The above Committee will meet on Tuesday, 21 February, 2006 in Committee Room No. 2, Fifth Floor, Civic Centre, Ryde at 4.00pm to discuss the following matters. Any matters not determined at the meeting will be considered by the Council at its meeting to be held on Tuesday 28 February, 2006.

**CONTENTS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Property/Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CONFIRMATION OF COMMITTEE REPORT</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>6 ST. ANNES STREET, RYDE. LOT: 71 DP: 17026. Local Development Application for Residential flat building with basement car park, 5x2 &amp; 1x1 bedroom units &amp; strata subdivision. LDA 463/2005. Applicant: K &amp; C Building Services Pty Ltd. <strong>INSPECTION 4.15PM &amp; INTERVIEW 4.50PM</strong></td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>STATUS REPORT – Environment &amp; Planning</td>
<td>62</td>
</tr>
<tr>
<td>5</td>
<td>MACQUARIE UNIVERSITY (RYDE LGA)</td>
<td>66</td>
</tr>
</tbody>
</table>
ITEM 1

CONFIRMATION OF COMMITTEE REPORT

RECOMMENDATION: That the report of the meeting of the Development Committee No. 21/05 held on 6 December 2005, be confirmed.
ITEM 2


FILE NO. LDA05/463

Manager Assessment Reports 1 February 2006

The assessment contained in this report is a summary of the matters deemed relevant to this development proposal and matters contained in the Department of Planning’s Guide to Section 79C – Potential Matters for Consideration.

1. Report Summary

This report considers a proposal to erect a residential flat building containing 6 units (1 x 1 bedroom and 5 x 2 bedroom units), and strata subdivide the completed development. The building will be 3 storeys in height over 1 basement level of parking containing 10 parking spaces (9 resident and 1 visitor), with vehicular access from St Annes Street.

The development does not comply with Council’s Residential Flat Building Code in terms of the minimum site requirements and the front and side setbacks. However, on balance, it is considered that the effects of these non-compliances are minimal and they do not warrant refusal of the application.

One (1) submission was received. None of the issues raised warrant refusal of the application or amendments to the design.

The application is recommended for approval.

Reason for Referral to Development Committee: Nature of the proposed development

2. Site (Refer to attached map.)

<table>
<thead>
<tr>
<th>Address</th>
<th>6 St. Annes Street, Ryde</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>570.8m²</td>
</tr>
<tr>
<td></td>
<td>Frontage 15.24 metres</td>
</tr>
<tr>
<td></td>
<td>Depth 38 metres</td>
</tr>
</tbody>
</table>
ITEM 2 (Continued)

Topography and Vegetation: The site is an irregular rectangle with minor splays to both front and rear boundaries. The site is elevated at the St Anne’s frontage and has a gradual fall to the rear. The southwestern corner of the site at the St Anne’s Street and the northwestern corner at the rear has an RL 62.82. This represents a cross fall front to back of approximately 2.79 metres.

Existing Buildings: Single storey dwelling house and ancillary outbuildings (to be demolished under a separate development application)

Planning Controls
Zoning: Residential 2(c5) under the Ryde Planning Scheme Ordinance (RPSO)
Other: Ryde Planning Scheme Ordinance
SEPP 55 – Remediation of Land
SEPP 65 – Design Quality of Residential Flat Development
SEPP (Building Sustainability Index BASIX) 2004
SREP (Sydney Harbour Catchment) 2005
Draft LEP 143 – Ryde Town Centre
DCP 27 – Waste Minimisation & Management
DCP 29A – Car Parking
DCP 37 – Access for People with Disabilities
DCP 41 – Stormwater Management
DCP 45A – Energy Smart/Water Wise
Residential Flat Code
Section 94 Contributions Plan No. 1 (2003 Amendment)
Draft DCP 56 – Ryde Town Centre

3. Proposal
• Erection of a 3-storey residential flat building, comprising 1x1-br and 5x2-br units, with basement car park for 10 vehicles.
• Strata-title subdivision of the completed development into 6 lots.

