATION DEAP AMENDMENTS	<b>PROJECT</b> <b>PROPOSED MIXED USE DEVELOPMENT</b>  <b>ADDRESS</b> <b>10 MONASH RD &amp; 2 COLLEGE ST, GLADESVILLE</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3">DRAWING TITLE</th> </tr> <tr> <th colspan="3">Site Plan</th> </tr> <tr> <td style="font-size: x-small;">PROJECT NO.</td> <td style="font-size: x-small;">SCALE</td> <td style="font-size: x-small;">DRAWING NO.</td> </tr> <tr> <td style="text-align: center;">1520</td> <td style="text-align: center;">N/A</td> <td style="text-align: center;">A-120</td> </tr> <tr> <td style="font-size: x-small;">REV</td> <td style="font-size: x-small;">DATE</td> <td style="font-size: x-small;">BY</td> </tr> <tr> <td style="text-align: center;">HW</td> <td style="text-align: center;">05/05/17</td> <td style="text-align: center;">D</td> </tr> </table>	DRAWING TITLE			Site Plan			PROJECT NO.	SCALE	DRAWING NO.	1520	N/A	A-120	REV	DATE	BY	HW	05/05/17	D
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**ITEM 3 (continued)**

**ATTACHMENT 4**

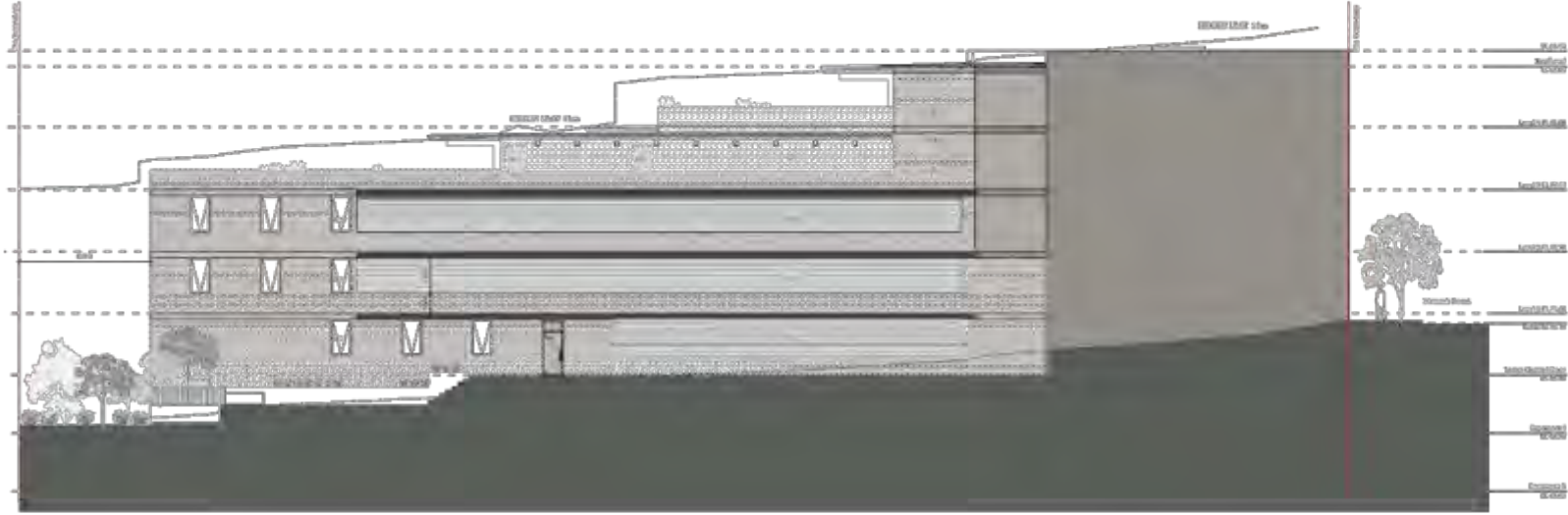


ITEM 3 (continued)

ATTACHMENT 4

 <p>Olsson &amp; Associates Architects 10/100 Pitt Street Sydney NSW 2000 Tel: (02) 9239 9200 Fax: (02) 9239 9201 Email: info@olssonandassociates.com.au www.olssonandassociates.com.au</p>	<p>CLIENT <b>HWR PTY LTD</b></p> <p>Contact person: Mr. Jeremy Quek</p>	<p>MEMO [Blank]</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>07/08/2016</td> <td>FOR INFORMATION</td> </tr> <tr> <td>B</td> <td>09/09/2016</td> <td>FOR DEVELOPMENT APPLICATION</td> </tr> <tr> <td>C</td> <td>21/11/2016</td> <td>AMENDED DESIGN FOR DEVELOPMENT APPLICATION</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	A	07/08/2016	FOR INFORMATION	B	09/09/2016	FOR DEVELOPMENT APPLICATION	C	21/11/2016	AMENDED DESIGN FOR DEVELOPMENT APPLICATION	<p>PROJECT <b>PROPOSED MIXED USE DEVELOPMENT</b></p> <p>ADDRESS <b>10 MONASH RD &amp; 2 COLLEGE ST, GLADESVILLE</b></p>	<p>DRAWING TITLE <b>Elevation S-W</b></p> <table border="1"> <tr> <td>PROJECT NO. 11520</td> <td>SCALE 1:500 (GLS)</td> <td>DESIGNED BY RD</td> </tr> <tr> <td>DRAWN BY HW</td> <td>CHECKED BY HW</td> <td>DATE 21/11/2016</td> </tr> <tr> <td colspan="2">PROJECT NO. <b>A-403</b></td> <td></td> </tr> </table>	PROJECT NO. 11520	SCALE 1:500 (GLS)	DESIGNED BY RD	DRAWN BY HW	CHECKED BY HW	DATE 21/11/2016	PROJECT NO. <b>A-403</b>		
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1 Elevation S-W  
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**ITEM 3 (continued)**

**ATTACHMENT 4**



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**4 SUITE 102 / 25 ANGUS STREET, MEADOWBANK. LOT 174 SP 76502.  
Development Application – Conversion of existing commercial space to  
a residential apartment and home office. LDA2016/0189**

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**Report prepared by:** Creative Planning Solutions; Senior Coordinator -  
Development Assessment

**Report approved by:** Acting Manager - Assessment; Acting Director - City Planning  
and Development

**File Number:** GRP/09/5/6/2 - BP17/786

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**1. Report Summary**

**Applicant: Transformative Planning**

**Owners: J.G.F. Investments**

**Date lodged: 29 April 2016 (additional information submitted 22  
September 2016 and 8 November 2016)**

This report considers a development application (DA) which seeks consent for the conversion of the first floor of an existing commercial premises to a residential apartment and the ongoing use of the ground floor as a commercial premise at Suite 102 / 25 Angus Street, Meadowbank.

The DA was notified in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP2014) and six (6) submissions were received – comprising five (5) submissions objecting to the proposal and one (1) submission in support of the proposal.

The issues of concern raised in the submissions related to the following:

- Loss of commercial space;
- Precedent for conversion of commercial to residential in mixed-use buildings;
- Apartment amenity;
- Fire safety;
- Contravention of Strata By-laws;
- Proposal not approved by Body Corporate; and,
- No direct access to car park.

A preliminary assessment of the application identified the following issues for which additional information was requested on 28 October 2016:

- Land use – Proposed ‘home office’ use not defined in RLEP2014. ‘Home business’ considered most appropriate defined use. Clause 5.4 limits home business to 30m<sup>2</sup> of a dwelling whilst the proposal included 69m<sup>2</sup>;
- BASIX – The proposal is considered to require a BASIX certificate which was not provided;

#### ITEM 4 (continued)

- Solar access – Unsatisfactory solar access to all areas of the dwelling inconsistent with the requirements of the Apartment Design Guide (ADG);
- Ventilation – Unsatisfactory ventilation to all areas of the dwelling;
- Acoustics – Unsatisfactory acoustic privacy for Bedroom 1 and 2 directly above to the car park roller door; and,
- Ceiling heights – Combination of inadequate ceiling heights and depths results in poor amenity.

In response to the above issues, a response letter was received on 3 November 2016, which consisted of additional planning justification in support of the proposal but no design changes to the DA plans (in terms of internal layout of the premises). It is considered that the applicant's response has not adequately resolved the issues of concern raised in relation to the proposal.

The proposal has been assessed against the matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*. In particular, the proposal has been assessed against the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), Ryde Local Environmental Plan 2014 (RLEP2014), and Ryde Development Control Plan 2014 (RDCP2014).

The proposal raises a number of significant issues of concern with a range of apartment amenity provisions of the ADG including solar access, natural ventilation, ceiling heights, apartment layout, private open space, storage, and acoustic privacy. The subject unit has been designed for business/commercial usage, however its proposed conversion would result in a very poor level of internal amenity which is inappropriate for a residential use.

The proposal is considered to be highly inconsistent with the relevant planning requirements and as such is recommended for refusal, for the reasons detailed in this report and summarised in the recommendation below.

**Public Submissions:** Six (6) submissions received – five (5) submissions of objection and one (1) submission in support.

**SEPP 1 (or clause 4.6 RLEP 2014) objection required?** Not required for this application.

**Value of works \$130,000**



**ITEM 4 (continued)**

**RECOMMENDATION:**

(a) That Local Development Application No. LDA2016/0189 be refused for the following reasons:

- Section 79C(1)(a)(iii) of the Act
- The proposal is inconsistent with the objectives of the B4 mixed-use zone.
  - The proposal is inconsistent with a range of objectives, design criteria, and design guidance of Section 3J, 4A, 4B, 4C, 4D, 4E, 4G, and 4U of the *Apartment Design Guide*.
  - The proposal is inconsistent with the provisions of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* as a BASIX certificate was not provided with the application.
  - The proposal does not comply with Part 4.2 Section 4.2.5 and 4.4.2 of the *Ryde Development Control Plan 2014*.
- Section 79C(1)(b) of the Act
- The likely impacts of the proposal on the built environment are considered unacceptable due to the proposed removal of the street access of the ground floor to Angas Street which will significantly restrict the usability of this space for a wide range of commercial purposes. Furthermore, the works proposed to the ground floor are considered to enable this premise to be utilised for residential purposes which is considered inappropriate due to the inability of this space to achieve appropriate levels of residential amenity.
- Section 79C(1)(c) of the Act
- The significant inconsistencies with the relevant planning controls are considered to be manifestations of the underlying unsuitability of the site for residential use.
  - The site is unsuitable for residential use due to poor levels of amenity, including being located adjacent to the car park exit, being at the ground and first floor largely overshadowed by the adjoining buildings, and having poor natural ventilation and aspect.

**ITEM 4 (continued)**

Section 79C(1)(e) of the Act

- The proposal is not in the public interest as the proposed apartment has been assessed to have highly inadequate levels of amenity as evidenced by a wide range of inconsistencies with the ADG. The proposal would result in a reduction in the availability of commercial space in the B4 mixed use zone replaced with a substandard residential apartment within a development and area that is already dominated by apartments. The proposal also includes works to the ground floor commercial space including the removal of the front street entrance which would restrict the ability of the space to function effectively for a wide range of commercial uses.
- Approval of the application would set an undesirable precedent encouraging the conversion of ground and first floor commercial premise to apartments within mixed-use developments despite the poor levels of amenity generally afforded by these spaces. This is not in the public interest as further reductions in commercial space would be inconsistent with the objectives of the mixed-use zone and these spaces generally cannot achieve the higher levels of amenity required for residential use.
- Clause 49 of the Regulations
- Insufficient evidence has been provided to demonstrate that the works proposed to common property have been consented to by the owner's corporation of Strata Plan 76502.

(b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Compliance Assessment - SEPP 65, ADG, RLEP2014, RDCP2014
- 2 Map Indicating submissions made
- 3 A4 Plan
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 4 (continued)**

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Senior Coordinator - Development Assessment**

Report Approved By:

**Vince Galletto  
Acting Manager - Assessment**

**Liz Coad  
Acting Director - City Planning and Development**

## ITEM 4 (continued)

### 2. Site Details

<b>Address</b>	Suite 102 / 25 Angas Street, Meadowbank (LOT 174 Strata Plan 76502)
<b>Site Area</b>	Overall development 11,670m <sup>2</sup> <ul style="list-style-type: none"><li>• Frontage to Angus Street eastern boundary (private road) – 120m</li><li>• Frontage to Bay Drive southern boundary – 90m</li><li>• Frontage to Bay Drive western boundary – 120m</li><li>• Northern side boundary – 90m</li></ul> Suite 102 (Lot 174 SP 76502) Floor area 202m <sup>2</sup> <ul style="list-style-type: none"><li>• Ground Floor 69m<sup>2</sup></li><li>• First Floor 133m<sup>2</sup></li></ul>

**Site Description** *Note: Areas and dimensions taken from architectural plans*  
Overall Development:

The overall development within which Suite 102 is located is a six (6) to eight (8) storey mixed use development comprising 248 apartments and retail, commercial, and basement car parking for 489 vehicles over 4 levels. The development was approved in August 2004 and constructed shortly after. The development is part of a wider mixed-use complex that is characterised by four main buildings with ground and first floor commercial uses with residential apartments above. The complex also includes the Shepherds Bay Village Plaza which comprises a range of retail and business premises including a supermarket.

Subject Unit – Suite 102

The development proposal site relates to Suite 102 which is located on ground and level 1 on the eastern façade of the complex with a frontage to a private one-way portion of Angas Street.

Suite 102 comprises a two (2) level commercial premises. The premise has been separated into Suite 102 on the ground which comprises two (2) enclosed offices, open floor area, kitchen and bathroom, and Suite 102A on the first floor which comprises two (2) enclosed offices, open floor area, kitchen, bathroom and storeroom. The premise is accessed from a front door to Angas Street.

**ITEM 4 (continued)**

**Planning Controls**

- SEPP No 65 – Design Quality of Residential Apartment Development
- Apartment Design Guide
- SEPP No 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014

**Zoning**

B4 – Mixed Use. Ryde LEP 2014



**Location of Subject Site**

**Source: Ryde Council Mapping System**

**ITEM 4 (continued)**



Aerial image of subject site with the overall development outlined in red and Suite 102 outlined in maroon.

*Source: [www.sixmaps.nsw.gov.au](http://www.sixmaps.nsw.gov.au) – edited by CPS for diagrammatic purposes.*



Suite 102 from the Angas Street frontage.  
*Source: CPS site inspection photo, 21 June 2017*

#### ITEM 4 (continued)



Street view photograph from the Angas Street frontage with the subject premise located in the middle.

Source: [www.googlemaps.com.au](http://www.googlemaps.com.au) – October 2016

### 3. Councillor Representations

There were no Councillor representations in relation to this DA.

### 4. Political Donations or Gifts

None disclosed in applicant's DA submission or in any submission received.

### 5. Proposal

The proposed development is for the conversion of the first floor of an existing commercial suite (Suite 102) to a 3-bedroom residential apartment and the ongoing use of the ground floor as a commercial premise.

Building works to facilitate the proposal are as follows:

- Ground Floor Commercial Premises:
  - Creation of a front internal courtyard by replacing the front door with a window and enclosing a tiled space; and,
  - New entry to the premise will be via a side door to the common stairs between the ground and first floor which is accessed from the adjacent building foyer.

**ITEM 4 (continued)**

- First Floor Apartment:
  - Remove all internal walls including the existing two (2) offices, bathroom and kitchen;
  - Construction of three (3) bedrooms, two (2) bathrooms, laundry, combined kitchen, dining and living space, and a wintergarden; and,
  - The wintergarden will be a tiled space on the eastern frontage of the dwelling, with glazed sliding doors to the living area and the installation of new windows.

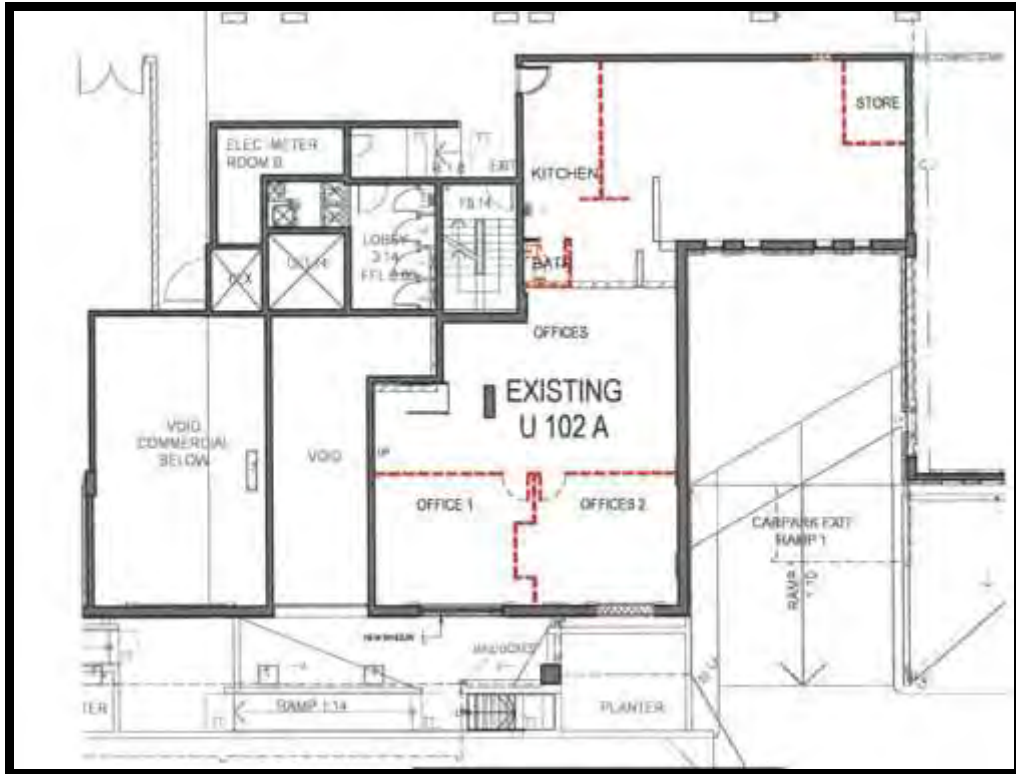
The following plans (existing plans; and proposed plans for Ground Level and Level 1) are provided in order to illustrate the proposal.



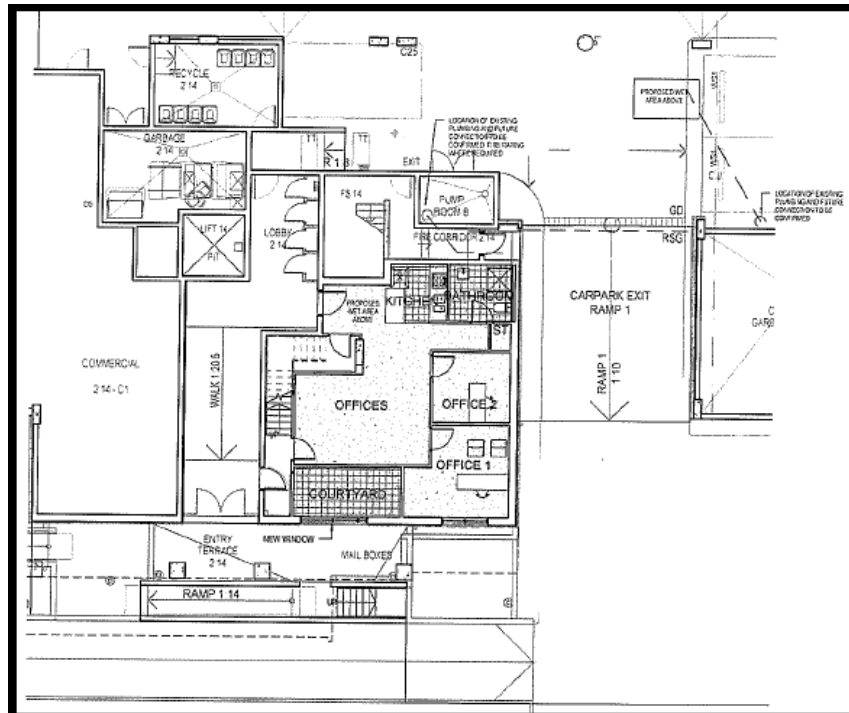
**Existing Plan – Ground Level Suite 102. Source: Applicant DA plans**



**ITEM 4 (continued)**

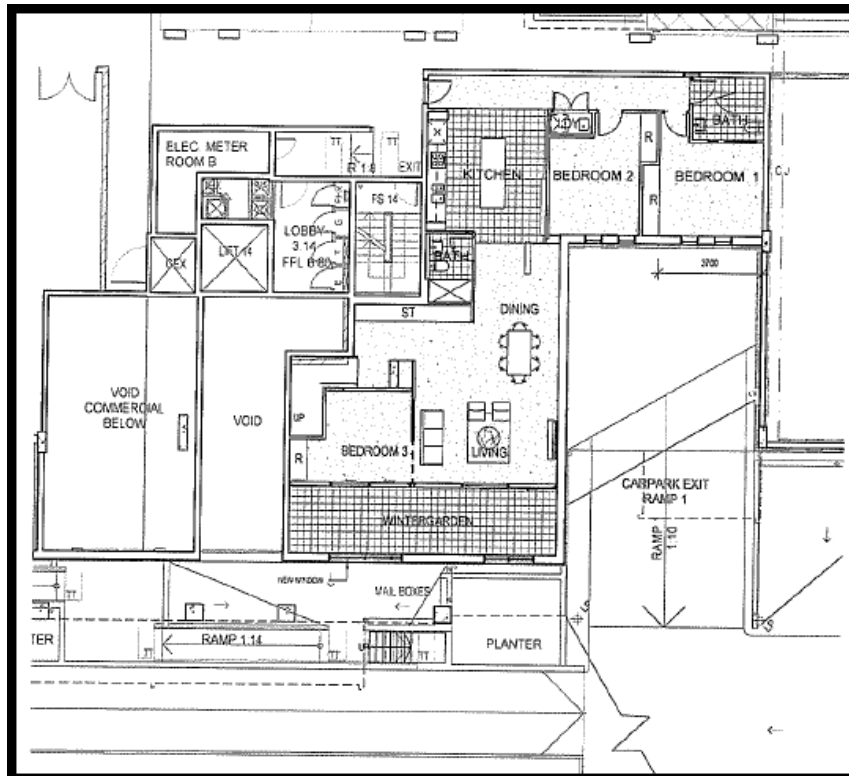


**Existing Plan – Level 1 of Suite 102. Source: Applicant DA plans.**



**Proposed Fitout Plans – Ground Level of Suite 102. Source: Applicant DA plans.**

**ITEM 4 (continued)**



**Proposed Fitout Plans – Level 1 of Suite 102. Source: Applicant DA plans.**

**6. Background**

The development application (DA) was lodged with Council on 29 April 2016.

Following a preliminary review of the application, the following issues were raised in an additional information request letter dated 26 May 2016:

- Owners consent from strata body / owner's corporation – No owners consent from the strata body / owners corporation had been provided.
- Compliance with SEPP 65 and Apartment Design Guide (ADG) – Inadequate information had been submitted in relation to SEPP 65 and the ADG.

In response, Council received an updated Statement of Environmental Effects and other supporting documents to meet the required information for assessment against SEPP 65.

#### **ITEM 4 (continued)**

In relation to the issue of owner's consent, a revised application form was submitted to Council in September 2016 with consent provided from the strata manager for the complex. However, this does not adequately resolve the issue of owner's consent, as no evidence was provided to indicate the strata manager was authorised to provide consent for the lodgement of DAs. Typically consent for proposed works to common property within a strata building is required from the owner's corporation via a special resolution of the strata committee.

This issue could have been resolved during the DA process if the development proposal was satisfactory, however given the many issues of concern in relation to the merits of the development proposal (as discussed throughout this report), it was not necessary to resolve the issues of owner's consent. This lack of appropriate owner's consent does however form part of the recommendation for refusal of the application.

The application was notified and advertised in accordance with the provisions of DCP2014 from 22 September 2016 to 7 October 2016. In response, six (6) submissions were received comprising five (5) objecting to the proposal and one (1) in support of the proposal (as discussed in the Submissions section of this report below).

A preliminary assessment of the application identified the following issues for which additional information was requested on 28 October 2016:

- Proposed use – Proposed 'home office' use was not defined in RLEP2014. 'Home business' was considered the most appropriate defined land use. Clause 5.4 limits home business to 30m<sup>2</sup> of a dwelling whilst the proposal included a business component of 69m<sup>2</sup>;
- BASIX – The proposal is considered to require a BASIX certificate which was not provided;
- Solar access – Unsatisfactory solar access to all areas of the dwelling inconsistent with ADG requirements;
- Ventilation – Unsatisfactory ventilation to all areas of the dwelling;
- Acoustics – Unsatisfactory acoustic privacy for Bedroom 1 and 2 directly above to the car park roller door; and,
- Ceiling heights – Combination of inadequate ceiling heights and depths results in poor amenity.

In response to the above issues, a response letter was received on 3 November 2016, which consisted of additional planning justification in support of the proposal but no design changes to the DA plans (in terms of internal layout of the premises). It is considered that the applicant's response has not adequately resolved the issues of concern raised in relation to the proposal.

## ITEM 4 (continued)

### 7. Submissions

The application was notified between 22 September 2016 to 7 October 2016 in accordance with the provisions of the DCP2014. In response, six (6) submissions were received comprising five (5) submissions objecting to the proposal and one (1) submission in support of the proposal.

The key issues raised in the submissions are summarised below, followed by a comment on how the issue has been considered as part of the assessment.

- A. *Loss of commercial space*** – *Concerns were raised that the proposed conversion would result in a loss of commercial space to be replaced by another apartment in an area dominated by apartments. Furthermore, it was noted that the proposed home office arrangement was not required as a commercial tenant could easily rent or purchase from the hundreds of apartments already in the building which would have the same benefits as a home office.*

Comment: It is generally agreed that the proposed conversion of a functional commercial space to an apartment with poor levels of amenity and function is not a desirable planning outcome. It is also agreed that the development is already dominated by hundreds of apartments which could easily be utilised by a commercial tenant should a live/work arrangement be desired. The application is recommended for refusal and the underlying principle of this issue forms part of the reasons for refusal.

- B. *Precedent for conversion of commercial to residential in mixed-use buildings*** – *Concerns were raised that approval of the application would set a poor precedent that would encourage the conversion of commercial premises in mixed-use buildings to residential apartments within spaces not originally intended or designed for residences.*

Comment: It is agreed that approval of this application would set an undesirable planning precedent. The precedent would be that Council considers it acceptable to convert existing commercial premises within these newly constructed mixed-use developments into residential apartments despite the poor amenity many of these spaces would afford for residential use. Furthermore, reductions in the limited amount of commercial space in these mixed-use zones would be inconsistent with the zone objectives which are to provide for employment uses. The application is recommended for refusal and this issue forms part of the reasons for refusal.

**ITEM 4 (continued)**

- C. *Apartment amenity*** – Concerns were raised that the amenity of the proposed apartment would be poor as it would be highly affected by noise and emissions from the car park entry and would have poor natural ventilation in the kitchen and bathroom.

Comment: It is noted that a full and detailed assessment of the proposal has been made in terms of SEPP 65 (Design Quality of Residential Flat Development), and the Apartment Design Guide (ADG) – and this assessment appears later in this report. The SEPP 65 and ADG assessment covers issues of internal amenity of the apartment (eg solar access, noise etc) in considerable detail.

It is agreed that the proposed apartment will have poor levels of amenity. The assessment has found significant non-compliances with a range of amenity related provisions from the ADG. The application is recommended for refusal and these issues of amenity forms the bulk of the reasons for refusal.

- D. *Internal Amenity/Poor Ventilation*** – Concerns were raised that the apartment kitchen will have poor ventilation and as a result residents may open the rear door which opens to the car park and is adjacent to the fire stairs. This may set the fire alarm for the building off and this has happened in the past.

Comment: As noted throughout this report, it is considered that the proposed apartment will have poor levels of amenity and ventilation, and therefore this issue of concern is supported. The assessment of the proposal in terms of the provisions of the ADG (later in this report) also explores the issues of internal amenity and ventilation in more detail.

- E. *Proposal not approved by Body Corporate*** – Concerns were raised that many aspects of the proposal were not approved by the Body Corporate.

Comment: Council has received owners consent from the owners of Suite 102 and the strata manager for the building. The applicant has not provided any evidence that the strata manager is authorised to consent to a DA. Furthermore, no evidence has been provided of any special resolution of the strata committee / owners corporation to consent to the application.

This issue of owner's consent forms part of the reasons for refusal in relation to this DA.

- F. *No direct access to car park*** – Concerns were raised that the apartment does not have direct access to the residential car park. The rear door only accesses the visitor's car park and access to the residential car park for the apartment would be via the lift foyer passing through a security door.

#### **ITEM 4 (continued)**

Comment: A site inspection has been conducted which confirms that the rear door of the proposed apartment opens directly into the visitor's car parking area. It is understood that the allocated car parking spaces are located on the level below, however the travel path to these spaces is unknown. As with other issues of concern in relation to this DA, this matter could potentially be resolved if the proposal was able to be supported from a planning perspective. However, given that the proposal is considered to be unsatisfactory for other reasons as discussed throughout this report, this issue of access to the car park was not required to be completely resolved.

- G. Supportive comment** – *One submission from the adjacent commercial Suite 101/25 Angas Street, stated we have no objections to the proposed application and happy for it to be approved.*

Comment: This submission is from the owner of the adjoining commercial suite 101 which occupied by the Billbergia property development company. It is understood this company developed the subject Shepherds Bay development. Suite 101 has a similar layout to the subject premise including ground and first floor office. Approval of the subject application would set a precedent, in particular for the adjoining suite, for the conversion to a residential apartment.

Given the above factors, the motives of this supportive submission are questionable. Furthermore, no reasoning has been provided to explain the supportive comment and as such there is nothing to be considered in the assessment.

Given the above, the submissions have been taken into consideration in the assessment of the application consistent with the requirements of Section 79C of the Act.

#### **8. SEPP1 (or clause 4.6 RLEP 2014) objection required?**

Not required as the assessment has not identified any development standards that have been varied.

#### **9. Policy Implications**

##### **(a) Relevant Provisions of Environmental Planning Instruments etc:**

##### **State Environmental Planning Policy No. 55 – Remediation of Land**

The *State Environmental Planning Policy No. 55 – Remediation of Land* applies to the proposed development. Clause 7 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

#### **ITEM 4 (continued)**

The proposal involves only the conversion of an existing commercial premises within a mixed-use development to a residential dwelling. The works do not involve any disturbance of the soil and the subject premise is entirely within the existing building.

On this basis, the site is considered to be suitable in its present state for the proposed development and no further investigations of contamination are considered to be warranted.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

For the purposes of SEPP BASIX, the proposed development includes a change of use to a building with one or more dwellings. In accordance with the *Environmental Planning and Assessment Regulation 2000* (Regulations), the building is BASIX affected and therefore requires assessment against the provisions of this SEPP and BASIX certification. It is important to note that the definition of a 'building' under the EP&A Act 1979 specifies that part of a building is considered a building - this is relevant to the proposal.

A BASIX certificate has not been submitted with the DA which is inconsistent with the provisions of this SEPP. The application is recommended for refusal and this forms part of the reasons detailed in this report.

#### **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

A full assessment of the proposal under the relevant provisions of SEPP 65 and the *Apartment Design Guide* (ADG) is provided within the compliance table held in **Attachment 1**. The non-compliances identified in the table are assessed in detail below.

#### **Assessing Officer's Foreword:**

The proposal is for the conversion of one level of an existing commercial premises to a residential apartment and retention of the existing ground floor commercial premises. The proposal includes a range of primarily internal building works to facilitate the conversion.

#### ITEM 4 (continued)

The proposed residential apartment has been assessed against the requirements of the ADG as summarised in the compliance assessment contained within **Attachment 1**. Many of the provisions of the ADG relate to the entire site and building. Given the proposal seeks only to convert a commercial premise to a single residential apartment in the context of a wider 248 apartment building, these overall building and site related requirements are not considered relevant and as such the proposed apartment has been assessed in isolation. Focus has been placed on the objectives, criteria and guidance that can be logically applied to an individual apartment within a wider development.

It is noted that during the assessment process the applicant contended that the ADG was not applicable to the proposal. The proposal has been considered against clause 4 of SEPP 65 and on this basis it is considered to meet the applicability requirements.

To clarify this issue, advice has been sought from a member of Council's Urban Design Review Panel (Mr Matthew Pullinger, registered architect). The following comments have been provided both on whether Council should be applying the principles of SEPP 65 and the ADG, as well as issues regarding the design of the development itself (in terms of internal amenity, solar access etc).

In relation to issues of the proposed design, the following comments have been provided:

*The proposal is situated within a large, existing multi-unit development, on the ground and first levels and wraps around an existing basement entry portal. It seems likely that this location was originally nominated as a commercial suite for a number of reasons – namely its street frontage. But it is also likely that proximity to the basement entry served to diminish any useful residential amenity. I think this is the fundamental issue for the proposal.*

*The proposed three bedroom apartment on level one suffers from a number of shortcomings, where in my view a minimum acceptable level of residential amenity is not achieved:*

- *The kitchen is very deep and dark, and access to natural light and ventilation constrained by the configuration of the proposed bathroom, which limits the connection to the living room and wintergarden beyond. This is further compromised by the fact the pre-SEPP 65 building has ceiling heights of 2.5m rather than minimum 2.7m.*



**ITEM 4 (continued)**

- *Bedrooms 1 and 2 access all natural light through windows overlooking a basement entry and ramp. This arrangement diminishes all meaningful residential amenity and outlook which would be expected from a bedroom window. The indented nature of the basement ramp also constrains access to natural light and air and significantly constrains any outlook.*
- *The proposed wintergarden raises further questions about the availability of residential amenity. Two existing windows in the building facade provide natural light to the proposed wintergarden, and proposed new glass sliding doors will define the habitable space of bedroom 3 and the living room. Effectively, bedroom 3 and the living room will borrow natural light across the wintergarden. This appears to be an inadequate level of amenity.*
- *It is not clear what function the wintergarden provides other than to potentially mitigate against inadequate residential amenity. If it were configured as a balcony, the dwelling might benefit from better natural ventilation and outlook.*

*In its current form, I don't believe the proposed residential apartment achieves an adequate levels of residential amenity.*

In relation to the issue of whether or not SEPP 65 and the ADG should be applied to the proposal, the following comments have been provided:

*I think it's critical to apply the underpinning principles of SEPP 65 in this case, but not necessarily to achieve numeric compliance with the ADG.*

*The proposal seeks to create a three bedroom dwelling, which must demonstrate it is capable of achieving a minimum acceptable level of residential amenity despite any inherent shortcomings of the existing building.*

*So, for example it isn't possible to achieve numeric compliance with ADG ceiling heights, nor does it make sense to impose ADG requirements for cross ventilation.*

*But, if the resulting dwelling design can't mitigate against the configuration of the existing building, if the kitchen is buried deep in the plan, if the bedrooms rely on a basement ramp for outlook, light and air, and if all natural light and air available to the primary living spaces is borrowed across a wintergarden, then the design fails to deliver an acceptable minimum level of amenity in my view.*

**ITEM 4 (continued)**

The table below demonstrates how the proposal satisfies clause 4.

Apartment Design Guide Provision (ADG)	Proposal	Compliance
<b>SEPP 65 Design Quality of Residential Apartment Development</b>		
<b>Clause 4 Application of Policy</b>		
<p>(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component if:</p> <p>(a) the development consists of any of the following:</p> <ul style="list-style-type: none"> <li>(i) the erection of a new building,</li> <li>(ii) the substantial redevelopment or the substantial refurbishment of an existing building,</li> <li>(iii) the conversion of an existing building, and</li> </ul> <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p>	<p>(1) The development is located within a mixed-use development.</p> <p>(a) The proposal is considered to be the <i>conversion of an existing building</i>. The relevant part of the development proposal seeks the conversion of a commercial tenancy within a wider mixed-use development to a dwelling. It is noted that the definition of a 'building' under the EPA Act includes 'part of a building', which is relevant to the proposed part of the existing building to be converted to a dwelling.</p> <p>(b) The proposal is within a building which is at least 3 storeys.</p>	<p><b>SEPP 65 Applies</b></p>

## **ITEM 4 (continued)**

### **Non-Compliances – Not supported**

#### **1. Part 4A – Solar and Daylight Access**

The proposal is considered to be inconsistent with the following objective and design criteria in relation to solar and daylight access:

*Objective 4A-1 – To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*

*Design Criteria – Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.*

*Design Guidance – To maximise the benefits to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m<sup>2</sup> of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.*

For the purposes of the solar access requirements for the proposed apartment, the acceptable standard to be achieved is a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter. To ensure the benefits of sunlight are maximised guidance is provided indicating that a minimum of 1m<sup>2</sup> of direct sunlight measured at 1m above floor is necessary.

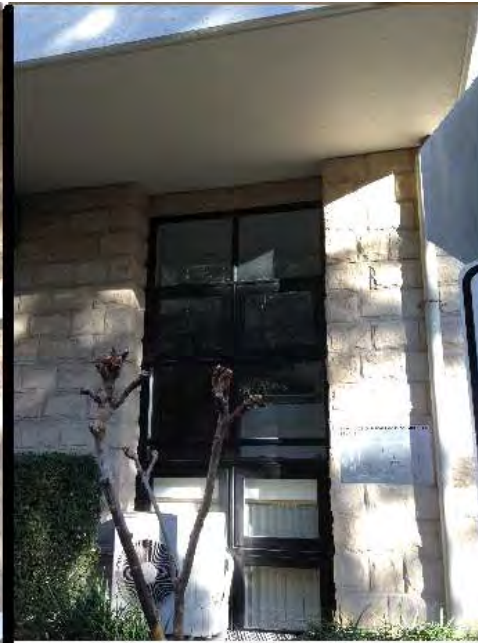
Based on the solar access diagrams provided and a site inspection dated 21 June 2017, the proposed living room and private open space (winter garden) will not receive the required 2 hours direct sunlight at mid-winter. It is noted that the weather at the time of the site inspection on the 21 June was mostly sunny with a minor scattering of clouds.

The winter garden has two windows which will be described as the left and right window shown in the photos below. In mid-winter, direct sunlight falls on the right window for approximately 1 hour and the left window for approximately 30 minutes starting from 9am. This does not meet the minimum 2 hours required to achieve an acceptable level of solar access.

**ITEM 4 (continued)**



**9AM left window**



**9AM right window**

Photographs of the windows to the proposed wintergarden at 9am on 21 June demonstrating the levels of direct sunlight striking the windows.

*Source: CPS, 21 June 2017*



**9.30AM left window**



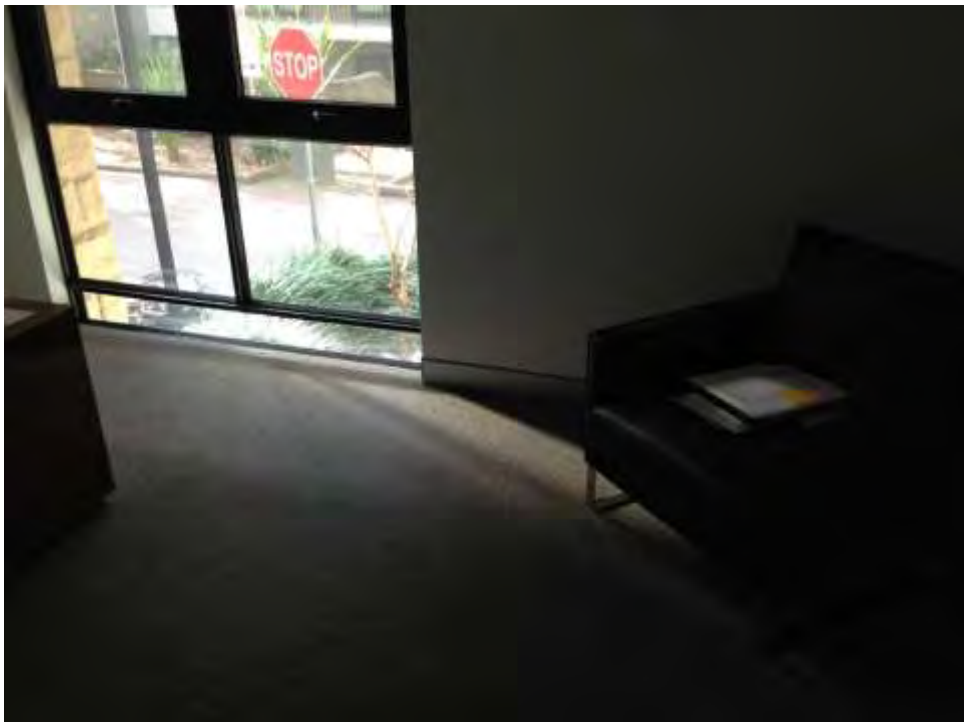
**9.30AM right window**

Photographs of the windows to the proposed wintergarden at 9.30am on 21 June demonstrating the levels of direct sunlight striking the windows.

*Source: CPS, 21 June 2017*

**ITEM 4 (continued)**

Additionally, during the site inspection, at 9.45am it could be seen only a narrow slither of direct sunlight, well under the guidance for a minimum of 1m<sup>2</sup>, penetrates into the winter garden space and as such the sunlight that is received would have limited amenity benefits for residents – see photos below. The slither of sunlight and the general lack of daylight in this winter garden space can be seen in the photographs taken on site at 9.45am which is close to the best time for solar access to this space. The darkness in this space would increase throughout the day as the sun moves to the west behind the building.



**Right wintergarden window taken at 9.45am 21 June demonstrating the lack of sunlight penetration into the space.  
Source: CPS, 21 June 2017**

**ITEM 4 (continued)**



**Left wintergarden window taken at 9.45am 21 June demonstrating the lack of sunlight penetration into the space.**

***Source: CPS, 21 June 2017***

The proposed living area is located adjacent to this winter garden space. The frontage of the living room is setback 2.4m from the windows and no direct sunlight will penetrate this far in mid-winter which does not comply with the 2 hour minimum. Further compounding the issue is that these windows to the winter garden are the only available natural light to the living room which will result in a space that has an unacceptable level of direct sunlight but also a complete lack of daylight.

Photographs of where the proposed open plan living area and kitchen is at 9.45am on 21 June are provided in the photos below – demonstrating the lack of natural light in the living area and the almost complete darkness of the kitchen area in the rear corner of the apartment.

**ITEM 4 (continued)**



**Photograph of the proposed living area space taken at 9.45am 21 June demonstrating the lack of natural light in the space.  
Source: CPS, 21 June 2017**



**Photograph of the proposed kitchen area located at the rear of the proposed open plan living, dining, and kitchen area taken at 9.45am 21 June demonstrating the lack of natural light in the space.  
Source: CPS, 21 June 2017**

#### **ITEM 4 (continued)**

This lack of direct sunlight and daylight access is considered to be highly inconsistent with the above provisions of the ADG and provides an inadequate level of amenity to the proposed apartment. The lack of solar access to this space is further evidence of the inappropriate nature of the proposal as the space clearly cannot meet the higher amenity standards required for residential use.

#### **2. Part 4B – Natural Ventilation**

The proposal is considered to be inconsistent with the following objectives, design criteria, and design guidance in relation to natural ventilation:

*Objective 4B-1 – All habitable rooms are naturally ventilated.*

*Objective 4B-2 – The layout and design of single aspect apartments maximises natural ventilation.*

*Objective 4B-3 – The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.*

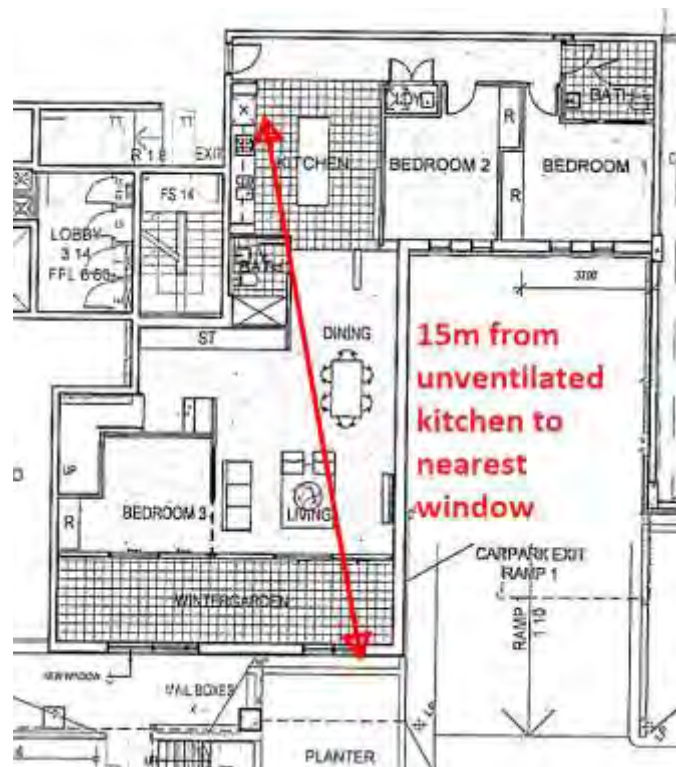
*Design Guidance – Apartment depths are limited to maximise ventilation and airflow.*

The proposed apartment includes windows to all habitable rooms. The plans provided do not indicate whether these windows are openable, however the applicant has indicated that these windows can be made openable should that be required. Despite this, the windows to Bedroom 1 and 2 are located directly above the carpark entry door and it is considered that even if they were openable, it is likely that they would often be kept closed due to the significant noise and vehicle emissions from the car park entry and roller door. Accordingly, it is considered that natural ventilation to these rooms will be compromised by these factors and as such the objectives of natural ventilation have not been achieved.

Furthermore, the apartment has a single aspect and will not achieve natural cross ventilation. This is of particular concern given the proposed kitchen, laundry, and bathroom are located in the rear corners of the apartment over 15m and obstructed from the nearest openable windows (refer to drawing below). There also does not appear to be any mechanical ventilation proposed to these spaces. It is likely that cooking and bathroom emissions would be trapped in the apartment creating an uncomfortable living environment inconsistent with the above objectives and guidance provided in Part 4B.



**ITEM 4 (continued)**



**Marked first floor plan indicating the distance between the kitchen and the nearest window.  
Source: Scott Carver, 2016 (marked in red by CPS)**

**3. Part 4C – Ceiling Heights**

The proposal is considered to be inconsistent with the following objectives and design criteria in relation to ceiling heights:

*Objective 4C-1 – Ceiling height achieves sufficient natural ventilation and daylight access.*

*Design Criteria – Minimum ceiling height for habitable rooms is 2.7m.*

*Objective 4C-2 – Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms*

The proposed apartment includes 2.5m ceiling heights throughout the apartment which does not comply with the 2.7m minimum for habitable rooms. This non-compliant ceiling height combined with the inappropriate apartment layout including excessive depths and minimal windows will result in poor light penetration and a lack of natural ventilation. Furthermore, the combination of these factors will result in a highly cramped sense of space which is unacceptable for a residential apartment and further evidence that the space has been designed for commercial use only and is inappropriate for a residential conversion.

#### **ITEM 4 (continued)**

With the inclusion of bulkheads for mechanical ventilation and servicing purposes, it is considered these ceiling heights will be further compromised.

#### **4. Part 4D – Apartment size and layout**

The proposal is considered to be inconsistent with the following objective and design criteria in relation to apartment layouts:

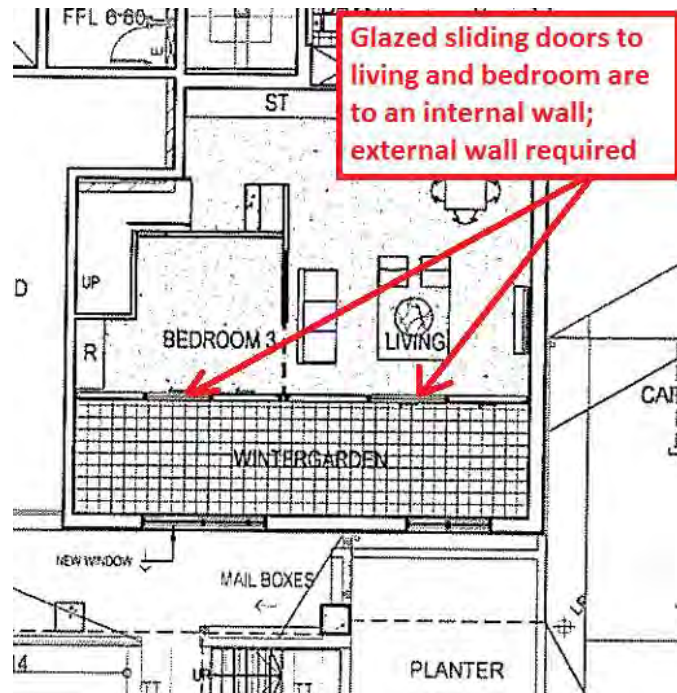
*Objective 4D-1 – The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.*

*Design Criteria – Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.*

*Design Criteria – In open plan layouts (where the living, dining kitchen are combined) the maximum habitable room depth is 8m from a window.*

The proposal includes a number of rooms of concern in relation to the provision of windows to external walls and associated daylight access. Bedroom 3 and the open plan living area both have a glass sliding door frontage to the proposed wintergarden space (see drawing below). As is discussed in further detail under point 5 below, the proposed wintergarden is considered to be a highly internalised space with relatively poor access to natural ventilation and solar access that are fundamental to an area of 'open space'. The result of this is that the frontage of Bedroom 3 and the living area to this space is not considered to satisfy the requirement for a window to an external wall. The implications of this area are lack of sunlight and daylight penetration to the space and poor natural ventilation.

**ITEM 4 (continued)**



**Marked first floor plan the windows/glass sliding doors to living and bedroom 3 are on an internal wall and not an external wall as required.**

**Source: Applicant DA plans (marked in red by CPS)**

**5. Part 4E – Private Open Space and Balconies**

The proposal is considered to be inconsistent with the following objective and design guidance in relation to private open space:

*Objective 4E-1 – Apartments provide appropriately sized private open space and balconies to enhance residential amenity.*

*Design Guidance – Balcony use may be limited in some proposals by:*

- *consistently high wind speeds at 10 storeys and above*
- *close proximity to road, rail or other noise sources*
- *exposure to significant levels of aircraft noise*
- *heritage and adaptive reuse of existing buildings*

*In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.*

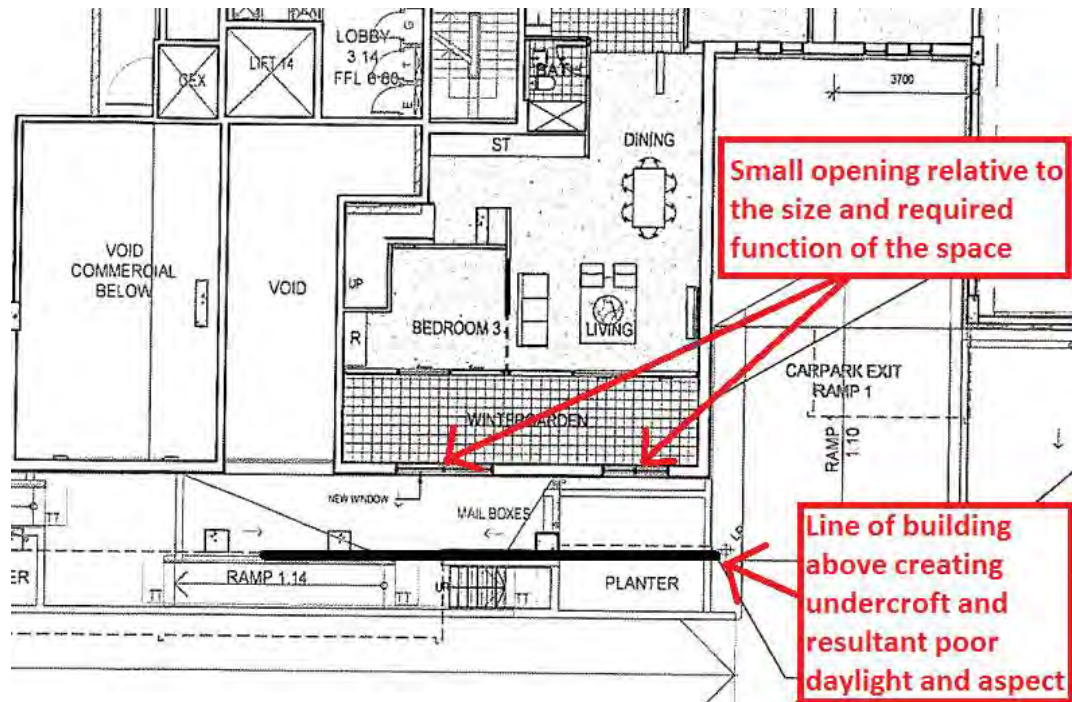
**ITEM 4 (continued)**

The proposal provides a 'wintergarden' as private open space for the apartment. This space is enclosed within the external walls of the building and includes two windows.

Part 4E provides design guidance for when a 'winter garden' would be an appropriate form of private open space. The situations when a winter garden should be used for private open space are when balconies would have poor amenity due to high wind speeds or noise, or in situations when the adaptive reuse of heritage and existing buildings is proposed. The proposal site is not constrained by any of these issues being located on a relatively quiet private laneway at first floor level. The proposal is also not considered an adaptive reuse which typically relates to the reuse of old disused buildings for a new purpose. The proposal is simply a change of use of a single commercial premise to an apartment within a recently constructed building. Accordingly, a wintergarden for the proposed apartment is not considered appropriate for private open space. The wintergarden has only been proposed as a balcony structure that would require significant works to the existing building which has largely been avoided.

Whilst it is acknowledged that the proposed wintergarden meets the area and dimension design criteria of Part 4E, the fundamental attributes of the space are not considered appropriate for an area of private 'open space'. The space is enclosed within the external walls of the building and setback in an undercroft behind the main building line above (see drawings below). Relative to the size of the space, the windows provided are not large enough to create an 'open space' feel and are more akin to internal room windows. Furthermore, the area will receive as little as 30 minutes direct sunlight in mid-winter and will have a poor visual aspect with no views to the sky above given the under-croft location and relatively small windows provided. These characteristics will result in a space that will have a highly internalised feel and will not provide the apartment with an appropriate private open space area. For these reasons the nominated private open space by the applicant is not supported.

**ITEM 4 (continued)**



**Marked Level 1 Plan indicating the issues with the proposed wintergarden.**

*Source: Applicant DA plans (marked in red by CPS)*



**Photograph of the frontage of the proposed apartment indicating the building undercroft which will further compromise the amenity of the winter garden will be located behind the windows.**

*Source: CPS, 2017 – marked by CPS for diagrammatic purposes*

**ITEM 4 (continued)**



Figure 4J.6 Wintergardens can be either closed off or incorporated as living space, depending on the time of day and local conditions

**Example of an appropriate wintergarden.  
Source: *Apartment Design Guide*, p.105**

**6. Part 4G – Storage**

The proposal does not comply with the following design criteria in relation to storage requirements:

*Design Criteria – In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:*

- 3+ Bedroom Apartments 10m<sup>3</sup>

The proposal provides a storage area in addition to kitchens, bathrooms and bedrooms of approximately 6.5m<sup>3</sup> located within the living area of the apartment. This does not comply with the minimum 10m<sup>3</sup>. This non-compliance is not supported as this will further reduce the amenity and functionality of what has been assessed as a substandard apartment.

## ITEM 4 (continued)

### 7. Part 4H – Acoustic Privacy

The proposal is considered to be inconsistent with the following objectives and design criteria in relation to acoustic privacy:

*Objective 4H-1 – Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.*

*Design Guidance – Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms*

*Objective 4H-2 – Noise impacts are mitigated within apartments through layout and acoustic treatments.*

The proposed Bedroom 1 and 2 are located immediately above the building's car park exit and garage roller door. The windows to these rooms are within 1m from the top of the roller door which will result in a significant impact on acoustic privacy that is inconsistent with the above objectives and design guidance (see photo below).

The acoustic impacts on these bedrooms is considered to be significant as this car park exit is to a large car park with 489 car spaces. As a result, the traffic noise and garage opening and closing noise will be a constant nuisance for these bedrooms and the apartment in general. Additional noise will also be generated as cars accelerate up the ramp and noise would echo and be amplified within this deep hard space. This is considered unacceptable for a residential dwelling and provides further evidence that the space is not appropriate to achieve the higher standards of amenity that are requirement for residential use as opposed to commercial use.

Additionally, Bedroom 3 is also considered to have poor acoustic privacy inconsistent with the above objectives and criteria. Bedroom 3 is located immediately adjacent to the main portion of the living room with only a narrow internal dividing wall and sliding door between the spaces and no other buffer. This is considered a poor layout that will significantly impact on the internal acoustic privacy of this bedroom which is not supported.

**ITEM 4 (continued)**



**Photograph showing the windows to proposed Bedroom 1 and 2 located immediately above the car park roller door.**

**Source: CPS, 21 June 2017**

**8. Part 4U – Energy Efficiency**

The proposal is considered to be inconsistent with the following objectives in relation to energy efficiency:

*Objective 4U-1 – Development incorporates passive environmental design.*

*Objective 4U-3 – Adequate natural ventilation minimises the need for mechanical ventilation.*

The proposal does not incorporate energy efficiency principles in the design as it will have poor solar access and natural ventilation as discussed under point 1-5. Furthermore, a BASIX certificate has not been provided to demonstrate the dwelling will provide appropriate sustainability initiatives.



## ITEM 4 (continued)

### **Non-Compliances – Insufficient information provided**

#### **1. Part 3J – Car Parking**

The proposal is considered to be inconsistent with the following design criteria from Part 3J:

*Design Criteria: The minimum car parking requirements for residents and visitors is set out in the Guide to Traffic Generating Developments:*

- *High Density Residential Flat Building – 1.4 spaces per 3-Bedroom Unit*
- *Office and Business Premises – 1 space per 40m<sup>2</sup> GFA*

Based on the above rates, the proposal requires a total of 3.1 spaces. The application included an excerpt of Strata Plan 79422 (Sheet 8 of 22) with Lot 230, 231 and 232 highlighted which appear to indicate 2 x 2 tandem spaces (4 spaces) and another area which it is unclear what the purpose of it is.

The proposal relates to Suite 102 which is legally identified as Lot 174 SP 765020 which is different to the abovementioned strata plan that has been provided. Accordingly, it is unclear from the information provided how many (if any) car spaces are allocated to this allotment and as such compliance with this requirement cannot be determined.

#### **Ryde Local Environmental Plan 2014**

This section provides an assessment of the proposal against the key provisions from the *Ryde Local Environmental Plan 2014* (LEP2014) of relevance to the proposal.

<b>RLEP2014 Clause</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Part 2 Land Use Table</b> • <b>Zone B4 – Mixed Use</b> <i>Permitted with consent:</i> <i>‘Commercial premises’</i> <i>‘Any other development not specified in item 2 or 4’.</i>	The proposal is considered to constitute a mixed-use development comprising the ongoing use of the ground floor as a ‘commercial premise’ and the change of use of the first floor to a ‘dwelling’. A commercial premise is permitted with consent as it is nominated in the land use table and the dwelling is also permitted with consent as it is a land use not specified in item 2 or 4 (permitted without consent or prohibited).	Yes – <b>Refer to Note 1</b>

**ITEM 4 (continued)**

<b>RLEP2014 Clause</b>	<b>Proposal</b>	<b>Compliance</b>
	Further discussion of the proposed land use is provided under <b>Note 1</b> below.	
<b>Objectives for Zone B4 – Mixed Use</b> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a Mixed-Use environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To provide for a variety of housing types.</i></li> </ul>	The proposed development is considered to be inconsistent with the objectives as discussed under <b>Note 2</b> below.	<b>No – Refer to Note 2</b>
<b>4.3(2) Height of buildings</b> <ul style="list-style-type: none"> <li>• Maximum 33m</li> </ul>	The proposal will not alter the maximum height of the wider development.	N/A
<b>4.4 Floor Space Ratio</b> <ul style="list-style-type: none"> <li>• Maximum 2.2:1</li> </ul>	The proposal will not alter the gross floor area of the wider development.	N/A

**Note 1 – Proposed land use**

The submitted Statement of Environmental Effects indicates that the proposal is for the conversion of an existing two level commercial suite into a home office comprising one level of residential and one level of commercial. Based on this, the proposed land use has been defined by the applicant as a ‘home office’.

‘Home office’ is not a defined land use in the RLEP2014, however ‘home business’ is defined as follows:

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents,  
or

**ITEM 4 (continued)**

- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
- (d) the exhibition of any signage (other than a business identification sign), or*
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

Another requirement for 'home business' is contained within clause 5.4 'Controls relating to miscellaneous permissible uses' which limits the area of home businesses to a maximum of 30m<sup>2</sup> of the dwelling in which they are located.

The term 'home office' is not considered to be a land use (as there is no such definition under the provisions of Ryde LEP 2014), rather it is considered a descriptive term for the room or area within a dwelling that is used for the purposes of a 'home business'. The proposal is not considered to constitute a home business as the ground floor office area is not ancillary to the proposed first floor residential apartment; rather they are considered standalone uses. The reason for this is the significant size of the office at 69m<sup>2</sup> with a range of rooms, kitchen and bathroom and a segregated entrance making it completely independent of the proposed first floor apartment. Accordingly, the proposed land use is considered to be the ongoing use of the ground floor as a 'commercial premise' and the change of use of the first floor to a 'dwelling'. Both of these uses are permitted with consent in the B4 zone.

**Note 2 – Objectives of the B4 Zone**

The proposed development is considered to be inconsistent with the objectives of the zone as it will inappropriately convert a functional commercial space to a substandard residential apartment. This will reduce the already limited commercial office space within the mixed-use zone and replace it with another residential apartment in a complex already dominated by residential floor space with hundreds of existing apartments.

#### **ITEM 4 (continued)**

Furthermore, the proposal includes the removal of the existing front door street access to the ground floor commercial premise. The proposed new primary access to this commercial premise will be via a side door to the residential lobby which will access a common stairwell between the apartment and the commercial premise, which will then contain a side door to the premise. This will replace a direct street access with a highly indirect and inconvenient access arrangement requiring passing through three doors including the residential lobby entrance which also requires swipe card access. This is inappropriate for a commercial premise as it will restrict the range of uses that can be accommodated – essentially limiting it to office use only as customer and client access would be difficult. Accordingly, not only will the proposal reduce commercial floor space in a mixed-use zone dominated by residential, it will highly compromise the quality and usability of the existing commercial space proposed to be retained which is inconsistent with the objectives of the zone.

#### **(b) Any draft environmental planning instruments (i.e. LEPs)**

No draft environmental planning instruments have been identified as being applicable to the proposed development.

#### **(c) The provisions of any development control plan applying to the land**

##### **Ryde Development Control Plan 2014**

##### Part 4.2 Shepherds Bay Meadowbank

The proposal has been assessed against the *Ryde Development Control Plan 2014* (DCP2014) and in particular the controls within Part 4.2 Shepherds Bay Meadowbank where the site is located. A full assessment is detailed in the compliance table held in **Attachment 1**. The following is an assessment of the identified non-compliances against the key components of the RDCP2014.

##### **Non-Compliances – Not supported**

##### **1. Section 4.2.5 – Private and Communal Open Space**

The proposal is considered to be inconsistent with the following control from Section 4.2.5:

- a. Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.*

#### **ITEM 4 (continued)**

As detailed in the ADG non-compliances section of this report, the proposed wintergarden of the apartment is considered to be inconsistent with requirements for solar access and natural ventilation. Refer to ADG section of this report for detailed discussion of the inadequate nature of the proposed wintergarden.

#### **Non-Compliances – Insufficient information provided**

##### **2. Section 4.4.2 – Noise and Vibration Attenuation**

The proposal is considered to be inconsistent with the following control from Section 4.4.2:

- a. New units are to be constructed in accordance with:*
- ii. Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.*

The proposed apartment includes bedroom windows located immediately above the entrance to the building car park and garage roller door which is likely to significantly impact the acoustic privacy of the bedrooms and the dwelling. No acoustic report has been submitted to verify whether the proposal will achieve the requirements of AS 3671. Refer to Point 7 under the ADG section above for further discussion.

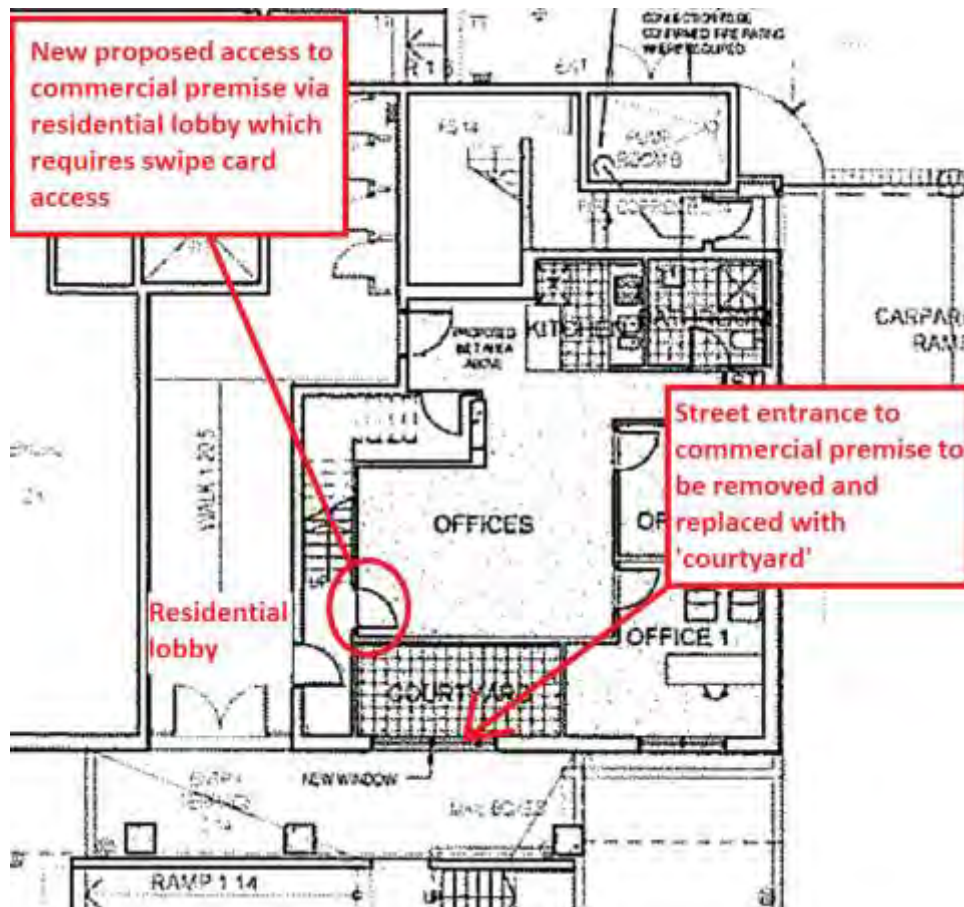
#### **10. Likely impacts of the Development**

##### **(a) Built Environment**

The likely impacts of the proposed development on the built environment have been considered in the assessment. Whilst the proposal involves minimal changes to the external built form, there are some changes proposed to the built environment that are considered to be unacceptable:

- The proposal includes the removal of the front door street access to the ground floor commercial premise. The new primary access to this commercial premise will be via the adjacent residential lobby, a door to the common stairwell between the proposed apartment and the commercial premise, and then into the premise. This is a highly indirect and inconvenient access to a commercial premise which require one to pass through three doors including the residential lobby entrance which needs swipe card access (see plan below). This is inappropriate as it will restrict the range of uses the premise can accommodate essentially limiting it to offices only as customer and client access would be difficult.

**ITEM 4 (continued)**



**Marked ground floor plan indicating the removal of the front door and new indirect access to the commercial premise via the residential lobby.**

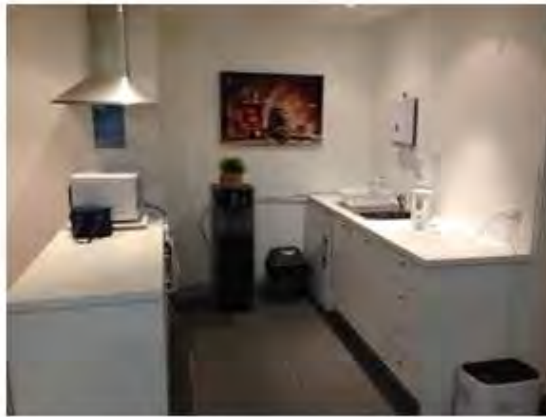
**Source: Applicant DA plans (marked in red by CPS)**

- Concern is also raised that the ground floor commercial premise could easily be utilised as another residential apartment. One of the submissions noted that this premise has been illegally rented out for residential purposes in the past and this has been verified via searches of online real estate websites showing the premise having been previously advertised as a 2-bedroom apartment as recently as 2014.

The proposal to remove the front street access to the premise will create a more private residential style access from the lobby, and the works to create a 'courtyard' could easily function as a private open space. The layout of the premise is also typical of a 2-bedroom apartment with the two separated offices having the size and dimensions of bedrooms and the premise also includes a residential kitchen with stove, oven, and dishwasher, and a bathroom with shower (see photos below). Furthermore, the open floor area of the office could easily accommodate a living area.

**ITEM 4 (continued)**

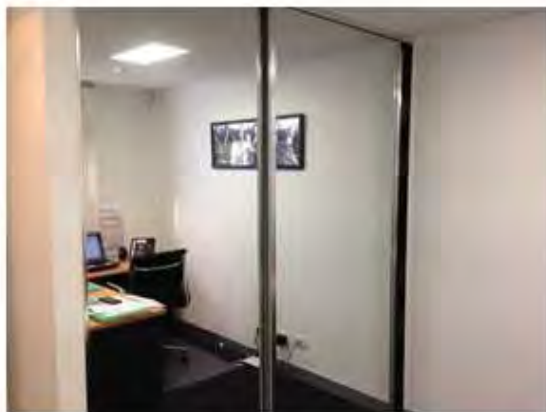
The site inspection undertaken on 21 June 2017 also revealed that the two 'offices' contain in-built wardrobes with hanging space. Since the proposal indicates the ground floor as commercial space, this area has not been assessed against SEPP 65 ADG requirements. A preliminary overview indicates that if this was in fact utilised as a 2-bedroom apartment it would be highly inconsistent with the ADG and would have an even lower standard of amenity than the proposed first floor apartment.



Photograph of residential style kitchen including stove, oven, and dishwasher within the ground floor commercial premise.  
*Source: CPS, 2017*



Photograph of the residential style bathroom including a shower within the ground floor commercial premise.  
*Source: CPS, 2017*



Photograph of in built wardrobes within the offices of the commercial premise.  
*Source: CPS, 2017*



Photograph of in built wardrobes within the offices of the commercial premise.  
*Source: CPS, 2017*

## **ITEM 4 (continued)**

### **(b) Natural Environment**

The likely impacts of the proposal on the natural environment have been considered in this assessment. The proposal is for a change of use that will not result in any impacts on vegetation or land forms. Accordingly, the proposal is considered satisfactory in terms of its impacts on the natural environment.

### **11. Suitability of the site for the development**

The suitability of the site for the proposed development has been considered in the assessment. The site of the proposal is the commercial premise at suite 102 of which the first floor is proposed to be converted to a residential apartment. The issues discussed in this assessment are all considered to be manifestations of the underlying unsuitability of the site for the proposed conversion from commercial to residential.

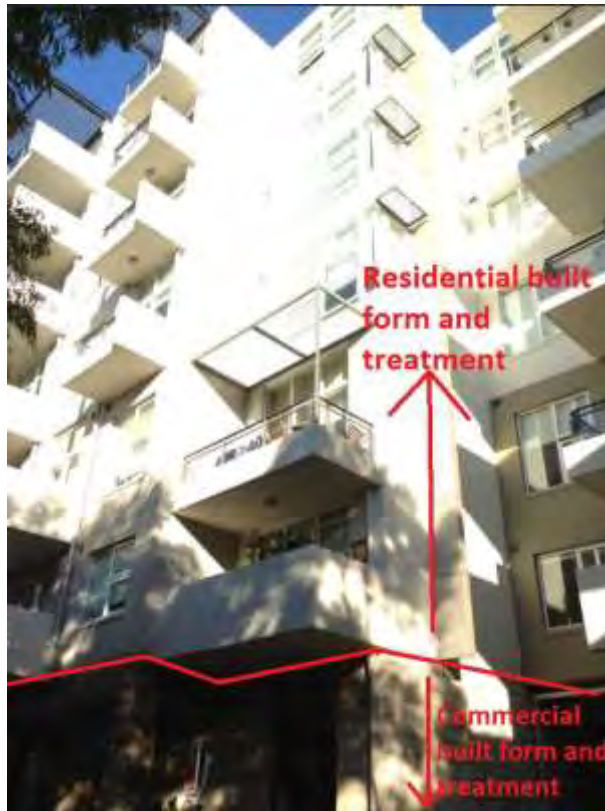
The issue with the site is that suite 102 was never designed to accommodate a residential use. The suite was designed and approved for the purposes of a single, two level, commercial suite being appropriately located on the ground floor with a street frontage and direct entrance from Angas Street. The ground and first floor throughout this building is primarily used for the purposes of commercial and building service/plant areas which do not require high levels of amenity. The design of the building clearly distinguishes between these lower levels of commercial and service/plant uses and the upper floor residential uses with a distinct change in materials and built form pattern with the lower levels being setback within an undercroft behind the building line of the apartments above.

The commercial premise was placed in a location of the building that was unsuitable for residential use due to poor levels of amenity being located adjacent to the car park exit, being at the ground and first floor largely overshadowed by the adjoining buildings, and having poor natural ventilation and aspect. These levels of amenity are acceptable for commercial use only, not for residential use which requires higher standards. The assessment of the proposed apartment against the provisions of the ADG reveals the significant amenity issues with this space. The result is a proposal that is highly inconsistent with the majority of the amenity related requirements of the ADG including sunlight and daylight access, natural ventilation, aspect, acoustic privacy, ceiling heights, car parking, private open space and apartment layout.

Given the above, the site is considered to be unsuitable for the proposed development.



**ITEM 4 (continued)**



Marked photograph of the subject building indicating the distinct architectural form and treatment between the lower levels designed for commercial and the upper levels designed for residential.

*Source: CPS, 2017*

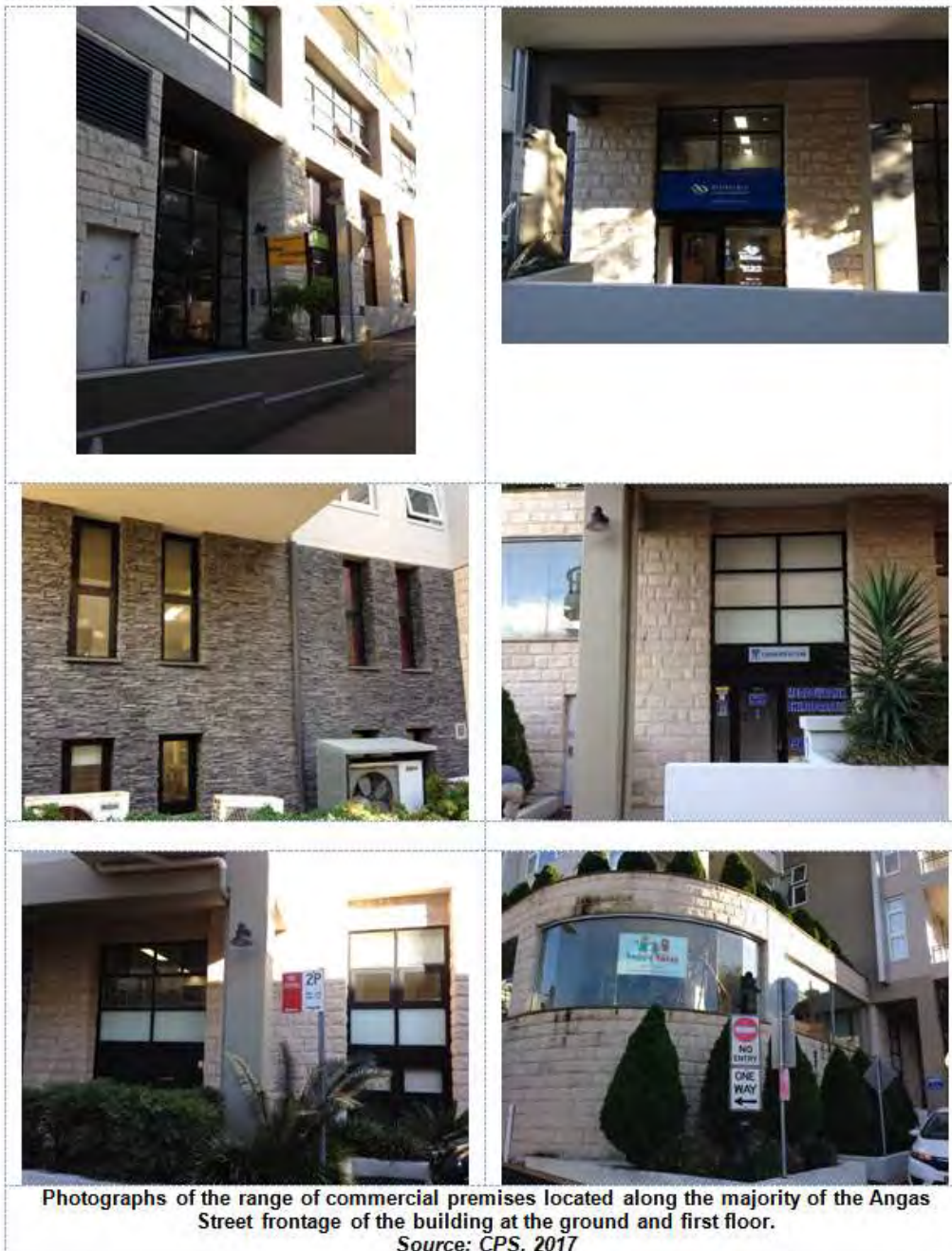
**12. The Public Interest**

It is considered that the proposal is not in the public interest for the reasons discussed in the following paragraphs.

The proposed apartment is considered to have highly inadequate levels of amenity as evidenced by a wide range of inconsistencies with the ADG. The proposal would result in a reduction in the availability of commercial space in the B4 mixed use zone replaced with a substandard residential apartment within a development and area that is already dominated by apartments. The proposal also includes works to the ground floor commercial space including the removal of the front street entrance which would restrict the ability of the space to function effectively for a wide range of commercial uses.

**ITEM 4 (continued)**

Approval of the application would set an undesirable precedent encouraging the conversion of ground and first floor commercial premise to apartments within mixed-use developments despite the poor levels of amenity generally afforded by these spaces. In particular, the ground and first floor commercial suites along Angas Street would be able to utilise the subject application as precedent for residential conversions. This is not in the public interest as further reductions in commercial space would be inconsistent with the objectives of the mixed-use zone and these spaces generally cannot achieve the higher levels of amenity required for residential use.



## **ITEM 4 (continued)**

### **13. Consultation – Internal and External**

#### Internal Referrals

None required.

It is noted that this type of development proposal would involve a change in classification in terms of the Building Code of Australia. This has been verbally discussed with Council's Senior Co-ordinator – Building Compliance who has advised that Building Code of Australia compliance could be addressed via conditions of consent if Council was mindful to approve the DA.

#### External Referrals

None.

### **14. Critical Dates**

There are no critical dates or deadlines to be met.

### **15. Financial Impact**

Adoption of the option(s) outlined in this report will have no financial impact.

### **16. Other Options**

None relevant.

### **17. Conclusion**

The application seeks consent for the conversion of the first floor of an existing commercial premises to a residential apartment and the ongoing use of the ground floor as a commercial premise at Suite 102 / 25 Angas Street, Meadowbank. The application has been assessed against the matters for consideration under Section 79C of the Act.

As demonstrated in this report, the proposal has been assessed as being inconsistent with the objectives of the B4 mixed-use zone, inconsistent with a wide range of provisions of the ADG, having unacceptable impacts on the built environment, being an unsuitable site for the development, and not being in the public interest.

For the reasons detailed in this report and summarised in the recommendation (earlier in this report), the DA is recommended for **REFUSAL** pursuant to Section 80(1)(b) of the Act.

**ITEM 4 (continued)**

**ATTACHMENT 1**

**Compliance Assessment**

**DA2016/0189 – Suite 102 / 25 Angas Street, Meadowbank**

**State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development / Apartment Design Guide:**

Apartment Design Guide Provision (ADG)	Proposal	Compliance
<b>SEPP 65 Design Quality of Residential Apartment Development</b>		
<b>Clause 4 Application of Policy</b>		
<p>(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component if:</p> <p>(a) the development consists of any of the following:</p> <p>(i) the erection of a new building,</p> <p>(ii) the substantial redevelopment or the substantial refurbishment of an existing building,</p> <p>(iii) the conversion of an existing building, and</p> <p>(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and</p> <p>(c) the building concerned contains at least 4 or more dwellings.</p>	<p>(1) The development is located within a mixed-use development.</p> <p>(a) The proposal is considered to be the <i>conversion of an existing building</i>. The relevant part of the development proposal seeks the conversion of a commercial tenancy within a wider mixed-use development to a dwelling. It is noted that the definition of a 'building' under the EPA Act includes part of a building, which is relevant to the proposed part of the existing building to be converted to a dwelling.</p> <p>(b) The proposal is within a building which is at least 3 storeys.</p> <p>(c) The proposal is within a building which contains at least 4 dwellings.</p>	<p><b>SEPP 65 Applies</b></p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>Apartment Design Guide</b>		
<p><b><u>Assessing Officer's Foreword:</u></b></p> <p>The proposal is for the conversion of one level of an existing commercial premises to a residential apartment and retention of the existing ground floor commercial premises. The proposal includes a range of building works to facilitate the conversion.</p> <p>The proposed residential apartment has been assessed against the requirements of the ADG as summarised in this table. Many of the objectives and design criteria of the ADG relate to the entire site and building. Given the proposal seeks only to convert a commercial premise to a single residential apartment in the context of a wider 248 apartment building, these overall building related requirements are not considered relevant and as such the proposed apartment has been assessed in isolation.</p>		
<b>Part 3 Siting the development Design criteria/guidance</b>		
<p><b>3D Communal &amp; public open space</b></p> <p>Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.</p> <p>Design Criteria:</p> <ol style="list-style-type: none"> <li>1. Provide communal open space with an area equal to 25% of site;</li> <li>2. Minimum 50% of usable part of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</li> </ol>	<p>N/A – The development proposal relates only to the conversion of a single commercial unit to a dwelling within a large mixed-use development containing over 200 apartments. These site related requirements are not considered to be relevant given the small scale of the development relative to the size of the overall development.</p>	<p>N/A</p>
<p><b>3E Deep Soil Zone</b></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of</p>	<p>N/A – The development proposal relates only to the conversion of a single commercial unit to a dwelling within a large mixed-use development containing over 200 apartments. These site related</p>	<p>N/A</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p>water and air quality.</p> <p>Design criteria</p> <p>Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>	<p>requirements are not considered to be relevant given the small scale of the development relative to the size of the overall development.</p>													
<p><b>3F Visual Privacy</b></p> <p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p><u>Design Criteria</u></p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="188 1144 655 1832"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Visual privacy has been considered as the proposal seeks to convert existing non-habitable commercial space to habitable residential space.</p> <p>The new habitable space on level 1 will be in excess of 12m from the facing habitable rooms of the neighbouring building to the east which complies.</p>	<p>Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p><b>3J Parking Provisions</b></p> <p><b>Car parking:</b></p> <p>For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p><b>Bicycle Parking</b></p> <p>Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Within 800m walking distance of Meadowbank Railway Station (from both the north-western corner of the site and from Unit 102). The following parking rates apply to the proposed development:</p> <p><b><u>Residential component</u></b>  <b>RTA Guide to Traffic Generating Development</b></p> <p>Requirement:</p> <ul style="list-style-type: none"> <li>• 1.4 spaces per 3-bedroom unit</li> <li>• 3-bedroom unit proposed – 1.4 spaces required</li> </ul> <p>Proposed:</p> <ul style="list-style-type: none"> <li>• Unknown</li> </ul> <p><b><u>Office component</u></b>  <b>RDCP2014 – Part 9.3 – Office and Business Premises</b></p> <p>Requirement:</p> <ul style="list-style-type: none"> <li>• 1 space / 40m<sup>2</sup> GFA</li> <li>• Ground floor office area GFA 69m<sup>2</sup></li> <li>• 1.7 spaces required</li> </ul> <p>Proposed:</p> <ul style="list-style-type: none"> <li>• Unknown</li> </ul> <p>Total requirement – 1.4 (residential) + 1.7 commercial = 3.1 spaces</p> <p>Total proposed – Unknown</p>	<p><b>Additional Information Required</b></p>
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**ITEM 4 (continued)**

**ATTACHMENT 1**

	<p><b>Note</b></p> <p>The application included an excerpt of strata plan 79422 (sheet 8 of 22) with Lot 230, 231 and 232 highlighted which appear to indicate 2 x 2 tandem spaces (4 spaces) and another area which it is unclear what the purpose of it is.</p> <p>The proposal relates to Unit 102 which is Lot 174 SP 765020 which is different to the abovementioned strata plan that has been provided.</p> <p>Given the above, it is unclear how many car spaces are allocated to the subject Lot 174 SP 765020 and therefore compliance with car parking rates cannot be determined.</p>	
<p><b>Part 4 Designing the building</b></p>		
<p><b>4A Solar &amp; daylight access</b></p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>In this particular instance, the solar access requirements have been applied to the subject apartment only, and not the entire development which is considered irrelevant to the proposal.</p> <p>Based on the solar access diagrams provided, it appears that the living room and private open space (winter garden) of the proposed apartment will not receive the required 2 hours direct sunlight between 9am and 2pm at mid-winter and as such does not comply.</p> <p>It is estimated that a portion of the winter garden would receive approximately 1 hour solar access and the living room would not receive any sunlight in mid-winter.</p>	<p><b>No</b></p>



**ITEM 4 (continued)**

**ATTACHMENT 1**

<p><b>4B Natural Ventilation</b></p> <p>All habitable rooms are naturally ventilated and the design layout of single aspect apartments are to maximise natural ventilation.</p> <p><u>Design criteria</u></p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p>	<p>The proposed apartment includes windows to all habitable rooms. The plans do not indicate whether these windows are openable, however the applicant has provided confirmation that these windows can be made openable should that be required by Council.</p> <p>Despite this, the windows to Bedroom 1 and 2 are located directly above the carpark entry door and it is considered that even if they were openable, the residents would likely keep them shut to minimise noise and emissions from the car park entry. Accordingly, this objective has not been achieved.</p> <p>Furthermore, the apartment is single aspect and will not be cross ventilation which does not comply with the design criteria. It is noted that in this particular instance, the cross-ventilation requirements have been applied to the subject apartment only, and not the entire development which is considered irrelevant to the proposal.</p>	<p><b>No</b></p>
<p><b>4C Ceiling Heights</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>The development is required to provide 2.7m minimum ceiling heights for habitable rooms, and 2.4m for non-habitable rooms.</p>	<p>The proposed residential apartment includes 2.5m ceiling heights throughout the apartment which does not comply with the 2.7m minimum for habitable rooms.</p>	<p><b>No</b></p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>4D Apartment size and layout</b>		
<p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup></li> <li>• 1 bedroom = 50m<sup>2</sup></li> <li>• 2 bedroom = 70m<sup>2</sup></li> <li>• <b>3 bedroom = 90m<sup>2</sup></b></li> </ul>	<p>Requirement: Proposal is for a 3-bedroom apartment with 2 bathrooms which requires a minimum area of 95m<sup>2</sup></p> <p>Proposal: 133m<sup>2</sup> complies.</p>	<p>Yes</p>
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	<p>Bedroom 1: 2 x 0.67m<sup>2</sup> glass areas = 1.34m<sup>2</sup> / 12.7m<sup>2</sup> floor area = 10.6% Complies.</p> <p>Bedroom 2: 2 x 0.67m<sup>2</sup> glass areas = 1.34m<sup>2</sup> / 12.2m<sup>2</sup> floor area = 11.0% Complies.</p> <p>Bedroom 3: No window provided to an external wall of the building. <b>Does not comply.</b></p> <p>Open plan living, kitchen, dining: No window provided to an external wall of the building. <b>Does not comply.</b></p>	<p>Yes</p> <p>Yes</p> <p><b>No</b></p> <p><b>No</b></p>
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p>	<p>Proposal includes combined kitchen, living and dining with a maximum depth from a window to an external wall of 16.7m which <b>does not comply.</b></p>	<p><b>No</b></p>
<p>Master bedrooms – minimum area 10m<sup>2</sup> Excluding wardrobe spaces.</p>	<p>N/A – the proposal does not include a master bedroom.</p>	<p>N/A</p>
<p>Other bedrooms minimum area of 9m<sup>2</sup> and minimum dimension of 3m (excluding wardrobe space).</p>	<p>Bedroom 1: 12.7m<sup>2</sup>, 3.7m Complies.</p> <p>Bedroom 2: 12.2m<sup>2</sup>, 3.1m Complies.</p> <p>Bedroom 3: 10.5m<sup>2</sup>, 3m Complies.</p>	<p>Yes</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul>	<p>Living area has minimum width of 4.95m which complies.</p>	<p>Yes</p>																		
<p><b>4E Private Open Space and balconies</b></p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><u>Design criteria</u></p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="196 1077 668 1821"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m<sup>2</sup></td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	Ground or podium	15m <sup>2</sup>	3m	<p>The proposal does not provide a balcony but rather provides a 'winter garden'. This space is enclosed within the external walls of the building and includes two windows. The 'winter garden' meets the area and dimension requirements for balconies, however given the enclosed nature of the space and lack of solar access and natural ventilation, the space is not considered to function as 'open space' which <b>does not comply</b>.</p> <p>It is noted that a 'winter garden' would only be typically utilised in situations where an externalised space would offer poor amenity such as adjacent to a major road or train line. In this situation, the 'winter garden' is adjacent to a relatively quiet private road and is only proposed as a balcony structure would require significant works to the existing building which has largely been avoided in the proposal.</p>	<p>No</p>
Dwelling type	Minimum area	Min. depth																		
Studio apartments	4m <sup>2</sup>	N/A																		
1 bedroom	8m <sup>2</sup>	2m																		
2 bedroom	10m <sup>2</sup>	2m																		
3+ bedroom	12m <sup>2</sup>	2.4m																		
Ground or podium	15m <sup>2</sup>	3m																		

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p><b>4F Common circulation and spaces.</b></p> <p><u>Design criteria</u></p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>The proposal will add one apartment access to the ground floor main entry foyer which currently contains no other apartment entries. Complies.</p>	<p>Yes</p>										
<p><b>4G Storage</b></p> <p>Adequate, well designed storage is to be provided for each apartment.</p> <p><u>Design criteria</u></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="193 1016 667 1547"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p>Requirement: The proposed apartment contains 3-bedrooms which requires a minimum storage area of 10m<sup>3</sup>.</p> <p>Proposed: Storage area of approximately 6.5m<sup>3</sup> within the apartment which does not comply.</p>	<p><b>No</b></p>
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<p><b>4H Acoustic privacy</b></p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Noise sources such as garage</p>	<p>The proposed apartment includes Bedroom 1 and 2 located immediately above the buildings car park entrance and garage roller door. The windows to these rooms</p>	<p><b>No</b></p>										

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p>doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<p>are within 1m from the top of the roller door which will result in a significant impact on acoustic privacy which does not comply.</p> <p>The proposed apartment also includes Bedroom 3 located immediately adjacent to the main portion of the living room with only a narrow internal dividing wall and sliding door between the spaces and no other buffer. This is considered a poor layout that will significantly impact on the acoustic privacy of this bedroom.</p>	<p><b>No</b></p>
<p><b>4K Apartment mix</b></p> <p>A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The proposal provides an additional 3-bedroom apartment to the development which includes an approved mix of apartments.</p>	<p>Yes</p>
<p><b>4M Facades</b></p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p> <p>Building facades are expressed by the façade.</p>	<p>The proposal only seeks minor changes to the façade which will have minimal impact on the overall façades of the building.</p>	<p>Yes</p>
<p><b>4N Roof design</b></p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use the roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	<p>N/A – The proposal will not alter the roof of the existing building.</p>	<p>N/A</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

<p><b>4O Landscape design</b></p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>N/A – The proposal will not alter the existing landscape design of the development.</p>	<p>N/A</p>
<p><b>4P Planting on structures</b></p> <p>Appropriate soil profiles are provided.</p>	<p>N/A – The proposal will not alter the existing planting on structures within the development.</p>	<p>N/A</p>
<p><b>4Q Universal design</b></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	<p>N/A – The proposal seeks the conversion of a commercial premises to an apartment. Given the proposal relates to only a single apartment, universal design of the apartment is not considered warranted.</p>	<p>N/A</p>
<p><b>4U Energy efficiency</b></p> <p>Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The proposal does not incorporate energy efficiency in the design as it has poor solar access and poor natural ventilation. Furthermore, no BASIX certificate has been provided.</p>	<p><b>No</b></p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

**Ryde Local Environmental Plan 2014:**

RLEP2014 Clause	Proposal	Compliance
<p><b>Part 2 Land Use Table</b></p> <ul style="list-style-type: none"> <li><b>Zone B4 – Mixed Use</b></li> </ul> <p><i>Permitted with consent:</i>  <i>‘Commercial premises’</i>  <i>‘Any other development not specified in item 2 or 4’.</i></p>	<p>The proposal is considered to constitute a mixed-use development comprising the ongoing use of the ground floor as a ‘commercial premise’ and the change of use of the first floor to a ‘dwelling’.</p> <p>A commercial premise is permitted with consent as it is nominated in the land use table and a dwelling is also permitted with consent as it is a land use not specified in item 2 or 4 (permitted without consent or prohibited).</p>	<p>Yes</p>
<p><b>4.3(2) Height of buildings</b></p> <ul style="list-style-type: none"> <li>Maximum 33m</li> </ul>	<p>The proposal will not alter the maximum height of the wider development.</p>	<p>N/A</p>
<p><b>4.4 Floor Space Ratio</b></p> <ul style="list-style-type: none"> <li>Maximum 2.2:1</li> </ul>	<p>The proposal will not alter the gross floor area of the wider development.</p>	<p>N/A</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**

**Ryde Development Control Plan 2014:**

<b>RDCP2014 Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Part 4.2 – Shepherd’s Bay, Meadowbank</b>		
<b>2.4 Precincts</b>	The subject site is located within Precinct 3 – Waterfront Precinct.	Yes
<b>4.2.5 Private and communal open space</b>  a. Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.	The proposed apartment does not comply with sunlight access, ventilation and acoustic privacy requirements from SEPP 65 ADG. See ADG compliance table above.	<b>No</b>
<b>4.4.2 Noise and vibration attenuation</b>  d. New units are to be constructed in accordance with:  ii. Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.	The proposed apartment includes bedroom windows located immediately above the entrance to the building car park and garage roller door which is likely to significantly impact the acoustic privacy of the bedrooms and the dwelling. No acoustic report has been submitted to verify whether the proposal will achieve the requirements of AS 3671.	<b>No</b>
<b>5.3 Precinct 3 – Waterfront</b>	The objectives and controls for this precinct relate to general principles for developments in the precinct including maintenance of water views, quality public domains, landscaping etc. These controls are not considered relevant to the proposed conversion of a commercial premise to a dwelling.	N/A



**ITEM 4 (continued)**

**ATTACHMENT 1**

**Summary of non-compliances:**

***SEPP 65 / Apartment Design Guide***

- **3J Parking Provisions**

The proposal requires a total of 3 car spaces. The application included an excerpt of strata plan 79422 (sheet 8 of 22) with Lot 230, 231 and 232 highlighted which appear to indicate 2 x 2 tandem spaces (4 spaces). The proposal relates to Unit 102 which is Lot 174 SP 765020 which is different to the abovementioned strata plan that has been provided. Accordingly, it is unclear how many car spaces are allocated to the subject Lot 174 SP 765020 and therefore compliance with car parking rates cannot be determined.

- **4A Solar & daylight access**

Based on the solar access diagrams provided, it appears that the living room and private open space (winter garden) of the proposed apartment will not receive the required minimum 2 hours direct sunlight between 9am and 3pm at mid-winter.

- **4B Natural Ventilation**

All habitable rooms are to be naturally ventilated and at least 60% of apartments within developments to be cross ventilated. The proposed apartment includes windows to all habitable rooms. The plans do not indicate whether these windows are openable, however the applicant has provided confirmation that these windows can be made openable should it be required by Council. Despite this, the windows to Bedroom 1 and 2 are located directly above the carpark entry door and it is considered that even if they were openable, the residents would likely keep them closed to minimise noise and emissions from the car park entry. Accordingly, the objective has not been achieved. Furthermore, the apartment is single aspect and will not cross ventilate which does not comply with the design criteria. It is noted that in this particular instance, the cross-ventilation requirements have been applied to the subject apartment only, and not the entire development which is considered irrelevant to the proposal.

- **4C Ceiling Heights**

The proposed residential apartment includes 2.5m ceiling heights throughout the apartment which does not comply with the 2.7m minimum for habitable rooms.

**ITEM 4 (continued)**

**ATTACHMENT 1**

- **4D Apartment size and layout**

Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. The proposed Bedroom 3 does not contain a window to an external wall of the building. Likewise, the proposed open plan living, kitchen, dining does not have a window to an external wall of the building. It is noted that these rooms have windows to what is considered to be an internal wall to the 'winter garden' space. Given that this winter garden is entirely within the external walls of the building, with small windows relative to the size of the space, the sliding doors / windows to this space from the living and Bedroom 3 are considered to be internal walls offering poor access to natural ventilation and light.

In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window. The proposed open plan has a maximum depth from a window to an external wall of 16.7m.

- **4E Private Open Space and balconies**

Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.

The proposal does not provide a balcony but rather provides a 'winter garden' for open space. This space is enclosed within the external walls of the building and includes two relatively small windows. The 'winter garden' meets the area and dimension requirements for balconies, however given the enclosed nature of the space and poor solar access and natural ventilation, the space is not considered to function as 'open space' and therefore does not meet the objective.

It is noted that a 'winter garden' would only typically be utilised in situations where an 'open' space would offer poor amenity such as adjacent to a major road or train line. For the proposed development, the 'winter garden' is adjacent to a quiet private road. This winter garden is only proposed as a balcony structure would require significant works to the existing building which has largely been avoided in the proposal.

- **4G Storage**

In addition to storage in kitchens, bathrooms and bedrooms, 3-Bedroom apartments require a minimum of 10m<sup>3</sup> of storage space.

The proposed apartment includes a storage area of approximately 6.5m<sup>3</sup> within the apartment which does not comply.

## ITEM 4 (continued)

## ATTACHMENT 1

- **4H Acoustic privacy**

Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. Noise impacts are mitigated within apartments through layout and acoustic treatments.

The proposed apartment includes Bedroom 1 and 2 located immediately above the building's car park entrance and garage roller door. The windows to these rooms are within 1m from the top of the roller door and are within the car park entry cavity which will further exacerbate noise and echoing to these windows. It is likely that there will be a significant impact on acoustic privacy which does not achieve the objectives.

The proposed apartment also includes Bedroom 3 located immediately adjacent to the main portion of the living room with only a narrow internal dividing wall and sliding door between the spaces and no other buffer. This is considered a poor layout that will significantly impact on the acoustic privacy of this bedroom.

- **4U Energy efficiency**

Developments are to incorporate passive environmental design measures – solar design, natural ventilation etc.

The proposal does not incorporate energy efficiency in the design as it has poor solar access and poor natural ventilation. Furthermore, a BASIX certificate is required for this new dwelling and it has not been provided.

### **RDCP2014**

- **4.2.5 Private and communal open space**

Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.

The proposed apartment does not comply with sunlight access, ventilation and acoustic privacy requirements from SEPP 65 ADG.

- **4.4.2 Noise and vibration attenuation**

New units are to be constructed in accordance with Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.

**ITEM 4 (continued)**

**ATTACHMENT 1**

The proposed apartment includes bedroom windows located immediately above the entrance to the building car park and garage roller door which is likely to significantly impact the acoustic privacy of the bedrooms and the dwelling. No acoustic report has been submitted to verify whether the proposal will achieve the requirements of AS 3671.

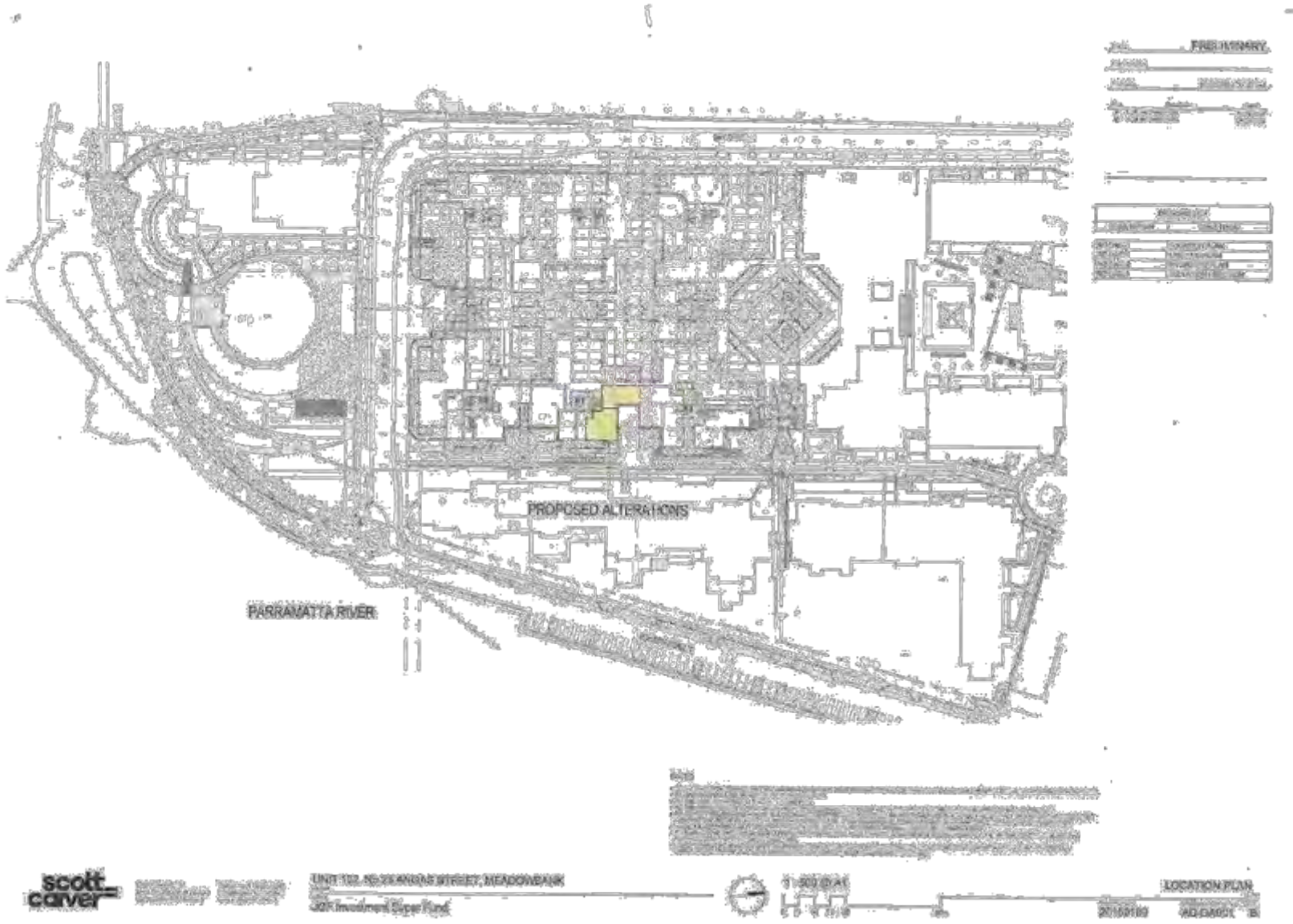
**ITEM 4 (continued)**

**ATTACHMENT 2**



**ITEM 4 (continued)**

**ATTACHMENT 3**



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**5 PLANNING PROPOSAL - 197-223 HERRING ROAD MACQUARIE PARK -  
MACQUARIE SHOPPING CENTRE ADVERTISING SIGN**

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**Report prepared by:** Strategic Planner  
**File No.:** LEP2017/10/4 - BP17/536

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**REPORT SUMMARY**

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan (RLEP 2014) as they apply to 197-223 Herring Rd- Macquarie Shopping Centre (“the site”) to allow for general advertising.

The PP seeks to achieve this by amending Schedule 1 Additional Permitted Uses of the RLEP 2014 to:

1. Introduce *one advertising structure* as an additional permitted use at Macquarie Centre (LOT 100 in DP1190494).

The relevant sign already exists and operates as a *business identification sign*. Development consent was issued for the existing AMP business identification sign on 4 June 2014 (LDA 2013/0533).

The PP was submitted by Urbis on behalf of the property owner AMP Macquarie Pty Limited.

The proposed amendment to the RLEP 2014 will allow for:

The existing digital sign facing Waterloo Road to be used as an *advertising structure* that would permit the display of:

- Community Content (provided by City of Ryde) - 5%;
- Macquarie Centre promotional material -10%; and
- Products, goods or services that do not directly relate to Macquarie Centre or its tenants (third party advertising) - 85%.

The display of this content will be dispersed throughout the hours of operation of the digital sign. The sign is illuminated between 7am and 11pm, seven days a week and will be blank outside of these times (page 7 of Content Management Plan (CMP) in Appendix A of PP). The community content will be reasonably rotated throughout the full screen operating hours to ensure it is not be limited to off-peak periods.

The PP is **ATTACHED (ATTACHMENT 1)**.

An assessment of the PP has been undertaken with respect to:

- The consistency of the PP against objectives and actions of state, regional and local planning policies and strategies; and

### ITEM 5 (continued)

- The CMP that establishes the operational and content parameters that the owner AMP Capital will use to manage the Macquarie Centre sign; and
- The environmental, amenity and traffic and parking impacts of the PP.

This report recommends that Council support forwarding the PP to the Department of Planning and Environment (DPE) for a Gateway Determination and community consultation as the proposed changes reflect a minor amendment to the RLEP 2014. The PP proposes only to alter the content of an existing sign from a *business identification sign* to allow for general advertising and provides public benefit to Council in the form of the display of community content.

### RECOMMENDATION:

- (a) That Council forward the PP relating to the sign at 197-223 Herring Rd-Macquarie Shopping Centre (LOT 100 in DP1190494) for a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, place the proposal on public exhibition and that Council consider a further report following the completion of the exhibition period advising of the outcomes and next steps.

### ATTACHMENTS

- 1 197-223 Herring Road, Macquarie Centre Advertising Sign - Planning Proposal
- 2 Macquarie Centre Advertising Sign Operational and Content Management Plan

Report Prepared By:

**Elizabeth Ryan**  
**Strategic Planner**

Report Approved By:

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**Senior Coordinator - Strategic Planning**

**Dyala Govender**  
**Acting Manager - City Planning**

**Liz Coad**  
**Acting Director - City Planning and Development**



## ITEM 5 (continued)

### Discussion

This report contains a description of the site, a description of the proposed LEP amendments and an appraisal of the subject PP. This appraisal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination and subsequent community consultation.

### Gateway Plan Making Process

The Gateway process has a number of steps as outlined below:

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed to the next stage to seek a Gateway Determination.
2. **Gateway** determination by the Minister for Planning or delegate if the PP should proceed, and under what conditions it will proceed, including the community consultation process and any additional studies.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

This PP prepared by Urbis on behalf of the proponents, AMP Macquarie Pty Limited, is at Step 1 of the LEP Plan Making process. The PP has also been assessed by Council officers to ensure that the information provided is consistent with the requirements and technical standard as per the DPE *Guide to Preparing Planning Proposals*.

### Background

Macquarie Centre was constructed in 1981 and has undergone various stages of redevelopment. The sign that this PP relates to was constructed, in accordance with a Development Consent issued by Council on 4 June 2014 for 'signage for the Macquarie Shopping Centre' (LDA2013/0533). This sign was identified as 'Sign 45' and was approved for use as a '*business identification sign*'.

## **ITEM 5 (continued)**

On 23 September 2015, Council issued an Order to the Applicant in relation to third party advertising material displayed on this sign which is not compliant with the approved use as a business identification sign (LDA2013/0533).

The Applicant responded quickly to Council's Order and since this Order was issued has only displayed content that complies with the definition of *business identification sign* specified in RLEP 2014.

The Applicant has submitted this PP to Council so that it may be permitted to display general advertising content on 'Sign 45'.

A Stage 1 DA for the mixed use redevelopment of Macquarie Centre was recently approved by the Sydney East Joint Regional Planning Panel (JRPP) on 10 November 2016. Consent was granted for concept approval building envelopes for the proposed basement, expanded envelope and four tower forms. No changes to the sign were approved.

### **1. Context**

#### **1.1 Regional Context**

Due to Macquarie Shopping Centre's central location and size, it is a significant regional shopping centre for Sydney and the 8<sup>th</sup> largest shopping centre in Australia. This centre is characterised by a wide range of retail, entertainment and service offerings. The shopping centre is located within the North District Plan where it is identified as one of the largest strategic centres for the Northern District. The Ryde DCP distinguishes this shopping centre from others, due to its particular location which secures its regional significance and contributes to diverse employment opportunities in the City of Ryde.

#### **1.2 Local Context**

Macquarie Centre is located in the Macquarie Park Corridor, an existing area characterised by a mix of land uses (significant land uses include Macquarie Centre, Macquarie University and large business parks such as Optus). The predominant building form in the Macquarie Park Corridor are large, freestanding buildings setback from the street, with large at grade car parks. Redevelopment is already occurring within the area, including mixed use, commercial and residential developments of a mid to high scale.

The Stage 1 DA approved by the JRPP in 2016 is considered consistent with the vision for the Macquarie University Station Precinct (formerly the Herring Road Priority Precinct). The PP is considered to result in an outcome that is consistent with continued revitalization of the Macquarie University Station Priority Precinct.

## ITEM 5 (continued)

The use of the existing sign for general advertising purposes will reinforce the role of the regionally significant Macquarie Shopping Centre within the Global Economic Corridor and is consistent with the site's status as a regionally significant retail and commercial site.

### 1.3 Site Description

The site is described as LOT 100 in DP 1190494 and is located at 197-223 Herring Road, Macquarie Park - Macquarie Shopping Centre.



Figure 1- Aerial of site and Existing Sign Location

The subject site is bound by Herring Road to the North West, Talavera Road to the North East, commercial uses to the South East and Waterloo Road to the South West.

## ITEM 5 (continued)



Figure 2: Current B4 land zoning applies to the site

### 1.4 Existing Digital Sign

The existing digital business identification sign that was approved in 2014 (LDA2013/0533), is situated at the south-west corner of the site fronting Waterloo Road. The sign is visible from Waterloo Road from the east. The overall size of the sign is 3.2metres (height) x 12.8m (width).