4. Background

The application was lodged on 30 June 2005. Prior to this the applicants participated in a prelodgement meeting with Council Officers on 19 May 2005. The comments from the meeting related to the non-compliances with the minimum site requirements and the setbacks to the side and rear.
ITEM 2 (Continued)

The applicant also attended a Design Review Panel on 15 June 2005. Recommendations from the panel included a re-design of the elevations and roof form, to ensure that the amenity of the neighbouring building was not compromised, investigate options with regard to the carparking and vehicle and pedestrian access and amend the plans to increase the amenity of the units.

On 11 July 2005, Council finished a preliminary assessment of the DA, and wrote to the applicant to request additional information including:

- A photomontage of the proposed development in the context of the surrounding development and further a sample board of the proposed materials and colours of the facades.

On 18 August 2005, Council completed an assessment (in terms of the provisions of the Residential Flat Building Code, etc) and wrote to the applicant to request attention to various issues of concern regarding the DA. These issues were in addition to those requested in Council’s previous letter, and included:

- **SEPP 65** - A design verification from a qualified designer verifying that a qualified designer designed, or directed the design, of the residential flat development, and that the design quality principles set out in Part 2 of SEPP 65 were achieved for the residential flat development was requested.

- **Strata Subdivision** – No details were given as to the make up of the strata subdivision and details were requested to show the indicative locations of the proposed strata-lots and intended location of common property and allocation of carparking spaces to the future strata lots.

- **Impact on Adjoining Trees**: The proposal involves excavation beneath the drip-line of several trees, which are to be retained, on adjoining properties. A report from a suitably qualified arborist was requested to assist Council assess the likely impact on those trees from the construction of the residential flat building.

- **Noise**: As the subject site is located within 50 metres of Victoria Road, an acoustic report by a suitably qualified acoustic consultant was requested to show any noise mitigation measures that could be incorporated. This report was to have regard for AS 3671:1989.

5. **Management Plan Linkages**

N/A.

6. **Relationship to Key Outcome Areas**

**Assets**

The City of Ryde is committed to continuing the delivery and maintenance, with community participation, of high quality and environmentally friendly infrastructure facilities throughout the City, which contribute to the lifestyle of the community.
ITEM 2 (Continued)

The assessment of this development application meets the following key outcomes for Assets (set out on page 27 of the Management Plan 2005-2008):

- Footpaths, cycleways and roads that are well maintained and designed to enable the safe use by all users.
- New buildings that are functional, attractive and designed to minimise their impact on the environment.
- Stormwater infrastructure that is well maintained and designed to enhance public safety and amenity.

Comment: A footpath is already at the front of the site; therefore a new path is not required. New stormwater infrastructure is to be provided as part of the development and this is covered by conditions of consent – see conditions 47 to 71. It is considered that the new building is functional, attractive and designed to minimise impact on the environment.

Environment

The City of Ryde is committed to becoming an ecologically sustainable City through the professional management of our City’s natural and physical environment and the conservation of natural resources to ensure the health, diversity and productivity of the local environment is maintained or enhanced for the benefit of future generations.

The assessment of this development application meets the following key outcomes for Environment (set out on pages 35-36 of the Management Plan 2005-2008):

- Social and economic needs are met in a way that does not harm the environment.
- Sustainable practices in buildings, waste management, transport, energy systems and water use through community commitment.
- Energy and water consumption is minimised.
- Landfill waste generation is minimised and the rate of recycling is increased.

Comment: The development has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 which requires consideration of social and economic impacts, the natural and built environment. See Section 9 and 10 below.
ITEM 2 (Continued)

- Strong links to the past through protection and conservation of our heritage.

**Comment:** The property is located within 100m of St. Anne’s Church, a heritage item of State and National significance. The Heritage Officer stated that as the subject site it is located more than 50m from the heritage item, it is unlikely that it will have any adverse impact on its heritage significance.

- Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.

**Comment:** The application was referred to the NSW Police and a Crime Prevention Through Environmental Design (CPTED) assessment was completed. Conditions 9 to 10 will ensure compliance with recommendations from the CPTED assessment.

**Governance**
The City of Ryde is committed to ethical and effective decision making processes that ensure full transparency and involvement of its community in the governance of the City.