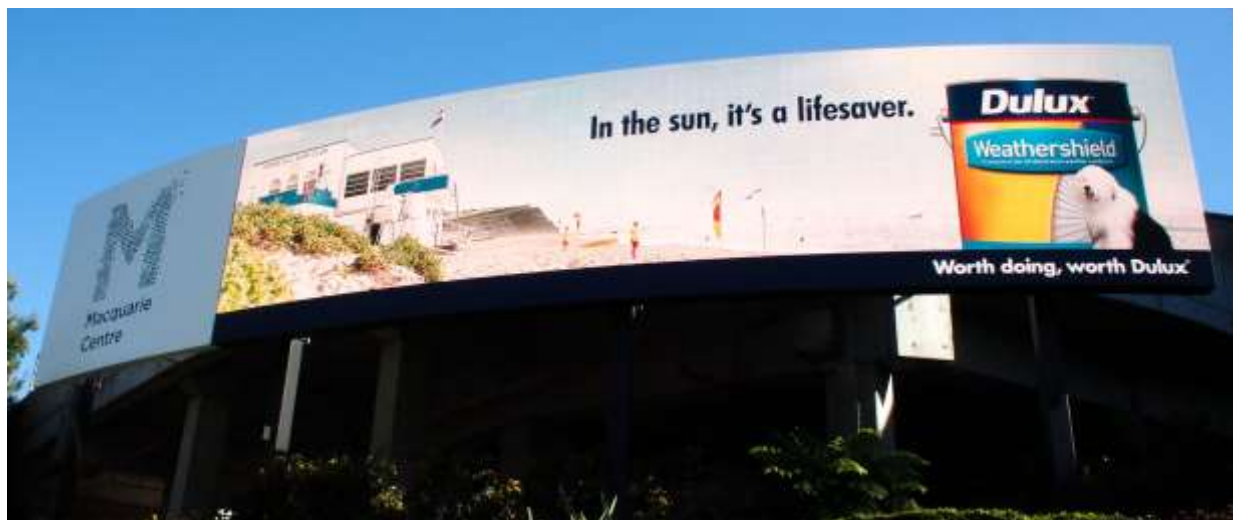


Image 1: Existing digital business identification sign viewed from Waterloo Road (looking east).

## ITEM 5 (continued)



Image 2: Existing digital business identification sign viewed from Waterloo Road (looking north).

## 2. Current Planning Controls

### Zoning

The subject site is zoned B4 –Mixed Use under the Ryde LEP 2014. An extract of the zoning map is shown in Figure 2 above.

‘Business identification signs’ are *permitted with consent* in the B4 zone under RLEP 2014.

‘Signage’ is *Prohibited* in the B4 zone under RLEP 2014.

### Definitions

Under Ryde Local Environmental Plan 2014 the dictionary term “signage” identifies three forms of advertising which can occur being:

- (a) *an advertising structure,*
- (b) *a building identification sign,*
- (c) *a business identification sign,*

*The individual terms are defined as follows:*

**“advertising structure** means a structure used or to be used principally for the display of an advertisement.”

## ITEM 5 (continued)

*“advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.”*

*“building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services Business and building identification signs relate to the business carried on at the premises or simply identify or name a building respectively. General product advertising is prohibited by both.”*

*“business identification sign means a sign:*

*(a) that indicates:*

- (i) the name of the person or business, and*
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*

*(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.”*

An “advertising structure” permits general advertising including a billboard and is prohibited throughout the City of Ryde. Business identification and Building identification signs are permissible in business, industrial and special use zones throughout the City.

### **State Environmental Plan No 64 – Advertising and Signage**

State Environmental Plan No 64 – Advertising and Signage applies to the State and aims in part to:-

- (a) ensure that signage
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (b) to regulate signage including location and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

## ITEM 5 (continued)

Under the SEPP the display of an advertisement is prohibited in the following areas:

- environmentally sensitive areas
- heritage areas (excluding railway stations)
- natural or other conservation areas
- open space
- waterways
- residential (but not including a mixed residential and business zone, or similar zones)
- scenic protection areas
- national parks and
- nature reserves

The SEPP provides matters of consideration with respect to the approval of any sign including:

- the impact of the sign on:
  - the character of an area
  - any special areas such as conservation areas
  - views and vistas
  - streetscape
- the site/building the sign is to be erected upon
- impact of the illumination and
- safety

### 3. Objectives and Intended Outcomes

The main objective of the proposed LEP amendment is to allow the existing digital, *business identification sign* facing Waterloo Road to be used as an *advertising structure* that would permit the display of general advertising.

The intended outcome of this PP is that the display of community content, Macquarie Centre promotional material and the display of third party advertising (products, goods or services not directly relating to Macquarie Centre or its tenants) may be permitted on the existing digital sign.

#### 3.1 Proposed changes to Ryde Local Environmental Plan 2014

It is proposed that an amendment is made to Schedule 1 Additional Permitted Uses of the Ryde Local Environmental Plan 2014 (RLEP 2014) to:

1. Introduce *one advertising structure* as an additional permitted use at Macquarie Centre (Lot 100 in DP1190494).

## **ITEM 5 (continued)**

No changes are proposed to the zoning, height or floor space ratio controls that apply to the site. It is proposed that RLEP 2014 will continue to apply to the site and will only be amended by a site specific LEP amendment in accordance with the PP.

### **4. Justification**

This PP relates to a unique and regionally significant site. Macquarie Centre is within the Macquarie Park Strategic Employment Centre that forms part of the Macquarie University Station (Herring Road) Priority Precinct. The *draft North District Plan* identifies the importance of the Shopping Centre as a key land use within Macquarie Park Corridor. Part 9.1, Section 3.2.5 of the Ryde DCP 2014 states that signs for regional shopping and commercial centres will be considered on their merits relative to the general aims contained in Sections 1,2,4 and 5 of Part 9.1.

An assessment of the merit of this PP gives regard to the distinctive location of the Macquarie Centre compared to other shopping centres and sites within the Ryde LGA. It is important that Macquarie Centre is able to respond to the changing and fast-paced retail environment and utilize new technologies in digital signage in the distribution of general advertising media.

The City of Ryde will benefit from the 5% community content that the sign will display in accordance with the proposed Content Management Plan. The display of 10% Macquarie Centre promotional material and 85% third party advertising supports local business and reflects the Macquarie Centre's status as a regionally significant Shopping destination.

### **5. Assessment of the Planning Proposal**

The following provides an assessment and review of the PP based on the areas required to be covered under *A guide to preparing planning proposals* issued by the DPE.

#### Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements of the gateway process. The PP is supported by a Content Management Plan which proposes that:

- 10% of the displayed content will be used to promote Macquarie Shopping Centre as a shopping destination and identify the retail tenants of the Macquarie Shopping Centre. There are currently 358 retail and business tenants of the Macquarie Shopping Centre



### ITEM 5 (continued)

- 5% of the displayed content will be dedicated to the display of public benefit as prescribed under Clause 13 of SEPP 64. This content will be used by Ryde City Council to promote community and civic events or services and will be dispersed throughout the hours of operation of the sign. Ryde City Council will supply to AMP Capital the graphic content for its public benefits displays. This has been discussed with the Communications Unit and received a positive response.
- 85% of the displayed content will be dedicated to the display of general (third party) advertising. All general advertising content will comply with Commonwealth and State legislative requirements and advertising industry codes of practice including the Australian Association of National Advertisers (AANA) Code of Ethics and associated guidelines such as:
  - AANA Code for Advertising and Marketing Communications to Children
  - AANA Best Practice Guideline - Responsible Marketing Communications in the Digital Space
  - Alcohol Beverages Advertising (and Packaging) Code (ABAC)
  - Outdoor Media Association (OMA) Alcohol Advertising Guidelines
  - Therapeutic Goods Advertising Code
  - Weight Management Industry Code of Practice

### Assessment of Need for the Planning Proposal

In accordance with the Gateway Process the following questions must be considered:

***Is this planning proposal the result of any strategic study or report?***

### **Response**

The PP states that it is not the direct result of any specific strategic study or report. The proposed LEP amendment responds to the ongoing demand for Macquarie Shopping Centre to remain up-to-date with technologies in the retail environment. The draft North District Plan identifies the importance of the Shopping Centre as a key land use within Macquarie Park Corridor. It is considered that the PP is in line with the provisions of the draft North District Plan as it will reinforce the role of Macquarie Centre as a significant regional shopping centre which contributes to the growth of the economy and provides diverse employment opportunities.

## ITEM 5 (continued)

***Is the planning proposal the best means of achieving the objective, or is there a better way?***

### **Response**

The PP states that this is the only means of achieving the objectives. The PP considers that Macquarie Centre is an appropriate location for the proposed use and that there will be resultant public benefit where Council may display its own community content (5%).

***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The PP states the following:

The PP will respond to the strategic directions that underpin *A Plan for Growing Sydney*. The relevant provisions of the Plan under Goal 1: A competitive economy with world-class services and transport are:

- Direction 1.6 Expand the Global Economic Corridor
- Direction 1.7 Grow Strategic centres- providing more jobs closer to home

One of the key priorities for Macquarie Park is to continue to attract significant investment, as well as continue to be an attractive place for commercial operators, employees and customers. The PP states that it will provide greater flexibility for advertising and greater opportunities for commercial investment in this significant regional shopping centre.

In considering the provisions of the *draft North District Plan*, the PP states that it is consistent with and will further the productivity of these actions in the following respects:

- Contribute to a vibrant sense of place within Macquarie Park
- It will reinforce the role of Macquarie Centre as a significant regional shopping centre, which contributes to growth of the economy

### **Response**

It is considered that the PP is in line with *A Plan for Growing Sydney* and the Draft North District Plan. Macquarie Park has been identified in the Draft North District Plan as a strategically important employment centre which is heavily attributed to the existence of the Macquarie Shopping Centre. By enabling advertising content on the signage structure, this PP complements the retail and employment characteristics of Macquarie Shopping Centre. This PP aligns with strategic Direction 1.6 underpinning *A Plan for Growing Sydney* focused on encouraging the expansion of the Global Economic Corridor.

## **ITEM 5 (continued)**

### ***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

The Ryde 2025 Community Strategic Plan is a long term strategy for the whole community built around seven key outcomes that articulate the aspirations of the community and the desire to improve and protect the liveability of the City. It identifies, amongst others the following challenges and opportunities:

- Meeting the needs of a growing population
- Addressing the needs of a changing population
- Managing the pressure of population growth on our amenity

The option for the display of community content responds to the Community Strategic Plan by improving the capacity of Macquarie Centre to fulfil its function as a regionally significant commercial/retail site. The City of Ryde Local Planning Study 2010 applies to the site. The Study supports the continued growth of Macquarie Park as a strategic employment centre. The PP states that it is informed by and consistent with the study and relevant strategic objectives for Macquarie Park. A site Specific Merit Test was also carried out in the PP.

### **Response**

It is considered that the PP is in line with Council's local strategy and vision to be a key anchor in the Global Economic Corridor. The PP will allow for the display of 5% community content for use by City of Ryde Council. This will enable Council to display of information such as community event details and public service announcements that are in line with its objectives for Macquarie Park.

### ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs include:

- State Environmental Planning Policy No 64 (SEPP 64) - Advertising and Signage
- Draft State Environmental Planning Policy (Competition) 2010
- Draft Changes to planning rules for outdoor advertising (SEPP 64)

## ITEM 5 (continued)

### Response

It is considered that the PP does not contradict any applicable State Environmental Planning Policies, however further consideration of these Policies will occur with the detailed assessment of the Development Application. The proposed Draft Changes to planning rules for outdoor advertising (SEPP 64) are not relevant to this PP and are focused on banning trailer advertising on roads, road shoulders, footpaths and nature strips.

### 6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 directions are identified and detailed in the PP and below.

Section 117 Direction	Assessment
<b>1 Employment Resources</b> 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	Complies.
<b>2. Environment Heritage</b> 2.1 Environment Protection Zones 2.2 Coastal Protection 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
<b>3.Housing , Infrastructure and Urban Development</b>	
3.1 Residential Zones	N/A
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrated Land Use and transport	N/A
3.5 Development near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
<b>4 Hazard and Risk</b> 4.1 Acid Sulphate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire	N/A

**ITEM 5 (continued)**

Section 117 Direction	Assessment
<b>5. Regional Planning</b> 5.1 <i>Implementation of regional strategies</i> 5.2 <i>Sydney Drinking Water Catchments</i> 5.3 <i>Farmland of State and Regional Significance on the NSW Far North Coast</i> 5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i> 5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i> 5.6 <i>Sydney to Canberra Corridor (Revoked)</i> 5.7 <i>Central Coast (Revoked)</i> 5.8 <i>Second Sydney Airport: Badgerys Creek</i> 5.9 <i>North West Rail Link Corridor Strategy</i> 5.10 <i>Implementation Regional Plans</i>	Complies.
<b>6. Local Plan Marketing</b> 6.1 <i>Approval and Referral Requirements</i> 6.2 <i>Reserving Land for Public Purposes</i> 6.3 <i>Site Specific Provisions</i>	Complies.
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Plan Objective</b> <i>(1) The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney.</i>	Complies.
7.2 <i>Implementation of Greater Macarthur Land Release Investigation</i>	N/A

(PP pages 32-34)

**Response**

The PP complies with all the relevant Ministerial Directions (s.117 directions).

**7. Environmental, social and economic impact**

***7.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The PP (PP page 35) states that there are no critical habitats or threatened species located on the site which would be impacted by the proposal.

## **ITEM 5 (continued)**

### **Response**

The PP site is located within an existing urban area. The land has not been identified as containing a specific habitat that will be affected by the PP.

### ***7.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

#### **Has the planning proposal adequately addressed any social and economic effects?**

The PP states that there are no environmental effects as a consequence of the proposal as the site is already developed. (PP page 18). The PP states that a future DA for change of use from a business identification sign to an advertising structure will be required to comply with the standards of SEPP 64 and RDCP 2014. At this stage the content management and in particular the requirement for community content will be formalised.

### **Response**

This PP relates to an existing signage structure and does not seek to change the development standards associated with this. The sign was approved and constructed as part of LDA 2013/0533 by Ryde Council for Signage at the Macquarie Shopping Centre (Sign 45). The existing sign is considered to have addressed potential environmental impacts commensurate with a digital sign including road safety, illumination, sign proliferation, visual clutter, public amenity, etc.

### ***7.3 Has the Planning Proposal adequately addressed any social and economic benefits?***

The PP states that a number of positive social and economic benefits would be achieved by the permissibility of one advertising structure at the site. It is considered that the proposed 5% of the sign's content displayed will be dedicated to community content for the public's benefit. This content may be used by City of Ryde Council to promote community and civic events or services. The Content Management Plan that provides parameters for the content will ensure that the content displayed is appropriate and complies with all relevant legislative requirements and Industry Codes of Practise (page 35 of the PP).

### **Response**

It is considered that there will be only positive social and economic effects as a result of the PP.

## **ITEM 5 (continued)**

### **8. State and Commonwealth interests**

#### ***8.1 Is there adequate public infrastructure for the planning proposal?***

The PP states that the site is serviced by existing utility services and will not place any additional demands on public infrastructure.

#### **Response**

As the PP is only altering the content of an existing signage structure, it is considered that there is adequate infrastructure available.

#### ***8.2 What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?***

The PP states that no consultation with State and Commonwealth Public Authorities has been conducted. Should any consultation be required, the PP states that this will be canvassed through the exhibition process of this proposal.

#### **Response**

As the PP is only altering the content of an existing signage structure, it is not considered necessary to consult with any external authority at this time. Roads and Maritime Services (RMS) were consulted at the DA stage for the signage structure in 2014 and reviewed the application for business identification signs at 55-61 Talavera Road, Macquarie Park, which included Sign 45 (LDA2013/0533), and raised no objections. Upon a Gateway Determination being issued, if any relevant authorities need to be consulted, this will be identified by the Department of Planning and Environment.

### **9. Consultation with relevant internal departments and the community**

#### *Internal Consultation*

The PP was referred to the relevant Traffic and Design Council staff for comment. No objections to this PP were raised internally. Council officers from the Communications, Customer Service and Events team were consulted and have confirmed that the sign's display of 5% community content will be used to promote council activities and events such as the Granny Smith Festival.

#### *Community Consultation*

Under the gateway plan-making process, a gateway determination is required before formal community consultation on the PP takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

## **ITEM 5 (continued)**

The DPE guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a gateway determination given, consultation will include the following:

- written notice given:
  - in the local newspaper circulating in the area,
  - on Council's webpage and
  - to adjoining landowners (where this involves strata titled properties, a letter will be sent to the body corporate)
  - detailing any consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities
  
- the written notice will:
  - provide a brief description of the objectives and intended outcomes,
  - indicate the land affected,
  - state where the PP can be inspected,
  - indicate the last date for submissions and
  - confirm whether the Minister has chosen to delegate the making of the LEP.

It is envisaged the proposal will need to be advertised for a minimum of 28 days.

## **10. Critical Dates**

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Minister. The timeline provided in the PP indicates that the notification of the changes on the government website should occur by early 2018 (Page 40 of PP).

## **11. Financial Implications**

To exhibit the PP it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2017/18 from the City Planning budget.

## **12. Options**

1. That Council proceed with the planning proposal to the next stage of the plan making process (gateway determination and community consultation).

Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or



**ITEM 5 (continued)**

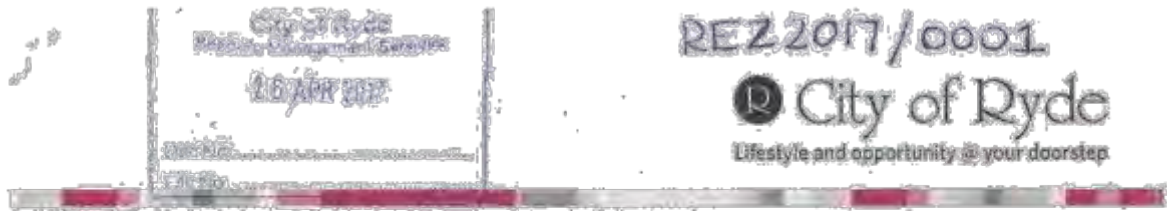
2. That Council not proceed with the Planning Proposal.

This is not the recommended option. If Council decides not to proceed with the Planning Proposal, the applicant can lodge a request with the Department of Planning and Environment for a pre-gateway review.

Option 1 is the recommended option as the proposal is of a minor nature, and will contribute to enhancing Macquarie Shopping Centre, in recognition of its unique location and regional significance and will provide public benefit to the community in the form of community advertising time.

ITEM 5 (continued)

ATTACHMENT 1



**PLANNING PROPOSAL APPLICATION FORM**

Made under the Environmental Planning and Assessment Act 1979

**About this form**

Use this form to lodge a Planning Proposal to amend the Ryde Local Environmental Plan (LEP) 2014, which may include associated amendments to the Ryde Development Control Plan (DCP) 2014. This is a public document and may be made available to the community upon request.

**How to lodge this form**

This form is in seven (7) parts. Please ensure all fields have been filled out to avoid any delays in processing your proposal. Once completed, this form must be submitted as part of a Planning Proposal package in person by appointment at the Customer Service Centre, 1 Pope Street, Ryde (corner Pope and Devlin Streets, within Top Ryde City shopping centre).

**Essential information:** Before you begin, ensure that you read the Planning Proposal Application Information Sheet at [www.cityofryde.nsw.gov.au/citycentre/development/2017-08-2018](http://www.cityofryde.nsw.gov.au/citycentre/development/2017-08-2018)

Please note that a Planning Proposal pre-judgement meeting must be conducted prior to lodging your Planning Proposal. You can make an appointment for a Planning Proposal pre-judgement meeting or to lodge a Planning Proposal online at [www.cityofryde.nsw.gov.au/citycentre/development/2017-08-2018](http://www.cityofryde.nsw.gov.au/citycentre/development/2017-08-2018) or by contacting the Customer Service Centre on 9950 5222.

Amount: 15,000  
Doc: 2017 0001  
2182905

**PART 1: APPLICANT DETAILS** (The applicant is the person lodging the form and the main point of contact for the proposal.)

Company / Organisation (if applicable): AMP Capital Investors Limited      CF-Urbis Pty Ltd

Title:  Mr     Mrs     Ms     Miss    Other: \_\_\_\_\_

Given Name: Sam      Family Name: Down

Unit / Suite No.: \_\_\_\_\_      House No.: 201

Street Name: Sussex Street

Suburb: Sydney      Postcode: 2000

Postal Address (if different from above): \_\_\_\_\_

Suburb: \_\_\_\_\_      Postcode: \_\_\_\_\_

Preferred Contact:  Mobile     Business     Home

Mobile: \_\_\_\_\_      Fax: \_\_\_\_\_

Business Phone: 0 2 8 2 3 3 9 9 1 3      Home Phone: \_\_\_\_\_

Email: sdown@urbis.com.au

NAME (PRINT) \_\_\_\_\_      ADDRESS \_\_\_\_\_

PHONE NO. \_\_\_\_\_      FAX NO. \_\_\_\_\_

DATE \_\_\_\_\_      SIGNATURE \_\_\_\_\_

**ITEM 5 (continued)**

**ATTACHMENT 1**

**PART 2 : LOCATION OF THE PROPERTY** Please provide details for all properties relevant to the proposal.

Street Address: **Macquarie Centre - Herring and Waterloo Road**

Suburb: **North Ryde** Postcode: **2113**

Lot No./DP/SP: **Lot 100 in DP 1190494**

**PART 3 : OWNERS CONSENT** It is requested that every registered owner of the land sign this form.

Number of owners: **2**

Name of owner 1: **AMP Macquarie Pty Limited**

Owners address: [Blank]

Business Phone / Mobile: [Blank]

Signature: **Refer to Attached** Date: [Blank]

Name of owner 2: **AMP Capital Funds Management Limited**

Owners address: [Blank]

Business Phone / Mobile: [Blank]

Signature: **Refer to Attached** Date: [Blank]

Name of all other owners: [Blank]

Owners addresses: [Blank]

Business Phone / Mobile: [Blank]

Signatures: [Blank] Date: [Blank]

**ITEM 5 (continued)**

**ATTACHMENT 1**

**PART 4 : PLANNING PROPOSAL DETAILS** Description of the proposed amendment(s) to the planning controls

**PLANNING PROPOSAL TYPE**

**Minor**  
(No proposed changes to development standards and may include changing the wording of a clause or adding/removing a use from the land use table)

**Minor**  
(Proposed rezoning and/or amendment of development standards for land with a site area of less than 1 hectare)

**Major**  
(Proposed rezoning and/or amendment of development standards for land with a site area of more than 1 hectare)

Does the Planning Proposal require a site-specific DCP or an amendment to the Ryde DCP 2014?  Yes  No

Please tick all amendments to the Ryde LEP 2014 proposed in the Planning Proposal:

Zoning  Floor Space Ratio (FSR)  Heritage  
 Height of Building  Additional Permitted Uses  Minimum Lot Size  
 Other

Please provide a brief description of the proposed amendments to the Ryde Local Environmental Plan 2014 (e.g. proposed zoning change, extent of proposed changes to development standards, etc.):

An amendment to Schedule 1 is proposed to apply to land within the Macquarie Centre site. The Schedule 1 amendment is proposed as follows:  
 \*18 Use of certain land at Macquarie Centre – Lot 100 in DP 1190494, Macquarie Park.  
 (1) This clause applies to Lot 100 in DP 1190494.  
 (2) Development for the purposes of one advertising structure is permitted with development consent?

If applicable, please provide a brief description of the proposed development control plan provisions (e.g. description and scope of what the draft DCP aims to achieve):

N/A

---

**PART 5 : PLANNING PROPOSAL PRE-LODGEEMENT**

Has a Planning Proposal pre-lodgement meeting been conducted relating to this Planning Proposal?  Yes  No

Meeting Date: 23 March 2017

Responsible Strategic Planning Officer: Dyalan Govender & Sue Wotton

Note: A Planning Proposal pre-lodgement meeting is required prior to preparing and submitting a Planning Proposal. A copy of the Council correspondence in response to the meeting must also be provided with this application.

ITEM 5 (continued)

ATTACHMENT 1

PART 6 : PLANNING PROPOSAL REQUIREMENTS CHECKLIST		DATE USE ONLY
<p>Matters for consideration are on a case by case basis. The Planning Proposal package must include, but not limited to, the information listed below depending on the complexity, nature, and context of the Planning Proposal.</p> <p>Please ensure that you provide three (3) paper copies and one (1) electronic copy of all plans and documentation that is relevant to your application.</p> <p><b>INFORMATION TO BE SUBMITTED</b></p>		
1) COMPLETED APPLICATION FORM	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
2) APPLICATION FEE - additional fees apply if a DCP amendment is required (refer to Council's Fees and Charges Schedule for current financial year)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3) OWNER'S CONSENT (all owners)*	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
4) DESCRIPTION OF THE SUBJECT LAND/PROPERTY AND THE LOCALITY	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
5) COUNCIL CORRESPONDENCE IN RESPONSE TO THE PP PRE-LODGEEMENT MEETING	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6) A PLANNING PROPOSAL REPORT which includes and addresses the mandatory components indicated in the <i>Guide to Preparing Planning Proposals</i> and <i>Guide to Preparing Local Environmental Plans</i> :	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.a) Objectives and intended outcomes of the planning proposal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.b) An explanation of the provisions that are to be included in the Ryde Local Environmental Plan (LEP) 2014	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.c) Justification and process for implementation for proposed amendments and outcomes (including compliance assessment against relevant Section 117 Ministerial Directions; justification that the proposal is the best means of achieving the desired outcomes; consideration of alternative options; and consideration of relevant state, regional, and local planning strategies)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.d) Draft amended LEP mapping of current and proposed statutory changes	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.e) Proposed community consultation (including consultation with any relevant government agencies)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.f) Site Plan drawn to scale (with North point clearly shown) indicating physical features such as trees, topography, existing buildings, and all adjoining properties and/or buildings	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.g) Detailed analysis of the site and surrounding locality identifying any relevant significant issues that need to be addressed in considering the planning proposal (e.g. site constraints and other development barriers)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.h) Photos/photomontage of the site and surrounding area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.i) Relevant plans and concept drawings demonstrating the proposed amendments	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.j) Explanation of any intended activities for the site if the planning proposal is successful and their potential impacts on the surrounding area (e.g. traffic and parking, noise, solar access, privacy, etc.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.k) Details of substantial public benefit that would result from the planning proposal (e.g. public domain improvements, provision of public open space, community facilities, affordable housing, etc.)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.l) Draft site-specific development control plan*	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*May be required/requested as determined by relevant planning authority

**ITEM 5 (continued)**

**ATTACHMENT 1**

PART 6 : PLANNING PROPOSAL REQUIREMENTS CHECKLIST CONTINUED		Yes	No
7) RELEVANT ENVIRONMENTAL IMPACT STUDIES which may include the following (depending on complexity of planning proposal and nature of issues):	N/A	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.a) Urban Design Analysis (including building mass/shadow diagrams)		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.b) Development Yield Analysis (potential residential yield & employment generation)*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.c) Transport & Accessibility Study (including parking, pedestrian, & traffic)		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.d) Commercial/Retail Viability Analysis/Economic Impact Report*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.e) Flood Study*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.f) Site Contamination (in accordance with SEPP 55)		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.g) Bushfire Hazard*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.h) Water Quality*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.i) Acid Sulphate Soil*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.j) Heritage Impact*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.k) Acoustic Report*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.l) Other relevant miscellaneous studies*		<input type="checkbox"/> Yes	<input type="checkbox"/> Yes <input type="checkbox"/> No

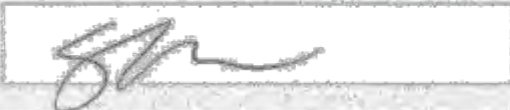
\*May be required/requested as determined by relevant planning authority

**PART 7: DECLARATION**

Have you or any person with a financial interest in the application made any donations in the last 5 years to any of Council's elected representatives or their political parties?  Yes  No  
If yes, please complete a Political Donations and Gifts Disclosure Form

**Declaration**

- I declare that all the information in the application and checklist is, to the best of my knowledge, true and correct.
- I understand that if the information is incomplete the application may be returned, delayed, rejected or more information may be requested.
- I acknowledge that if the information provided is misleading any approval granted 'may be void'.
- I have submitted all plans, forms and documentation as outlined in the checklist in Part 6.

Signature (s)  Date 21 08 17

ITEM 5 (continued)

ATTACHMENT 1

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11 April 2017


General Manager  
Ryde Council  
Locked Bag 208  
North Ryde NSW


Macquarie Centre, Landowner's consent for Lodgement of a Planning Proposal  
Property: Macquarie Centre, Corner Herring and Waterloo Roads, North Ryde NSW 2113  
(Lot 100 in DP 1190494)

AMP Capital Funds Management Limited (ACN 159 557 721) gives its consent as the registered proprietor of a 1/4 share interest in the Property known as the Macquarie Centre, being the whole of the land comprised in Certificate of Title, subtitle 100/1190494B, to lodgement of a Planning Proposal by AMP Capital Investors Limited.

Signed for and on behalf of AMP Capital Funds Management Limited.

AMP CAPITAL FUNDS MANAGEMENT  
LIMITED (ABN 15 159 557 721) by its  
undersigned Attorneys who have not  
received notice of the revocation of the  
Power of Attorney dated 19 November  
2015 under the authority of which this  
instrument has been signed on 19 April 2017

  
\_\_\_\_\_  
Signature of Attorney  
Karin Leah Owers  
\_\_\_\_\_  
Name of Attorney in full

  
\_\_\_\_\_  
Signature of Attorney  
Jeffrey Bernard Rogers  
\_\_\_\_\_  
Name of Attorney in full

ITEM 5 (continued)

ATTACHMENT 1

POWER OF ATTORNEY

AMP PROPERTY SUBSIDIARIES  
(NEW SOUTH WALES AND QUEENSLAND)

Each company named in Schedule 1, being a subsidiary of AMP Limited (ABN 49 079 354 519), incorporated in the Commonwealth of Australia with its registered office at AMP Building, 33 Alfred Street, Sydney, New South Wales, 2000 (each a "Company" and together the "Companies"), hereby severally:

1. appoints the persons described in Schedules 2, 3 and 4 (all of whom are referred to as the "Attorneys") to be the attorneys of the Company;
2. authorises:
  - (a) any two or more of the Attorneys described in Schedule 2; or
  - (b) any one of the Attorneys described in Schedule 2 together with any one or more of the Attorneys described in Schedule 3 jointly,to do any of the acts or things referred to in Schedule 5 in relation to the affairs and business of the Company anywhere in Australia;
3. authorises any one or more of the Attorneys described in either Schedule 2 or 3 to do any of the acts or things referred to in Schedule 6 in relation to the affairs and business of the Company anywhere in Australia;
4. authorises any one or more of the Attorneys described in either Schedule 2, 3 or 4 to do any of the acts or things referred to in Schedule 7 in relation to the affairs and business of the Company anywhere in Australia;
5. declares that:
  - (a) the Attorneys in exercising the powers hereby conferred on them shall conform to the regulations and directions for the time being imposed on them by the Company and communicated and signed in the same way as a notice given under paragraph 5(d), BUT no person or governmental agency dealing with the Company or otherwise relying on the Power of Attorney shall be concerned to enquire whether any such regulations or directions are in force or are being complied with by the Attorneys and, notwithstanding any breach of any such regulations or directions by the Attorneys in regard to any act, deed or instrument, the same shall as between the Company and any person or persons dealing with the Attorneys be valid and binding on the Company for all purposes;
  - (b) the Power of Attorney granted by the Company shall not affect or be affected by any other Power of Attorney previously or subsequently given by the Company to any other person. The Power of Attorney granted by the Company shall continue in force until revoked. Revocation of the Power of Attorney by the Company shall not affect the validity of any other Power of Attorney granted by other Companies which are party to this instrument;
  - (c) the Power of Attorney granted by the Company shall be automatically revoked as regards any of the Attorneys upon his or her ceasing to be an employee of AMP Limited or any of its subsidiaries;
  - (d) the Power of Attorney granted by the Company may, as regards any one or more of the Attorneys, be revoked at any time by the Company by notice given by letter, facsimile transmission, cable or any other form of writing and addressed to such Attorney or Attorneys at AMP Capital Investors Limited's principal place of business and signed by any one or more members of the Company's Board of Directors or by the Secretary of the Company;



**ITEM 5 (continued)**

**ATTACHMENT 1**

- (e) notwithstanding paragraphs 5(c) and 5(d), a declaration or statement by any of the Attorneys that he or she has not ceased to be an employee of AMP Limited or any of its subsidiaries and has not received any notice of revocation of the Power of Attorney granted by the Company shall be accepted by any person or governmental agency dealing with the Company or otherwise relying on the Power of Attorney as evidence of those facts and that the Company has not revoked the Power of Attorney as at the date of the declaration or statement; and
- 6. revokes the Power of Attorney previously granted by the relevant Company and which is described in Schedule 8, such revocation to take effect 14 days after the registration of this Power of Attorney at the relevant land title office or registry (including, without limitation, the New South Wales Land Property Information Office and the Brisbane Registry Office).

**ITEM 5 (continued)**

**ATTACHMENT 1**

SCHEDULE 1

Company Details

<u>Name</u>	<u>ABN</u>
Abbey Capital Real Estate Pty Limited	32 063 958 341
ACPP Industrial Pty Limited	89 108 662 022
ACPP Office Pty Limited	91 108 662 031
ACPP Retail Pty Limited	87 108 662 013
AMP Crossroads Pty Limited	67 107 968 212
AMP Davidson Road Pty Limited	65 107 968 203
AMP Macquarie Pty Limited	91 103 734 854
AMP Macquarie Holding Pty Limited	87 103 734 836
AMP Pacific Fair Pty Limited	99 103 734 890
AMP Pacific Fair Pty Limited (in its capacity as trustee of the AMP Pacific Fair Trust)	99 103 734 890
AMP Riverside Plaza Pty Limited	46 107 968 187
AMP Royal Randwick Pty Limited	61 110 549 249
AMP Warringah Mall Pty Limited	78 108 254 100
Auburn Mega Mall Pty Limited	81 111 075 828
Collins Place Pty Limited	64 084 238 497
Collins Place No. 2 Pty Limited	26 090 537 643
Kent Street Pty Limited	37 008 794 654
Kent Street Pty Limited (in its capacity as trustee of The AMP Bare Trust (Old))	37 008 794 654
Knox City Shopping Centre Investments (No. 2) Pty Limited	26 063 958 378
Marrickville Metro Shopping Centre Pty Limited	83 111 075 837
Mowla Pty. Ltd.	73 005 133 835
Waterfront Place (No. 2) Pty. Ltd.	66 010 728 042
Waterfront Place (No. 3) Pty. Ltd.	83 010 790 931

**ITEM 5 (continued)**

**ATTACHMENT 1**

**SCHEDULE 2**

**ADAM MICHAEL TINDALL**  
Director and Chief Investment Officer, Property  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**ANDREW LESLIE ROY**  
Head of Origination and Asia  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**CHRISTOPHER JAMES JUDD**  
Head of Property Funds Management  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**LOUISE ELIZABETH MASON**  
Managing Director  
AMP Capital Office & Industrial Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**ADRIAN ARTHUR WILLIAMS**  
Head of Property Finance  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**BRYAN JOHN HYNES**  
Managing Director  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**JOHN CLIFFORD DYNON**  
Head of Separate Accounts and Specialist Funds  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**SCHEDULE 3**

**ANTHONY BERNARD SAUNDERS**  
Senior Finance Manager, Office & Industrial  
AMP Capital Office & Industrial Pty Limited  
192 Ann Street, Brisbane, QLD, 4000

**BENJAMIN ZELINGER**  
Financial Controller - Development  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**CONRAD ROBERT SINCLAIR**  
Fund Manager  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**EMMA JANE BROWNE**  
General Manager, Bourke Place  
AMP Capital Office & Industrial Pty Limited  
600 Bourke Street, Melbourne, VIC, 3000

**JAMES GERARD LONG**  
Divisional Development Manager  
AMP Capital Office & Industrial Pty Limited  
192 Ann Street, Brisbane, QLD, 4000

**JUSTIN LANCELOT DAY**  
Head of Leasing  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**BELINDA LIZA DALY**  
Head of Marketing  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**CONSTANTINE BRAKATSELOS**  
Head of Investment Management and Strategy  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**EMLYN DWAYNE KEANE**  
Head of Business Operations, Property  
AMP Capital Office & Industrial Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**GREGORY JOHN PADDISON**  
Head of Shopping Centre Management  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**JEFFREY NICHOLAS PEERS**  
Head of Asset Creation  
AMP Capital Office & Industrial Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**JON LESQUERELUX**  
Head of Office – Asset Management  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**ITEM 5 (continued)**

**ATTACHMENT 1**

**KENNETH ALLAN NEUFELD**  
Divisional Asset Manager  
AMP Capital Office & Industrial Pty Limited  
192 Ann Street, Brisbane, QLD, 4000

**KYLIE O'CONNOR**  
Fund Manager  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**MARK THOMAS KIRKLAND**  
Head of Development  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**MATTHEW JOHN MEREDITH**  
Head of Industrial  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**MURRAY KENNETH MIDDLETON**  
Head of Development  
AMP Capital Office & Industrial Pty Limited  
192 Ann Street, Brisbane, QLD, 4000

**STEVEN ALFRED THUAUX**  
Head of Asset Management  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**LISA ANN DEAN**  
Finance, Risk and Governance Manager, Property  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**LOUIZA MARRAS**  
Financial Controller and Head of Accounting  
Services, Property  
AMP Capital Office & Industrial Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**MARK CAMERON NOLLER**  
Fund Manager  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**MICHELLE CHRISTINE ABBEY**  
Fund Manager  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**NICHOLAS PAUL MCGRATH**  
Fund Manager  
AMP Capital Investors Limited  
50 Bridge Street, Sydney, NSW, 2000

**SCHEDULE 4**

**BRETT JAMES AUSTIN**  
Process Improvement Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**JYOTHIRLATHA RENGAN**  
Financial Controller – AMPSC/SMA  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**LISSA CHENG**  
Property Accounting Operations, Audit &  
Compliance Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**SAUL CREIGHTON**  
Systems and Project Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**DONNA CHRISTINE MCRAE**  
Finance Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**KARISHMA WALSH**  
Finance Business Analyst  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**MATTHEW KEVIN MOLONEY**  
Development Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**TRUDY JANE CLARKE**  
Assistant Property Manager  
AMP Capital Shopping Centres Pty Limited  
50 Bridge Street, Sydney, NSW, 2000

**ITEM 5 (continued)**

**ATTACHMENT 1**

**SCHEDULE 5**

1. To do on behalf of the Company anything which the Company can lawfully authorise an Attorney to do.
2. Without prejudice to the generality of the foregoing power:
  - (a) to purchase any real property by any means, for any price and on any terms, to sell, let, assign, transfer, release, or otherwise dispose of any real property belonging to or standing in the name of or which may be mortgaged or charged to or deposited or pledged with the Company;
  - (b) in relation to any land or lease, to sign any transfer or other instrument, to sign any caveat or withdrawal of caveat, to lodge or register any document at the relevant land title office or registry (including, without limitation, the New South Wales Land Property Information Office and the Brisbane Registry Office), to make any application to the Registrar of Titles or Registrar General, or to make any statutory declaration that may be required;
  - (c) to appoint one or more proxies, substitutes, delegates or sub-attorneys to exercise all or any of the powers, authorities or discretions conferred by the Power of Attorney and to remove and to appoint another or others in his, her or their place or places;
  - (d) to execute any document, contract, agreement, bank guarantee, deed, instrument, plan, notice, arrangement or other writing for the purpose of, or in connection with:
    - (i) making application to either open or close a bank account;
    - (ii) entering into a finance or operating lease of a chattel; and
    - (iii) the Company's obligations arising in respect of a development contract entered into by the Company e.g. consultancy agreements;
  - (e) settling any dispute relating to the property in which the Company has an interest;
  - (f) to enter into any security documentation on any terms and conditions and for any amount in relation to any assets acquired or to be acquired, including without limitation, any mortgage, charge, pledge, encumbrance relating to any property acquired or to be acquired by the Company; and
  - (g) to grant, accept and consent to or to agree to grant, accept and consent to any surrender of lease or licence.

ITEM 5 (continued)

ATTACHMENT 1

SCHEDULE 6

1. To grant, accept and consent to or to agree to grant, accept and consent to any leases, agreements for leases, variations of leases, transfers or assignments of leases and any other agreements relating to the occupation of any real property in which the Company has an interest.
2. To grant, accept and consent to or to agree to grant, accept and consent to any licences, agreements for licences, variations of licences and transfers or assignments of licences relating to the occupation of any real property in which the Company has an interest.
3. To enter into and execute service contracts, consultancy agreements and building contracts in relation to any real property in which the Company has an interest.
4. To lodge and withdraw caveats either wholly or partially.
5. To grant and surrender easements over real property in which the Company has an interest.
6. To execute any document, contract, agreement, bank guarantee, deed, instrument, plan, notice, arrangement or other writing for the purpose of, or in relation to:
  - (a) carrying out any maintenance work or repairs which may be required in relation to any real property in which the Company has an interest;
  - (b) conducting refurbishment work, extensions, improvements and fitouts in relation to any real property in which the Company has an interest;
  - (c) providing property management or property project and development services in any real property in which the Company has an interest;
  - (d) performing its obligations arising in connection with a property management or development contract or agreement entered into by the Company, expressly excluding any power to execute any document, contract, agreement, instrument, deed, notice, arrangement or other writing for the purpose of settling any dispute; and
  - (e) trademarks, business names and all other intellectual property in which the Company has an interest.
7. To execute any share transfer form, leasing documentation (whether as to motor vehicles or equipment), application to any regulator or statutory authority and any contract, agreement or document relating to the appointment of trade apprentices.
8. To make application for and to sign and take all necessary action in respect of the issue, transfer or redemption of units in any unit trust in which the Company has an interest.
9. To demand all monies and rents due or to become due to the Company from any prospective, current or past lessee, tenant, occupier or licensee of any real property in which the Company has an interest.
10. To give all notices to determine any leases, licences, tenancies, contracts or agreements entered into by the Company in respect of real property.
11. To concur with any person in doing any of the above acts and to sign or execute any document, contract, agreement, deed, instrument, plan or other writings necessary or expedient for giving full effect to any of the above matters and to do and perform all such acts, matters and things whatsoever which shall be necessary or incidental to the Power of Attorney.

**ITEM 5 (continued)**

**ATTACHMENT 1**

**SCHEDULE 7**

1. To grant, accept and consent to or to agree to grant, accept and consent to leases, agreements for leases, variations of leases, transfers or assignments of leases and any other agreements relating to the occupation of any real property in which the Company has an interest (where the net lettable area under such lease is 500m<sup>2</sup> or less).
2. To grant, accept and consent to or to agree to grant, accept and consent to licences, agreements for licences, variations of licences and transfers or assignments of licences relating to the occupation of any real property in which the Company has an interest (where the net lettable area under such licence is 500m<sup>2</sup> or less).

**SCHEDULE 8**

Powers of Attorney issued by the Company as follows:

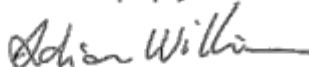
Name of Power	Date of Power	Jurisdiction	Registration Number	Date of Registration
AMP Property Subsidiaries	12 April 2012	New South Wales	Book 4830 No 681	17 April 2012
	12 April 2012	Queensland	714651752	31 August 2012
AMP Pacific Fair Pty Limited (AMP Pacific Fair Trust – Property Management)	16 January 2013	Queensland	714910752	30 January 2013
Kent Street Pty Limited (The AMP Bare Trust (Old) – Property Management)	16 January 2013	Queensland	714910749	30 January 2013

ITEM 5 (continued)

ATTACHMENT 1

Executed as a Deed.

SIGNED for and on behalf of  
**ABBAY CAPITAL REAL ESTATE PTY  
LIMITED** (ABN 32 083 958 341)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)




Signature of director/company secretary  
(Please delete as applicable)

PATRICIA MARGARET  
PAYN

Name of director/company secretary (print)

SIGNED for and on behalf of  
**ACPP INDUSTRIAL PTY LIMITED**  
(ABN 89 108 662 022)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)

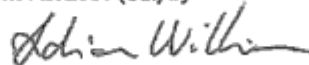


Signature of director/company secretary  
(Please delete as applicable)

Chris Judd

Name of director/company secretary (print)

SIGNED for and on behalf of  
**ACPP OFFICE PTY LIMITED**  
(ABN 91 108 662 031)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)



Signature of director/company secretary  
(Please delete as applicable)

Chris Judd

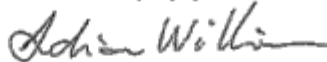
Name of director/company secretary (print)



ITEM 5 (continued)

ATTACHMENT 1

SIGNED for and on behalf of  
**ACPP RETAIL PTY LIMITED**  
(ABN 87 108 882 013)  
on the 27 day of **AUGUST** 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

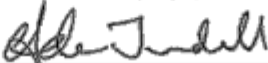


Signature of director

*Adrian Williams*

Name of director (print)

SIGNED for and on behalf of  
**AMP CROSSROADS PTY LIMITED**  
(ABN 67 107 968 212)  
on the 27 day of **AUGUST** 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

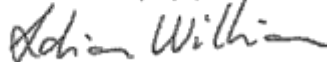


Signature of director

Adam Tindall

Name of director (print)

SIGNED for and on behalf of  
**AMP DAVISON ROAD PTY LIMITED**  
(ABN 65 107 968 203)  
on the 27 day of **AUGUST** 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

*Adrian Williams*


Name of director (print)



Signature of director/company-secretary  
(Please delete as applicable)

Chris Judd

Name of director/company-secretary (print)



Signature of director/company-secretary.  
(Please delete as applicable)

Chris Judd

Name of director/company-secretary (print)



Signature of director/company-secretary.  
(Please delete as applicable)

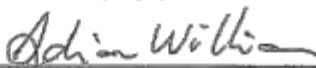
Chris Judd

Name of director/company-secretary (print)


ITEM 5 (continued)

ATTACHMENT 1

SIGNED for and on behalf of  
AMP MACQUARIE PTY LIMITED  
(ABN 91 103 734 854)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

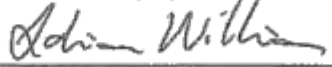
  
\_\_\_\_\_  
Signature of director

Adrian Williams  
\_\_\_\_\_  
Name of director (print)

  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)

Gemma Cross  
Company Secretary  
\_\_\_\_\_  
Name of director/company secretary (print)

SIGNED for and on behalf of  
AMP MACQUARIE HOLDING PTY LIMITED  
(ABN 87 103 734 836)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

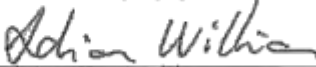
  
\_\_\_\_\_  
Signature of director

Adrian Williams  
\_\_\_\_\_  
Name of director (print)

  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)

Gemma Cross  
Company Secretary  
\_\_\_\_\_  
Name of director/company secretary (print)

SIGNED for and on behalf of  
AMP PACIFIC FAIR PTY LIMITED  
(ABN 99 103 734 890)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director

Adrian Williams  
\_\_\_\_\_  
Name of director (print)


  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)


Gemma Cross  
Company Secretary  
\_\_\_\_\_  
Name of director/company secretary (print)

ITEM 5 (continued)

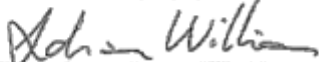
ATTACHMENT 1

SIGNED for and on behalf of  
AMP RIVERSIDE PLAZA PTY LIMITED  
(ABN 46 107 968 187)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)

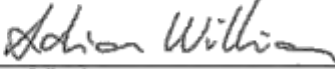
  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
Chris Judd  
\_\_\_\_\_  
Name of director/company secretary (print)

SIGNED for and on behalf of  
AMP ROYAL RANDWICK PTY LIMITED  
(ABN 61 110 549 249)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)

  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
Gemma Cross  
Company Secretary  
\_\_\_\_\_  
Name of director/company secretary (print)

SIGNED for and on behalf of  
AMP WARRINGAH MALL PTY LIMITED  
(ABN 78 108 254 100)  
on the 27 day of AUGUST 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

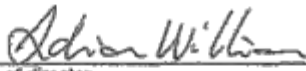
  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)


  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
Chris Judd  
\_\_\_\_\_  
Name of director/company secretary (print)

ITEM 5 (continued)

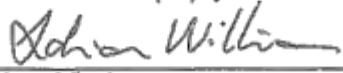
ATTACHMENT 1


SIGNED for and on behalf of  
**AUBURN MEGA MALL PTY LIMITED**  
(ABN 81 111 075 828)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)

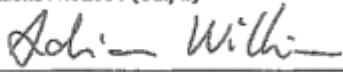
  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
**Gemma Cross**  
~~Company Secretary~~  
\_\_\_\_\_  
Name of director/company secretary (print)

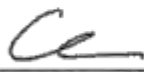
SIGNED for and on behalf of  
**COLLINS PLACE PTY LIMITED**  
(ABN 64 084 238 497)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)

  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
**Gemma Cross**  
~~Company Secretary~~  
\_\_\_\_\_  
Name of director/company secretary (print)

SIGNED for and on behalf of  
**COLLINS PLACE NO.2 PTY LIMITED**  
(ABN 26 090 537 643)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by

  
\_\_\_\_\_  
Signature of director  
  
Adrian Williams  
\_\_\_\_\_  
Name of director (print)

  
\_\_\_\_\_  
Signature of director/company secretary  
(Please delete as applicable)  
**Gemma Cross**  
~~Company Secretary~~  
\_\_\_\_\_  
Name of director/company secretary (print)

ITEM 5 (continued)

ATTACHMENT 1

SIGNED for and on behalf of  
KENT STREET PTY LIMITED  
(ABN 37 006 794 654)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)



Signature of director/company secretary  
(Please delete as applicable)

Gemma Cross  
Company Secretary

Name of director/company secretary (print)

SIGNED for and on behalf of  
KNOX SHOPPING CITY SHOPPING CENTRE  
INVESTMENTS (NO.2) PTY LIMITED (ABN 28  
063 958 378)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Chris Judd

Name of director (print)

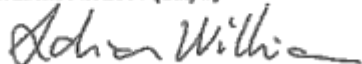


Signature of director/company secretary  
(Please delete as applicable)

Gemma Cross  
Company Secretary

Name of director/company secretary (print)

SIGNED for and on behalf of  
MARRICKVILLE METRO SHOPPING  
CENTRE PTY LIMITED (ABN 83 111 075 837)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)



Signature of director/company secretary  
(Please delete as applicable)

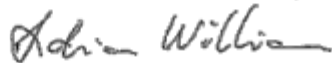
Gemma Cross  
Company Secretary

Name of director/company secretary (print)

ITEM 5 (continued)

ATTACHMENT 1

SIGNED for and on behalf of  
MOWLA PTY. LTD. (ABN 73 005 133 835)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)




Signature of ~~director~~/company secretary  
(Please delete as applicable)

Gemma Cross

Company Secretary

Name of ~~director~~/company secretary (print)

SIGNED for and on behalf of  
WATERFRONT PLACE NO.2 PTY. LTD.  
(ABN 66 010 728 042)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)



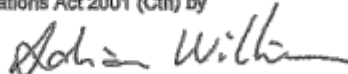
Signature of ~~director~~/company secretary  
(Please delete as applicable)

Gemma Cross

Company Secretary

Name of ~~director~~/company secretary (print)

SIGNED for and on behalf of  
WATERFRONT PLACE NO.3 PTY. LTD.  
(ABN 83 010 790 931)  
on the 27 day of ~~AUGUST~~ 2015  
in accordance with section 127 of the  
Corporations Act 2001 (Cth) by



Signature of director

Adrian Williams

Name of director (print)



Signature of ~~director~~/company secretary  
(Please delete as applicable)

Gemma Cross

Company Secretary

Name of ~~director~~/company secretary (print)

REGISTERED  
7/10/2015  
BK 4696 NO 243



**ITEM 5 (continued)**

**ATTACHMENT 1**



11 December 2016

Gail Connolly  
General Manager  
Ryde Council  
Locked Bag 208  
North Ryde NSW

Dear Ms Connolly

**Macquarie Centre**

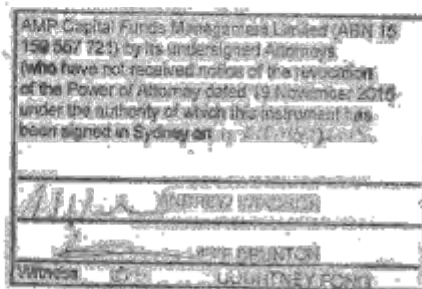
**Landowner's consent for Lodgement of a Stage 1 Development Application**  
Property: Macquarie Centre, Corner Herring and Waterloo Roads, North Ryde NSW 2113 (Lot  
100 in DP 1190494)

AMP Capital Funds Management Limited (ACN 159 557 721) gives its consent as the registered proprietor of a 74 share interest in the Property known as the Macquarie Centre, being the whole of the land comprised in Certificate of Title subfolio 100/1190494B, to lodgement of a Stage 1 Development Application by AMP Capital Investors Limited.

AMP Capital Funds Management Limited is aware that the Stage 1 Development Application seeks development consent for Stage 1 concept plan approval for the redevelopment of the Macquarie Centre.

Pursuant to clause 49 of the *Environmental Planning and Assessment Regulation 2000 (NSW) (Regulation)*, AMP Capital Funds Management Limited provides its consent to the lodgement of that application with Ryde Council, and to any amendments to that application under clause 55 of the Regulation.

Signed for and on behalf of AMP Capital Funds Management Limited



ITEM 5 (continued)

ATTACHMENT 1



11 December 2015

Gail Connolly  
General Manager  
Ryde Council  
Locked Bag 208  
North Ryde NSW

Dear Ms Connolly,

**Macquarie Centre**

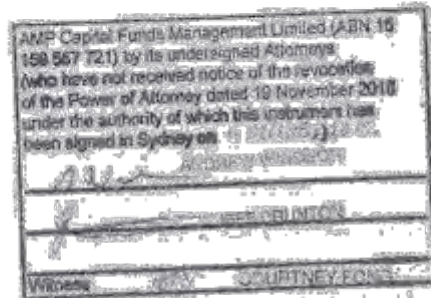
Landowner's consent for Lodgement of a Stage 1 Development Application  
Property: Macquarie Centre, Corner Herring and Waterloo Roads, North Ryde NSW 2113 (Lot  
100 in DP 1190494)

AMP Capital Funds Management Limited (ACN 159 557 721) gives its consent as the registered  
proprietor of a 1/4 share interest in the Property known as the Macquarie Centre, being the whole of the  
land comprised in Certificate of Title subfolio 100/1190494C to lodgement of a Stage 1 Development  
Application by AMP Capital Investors Limited.

AMP Capital Funds Management Limited is aware that the Stage 1 Development Application seeks  
development consent for Stage 1 concept plan approval for the redevelopment of the Macquarie  
Centre.

Pursuant to clause 49 of the Environmental Planning and Assessment Regulation 2000 (NSW)  
(Regulation), AMP Capital Funds Management Limited provides its consent to the lodgement of that  
application with Ryde Council, and to any amendments to that application under clause 55 of the  
Regulation.

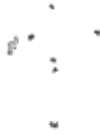
Signed for and on behalf of AMP Capital Funds Management Limited





**ITEM 5 (continued)**

**ATTACHMENT 1**



AMP CAPITAL FUNDS MANAGEMENT LIMITED  
ABN 15 159 557 721  
AMP Sydney Cove Building  
33 Alfred Street, Sydney NSW 2000



**General Power of Attorney**



**AMP Capital Funds Management Limited**

ABN 15 159 557 721

ITEM 5 (continued)

ATTACHMENT 1

POWER OF ATTORNEY dated

19 NOVEMBER 2016

**MADE BY:** AMP CAPITAL FUNDS MANAGEMENT LIMITED (ABN 15 159 557 721) a company incorporated in New South Wales with its registered office at AMP Sydney Cove Building, 33 Alfred Street, Sydney, New South Wales, 2000 ("AMPCFML")

IT IS DECLARED as follows:

**1. APPOINTMENT**

AMPCFML appoints the persons named in the First Schedule while they are an employee of AMP Limited or any of its subsidiaries (all of whom are referred to as the "Attorneys") as its attorneys with the powers and authorities conferred by this Deed.

**2. POWER AND AUTHORITY**

2.1 AMPCFML authorises any two Attorneys jointly to do any of the acts or things referred to in the Second Schedule in relation to the affairs and business of AMPCFML.

2.2 AMPCFML declares that:

- (a) in exercising the powers hereby conferred on them pursuant to this Power of Attorney, the Attorneys shall conform to the regulations for the time being imposed on them by AMPCFML and communicated and signed in the same way as a notice given under paragraph 5.1. No person dealing with the Attorneys need be concerned to enquire whether any such regulations or directions are in force or are being complied with by the Attorneys. Notwithstanding any breach of any such regulations or directions by the Attorneys in regard to any act, deed or instrument, the same will, as between AMPCFML and any person or persons dealing with the Attorneys, be valid and binding on AMPCFML for all purposes;
- (b) this Power of Attorney shall not affect or be affected by any other Power of Attorney previously or subsequently given by AMPCFML to any other person and this Power of Attorney shall continue in force until revoked;
- (c) this Power of Attorney shall be automatically revoked as regards any of the Attorneys upon his or her ceasing to be an employee of AMP Limited or any of its subsidiaries.