The assessment of this development application meets the **key outcomes** for Governance (set out on pages 47-48 of the Management Plan 2005-2008):

- Improved communication with the community and increased awareness and understanding of council’s decisions by the community.

- Compliance with all legislative requirements and statutory obligations.

- An efficient and effective regulatory environment.

**Comment:** The assessment of this DA has met these key outcomes through carrying out notification procedures as per Council’s Notification Development Control Plan No. 15B, and assessment of the DA under Section 79C of the Environmental Planning and Assessment Act 1979.

**People**
The City of Ryde is committed to becoming a socially sustainable City through effective community participation and the active application of social justice principles. A City in which its citizens work together to improve the quality of life and enhance community wellbeing through improved networks and services.
ITEM 2 (Continued)

The assessment of this development application meets the key outcomes for People (set out on pages 54-55 of the Management Plan 2005-2008):

- Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
- The arts, culture, economy, environment, housing, leisure and public health of our community are positively and proactively influenced.
- Growth and benefits for the community are demonstrated through the provision of employment, economic and academic opportunities.
- The dignity, aspirations, and rights of residents are responded to.

Comment: The assessment of this DA has met these key outcomes through carrying out notification procedures as per Council’s Notification Development Control Plan No. 15B, and assessment of the DA under Section 79C of the Environmental Planning and Assessment Act 1979.

7. Consultation – Internal and External

Internal Referrals

Development Engineer, 23 August 2005: Council’s Development Engineer has advised the development drains to the street drainage system via an on site detention system and an easement in accordance with Council’s Development Control Plan No. 41. The easement is to be created before the issue of the Construction Certificate. Access is via a driveway with a maximum grade of approximately 20%. The driveway complies with AS2890.1 and Council’s driveway codes. The car parking has some stacked parking spaces. A footpath is already at the front of the site and a new path is not required.

From an engineering perspective there were no objections to approval of this application and Conditions 47 to 71 have been imposed to ensure compliance with Development Control Plan No. 41.

Landscape Architect, 7 October 2005: The following comments have been provided:

“The landscape design for this property shows a large jacaranda tree to be removed, but the arborist report only discusses the trees on the neighbouring properties. These neighbouring trees will not be overly affected if the recommendations in the report are followed.
ITEM 2 (Continued)

Comment: The jacaranda tree at the rear of the property, on the northern boundary, is located close to the OSD tank. Once removed it will be replaced by a 25L *Eleaocarpus Reticulatus* “Blueberry Ash”. This is acceptable to Council.

Trees to retained on site are to be protected. Condition No. 28 refers to the protection of the trees to remain and Condition No. 4 refers to the landscaping being carried out in accordance with the approved plans.

Building Surveyor, 18 August 2005: The proposal can be made to fully comply with the provisions of the BCA. Appropriate conditions of consent (see Conditions 2, 24 & 25) are recommended.

Environmental Health Officer, 19 September 2005: The following comments have been provided:

“The acoustic report prepared by John T. Acoustics for K & C Building Services Pty. Limited outlines the possible concerns regarding noise impacts from Victoria Road on the residential units. The report recommends the required materials and acoustical treatment to be used in the construction of the exterior walls, roofing and glazing to address these concerns.

The report also discusses the use of air conditioning to address the possible concerns regarding the ventilation of the units. Conditions relating to the noise from any air conditioner units must also be attached to the application.

It is recommended that the requirements detailed in the report be incorporated into the conditions of approval for the proposal.

The Waste Management Plan for the proposal is satisfactory”.

Comment: The recommendations of the Acoustic Report prepared by John T. Acoustics have been included in the conditions of consent. See Condition 72. Also conditions relating to waste and site management have been included. See Conditions 26 to 46.

Heritage Officer, 6 February 2006: The following comments have been provided:

“The subject site is within the vicinity of heritage items being St Anne’s Church and No. 10 Little Church Street. It is in an area of residential flat buildings, which has quite a difference character to the St Anne’s historic area. The proposed residential flat building development is acceptable with regard to heritage impacts provided that it is consistent with the desired future character of the area.”
ITEM 2 (Continued)

External Referrals

NSW Police, 19 January 2006: The NSW Police completed a CPTED Assessment of the application and made some recommendations as to measures that should be taken to help ensure the safety of the community and their property. Conditions 9 & 10 refer to these recommendations.