**3. RATIFICATION**

AMPCFML declares that all acts, matters and things done by the Attorneys in exercising powers under this Power of Attorney will be as good and valid as if they had been done by AMPCFML, and AMPCFML agrees to ratify everything done by the Attorneys under this Power of Attorney.

**4. INDEMNITY**

AMPCFML indemnifies the Attorneys against each claim, loss, liability, cost or expense incurred or suffered by the Attorneys in connection with the proper exercise of any of the powers and authorities conferred by this Power of Attorney.

**ITEM 5 (continued)**

**ATTACHMENT 1**

**5. REVOCABILITY**

5.1 The powers and authorities conferred by this Power of Attorney on the relevant Attorney may be revoked or suspended by AMPCFML by notice given by letter, facsimile transmission, any other form of writing and addressed to such Attorney or Attorneys at AMPCFML's principal place of business and signed by any one or more members of AMPCFML's Board of Directors or by the Secretary of AMPCFML.

5.2 Notwithstanding paragraphs 5.1, any person or body corporate or unincorporated dealing with an Attorney in good faith may rely on a written statement by the Attorney to the effect that the Attorney has not ceased to hold office with, or be an employee of, AMP Limited or any of its subsidiaries, and has not received any notice of revocation of this Power of Attorney. Any such statement must be accepted by any person dealing with AMPCFML as conclusive evidence of those facts.

5.3 AMPCFML revokes the Power of Attorney granted by AMPCFML dated 10 May 2013 registered in the NSW Land Property Information Office and bearing registration number Book 4648 No. 698 in favour of the list of authorised signatories stated therein, such revocation to take effect from 2 weeks after registration at the NSW Land Property Information Office of this Power of Attorney.

**6. NO DIRECT BENEFIT**

Each Attorney is expressly prohibited from signing any document that would confer a direct benefit on the Attorney.

**7. REGISTRATION**

AMPCFML will, when necessary, register this Power of Attorney whenever required to give effect to its terms. If AMPCFML fails to do so, the Attorneys may register this Power of Attorney and claim reimbursement from AMPCFML of any costs reasonably incurred in doing so.

**8. GOVERNING LAW**

This Deed is governed by the laws applying to New South Wales.

**ITEM 5 (continued)**

**ATTACHMENT 1**

**FIRST SCHEDULE  
(Clause 1: the 'Attorneys')**

**MARK DAVID JOHN ALLFREY**  
Head of Capital  
AMP Capital Investors Limited

  
.....

**DEBBIE JANE ALLISTON**  
Head of Multi-Asset Portfolio Management  
AMP Capital Investors Limited

  
.....

**MARK ASHTON BEARDOW**  
Chief Investment Officer, Global Equities and Fixed Income  
AMP Capital Investors Limited

  
.....

**MICHAEL JOHN BESSELL**  
Head of SMA and Origination Australia and NZ  
AMP Capital Investors Limited

  
.....

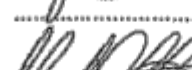
**LEANNE BRADLEY**  
Head of Tailored Investment Solutions  
AMP Capital Investors Limited

  
.....


**ELLA IRENE BROWN**  
Deputy Chief Investment Officer and Head of Fundamental Equities  
AMP Capital Investors Limited

  
.....

**JEFFREY DARRYL BRUNTON**  
Investment Director, Investment Partnerships, Global Equities and  
Fixed Income  
AMP Capital Investors Limited

  
.....

**MARK CROFT**  
Global Head of Investment Operations & Control  
AMP Capital Investors Limited

  
.....

**MICHAEL THOMAS CUMMINGS**  
Head of Australia and NZ Funds  
AMP Capital Investors Limited

  
.....

**LACHLAN JAMES SOMMERLAD DAVIS**  
Head of Active Quant Funds  
AMP Capital Investors Limited

  
.....


**SHARON BEVERLEY DAVIS**  
Director, Australia and New Zealand  
AMP Capital Investors Limited

  
.....

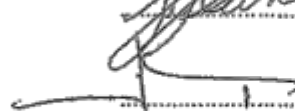
**TATIANA DEBAKHAPOUVE**  
Head of Public Market Solutions  
AMP Capital Investors Limited

  
.....

**STEPHEN JAMES PETER DUNNE**  
Managing Director  
AMP Capital Investors Limited

  
.....

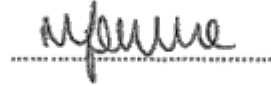
**JOHN CLIFFORD DYNON**  
Head of Separate Accounts and Specialist Funds  
AMP Capital Investors Limited

  
.....  
.....

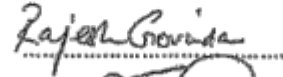
ITEM 5 (continued)

ATTACHMENT 1

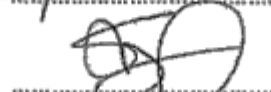
**MICHELLE KATHRYN FAVELLE**  
Senior Company Secretary  
AMP Services Limited



**RAJESH GOVINDAN**  
Head of Sales & Marketing Analytics  
AMP Capital Investors Limited



**SEAN NICHOLAS HENAGHAN**  
Chief Investment Officer, Director Multi Asset Group  
AMP Capital Investors Limited



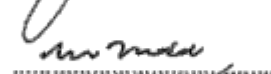
**BRYAN JOHN HYNES**  
Managing Director, AMP Capital Shopping Centres  
AMP Capital Investors Limited



**ANDREW ROSS JONES**  
Global Head of Infrastructure Debt  
AMP Capital Investors Limited



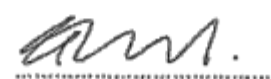
**CHRISTOPHER JAMES JUDD**  
Head of Property Funds Management  
AMP Capital Investors Limited



**CRAIG WILLIAM KEARY**  
Director, Australian Clients  
AMP Capital Investors Limited



**JOSEPH PATRICK KASSEL**  
Global Head of Dealing and Exposure Management  
AMP Capital Investors Limited



**ADAM JAMES KIRKMAN**  
Head of ESG  
AMP Capital Investors Limited



**STUART ALLAN LANGEVELDT**  
Director, Global Marketing & Communications  
AMP Capital Investors Limited



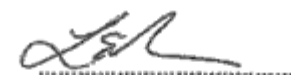
**MADELEINE ANNE MAC MAHON**  
Director, People, Culture and ESG  
AMP Capital Investors Limited



**EDWINA JANE MALONEY**  
Head of Global Product  
AMP Capital Investors Limited



**LOUISE ELIZABETH MASON**  
Managing Director, Office & Industrial  
AMP Capital Investors Limited



**JULIE-ANNE MARIE MIZZI**  
Head of Social & Aged Care  
AMP Capital Investors Limited




**BRENDAN JOHN O'BRIEN**  
Head of Tax  
AMP Capital Investors Limited



ITEM 5 (continued)

ATTACHMENT 1

ANDREW JAMES OLIVER  
Head of Fund Advice  
AMP Capital Investors Limited

  
.....

SHANE PETER OLIVER  
Head of Investment Strategy and Chief Economist  
AMP Capital Investors Limited

  
.....


KARIN LEAH OWERS  
Manager, International HR  
AMP Capital Investors Limited

  
.....

HIROSHINI PATER  
Head of Property Fund Accounting  
AMP Capital Investors Limited

  
.....

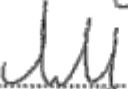
PATRICIA MARGARET PAYN  
Chief Financial Officer  
AMP Capital Investors Limited

  
.....

JEFFREY BERNARD ROGERS  
Chief Investment Officer, IPAC  
AMP Capital Investors Limited

  
.....

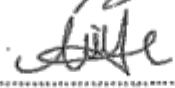
ANDREW LESLIE ROY  
Head of Origination & Asia  
AMP Capital Investors Limited

  
.....

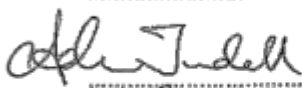
DOUGLAS PAUL TALBOT  
Director, Strategy and Transformation  
AMP Capital Investors Limited

  
.....


YEN HUI TIE  
Head of Legal  
AMP Capital Investors Limited

  
.....

ADAM MICHAEL TINDALL  
Director and Chief Investment Officer, Property  
AMP Capital Investors Limited

  
.....

SIMON CHRISTOPHER WARNER  
Head of Global Fixed Income  
AMP Capital Investors Limited

  
.....

ADRIAN ARTHUR WILLIAMS  
Head of Property Finance  
AMP Capital Investors Limited

  
.....

ANDREW JOHN WINDSOR  
Operations Manager, Private Equity  
AMP Capital Investors Limited

  
.....

KENSON WONG  
Head of Business Relationship Japan  
AMP Capital Investors Limited

  
.....

**ITEM 5 (continued)**

**ATTACHMENT 1**

**SECOND SCHEDULE  
(Clause 2: Power and Authority)**

1. To do on behalf of AMPCFML anything which AMPCFML can lawfully authorise an Attorney to do.
2. Without prejudice to the generality of the foregoing power:
  - (a) to purchase any real property by any means, for any price and on any terms, to sell, let, assign, transfer, release, or otherwise dispose of any real property belonging to or standing in the name of or which may be mortgaged or charged to or deposited or pledged with AMPCFML;
  - (b) in relation to any land or lease under the operation of the Transfer of Land Act 1893 (WA), or regulated under the Land Administration Act 1997 (WA) or the Strata Titles Act 1985 (WA), to sign any transfer or other instrument, to sign any caveat or withdrawal of caveat, to lodge or register any document at Landgate, to make any application to the Registrar of Titles, or to make any statutory declaration that may be required; and
  - (c) to appoint one or more proxies, substitutes, delegates or sub-attorneys to exercise all or any of the powers, authorities or discretions conferred by this Power of Attorney and to remove and to appoint another or others in his, her or their place or places.

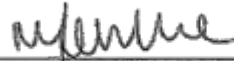
Executed as a Deed.

SIGNED for and on behalf of AMP CAPITAL FUNDS MANAGEMENT LIMITED (ABN 15 159 557 721) on the 19 day of NOVEMBER 2015 in accordance with section 127 of the Corporations Act 2001 (Cth) by

\_\_\_\_\_  
Signature of Director

DOUGLAS PAUL  
TALBOT

\_\_\_\_\_  
Name of Director  
(BLOCK LETTERS)



\_\_\_\_\_  
Signature of Director/Company Secretary

Michelle Favelle

\_\_\_\_\_  
Name of Director/Company Secretary  
(BLOCK LETTERS)

REGISTERED  
3/12/2015  
BK 4699 NO 395



ITEM 5 (continued)

ATTACHMENT 1



Order number: 43610192  
Your Reference: SABS19  
21/04/17 11:20

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 100/1190494A

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
21/4/2017	11:20 AM	1	30/9/2014

SUB FOLIO

LAND

----

1/2 SHARE IN LOT 100 IN DEPOSITED PLAN 1190494  
AT MACQUARIE PARK  
LOCAL GOVERNMENT AREA RYDE  
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1190494

DESCRIPTION

-----

MACQUARIE CENTRE  
HERRING ROAD  
NORTH RYDE 2113

LEASE FOLIOS CREATED. SEE LEASE PREMISES INDEX SEARCH FOR LF362

-----  
THIS FOLIO MAY BE AFFECTED BY CAVEATS AND/OR WRITS  
RECORDED ON THE LEASE FOLIOS FOR THESE PREMISES

FIRST SCHEDULE

-----

AMP MACQUARIE PTY LIMITED

SECOND SCHEDULE (9 NOTIFICATIONS)

-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN DP1190494
- 3 DP559303 EASEMENT FOR DRAINAGE 2.44 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP614852 EASEMENT FOR DRAINAGE 9 METRES WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- \* 5 9875957 LEASE TO AUSGRID (SEE AJ71566) OF SUBSTATION NOS 5325, 5326, 7271, 1870 & 6151 TOGETHER WITH RIGHTS OF WAY & EASEMENT FOR ELECTRICITY PURPOSES OVER OTHER PARTS OF THE LAND ABOVE DESCRIBED SHOWN IN PLAN WITH 9875957. EXPIRES: 28/2/2053.
- \* AK971351 LEASE OF LEASE 9875957 TO BLUE ASSET PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC

END OF PAGE 1 - CONTINUED OVER

PRINTED ON 21/4/2017



ITEM 5 (continued)

ATTACHMENT 1

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
-----

FOLIO: 100/1190494A  
-----

PAGE 2

SECOND SCHEDULE (9 NOTIFICATIONS) (CONTINUED)  
-----

- \* AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY LTD, ERIC ALPHA OPERATOR CORPORATION 1 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 2 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 3 PTY LTD & ERIC ALPHA OPERATOR CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 2.3 (b) (ii).
- \* AK971502 MORTGAGE OF LEASE AK971351 TO ANZ FIDUCIARY SERVICES PTY LTD
- \* AK971571 CHANGE OF NAME AFFECTING LEASE 9875957 LESSEE NOW ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
- \* 6 AH209489 CAVEAT BY COLES SUPERMARKETS AUSTRALIA PTY LTD OF PART BEING THE PROPOSED COLES SUPERMARKET PREMISES
- \* AI467817 CAVEATOR CONSENTED
- \* AH487265 CAVEATOR CONSENTED
- \* AH653871 CAVEATOR CONSENTED
- \* AH646899 CAVEATOR CONSENTED
- 7 AI467817 LEASE TO AUSGRID OF SUBSTATION NOS 48540 & 48541 DESIGNATED (D) & (E) IN DP1193661 TOGETHER WITH RIGHT OF WAY AND EASEMENT FOR ELECTRICITY WORKS AFFECTING THE SITES DESIGNATED (A) & (C) IN DP1193661. EXPIRES: 31/1/2064. OPTION OF RENEWAL: 25 YEARS.
- \* AK971351 LEASE OF LEASE AI467817 TO BLUE ASSET PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC ALPHA ASSET CORPORATION 2 PTY LTD, ERIC ALPHA ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 2.3 (b) (ii).
- \* AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY LTD, ERIC ALPHA OPERATOR CORPORATION 1 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 2 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 3 PTY LTD & ERIC ALPHA OPERATOR CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 12.1
- \* AK971502 MORTGAGE OF LEASE AK971351 TO ANZ FIDUCIARY SERVICES PTY LTD
- \* AK971571 CHANGE OF NAME AFFECTING LEASE AI467817 LESSEE NOW ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
- 8 DP1190494 POSITIVE COVENANT
- 9 DP1190494 EASEMENT FOR DRAINAGE 2.5 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

END OF PAGE 2 - CONTINUED OVER

PRINTED ON 21/4/2017

ITEM 5 (continued)

ATTACHMENT 1

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
-----

FOLIO: 100/1190494A  
-----

PAGE 3

NOTATIONS  
-----

NOTE: REFER ALL DEALINGS TO SD2

UNREGISTERED DEALINGS: R AM222886.

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 21/4/2017

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

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SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 56B(2) of the Real Property Act 1900.

ITEM 5 (continued)

ATTACHMENT 1



Order number: 43610192  
Your Reference: SA6519  
21/04/17 11:20

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 100/1190494C

-----

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
21/4/2017	11:20 AM	2	18/6/2015

SUB FOLIO

LAND

-----

1/4 SHARE IN LOT 100 IN DEPOSITED PLAN 1190494  
AT MACQUARIE PARK  
LOCAL GOVERNMENT AREA RYDE  
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1190494

DESCRIPTION

-----

MACQUARIE CENTRE  
HERRING ROAD  
NORTH RYDE 2113

LEASE FOLIOS CREATED. SEE LEASE PREMISES INDEX SEARCH FOR LP362

-----  
THIS FOLIO MAY BE AFFECTED BY CAVEATS AND/OR WRITS  
RECORDED ON THE LEASE FOLIOS FOR THESE PREMISES

FIRST SCHEDULE

-----

AMP CAPITAL FUNDS MANAGEMENT LIMITED

SECOND SCHEDULE (9 NOTIFICATIONS)

-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN DP1190494
- 3 DP559303 EASEMENT FOR DRAINAGE 2.44 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP614852 EASEMENT FOR DRAINAGE 9 METRES WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 9875957 LEASE TO AUSGRID (SEE AJ71566) OF SUBSTATION NOS 5325, 5326, 7271, 1870 & 6151 TOGETHER WITH RIGHTS OF WAY & EASEMENT FOR ELECTRICITY PURPOSES OVER ANOTHER PARTS OF THE LAND ABOVE DESCRIBED SHOWN IN PLAN WITH 9875957. EXPIRES: 28/2/2053.
- \* AK971351 LEASE OF LEASE 9875957 TO BLUE ASSET PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC

END OF PAGE 1 - CONTINUED OVER

PRINTED ON 21/4/2017

ITEM 5 (continued)

ATTACHMENT 1

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
-----

FOLIO: 100/1190494C  
-----

PAGE 2

SECOND SCHEDULE (9 NOTIFICATIONS) (CONTINUED)  
-----

- ALPHA ASSET CORPORATION 2 PTY LTD, ERIC ALPHA ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 2.3 (b) (ii).
- \* AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY LTD, ERIC ALPHA OPERATOR CORPORATION 1 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 2 PTY LTD, ERIC ALPHA OPERATOR CORPORATION 3 PTY LTD & ERIC ALPHA OPERATOR CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 12.1
  - \* AK971502 MORTGAGE OF LEASE AK971351 TO ANZ FIDUCIARY SERVICES PTY LTD
  - \* AK971571 CHANGE OF NAME AFFECTING LEASE 9875957 LESSEE NOW ALPHA DISTRIBUTION MINISTERIAL HOLDING CORPORATION
  - \* 6 AH209489 CAVEAT BY COLES SUPERMARKETS AUSTRALIA PTY LTD OF PART BEING THE PROPOSED COLES SUPERMARKET PREMISES
    - \* AI467817 CAVEATOR CONSENTED
    - \* AH487265 CAVEATOR CONSENTED
    - \* AH653871 CAVEATOR CONSENTED
    - \* AH646899 CAVEATOR CONSENTED
  - 7 AI467817 LEASE TO AUSGRID OF SUBSTATION NOS 48540 & 48541 DESIGNATED (D) & (E) IN DP1193661 TOGETHER WITH RIGHT OF WAY AND EASEMENT FOR ELECTRICITY WORKS AFFECTING THE SITES DESIGNATED (A) & (C) IN DP1193661. EXPIRES: 31/1/2064. OPTION OF RENEWAL: 25 YEARS.
  - \* AK971351 LEASE OF LEASE AI467817 TO BLUE ASSET PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC ALPHA ASSET CORPORATION 2 PTY LTD, ERIC ALPHA ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 2.3 (b) (ii).
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  - 8 DP1190494 POSITIVE COVENANT
  - 9 DP1190494 EASEMENT FOR DRAINAGE 2.5 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

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ITEM 5 (continued)

ATTACHMENT 1

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
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FOLIO: 100/1190494C  
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PAGE 3

NOTATIONS  
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NOTE: REFER ALL DEALINGS TO SD2

UNREGISTERED DEALINGS: R AM222886.

\*\*\* END OF SEARCH \*\*\*

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ITEM 5 (continued)

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Order number: 43610192  
Your Reference: SA6519  
21/04/17 11:20

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 100/1190494B

SEARCH DATE	TIME	EDITION NO	DATE
21/4/2017	11:20 AM	3	30/4/2015

SUB FOLIO

LAND

1/4 SHARE IN LOT 100 IN DEPOSITED PLAN 1190494  
AT MACQUARIE PARK  
LOCAL GOVERNMENT AREA RYDE  
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP1190494

DESCRIPTION

MACQUARIE CENTRE  
HERRING ROAD  
NORTH RYDE 2113

LEASE FOLIOS CREATED. SEE LEASE PREMISES INDEX SEARCH FOR LP362

THIS FOLIO MAY BE AFFECTED BY CAVEATS AND/OR WRITS  
RECORDED ON THE LEASE FOLIOS FOR THESE PREMISES

FIRST SCHEDULE

AMP CAPITAL FUNDS MANAGEMENT LIMITED (T AJ443875)

SECOND SCHEDULE (9 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 THE LAND ABOVE DESCRIBED IS LIMITED IN STRATUM IN THE MANNER DESCRIBED IN DP1190494
- 3 DP559303 EASEMENT FOR DRAINAGE 2.44 METRES WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP614852 EASEMENT FOR DRAINAGE 9 METRES WIDE AND VARIABLE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 9875957 LEASE TO AUSGRID (SEE AJ71566) OF SUBSTATION NOS 5325, 5326, 7271, 1870 & 6151 TOGETHER WITH RIGHTS OF WAY & EASEMENT FOR ELECTRICITY PURPOSES OVER ANOTHER PARTS OF THE LAND ABOVE DESCRIBED SHOWN IN PLAN WITH 9875957. EXPIRES: 28/2/2053.
- \* AK971351 LEASE OF LEASE 9875957 TO BLUE ASSET PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 1 PTY LTD, ERIC

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ITEM 5 (continued)

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
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FOLIO: 100/1190494B  
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PAGE 2

SECOND SCHEDULE (9 NOTIFICATIONS) (CONTINUED)  
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- \* AK971352 LEASE OF LEASE AK971351 TO BLUE OP PARTNER PTY LTD, ERIC ALPHA ASSET CORPORATION 3 PTY LTD & ERIC ALPHA ASSET CORPORATION 4 PTY LTD EXPIRES: SEE DEALING. CLAUSE 2.3 (b) (ii).
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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH  
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FOLIO: 100/1190494B  
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PAGE 3

SECOND SCHEDULE (9 NOTIFICATIONS) (CONTINUED)  
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PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS  
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NOTE: REFER ALL DEALINGS TO SD2

UNREGISTERED DEALINGS: R AM222886.

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**TOWER 2, LEVEL 23  
DARLING PARK, 201 SUSSEX ST  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

20 April 2017

Mr Dyalan Govender  
Acting Manager – Strategic Planning  
Ryde City Council  
Level 1, 3 Richardson Place  
North Ryde NSW 2113

Dear Dyalan,

**PLANNING PROPOSAL TO PERMIT ONE ADVERTISING STRUCTURE AT  
MACQUARIE CENTRE**

**1. INTRODUCTION**

On behalf of AMP Capital Investors Pty Ltd (the Applicant), please find enclosed a planning proposal to initiate the preparation of an amendment to the *Ryde Local Environmental Plan 2014*. This planning proposal would result in an amendment to Schedule 1 Additional Permitted Uses of the RLEP 2014 so that development for the purposes of one *advertising structure* is permissible with development consent for land at Macquarie Centre

Please find enclosed the following:

- Completed and signed Planning Proposal Application Form;
- Cheque, payable to Ryde City Council for the sum of \$15,000;
- Three copies of the Planning Proposal Report, prepared by Urbis; and
- One CD of the above documentation.

**2. BACKGROUND**

The Project Team met with Council staff on 15 December 2016 to discuss the planning proposal. At this meeting, it was acknowledged that Macquarie Centre is a significant regional shopping centre and that to prohibit signage was restrictive for such a regionally important shopping centre.

A preliminary planning proposal was submitted to Council for comment on 2 March 2017. This sought to include signage as an additional permitted use across the site. Following a meeting with Council staff on 23 March 2017 it was agreed to amend the planning proposal to limit the number of advertising structures to one, being the existing digital sign fronting Waterloo Road.

Macquarie Centre Planning Proposal\_Cover Ltr\_Final

ITEM 5 (continued)

ATTACHMENT 1



### 3. PLANNING PROPOSAL OVERVIEW

The existing digital *business identification sign* is located on Waterloo Road towards the south-west corner of the site currently displays content related to Macquarie Centre and its tenants in accordance with the development consent (LDA 2013/055).

The intended outcome of this planning proposal is to legitimise the use of this existing digital sign to be used as an *advertising structure* that would permit the display of:

- Community content - 5%;
- Macquarie Centre promotional material -10%; and
- Products, goods or services that do not directly relate to Macquarie Centre or its tenants (third party advertising) – 85%.

There will be no change to the operation or physical appearance of the approved digital sign on Waterloo Road arising from this proposal. The change of use of the digital sign from a *business identification sign* to *advertising structure* would be the subject of a future DA.

This sign will continue to comply with the operational parameters governing road safety, hours of illumination, illumination levels, language requirements, dwell times, transition times and malfunction procedures.

### 4. KEY JUSTIFICATION

As documented in the planning proposal document, there are several compelling reasons for Council to support this planning proposal, including:

- The site is a significant regional shopping centre and is located within the Macquarie Park strategic centre under *A Plan for Growing Sydney*. Typically, signage is permissible with development consent on regional shopping centres in other strategic centres. The planning proposal will allow the display of general advertising and community content on the existing digital sign on Waterloo Road is entirely consistent with other strategic centres and major shopping centres in Greater Sydney.
- The Council has already determined that this is an appropriate location for a digital *business identification sign* by approving LDA 2013/053. The use of the sign for broader general advertising, community and promotional content will allow for innovative engaging formats to be displayed in a highly prominent location, being a regional shopping centre on Waterloo Road.
- As the largest shopping centre in NSW, the 5<sup>th</sup> largest shopping centre in Australia and a significant regional shopping centre, Macquarie Centre is unique from other shopping centres in the Ryde LGA in terms of its size, scale, connectivity and regional trade area. The RDCP 2014 clearly differentiates between Macquarie Centre and other shopping centres and sites in the LGA.
- The proposal will permit community content to be displayed which helps with informing the community about Council events and messages. This is clearly in the public interest.

ITEM 5 (continued)

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## 5. MANAGEMENT OF CONTENT

It is proposed that 5% of the content displayed on the existing digital sign will be dedicated to the display of content for the public benefit. This content can be used by the Ryde City Council to promote community and civic events or services. This is in the public interest.

Management of the advertising content will be coordinated in accordance with the content management parameters outlined in the Content Management Plan prepared by Urban Concepts. All advertising content will meet the following requirements:

- *Comply with Commonwealth law and the law of the relevant State or Territory legislation.*
- *Only promote a legal product or service.*
- *Comply with all relevant advertising industry codes of practice (and their associated practice notes and guidelines), including the following: Australian Association of National Advertisers (AANA) Code of Ethics;*
  - *AANA Environmental Claims in Advertising and Marketing Code;*
  - *AANA Code for Advertising and Marketing Communications to Children;*
  - *AANA Food and Beverages Advertising and Marketing Communications Code;*
  - *AANA Best Practice Guideline—Responsible Marketing Communications in the Digital Space;*
  - *Australian Food and Grocery Council Quick Service Restaurant Initiative;*
  - *Australian Food and Grocery Council Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry;*
  - *Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children;*
  - *Alcohol Beverages Advertising (and Packaging) Code (ABAC);*
  - *Outdoor Media Association (OMA) Alcohol Advertising Guidelines;*
  - *Federal Chamber of Automotive Industries' Voluntary Code of Practice for Motor Vehicle Advertising;*
  - *Therapeutic Goods Advertising Code; and*
  - *Weight Management Industry Code of Practice.*

General advertising displays will not:

- *Depict violence (unless it is justified within the context of the product or service being advertised);*
- *Be explicit, obscene or offensive, cause offence or be likely to inflame tensions in the community between religious, racial groups or ethnic groups;*

ITEM 5 (continued)

ATTACHMENT 1



- *Breach any obligations to third parties, such as site owners or installers or raise work health and safety concerns at sites;*
- *Be misleading or deceptive or likely to mislead or deceive;*
- *Portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;*
- *Employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people;*
- *Treat sex, sexuality and nudity without sensitivity to the relevant audience;*
- *Contain strong or offensive language or any language that is likely to denigrate, insult or offend, particularly if combined with sexual images; and*
- *Normalise, perpetuate or promote unsafe behaviour;*
- *Depict smoking, cigarettes or illegal drug use (unless the depiction is in the context of a community service or government campaign).*

The controls and safeguards demonstrate that the change of use of the sign from a *business identification sign* to an *advertising structure* will not detrimentally impact the character of the locality. The Planning Proposal does not compromise pedestrian/vehicular safety or the amenity of the locality as it relates to the content that can be displayed on an existing sign. Furthermore a future change of use application would be the subject of a stringent assessment at the DA stage.

**ITEM 5 (continued)**

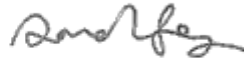
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**6. SUMMARY**

Overall, it is considered that the planning proposal is satisfactory and warrants the support of Council.  
If you have any questions please don't hesitate to contact me on (02) 8233 9976.

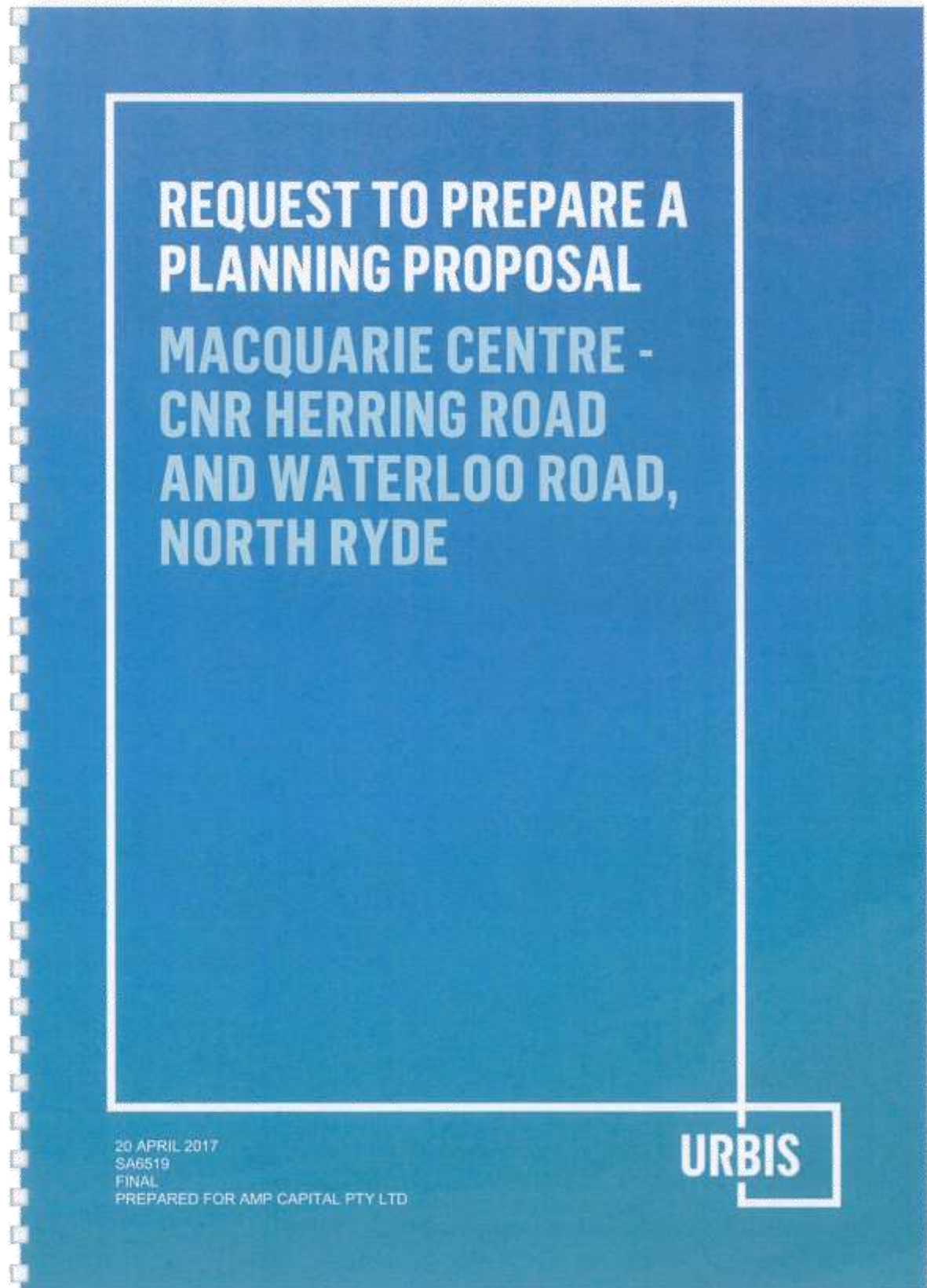
Yours sincerely,

A handwritten signature in black ink, appearing to read "Sarah Horsfield".

Sarah Horsfield  
Associate Director

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**Appendix A Content Management Plan**

URBS  
 S46919\_PP\_MACQUARIE CENTRE\_FINAL

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# 1. INTRODUCTION

## 1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis on behalf of AMP Capital Investors Pty Ltd (the Applicant) to initiate the preparation of an amendment to the *Ryde Local Environmental Plan 2014 (RLEP 2014)*. This amendment would result in an amendment to Schedule 1 Additional Permitted Uses of the RLEP 2014 so that development for the purposes of one *advertising structure* is permissible with development consent for land at Macquarie Centre (the site).

This report has been prepared to assist Council in preparing a Planning Proposal for the site in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

## 1.2. BACKGROUND

Macquarie Centre is an existing regional shopping centre located within the heart of the Macquarie Park Corridor, a major employment precinct that is generally bound by arterial roads including the M2 Motorway, Epping Road and Lane Cove Road.

Macquarie Centre was originally constructed in 1981. The centre has undergone various stages of redevelopment and extensions. A major refurbishment occurred in 2000, 2003 and most recently in 2014, creating a fresh food court, the addition of a new full line David Jones department store, a second full line supermarket (Coles), a value supermarket (Aldi), with new speciality food and convenience stores. Macquarie Centre is the largest shopping centre in NSW and the 8th largest shopping centre in Australia and includes a wide range of retail, entertainment and service offerings.

There is an existing digital *business identification sign* located towards the south-west corner of the site fronting Waterloo Road. This currently displays content related to Macquarie Centre and its tenants in accordance with the development consent (LDA 2013/055). This sign complies with the operational parameters governing road safety, hours of illumination, illumination levels, language requirements, dwell times, transition times and malfunction procedures.

The site is zoned B4 Mixed Use under RLEP 2014. However, an *advertising structure* is prohibited within the B4 Mixed Use zone under the RLEP 2014. Advertising structures permit third party advertising. A *building identification sign* and *business identification sign* is permissible with development consent in the B4 Mixed Use zone.

The intended outcome of this planning proposal is to legitimise the use of the existing approved digital sign fronting Waterloo Road to be used as an *advertising structure* that would permit the display of:

- Community content - 5%;
- Macquarie Centre promotional material -10%; and
- Products, goods or services that do not directly relate to Macquarie Centre or its tenants (third party advertising) – 85%.

There will be no change to the operation or physical appearance of the approved digital sign on Waterloo Road arising from the proposal.

**ITEM 5 (continued)**

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**1.3. STRUCTURE OF REPORT**

As required by Section 55 of the EP&A Act and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals* as revised in August 2016, this Planning Proposal includes the following:

- Description of the site and its context.
- Description of the proposed amendments to the RLEP 2014 supported by sufficient detail to indicate the effect of the amendment.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal that are to be included in the LEP.
- Summary of the justification of the proposal.

In support of this Planning Proposal request, the following information is provided:

- Appendix A –Content Management Plan (December 2016) prepared by Urban Concepts.



**ITEM 5 (continued)**

**ATTACHMENT 1**



**2. SITE AND SURROUNDS**

**2.1. REGIONAL CONTEXT**

The site is located within the suburb of North Ryde in the Ryde Local Government Area, approximately 15 kilometres north-west of the Sydney Central Business District (refer Figure 1). Key centres within close proximity to the site include Chatswood (approximately 5 kilometres away) and Parramatta (approximately 10 kilometres away).

Figure 1 - Regional Context - Macquarie Express



 [www.cityofryde.nsw.gov.au](http://www.cityofryde.nsw.gov.au)

 [www.cityofryde.nsw.gov.au](http://www.cityofryde.nsw.gov.au)

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ATTACHMENT 1

**2.2. LOCAL CONTEXT**

Macquarie Centre is located within the heart of the Macquarie Park Corridor, a major employment precinct that is generally bound by arterial roads, including the M2 Motorway, Epping Road, and Lane Cove Road.

Macquarie Park currently has the second largest office market in NSW and is Sydney's fastest growing business precinct. Macquarie Park is characterised by a number of significant land uses including Macquarie Centre, Macquarie University and substantial businesses (such as Delta, Forre, Sonic Healthcare, Check, Schneider Electric, Microsoft, etc.). Macquarie Park contains approximately 240,000sqm of commercial office space and employs more than 43,000 workers, with additional capacity for greater floor space. It is viewed as an innovative research, education, medical and technology employment centre.

Macquarie Centre is a key component of the Macquarie University Station (Herring Road) Priority Precinct. Changes in land use zoning and significant urban building height and density controls for the precinct were gazetted on 2 October 2015. These amendments will facilitate the precinct's transformation into a vibrant, mixed-use transit-oriented centre. The precinct is primed for growth and it is expected that it will accommodate an additional 5,500 new dwellings by 2031.

**2.3. THE SITE**

Macquarie Centre is approximately 11.25 hectares in area and is located at the corner of Watcote Road, Herring Road and Talsara Road, Macquarie Park. The site is legally described as Lot 100 in DP 1220484. Macquarie Centre is indicated in the aerial photograph in Figure 2.

The site is bound by Herring Road to the north west, Talsara Road to the north east, commercial uses to the south east and Watcote Road to the south west. The site has excellent access to public transport situated immediately adjacent the Macquarie University Railway Station and the Herring Road Bus Interchange. Located between the M2 Hills Motorway and Epping Road, the site also enjoys excellent vehicle connectivity.

Figure 2 - Aerial Floor Plan November 2016



ITEM 5 (continued)

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**2.4. EXISTING DEVELOPMENT**

The site is currently occupied by Macquarie Centre. Macquarie Centre is the largest shopping centre in NSW and the 8<sup>th</sup> largest shopping centre in Australia and includes a wide range of retail, entertainment and service offerings

Macquarie Centre is a significant regional shopping centre in Sydney. This significance is recognised by the draft North District Plan, which identifies Macquarie Centre as a key land use within the Macquarie Park corridor and an integral part of one of the largest strategic centres in the district. Similarly, the Ryde Development Control Plan 2014 (RDCP 2014) identifies Macquarie Centre as a regional shopping centre.

The existing shopping centre comprises the following components:

- Five level centre accommodating 368 stores, including major retailers such as David Jones, Myer, Target, Big W, ALDI, Coles, and Woolworths. As well as many mini major international retail stores including H&M, Zara, Uniqlo, Forever 21, Gap and Sephora.
- Entertainment offerings including a cinema complex and ice skating rink.
- 4,755 car parking spaces.
- Total gross floor area of 170,850sq.m.

Macquarie Centre has nearly one kilometre of street frontage along Talavera, Herring and Waterloo Roads combined, with Herring Road having a 355m street frontage and only one 7.5m wide entry to the centre.

**ITEM 5 (continued)**

**ATTACHMENT 1**

Figure 3 – Photographs of Existing Development



Picture 1 – As Viewed from Waterloo Road



Picture 2 – The Main Entrance from Henning Road



Picture 3 – As Viewed from Henning Road and Telavere Road Intersection

**ITEM 5 (continued)**

**ATTACHMENT 1**



**2.5. EXISTING DIGITAL SIGN**

A digital *business identification sign* has been approved and constructed at the south-west corner of the site fronting Waterloo Road. The sign is visible from Waterloo Road from the east. Photographs of the sign from various location is provided in Figure 4.

The sign provides branding for Macquarie Centre and assists in screening the vehicle ramp behind. The curved sign has an overall size of 3.2m (h) x 12.8m (w).

The existing digital sign complies with the operational parameters governing road safety, hours of illumination, illumination levels, language requirements, dwell times, transition times and malfunction procedures.

ITEM 5 (continued)

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Figure 4 - Photographs of Existing Digital Signage



Picture 4 - As Viewed from Waterloo Road (Looking North)



Picture 5 - As Viewed from Waterloo Road (Looking East)



ITEM 5 (continued)

ATTACHMENT 1



**2.6. SURROUNDING DEVELOPMENT**

Macquarie Centre is located in the Macquarie Park Corridor, an existing area characterised by a mix of land uses (significant land uses include Macquarie Centre, Macquarie University and large business parks such as Optus) and architectural styles. The predominant building form in the Macquarie Park Corridor are typically large, freestanding buildings setback from the street, with large at grade car parks. There is some redevelopment already occurring within the area, including mixed use, commercial and residential developments of a mid to high scale.

The site is surrounded by the following and as indicated in Figure 5:

- To the north east of the site is Talavera Road. The opposite side of Talavera Road comprises a recently completed residential flat building/serviced apartment development in addition to large scale commercial developments.
- Adjacent to the south east of the site are commercial developments, with associated at grade car parking and landscaping. An application for a mixed use development has been lodged at neighbouring 101 Waterloo Road. This DA is currently under assessment by Council.
- Immediately to the south west of the site is Macquarie University railway station. The Parramatta to Epping railway tunnels run below Waterloo Road adjacent to the southern site boundary. The railway station is setback approximately 7-8m from the site boundary and the nearest tunnel is set back approximately 30m from the site boundary. Further to the south west, on the opposite side of Waterloo Road, comprises medium density four storey residential flat buildings and public open space known as Elouera Reserve.
- To the north west of the site is the Herring Road Bus Station adjacent to Herring Road. On the opposite side of Herring Road is Macquarie University. It is currently characterised by low to medium scale buildings in a bushland setting. Macquarie University has Concept Plan approval for the redevelopment of their site. The future character of the University envisaged under the Macquarie University Station (Herring Road) Precinct Plan is a mixed use, medium to high density campus.

**ITEM 5 (continued)**

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Figure 5 – Photographs of the Surrounds



Figure 6 – Macquarie University



Figure 7 – Elouera Ratsos



Figure 8 – Macquarie Road



Figure 9 – Street Entrance Access to Site



**ITEM 5 (continued)**

**ATTACHMENT 1**

**4. STRATEGIC PLANNING CONTEXT**

**4.1. A PLAN FOR GROWING SYDNEY**

A Plan for Growing Sydney was released by the Department of Planning and Environment on 14 December 2014. The strategy outlines the State Government's strategic framework for managing and delivering growth in Sydney over the next 20 years.

Under the plan, Macquarie Park is featured significantly, being at the northern end of the Global Economic Corridor (as illustrated in Figure 8) and a major generator of economic growth and one of the main destinations for employment.

Directions within the plan relevant to this planning proposal include:

- **Direction 1.5: Expand the Global Economic Corridor**
  - **Action 1.5.3: Grow high-skilled jobs in the global economic corridor by expanding employment opportunities and mixed-use activities.**
- **Direction 1.7: Grow strategic centres – providing more jobs closer to home.**
  - **Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.**

The use of the existing site on Waterloo Road for general advertising will reinforce the role of a regionally significant shopping centre within the Global Economic Corridor. Consistency with the relevant strategic directions has been addressed within Section 3.2 of this proposal.

A draft amendment to update A Plan for Growing Sydney, identified as *Towards our Greater Sydney 2036* was released in November 2016. This amendment also identifies Macquarie Park as a key component of the established Eastern City.

Figure 8 – A Plan for Growing Sydney



ITEM 5 (continued)

ATTACHMENT 1



**4.2. MACQUARIE UNIVERSITY STATION (HERRING ROAD PRIORITY PRECINCT)**

The Macquarie University Station (Herring Road) Priority Precinct was nominated by Ryde Council and endorsed by the Department of Planning and Environment in November 2012. Identified on the basis of the precinct's accessibility to employment, education and retail, an addition to opportunities for renewal, a precinct plan was developed to revitalise the area surrounding Macquarie University Station. The precinct plan informed the rezoning of the priority precinct and amendments to planning controls which were gazetted on 2 October 2015 and incorporated into RLEP 2014.

It is expected that the Priority Precinct will accommodate an additional 5,800 new dwellings by 2031. The vision for the precinct includes the following:

*"By 2031, the Herring Road precinct will transform into a vibrant and walkable transit-oriented centre, vital to the evolution of Macquarie Park. Herring Road will increase the supply and mix of housing to ensure more people can benefit from the diversity of Macquarie Park's local job market and world-class education opportunities. Building on its existing business, retailing and educational success Herring Road will attract more people to live, study and work in the area".*

The Stage 1 DA that has been approved for the site is entirely consistent with the vision for this precinct. As demonstrated in Section 8.2 of this report, the planning proposal will result in an outcome aligned with the continued revitalisation of the Macquarie University Station Priority Precinct.

**4.3. NSW STATE PLAN**

NSW 'Making it Happen' is the State Government's plan, which in conjunction with the NSW Budget, guides policy and budget decisions for delivering community priorities. The plan contains nine key areas of focus including: transport, health, education, environment, police and justice, infrastructure, family and community services, economy and accountability.

The proposal is consistent with the broad strategic aims of this plan, as it will enhance the offering a significant regional shopping centre in the north of Sydney, which is also the largest shopping centre in NSW.

**4.4. DRAFT NORTH DISTRICT PLAN**

Macquarie Centre is located within the North District of Sydney (refer Figure 7). The draft North District Plan was released by the Greater Sydney Commission on 21 November 2016.

The plan identifies key priorities for the North District and in particular, Macquarie Park as follows:

- Enable additional capacity for commercial floor space to maintain a commercial core.
- Improve urban amenity as the centre transitions from business park to a vibrant commercial centre, including reducing the impact of vehicle movements on pedestrian and cyclist accessibility.
- Promote excellence in urban design by upgrading public areas.

The draft North District Plan acknowledges Macquarie Centre as a key land use within the Macquarie Park corridor (refer Figure 8).

This proposal will reinforce the role of Macquarie Centre as a significant regional shopping centre located within the Macquarie Park Corridor. Consistency with these priorities is discussed in Section 8.2 of this report.

**ITEM 5 (continued)**

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Source: Dick North District Plan

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Figure 8 - Marquarie Fish Catches



Source: Data from Fish Catch Plan

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**5. REQUEST TO PREPARE A PLANNING PROPOSAL**

**5.1. REQUEST OVERVIEW**

This Planning Proposal has been prepared in accordance with Sections 55(1) and (2) of the EP&A Act with consideration of the relevant guidelines, namely the revised 'A Guide to Preparing Planning Proposals' issued by the Department of Planning and Environment (August 2016).

Accordingly, the proposal is discussed in the following six parts:

- Part 1 (Section 5) – A statement of the objectives or intended outcomes.
- Part 2 (Section 6) – An explanation of the provisions that are to be included in the proposed LEP.
- Part 3 (Section 7) – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 (Section 8) – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 (Section 9) – Details of community consultation for the Planning Proposal.
- Part 6 (Section 10) – Project timelines.

**5.2. CURRENT PLANNING CONTROLS**

The primary planning controls that apply to the site are contained within RLEP 2014:

**5.2.1. Zoning**

Under RLEP 2014, the site is zoned B4 Mixed Uses (illustrated in Figure 8 Figure 9 – Zoning Parcel).





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**5.2.2. Land Use**

The uses permitted without development consent, with development consent and prohibited in the B4 Mixed Use zone under RLEP 2014 are documented below. Whilst, *building identification signs* and *business identification signs* are permitted in the B4 Mixed Use zone, an *advertising structure* which is included under the blanket definition of *signage* is prohibited.

**2. Permitted without consent:**

*Home occupations*

**3. Permitted with consent:**

*Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4*

**4. Prohibited**

*Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; Farm buildings; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Resource recovery facilities; Sewage treatment plants; Sex services premises; Signage; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recycling facilities; Water supply systems*

The objectives of the zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

**5.2.3. Land Use Definitions**

Under the RLEP 2014 *building identification sign* and *business identification sign* is permissible with development consent. However, *signage* is prohibited under RLEP 2014 in the B4 Mixed Use zone. The applicable definitions are provided below.

*"Signage any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:*

*(a) an advertising structure,*

*(b) a building identification sign,*

*(c) a business identification sign,*

*but does not include a traffic sign or traffic control facilities."*

*"advertising structure means a structure used or to be used principally for the display of an advertisement."*

*"advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water."*

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*"building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*

*Note. Building identification signs are a type of signage—see the definition of that term in this Dictionary"*

*"business identification sign means a sign:*

*(a) that indicates:*

- (i) the name of the person or business, and*
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*

*(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not contain any advertising relating to a person who does not carry on business at the premises or place."*



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## 6. PART 1 – OBJECTIVES OR INTENDED OUTCOMES

### 6.1. OBJECTIVES AND INTENDED OUTCOMES

The primary objective of the proposed LEP amendment is to allow the existing digital sign facing Waterloo Road to be used as an *advertising structure* that would permit the display of:

- Community content - 5%;
- Macquarie Centre promotional material -10%; and
- Products, goods or services that do not directly relate to Macquarie Centre or its tenants (third party advertising) – 85%.

There are a number of ancillary beneficial outcomes that will result from this planning proposal. These include:

- Permit the display of community content for use by Ryde Council, such as information relating to community events and public service announcements.
- Reflect Macquarie Centre's significant regional shopping centre status in a strategic centre at the forefront of a dynamic and changing retail environment.
- Allow Macquarie Centre to successfully integrate the use of digital content into a retail environment.
- Allow businesses to interact and market to their customers with up to date cutting -edge messages that are relevant to their customer base, reflect, and reinforce their brand and adapt to specific environmental conditions within the retail environment.
- Contribute to the variety and interest of the streetscape, providing electronic advertising content that meets the requirements of all the relevant Commonwealth and State legislation and relevant industry Codes of Practice, as detailed in the Content Management Plan, prepared by Urban Concepts (Appendix A).

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## 7. PART 2 – EXPLANATION OF THE PROVISIONS

### 7.1. PROVISIONS OVERVIEW

The intended outcome of the Planning Proposal is to facilitate the use of the existing digital sign on Waterloo Road frontage to be used as an *advertising structure*.

This Planning Proposal aims to achieve this outcome by amending Schedule 1 Additional Permitted Uses to allow one *advertising structure* at Lot 100 in DP 1190494 (Macquarie Centre).

### 7.2. PROPOSED OUTCOME

The intended outcome of this planning proposal is to allow the existing digital sign fronting Waterloo Road to be used for the purpose of an *advertising structure* on the site. This would allow the existing digital sign to display:

- Community content;
- Macquarie Centre promotional material; and
- Products, goods or services that do not directly relate to Macquarie Centre or its tenants (third party advertising).

The change of use of the digital sign from a *business identification sign* to *advertising structure* would be the subject of a future DA.

Macquarie Centre is located within a Strategic Centre and is located within the Global Economic Corridor under *A Plan for Growing Sydney*. It is also identified as a regional shopping centre in the Ryde Development Control Plan 2014 (RDCP 2014). These factors make it a logical and appropriate location for the proposed additional use.

An amendment to Schedule 1 is proposed to apply to land within the Macquarie Centre site. The Schedule 1 amendment is proposed as follows:

*"18 Use of certain land at Macquarie Centre – Lot 100 in DP 1190494, Macquarie Park*

*(1) This clause applies to Lot 100 in DP 1190494.*

*(2) Development for the purposes of one advertising structure is permitted with development consent."*

### 7.3. OTHER CONTROLS

No changes are proposed to the zoning, height or floor space ratio controls that apply to the site.

### 7.4. RELATIONSHIP TO EXISTING LOCAL PLANNING INSTRUMENT

It is proposed that RLEP 2014 will continue to apply to the site and will be amended by a site specific LEP amendment in accordance with this Planning Proposal.



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a) Does the proposal have strategic merit?

Table 1 – Strategic Merit Test

Criteria	Planning Proposal Response																
<p>I. Is the Planning Proposal consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.</p> <p><u>OR</u></p>	<p><b>A Plan for Growing Sydney</b></p> <p>The intended outcome of the Planning Proposal is to allow consent to be granted for signage on the site. In doing so, the proposal will respond to the strategic directions which underpin <i>A Plan for Growing Sydney</i>. The relevant provisions of this plan are outlined below.</p> <table border="1"> <thead> <tr> <th>Goal/Direction Objectives</th> <th>Planning Proposal</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Goal 1: A competitive economy with world-class services and transport</b></td> </tr> <tr> <td colspan="2"><b>Direction 1.6: Expand the Global Economic Corridor</b></td> </tr> <tr> <td><b>Action 1.6.1:</b></td> <td><b>The Planning Proposal will permit one advertising structure on the site.</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Devise commercial core zoning in targeted locations and update planning controls to increase density, including changing floor space ratio allowances and building height controls to facilitate expansion of these markets.</li> <li>Help remove barriers to growth and promote more efficient land use outcomes.</li> </ul> </td> <td> <p>This proposal will allow a land use which will reinforce the role of a regionally significant shopping centre within the Global Economic Corridor. This will help remove barriers for this regional shopping centre to display general advertising and community content similar to other regional shopping centres in Greater Sydney, as outlined in Table 2.</p> </td> </tr> <tr> <td colspan="2"><b>Direction 1.7: Grow strategic centres – providing more jobs closer to home.</b></td> </tr> <tr> <td><b>Action 1.7.1:</b></td> <td><b>The site is located within Macquarie Park Strategic Centre. Strategic Centres are Sydney's largest and most important hubs for business and employment. The Plan for Growing Sydney aims to focus future growth in these areas.</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Prioritise strategic centres for targeted investment based on the potential of a centre to:                             <ul style="list-style-type: none"> <li>Provide a large number of jobs to increase jobs close to where people live.</li> <li>Attract significant investment.</li> <li>Provide a range of services and be an attractive place to live, work and play.</li> <li>Continue to grow.</li> </ul> </li> </ul> </td> <td> <p>The proposal allows for an improved sense of engagement with the public, with 5% of content dedicated for the use of the Ryde City Council to promote community and civic events or services. The signs primary purpose is to provide an effective medium for advertising.</p> <p>As demonstrated in Table 2 an <i>advertising structure</i> is typically permissible on land in strategic centres across Greater Sydney.</p> </td> </tr> </tbody> </table>	Goal/Direction Objectives	Planning Proposal	<b>Goal 1: A competitive economy with world-class services and transport</b>		<b>Direction 1.6: Expand the Global Economic Corridor</b>		<b>Action 1.6.1:</b>	<b>The Planning Proposal will permit one advertising structure on the site.</b>	<ul style="list-style-type: none"> <li>Devise commercial core zoning in targeted locations and update planning controls to increase density, including changing floor space ratio allowances and building height controls to facilitate expansion of these markets.</li> <li>Help remove barriers to growth and promote more efficient land use outcomes.</li> </ul>	<p>This proposal will allow a land use which will reinforce the role of a regionally significant shopping centre within the Global Economic Corridor. 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Criteria

Planning Proposal Response

The Planning Proposal to allow one advertising structure on the site will allow Macquarie Centre to compete effectively with other regional shopping centres located in Strategic Centres by removing barriers to growth and investments.

The site is located within the Macquarie Park Strategic Centre. Strategic centres are Sydney's largest and most important hubs for business and employment. *A Plan for Growing Sydney* aims to focus future growth in these centres.

One of the key priorities for Macquarie Park is to continue to attract significant investment, as well as continue to be an attractive place. The Planning Proposal will provide greater flexibility for advertising and greater opportunities for commercial investment in this significant regional shopping centre. The physical sign is already approved and constructed. The additional content, which will be permitted as a result of the planning proposal will allow for more engaging and innovative advertising content to be displayed. This will contribute to AMPC's long term vision for Macquarie Centre to be a world class town centre of discovery and innovation to work, live and play.

The Planning Proposal is therefore consistent with the above priorities and will enhance the overall commercial offering within Macquarie Park.

**Draft North District Plan**

The draft North District Plan applies to the site. The site falls within the North District of Sydney.

Macquarie Park is identified as one of the largest strategic centres within the North District with over 58,500 jobs and is the largest metropolitan office market in Greater Sydney.

In addition to the policy directions identified in *A Plan for Growing Sydney*, the plan outlines relevant planning considerations for Macquarie Park as below:

- Enable additional capacity for commercial floor space to maintain a commercial core.
- Improve urban amenity as the centre transitions from business park to a vibrant commercial centre, including reducing the impact of vehicle movements on pedestrian and cyclist accessibility.
- Deliver a finer grain road network to enhance pedestrian connections and provide new access points.
- Promote excellence in urban design by upgrading public areas.