8. Submissions:

The proposal was advertised in accordance with the Development Control Plan for Notification. The application was advertised on 17 August 2005. Notification of the proposal was from 15 August 2005 until 1 September 2005.

One (1) was received. The issues raised in the submission were:

- *Privacy is always a major concern to people living over the fence from any new building. It will especially affect people with balconies.*

  The balconies are to be located on the front and rear elevations of the proposed residential flat building, so they will not be directly opposite the balconies on the residential flat building on the neighbouring property.

- *Visitor parking is also of major importance when a new development is approved. There are so many units in such a narrow street; the future parking issues need to be considered.*

  The development complies with the parking requirements in the RPSO and the RFB Code. It is acknowledged that the demand for on-street parking is high in St Annes St, but this is a consequence of it containing a large number of residential flats allowed under the zoning of the locality. The development is not expected to significantly worsen the on-street parking demand to a level that would warrant refusal, because it complies with Council’s parking requirements.

- *Please keep in mind that you are so close to a heritage area of St Anne’s Church and surrounds. We need to be sensitive to our heritage.*

  The proposed residential flat building is over 50m from St Anne’s Church and the heritage precinct of Church Street. There are also two existing residential flat buildings between the church property and the subject site. A referral to Council’s Heritage Officer determined that the proposed residential flat building would have no impact on St Anne’s Church and its surrounds.
ITEM 2 (Continued)

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Planning Scheme Ordinance

Zoning

Residential C5.

Mandatory Requirements

Clause 46(4) – Minimum Size of Allotments – Residential Flat Buildings

The minimum site area required for the proposed development is 840m² and the
minimum required frontage is 24 metres. As the area of the subject site is 570m² and
its frontage is 15.24 metres, it fails to comply with either of these requirements.

An objection pursuant to State Environmental Planning Policy No 1 (“SEPP 1”) has
been submitted in relation to non-compliances. The land can be considered to be an
isolated property, and there have been numerous recent examples within the City
(e.g. 98 Station St, 698 Victoria Rd, 5 Gowrie St, 2 Beazley St) where developments
have been approved on allotments which do not comply with the site area and
frontage requirements in similar circumstances, but which still result in a reasonable
quality development outcome.

Although there is non-compliance in terms of the site requirements and setbacks, the
proposed development will provide an acceptable built form, and the Urban Design
Review Panel has supported the proposal.

It is considered that the applicant’s SEPP 1 submission is worthy of support, and no
planning objections are raised to the non-compliance with the site requirements in the
circumstances of the case.

Clause 55 – Residential Flat Buildings Density Control

This clause of the Ordinance provides density controls and minimum landscaped
area for residential flat buildings. The required site area for the proposed mix of
dwellings is 570m² and the minimum landscaped area required is 230m².

As the site has an area of 570.8m² and the proposal provides 257m² of landscaping,
it has complied with the above requirements.
ITEM 2 (Continued)

Clause 56 – Residential Flat Buildings Parking

This clause of the Ordinance provides the minimum parking requirements for residential flat buildings. The requirements are:

- 1 space for each 1 bedroom dwelling
- 1.2 spaces for each 2 bedroom dwelling
- 1.6 spaces for each 3 or more bedroom dwelling; and
- 1 parking space for each 4 dwellings, for visitor parking.

The proposal requires 8.5 spaces, however 10 spaces are proposed. This complies with this requirement of the Ordinance.

Clause 88 – Development in the Vicinity of a Heritage Item

This clause of the Ordinance requires Council to assess the impact of the proposed development on the heritage significance of any heritage item in the vicinity of the site before it grants consent to the application. As a result the application was referred to Council’s Heritage Officer, and as the subject site is located more than 50m from St. Anne’s Church, it is unlikely that it will have any adverse impact on the heritage significance of this heritage item.

(b) Relevant SEPPs

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (“SEPP 55”) applies to the subject site and has been considered in this assessment.

Clause 7 of the Policy requires Council to consider the following:

(a) Whether the land is contaminated.