In considering the provisions of the draft North District Plan, the Planning Proposal is consistent with and will further the productivity of these actions in the following respects:

- Contribute to a vibrant sense of place within Macquarie Park.
- It will reinforce the role of Macquarie Centre as a significant regional shopping centre, which contributes to growth of the economy.

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Criteria

Planning Proposal Response

Macquarie University Station (Herring Road Priority Precinct)

The Macquarie Centre and site is identified within the Macquarie University Station (Herring Road Priority Precinct).

The key outcomes of the priority precinct in relation to the site are as follows:

- Opportunities for renewal within an 800m radius of the railway station.
- Funding upgrades for the bus interchange at Macquarie Shopping Centre.

The proposal will result in the removal of a key planning constraint on the site. This will allow Macquarie Centre to remain commercially competitive by allowing general advertising and community content to be displayed on the existing digital sign.

ii. Consistent with a relevant local council strategy that has been endorsed by the Department

The proposal builds on the findings and recommendations of the City of Ryde Local Planning Study 2010. The study envisages that Macquarie Park will mature into a premium location for globally competitive businesses and be characterised by a high quality, well designed, safe and liveable environment that reflects this setting.

OR

The existing digital sign incorporates a number of operation parameters that ensure it operates in safe manner and does not detract from the amenity of the locality. These controls are explained in detail below and ensure the digital sign complies with the relevant road safety, illumination, dwell/transition time requirements etc.

The controls and safeguards demonstrate that the change of use of the sign from a *business identification sign* to an *advertising structure* will not detrimentally impact the character of the locality. The Planning Proposal does not compromise pedestrian/vehicular safety or the amenity of the locality as it relates to the content that can be displayed on an existing sign. Furthermore a future change of use application would be the subject of a stringent assessment at the DA stage.

The Planning Proposal also aligns with the recommendations of the study for Macquarie Park as it will ensure Macquarie Centre remains competitive with other regional shopping centres in other strategic centres by permitting one *advertising structure* on the site. This will remove the current barriers to investment for this type of sign.

iii. Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

Development consent has been granted for a digital *business identification sign* fronting Waterloo Road. This sign has been constructed and operates in accordance with the parameters of the consent.

The current planning controls do not recognise this change in circumstance in retail trends, which is for shopping centres to connect with the consumer base and the public by presenting businesses, products, goods and services available at the centre and off site. There is also an increased focus for advertising structures to display community content, which helps inform the community about Council events and messages.

The planning proposal would not change the operation or physical appearance of the approved digital sign, however, it would permit a greater variety of content (subject to DA). This content would be governed by AMP's assigned representative and will comply with all Commonwealth and State laws and all relevant advertising industry codes of practice, as described in the Content Management Plan, prepared by Urban Concepts (Appendix A).

The Planning Proposal meets the Strategic Plan test. The permissibility of an *advertising structure* on the site is consistent with other major shopping centres within other strategic centres. This is demonstrated through the examples in the table below:



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Table 2 – Strategic Centres Comparison

Centre	Location	Local Government Area	Local Environmental Plan (LEP)	Zone	Advertising Structure Permissibility
Sydney Olympic Park (Olympic Park Shopping Mall).	Australia Avenue, Sydney Olympic Park.	Auburn City Council.	Auburn LEP 2010.	B4 – Mixed Use.	Permitted with consent – Any other development not specified in item 2 or 4.
Burwood (Westfield Burwood).	149 Burwood Road, Burwood.	Burwood City Council.	Burwood LEP 2012.	B4 – Mixed Use.	Permitted with consent – Any other development not specified in item 2 or 4.
Chatswood (Westfield Chatswood).	1 Anderson Street, Chatswood.	Willoughby City Council.	Willoughby LEP 2012.	B3 – Commercial Core.	Permitted with consent – Any other development not specified in item 2 or 4.
Hornsby (Westfield Hornsby).	236 Pacific Highway.	Hornsby City Council.	Hornsby LEP 2013.	B3 – Commercial Core.	Permitted with consent – Any other development not specified in item 2 or 4.
Parramatta (Westfield Parramatta).	175 Church Street, Parramatta.	Parramatta City Council.	Parramatta LEP 2011.	B4 – Mixed Use.	Permitted with consent – Any other development not specified in item 2 or 4.
Bondi Junction (Bondi Junction Plaza).	474-548 Oxford Street, Bondi Junction.	Waverley City Council.	Waverley LEP 2012.	B3 – Commercial Core / B4 Mixed Use.	Prohibited – Signage.
Brookvale-Dee Why (Warringah Mall).	92 145 Old Pittwater Road, Brookvale.	Warringah City Council.	Warringah LEP 2011.	B3 – Commercial Core.	Prohibited – Advertising Structures.

As outlined above, the broader term *signage* or *advertising structure* is generally permitted with consent for other shopping centres within strategic centres in Greater Sydney. It is considered that this Planning Proposal will assist in achieving consistency across these strategic centres.

**b) Does the proposal have site-specific merit?**

In addition to meeting at least one of the strategic merit criteria, a Planning Proposal is required to demonstrate site specific merit against the following criteria:

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Table 3 – Site Specific Merit Test

Criteria	Planning Proposal Response
<p>Does the Planning Proposal have site specific merit with regard to:</p> <p><i>The natural environment (including known significant environmental values, resources or hazards)?</i></p>	<p>The Planning Proposal relates to the permissibility of an advertising structure in a highly urbanised area and therefore will not diminish the natural environmental values of the area.</p> <p>As described earlier in this proposal, the existing sign is an appropriate and expected component of a regionally significant shopping centre. The existing sign will utilise new technology with a number of controls and safeguards to ensure the natural environment is not adversely impacted by any perceived light spill or visual noise.</p> <p>This proposal seeks to allow the existing sign to display a wider variety of content, including community content for Ryde Council, which is of a public benefit.</p> <p>Notwithstanding the above, no changes are proposed to the advertising display area or level of illumination of the existing sign. The digital sign will continue to operate in its current capacity.</p>
<p>Does the Planning Proposal have site specific merit with regard to:</p> <p><i>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i></p>	<p>The site is zoned B4 Mixed Use. The Planning Proposal would allow the display of products, goods or services that do not directly relate to Macquarie Centre or its tenants. This includes the display of community content.</p> <p>The attached Content Management Plan (Appendix A) demonstrates that the development on the site for the purposes of an advertising sign will meet the criteria of SEPP 64 – Advertising and Signage and Part 9.1 – Signage of the City of Ryde Development Control Plan 2014.</p> <p>Notwithstanding, any application for the change of use of this existing sign from <i>business identification sign</i> to an <i>advertising structure</i> would be the subject of a future DA. This would involve a comprehensive assessment against the relevant provisions in SEPP 64, RLEP 2014 and RDCP 2014.</p> <p><u>Ryde Development Control Plan 2014</u></p> <p>Part 9.1, Section 3.2.5 of the RDCP 2014 states that signs for regional shopping and commercial centres will be considered on their merits relative to the general aims contained in Sections 1,2,4, and 5 of Part 9.1. This recognises that there are particularly circumstances that apply to regional shopping centres such as Macquarie Centre and that applications for signage needs to be considered on their merit.</p> <p>The proposed LEP amendment is consistent with this control and the direction for regional shopping centre signage to be assessed on its merits.</p>
<p>Does the Planning Proposal have site specific merit with regard to:</p> <p><i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i></p>	<p>There are no infrastructure or additional demands relating to this Planning Proposal.</p> <p>The proposal is supported by the a detailed Content Management Plan (Appendix A) which details operational parameters to comply with the relevant guidelines for signage, including digital signage. These include the following:</p> <ul style="list-style-type: none"> <li>• Road safety – the sign will comply with the RMS Road Safety Advisory Guidelines for Sign Content and not incorporate images that flash or display animated, moving or stimulated moving content.</li> <li>• Language of content – all content will be displayed in English. All advertising content will: <ul style="list-style-type: none"> <li>○ Comply with Commonwealth law and relevant NSW law.</li> </ul> </li> </ul>

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- o Only promote a legal product or service.
- o Comply with all relevant industry codes of practice (and their associated practice notes and guidelines).
- Hours of illumination – illumination will occur between the hours of 7am and 11pm seven days per week. Outside of these times the screen will appear blank.
- Dwell time – the sign will operate on a 10 second dwell time as applicable under the SEPP 64 guidelines.
- Transition time – the sign will operate at a 0.1 second transition time.
- Luminance and dimming levels – the sign will incorporate luminance and dimming levels within the appropriate maximums as set by the SEPP 64 guidelines. It is important to note that the signage will not result in unacceptable glare nor will it adversely impact the safety of pedestrians, residents or vehicular traffic.
- Safety security and malfunction procedures – in the event of a malfunction, the sign will revert to a blank or black screen format.

These controls and parameters will ensure the sign operates effectively and does not place additional pressure on the surrounding environment. These parameters would be included in a future DA.

**Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN?**

The Local Planning Strategy that applies to the site is the City of Ryde Local Planning Study 2010.

The response to Question 3 (ii) – *Is the Planning Proposal consistent with a relevant local council strategy that has been endorsed by the Department?* In Section 8.2 above identifies that the Planning Proposal is informed by and consistent with the study and relevant strategic objectives for Macquarie Park.

Based on this information and the reasons outlined in Table 3 (Site Specific Merit Test), it is considered that the Planning Proposal is consistent with Council's vision to be a key anchor in the Global Economic Corridor.

**Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?**

State Environmental Planning Policy No. 64 (SEPP 64) is the only applicable SEPP to this Planning Proposal. The proposal is consistent with each aspect of the policy.

SEPP 64 is the primary source of regulation for signage in NSW. This SEPP applies to all signage and advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

In addition to this, the Transport Corridor Outdoor Advertising and Signage Guidelines underpin SEPP 64 in the assessment of development applications. These guidelines were reviewed in 2015 and led to the introduction of the Draft SEPP 64 Guidelines 2015 which was undertaken to recognise digital technology for signage purposes with particular respect to illumination and road safety.

This SEPP seeks to achieve the following aims:

- a. *to ensure that signage (including advertising):*
  - i. *is compatible with the desired amenity and visual character of an area, and*
  - ii. *provides effective communication in suitable locations, and*
  - iii. *is of high quality design and finish, and*
- b. *to regulate signage (but not content) under Part 4 of the Act, and*
- c. *to provide time-limited consents for the display of certain advertisements, and*
- d. *to regulate the display of advertisements in transport corridors, and*

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*e. to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.'*

Clause 16 SEPP 64 permits the display of an advertisement on transport corridor land by or on behalf of Roads and Maritime Service (RMS) where land is owned, occupied or managed by RMS and within 250 metres of a classed road. Waterloo Road is a classed road and is located within 250 metres of the site. Consequently, an *advertising structure* would be permissible if the site was owned, occupied or managed by RMS.

For the purposes of this Planning Proposal, SEPP 64 applies to the existing sign at Macquarie Centre. In this case the sign is over 20sqm in area and within 250 metres of a classed road (being Waterloo Road). The sign must therefore comply with Clause 13 of SEPP 64 which relates to the provision of public benefit to be provided in the display of the advertisement.

As described within the Content Management Plan at Appendix A, any future DA for the change of use from *business identification sign* to *advertising structure* is capable of compliance with all of the above requirements and controls outlined in SEPP 64.

The Planning Proposal will not contain provisions that contradict or hinder the application of SEPP 64. The Planning Proposal is aligned with the definition for freestanding advertisements within SEPP 64 as below:

**'23. Freestanding advertisements**

*(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.*

*(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.'*

In addition to the above, the Draft SEPP 64 Guidelines 2015 outline the land use compatibility criteria that guides third party advertisements in any given locality. This criteria states that advertisements must not be placed on land where it is likely to significant impact on the amenity of those areas, and should be placed in the context of other built structure in built-up areas. This criteria further reinforces that the location of the existing sign on Macquarie Centre within Macquarie Park is a highly suitable location for the purposes of third party advertising.

The proposed sign will satisfy the assessment criteria of SEPP 64. Compliance will be documented at the DA stage.

**Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)?**

The Planning Proposal has been assessed against the Section 117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 4 – S.117 Directions and Consistency Review

Direction	Comment
<b>1. Employment and Resources</b>	
1.1 Business in Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	N/A



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**7. Metropolitan Planning**

**7.1 Implementation of A Plan for Growing Sydney**

The Planning Proposal is consistent with the aims of *A Plan for Growing Sydney* as detailed previously (Section 7.2 of this report).



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**8.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**Q7. IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

No. The site is located within an existing urban area. There are no known critical habitats, threatened species or ecological communities located on the site. There are no negative ecological impacts associated with this proposal.

**Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

No. The Planning Proposal will not result in any significant environmental effects as the proposal relates to an additional permitted use on the site. No changes to the development standards, including maximum height of buildings or floor space ratio (FSR) are proposed. Similarly, there are no traffic implications.

As described in Section 8.2 an existing digital *business identification sign* has been approved and constructed. This sign was approved as part of LDA 2013/0533 by Ryde Council for signage at Macquarie Centre (Sign 45) and complies with the relevant requirements under SEPP 64 and RDCP 2014. The existing sign has addressed potential environmental impacts commensurate of a digital sign from the perspective of road safety, illumination, sign proliferation, visual clutter etc.

A future DA for a change of use from a *business identification sign* to an *advertising structure* will be required to comply with the standards of SEPP 64 and the RDCP 2014. This is a matter for the DA stage.

Overall, it is considered that there will be no undue environmental effects through this Planning Proposal.

**Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The permissibility of one *advertising structure* has both social positive and economic benefits.

**SOCIAL IMPACTS**

**Community Content**

It is proposed that 5% of the content displayed on the existing digital sign will be dedicated to the display of content for the public benefit. This content can be used by the Ryde City Council to promote community and civic events or services. This is clearly in the public interest.

**Management of Content**

All content will be managed in a series of automated play loops. Each play loop provides for a series of 10 second dwell time displays. The management of this content will be coordinated in accordance with the content management parameters outlined in the Content Management Plan at Appendix A. This will ensure public benefit display content is appropriately managed and achieved.

As described in the Content Management Plan all advertising content will meet the following requirements:

- Comply with Commonwealth law and the law of the relevant State or Territory legislation.
- Only promote a legal product or service.
- Comply with all relevant advertising industry codes of practice (and their associated practice notes and guidelines), including the following: Australian Association of National Advertisers (AANA) Code of Ethics;
  - AANA Environmental Claims in Advertising and Marketing Code;
  - AANA Code for Advertising and Marketing Communications to Children;
  - AANA Food and Beverages Advertising and Marketing Communications Code;

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- o *AANA Best Practice Guideline—Responsible Marketing Communications in the Digital Space;*
- o *Australian Food and Grocery Council Quick Service Restaurant Initiative;*
- o *Australian Food and Grocery Council Responsible Children’s Marketing Initiative of the Australian Food and Beverage Industry;*
- o *Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children;*
- o *Alcohol Beverages Advertising (and Packaging) Code (ABAC);*
- o *Outdoor Media Association (OMA) Alcohol Advertising Guidelines;*
- o *Federal Chamber of Automotive Industries’ Voluntary Code of Practice for Motor Vehicle Advertising;*
- o *Therapeutic Goods Advertising Code; and*
- o *Weight Management Industry Code of Practice.*

General advertising displays will not:

- *Depict violence (unless it is justified within the context of the product or service being advertised);*
- *Be explicit, obscene or offensive, cause offence or be likely to inflame tensions in the community between religious, racial groups or ethnic groups;*
- *Breach any obligations to third parties, such as site owners or installers or raise work health and safety concerns at sites;*
- *Be misleading or deceptive or likely to mislead or deceive;*
- *Portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;*
- *Employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people;*
- *Treat sex, sexuality and nudity without sensitivity to the relevant audience;*
- *Contain strong or offensive language or any language that is likely to denigrate, insult or offend, particularly if combined with sexual images; and*
- *Normalise, perpetuate or promote unsafe behaviour;*
- *Depict smoking, cigarettes or illegal drug use (unless the depiction is in the context of a community service or government campaign).*

Illumination

Additional benefits will be achieved through the continued use of illumination (in accordance with the development consent (LDA 2013/055) which increases perceptions of safety, increased legibility, improved retail trade, enhancement of the night time economy and providing stimulus for a more vibrant, cosmopolitan, and interesting strategic centre. It is considered that advertising signage contributes to all of these factors.

It is important to note that the existing sign operates in accordance with the illumination and traffic safety provisions contained in the Draft SEPP 64 Guidelines 2015 and AS 4282.

A full assessment of the social impacts would be undertaken at the DA stage, if required by Council.



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**ECONOMIC IMPACTS**

The Content Management Plan prepared by Urban Concepts (refer Appendix A) identifies that 10% of the content displayed on the existing digital sign facing Waterloo Road will be used for the following:

*"Promote the competitive advantages of the Macquarie Shopping Centre as a shopping destination. This could include new store openings, valet parking promotion, food court promotion, and family leisure destinations within the centre such as cinemas and the ice-skating rink*

*Identify the retail tenants of the Macquarie Shopping Centre. There are currently 358 retail and business tenants of the Macquarie Shopping Centre listed in Table 3.1. Each tenant that holds a current and valid lease with AMP Capital could be displayed on the digital screen in a format consistent with their brand."*

There is ongoing demand to incorporate Macquarie Centre within national marketing campaigns. Permitting one advertising structure on the site will assist in integrating Macquarie Centre into the national advertising market.

Overall the use of the existing digital sign on the site is the most logical and appropriate place for an advertising structure.

**8.4. STATE AND COMMONWEALTH INTERESTS**

**Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

Yes. The site is serviced by existing utility services. The planning proposal will not place additional demands on public infrastructure.

**Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that Ryde City Council will consult with the relevant public authorities following a positive Gateway determination.

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**9. PART 4 – MAPPING**

An amendment to the mapping in RLEP 2014 is not required.



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## 10. PART 5 – COMMUNITY CONSULTATION

No formal public community consultation has been undertaken to date in regards to this Planning Proposal.

Clause 57 of the *Environmental Planning and Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Environment's guidelines 'A Guide to Preparing Local Environmental Plans'.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Ryde Council website.
- Written correspondence to adjoining and surrounding landowners.

The gateway determination and Planning Proposal would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

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**11. PART 6 – PROJECT TIMELINE**

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative provide timeframe is provided below.

**Table 5 – Proposed Indicative Project Timeline**

Project Milestone	Proposed Project Timeline
Consideration by Ryde City Council.	Q2 2017
Planning Proposal referred to Department of Planning and Environment for Gateway determination.	Q2 2017
Gateway determination by Department of Planning and Environment.	Q3 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination).	Q3 2017
Commencement and completion dates for public exhibition period.	Q4 2017
Considerations of submissions and consideration of the proposal post exhibition.	Q4 2017
Date of submission to the Department of Planning and Environment to finalise the LEP.	Q1 2018



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## 12. CONCLUSION

This Planning Proposal seeks to amend Schedule 1 Additional Permitted Uses of the *Ryde Local Environmental Plan 2014* to introduce one *advertising structure* as an additional permitted use at Macquarie Centre (Lot 100 in DP 1190494).

There are several compelling reasons that support this Planning Proposal, including:

- The site is a significant regional shopping centre and is located within the Macquarie Park strategic centre under *A Plan for Growing Sydney*. Typically, *signage* is permissible with development consent in on regional shopping centres in other strategic centres. The planning proposal will allow the display of general advertising and community content on the existing digital sign that is consistent with other strategic centres and major shopping centres in Greater Sydney.
- The Council has already determined that this is an appropriate location for a digital *business identification sign* by approving LDA 2013/053. The use of the sign for broader content will allow for innovative engaging formats to be displayed in a highly prominent location, being a regional shopping centre on Waterloo Road.
- Macquarie Centre is located within the Macquarie Park Strategic Centre and forms part of the Macquarie University Station (Herring Road) Priority Precinct. It is recognised by the draft North District Plan as a key land use within the Macquarie Park corridor and forms an integral part of one of the largest strategic centres in the North District of Sydney.
- As the largest shopping centre in NSW and the 8<sup>th</sup> largest shopping centre in Australia and a significant regional shopping centre. Macquarie Centre is unique from other shopping centres in the Greater Sydney and the Ryde LGA in both size, scale and connectivity. The RDCP 2014 clearly differentiates between Macquarie Centre and other shopping centres and sites in the LGA.
- A future change of use DA of the existing digital *business identification sign* to an *advertising structure* would be assessed on its merits, having regard to the objectives of SEPP 64 and the RDCP 2014.
- As described in detailed in the Content Management Plan prepared by Urban Concepts, all advertising content will comply with Commonwealth law and relevant State law. Advertising content will only promote a legal product or service and will comply with all relevant industry codes of practice (and their associated practice notes and guidelines).
- The proposal will permit community content to be displayed which helps with informing the community about Council events and messages.
- It will allow Macquarie Centre to connect with their consumer base and the public by promoting businesses, products, goods and services available at the centre and off site.

Overall, it is considered that the Planning Proposal is satisfactory and it is requested that the Ryde City Council take the necessary steps to enable it to proceed to Gateway Determination under Section 58 of the EP&A Act.

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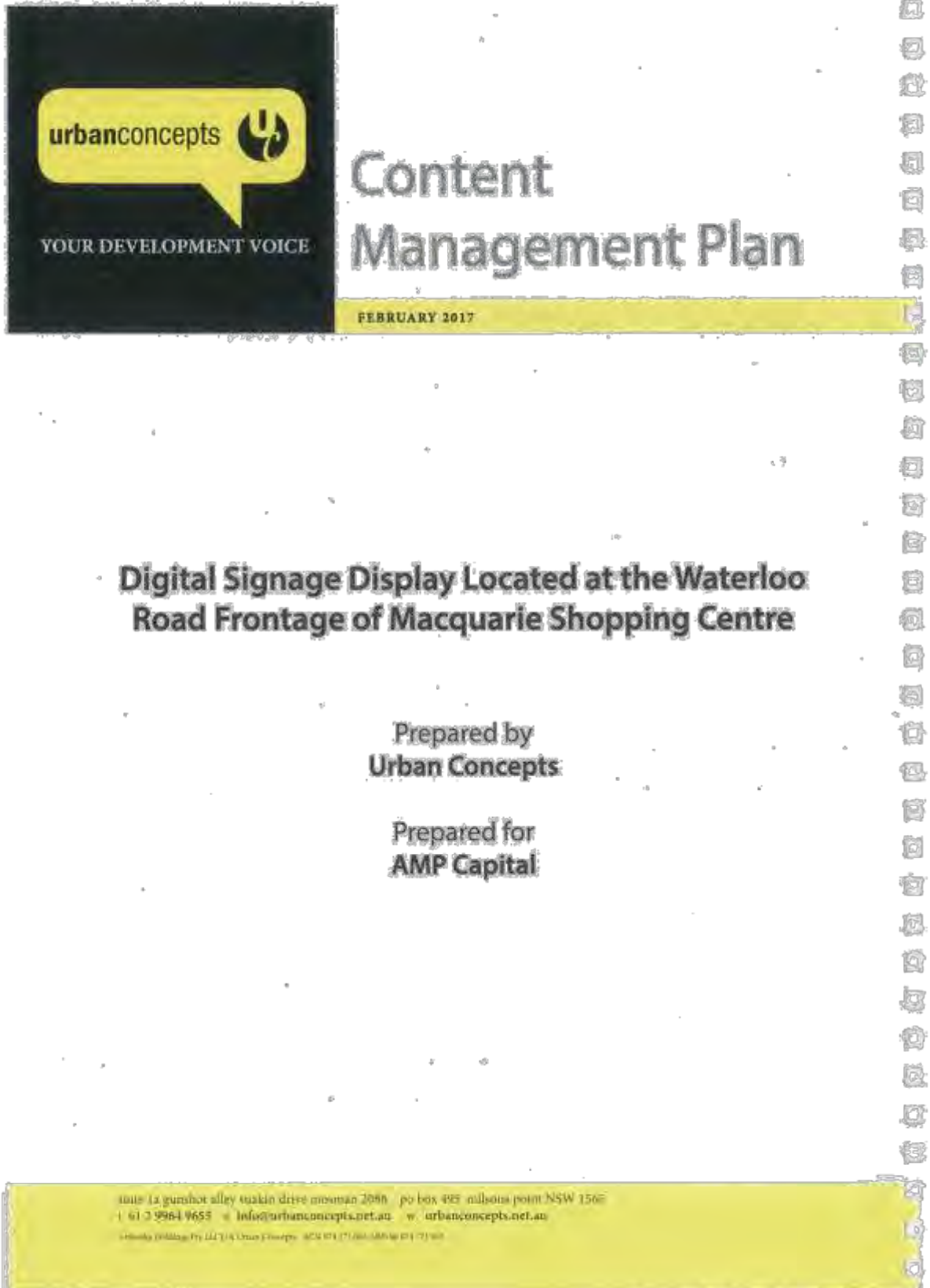
This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.





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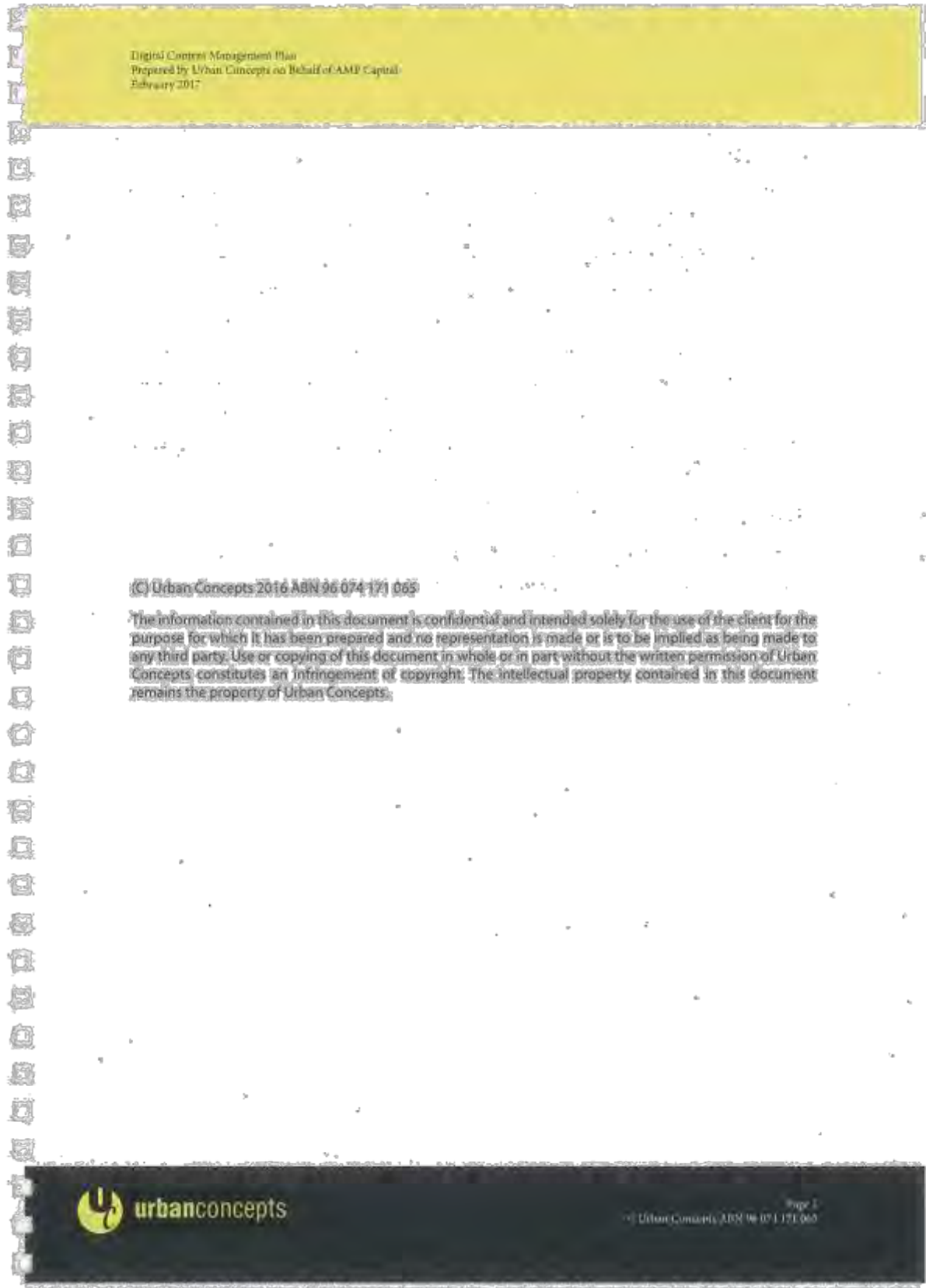
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Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of AMP Capital  
February 2017

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Digital Content Management Plan  
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Version 2017

# 1. INTRODUCTION

This Content Management Plan (CMP) establishes a set of operational and content parameters that will be used by AMP Capital to manage external digital signage that is located at the Waterloo Road frontage of the Macquarie Shopping Centre (MSC). The Plan has been prepared by Urban Concepts in conjunction with AMP Capital Investors Pty Ltd (AMP Capital).

The CMP has regard to the provisions contained in State Environmental Planning Policy No.64 Advertising and Signage (SEPP 64), the Draft SEPP 64 Transport Corridor Advertising and Signage Guidelines 2015 (Draft SEPP 64 Guidelines 2015) and the Australian Standard AS 4283-1997 The Control of the Obtrusive Effects of Outdoor Lighting.

## 1.1. The Role of SEPP No.64 Advertising and Signage

SEPP 64 was gazetted on the 16th March 2001. The policy introduced a comprehensive range of provisions to ensure that advertising and signage is well located, compatible with the desired amenity of an area and is of a high quality and finish. The SEPP does not regulate the content of signs.

The SEPP applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

Under Clause 4 of SEPP 64 signage is defined as follows:

- Signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:
  - (a) building identification signs, and
  - (b) business identification signs, and
  - (c) advertisements to which Part 3 applies;
- but does not include traffic signs or traffic control facilities.

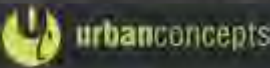
The definition of signage pursuant to Part (c) recognises advertisements to which Part 3 of SEPP 64 applies. Part 3 advertisements are those advertisements that display general or third party content. These advertisements are usually displayed on large format advertising structures that are classified as freestanding, wall mount, roof top or bridge mounted advertising structures. The AMP Waterloo Road sign is classified as a freestanding advertising structure and is subject to provisions of Clause 23 of SEPP 64. Clause 23 is reproduced below:

### 23. Freestanding advertisements

(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.

(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.

The Waterloo Road digital sign satisfies the provisions of Clause 23 as its height is well below that of the adjacent shopping centre buildings. The sign operates in accordance with a valid and legally binding consent that has been assessed against the relevant provisions of SEPP 64.

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As the Waterloo Road sign is over 20 square metres in area and within 250 metres of a classified road (being Waterloo Road) pursuant to Clause 13 of SEPP 64, arrangements will need to be made for the provision of a public benefit to be provided in connection with the display of the advertisement. The concept of public benefit is discussed in greater detail in Section 3 of the CMP.

A major review was undertaken of SEPP 64 by the State Government in 2007. This review led to the gazettal of Amendment No. 2 in August, 2007 and the preparation of Transport Corridor Advertising Signage Guidelines. The 2007 amendments to the SEPP recognised the suitability of transport corridor land for the display of advertising signage.

The Transport Corridor Outdoor Advertising and Signage Guidelines 2007 highlight that signage and advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial cover zones, mixed use zones or industrial zones. The display of a large format free standing advertising structure at the Waterloo Road frontage of the Macquarie Shopping Centre is an urban context that is recognised under SEPP 64 as being suitable and appropriate for a third party signage display.

In 2015, a further review was undertaken of the SEPP 64 Transport Corridor Guidelines 2007 by the NSW Department of Planning and Environment in conjunction with Transport for NSW and the Outdoor Media Association of Australia. This review led to introduction of the Draft SEPP 64 Guidelines 2015. The aim of 2015 review was to recognise digital technology for signage purposes. The Draft SEPP 64 Guidelines 2015 now incorporate criteria to guide the safe operation of digital LED screens. These criteria relate to traffic safety and illumination. The application of the Draft SEPP 64 Guidelines 2015 for digital technology is discussed in greater detail in Section 3 of the CMP. It is important to recognise that the digital screen fully complies with the digital criteria specified in the Draft SEPP 64 Guidelines 2015. A copy of the illumination and road safety criteria contained in the Guidelines reproduced in Appendix A.

**1.2. LED Technology and Its Application for Signage**

Digital signage is a new technology that is changing the way that businesses interact and market to their customers. Essential to this understanding is the ability to change the content of a digital sign by off-site computer without the need for traditional print media. Accordingly, by adopting digital technology retail entities have the ability to keep their messaging up to date so that their messages stay relevant to a customer base, reflect and reinforce brand and adapt to specific environmental conditions within the retail environment.

Digital screens are not too dissimilar to a regular static sign in terms of the way that content appears on a digital screen. The key difference is the use of technology to change the signage content which is changed more regularly. Each image on a digital screen appears as a static image. The time the static image appears on the screen is called the dwell time. The technology results in a series of static images being displayed that are changed in accordance with a predetermined play cycle and Content Management Plan. The digital screen will not scroll, flash, feature motion pictures or emit intermittent light. Indeed, while these applications are possible with digital technology, the operation of a digital screen in this manner is expressly prohibited under the Draft SEPP 64 Guidelines 2015.

It is important to realise that SEPP 64 and the definition of signage places no restriction on the number of images that can be displayed or how frequently the content of a sign can be changed. This premise is fundamental to the use of a digital screen for signage and underpins the decision by AMP Capital to invest in the technology for its Macquarie Shopping Centre.

The use of digital technology by shopping centre owners makes sound commercial and marketing sense. The move to digital signage is a growing trend in Australian shopping centres with owners such as AMP Capital and Westfield incorporating the technology for both internal and external signage.

Effective content management is critical to the successful integration of digital screens into a retail environment. Research undertaken by digital hardware and software providers confirms that the audience of a screen, being pedestrian, motorists and shoppers needs to be provided with fresh content to ensure



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attraction and interest is maintained. As content is changed by a computer this can be achieved easily and effectively providing businesses with the opportunities to promote their brand through the display of contextually relevant content. (Digital Signage Today, White Paper- Content and Content Management for Digital Signage 2010, page 4).

### 1.3. The Role of A Content Management Plan

The CMP will be used by AMP Capital to govern how the Waterloo Road digital screen will operate and the indicative copy and content that it will display. The Plan recognises and adheres to the provisions that are contained in SEPP 64, the Draft SEPP 64 Guidelines 2015 and the Australian Standard AS 4282-1997 that relate to general advertisements and digital screens.

The plan is presented in two sections being:

- Operating parameters associated with the digital functionality of the sign and its internal illumination.
- Content parameters that accord with the definition of signage and specifically advertising pursuant to Clause 4 of SEPP 64.

## 2. OPERATIONAL PARAMETERS


Operational parameters govern how the sign operates and includes

- Road Safety
- Hours of illumination
- Illumination levels
- Language requirements
- Dwell times
- Transition times
- Malfunction procedures

The suggested operating parameters prescribed in the CMP have been adopted from the conditions of consent granted by Ryde Council for the digital sign on the 3<sup>rd</sup> June 2013 pursuant to Consent No LDA 2013/0533, the provisions established in the Draft SEPP 64 Guidelines 2015 for digital signs and the illumination controls contained in AS 4282-1997.

### ROAD SAFETY

- The digital screen will not flash or displayed animated, moving or simulated moving content.
- All content will comply with the RMS Road Safety Advisory Guidelines For sign Content detailed in Table 5 of the SEPP 64 Transport Corridor Advertising and Signage Guidelines. Table 5 is reproduced in Appendix B.
- The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.
- Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.

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**ITEM 5 (continued)**

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Prepared by Urban Concepts Subject of L501/17/19  
February 2017

<p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p> <p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p>		
<p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p> <p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p>		
<p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p> <p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p>		
<p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p> <p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p>		
<p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p> <p>Signs should be installed in a plane parallel to the road. One or two sides of the sign should be visible from the road.</p>		

**Table 3: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS**

**LUMINANCE LEVELS** - Luminance means the objective brightness of a surface as used by the human eye, expressed in candelas per square metre (cd/m²). Luminance levels should comply with Australian Standard AS4222 Control of the Disturbance Effects of Outdoor Lighting which recommends the following levels:

Lighting Condition	Zone 1	Zones 2 and 3	Zone 4
Background (Dark) Signage	Medium	Medium (Dark)	Medium (Dark)
Day Time / Ambient		Background (Dark)	Background (Dark)
Night Time / Ambient		Background (Dark)	Background (Dark)
Transient (Incandescent) Weather		Background (Dark)	Background (Dark)
Weather		Background (Dark)	Background (Dark)

**Zone 1** - Areas with generally very low ambient light levels, such as residential streets, parks, playgrounds, etc.

**Zone 2** - Areas with generally low ambient light levels, such as commercial streets, etc.

ITEM 5 (continued)

ATTACHMENT 1



**Zone 3** covers areas with general residential use in residential zones, residential commercial zones.

**Zone 4** covers areas with generally low levels of commercial use in residential zones, residential commercial zones.

**2.5.9 Moving Signs**

Moving or flashing signs are display images with a change through movement of the sign which are only for short-term, moving electronic signs.

In addition to meeting the relevant A/SIP management controls, designs used safety and public benefit, and requirements under these Guidelines, moving signs that use the technology available to them will also be required to meet the following criteria:

- (1) The display must be completely static from the time appearance to the commencement of a change to the display;
- (2) Flash times for these displays must be a total of 10 seconds which includes a second to switch;
- (3) The message must not be capable of being mistaken:
  - (a) for a traffic light or signal because flashing for warning, red or other priority lights, priority, or other road or other signs or signals that may result in the driver's wrong interpretation of a traffic signal; or
  - (b) as text providing driving instructions or directions.
- (4) Light levels are to be consistent with Section 4.4.2 and Table 4.4.2 of these Guidelines.

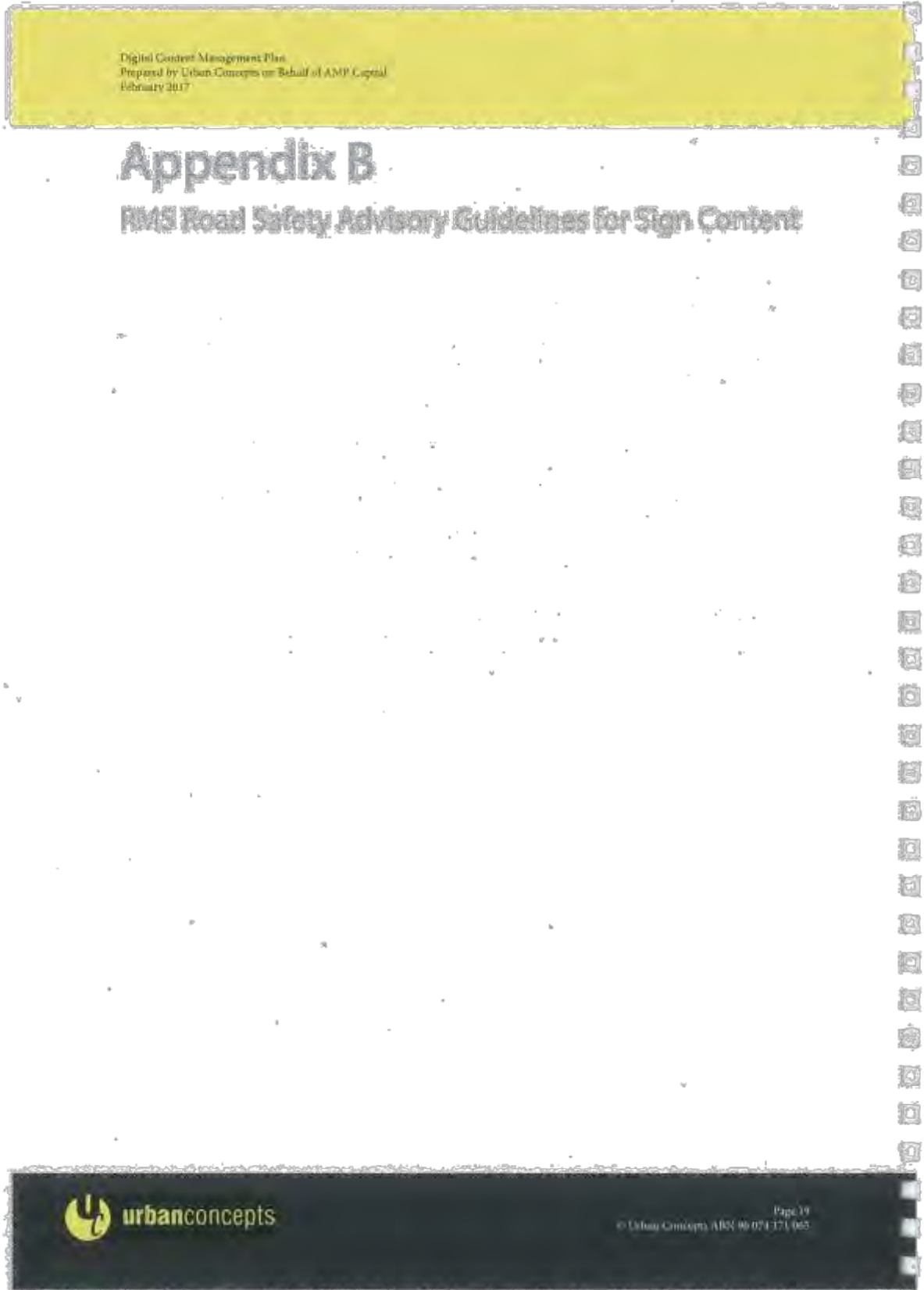
**2.5.10 Video and animated electronic signs**

Video and animated electronic signs containing animated or video style advertising or messages, including low resolution, variable format or similar broadcast, but not permanent or portable, that face the road reserve and are visible to all road users (pedestrians).



**ITEM 5 (continued)**

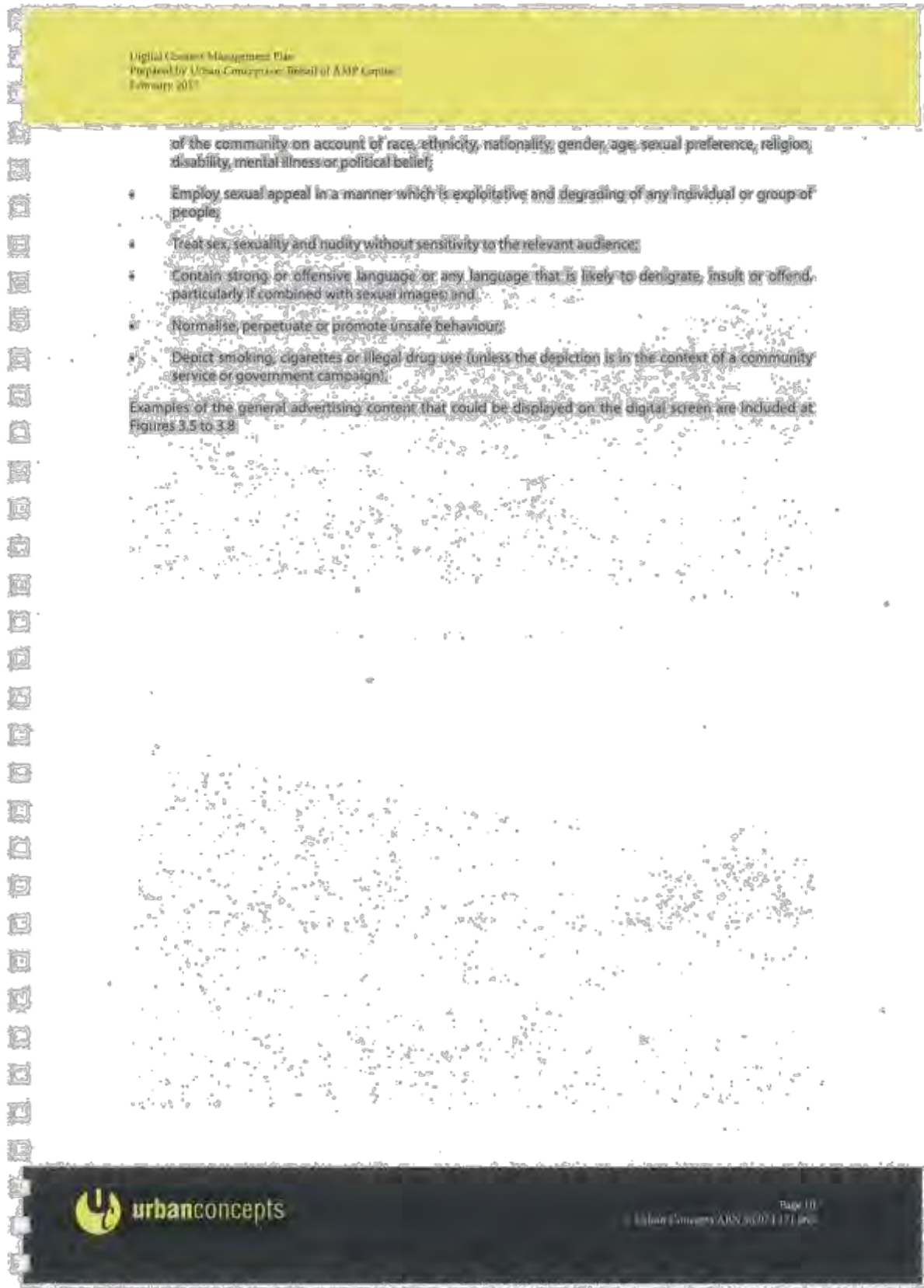
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ITEM 5 (continued)

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ITEM 5 (continued)

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Prepared by Urban Concepts on Behalf of AMP Capital  
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FIGURE 3.1 - MACQUARIE SHOPPING CENTRE PROMOTION



Source: AMP Capital 2015

FIGURE 3.2 - MACQUARIE SHOPPING CENTRE PROMOTION



Source: AMP Capital 2015

ITEM 5 (continued)

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FIGURE 3.3 - MACQUARIE SHOPPING CENTRE PROMOTION



Source: AMP Capital 2015

FIGURE 3.4 - MACQUARIE SHOPPING CENTRE PROMOTION



Source: AMP Capital 2015

ITEM 5 (continued)

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February 2017

FIGURE 3.5 - THIRD PARTY ADVERTISEMENT



Source: AMP Capital 2015

FIGURE 3.6 - THIRD PARTY ADVERTISEMENT



Source: AMP Capital 2015

ITEM 5 (continued)

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February 2017

FIGURE 3.7- THIRD PARTY ADVERTISEMENT



Source: AMP Capital 2015

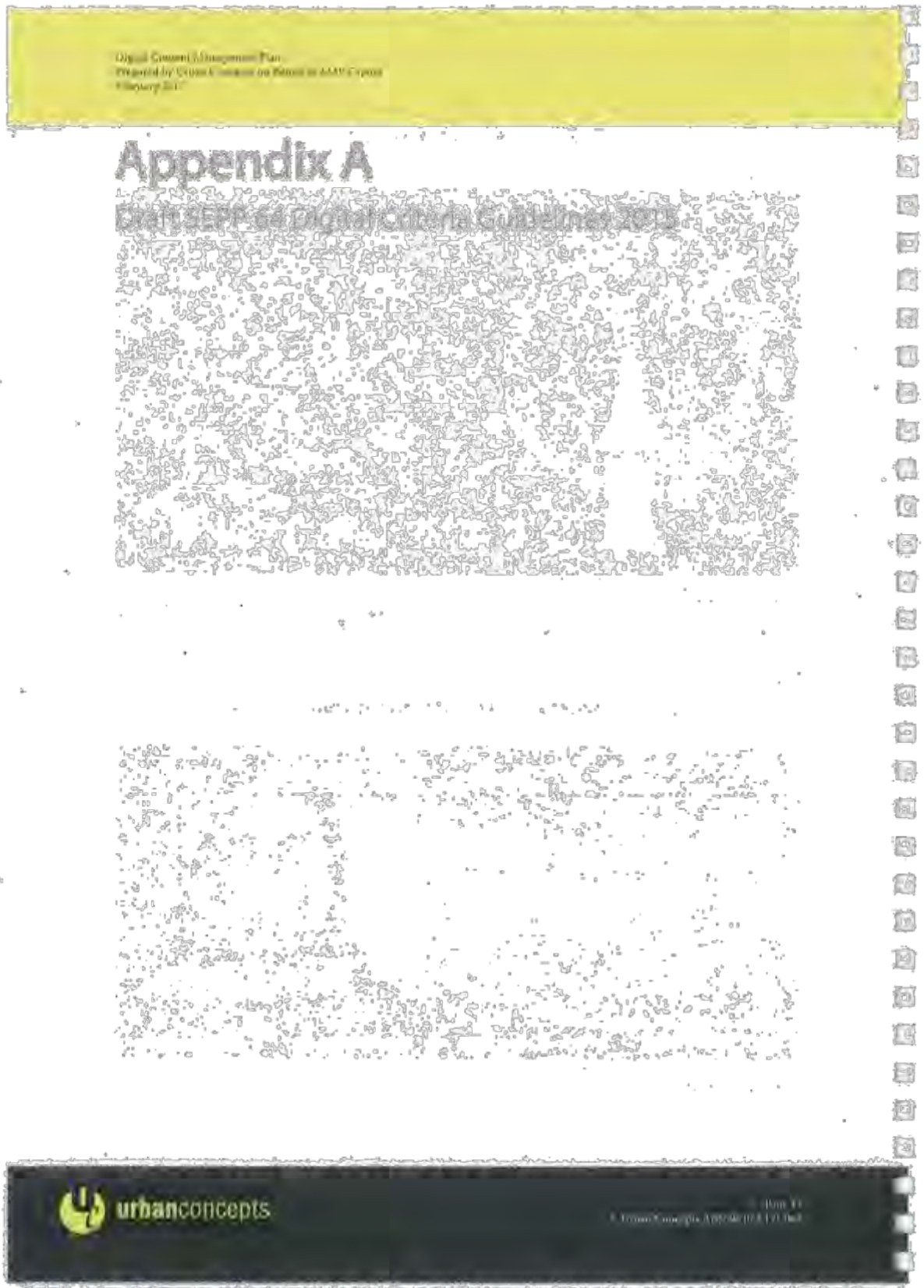
FIGURE 3.8- THIRD PARTY ADVERTISEMENT



Source: AMP Capital 2015

ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

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**2.5.8 Digital signs**

In addition to meeting the relevant SPP 2015 assessment criteria, design, road safety and any public domain asset requirements under the SUD Act, the council considers that an applicant for a digital sign must also consider the following criteria:

Criteria	Applies to signs less than 20sq metres	Applies to signs greater than or equal to 20 sq metres
(1) Each advertisement must be displayed in a completely static manner, without any motion, for the approved duration to be specified in the sign.		
(2) Messages displayed must be in a minimum of 10 characters per line, presented in a standard font size presented in a single column and across a series of lines.		
(3) The message must not be capable of being mistaken: (a) For a road sign or traffic control device because it has, for example, red, amber or green lights, octagons, circles or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device, or (b) As text providing driving instructions to drivers.		
(4) The maximum time for message display is: (a) 10 seconds for areas where the speed limit is below 80 km/h, (b) 25 seconds for areas where the speed limit is 80 km/h and over.		
(5) The maximum time between messages must be at least 20 seconds.		
(6) All messages must comply with the requirements in Table 2 below.		
(7) The messages displayed on the sign must not be viewed as reasonably certain to obstruct the view of the road or the road sign or content.		
(8) The amount of text and information supplied on a sign should be kept to a minimum (for example no more than 60 characters per line per panel). Text should preferably be displayed in the same font and size, with a consistent space between words and no line breaks.		
(9) Any sign that is within 250 metres of a class 1 or 2 road and is within 50m of a school zone must be switched to a fixed display during school zone hours.		
(10) Each sign message must be designed on a case by case basis, including replacement of an existing sign, so that it is visible from each direction, both directions for each location, must be assessed on their merits.		
(11) At any time, located where the speed limit in the area is 100 km/h or more, it must not be located in a position that is likely to obstruct the view of the road or the road sign or content.		



ITEM 5 (continued)

ATTACHMENT 1



	<p>signs which may result in a change to the street front or character of the RPA.</p>		
(A)	<p>Sign spacing should provide drivers with a change in sign at any given time within distance of no less than 150 metres between signs in any one corridor. Exemptions for low speed high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>		
(B)	<p>Signs greater than or equal to 20 sq metres must obtain RMS concurrence as per Section 5.2 of these Guidelines AND must ensure the following minimum vertical clearances:</p> <ul style="list-style-type: none"> <li>• 2.5m from lowest point of the sign above the road surface if located outside the clear zone.</li> <li>• 2.5m from lowest point of the sign above the road surface if located within the clear zone including shoulders and parking lanes or the reflection zone of safety barrier &amp; safety barriers in places.</li> </ul> <p>(Collected to Road Infrastructure (eg. Overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>		
(C)	<p>An electronic sign safety check must be maintained by the applicant for the duration of the development consent and be available to the content authority as part of RMS to allow a review of the sign safety &amp; state of equipment.</p>		
(D)	<p>A road safety check which focuses on the effects of the placement and operation of all signs over 20 sq metres must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety and Practices after a 12 month period of operation but within 18 months of the sign's installation. The road safety check must be carried out by an independent RMS accredited road safety auditor. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant.</p>		

Table 3: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS

<p><b>LUMINANCE LEVELS</b> - Luminance means the objective brightness of a surface as measured by a photometer, expressed in candelas per square metre (cd/m<sup>2</sup>). LEDs differ from other signs, which appear brighter when light levels in the area are low. Luminance levels should comply with Australian Standard AS4182 Control of the Obtrusive Effects of Outdoor Lighting which recommends the following levels:</p>			
<b>Lighting Condition</b>	<b>Zone 1</b>	<b>Zones 2 and 3</b>	<b>Zone 4</b>
Full Sun or Partial Shade	No limit	Maximum: 0.004 cd/m <sup>2</sup>	Maximum: 0.01 cd/m <sup>2</sup>
Day Time (overcast)		0.000 cd/m <sup>2</sup>	0.000 cd/m <sup>2</sup>
Midnight and Evening		0.000 cd/m <sup>2</sup>	0.000 cd/m <sup>2</sup>
Twilight and Inclement Weather			
Night-time		0.000 cd/m <sup>2</sup>	

**Zone 1** covers areas with generally very low street lighting and signage is typically concentrated in high class, central city locations.

**Zone 2** covers areas with generally high street lighting and signage is typically concentrated in areas with a significant number of streets, commercial centres and shops and signs.





ITEM 5 (continued)

ATTACHMENT 1



**Zone 3** covers areas with generally medium to high density of uses, e.g. shops, restaurants, offices and commercial centres.

**Zone 4** covers areas with generally low density of uses, e.g. restaurants, shops, retail centres.

**2.5.9 Moving Signs**

Moving or mechanical signs display images which change through automatic or manually controlled means, including electronic signs.

In addition to meeting the relevant AS/NZS standards, signs, structures and public benefit test requirements under the Traffic Act, provisions that describe the requirements for signs which also be required for sign the following criteria:

- (1) The display must be completely stable from its first appearance to the commencement of the change to another display;
- (2) Small time for change display are to be a total of 70 seconds which includes 3 seconds to scroll;
- (3) The process must not be capable of being mistaken:
  - (a) for a red or blue signal because of the, for example, red or blue colour of the, colour, words or the size or shape of pictures that may result in a confused or misinterpreted signal; or
  - (b) as text providing driving instructions to drivers.
- (4) Signs without words conform with Section 222 and Table 2 of these Guidelines.