There is no evidence to suggest that the subject site has ever been used for a purpose that would have resulted in contamination. This includes those land uses listed in SEPP 55 Planning Guidelines issued by the Department of Planning in August 1998. Accordingly, parts (b) and (c) of this clause are not applicable.
ITEM 2 (Continued)

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

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (“SEPP 65”) applies to the subject site and has been considered in this assessment.

Council’s Urban Design Review Panel considered this development on 15 June 2005 as part of a pre-lodgement meeting. The following comments have been made in relation to the proposal:

<table>
<thead>
<tr>
<th>Design Principle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Context</td>
<td>The area is comprised of single houses, residential flat buildings and a motel. The site is a residual site and therefore cannot comply with the standard planning controls for residential flat buildings. A residential flat development is appropriate in the area.</td>
</tr>
<tr>
<td>Scale</td>
<td>The area is undergoing change with detached housing being amalgamated into larger developments. The proposed development is appropriate in height and due to the size of the block is narrow in plan.</td>
</tr>
<tr>
<td>Built Form</td>
<td>The proposed development is a three-storey walk up residential building. The internal planning is symmetrically arranged about an internal stairwell. The built form could be enhanced by locating the building entry and the driveway access to the southern side of the building.</td>
</tr>
</tbody>
</table>
ITEM 2 (Continued)

<table>
<thead>
<tr>
<th>Design Principle</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>The density of the proposal is generally considered appropriate for the site although the applicant must provide additional site analysis information concerning the possible impacts on the adjoining buildings. The panel recommended that the built form including the roof design would be better treated in a more contemporary style.</td>
</tr>
<tr>
<td>Resource, Energy and Water Efficiency</td>
<td>The proposed development should re-use roof water for irrigation of the landscaping and toilet flushing uses on the site. The elevations should include solar control for windows, especially those to the north and west. (The applicant produced more developed design drawings that showed solar control over certain windows). The inclusion of skylights in the upper level will provide for greater solar access to the living dining area for the level 3 unit.</td>
</tr>
</tbody>
</table>

Residential Flat Design Code

Clause 30(2)(c) of SEPP 65 requires Council to consider the Department of Planning's Residential Flat Design Code ("RFDC") dated September 2002.
ITEM 2 (Continued)

The RFDC contains 3 sections applicable to the design of residential flat buildings; local context, site design and building design. The proposal is considered to be consistent with the design outcomes the RFDC aims to achieve. Significant design improvements were made to the proposal following the presentation to the Ryde Design Advisory Panel. The applicant has altered the roof design to improve its appearance, and added protection over the window openings to provide better amenity and improvements to the carpark design. These changes comply with the provisions within the RFDC.

While the design of the proposed development has largely been dictated by the constraints imposed by the site and the numerical controls contained within the RPSO, the finer details of the design and external appearance are compatible with the requirements of the RFDC and SEPP 65.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

Although the provisions of State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 relating to residential flat buildings came into force on 1 October 2005, Clause 286A of the Environmental Planning and Assessment Regulation 2000 exempts development applications received prior to 1 October 2005 from the requirements of this policy.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 became effective on 28 September 2005. The subject site is located within the area subject to the provisions of the plan. The savings and transitional provisions within the plan state:

“Any development application lodged before the commencement of this plan, but not finally determined before its commencement, is to be determined as if this plan had been exhibited pursuant to section 47 of the Act but had not been made”

The following general comment is made in relation to the objectives of the SREP:

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP. 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 SREP are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Council’s Development Control Plan No.41. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.
ITEM 2 (Continued)

(c) Relevant REPs

Nil.

(d) Any draft LEPs

Draft Ryde Local Environmental Plan No. 143 – Ryde Town Centre

The subject site is within the area covered by Draft LEP 143 (Ryde Town Centre), which has recently been placed on public exhibition (between 31 October and 28 November 2005). This Draft LEP has the following aims:

(a) to introduce new zoning, planning and design provisions for the Ryde Town Centre, and
(b) to rezone land adjoining Ryde Park to Open Space (parks and recreation), and
(c) to encourage a mix of land uses within the Ryde Town Centre, and
(d) to encourage high quality design in all new development and within the public domain in the Ryde Town Centre, and
(e) to replace definitions of nett useable floor area and storey in the Ryde Planning Scheme Ordinance.