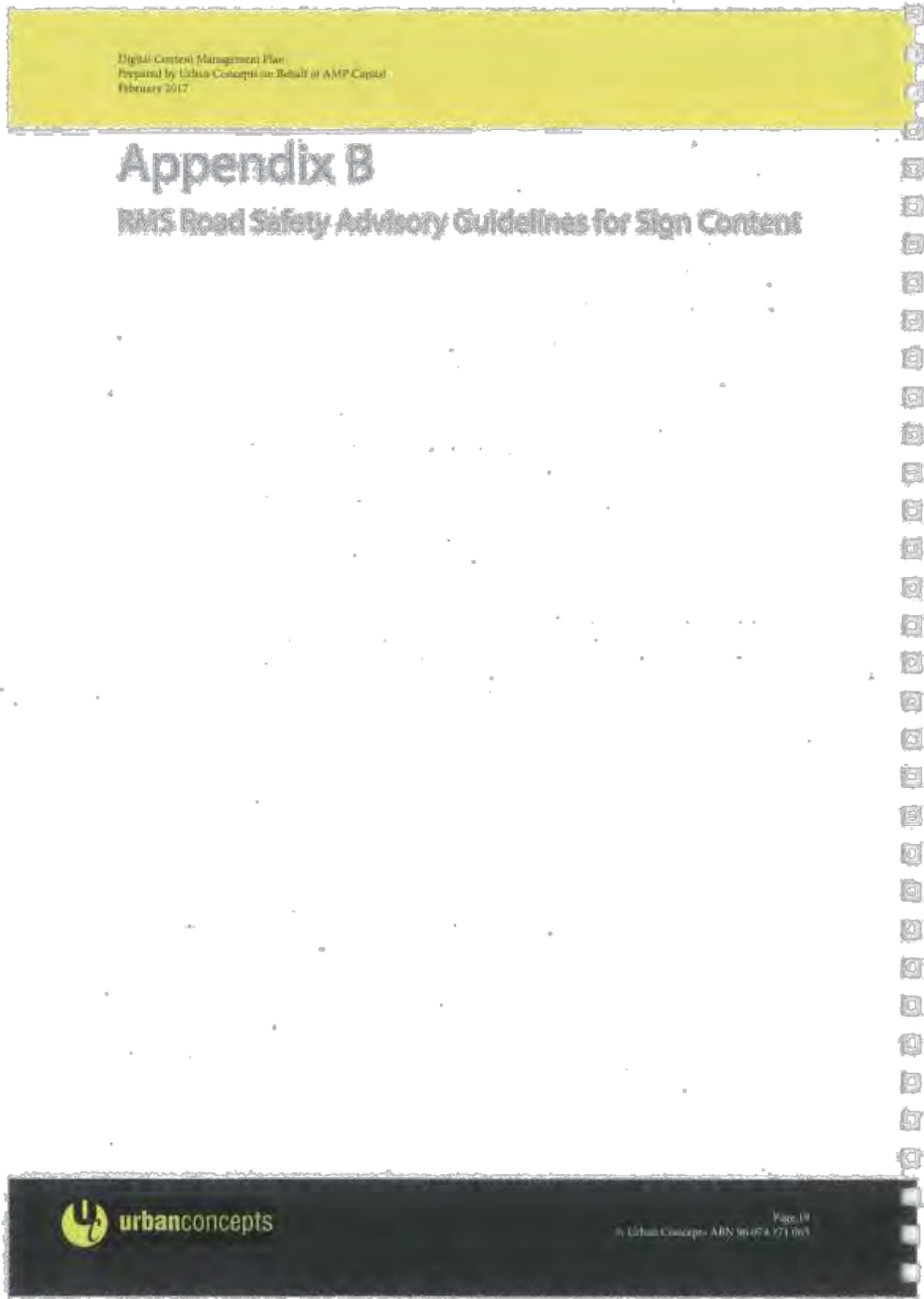
**2.5.10 Video and animated electronic signs**

Video and animated electronic signs containing graphics or video style advertising or messages, including television, and the internet or other broadcast electronic media, that face the road, are subject to the requirements of the Traffic Act.



**ITEM 5 (continued)**

**ATTACHMENT 1**



ITEM 5 (continued)

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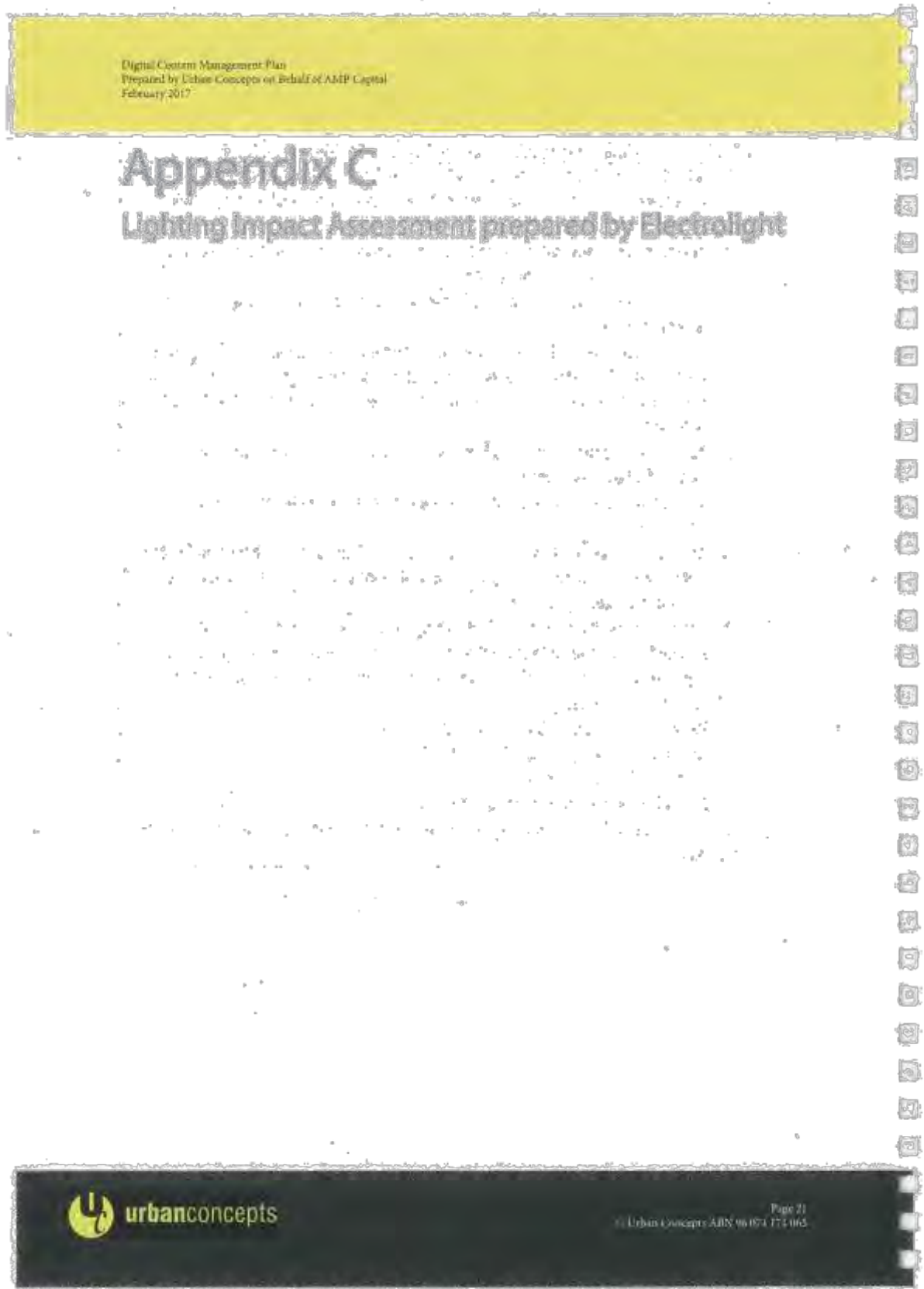
Digital Content Management Plan  
Prepared by Urban Concepts on behalf of AMP Capital  
February 2017

**TABLE 5 - RTA ROAD SAFETY ADVISORY GUIDELINES FOR SIGN CONTENT**

1. Advertisements must not imitate a traffic control device such as traffic lights;
2. Advertisements must not instruct drivers to perform an action such as 'Stop', 'Halt' or 'Give Way';
3. Advertisements must not invite traffic to move contrary to any traffic control device or turn where there is fast moving traffic;
4. Advertisements must not contain reflectors, which at night could be mistaken for a traffic control device;
5. The permissible level of reflectance of an advertisement also applies to the content of the sign. That is, the level of reflectance is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', set out in Australia Standard SA/NZS 1906.1:2007;
6. Advertisements should not contain messages that are distracting or otherwise inconsistent with road safety;
7. Advertisements should be legible. A clear font at least 150 millimetres high is advisable;
8. Advertisements should not contain large areas of red display if it is to be illuminated. In wet night-time conditions it may cause confusion with traffic control signals or 'stop' or 'tail lights' of moving vehicles;
9. The amount of information supplied on a sign should be minimised so that the time required to read and understand the sign's message is minimised. As a guide, each sign should be restricted to 6 units of information. The summation of units is to be calculated as follows:  
 Words of up to 8 letters, inclusive = 1 unit  
 Numbers up to 4 digits, inclusive = 0.5 unit  
 Numbers of 5-8 digits = 1 unit  
 Symbol, picture, logo or abbreviation = 0.5 unit
10. The proposed advertising message should not spread the message across more than one adjoining point.

**ITEM 5 (continued)**

**ATTACHMENT 1**



**ITEM 5 (continued)**

**ATTACHMENT 1**

Lighting Management Plan  
Prepared by Urban Concepts on Behalf of CAMX Capital  
February 2017


# ELECTRO LIGHT

**LIGHTING IMPACT ASSESSMENT**  
**OUTDOOR SIGNAGE AT MACQUARIE SHOPPING CENTRE, NORTH RYDE, NSW**

**Lighting Impact Assessment**  
**Outdoor Signage at Macquarie Shopping Centre, North Ryde, NSW**

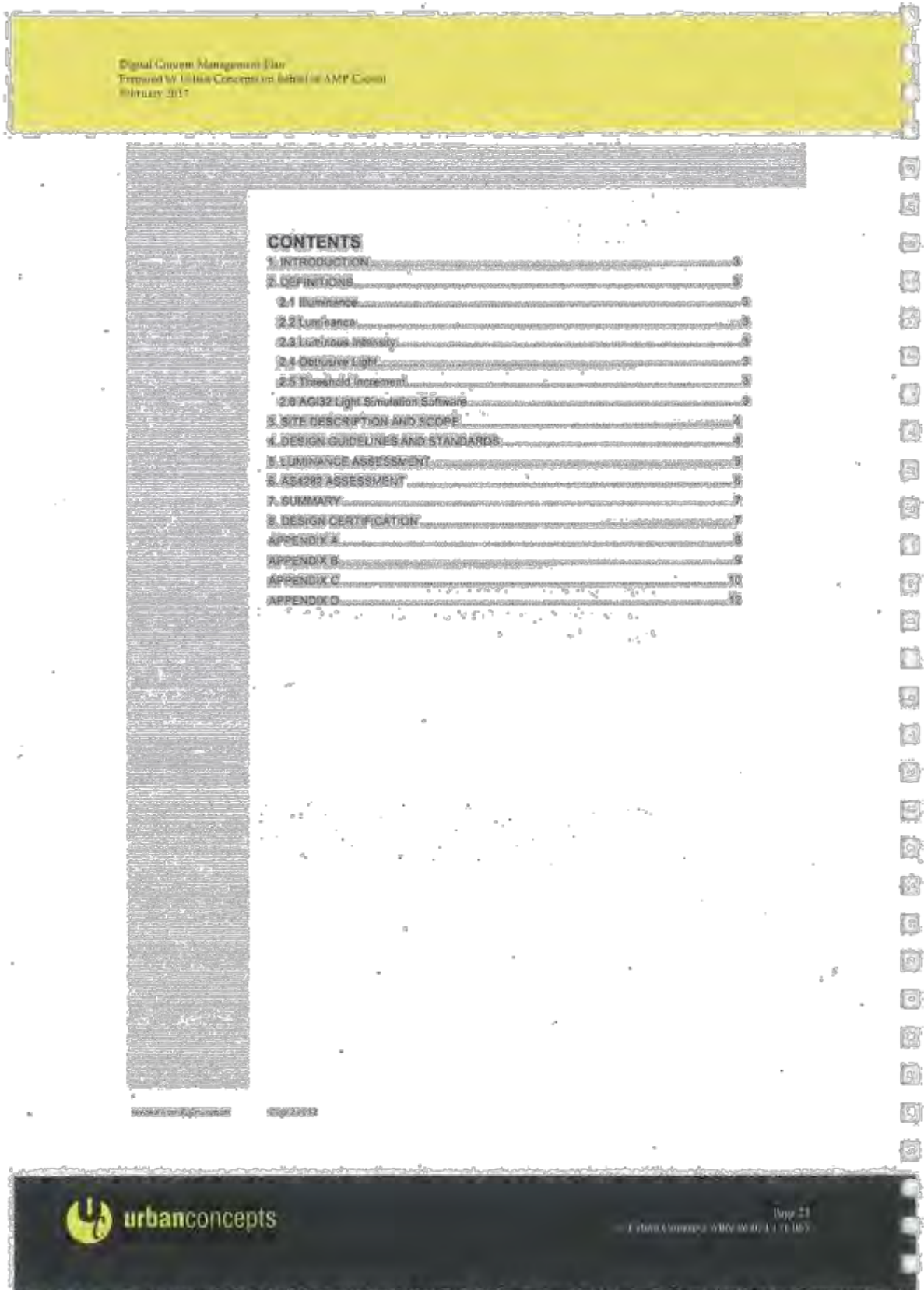
DATE	REV	COMMENT	PREPARED BY	CHECKED BY
2/07/17	A	Issued for information	RMS	DHS

Urban Concepts  
100 Macquarie Street  
Sydney NSW 2000  
Tel: 02 9550 9200  
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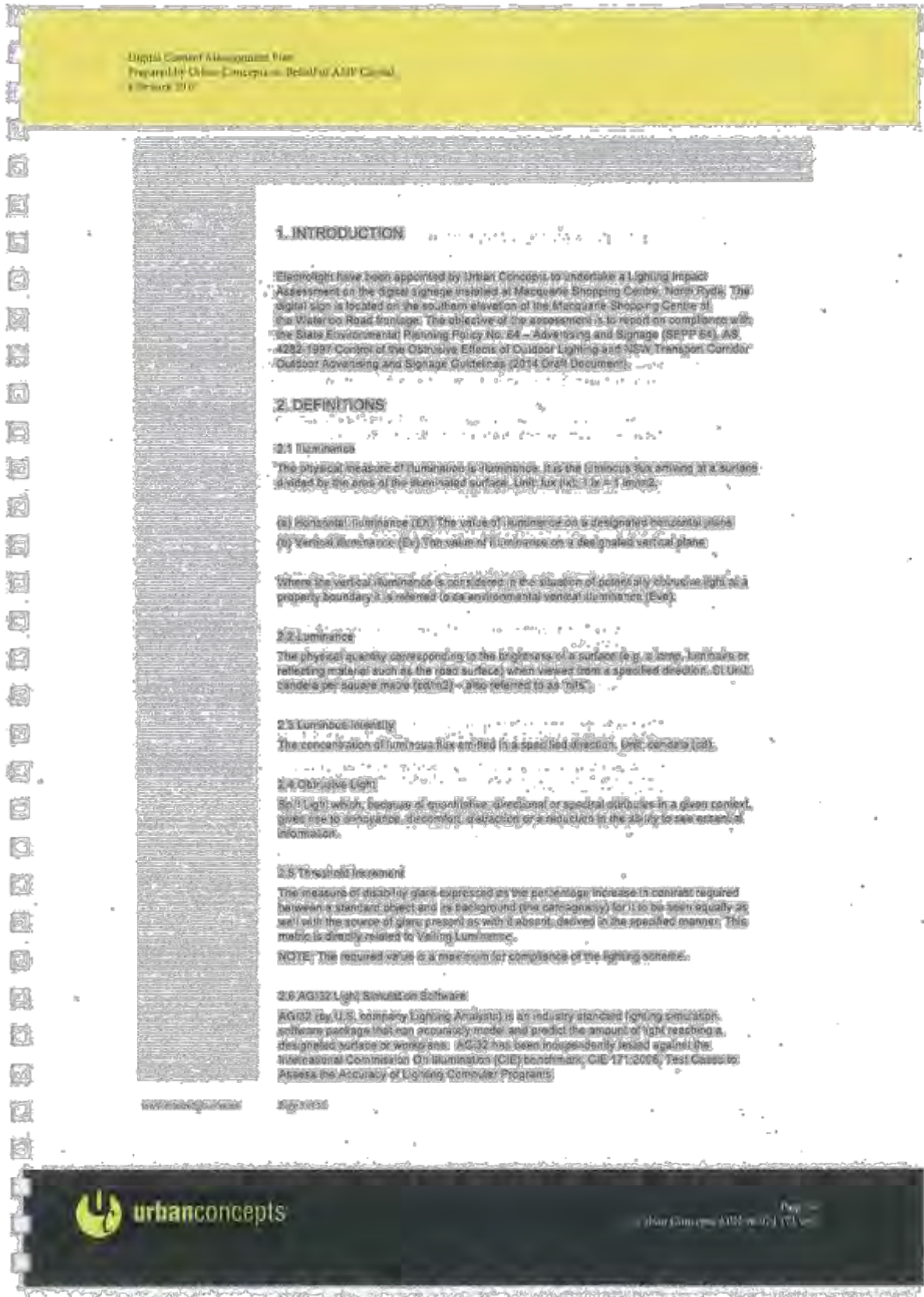
ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 1

Digital Signage Management Plan  
Prepared by Urban Concepts Retail & AMP Capital  
February 2017

### 3. SITE DESCRIPTION AND SCOPE

The location of the self-illuminated digital sign is at Meadowale Shopping Centre, North Ryde. The total display area of the sign is approximately 44.8 m<sup>2</sup>. Refer Appendix A for signage perspective.

The digital signage is illuminated using LEDs situated within the face of the sign. The brightness of the LEDs can be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions.

The manufacturer of the digital signage is noted as Digital Place Solutions, model number LC-104020W with performance parameters as outlined in Appendix B.

The sign operates past 10pm and will therefore need to comply with curfewed lighting limits as outlined in AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.

### 4. DESIGN GUIDELINES AND STANDARDS


The Lighting Impact Assessment will review the proposed signage against the Above Criteria, Design Guidelines and Standards:

- State Environmental Planning Policy No. 94 – Advertising & Signage SEPP 94 (Table Appendix C)
- Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting

The draft Transport Corridor Outdoor Advertising and Signage Guidelines (2014) address the State position for signage in relation to NSW as jointly agreed by Outdoor Media Association (OMA) and Transport for NSW (TfNSW).

Preparation of the guidelines were led by Transport for NSW (TfNSW) which consulted with a variety of interested stakeholders including the OMA, TfNSW, Roads and Maritime Services (RMS) and Department of Planning and Environment (DPE).

\*\*Although AS 4282-1997 generally restricts maximum illuminated sign height to 10m (Subject to State) the sign height has not been restricted as it fits Council's requirements for signage.



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Urban Concepts 500 Victoria Road



ITEM 5 (continued)

ATTACHMENT 1

Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of AMP Capital  
Version 1.001

### 5. LUMINANCE ASSESSMENT

Based on an assessment of the surrounding area, this sign is classified as being within a Zone 2 Area under the Sign Treatment Control Outdoor Advertising & Signs Guidelines. Zone 2 is described as an area with generally high ambient lighting (e.g. major shopping/commercial centres).

The Digital Place Solutions digital signage has a maximum brightness capacity of 5,000 cd/m<sup>2</sup> meaning the maximum daytime and nighttime dimming levels to comply with the guidelines for signage requirements for Zone 2 are:

Lighting Condition	Max Dimming Level to achieve compliance %	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Full Sun on face of Signage	100%	5000	✓
Day Time Luminance	100%	5000	✓
Morning and Evening Twilight and Inclement Weather	14%	700	✓
Night Time Before 10pm	7%	350	✓
Night Time After 10pm	6%	300	✓

For the sake of brevity, it is assumed that the above table is being read in the context of a street reduction.

It is recognised that a digital advertising sign that is illuminated to the maximum luminance outlined above would be visually intrusive with the existing ambient lighting and signage for the local area. A more detailed night time lighting assessment is provided in Section 5.4.

The operator of the Screen must not exceed the maximum dimming levels above to comply with the Sign Treatment Control Outdoor Advertising & Signs Guidelines. To enable consistent visibility of the screen, the dimming will generally increase to the maximum level at certain times of the day (such as in 2nd quarter as noted above). This is to compensate for high levels of light (during the least time of the day), which would otherwise dull the image and make it difficult to view.

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ITEM 5 (continued)

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Light Layout Management Plan  
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February 2017

### 6. AS4282 ASSESSMENT

The digital sign has been assessed against AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting as outlined in Section 4.

As it is intended that the sign be illuminated after 10pm, the requirements for curfewed operation under the standard will be applied. The sign is located in a mixed residential and commercial area, therefore the maximum illuminance in the vertical plane of habitable rooms for adjacent residential properties is limited to 25 lux before 10pm and 4 lux after 10pm (as outlined in Table 2.1 of AS 4282 for curfewed operation). Under the standard, a value of less than 25 lux before 10pm and less than 4 lux after 10pm is deemed to not affect the usual amenity of local residents.

The nearest development with habitable windows facing the sign is the apartment block at 18 Connewood Crescent, and as such this development will form the basis of the obtrusive lighting assessment. The sign and surrounding environment were modelled in lighting calculation program AGI32 to determine the effect (if any) of the light spill from the sign.


Photometric data for the sign was based on a diffused light plane (approximating a Lambertian emitter) with a luminance corresponding to the sign face limit outlined in Section 5. Appendix D shows the lighting model and the results of the calculations.

As can be seen from the lighting model that the maximum vertical illuminance on habitable windows at 18 Connewood Crescent is 3.9 lux after 10pm (curfewed), which is below the allowable maximum of 4 lux. The maximum vertical illuminance on habitable windows at 21 Connewood Crescent before 10pm is 5.5 lux, which is below the allowable maximum of 25 lux (pre curfew).

The Threshold Increment was also calculated for glare on Waverley Road. The calculation grid was located at 5.5m above ground level, with a minimum approach viewing distance of 250m to the sign, and a windscreen cutoff angle of 20 degrees (as outlined in AS 1153). Appendix D shows the 3D lighting model, as well as the results of the calculations. The calculation results of the model show that the Threshold Increment does not exceed 5.33% along the approach during pre curfew and post curfew operation (the allowable maximum under the standard is 20%).

The luminous intensity limits nominated in the AS 4282-1997 are only applicable to point sources such as flood lights and are therefore not relevant for illuminated signage.

It can therefore be seen that the illuminated signage complies with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

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ITEM 5 (continued)

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Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of AMU/Council  
October 2017

**7. SUMMARY**

- The sign at Macquarie Shopping Centre, North Ryde, has been assessed as being located in a Zone 2 area under the Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- The maximum luminance and dimming levels of the lighting to the signage sit follows:

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS			
Lighting Condition	Max Dimming Level as scheme compliance #	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Full Sun on face of signage	100%	5000	✓
Day Time Luminance	100%	5000	✓
Morning and Evening Twilight and Impendent Weather	34%	300	✓
Night Time Before 10pm	7%	350	✓
Night Time After 10pm	3%	250	✓

# For the L14 of the Report it is assumed that the signage level is directly related to the luminance level via a linear relationship.

- When commissioned to the maximum dimming levels above, the illuminated signage will comply with the Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document.
- The illuminated signage complies with all relevant requirements of AS 4292-1997 Control of the Obtrusive Effects of Outdoor Lighting. In complying with these requirements, the proposed signage will not result in unacceptable glare nor will it adversely impact the safety of pedestrians, residents or vehicular traffic. The proposed signage will also not cause any reduction in visual amenity to nearby residences or accommodation.

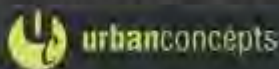
**B. DESIGN CERTIFICATION**

The digital sign at Macquarie Shopping Centre, North Ryde, if commissioned according to this report, will comply with the following criteria, guidelines and standards:

- Local Environmental Planning Policy No. 64 – Advertising & Signage SEPP 64 (Rev 1) Appendix 2)
- Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- Relevant Sections of AS 4292-1997 Control of the Obtrusive Effects of Outdoor Lighting.

Bern Salisbury MBE  
Director  
Ecology  
20/7/15

urbanconcepts signature



**ITEM 5 (continued)**

**ATTACHMENT 1**

Digital Content Management Plan  
Prepared by Urban Concepts on behalf of AMP Capital  
February 2017

**APPENDIX A  
DIGITAL SIGNAGE PERSPECTIVE**




**Waterloo Rd**  
This display is a 12.8 m x 3.5m landscape display adjacent to the Waterloo Rd Car park entrance.

ITEM 5 (continued)

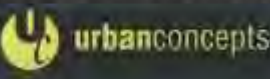
ATTACHMENT 1

Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of A&P Capital  
February 2017

**APPENDIX B  
DIGITAL SIGNAGE SPECIFICATION**



Item	Description
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Urban Concepts Management Plan  
Prepared by Urban Concepts in behalf of AWD Capital  
February 2017

**APPENDIX C**  
**State Environmental Planning Policy No. 64-**  
**Advertising and Signage**

Schedule 1 Assessment criteria  
(Clause 22(3)(a)(i))

**1. Character of the area**

- Is the proposal consistent with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for an area or locality in the area or locality?

**2. Special areas**

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas?

**3. Views and vistas**

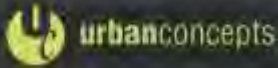
- Does the proposal obscure or compromise important views?
- Does the proposal enhance the views and reduce the quality of views?
- Does the proposal affect the viewing rights of the adjacent area?

**4. Streetscape, setting or landscape**

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual quality of the streetscape, setting or landscape?
- Does the proposal reflect the locality or the character of the surrounding locality?
- Does the proposal screen or highlight?
- Does the proposal provide a sense of building structure or form appropriate to the street locality?
- Does the proposal require any vegetation management?

**5. Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, in which the proposed sign is to be located?
- Does the proposal respect the privacy of the site or building or both?

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February 2017

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

**6. Associated devices and logos with advertisements and advertising structures**

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

**7. Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

**8. Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or cyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

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**APPENDIX D**



**Before 10pm**

Property	Address	Current Use	Proposed Use	Notes
1	1/15-17/15-17	Residential	Residential	
2	1/15-17/15-17	Residential	Residential	
3	1/15-17/15-17	Residential	Residential	
4	1/15-17/15-17	Residential	Residential	
5	1/15-17/15-17	Residential	Residential	
6	1/15-17/15-17	Residential	Residential	
7	1/15-17/15-17	Residential	Residential	
8	1/15-17/15-17	Residential	Residential	
9	1/15-17/15-17	Residential	Residential	
10	1/15-17/15-17	Residential	Residential	
11	1/15-17/15-17	Residential	Residential	
12	1/15-17/15-17	Residential	Residential	
13	1/15-17/15-17	Residential	Residential	
14	1/15-17/15-17	Residential	Residential	
15	1/15-17/15-17	Residential	Residential	
16	1/15-17/15-17	Residential	Residential	
17	1/15-17/15-17	Residential	Residential	
18	1/15-17/15-17	Residential	Residential	
19	1/15-17/15-17	Residential	Residential	
20	1/15-17/15-17	Residential	Residential	

**After 10pm**

Property	Address	Current Use	Proposed Use	Notes
1	1/15-17/15-17	Residential	Residential	
2	1/15-17/15-17	Residential	Residential	
3	1/15-17/15-17	Residential	Residential	
4	1/15-17/15-17	Residential	Residential	
5	1/15-17/15-17	Residential	Residential	
6	1/15-17/15-17	Residential	Residential	
7	1/15-17/15-17	Residential	Residential	
8	1/15-17/15-17	Residential	Residential	
9	1/15-17/15-17	Residential	Residential	
10	1/15-17/15-17	Residential	Residential	
11	1/15-17/15-17	Residential	Residential	
12	1/15-17/15-17	Residential	Residential	
13	1/15-17/15-17	Residential	Residential	
14	1/15-17/15-17	Residential	Residential	
15	1/15-17/15-17	Residential	Residential	
16	1/15-17/15-17	Residential	Residential	
17	1/15-17/15-17	Residential	Residential	
18	1/15-17/15-17	Residential	Residential	
19	1/15-17/15-17	Residential	Residential	
20	1/15-17/15-17	Residential	Residential	

**Image Lighting model - Threshold based model view:**

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**ATTACHMENT 1**



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**ITEM 5 (continued)**

**ATTACHMENT 2**



**Digital Signage Display Located at the Waterloo  
Road Frontage of Macquarie Shopping Centre**

Prepared by  
**Urban Concepts**

Prepared for  
**AMP Capital**

**ITEM 5 (continued)**

**ATTACHMENT 2**

Digital Content Management Plan  
Prepared by Urban Concepts for Redcliffe AMP Capital  
February 2017

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Digital Content Management Plan  
Prepared by Urban Concepts in conjunction with AMP Capital  
February 2017

## 1. INTRODUCTION

This Content Management Plan (CMP) establishes a set of operational and content parameters that will be used by AMP Capital to manage external digital signage that is located at the Waterloo Road frontage of the Macquarie Shopping Centre (MSC). The Plan has been prepared by Urban Concepts in conjunction with AMP Capital Investors Pty Ltd (AMP Capital).

The CMP has regard to the provisions contained in State Environmental Planning Policy No.64 Advertising and Signage (SEPP 64), the Draft SEPP 64 Transport Corridor Advertising and Signage Guidelines 2015 (Draft SEPP 64 Guidelines 2015) and the Australian Standard AS 4282-1997 The Control of the Obtrusive Effects of Outdoor Lighting.

### 1.1. The Role of SEPP No.64 Advertising and Signage

SEPP 64 was gazetted on the 16th March 2001. The policy introduced a comprehensive range of provisions to ensure that advertising and signage is well located, compatible with the desired amenity of an area and is of a high quality and finish. The SEPP does not regulate the content of signs.

The SEPP applies to all signage, advertisements that advertise or promote any goods, services or events and any structure that is used for the display of signage that is permitted under another environmental planning instrument.

Under Clause 4 of SEPP 64 signage is defined as follows:

*Signage means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:*

*(a) building identification signs, and*

*(b) business identification signs, and*

*(c) advertisements to which Part 3 applies,*

*but does not include traffic signs or traffic control facilities.*

The definition of signage pursuant to Part (c) recognises 'advertisements to which Part 3 of SEPP 64 applies'. Part 3 advertisements are those advertisements that display general or third party content. These advertisements are usually displayed on large format advertising structures that are classified as freestanding, wall mount, roof top or bridge mounted advertising structures. The AMP Waterloo Road sign is classified as a freestanding advertising structure and is subject to provisions of Clause 23 of SEPP 64. Clause 23 is reproduced below:

#### **23. Freestanding advertisements**

*(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.*

*(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.*

The Waterloo Road digital sign satisfies the provisions of Clause 23 as its height is well below that of the adjacent shopping centre buildings. The sign operates in accordance with a valid and legally binding consent that has been assessed against the relevant provisions of SEPP 64.

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As the Waterloo Road sign is over 20 square metres in area and within 250 metres of a classified road (being Waterloo Road) pursuant to Clause 13 of SEPP 64, arrangements will need to be made for the provision of a public benefit to be provided in connection with the display of the advertisement. The concept of public benefits is discussed in greater detail in Section 3 of the CMP.

A major review was undertaken of SEPP 64 by the State Government in 2007. This review led to the gazettal of Amendment No. 2 in August, 2007 and the preparation of Transport Corridor Advertising Signage Guidelines. The 2007 amendments to the SEPP recognised the suitability of transport corridor land for the display of advertising signage.

The Transport Corridor Outdoor Advertising and Signage Guidelines 2007 highlight that *signage and advertising in urban areas should be restricted to rail corridors, freeways, tollways or classified roads within or adjacent to strategic transport corridors passing through enterprise zones, business development zones, commercial core zones, mixed use zones or industrial zones*. The display of a large format free standing advertising structure at the Waterloo Road frontage of the Macquarie Shopping Centre is an urban context that is recognised under SEPP 64 as being suitable and appropriate for a third party signage display.

In 2015, a further review was undertaken of the SEPP 64 Transport Corridor Guidelines 2007 by the NSW Department of Planning and Environment in conjunction with Transport for NSW and the Outdoor Media Association of Australia. This review led to introduction of the Draft SEPP 64 Guidelines 2015. The aim of 2015 review was to recognise digital technology for signage purposes. The Draft SEPP 64 Guidelines 2015 now incorporate criteria to guide the safe operation of digital LED screens. These criteria relate to traffic safety and illumination. The application of the Draft SEPP 64 Guidelines 2015 for digital technology is discussed in greater detail in Section 3 of the CMP. It is important to recognise that the digital screen fully complies with the digital criteria specified in the Draft SEPP 64 Guidelines 2015. A copy of the illumination and road safety criteria contained in the Guidelines reproduced in Appendix A.

## 1.2. LED Technology and Its Application for Signage

Digital signage is a new technology that is changing the way that businesses interact and market to their customers. Essential to this understanding is the ability to change the content of a digital sign by off-site computer without the need for traditional print media. Accordingly, by adopting digital technology retail entities have the ability to keep their messaging up to date so that their messages stay relevant to a customer base, reflect and reinforce brand and adapt to specific environmental conditions within the retail environment.

Digital screens are not too dissimilar to a regular static sign in terms of the way that content appears on a digital screen. The key difference is the use of technology to change the signage content which is changed more regularly. Each image on a digital screen appears as a static image. The time the static image appears on the screen is called the dwell time. The technology results in a series of static images being displayed that are changed in accordance with a predetermined play cycle and Content Management Plan. The digital screen will not scroll, flash, feature motion pictures or emit intermittent light. Indeed, while these applications are possible with digital technology, the operation of a digital screen in this manner is expressly prohibited under the Draft SEPP 64 Guidelines 2015.

It is important to realise that SEPP 64 and the definition of 'signage' places no restriction on the number of images that can be displayed or how frequently the content of a sign can be changed. This premise is fundamental to the use of a digital screen for signage and underpins the decision by AMP Capital to invest in the technology for its Macquarie Shopping Centre.

The use of digital technology by shopping centre owners makes sound commercial and marketing sense. The move to digital signage is a growing trend in Australian shopping centres with owners such as AMP Capital and Westfield incorporating the technology for both internal and external signage.

Effective content management is critical to the successful integration of digital screens into a retail environment. Research undertaken by digital hardware and software providers confirms that the **'audience of a screen, being pedestrian, motorists and shoppers needs to be provided with fresh content to ensure**

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attraction and interest is maintained. As content is changed by a computer this can be achieved easily and effectively providing businesses with the opportunities to promote their brand through the display of contextually relevant content'. (*Digital Signage Today, White Paper - Content and Content Management for Digital Signage 2010, page 4*).

### 1.3. The Role of A Content Management Plan

The CMP will be used by AMP Capital to govern how the Waterloo Road digital screen will operate and the indicative copy and content that it will display. The Plan recognises and adheres to the provisions that are contained in SEPP 64, the Draft SEPP 64 Guidelines 2015 and the Australian Standard AS 4282-1997 that relate to general advertisements and digital screens.

The plan is presented in two sections being:

- Operating parameters associated with the digital functionality of the sign and its internal illumination.
- Content parameters that accord with the definition of 'signage' and specifically 'advertising' pursuant to Clause 4 of SEPP 64.

## 2. OPERATIONAL PARAMETERS

Operational parameters govern how the sign operates and include:

- Road Safety
- Hours of illumination
- Illumination levels
- Language requirements
- Dwell times
- Transition times
- Malfunction procedures

The suggested operating parameters prescribed in the CMP have been adopted from the conditions of consent granted by Ryde Council for the digital sign on the 3<sup>rd</sup> June 2013 pursuant to Consent No. LDA 2013/0533, the provisions established in the Draft SEPP 64 Guidelines 2015 for digital signs and the illumination controls contained in AS 4282-1997.

#### ROAD SAFETY

- The digital screen will not flash or displayed animated, moving or simulated moving content.
- All content will comply with the RMS Road Safety Advisory Guidelines For Sign Content detailed in Table 5 of the SEPP 64 Transport Corridor Advertising and Signage Guidelines. Table 5 is reproduced in Appendix B.
- The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.
- Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.



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Digital Screen Management Plan  
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- The image must not be capable of being mistaken for a prescribed traffic control device or contain text providing instructions to drivers.

**LANGUAGE OF CONTENT**

- All content to be displayed on the digital screen is to be displayed in English. Translations will be considered as long as letters or characters are no larger than the English language letters. Translated text is to be prepared and provided to AMP Capital by a registered translation and interpreter service.

**HOURS OF ILLUMINATION**

- The digital screen is only to be illuminated between the hours of 7am and 11pm seven days a week. Outside of these times the screen is to appear as a blank screen.

**DWELL TIME**

- The digital screen will operate at a 10 second dwell time. Each static image will appear on the digital screen for a period of 10 seconds before it changes to the next static image. The 10 second dwell time is the current dwell time that applies in NSW under the Draft SEPP 64 Guidelines 2015 for road facing sites with a speed limit of 80 kilometres or lower.

**TRANSITION TIME**

- The digital screen will operate at 0.1 second transition time. Each static image will change to the next static image at a transition time of 0.1 second. The 0.1 second transition time is the current transition time that applies in NSW under the Draft SEPP 64 Guidelines 2015 for all road facing sites.

**LUMINANCE AND DIMING LEVELS**

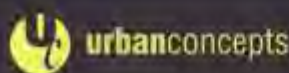
Electrolight has assessed the digital screen as being located in a Zone 2 Area under the SEPP 64 Transport Corridor Advertising and Signage Guidelines 2007 and the Draft SEPP 64 Guidelines 2015. The Electrolight Lighting Impact Assessment is reproduced in Appendix C. Electrolight advises that the maximum luminance and dimming levels of the lighting for the digital screen are as detailed in Table 2.1.

**TABLE 2.1 LUMINANCE AND DIMING LEVELS**

LUMINANCE LEVELS FOR DIGITAL SIGNAGE			
Lighting Condition	Maximum Dimming Level to achieve compliance %	Maximum Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Full sun on face of signage	100%	5000	✓
Day Time Luminance	100%	5000	✓
Morning and Evening Twilight and Inclement Weather	14%	700	✓
Night Time Before 10PM	7%	350	✓
Night Time After 10PM	5%	250	✓

*# For the basis of this table it is assumed that the dimming level is directly related to the luminance level via a linear relationship.*

When commissioned to the maximum dimming levels above, the illuminated signage will comply with the SEPP 64 Transport Corridor Advertising and Signage Guidelines 2007 as amended by the Draft SEPP 64 Guidelines 2015.



Type:  
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Digital Screen Management Plan  
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The illuminated signage complies with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. In complying with these requirements, the proposed signage will not result in unacceptable glare nor will it adversely impact the safety of pedestrians, residents or vehicular traffic. The proposed signage will not cause any reduction in visual amenity to nearby residences or accommodation.

- The digital screen will operate in accordance with the luminance and dimming levels detailed in Table 2.1. Electrolight advises that the operation of the digital screen at these levels will comply with:
  - SEPP 64.
  - SEPP 64 Transport Corridor Advertising and Signage Guidelines 2007 as amended by the Draft SEPP 64 Guidelines 2015.
  - Relevant Sections of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.

### SAFETY SECURITY AND MALFUNCTION PROCEDURES

- In the event of a security breach or malfunction to the digital screen will revert to a blank or black screen format.
- A webcam will be positioned onto the signage face so that AMP Capital or its assigned representative can monitor the content display at all times when the screen is operational.

## 3. CONTENT MANAGEMENT PARAMETERS

Content for a digital screen is managed in a series of automated play loops. Each play loop provides for a series of 10 second dwell time displays. The sourcing and management of content for each play loop will be coordinated by AMP Capital or its assigned representative in accordance with the content management parameters defined in this section. The content that will be uploaded onto a play loop will be consistent with the parameters identified in this section.

### 3.1. AMP Capital Related Content

It is proposed that 10% of the content displayed on the digital screen will be managed by AMP Capital and will be used to:

- Promote the competitive advantages of the Macquarie Shopping Centre as a shopping destination. This could include new store openings, valet parking promotion, food court promotion, and family leisure destinations within the centre such as cinemas and the ice-skating rink; and
- Identify the retail tenants of the Macquarie Shopping Centre. There are currently 358 retail and business tenants of the Macquarie Shopping Centre listed in Table 3.1. Each tenant that holds a current and valid lease with AMP Capital could be displayed on the digital screen in a format consistent with their brand.

Examples of AMP Capital related content are displayed at Figures 3.1 to 3.4

### 3.2. Public Benefit Content

It is proposed that 5% of the content displayed on the digital screen will be dedicated to the display of public benefit as prescribed under Clause 13 of SEPP 64. This content will be used by Ryde City Council to promote community and civic events or services. This content could also include 'Amber Alert' messaging by emergency service providers. This could include accident information or a missing person display.

The display of advertisements that satisfy the public benefit provisions of SEPP 64 will be dispersed throughout the hours of operation of the sign.

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Digital Content Management Plan  
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February 2017

Ryde City Council will supply to AMP Capital the graphic content for its public benefits displays. AMP Capital or its assigned representative will then be upload this content onto the digital platform.

### 3.3. General Advertising Content

It is proposed that 85% of the content displayed on the digital screen will be dedicated to the display of general advertisements and will be sold by AMP's assigned representative for third party advertising.

All advertising content will meet with the following requirements:

- Comply with Commonwealth law and the law of the relevant State or Territory legislation.
- Only promote a legal product or service.
- Comply with all relevant advertising industry codes of practice (and their associated practice notes and guidelines), including the following:
  - Australian Association of National Advertisers (AANA) Code of Ethics;
  - AANA Environmental Claims in Advertising and Marketing Code;
  - AANA Code for Advertising and Marketing Communications to Children;
  - AANA Food and Beverages Advertising and Marketing Communications Code;
  - AANA Best Practice Guideline—Responsible Marketing Communications in the Digital Space;
  - Australian Food and Grocery Council Quick Service Restaurant Initiative;
  - Australian Food and Grocery Council Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry;
  - Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children;
  - Alcohol Beverages Advertising (and Packaging) Code (ABAC);
  - Outdoor Media Association (OMA) Alcohol Advertising Guidelines;
  - Federal Chamber of Automotive Industries' Voluntary Code of Practice for Motor Vehicle Advertising;
  - Therapeutic Goods Advertising Code; and
  - Weight Management Industry Code of Practice,

General advertising displays will not :

- Depict violence (unless it is justified within the context of the product or service being advertised);
- Be explicit, obscene or offensive, cause offence or be likely to inflame tensions in the community between religious, racial groups or ethnic groups;
- breach any obligations to third parties, such as site owners or installers or raise work health and safety concerns at sites;
- Be misleading or deceptive or likely to mislead or deceive;
- Portray people or depict material in a way which discriminates against or vilifies a person or section

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Digital Content Management Plan  
Prepared by Urban Concepts for Ryde City Council  
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of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;

- Employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people;
- Treat sex, sexuality and nudity without sensitivity to the relevant audience;
- Contain strong or offensive language or any language that is likely to denigrate, insult or offend, particularly if combined with sexual images; and
- Normalise, perpetuate or promote unsafe behaviour;
- Depict smoking, cigarettes or illegal drug use (unless the depiction is in the context of a community service or government campaign).

Examples of the general advertising content that could be displayed on the digital screen are included at Figures 3.5 to 3.8

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Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of AMP Capital  
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**FIGURE 3.1 - MACQUARIE SHOPPING CENTRE PROMOTION**



Source: AMP Capital 2015

**FIGURE 3.2- MACQUARIE SHOPPING CENTRE PROMOTION**



Source: AMP Capital 2015

**ITEM 5 (continued)**

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**FIGURE 3.3 - MACQUARIE SHOPPING CENTRE PROMOTION**



Source: AMP Capital 2015

**FIGURE 3.4- MACQUARIE SHOPPING CENTRE PROMOTION**



Source: AMP Capital 2015

**ITEM 5 (continued)**

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Digital Content Management Plan  
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**FIGURE 3.5 - THIRD PARTY ADVERTISEMENT**



Source: AMP Capital 2015

**FIGURE 3.6 - THIRD PARTY ADVERTISEMENT**



Source: AMP Capital 2015

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**ATTACHMENT 2**

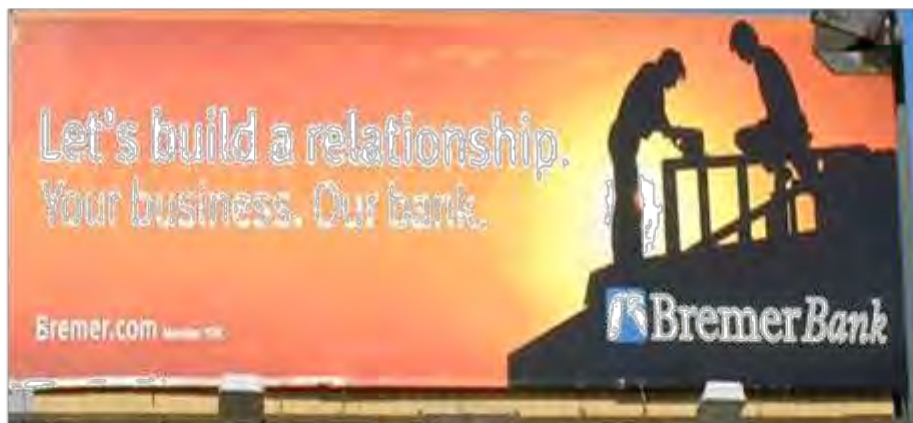
Digital Content Management Plan  
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**FIGURE 3.7 - THIRD PARTY ADVERTISEMENT**



Source: AMP Capital 2015

**FIGURE 3.8 - THIRD PARTY ADVERTISEMENT**



Source: AMP Capital 2015



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# Appendix A

## Draft SEPP 64 Digital Criteria Guidelines 2015

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Regional Growth Development Plan  
Prepared by Urban Concepts, September 2016, 831P Capital  
February 2017

**2.5.8 Digital signs**

In addition to meeting the relevant SEPP64 assessment criteria, design, road safety and any public benefit test requirements under the Guidelines, the consent authority must be satisfied that the digital sign meets the following criteria:

Criteria	Applies to signs less than 20sq metres.	Applies to signs greater than or equal to 20 sq metres
(a) Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (d) below.		
(b) Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.		
(c) The image must not be capable of being mistaken: (i) For a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device, or (ii) as text providing driving instructions to drivers.		
(d) Dwell times for image display are: (i) 10 seconds for areas where the speed limit is below 60 km/h. (ii) 25 seconds for areas where the speed limit is 60km/h and over.		
(e) The transition time between messages must be no longer than 0.1 seconds.		
(f) Luminance levels must comply with the requirements in Table 3 below.		
(g) The images displayed on the sign must not otherwise unreasonably dazzle or distract drivers without limitation to their colouring or contain flickering or flashing content.		
(h) The amount of text and information supplied on a sign should be kept to a minimum (for example no more than a driver can read at a short glance). Text should preferably be displayed in the same font and size. Table 6 in Section 3 of these Guidelines provides further guidance.		
(i) Any sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.		
(j) Each sign proposal must be assessed on a case by case basis including replacement of an existing fixed, scrolling or tri-vision sign with a digital sign and in the instance of a sign being visible from each direction, both directions for each location must be assessed on their own merits.		
(k) At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, RMS reserves the right to re-assess the		

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Signage Placement Guidelines (SPLG)  
Prepared by Urban Concepts Architects, 8/11/16  
February 2017

<p>site which may result in a change to the dwell time or removal of the sign.</p>		
<p>(f) Sign spacing should limit drivers view to a single sign at any given time with a distance of no less than 150 metres between signs in any one corridor. Exemptions for low speed, high pedestrian zones or CBD zones will be assessed by RMS as part of their concurrence role.</p>		
<p>(m) Signs greater than or equal to 20 sq metres must obtain RMS concurrence as per Section 5.2 of these Guidelines AND must ensure the following minimum vertical clearances:</p> <ul style="list-style-type: none"> <li>▪ 2.5m from lowest point of the sign above the road surface if located outside the clear zone.</li> <li>▪ 5.5m from lowest point of the sign above the road surface if located within the clear zone (including shoulders and traffic lanes) or the deflection zone of a safety barrier if a safety barrier is installed.</li> </ul> <p>If attached to Road Infrastructure (e.g. Overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.</p>		
<p>(n) An electronic log of a signs activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the signs activity in case of a complaint.</p>		
<p>(o) A road safety check which focuses on the effects of the placement and operation of all signs over 20 sq metres must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS accredited road safety auditor. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant.</p>		

**Table 3: LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS**

**LUMINANCE LEVELS - Luminance** means the objective brightness of a surface as measured by a photometer, expressed in candelas per square meter (cd/m<sup>2</sup>). Levels differ as digital signs will appear brighter when light levels in the area are low. Luminance levels should comply with Australian Standard AS4282 Control of the Obtrusive Effects of Outdoor Lighting which recommends the following levels:

Lighting Condition	Zone 1	Zones 2 and 3	Zone 4
Full Sun on face of Signage	No limit	Maximum Output	Maximum Output
Day Time Luminance		6000 cd/m <sup>2</sup>	6000 cd/m <sup>2</sup>
Morning and Evening		700 cd/m <sup>2</sup>	500 cd/m <sup>2</sup>
Twilight and Inclement Weather			
Night Time		350 cd/m <sup>2</sup>	

**Zone 1** covers areas with generally very high off-street ambient lighting, e.g. display centres similar to Kings Cross, central city locations

**Zone 2** covers areas with generally high off-street ambient lighting e.g. some major shopping/commercial centres with a significant number of off-street illuminated advertising devices and lights.

**ITEM 5 (continued)**

**ATTACHMENT 2**

Urban Concepts Management (UCM)  
Prepared for Urban Concepts (NSW) Pty Ltd  
February 2017

**Zone 3** covers areas with generally medium off-street ambient lighting e.g. small to medium shopping/commercial centres.

**Zone 4** covers areas with generally low levels of off-street ambient lighting e.g. most rural areas, many residential areas.

**2.5.9 Moving Signs**

Moving or mechanical signs display images which change through movement of the sign structure only, for example, scrolling or trivision signs.

In addition to meeting the relevant SEPP 64 assessment criteria, design, road safety and public benefit test requirements under these Guidelines, moving signs that face the road reserve and are visible to drivers will also be required to meet the following criteria:

- (a) The display must be completely static from its first appearance to the commencement of a change to another display;
- (b) Dwell times for image display are to be a total of 10 seconds which includes 3 seconds to scroll.
- (c) The image must not be capable of being mistaken:
  - (i) for a rail or traffic sign or signal because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a traffic signal, or
  - (ii) as text providing driving instructions to drivers.
- (d) Light levels are to be consistent with Section 3.2.5 and Table 5 of these Guidelines.

**2.5.10 Video and animated electronic signs**

Video and animated electronic signs containing animated or video/movie style advertising or messages; including live television, satellite, internet or similar broadcast; either permanent or portable; that face the road reserve and are visible to drivers; are prohibited.

**ITEM 5 (continued)**

**ATTACHMENT 2**

Digital Content Management Data  
Generated by Urban Concepts on Retrieval of AMP Capital  
February 2017

# Appendix B

## RMS Road Safety Advisory Guidelines for Sign Content

ITEM 5 (continued)

ATTACHMENT 2

Ryde Council Management Plan  
Prepared by Urban Concepts on behalf of AMP Capital  
February 2017

**TABLE 5 - RTA ROAD SAFETY ADVISORY GUIDELINES FOR SIGN CONTENT**

1. Advertisements must not imitate a traffic control device such as traffic lights;
2. Advertisements must not instruct drivers to perform an action such as 'Stop', 'Halt' or 'Give Way';
3. Advertisements must not invite traffic to move contrary to any traffic control device or turn where there is fast moving traffic;
4. Advertisements must not contain reflectors, which at night could be mistaken for a traffic control device;
5. The permissible level of reflectance of an advertisement also applies to the content of the sign. That is, the level of reflectance is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', set out in Australia Standard SA/NZS 1906.1:2007;
6. Advertisements should not contain messages that are distracting or otherwise inconsistent with road safety;
7. Advertisements should be legible. A clear font at least 150 millimetres high is advisable;
8. Advertisements should not contain large areas of red display if it is to be illuminated. In wet night-time conditions it may cause confusion with traffic control signals or 'stop' or 'tail lights' of moving vehicles;
9. The amount of information supplied on a sign should be minimised so that the time required to read and understand the sign's message is minimised. As a guide, each sign should be restricted to 6 units of information. The summation of units is to be calculated as follows:
  - Words of up to 8 letters, inclusive = 1 unit
  - Numbers up to 4 digits, inclusive = 0.5 unit
  - Numbers of 5-8 digits = 1 unit
  - Symbol, picture, logo or abbreviation = 0.5 unit;
10. The proposed advertising message should not spread the message across more than one adjoining point.

**ITEM 5 (continued)**

**ATTACHMENT 2**

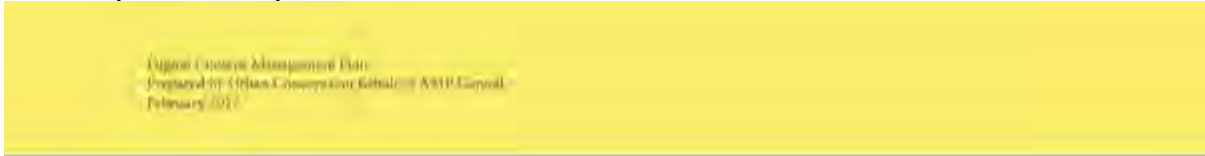
Digital Content Management Plan  
Prepared by Urban Concepts on behalf of AMP Capital  
February 2017

# Appendix C

Lighting Impact Assessment prepared by Electrolight

**ITEM 5 (continued)**

**ATTACHMENT 2**



Belinda Bennett  
Urban Concepts

2 July 2015  
Ref: 1435

**LIGHTING IMPACT ASSESSMENT**  
**OUTDOOR SIGNAGE AT MACQUARIE SHOPPING CENTRE, NORTH RYDE, NSW**

**Lighting Impact Assessment**  
**Outdoor Signage at Macquarie Shopping Centre, North Ryde, NSW**

DATE	REV	COMMENT	PREPARED BY	CHECKED BY
2/07/15	A	Issued for information	RMS	DHS

Electrolight Australia Pty Ltd  
ABN: 44 600 067 392

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Urban Concepts ABN 96 074 171 065





**ITEM 5 (continued)**

**ATTACHMENT 2**

Digital Content Management Plan  
Prepared by Urban Concepts on behalf of ASIP Capital  
February 2017

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ITEM 5 (continued)

ATTACHMENT 2

Digital Signage Management Plan  
Prepared by Urban Concepts Technical AWP Capital  
February 2017

## 1. INTRODUCTION

Electrolight have been appointed by Urban Concepts to undertake a Lighting Impact Assessment on the digital signage installed at Macquarie Shopping Centre, North Ryde. The digital sign is located on the southern elevation of the Macquarie Shopping Centre at the Waterloo Road frontage. The objective of the assessment is to report on compliance with the State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64), AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting and NSW Transport Corridor Outdoor Advertising and Signage Guidelines (2014 Draft Document).

## 2. DEFINITIONS

### 2.1 Illuminance

The physical measure of illumination is illuminance. It is the luminous flux arriving at a surface divided by the area of the illuminated surface. Unit: lux (lx); 1 lx = 1 lm/m<sup>2</sup>.

(a) Horizontal illuminance (E<sub>h</sub>) The value of illuminance on a designated horizontal plane

(b) Vertical illuminance (E<sub>v</sub>) The value of illuminance on a designated vertical plane

Where the vertical illuminance is considered in the situation of potentially obtrusive light at a property boundary it is referred to as environmental vertical illuminance (E<sub>ve</sub>).

### 2.2 Luminance

The physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaire or reflecting material such as the road surface) when viewed from a specified direction. SI Unit: candela per square metre (cd/m<sup>2</sup>) – also referred to as "nits".

### 2.3 Luminous Intensity

The concentration of luminous flux emitted in a specified direction. Unit: candela (cd).

### 2.4 Obtrusive Light

Spill Light which, because of quantitative, directional or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information.

### 2.5 Threshold Increment

The measure of disability glare expressed as the percentage increase in contrast required between a standard object and its background (the carriageway) for it to be seen equally as well with the source of glare present as with it absent, derived in the specified manner. This metric is directly related to Veiling Luminance.

NOTE: The required value is a maximum for compliance of the lighting scheme.

### 2.6 AGI32 Light Simulation Software

AGI32 (by U.S. company Lighting Analysts) is an industry standard lighting simulation software package that can accurately model and predict the amount of light reaching a designated surface or workplane. AGI32 has been independently tested against the International Commission On Illumination (CIE) benchmark, CIE 171:2006, Test Cases to Assess the Accuracy of Lighting Computer Programs.

[www.electrolight.com.au](http://www.electrolight.com.au)

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ITEM 5 (continued)

ATTACHMENT 2

Digital Signage Management Plan  
Prepared by Urban Concepts Solutions (UCC) Capital  
February 2017

### 3. SITE DESCRIPTION AND SCOPE

The location of the self-illuminated digital sign is at Macquarie Shopping Centre, North Ryde. The total display area of the sign is approximately 44.5 m<sup>2</sup>. Refer Appendix A for signage perspective.

The digital signage is illuminated using LEDs installed within the face of the sign. The brightness of the LEDs can be controlled to provide upper and lower thresholds as required as well as automatically via a local light sensor to adjust to ambient lighting conditions.

The manufacturer of the digital signage is noted as Digital Place Solutions, model number LC-108020/W with performance parameters as outlined in Appendix B.

The sign operates past 10pm and will therefore need to comply with curfewed lighting limits as outlined in AS 4282 Control of the Obtrusive Effects of Outdoor Lighting.

### 4. DESIGN GUIDELINES AND STANDARDS

The Lighting Impact Assessment will review the proposed signage against the follow Criteria, Design Guidelines and Standards.

- State Environmental Planning Policy No. 64 – Advertising & Signage SEPP 64 (Refer Appendix C)
- Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document \*
- AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. \*\*

\* The draft Transport Corridor Outdoor Advertising and Signage Guideline (2014) reflects the latest position for roadside digital media in NSW as jointly agreed by Outdoor Media Association (OMA) and Transport for NSW (TNSW).

Preparation of the guidelines were led by Transport for NSW (TNSW) which consulted with a variety of interested stakeholders including the OMA, TNSW, Roads and Maritime Services (RMS) and Department of Planning and Environment (DPE).

\*\* Although AS 4282-1997 specifically excludes internally illuminated advertising signs in Section 1.1 Scope (b) the requirements have been considered as if the Standard's requirements had to be met.

**ITEM 5 (continued)**

**ATTACHMENT 2**

Digital signage Management Plan  
 Prepared by Urban Concepts for Ryde @ AMP Capital  
 February 2017

**5. LUMINANCE ASSESSMENT**

Based on an assessment of the surrounding area, the sign is classified as being within a Zone 2 Area under the draft Transport Corridor Outdoor Advertising & Signage Guidelines. Zone 2 is described as an area with generally high off-street ambient lighting e.g. major shopping/commercial centres.

The Digital Place Solutions digital signage has a maximum brightness capacity of 5,000 cd/m<sup>2</sup>, meaning the maximum allowable day time and night time dimming levels to comply with the guideline's luminance requirements for Zone 2 are:

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS			
Lighting Condition	Max Dimming Level to achieve compliance *	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Full Sun on face of Signage	100%	5000	✓
Day Time Luminance	100%	5000	✓
Morning and Evening Twilight and Inclement Weather	14%	700	✓
Night Time Before 10pm	7%	350	✓
Night Time After 10pm	5%	250	✓

\*For the basis of this Report, it is assumed that the dimming level is directly related to the luminance level via a linear relationship.

It is our opinion that a digital advertising sign that is illuminated to the maximum luminances outlined above would be visually consistent with the existing ambient lighting and suitable for the local area. A more detailed night time lighting assessment is provided in Section 5.0.

The operator of the screen must not exceed the maximum dimming levels above to comply with the draft Transport Corridor Outdoor Advertising & Signage Guidelines. To maintain constant visibility of the signage, the dimming value may increase to the maximum level at certain times of the day (such as in direct sunlight as noted above). This is to compensate for high levels of light striking the front the face of the sign, which would otherwise dull the image and make it difficult to view.

ITEM 5 (continued)

ATTACHMENT 2

Digital Signage Management Plan  
Prepared by Urban Concepts Solutions (Pty) Ltd  
February 2017

## 6. AS4282 ASSESSMENT

The digital sign has been assessed against AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting as outlined in Section 4.

As it is intended that the sign be illuminated after 10pm, the requirements for curfewed operation under the standard will be applied. The sign is located in a mixed residential and commercial area, therefore the maximum illuminance in the vertical plane of habitable rooms for adjacent residential properties is limited to 25 lux before 10pm and 4 lux after 10pm (as outlined in Table 2.1 of AS4282 for curfewed operation). Under the standard, a value of less than 25 lux before 10pm and less than 4 lux after 10pm is deemed to not affect the visual amenity of local residents.

The nearest development with habitable windows facing the sign is the apartment block at 16 Cottonwood Crescent. And as such this development will form the basis of the obtrusive lighting assessment. The sign (and surrounding environment) were modelled in lighting calculation program AGI32 to determine the effect (if any) of the light spill from the sign.

Photometric data for the screens was based on a diffused light panel (approximating a lambertian emitter) with a luminance corresponding to the night time limit outlined in Section 5. Appendix D shows the lighting model and the results of the calculations.

It can be seen from the lighting model that the maximum vertical illuminance on habitable windows at 16 Cottonwood Crescent is 3.9 lux after 10pm (curfewed), which is below the allowable maximum of 4 lux. The maximum vertical illuminance on habitable windows at 21 Cottonwood Crescent before 10pm is 5.5 lux, which is below the allowable maximum of 25 lux (pre curfew).

The Threshold Increment was also calculated for traffic on Waterloo Road. The calculation grid was located at 1.5m above ground level, with a minimum approach viewing distance of 250m to the sign, and a windscreen cutoff angle of 20 degrees (as outlined in AS1156). Appendix D shows the 3D lighting model as well as the results of the calculations. The calculation results of the model show that the Threshold Increment does not exceed 5.33% along the approach during pre curfew and post curfew operation (the allowable maximum under the standard is 20%).

The luminous intensity limits nominated in the AS4282-1997 are only applicable to point sources such as floodlights and are therefore not relevant for illuminated signage.

It can therefore be seen that the illuminated signage complies with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.






ITEM 5 (continued)

ATTACHMENT 2

Lighting Concept Management Plan  
Prepared by Urban Concepts Australia A/NP Capital  
February 2017

7. SUMMARY

- The sign at Macquarie Shopping Centre, North Ryde, has been assessed as being located in a Zone 2 area under the Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- The maximum luminance and dimming levels of the lighting to the sign are as follows:

LUMINANCE LEVELS FOR DIGITAL ADVERTISEMENTS			
Lighting Condition	Max Dimming Level to achieve compliance %	Max Permissible Luminance (cd/m <sup>2</sup> )	Compliant
Full Sun on face of Signage	100%	5000	
Day Time Luminance	100%	5000	
Morning and Evening Twilight and Inclement Weather	14%	700	
Night Time Before 10pm	7%	350	
Night Time After 10pm	5%	250	

# For the basis of this Report, it is assumed that the dimming level is directly related to the luminance level via a linear relationship.

- When commissioned to the maximum dimming levels above, the illuminated signage will comply with the Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- The illuminated signage complies with all relevant requirements of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting. In complying with these requirements, the proposed signage will not result in unacceptable glare nor will it adversely impact the safety of pedestrians, residents or vehicular traffic. The proposed signage will also not cause any reduction in visual amenity to nearby residences or accommodation.

8. DESIGN CERTIFICATION

The digital sign at Macquarie Shopping Centre, North Ryde, if commissioned according to this report, will comply with the following criteria, guidelines and standards:

- State Environmental Planning Policy No. 64 – Advertising & Signage SEPP 64 (Refer Appendix D)
- Transport Corridor Outdoor Advertising & Signage Guidelines 2014 Draft Document
- Relevant Sections of AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting.



Donn Salisbury MIES  
Director  
Electrolight  
2/07/15

**ITEM 5 (continued)**

**ATTACHMENT 2**

Digital Content Management Plan  
Prepared by Urban Concepts on behalf of AMP Capital  
February 2017

**APPENDIX A  
DIGITAL SIGNAGE PERSPECTIVE**



**Waterloo Rd**  
This display is a 12.8 m x 3.5m landscape display adjacent to the Waterloo Rd Car park entrance.

// 1

**ITEM 5 (continued)**

**ATTACHMENT 2**

Urban Concepts Management Unit  
 Prepared by Urban Concepts Retailers, 8/11/2017  
 February 2017

**APPENDIX B  
DIGITAL SIGNAGE SPECIFICATION**



Digital Place Solutions  
 100/100 Street  
 Ryde NSW 1513  
 Australia  
 Tel: 02 9371 1111  
 Email: info@digitalplacesolutions.com.au

www.digitalplacesolutions.com.au  
 1300 650 650

**1. Light Emitting Diode (LED) Pitch 10mm Full Colour Screen**

Model number: LD-0302010

**Specifications**

Pixel size:	10mm
System Supplier:	PowerLite
Application:	Outdoor
Screen Size (Width/Height) Meters:	10.0 by 2.0 / 10.0 by 2.0 LED dots
Emission (Type):	40:00
Screen Configuration:	3 in 1 with body SMD LED / 10 modules x 4 modules
Pixel pitch (mm):	10000
Power Consumption approx. (Watt):	32.8W Module - Base on 1000 size (at brightness)
Brightness at 6000 deg K (nit@100%):	6000 nits
Viewing Angle (Horizontal):	+85° (brightness reduced to 50% of full brightness)
Viewing Angle (Vertical):	+60° (brightness reduced to 50% of full brightness)
Processing Bit:	16bit
Grey Scale:	16bit
Blending Level:	10 levels
Brightness Control (min):	256 levels (could be decided)
Pixel Configuration:	1R 1G 1B LED SMD
Frame Rate:	60Hz
Colour:	24bit colour
Refresh Rate:	4,000Hz
LED Panel Colourly Adjustment:	Adjustability software
LifeTime:	100,000 hours (at 50% brightness)
Resolution:	60,000 Levels
Mounting Material:	Aluminium



ITEM 5 (continued)

ATTACHMENT 2

Digital Camera Management Plan  
Prepared by Urban Concepts Retail/01 A&P Capital  
February 2017

APPENDIX C

**State Environmental Planning Policy No. 64 -  
Advertising and Signage**

**Schedule 1 Assessment criteria**

(Clauses 8, 13 and 17)

**1. Character of the area**

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

**2. Special areas**

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

**3. Views and vistas**

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

**4. Streetscape, setting or landscape**

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

**5. Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?

[www.electrifyrights.com.au](http://www.electrifyrights.com.au)

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**ITEM 5 (continued)**

**ATTACHMENT 2**

Lighting Assessment Management Plan  
Prepared by Urban Concepts for Rydelyc@AEP Capital  
February 2017

- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

### **6. Associated devices and logos with advertisements and advertising structures**

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

### **7. Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

### **8. Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

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ITEM 5 (continued)

ATTACHMENT 2

Digital Content Management Plan  
Prepared by Urban Concepts on Behalf of AMP Capital  
February 2017

APPENDIX D



-Before 10pm

Coordinate System	Coordinate System	Coordinate System	Coordinate System
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000

-After 10pm

Coordinate System	Coordinate System	Coordinate System	Coordinate System
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000

Image: Lighting model - Threshold increment calculations

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## 6 PLANNING PROPOSAL - 3-5 VICENTIA STREET, MARSFIELD

---

**Report prepared by:** Strategic Planner

**File No.:** LEP2017/4/4 - BP17/533

---

### REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan (LEP) 2014 as they apply to part of 3-5 Vincentia Street Marsfield (known as the “the site”). The Planning Proposal was submitted by Project Surveyors on behalf of the trustees of the Vincentian Fathers.

The site is currently zoned SP2 Place of Public Worship and contains six dwellings.

The Planning Proposal seeks to change zoning, height, floor space and minimum lot size controls on part of 3-5 Vincentia Street Marsfield (approximately 3,946sqm). The remainder of the site (approximately 1,861sqm) is to remain SP2 Place of Public Worship.

This will require the following amendments to Ryde LEP 2014:

- Amending LEP 2014 Land Zoning Map from SP2 Place of Public Worship to R2 Low Density
- Amending LEP 2014 Height of Buildings Map to give the land a maximum Building Height of 9.5 metres (the land currently has no height control).
- Amending LEP 2014 Floor Space Ratio Map to give the land a FSR control of 0.5:1 (the land currently has no floor space ratio control).
- Amending LEP 2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm.

The Concept Plan submitted with the Planning Proposal indicates that the proposed amendments are to facilitate the Torrens Title and strata subdivision of the existing residential dwellings on the site and to create a vacant residential lot.

The concept subdivision plan indicates:

- The Torrens title subdivision of the land into 4 residential lots comprising:
  - 2 lots each containing one of the existing dwelling houses
  - 1 lot containing an existing multi dwelling housing development of 4 dwellings, which is to be subsequently strata subdivided into 4 strata lots,
  - 1 vacant residential lot.

The PP is **ATTACHED**.

## **ITEM 6 (continued)**

An assessment of the PP has been undertaken and it is considered that:

- The PP is consistent with the objectives and actions of state, regional and local planning policies and strategies; and
- That the PP will have minimal environmental, amenity, traffic and parking impacts.

This report recommends that Council support forwarding the PP to the Department of Planning and Environment for a Gateway Determination and community consultation as the proposed changes reflect the existing use of the site for low density residential purposes.

### **RECOMMENDATION:**

- (a) That Council submit the Planning Proposal relating to part of 3-5 Vincentia Street, Marsfield (Part LOT 3 DP 707390) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.

### **ATTACHMENTS**

- 1 Planning Proposal - 3-5 Vincentia Street, Marsfield

Report Prepared By:

**Susan Wotton**  
**Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Dyalan Govender**  
**Acting Manager - City Planning**

**Liz Coad**  
**Acting Director - City Planning and Development**

## ITEM 6 (continued)

### Discussion

This report contains a description of the site, a description of the proposed LEP amendments and an appraisal of the subject planning proposal. This appraisal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a Gateway Determination and subsequent community consultation.

### Gateway Plan Making Process

The Gateway process has a number of steps as outlined below:

1. **Planning proposal** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed to the next stage to seek a Gateway Determination.
2. **Gateway Determination** by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed, including the community consultation process and any additional studies.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. **Decision** – the making of the plan by the Minister (or delegate).

This proposal, which has been submitted by Project Surveyors on behalf of the proponents Trustees of the Vincentian Fathers, is at Step 1 of the LEP Plan Making process. The Planning Proposal has also been assessed by Council staff to ensure that the information provided is consistent with the requirements and technical standard as per the Department of Planning and Environment's *Guide to Preparing Planning Proposals*.

#### 1.1 Site Description and Context

The site is Part Lot 3 DP 707390, known as 3-5 Vincentia Street, Marsfield. The part of the subject site related to this Planning Proposal has a total land area of 3,946 square metres, contains 6 dwelling houses and is identified in Figures 1 and 2 below. outlined in red below:



## ITEM 6 (continued)

### Context

The site is located on the south eastern corner of Agincourt Road and Vincentia Street Marsfield. The 6 existing dwellings have vehicular access from (and are also addressed to) 69 and 71 Agincourt Road and 1-3 Vincentia Street.

The adjoining property to the east is zoned SP2 Educational Establishment and contains Minibah Care Facility; the land directly to the north is zoned SP2 Place of Public Worship and contains an aged care facility. Land to the south and west has been developed, predominately for dwelling houses.

### Photo 1: Subject Site – Streetview from Cnr Agincourt Road and Vincentia St



### Photo 2: Street view – southwards





## ITEM 6 (continued)

The site is located approximately 100m from two heritage items identified in *Schedule 5 Environmental heritage* of Ryde LEP 2014, i.e. Heritage Item 1 - Curzon Hall and Heritage Item 2 - Eastwood Town Hall (Figure 3). The proposed amendments to Ryde LEP 2014 will not impact upon the existing heritage items.



Fig 3: Heritage items

## 1.2 Current Planning Controls

### Zoning

The subject site is zoned SP2 Infrastructure – Place of Public Worship under the Ryde LEP 2014. An extract of the zoning map is shown in Figure 4.

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

### ITEM 6 (continued)

The land uses permitted in the SP2 – Place of Public Worship zone are roads, places of public worship and any development that is ancillary to that use.

The existing dwellings which currently provide parishioner accommodation (PP pg 4), are considered to be an ancillary function to the use of the property as a place of public worship by the Vincentian Fathers.

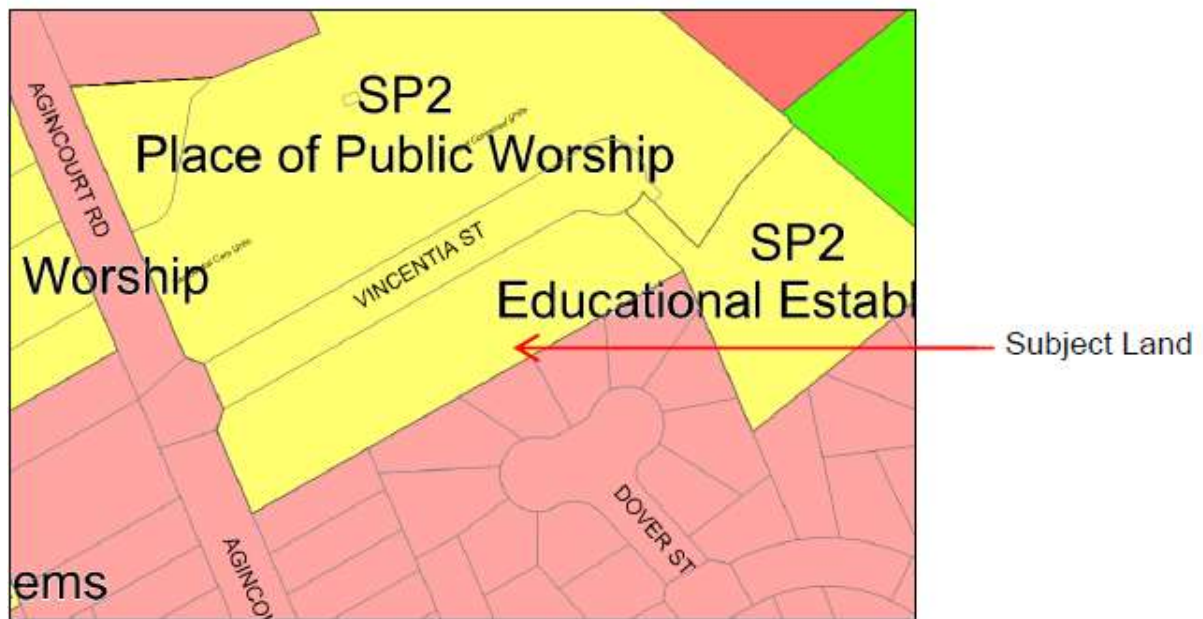


Fig 4: LEP 2014 Land Zoning Map

#### *Building Height and Floor Space Ratio (FSR)*

Under Ryde LEP 2014 there are no height or floor space controls over any land zoned SP2 Infrastructure. Land adjacent to the subject site has a maximum height of 9.5m and maximum FSR of 0.5:1 under Ryde LEP 2014 (Figures 5 and 6).

**ITEM 6 (continued)**



Fig 5: LEP 2014 Height of Buildings Map

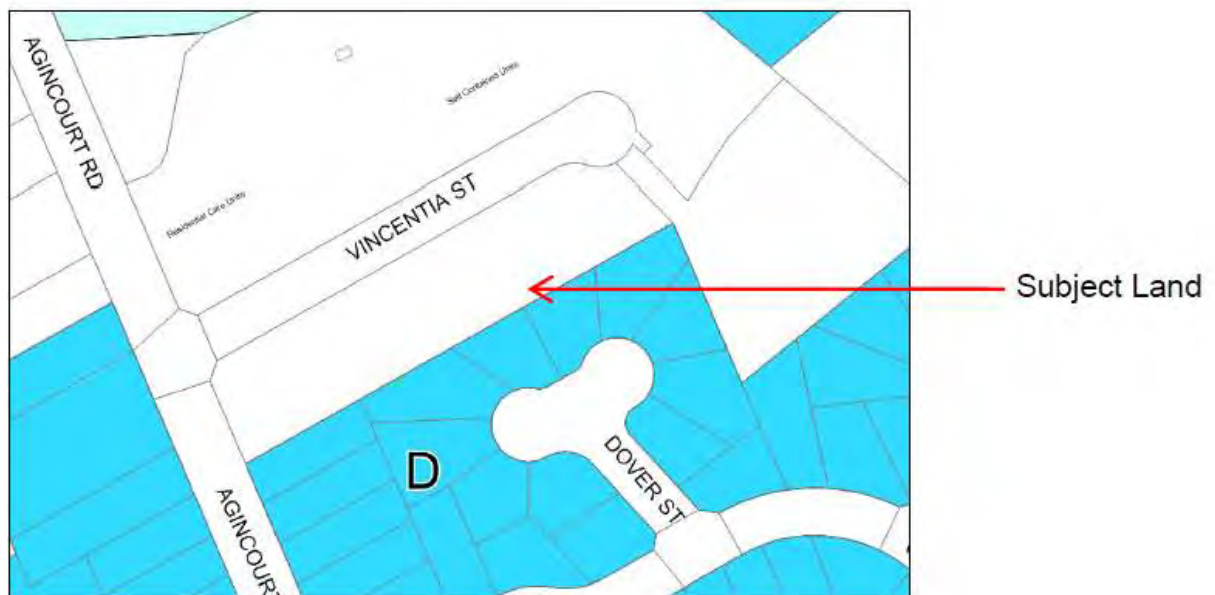


Fig 6: LEP 2014 Floor Space Ratio Map

**Lot Size Map**

Under Ryde LEP 2014 all land zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential is included in the Lot Size Map with a minimum subdivision requirement of 580sqm.

## ITEM 6 (continued)

As the subject land is zoned SP2 Infrastructure there are no minimum subdivision requirements with respect to the land. (Fig 7)

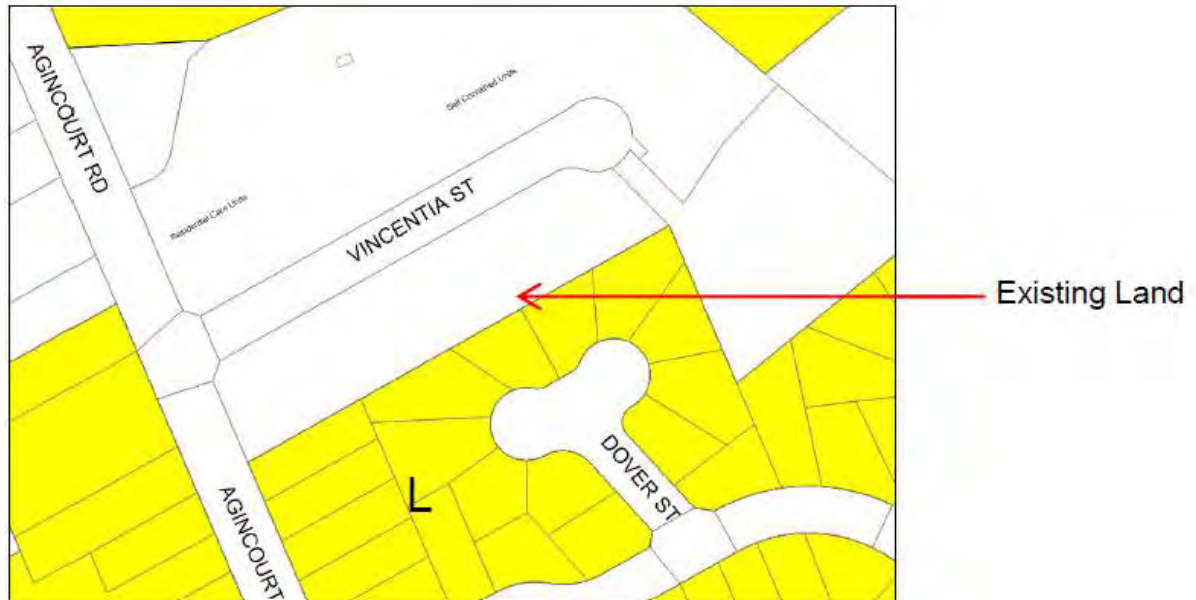


Fig 7: LEP 2014 Lot Size Map

## Objectives and Intended Outcomes

The PP states the objective of the rezoning proposal for the site is to enable the subdivision of the site for residential development (PP pg. 9).

The PP states that the changes proposed will facilitate the future subdivision and sale of the existing 6 dwellings on the site and the development of one residential lot. As a consequence of the rezoning proposal it is appropriate to introduce minimum lot size, maximum (FSR) and maximum building height controls to ensure that any future development has regard to the amenity of adjoining properties (PP pg. 8).

## Justification

The PP provides the following justification for the proposed amendments to LEP 2014:

- The rezoning of the land will help achieve the objective of increasing supply and mix of housing opportunities in the Ryde LGA.
- Enabling the sale of existing parishioner accommodation as residential development will increase the supply of housing for the local community (PP pg. 13).

## ITEM 6 (continued)

- The compatibility of the proposed minimum lot size, maximum FSR and building heights with the adjoining R2 zone will assist in ensuring that the rezoning maintains the character of the Marsfield local area (PP pg. 9).

### Proposed changes to Ryde Local Environmental Plan 2014

#### Concept Plan

The Planning Proposal seeks to change the land use zoning, height, FSR and lot size controls applying to the site to facilitate the subdivision of the property into 4 residential lots (Fig 8).

The concept subdivision plan indicates:

- The Torrens title subdivision of the land into 4 residential lots comprising:
  - 2 lots each containing one of the existing dwelling houses.
  - 1 lot containing an existing multi dwelling housing development of 4 dwellings, which is to be subsequently strata subdivided 4 strata lots.
  - 1 vacant residential lot.

The lots are to comprise the following:-

Lot No.	Dwelling Type	Minimum Lot Area Proposed	LEP 2014 - Minimum Lot Area Required
1	Multi dwelling housing development – 4 dwellings	1, 752sqm	1, 200sqm
2	Detached Dwelling	826sqm	580sqm
3	detached Dwelling	875sqm	580sqm
4	Vacant Lot	580sqm	580sqm

## ITEM 6 (continued)



### LEGEND




	LAND SUBJECT TO REZONING
	PROPOSED TORRENS TITLE SUBDIVISION
	PROPOSED STRATA SUBDIVISION

Fig 8: Concept subdivision plan

The proposed subdivision of the land complies with the minimum subdivision standard of 580sqm under Ryde LEP 2014 Lot Size Map. The proposed lot size of the multi dwelling housing allotment complies with the minimum density requirements for four dwellings of 1,200sqm and the minimum road frontage of 20m.

### Ryde LEP 2014 Map amendments

The Planning Proposal seeks to amend RLEP 2014 by recognising the existing use of the site for low density residential purposes and amending the planning controls to reflect R2 Low Density controls.

The proposed amendments include:

- Amending LEP 2014 Land Zoning Map from SP2 Place of Public Worship to R2 Low Density (Fig 9)
- Amending LEP 2014 Height of Buildings Map to give the land a maximum Building Height of 9.5 metres (Fig 10)
- Amending LEP 2014 Floor Space Ratio Map to give the land a maximum FSR control of 0.5:1 (Fig 11)
- Amending LEP 2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm.(Fig 12)

**ITEM 6 (continued)**

Mapping

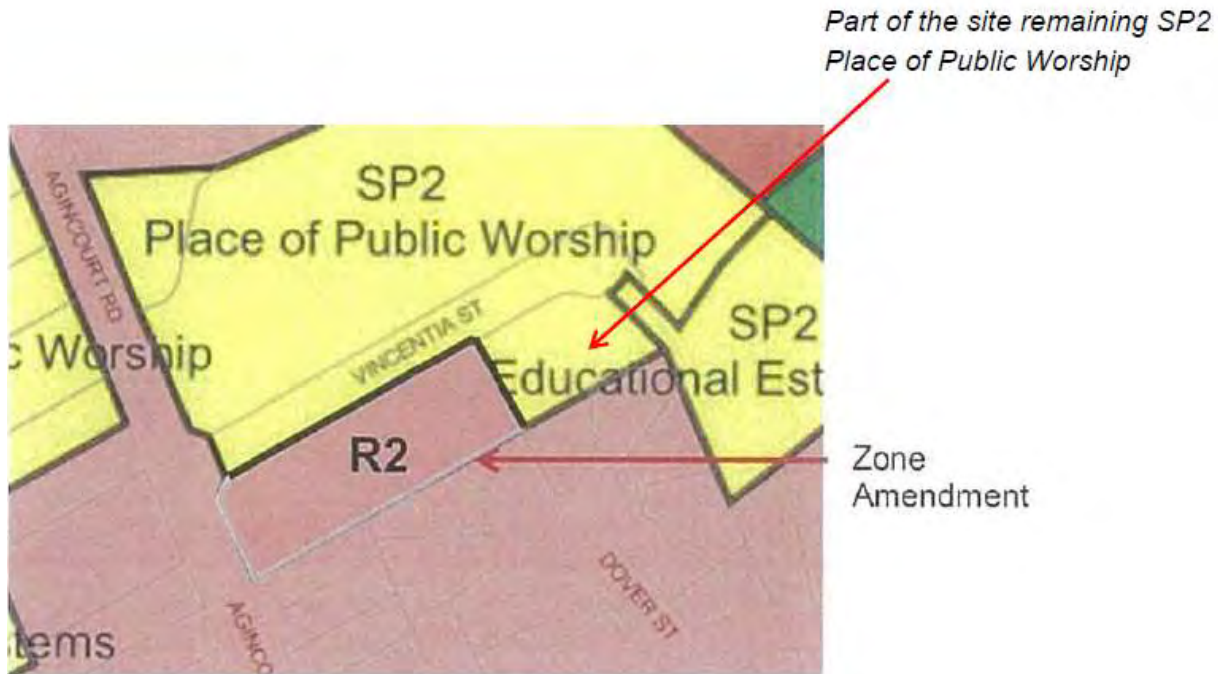


Fig 9: Proposed Land Zoning Map



Fig 10: Proposed Height of Building Map

**ITEM 6 (continued)**



Fig 11: Proposed Floor Space Ratio Map



Fig 12: Proposed Lot Size Map (PP page 20-23)



## **ITEM 6 (continued)**

### **Assessment of the Planning Proposal**

The following provides an assessment and review of the Planning Proposal based on the areas required to be covered under *A guide to preparing planning proposals* issued by the DPE.

#### Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements of the gateway process. The Planning Proposal is supported by the following attachments:

- Concept subdivision Plan
- Site Survey
- Contamination Report

#### Assessment of Need for the Planning Proposal

In accordance with the Gateway Process the following questions must be considered:

#### ***Is this planning proposal the result of any strategic study or report?***

The Planning Proposal states it is not the result of a specific strategic study or report, but contributes to the overall direction set by local and metropolitan planning strategy to help achieve increased supply and mix of housing opportunities in the Ryde LGA (PP pg.12).

#### ***Is the planning proposal the best means of achieving the objective, or is there a better way?***

The PP states that the proposed rezoning of the land is the best means of achieving the objective of permitting residential subdivision (PP pg.12).

### **Response**

The land under its current zoning of SP2 Place of Public Worship prohibits the uses of the land for residential purposes except when the dwellings are an ancillary function to the use of the land as a place of public worship.

For the land to be used solely for residential purpose it must be rezoned.

## ITEM 6 (continued)

### ***Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The Planning Proposal states the following:

*The Sydney Metropolitan Strategy 'A Plan for Growing Sydney' is the current NSW Government's plan for guiding metropolitan planning for the Greater Sydney region over the next 20 years. The plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability, including the delivery of housing, employment, and infrastructure.*

*Delivery of Sydney Metropolitan Strategy will be across six Districts and will be the responsibility of the Greater Sydney Commission under the Greater Sydney Commission Act 2015 (GSC Act). Ryde LGA is located within the North District and has a series of actions pertaining to the following fields:*

- A competitive economy*
- Accelerated housing supply, choice, affordability, and build great places to live*
- Protect the natural environment and promote its sustainability and resilience.*

*The rezoning of the subject land will help achieve the objective of increasing supply and mix of housing opportunities in the Ryde LGA. This will in turn support broader economic and social objectives with population growth (PP pg.12-13).*

## **Response**

The Draft North District Plan identifies liveability priorities and actions which include improving housing choice, increased housing numbers and housing diversity and affordability.

It is considered that the Planning Proposal is in line with both 'A Plan for Growing Sydney' and the Draft North District Plan in that it will result in a release of additional housing, comprising two forms of housing choice, into the community.

### ***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

The PP states the following:

The Ryde 2025 Community Strategic Plan is a long term strategy for the whole community built around seven key outcomes that articulate the aspirations of the community and the desire to improve and protect the liveability of the City. It identifies, amongst others the following challenges and opportunities:

### **ITEM 6 (continued)**

- Meeting the needs of a growth population
- Addressing the needs of a changing population
- Offering suitable housing options while maintaining the characteristics of our suburbs
- Managing the pressure of population growth on our amenity.

The rezoning of the subject site will assist in addressing these by increasing the supply and mix of housing opportunities for the growing Ryde LGA population. The compatibility of the proposed minimum lot size, maximum FSR and building height with the adjoining R2 zone will assist in ensuring the rezoning maintains the character of the Marsfield local area (PP pg. 13).

### **Response**

It is considered that the Planning Proposal is in line with goals and strategies of the Community Strategic Plan.

### ***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs include:

State Environmental Planning Policy No 55 - Remediation of Land.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Temporary Structures) 2007

### **Response**

It is considered that the PP does not contradict any applicable State Environmental Planning Policies, however further consideration of these Policies will occur with the detailed assessment of the Development Application.

**ITEM 6 (continued)**

**Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The relevant Section 117 directions are identified and detailed in the PP (pg. 15-17) and below.

<b>Section 117 Direction</b>	<b>Assessment</b>
<b>1 Employment Resources</b> 1.1 <i>Business and Industrial Zones</i> 1.2 <i>Rural Zones</i> 1.3 <i>Mining, Petroleum Production and Extractive Industries</i> 1.4 <i>Oyster Aquaculture</i> 1.5 <i>Rural Lands</i>	N/A
<b>2. Environment Heritage</b> 2.1 <i>Environment Protection Zones</i> 2.2 <i>Coastal Protection</i> 2.3 <i>Heritage Conservation</i> 2.4 <i>Recreation Vehicle Areas</i> 2.5 <i>Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</i>	N/A
<b>3.Housing , Infrastructure and Urban Development</b>	
3.1 <i>Residential Zones</i>	The applicant states the PP satisfies the terms of the Direction by encouraging the provision of the desired housing type on site.
3.2 <i>Caravan Parks and Manufactured Home Estates</i>	N/A
3.3 <i>Home Occupations</i>	Complies
3.4 <i>Integrated Land Use and transport</i>	Complies
3.5 <i>Development near Licensed Aerodromes</i> 3.6 <i>Shooting Ranges</i>	N/A
<b>4 Hazard and Risk</b> 4.1 <i>Acid Sulphate Soils</i> 4.2 <i>Mine Subsidence and Unstable Land</i> 4.3 <i>Flood Prone Land</i> 4.4 <i>Planning for Bushfire</i>	N/A
<b>5. Regional Planning</b> 5.1 <i>Implementation of regional strategies</i> 5.2 <i>Sydney Drinking Water Catchments</i> 5.3 <i>Farmland of State and Regional Significance on the NSW Far North Coast</i>	N/A

**ITEM 6 (continued)**

Section 117 Direction	Assessment
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i> 5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i> 5.6 <i>Sydney to Canberra Corridor (Revoked)</i> 5.7 <i>Central Coast (Revoked)</i> 5.8 <i>Second Sydney Airport: Badgerys Creek</i> 5.9 <i>North West Rail Link Corridor Strategy</i> 5.10 <i>Implementation Regional Plans</i>	
<b>6. Local Plan Marketing</b> 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions	N/A
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Plan Objective</b> <i>(1) The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney.</i>	The applicant states the PP is consistent with this direction to the extent of increasing housing supply and choice in the Ryde area.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A

**Response**

The Planning Proposal complies with the relevant Ministerial Directions (s.117 directions).

**Environmental, social and economic impact**

***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The Planning Proposal (PP pg. 18) states that there are no critical habitats or threatened species located on the site which would be impacted by the proposal.

**Response**

The Planning Proposal site is located in a built up area and contains existing development. The land has not been identified as containing a specific habitat that will be affected by the PP.

## **ITEM 6 (continued)**

### ***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Planning Proposal states that there are minimal environmental effects as a consequence of the planning proposal as the site is essentially already developed as residential (PP pg.18).

#### **Response**

It is considered that there will be minimal environmental effects as a result of the Planning Proposal.

### ***Has the planning proposal adequately addressed any social and economic effects?***

The PP states that the proximity and linkages to the Macquarie Park town centre reinforce social and economic benefits by supporting additional custom and potential employees to the area (PP pg.19).

#### **Response**

It is considered that there will be minimal social and economic effects as a result of the Planning proposal.

## **State and Commonwealth interests**

### ***Is there adequate public infrastructure for the planning proposal?***

The PP states there is adequate infrastructure available for the proposal. Existing services can be augmented if necessary as the site is developed in the future (PP pg. 19).

#### **Response**

As the PP is rezoning the land to reflect its current use for residential purposes it is considered that there is adequate infrastructure available.

### ***What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?***

The PP states the views of State and Commonwealth Public Authorities will be canvassed through the assessment process of this proposal as appropriate. This consultation may result in variations to the Planning Proposal (PP pg.19).

## **ITEM 6 (continued)**

### **Response**

As the PP is rezoning the land to reflect its current use for residential purposes it is not considered necessary to consult with any external authority at this time. Upon a Gateway Determination being issued the relevant authorities to be consulted, if any, will be identified by the Department of Planning and Environment.

### **Consultation with relevant external bodies**

#### *Internal Consultation*

The Planning Proposal was referred to the relevant Council staff for comment on areas relating to contamination and development contributions.

Council's Development Contributions Coordinator has advised that there are no development contributions required at this stage, however this will be a matter for consideration when the development application to subdivide the land is determined.

Council's Senior Environmental Health Officer has advised that a Preliminary Site investigation has been prepared for the site and that the site which has been used for residential purposes is likely to pose a low risk of contamination to any future residential use.

#### *Community Consultation*

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the Gateway Determination.

The Department of Planning and Environment's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a Gateway Determination given, consultation will include the following:

- written notice given:
  - in the local newspaper circulating in the area,
  - on Council's webpage,
  - to adjoining landowners (where this involves strata titled properties, a letter will be sent to the body corporate), and
  - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.

## **ITEM 6 (continued)**

- the written notice will:
  - provide a brief description of the objectives and intended outcomes,
  - indicate the land affected,
  - state where the planning proposal can be inspected,
  - indicate the last date for submissions, and
  - confirm whether the Minister has chosen to delegate the making of the LEP.

The applicant states it is envisaged the proposal will need to be advertised for a minimum of 28 days (PP pg. 24).

### **Critical Dates**

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Minister. The timeline provided in the PP indicates that the notification of the changes on the government website should occur by the end of 2017.

### **Financial Implications**

To exhibit the Planning Proposal it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds are provided for in the current budget for the financial year 2017/18 from the City Planning budget.

### **Options**

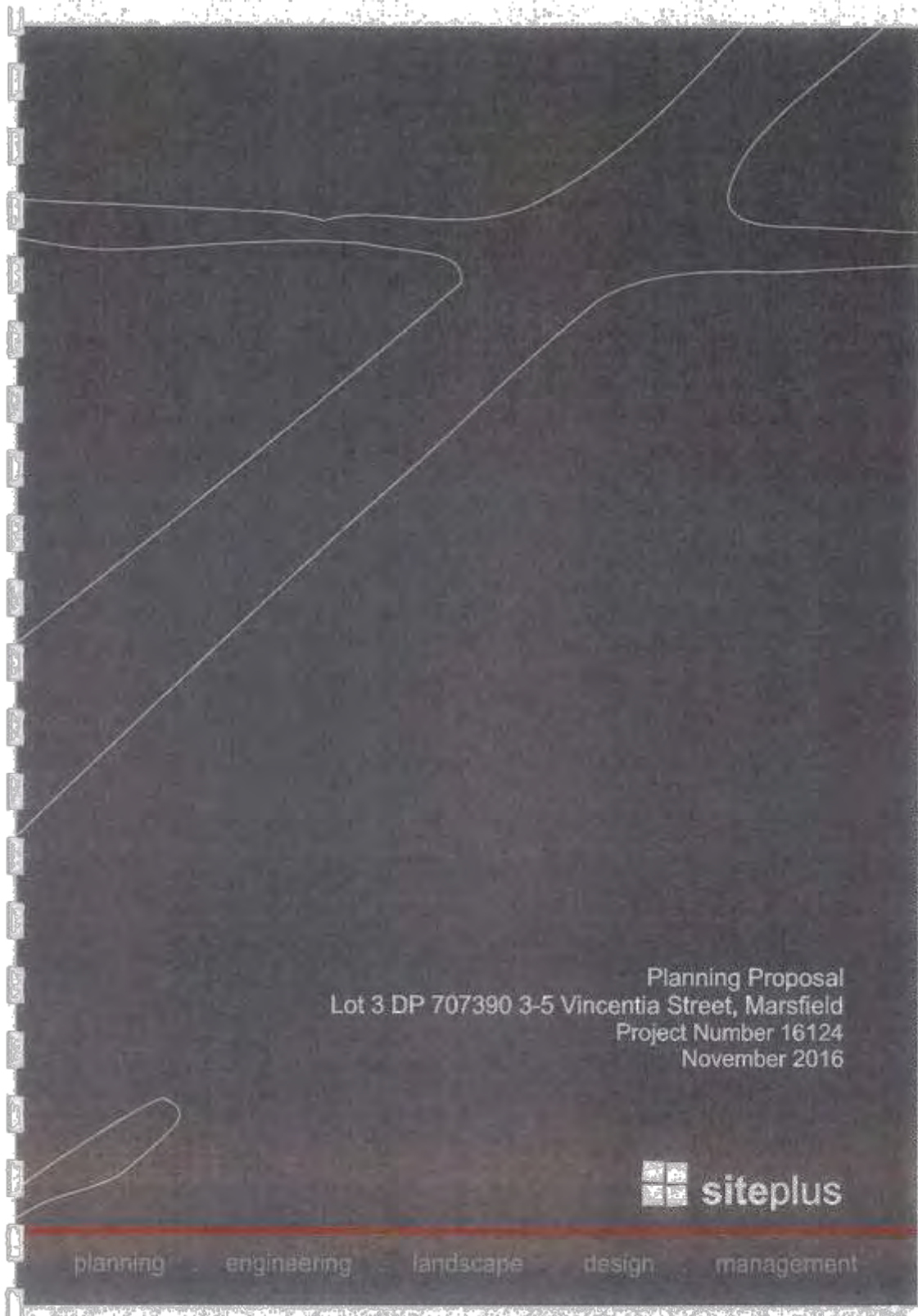
1. That Council proceed with the planning proposal to the next stage of the plan making process (gateway determination and community consultation). Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or
2. That Council not to proceed with the Planning Proposal. This is not the recommended option. If Council decides not to proceed with the Planning Proposal, the applicant can lodge a request with the Department of Planning and Environment for a pre-gateway review.

Option 1 is the recommended option because the proposal is of a minor nature and will enable the planning controls for the land to reflect the existing use of the land for residential purposes.



**ITEM 6 (continued)**

**ATTACHMENT 1**



**ITEM 6 (continued)**

**ATTACHMENT 1**



**PLANNING PROPOSAL**

**Rezoning To Enable Residential Subdivision**

**Lot 3 DP 707390**

**Vincentia Street, Marsfield**

**PREPARED FOR**

**Trustees of the Vincentian Fathers  
c/o Project Surveyors**

**PREPARED BY**

**Site Plus Pty Ltd (Siteplus)**

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2	Final Report	RD		Nov 2016	VM		Nov 2016



**ITEM 6 (continued)**

**ATTACHMENT 1**



**PLANNING PROPOSAL**

**FIGURES**

Figure ES1	Subject Land
Figure 1.4	Concept Subdivision Plan
Figure 2.0	Subject Land
Figure 2.1	Existing Zoning of Subject Land
Figure 7.0	Proposed Zoning Map
Figure 7.1	Current Zoning Map
Figure 7.2	Proposed Lot Size Map
Figure 7.3	Current Lot Size Map
Figure 7.4	Proposed Height of Buildings Map
Figure 7.5	Current Height of Buildings Map
Figure 7.6	Proposed FSR Map
Figure 7.7	Current FSR Map

**TABLES**

Table ES1	Lot Sizes and Proposed Subdivision
Table 2.0	Existing Dwelling Layout
Table 2.1	RLEP 2014 Environmental Constraints
Table 3.0	Comparison of existing and proposed provisions
Table 5.0	Comparison of SP2 and R2 Zones
Table 5.1	Existing Lot Estimates and R2 Zone Compliance Table
Table 6.0	SEPP Compliance Table
Table 6.1	117 Ministerial Directions Compliance Table
Table 9.0	Anticipated Timeline

**APPENDICES**

APPENDIX A	Proposed RLEP 2014 Maps
APPENDIX B	Concept Subdivision Plan
APPENDIX C	Ryde Council Pre-lodgement Advice
APPENDIX D	Site Survey
APPENDIX E	Site Analysis Plan and Photos
APPENDIX F	Sydney Water Map

**ITEM 6 (continued)**

**ATTACHMENT 1**



**PLANNING PROPOSAL**

**EXECUTIVE SUMMARY**

<b>Site Address</b>	3-5 Vincentia Street, Marsfield Lot 3 DP 707390
<b>Proponents</b>	The Trustees of the Vincentian Fathers.
<b>Current Zone</b>	SP2 (Place of Public Worship) Ryde Local Environmental Plan 2014.
<b>Proposed Zone</b>	R2 Low Density Residential

The Trustees of the Vincentian Fathers wish to rezone the land at Vincentia Street, Marsfield to enable subdivision of part of the site and future sale of existing dwelling houses. The conceptual subdivision is proposed in accordance with existing residential development on site.

The land subject to this planning proposal is shown in Figure ES1, outlined in red.

**Figure ES1 Subject Land**



Source: RLEP 2014 LZN\_004 Map Oct 2015 to date

This Gateway Proposal is to rezone part of the subject site from SP2 (Place of Public Worship) zone to R2 Low Density Residential zone.

The proposal will involve the following amendments to RLEP 2014:

- Land Zoning Map LZN\_004 to R2 Low Density Residential
- Minimum Lot Size Map LSZ\_004 to 'L' (500m<sup>2</sup>)

**ITEM 6 (continued)**

**ATTACHMENT 1**



**PLANNING PROPOSAL**

- Floor Space Ratio FSR\_004 to 'D' (0.5:1)
- Height HOB\_004 to 'J' (9.5m).

The proposed RLEP 2014 maps are attached at Appendix A.

The rezoning will enable Torrens Title and Strata subdivision of existing residential dwellings on site. A Concept Subdivision Plan is attached at Appendix B. It indicates subdivision aims to maintain the existing six (6) dwellings on site with an addition of one (1) single-dwelling lot.

The concept subdivision plan proposes the Torrens Title subdivision of the land into four (4) Torrens Title lots comprising three (3) residential dwelling lots and 1 multi-dwelling lot. The multi-dwelling lot will then be strata subdivided to create 4 strata lots.

Overall the proposal will involve an increase of one (1) single-dwelling lot and the subdivision of 6 existing dwellings on site. This is summarised in Table ES1.

**Table ES1: Lot Sizes and Proposed Subdivision**

Type	Min Size	Torrens Title Lots	Strata Title Lots
Residential Dwelling	580m <sup>2</sup>	3 (2 existing dwellings + 1 vacant lot)	
Multi-dwelling Housing	900m <sup>2</sup>	1	4 (existing dwellings)
<b>Total</b>		<b>4 Torrens Title Lots</b>	<b>4 Strata Title Lots</b>

ITEM 6 (continued)

ATTACHMENT 1



PLANNING PROPOSAL

**1.0 INTRODUCTION**

**1.1 Components of the Planning Proposal**

In accordance with the requirements of Section 55(2) Environmental Planning and Assessment Act 1979 (as amended) (The Act), this document is the Planning Proposal for 3-5 Vincentia Street, Marsfield.

*This Planning Proposal addresses the requirements nominated in the Gateway Proposal procedures and the Guide to Preparing Planning Proposal set down by the NSW Department of Planning and Infrastructure.*

The legal description of the site is Lot 3 DP 707390.

The Planning Proposal has been prepared by Site Plus Pty Ltd (Siteplus) on behalf of the Trustees of the Vincentian Fathers.

The Planning Proposal completes the documentation required under the Act and accompanies the following:

- A completed planning proposal form
- Plans and maps for the rezoning.

The subject land is within an area identified in the Ryde Local Environmental Plan (RLEP) 2014 as SP2 (Place of Worship).

**1.2 The Proponents**

The proponents for the Planning Proposal are the Trustees of the Vincentian Fathers.

The Trustees of the Vincentian Fathers currently provides accommodation for retired members of its community of priests and brothers in Vincentia Street and also supports the parish staff of St Anthony's Parish Church, also located on Agincourt Road.

**1.3 Planning Background**

In 2014, Ryde City Council adopted the Ryde Local Environmental Plan 2014 (RLEP 2014). This planning proposal will seek to amend the current provisions of RLEP 2014 to permit development on the site which is commensurate with the provisions of the R2 Low Density Residential Zoning.

The rezoning proposal will effectively enable the existing residential dwellings and one (1) vacant lot to be subdivided and sold on the open market as residential development. The subdivision is proposed in accordance with the existing dwelling layout on site.

ITEM 6 (continued)

ATTACHMENT 1



PLANNING PROPOSAL

1.4 Proposed Rezoning

This Gateway proposal for the site is to rezone part of the land at 3-5 Vincentia Street, Marsfield (Lot 3 DP 707390) from SP2 (Place of Worship) to R2 Low Density Residential under RLEP 2014.

The proposal will involve the following amendments to RLEP 2014:

- Land Zoning Map LZN\_004 to:
  - R2 Low Density Residential.
- Minimum Lot Size Map LSZ\_004 to:
  - 'L' (580m<sup>2</sup>)
- Floor Space Ratio Map FSR\_004 to:
  - 'D' (0.5:1)
- Height of Buildings Map HOB\_004 to:
  - 'J' (9.5m).

The proposed amendments to the LEP will allow the subdivision of the site in accordance with existing residential development layout on site. The rezoning will enable Torrens Title subdivision into 4 Torrens Title lots, with one lot subsequently Strata subdivided into 4 Strata lots.

The conceptual subdivision illustrates the intent to maintain the existing six (6) dwellings on site with an addition of one (1) single-dwelling lot.

The Concept Subdivision Plan is shown in Figure 1.4 and Appendix B.

Figure 1.4 Concept Subdivision Plan



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Planning Proposal  
3-5 Vincentia Street, Marsfield  
Site Plus Pty Ltd Project No. 16128 November 2016



**ITEM 6 (continued)**

**ATTACHMENT 1**



**PLANNING PROPOSAL**

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**1.5 Council Liaison**

All previous written communication with Ryde Council including pre-lodgement advice is attached at Appendix C. This includes:

- Ryde Council pre-lodgement advice (12 September 2016)
- Preliminary Information submitted by Siteplus for pre-lodgement advice (August 2016)
- Ryde Council Letter (10 November 2014)
- Ryde Council Meeting Notes (July 2014).

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**PLANNING PROPOSAL**

**2.0 THE SUBJECT LAND**

The site is Lot 3 DP 707390, known as 3 & 5 Vincentia Street, Marsfield and located within the Ryde Local Government Area.

The land subject to this planning proposal is shown in Figure 2.1 below (outlined in red) and has a total area of 3,946m<sup>2</sup>.

Figure 2.0 Subject Land



Source: <https://maps.6x.nsw.gov.au/>

The subject land currently comprises six (6) dwellings:

Table 2.0 Existing Dwelling Layout

Dwelling Reference	Dwelling Type	Bedrooms	Garage
1	Attached	4	Attached double garage
2	Attached	4	Attached double garage
3	Detached	4	Attached double garage
4	Detached	4	Attached double garage
5	Detached	5	Detached garage
6	Detached	5	4-car carport

The six (6) residential dwellings on site currently provide parishioner accommodation. The dwellings numbered 5 and 6 above were constructed in 1982 and the remaining 4 dwellings were constructed in 1999. All dwellings were built as self-contained residential dwellings and remain in good condition.

There is a large tree located between the buildings and 5 trees scattered across the vacant land.

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Besides the SP2 zoning to the north of the site, the site is located within a low density residential area with existing R2 Low Density Zoning.

A survey of the site is attached at Appendix D.

2.1 Site Analysis

*This section identifies any relevant significant issues that need to be addressed in considering the planning proposal.*

Appendix E provides a site analysis plan and photos of the site. The site analysis plan details key features of the site including the existing dwelling layout on site. There are six (6) existing dwellings on site as discussed in Section 2.0.

The current zoning of the site is SP2 (Place of Worship). To the immediate east of the site is the Minimbah Care Facility and to the southern boundary is low density residential development. To the northern side of Vincentia Street, is aged care development within the same SP2 zoning. Figure 2.0 illustrates the existing zoning of the site and its immediate vicinity.

Figure 2.1 Existing Zoning of Subject Land



Source: RLEP 2014 LZN\_004 Map Oct 2015 to date

Table 2.1 lists the environmental constraints of the site under RLEP 2014.

Table 2.1 RLEP 2014 Environmental Constraints

Constraint	Affectation	Map Reference
Lot Size	Not affected	LSZ_001
FSR	Not affected	FSR_004
Height	Not affected	HOB_004
Heritage	Not affected	HER_004
Flood	Not affected	FLD_004

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PLANNING PROPOSAL

3.0 THE PLANNING PROPOSAL

This planning proposal is seeking to amend the current provisions of Ryde LEP 2014 relating to part of the site at 3-5 Vincentia Street, Marsfield currently zoned SP2 Place of Worship to be commensurate with the provisions of the R2 Low Density Residential Zoning.

The rezoning aims to enable subdivision of existing dwellings on site and the addition of one (1) residential-dwelling lot. The portion of the site not subject to rezoning will remain zoned SP2 Place of Worship.

The proposal will involve the following amendments to RLEP 2014:

- Land Zoning Map LZN\_004 to:
  - R2 Low Density Residential
- Minimum Lot Size Map LSZ\_004 to:
  - 'L' (580m<sup>2</sup>)
- Floor Space Ratio Map FSR\_004 to:
  - 'D' (0.5:1)
- Height of Buildings Map HOB\_004 to:
  - 'J' (9.5m).

In proposing these amendments, the planning proposal is reflective of other controls and development which apply within the local area.

Table 3.0 provides a comparison of the existing and proposed provisions.

Table 3.0 Comparison of existing and proposed provisions

Control	Map	Existing Provisions	Proposed Provisions
Zoning	LZN_004	SP2 Infrastructure (Place of Worship)	R2 Low Density Residential
Minimum Lot Size	LSZ_004	N/A	580m <sup>2</sup>
FSR	FSR_004	N/A	0.5:1
Height	HOB_004	N/A	9.5m

Source: Siteplus

Currently the SP2 zoning prevents subdivision of the land and individual sale of this form of development. The rezoning will enable Torrens Title and subsequent Strata subdivision. A Concept Subdivision Plan is attached at Appendix B.

The Concept Subdivision Plan indicates:

- Torrens Title subdivision making 4 lots comprising:
  - o 2 existing residential dwellings
  - o 1 multi-dwelling lot (comprising 4 existing dwellings).

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o 1 vacant lot.