The Draft LEP also introduces clauses for consideration when assessing DAs in the Town Centre. The clauses of relevance to the subject development are:

Clause 51F – Development in the Ryde Town Centre: This requires Council to consider the planning principles listed in (the new) Schedule 19, which include Regional Role, Sustainable Planning and Development, Public Domain, Urban Form, and Transport and Access. These are similar to those listed for consideration in SEPP 65, which has been considered satisfactory by Council’s Urban Design Review Panel. The proposed development is considered to be satisfactory in terms of these considerations.

Clause 51G – Development Precincts in Ryde Town Centre: This clause of the Draft LEP states that consent must not be granted to development in a precinct identified on the LEP map unless it is consistent with the Schedule 19 and Schedule 20. The general planning controls listed in Schedule 19 have been considered above under Clause 51F. This site is located in Precinct 4 (Residential) and this precinct does not have any specific planning controls referred to in Schedule 20.
ITEM 2 (Continued)

Clause 51H – Height of Buildings in the Ryde Town Centre: The map referred to in this clause shows that the maximum height for buildings in this location is 2-4 storeys, which the development complies with.

The proposed development is considered to be satisfactory in terms of Draft LEP 143. There are no other Draft Local Environmental Plans of relevance to the subject land.

(e) Any DCP (e.g. dwelling house, villa)

Residential Flat Code

Clause 34(4) of the Ordinance requires Council to give consideration to any code for the erection of residential flat buildings that are adopted by resolution of the Council.

The Residential Flat Code was adopted in July 1987.

<table>
<thead>
<tr>
<th>Residential Flat Building Code</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Site requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>840m² minimum</td>
<td>570.8m²</td>
<td>No¹</td>
</tr>
<tr>
<td>24m frontage</td>
<td>15.24m</td>
<td>No¹</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>As for the RPSO Requirements (above):</td>
<td>570.8m²</td>
<td>Yes</td>
</tr>
<tr>
<td>570m² required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 storey 11m</td>
<td>3 storey 11m</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Setback (For 3 storey developments)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front: 11m</td>
<td>8-9m</td>
<td>No²</td>
</tr>
<tr>
<td>(1.5m encroachment permitted for 2 storey buildings – for no more than 50% of the total elevation)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[^1]: No ¹ refer to specific conditions or requirements not met.
[^2]: No ² adheres to specific conditions or requirements specified.
ITEM 2 (Continued)

<table>
<thead>
<tr>
<th>Residential Flat Building Code</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Boundary/Side &amp; Rear:</strong> 6m (25% (i.e. to 4.5m) encroachment permitted provided for no more than 50% of the total elevation)</td>
<td><strong>West</strong> (side) 3m (80%) and 3.6m (20%)</td>
<td><strong>No</strong>³</td>
</tr>
<tr>
<td></td>
<td><strong>East</strong> (side) 3m (33%) 4.6m (48%) and 2.3m (12%)</td>
<td><strong>No</strong>³</td>
</tr>
<tr>
<td></td>
<td><strong>North</strong> (rear) 4.5m (50%) 6.5m (47%)</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td><strong>Parking</strong> (within 400m of Victoria Rd)</td>
<td>7 Spaces 1 Spaces</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>• 1 space/1 bed (1 space)</td>
<td><strong>Total On-site Parking Required = 10 spaces</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>• 1.2 spaces/2 bed (6 spaces)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: 7 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Visitor 1 per 4 dwellings (4 spaces)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: 1.5 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Driveway</strong></td>
<td>3m Less than 1 in 6</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>• Width 3m pavement width</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Grade 1 in 6 max</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>269.26m²</td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>• Small 1/30m² (30m²)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Medium 1/40m² (200m²)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Landscaping Required: 230m²</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Clothes Drying – Dryers or Clothes Line</strong></td>
<td>Clothes line for units with courtyards, otherwise dryers</td>
<td><strong>Yes</strong></td>
</tr>
</tbody>
</table>

Notes from Table Above:

1. **Site Area & Frontage:** The development’s non-compliance with Council’s site requirements (lot size and frontage) has been addressed previously in this report (see Section 9(a) – Ryde Planning Scheme Ordinance – Mandatory Requirements).
ITEM 2 (Continued)

2. Front Setback: The proposed development does not comply with the front setback requirement of the RFB Code. The requirement for 3-storey developments, not located on a main or county road, is 11m. This can be reduced to by 1.5m (to 9.5m) for no more than 50% of the total length of the front elevation – excluding balconies. The building’s front setback ranges from 8m to 9m and therefore does not comply with the requirements of the RFB Code.

3. Side Setbacks: The proposed development does not comply with the side setback requirements of the RFB Code, which for a 3-storey development are 6m (which can be reduced by 25% (to 4.5m) for no more than 50% of the total wall length). The proposed side setbacks range from 2.3m to 4.6m (east side) and 3m to 3.6m (west) and therefore do not comply with the RFB Code requirements.

The Land and Environment Court has considered the issue of developments on small or narrow sites. As part of the Court’s consideration of CSA Architects v Randwick City Council (in April 2004), Dr John Roseth, Senior Commissioner of the Land and Environment Court established the following “planning principle” with respect to the issue.

“Where the council has a policy for small or narrow sites, the Court should, where reasonable, apply that policy. “

There is a statement within the RFB Code that refers to Council varying requirements where due to unique site considerations; the variance of such requirements would yield a better planning solution for the development of the site.

In the absence of a council policy, the assessment of a proposal on a site that is below the preferred area or width should be considered both as a development on its own site as well as in the context of possible developments on neighbouring sites. The following questions should be asked:

1. Would approval of the application result in the isolation of neighbouring sites?

The property has two neighbouring sites, No. 2 & No. 8 St Annes Street. Neither would be isolated by the development of this site. One is already developed as a residential flat building and the other is a large corner block developed as a motel.
ITEM 2 (Continued)

2. Would it render the reasonable development of neighbouring sites difficult?

No. 2 St Annes Street is already occupied by a residential flat building that has been strata subdivided. No. 8 St Annes Street is a motel, with a land size of approximately 2700m², located on the corner of St Annes and William Street. The development of No. 6 St Annes Street would not render reasonable development of these two neighbouring sites difficult.

3. Can orderly, economic and appropriate development of the subject site as well as neighbouring sites be achieved?

Yes. The subject site is the last site on St Annes Street that was not developed for residential flat buildings. Even if the neighbouring sites were to redevelop, they are larger and wider than the subject site and would have no difficulties complying with the requirements of the residential flat building code, the Ryde Planning Scheme Ordinance 1979 and any other relevant codes and policies.

4. Does the proposal meet density, setback and landscaping controls?

Whilst the proposal meets the density and the landscaping controls of the RFB Code, it does not meet the requirements with regard to side and front setbacks. The reduced side and front setbacks in this development are typical of developments on narrow and small sites such as the subject land, and strict compliance with side setback requirements would result in an undesirable built form (i.e. an excessively tall, narrow building).

5. Is its impact on adjoining properties and the streetscape worse because the development is on a small or narrow site?

No.

In the context of the subject site and the minimal impacts upon adjoining properties, which result, the proposed side boundary setbacks are considered acceptable.

Development Control Plan No. 27 – Waste Minimisation & Management

Development Control Plan No 27 – Waste Minimisation and Management (“DCP 27”) applies to the subject site and has been considered in this assessment.

A Waste Management Plan has been submitted with the development application, which satisfies the requirements of the DCP.
ITEM 2 (Continued)

Development Control Plan No. 29A – Car Parking

Development Control Plan No 29A – Car Parking (“DCP 29A”) applies to the subject site and has been considered in this assessment.

The parking controls contained within DCP 29A are consistent with the minimum parking standards contained within the Ryde Planning Scheme Ordinance. The proposal complies with these requirements.

Development Control Plan No. 37 – Access for People with Disabilities

Development Control Plan No 37 – Access for People with Disabilities (“DCP 37”) applies to the subject site and has been considered in this assessment.

The applicable requirements of DCP 37 are the provision of an accessible path of travel from the street to and through the front door of all units on the ground floor, where the level of the land permits. The development is capable of meeting this requirement. An accessible path of travel is proposed into the building.