- Subsequent Strata Subdivision of the Torrens Title multi-dwelling lot to comprise 4 strata lots.
- The proposed location of the zone boundary between SP2 and proposed R2 land will be in accordance with the boundary of the proposed vacant lot. This will involve the demolition of the existing carport on site.

It is noted there will be no changes or implications to the text of the LEP as a consequence of this proposal.

**3.1 Key Issues Relating to the Proposal**

**3.1.1 Utilities Services**

All utilities services are provided to the six (6) existing dwellings on site. It is expected that utilities services will need to be augmented and provided to the additional dwelling-lot upon subdivision. It is considered there is sufficient capacity within the system to accommodate this.

Appendix F contains a map from Sydney Water illustrating the existing water and sewerage supply on site.

**3.1.2 Traffic**

The planning proposal effectively seeks to maintain existing residential development on site and therefore there would be no change to associated traffic and transport conditions related to the six (6) dwellings on site.

The addition of one vacant residential lot will have a subsequent increase of traffic in relation to the development of one residential dwelling. However, this is expected to be negligible given the provision of 2 car spaces for the new lot would require the loss of 2 car spaces of the adjoining lot which currently accommodates a 4-car carport. There would therefore be no net increase of car spaces lost or provided on site as a result of the proposal.

It is concluded that no additional traffic-related infrastructure works would be required as a result of the Planning Proposal.

**3.1.3 State Environmental Planning Policy 55 – Remediation of Land**

The subject land accommodates existing residential development under the existing SP2 Place of Worship zoning. The proposed rezoning of the site to R2 Low Density Residential intends to maintain existing residential development on site and therefore will not result in a change of use. It is therefore considered the provisions of State Environmental Planning Policy 55 (SEPP 55) are not affected by the proposal.

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4.0 OBJECTIVES AND INTENDED OUTCOMES

The objective of the rezoning proposal for 3-5 Vincentia Street, Marsfield is:

*To enable subdivision of the site for residential development.*

The site is currently zoned SP2 (Place of Worship) as shown in Figure 2.1. The gateway proposal will require the:

- Amendment to the zoning of the site
- Imposition of minimum lot size
- Imposition of floor space ratio
- Imposition of maximum height of buildings.

The changes proposed will enable the development of the site into lots permitting residential development with a minimum lot size of 560m<sup>2</sup>, Floor Space Ratio of 0.5:1, and maximum height of buildings of 9.5m. Table 3.0 compares the provisions of the existing zone and the proposed provisions as a consequence of this rezoning.

The rezoning will enable subsequent Torrens Title and strata subdivision of the site. A Concept Subdivision Plan is attached at Appendix B.

ITEM 6 (continued)

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PLANNING PROPOSAL

5.0 EXPLANATION OF PROVISIONS

The proposed amendments to the zoning map, minimum lot size map, FSR map and height of buildings map will facilitate future subdivision and sale of the existing 8 dwellings on site and the development of one low-density residential lot. Under the RLEP 2014 provisions, subdivision or sale of residential development is not permitted within the existing SP2 zone.

As a consequence of the rezoning proposal, it is appropriate to introduce minimum lot size, maximum FSR and maximum building height controls to ensure that future development has regard to the amenity of adjoining properties. The provisions that are being sought in this Gateway Proposal are reflective of the zone and adjoining land within the existing Marsfield local area.

Table 5.0 below provides a comparison between the permitted land use of the existing and proposed zones of the subject site.

Table 5.0 Comparison of SP2 and R2 Zones

SP2 Infrastructure (Place of Worship)	R2 Low Density Residential
<b>1 Objectives</b>	<b>1 Objectives</b>
<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> <li>To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.</li> </ul>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide for a variety of housing types.</li> </ul>
<b>2 Permitted without consent</b>	<b>2 Permitted without consent</b>
Nil	Home occupations
<b>3 Permitted with consent</b>	<b>3 Permitted with consent</b>
Roads: The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.	Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings
<b>4 Prohibited</b>	<b>4 Prohibited</b>
Any development not specified in item 2 or 3.	Any development not specified in item 2 or 3.

The existing dwellings on site would be considered 'Dwelling houses', 'Dual occupancies (attached)' and/or 'multi-unit dwellings' in accordance with the R2 zoning definitions. It is noted that 'Dual occupancies (detached)' are not permitted in the R2 zone.

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For the purposes of the existing development on site, the following definitions apply:

**Dwelling house** means a building containing only one dwelling.  
*Note. Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.*

**Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.  
*Note. Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary.*

**Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.  
*Note. Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.*

A Concept Subdivision Plan of the subject site is proposed at Appendix B. The proposed subdivision is made according to the location of the existing six dwellings on site and allowing for an additional vacant lot. The boundary lines are indicative only.

The concept subdivision of the subject site is proposed as:

- Torrens Title Subdivision making 1 x multi-dwelling lot (comprising dwellings 1-4) and 3 x residential lots (comprising dwellings 5 & 6 and vacant lot 7)
- Subsequent Strata Subdivision of the multi-dwelling lot (making 4 strata lots)

It is proposed dwellings 1-4 be defined as 'multi-dwelling housing' within the definition of RLEP and then subject to strata subdivision to comprise 4 dwellings on the one lot. The reasons for this are:

- Dwellings 1-3 are sewered to the same connection.
- Dwellings 3 & 4 cannot be defined as dual occupancy (attached) according to the R2 zoning definition.
- Dwelling 3 does not comply with the minimum lot size for battle axe lots.

Table 5.1 lists the estimated lot areas according to the proposed Concept Subdivision Plan attached at Appendix B.



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Table 5.1 Existing Lot Estimates and R2 Zone Compliance Table

Lot Ref.	Dwelling Type	Lot Area Estimates	Minimum Lot Area (R2 zone)
1	Multi dwelling housing	394m <sup>2</sup>	
2	Multi dwelling housing	349m <sup>2</sup>	
3	Multi dwelling housing	567m <sup>2</sup>	
4	Multi dwelling housing	442m <sup>2</sup>	
	Total (Dwellings 1-4)	1,752	900m <sup>2</sup>
5	Detached dwelling	826m <sup>2</sup>	580m <sup>2</sup>
6	Detached dwelling	875m <sup>2</sup>	580m <sup>2</sup>
7	Vacant lot	580m <sup>2</sup>	580m <sup>2</sup>

ITEM 6 (continued)

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 **PLANNING PROPOSAL**

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**6.0 JUSTIFICATION**

**6.1 Need for the Planning Proposal**

**6.1.1 Strategic Studies or Reports**

*Is the planning proposal a result of any strategic study or report?*

The planning proposal is not a result of a specific strategic study or report but contributes to the overall direction set by local and metropolitan planning strategies to help achieve increased supply and mix of housing opportunities in the Ryde Local Government Area (LGA).

**6.1.2 Achieving Objectives or Intended Outcomes**

*Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

It is considered that the planning proposal is the best means of achieving the objective of permitting residential subdivision. The current provisions of the RLEP 2014 prohibit the subdivision of the site for residential purposes under the existing SP2 Infrastructure zone.

**6.2 Relationship to Strategic Planning Framework**

**6.2.1 Regional and Subregional Planning Strategies**

*Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The Sydney Metropolitan Strategy 'A Plan for Growing Sydney' is the current NSW Government's plan for guiding metropolitan planning for the Greater Sydney region over the next 20 years. The plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability, including the delivery of housing, employment, and infrastructure.

Delivery of Sydney Metropolitan Strategy will be across six Districts (or subregions) and will be the responsibility of the Greater Sydney Commission under the *Greater Sydney Commission Act 2015 (GSC Act)*. Ryde LGA is located within the North subregion and has a series of actions pertaining to the following fields:

- A competitive economy
- Accelerated housing supply, choice, affordability, and build great places to live
- Protect the natural environment and promote its sustainability and resilience.

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Planning Proposal  
3-5 Vincentia Street, Murrumbidgee  
Site Plus Pty Ltd Project No. 16124 November 2016 12

**ITEM 6 (continued)**

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**PLANNING PROPOSAL**

The rezoning of the subject land will help achieve the objective of increasing supply and mix of housing opportunities in the Ryde LGA. Enabling the sale of existing parishioner accommodation as residential development will increase the supply of housing for the local community. This will in turn support broader economic and social objectives associated with population growth.

**6.2.2 Council's Community Strategic Plan**

*Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

The Ryde 2025 Community Strategic Plan is a long term strategy for the whole community built around seven key outcomes that articulate the aspirations of the community and the desire to improve and protect the liveability of the City. It identifies, amongst others the following challenges and opportunities:

- Meeting the needs of a growth population
- Addressing the needs of a changing population
- Offering suitable housing options while maintaining the characteristics of our suburbs
- Managing the pressure of population growth on our amenity.

The rezoning of the subject site will assist in addressing these by increasing the supply and mix of housing opportunities for the growing Ryde LGA population. The compatibility of the proposed minimum lot size, maximum FSR and building height with the adjoining R2 zone will assist in ensuring the rezoning maintains the character of the Marsfield local area.

**6.2.3 State Environmental Planning Policies**

*Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Table 6.0 outlines the potentially relevant State Environmental Planning Policies and their relevance to the Planning Proposal:

**Table 6.0 SEPP Compliance Table**

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENT
State Environmental Planning Policy (State and Regional Development) 2011	N/A	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	
State Environmental Planning Policy (Urban Renewal) 2010	Does not apply	The site is not within a potential precinct for urban renewal.

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State Environmental Planning Policy (Affordable Rental Housing) 2008	N/A	This SEPP does not apply to the proposed or existing zone.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Does not apply	This policy does not apply to Ryde City Council.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Does not apply	
State Environmental Planning Policy (Rural Lands) 2008	N/A	
State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007	Does not apply	
State Environmental Planning Policy (Infrastructure) 2007	N/A	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Does not apply	
State Environmental Planning Policy (State Significant Precincts) 2005	Does not apply	This site is not identified as a State Significant Precinct.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A	Any subsequent development applications will be compliant with these provisions.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning Policy No 71-Coastal Protection	Does not apply	
State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development	N/A	The proposed zoning does not permit Residential Apartment Development.
Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	Does not apply	
State Environmental Planning Policy No 64-Advertising and Signage	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning	Does not apply	

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Policy No 62 Sustainable Aquaculture		
State Environmental Planning Policy No 55 Remediation of Land	N/A	It is considered the proposal will not affect the provisions of the SEPP. See Section 3.1.3 of this Report.
State Environmental Planning Policy No 52 Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	This policy does not apply to Ryde City Council.
State Environmental Planning Policy No 50 Canal Estate Development	Does not apply	
State Environmental Planning Policy No 47 Moore Park Showground	Does not apply	
State Environmental Planning Policy No 44 Koala Habitat Protection	N/A	This policy applies to the site. The site is largely cleared and there is no evidence of Koala Habitat on the site.
State Environmental Planning Policy No 36 Manufactured Home Estates	Does not apply	
State Environmental Planning Policy No 23 Caravan Parks	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning Policy No 35 Hazardous and Offensive Development	N/A	The proposal will not affect the provisions of the SEPP.
State Environmental Planning Policy No 30 Intensive Agriculture	Does not apply	
State Environmental Planning Policy (Kurnell Peninsula) 1989	Does not apply	
State Environmental Planning Policy No 26 Littoral Rainforests	N/A	No littoral rainforests identified on the subject land.
State Environmental Planning Policy No 19 Bushland in Urban Areas	N/A	The site is not identified as part of a bushland area.
State Environmental Planning Policy No 14 Coastal Wetlands	Does not apply	
State Environmental Planning Policy No 1 Development Standards	N/A	The proposal will not affect the provisions of the SEPP.

**6.3 Section 117 Ministerial Directions**

*Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?*

Table 6.1 outlines the Ministerial Directions under Section 117 of the EP&A Act and their relevance to the Planning Proposal.

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**Table 6.1 Section 117 Ministerial Directions Compliance Table**

Ministerial Direction	Compliance	Comment
<b>1. Employment Resources</b>		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
<b>2. Environmental Heritage</b>		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	There are no known heritage items on the subject land.
2.4 Recreation Vehicle Areas	N/A	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Complies	This proposal is compliant with this direction to the extent of future applications being compliant with provisions and controls relating to the site. It satisfies the terms of this direction by encouraging the provision of the desired housing type on site.
3.2 Caravan Parks and Manufactured Home Estates	N/A	This Direction is complied with to the extent that the overall provisions of the LEP are compliant.
3.3 Home Occupations	Complies	This proposal will not impact on this outcome from being achieved.
3.4 Integrating Land Use and Transport	Applies	It is considered the proposal is consistent with the objectives of this direction.
3.5 Development near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
<b>4. Hazard and Risk</b>		
4.1 Acid Sulphate Soils	N/A	The site is not identified on Council's LEP maps as being in an area with acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	N/A	The site is not located in an area that is impacted by mine subsidence.
4.3 Flood Prone Land	N/A	The site is not listed on Council's LEP maps or the Macquarie Park Flood Risk

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4.4 Planning for Bushfire Protection	N/A	Management Plan Maps are being flood prone land. The site is not identified on Council's bushfire map as being at risk from bushfire.
<b>5 Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.8 Second Sydney Airport Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
5.10 Implementation of Regional Plans	N/A	
<b>6 Local Plan Marketing</b>		
6.1 Approval and Referral Requirements	N/A	
6.2 Reserving Land for Public Purposes	N/A	
6.3 Site Specific Provisions	N/A	
<b>7 Metropolitan Planning</b>		
7.1 Implementation of the Metropolitan Plan for Sydney	Complies	The proposal is consistent with this direction to the extent of increasing housing supply and choice in the Ryde area.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	

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**6.4 Environmental, Social and Economic Impact**

*This section identifies the relevant Environmental Impact Studies relating to the planning proposal.*

**6.4.1 Critical habitats and threatened species**

*Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

It is considered that there are no critical habitats or threatened species located on the site which would be impacted by the proposal.

The majority of the site comprises existing dwelling houses. The proposed vacant lot is grassed.

**6.4.2 Management of environmental effects**

*Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are minimal environmental effects as a consequence of the planning proposal as the site is essentially already developed as residential development with the existing provision of utilities and services.

All services and utilities can be augmented for the residential development of the proposed vacant lot as outlined in Section 3.1.

When a development application is lodged for subdivision, opportunity will be provided for addressing any development compliance issues relating to existing development on site.

**6.4.3 Social and economic effects**

*How has the planning proposal adequately addressed any social and economic effects?*

It is considered the proposal is an efficient use of land given the site is essentially already developed as residential development. By enabling private sale of existing residential development on site will increase the supply and mix of housing opportunities in an area of high demand. The size and nature of the proposed lots is compatible to surrounding development for which there is a proven market in Ryde.

The site lies within the established Marsfield residential area in close proximity to the Macquarie Park town centre. The proximity and linkages to



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PLANNING PROPOSAL

the Macquarie Park town centre reinforce social and economic benefits by supporting additional custom and potential employment base to the area.

**6.5 State and Commonwealth Interests**

**6.5.1 Public Infrastructure provision**

*Is there adequate public infrastructure for the planning proposal?*

Adequate infrastructure is available for the proposal. If necessary, some augmentation of existing services may be required and this can be adequately addressed as the site is developed.

**6.5.2 Consultation with State and Commonwealth Public Authorities**

*What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination, and have they resulted in any variations to the planning proposal?*

The views of State and Commonwealth Public Authorities will be canvassed through the assessment process of this proposal as appropriate. This consultation may result in variations to the Planning Proposal.

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7.0 PROPOSED LEP MAP

This section includes the draft amended LEP mapping of current and proposed statutory changes.

7.1 Zoning Amendments

The planning proposal will result in an amendment to the zoning map LZN\_004 by rezoning the subject site to R2 Low Density Residential. The proposed amendment is shown in Figure 7.0. The current zoning of the subject site is shown in Figure 7.1.

A detailed proposed zoning map (indicating exact zone boundaries) is included in Appendix A.

Figure 7.0 Proposed Zoning Map



Figure 7.1 Current Zoning Map



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PLANNING PROPOSAL

7.2 Lot Size Amendments

There is currently no minimum lot size applying to the site under the existing SP2 zoning. The Gateway Proposal amends the current lot size permitted to 'L' 580m<sup>2</sup>. The proposed lot size map is shown in Figure 7.2 and the current lot size map is shown in Figure 7.3.

A detailed proposed Lot Size Map (indicating exact boundaries) is included in Appendix A.

Figure 7.2 Proposed Lot Size Map



Figure 7.3 Current Lot Size Map



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PLANNING PROPOSAL

7.3 Height of Buildings Amendments

There is currently no maximum height limit applying to the site under the existing SP2 zoning. The Gateway Proposal amends the current height limit permitted to 'J' 9.5m. The proposed lot size map is shown in Figure 7.4 and the current lot size map is shown in Figure 7.5.

A detailed proposed Height of Buildings Map (indicating exact boundaries) is included in Appendix A.

Figure 7.4 Proposed Height of Buildings Map



Figure 7.5 Current Height of Buildings Map



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**7.4 Floor Space Ratio Amendments:**

There is currently no FSR applying to the site under the existing SP2 zoning. The Gateway Proposal amends the current FSR permitted to 'D' 0.5:1. The proposed FSR map is shown in Figure 7.6 and the current lot size map is shown in Figure 7.7.

A detailed proposed Floor Space Ratio Map (indicating exact boundaries) is included in Appendix A.

**Figure 7.6 Proposed FSR Map**



**Figure 7.7 Current FSR Map**



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**PLANNING PROPOSAL**

**8.0 COMMUNITY CONSULTATION**

It is envisaged the proposal will need to be advertised for a minimum of 28 days.

During exhibition of the proposal the community will be invited to make a submission regarding the planning proposal.

The community will be further afforded the right to comment on final details of the proposal through both the rezoning and development application process.

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9.0 PROJECT TIMELINE

An anticipated project timeline is provided to enable an understanding of the time required to complete the planning proposal within a reasonable period of time. The timeline also provides a mechanism to monitor the progress of the proposal through the plan making process.

The anticipated time line is described in Table 9.0.

Table 9.0 Anticipated Timeline

Government Agency Consultation	December 2016
Date of Gateway Determination (Commencement Date)	January 2017
Completion of Required Technical Information (if any – see Note )	March 2017
Government Agency Consultation – post- exhibition	March/April 2017
Commencement and completion dates for public exhibition	April/May 2017
Dates for public hearing	Not necessary
Timeframe for consideration of submissions	May 2017
Timeframe for the consideration of proposal post exhibition	June 2017
Date of submission to the Department to finalise the LEP	August 2017
Anticipated date RPA will make the plan	September 2017
Anticipated date the RPA will forward to the department for notification	September 2017

*NOTE: The proposal is not expected to result in the requirement of further technical studies to those included in the document.*

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ATTACHMENT 1



PLANNING PROPOSAL

**10.0 CONCLUSION**

It is recommended that Council forward the Planning Proposal to Gateway determination process in accordance with Section 56 of the EP&A Act 1979.

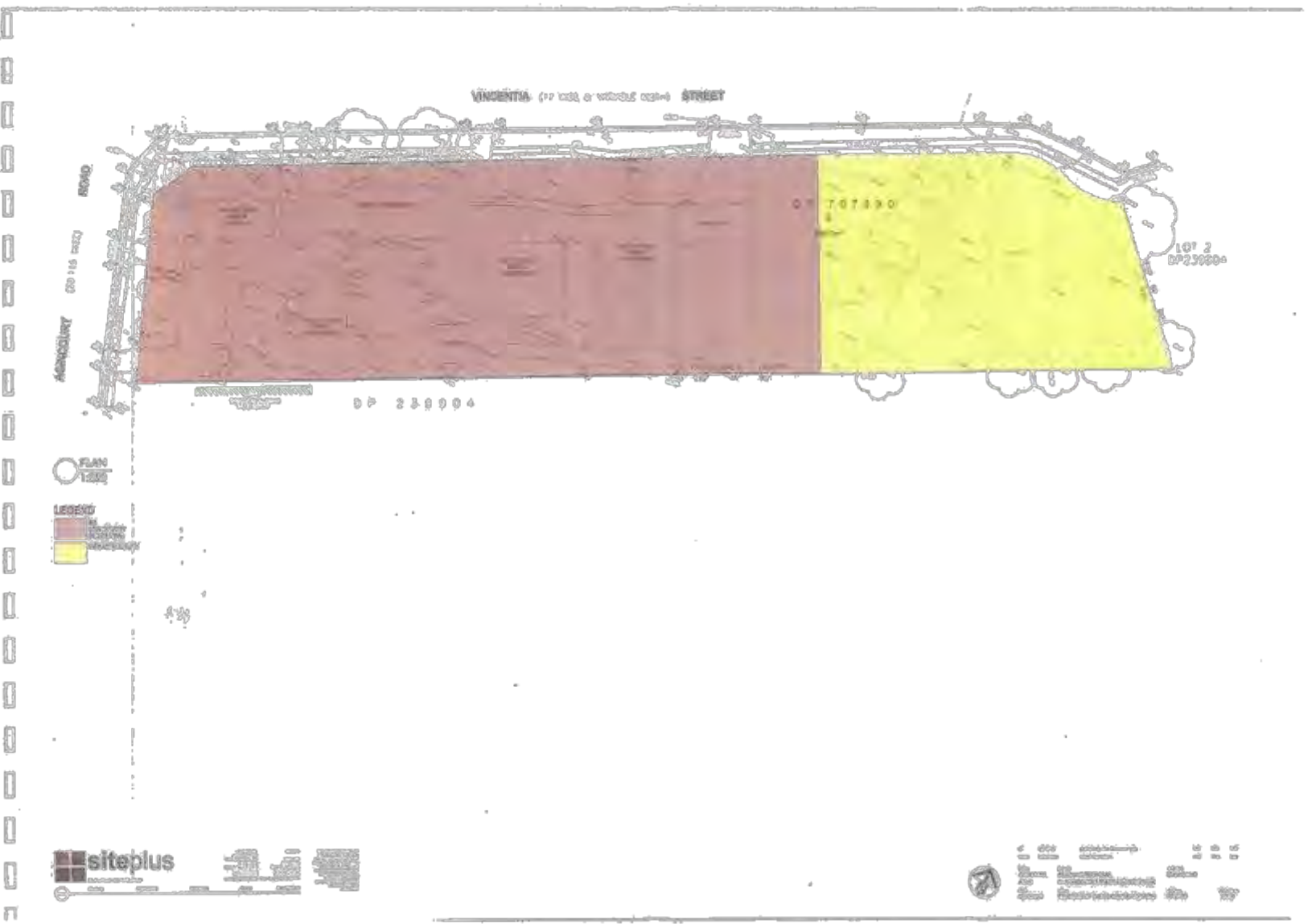
1. That the Planning Proposal prepared by Site Plus Pty Ltd for the proposed Amending Local Environmental Plan for Lot 3 DP 707390, 3-5 Vincentia Street, Marsfield be forwarded to the NSW Minister for Planning for determination under the Gateway process under Section 56 of the EP&A Act 1979.
2. That the Minister be requested to give advice to Council on:
  - a. The need for studies or other information to support the Planning Proposal and any associated need to revise the Planning Proposal.
  - b. Confirm the period of public exhibition of the proposal.





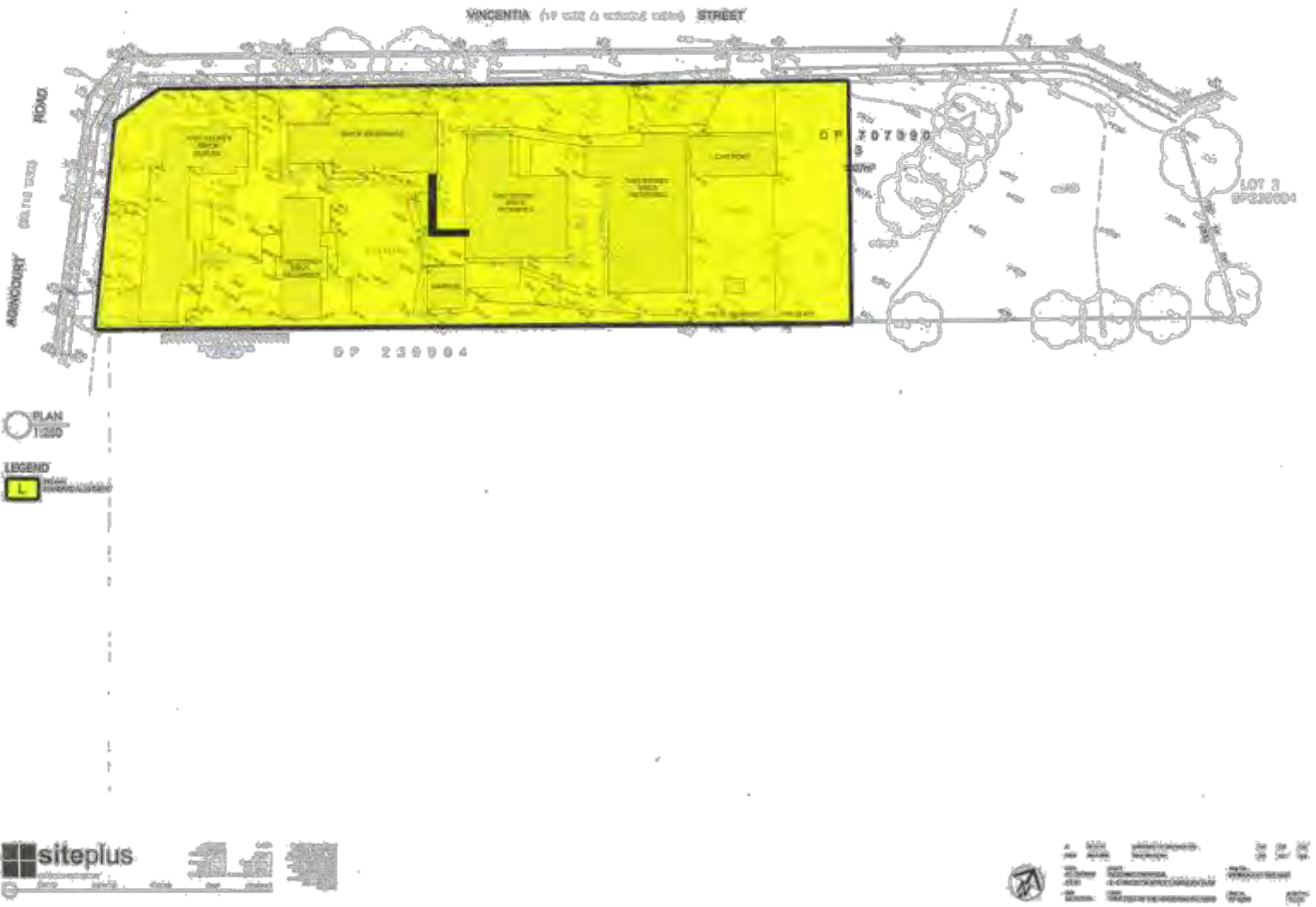
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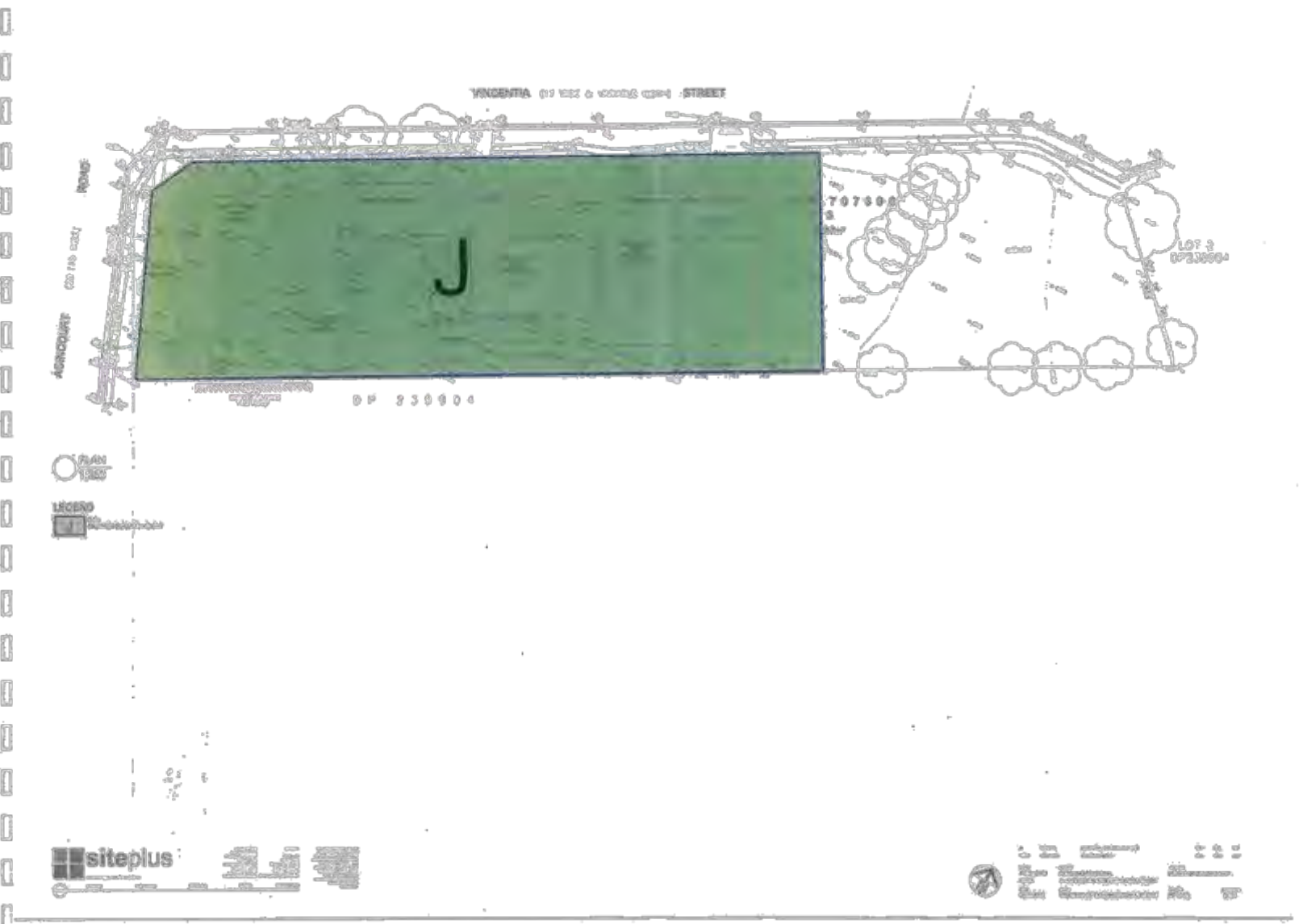
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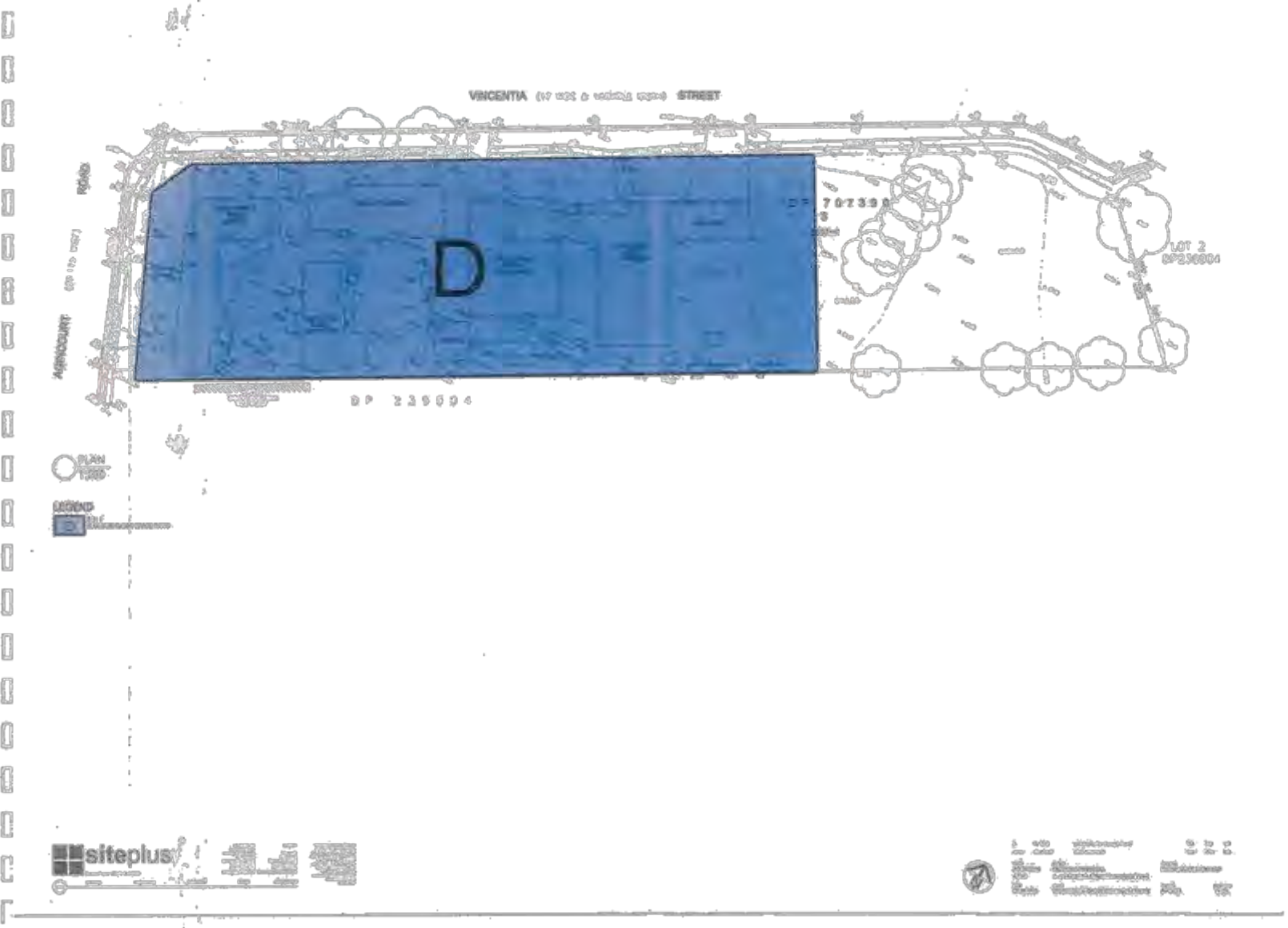
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ATTACHMENT 1



Ms Rebecca Drinkwater  
Siteplus  
PO BOX 5104  
WOLLONGONG NSW 2500

12 September 2016

Our ref: CRS2011/1184518

Dear Ms Drinkwater

**3-5 Vincentia Street Marsfield**

I refer to your letter of intent regarding a rezoning proposal for 3-5 Vincentia Street Marsfield.

Your letter states that the Planning Proposal will seek a rezoning of the land to R2 Low Density Residential, amend the Floor Space Ratio (FSR) Map and Height of Buildings to 0.5:1 and 9.5m respectively and amend the Lot Size Map to include the subject site.

Council will consider the proposed rezoning, FSR, Height and Lot Size Map changes as indicated in your submission dated 30 August 2016.

With respect to the proposed subdivision layout you are advised that Council will not support any variation to the existing subdivision controls in Ryde Local Environmental Plan 2014. In this regard your preliminary information indicating your intent to create 4 Torrens title lots with one lot containing a multi dwelling housing development to be strata subdivided is considered an appropriate approach.

To proceed with a Planning Proposal for the site the information will need to be submitted:

- Planning Proposal Report in accordance with the Departments 'Planning Proposals - Guide to Preparing a Planning Proposal'.
- Maps identifying the zoning, floor space ratio, height of buildings and lot size proposed on the site in accordance with the Departments 'Guide to Preparing a Planning Proposal'.
- A concept subdivision layout that complies with Ryde LEP 2014 indicating 4 Torrens title lots and a future strata subdivision proposal of one lot. A subdivision application (Torrens title and strata) would be

Civic Centre 1 Day/An Street, Ryde NSW  
Ryde Planning and Business Centre  
1 Pope Street, Ryde (Below Ryde Library)

Post Locked Bag 2069, North Ryde NSW 1670  
Email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)  
[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

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required to be submitted to Council once the rezoning of the site has been notified on the NSW Legislation Website. You are requested to speak to Mr Vince Galletto – Planning Team Leader on 9952 8233 regarding setback compliance issues, application requirements and fees for subdivision of land.

- Planning Proposal fee of \$30 000

The timeframe for a Planning Proposal of this nature would be expected to be between 6-9 months after submission to Council of a complete Planning Proposal (PP) application. Upon the completed PP being submitted with the required application fee a Planning Officer will be allocated the application to review and report to Council.

For more information please view Council's website  
<http://www.ryde.nsw.gov.au/Business-and-Development/Planning-Proposals/Information-Sheets-Forms-and-Guides>

And the Department of Planning and Environments website  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process>

Should you have any enquiries regarding the above please contact Susan Wotton – Strategic Planner on 9952 8204.

Yours sincerely



Lexie Macdonald  
Senior Coordinator Strategic Planning

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**FILE NOTE**

*City of Ryde Council Planning Officers*

**THURSDAY 24<sup>th</sup> JULY 2014** at 10.00am in the Ryde Council Building

Representing Ryde: Vince Gallato [Planning Dept], Adrian Melo [Client Manager Building & Development Advisory Service] and the Acting Planning Officer.

Representing the Vincentian Fathers & Brothers: Michael Walsh [Provincial] Philip Robson [Provincial Treasurer] and Susan Rath [Financial Manager]

**PURPOSE of Meeting:**

Fr Walsh outlined that the Vincentians were thinking of selling some of our premises in Marsfield now zoned SP2 [Special Purposes 2] as they maybe surplus to our accommodation requirements as the Province of Oceania especially the members in Australia are aging.

The Council Officers requested some background information regarding our property at Marsfield.

Fr Walsh and Fr Robson outlined our history regarding these properties from the original purchase of the land and *Curzon Hall* in 1922, the role of *Curzon Hall* as our training college from this time until 1981. Then the sale of some of the original property in the mid 1960's to the *Christian Brothers* who then constructed *Vaughan College* for their brothers attending Macquarie University. Followed by the sale a small part of our property in the 1980's *Mininbah Inc* for their special school and then the sale of land we decided we would not require to *Southern Cross Homes Inc* around 1989 and finally the sale of *Curzon Hall* in 2003.

The Council Officers outlined the process we were to follow and indicated that the whole process was rather involved and would require the Vincentians to obtain professional assistance. They also indicated that the process could take at least twelve (12) months to complete and that the first step was for the Vincentians to write a letter to the Council and outline their intentions with regard to the particular part of the property they were considering selling. The Officers would then respond and the process would also include a display of the plan to the public and a period when submissions from residents could be made to the Council.

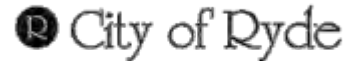
Fr Walsh had indicated that the Vincentians had four (4) town houses that they were considering offering for sale. The Council Officers said that the parcel of land on which these town houses were located was too small for division into individual lots and that a strata title would be the only real option for an application for re-zoning.

The Officers indicated that the Planning Department would be willing to support such an application to the Council. They also commented that these residences would add to the "residential stock" of the Ryde Council area.



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Lifestyle and opportunity @ your doorstep

Michael Walsh  
69 Agincourt Rd  
MARSFIELD NSW 2122

10 November 2014

D14/111142

Dear Mr Walsh,

**69 – 71 Agincourt Rd and 1-1A Vincentia Street, Marsfield**

I refer to your meeting with Council staff on the 24 July 2014 and your letter dated 13 October 2014 regarding the potential rezoning of 69 – 71 Agincourt Rd and 1-1A Vincentia Street, Marsfield. Please note that Council's records identify these properties as part of 3-5 Vincentia St, Marsfield.

I note that in your letter and in the July meeting you identified that you would like to rezone the subject sites from SP2 Public Worship to R2 Residential Low Density to allow for their sale as residential dwellings.

In order to commence the rezoning of this land you will need to lodge a planning proposal with Council. This planning proposal will need to be in accordance with the Department of Planning and Environment's 'Guide to Preparing a Planning Proposal', a copy of which is enclosed.

With the planning proposal, you will also need to:

- Fees in accordance with Council's Fees and Charges Schedule totalling \$17,000 (as the proposed site is estimated to be between 1600 and 1700 m<sup>2</sup>)
- Nominate a proposed height and floor space ratio (FSR) for the properties. I note that surrounding R2 properties are subject to a total height limit of 9.5m and an FSR of 0.5:1.
- Address potential traffic impacts resulting from the development. At this stage, given that the proposal will likely result in the keeping of existing dwellings and vehicle access this can be addressed in the Planning Proposal rather than providing a separate Traffic Report.

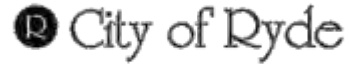
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Ryde Planning and Business Centre  
1 Pope Street, Ryde (Below Ryde Library)

Post Locked Bag 2069, North Ryde NSW 1670  
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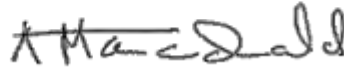


Lifestyle and opportunity @ your doorstep

- Identify the intended use / occupation of all remaining properties on site, including the proposed subdivision pattern.
- Ensure that the planning proposal addresses Clauses:
  - o 4.1 Minimum Subdivision lot size,
  - o 4.1A Dual Occupancy (attached) strata subdivision,
  - o 4.1B Minimum lot sizes for dual occupancies and multi dwelling housing, and
  - o 4.5A Density controls for Zone R2 Low Density Residential

As outlined in our meeting, it is recommended that you engage a qualified town planner to assist you in the preparation and lodgement of the planning proposal. Should you have any queries regarding the above or wish to further meet with Council staff please contact Lexie Macdonald, Acting Manager, Urban Planning on 9952 8228.

Yours sincerely



Lexie Macdonald,  
Acting Manager, Urban Planning  
City of Ryde Council

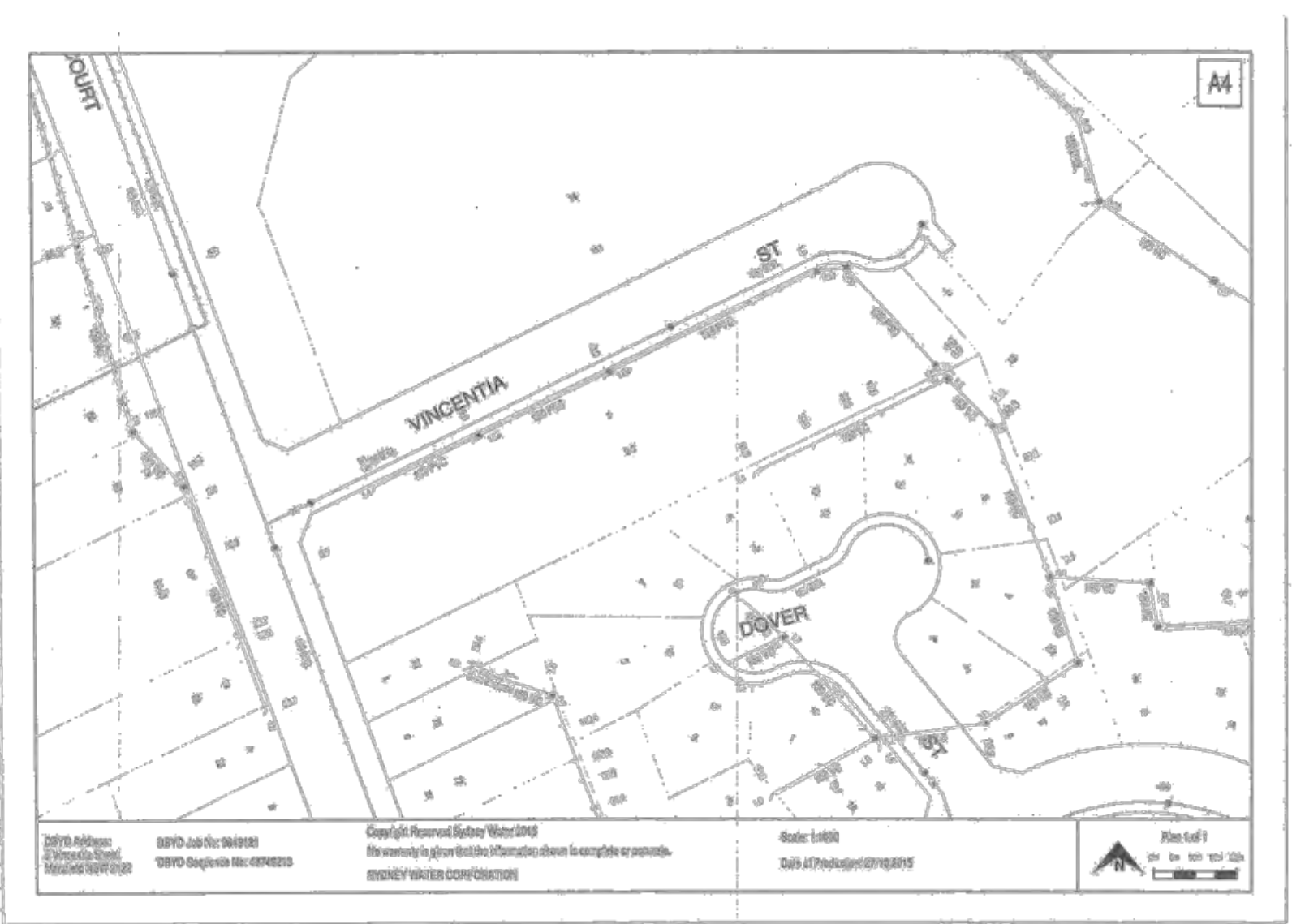






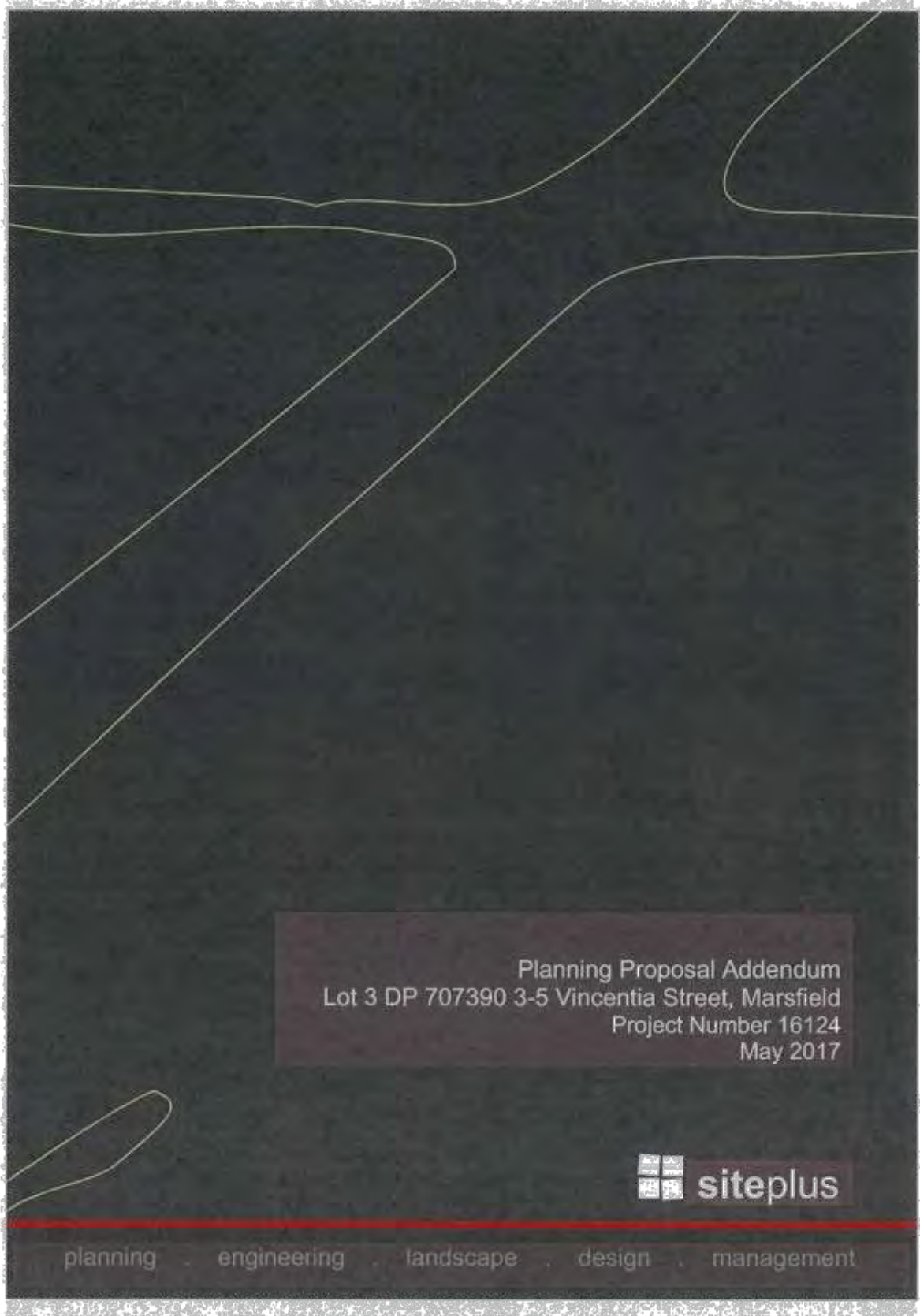
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**PLANNING PROPOSAL ADDENDUM**

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Rezoning To Enable Residential Subdivision

Lot 3 DP 707390

Vincentia Street, Marsfield

---

PREPARED FOR

**Trustees of the Vincentian Fathers  
C/o Project Surveyors**

PREPARED BY

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**PLANNING PROPOSAL ADDENDUM**

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**FIGURES**

Figure ES1	Subject Land
Figure 2.0	Subject Land

**TABLES**

Table 2.0	Existing Dwelling Layout
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PLANNING PROPOSAL ADDENDUM

EXECUTIVE SUMMARY

<b>Site Address</b>	3-5 Vincentia Street, Marsfield Lot 3 DP 707390
<b>Proponents</b>	The Trustees of the Vincentian Fathers
<b>Current Zone</b>	SP2 (Place of Public Worship) Ryde Local Environmental Plan 2014
<b>Proposed Zone</b>	R2 Low Density Residential

A Gateway Planning Proposal to rezone part of the subject site from SP2 (Place of Public Worship) zone to R2 Low Density Residential zone was lodged with Ryde Council in November 2016. In December 2016 the Draft North District Plan was released by the Greater Sydney Planning Commission.

In response to Council's internal assessment Council Strategic Planning Group requested in May, a compliance statement of the Planning Proposal with the Draft North District Plan.

This has been completed and findings are that the proposal is compliant with the plan.

The land subject to this planning proposal addendum is shown in Figure ES1, outlined in red.

Figure ES1 Subject Land



Source: RLEP 2014 LZN\_004 May/Oct 2015 to date

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**PLANNING PROPOSAL ADDENDUM**

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**1.0 INTRODUCTION**

**1.1 Request for Additional Information**

A Gateway Planning Proposal to rezone part of the subject site from SP2 (Place of Public Worship) zone to R2 Low Density Residential zone was lodged with Ryde Council in November 2016. In December 2016 the Draft North District Plan was released by the Greater Sydney Planning Commission.

In response to Council's internal assessment Council Strategic Planning Group requested in May, a compliance statement of the Planning Proposal with the Draft North District Plan.

**1.2 The Proponents**

The proponents for the Planning Proposal Addendum are the Trustees of the Vincentian Fathers.

The Trustees of the Vincentian Fathers currently provides accommodation for retired members of its community of priests and brothers in Vincentia Street and also supports the parish staff of St Anthony's Parish Church, also located on Agincourt Road.

**1.3 Draft North District Plan December 2036**

In December 2016, the Draft North District Plan was released by the Greater Sydney Planning Commission. The broad intent of the plan sets out how the north sector of Sydney will be developed over the next thirty years. It sets out planning principles and guidelines to be considered by regulating and approval agencies in the assessment of development.

**1.4 Council Liaison**

In May 2016 Council's assessing Strategic Planner for the proposal requested the proponents' project manager Project Surveyors to undertake an assessment of the proposal with the Draft North District Plan to ensure there was overall compliance. Project Surveyors then engaged Siteplus to prepare the necessary assessment.

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2.0 THE SUBJECT LAND

The site is Lot 3 DP 707390, known as 3 & 5 Vincentia Street, Marsfield and located within the Ryde Local Government Area.

The land subject to this planning proposal is shown in Figure 2.1 below (outlined in red) and has a total area of 3,946m<sup>2</sup>.

Figure 2.0 Subject Land



Source: <https://maps.six.new.gov.au/>

The subject land currently comprises six (6) dwellings:

Table 2.0 Existing Dwelling Layout

Dwelling Reference	Dwelling Type	Bedrooms	Garage
1	Attached	4	Attached double garage
2	Attached	4	Attached double garage
3	Detached	4	Attached double garage
4	Detached	4	Attached double garage
5	Detached	5	Detached garage
6	Detached	5	4-car carport

The six (6) residential dwellings on site currently provide parishioner accommodation. The dwellings numbered 5 and 6 above were constructed in 1982 and the remaining 4 dwellings were constructed in 1999. All dwellings were built as self-contained residential dwellings and remain in good condition. There is a large tree located between the buildings and 5 trees scattered across the vacant land.

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Besides the SP2 zoning to the north of the site as shown in Figure ES1, the site is located within a low density residential area with existing R2 Low Density Zoning.

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**3.0 ASSESSMENT OF COMPLIANCE WITH DRAFT NORTH DISTRICT PLAN 2036**

**3.1 Priorities and Activities of Plan**

The vision of the draft plan sets out clear priorities and activities to plan and approve development in Sydney's North Sector. Compliance with the relevant priorities and actions of the plan are set out in following sections.

**3.1.1 Implementation and Monitoring Actions**

The proposal as prepared is not in conflict with the implementation and monitoring actions of the Draft North District Plan.

**3.1.2 Productivity Priorities and Actions**

The proposal as prepared is not in conflict with the implementation and monitoring actions of the Draft North District Plan.

**3.1.3 Liveability Priorities and Actions**

The proposal provides the release of additional housing for private purchase in an established residential suburb already provided with infrastructure and community facilities. It assists in enacting the identified priorities and actions of the plan.

**3.1.4 Sustainability Priorities and Actions**

The proposal provides the release of additional housing for private purchase in an established residential suburb already provided with infrastructure and community facilities. It assists in enacting the identified priorities and actions of the plan.

**3.2 District Planning**

The proposal provides the release of additional private housing in an established residential suburb. This in turn provides further housing choice and is compliant with the district planning requirement set out in the draft plan.

**3.3 Local Planning**

In itself the proposal is not urban renewal however it does provide housing options as follows:

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**PLANNING PROPOSAL ADDENDUM**

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- Established Detached Dwellings
- Established Dual Occupancy development

The existing buildings are essentially dwellings currently utilised for Church purposes. They are fully constructed and landscaped and fit into established transport and movement networks. No additional provisions are required.

**3.4 Infrastructure**

The subject land and onsite buildings are provided with all necessary services and infrastructure inclusive of:

- sewer and water
- electricity
- telecommunications
- gas

**3.5 Productive City**

The draft plan describes overarching matters to be considered to make Sydney's north district a safe, vibrant and liveable place. The proposal is not in conflict with these matters and provides a local opportunity for private purchase of existing buildings suitable for private dwellings.

**3.6 Liveable City**

The draft plan describes overarching matters to be considered to make Sydney's north district a safe, vibrant and liveable place. The proposal is consistent with the liveability framework set out in the draft plan. It provides additional housing choice by releasing established buildings built as dwellings for private purchase.

**3.7 Sustainable City**

The draft plan describes overarching matters to be considered to make Sydney's north district a sustainable place. The proposal is not in conflict with these matters and provides a local opportunity for private purchase of existing buildings suitable for private dwellings.

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**PLANNING PROPOSAL ADDENDUM**

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**4.0 CONCLUSION**

Relevant matters as set out in the Draft North District Plan 2036 have been reviewed and addressed as set out in this addendum. There are no matters arising which are in conflict with the proposal.

Accordingly the proposal is considered compliant with the matters set out in the Draft North District Plan.