Although developments with less than 10 dwellings are not required to provide adaptable units, the applicant has indicated in the Statement of Environmental Effects that an adaptable unit will be provided on the ground floor.

Development Control Plan No. 41 – Stormwater Management

Development Control Plan No 41 – Stormwater Management (“DCP 41”) applies to the subject site and has been considered in this assessment.

Council’s Development Engineer has assessed the proposed method of stormwater drainage for this development and advised that it is satisfactory. The proposal relies upon a drainage easement across the adjoining site to the rear to connect into the Council system in Gowrie Street. Appropriate conditions of consent are recommended to ensure the development complies with Council’s standards.

Development Control Plan No. 45A – Energy Smart/Water Wise

Development Control Plan No 45A – Energy Smart/Water Wise (“DCP 45A”) applies to the subject site and has been considered in this assessment.

In accordance with the requirements of DCP 45A, energy ratings have been provided for the proposed development. The ratings indicate that each dwelling will achieve the required minimum 3.5 stars, which complying with the requirements of the DCP.
ITEM 2 (Continued)

Section 94 Contributions Plan No. 1 (2003 Amendment)

The provisions of Section 94 Contributions Plan No 1 (2003 Amendment) apply to the proposed development.

A Section 94 contribution of $37,833 is payable under this Plan. See condition 17. This takes into account the applicable rates for 6 residential flat units and a “credit” for 1 dwelling house. Condition 17 relates to the payment of the contribution.

Draft Development Control Plan No. 56 – Ryde Town Centre

Council adopted DCP No. 56 on 9 December 2005, however it is not effective until the gazettal of Local Environmental Plan No. 143. The subject site is within the area covered by Draft Development Control Plan No. 56 – Ryde Town Centre. The Town Centre is divided up into precincts, with the subject site being within Precinct No. 4 – Residential Precinct.

The future character of the precinct will be a compact living environment well serviced by public transport, retail, leisure and work opportunities within the Town Centre. It will compromise quality residential buildings in garden settings with a high level of amenity.

Strategy
• Achieve quality design solutions

Provisions
• The proposals meet the Design Quality Principles of the Residential Flat Design Code.
• The proposal incorporates the Garden Apartment Building Design principles expressed in the Residential Flat Design Pattern Book.

The proposal is for a residential flat building, designed by a qualified architect, in a landscaped setting. The applicant has provided a report showing compliance with the Design Quality Principles of the Residential Flat Design Code, which is considered satisfactory having regard to the draft status of the DCP.

10. Likely impacts of the Development

The likely impacts on the development in terms of the built and natural environment have been discussed throughout this report. It is considered, despite the non-compliances with the RFB Code that the development is satisfactory and will have acceptable environmental impacts.
ITEM 2 (Continued)

11. Suitability of the site for the development

The site is suitably zoned for the proposed residential flat development and is not subject to any constraints (e.g. overland flow or land slip etc), which would render it unsuitable for the proposed development.

12. The Public Interest

The development is permissible within the zoning of the property and will add to the housing choice and housing stock available in the City of Ryde. The issues raised in the submission do not warrant refusal of the application. Overall, it is considered that approval of the development would be in the public interest.

13. Financial Impact

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

Other Options

Nil.

14. CONCLUSION:

The development has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.

Although there are areas of non-compliance with the RPSO and the Residential Flat Building Code, notably regarding side and front setbacks, the impacts resulting from these non-compliances are acceptable in the context of the development and they will not adversely impact on any adjoining development (existing or approved) The proposed development is appropriate for conditional approval.

RECOMMENDATION:

(a) That Local Development Application No.463/2005 at 6 St. Annes Street, Ryde, being LOT: 71 DP: 17026 be approved subject to the following conditions;
ITEM 2 (Continued)

1. Development is to be carried out in accordance with the Plans No. 1/1005 (site plan, dated 12/05/05), 3/1005 (car park level, dated 12/05/05), 4/1005, 5/1005, 6/1005 (floor plans, dated 12/05/05), 7/1005 (roof plan, dated 12/05/05), 8/1005, 9/1005 (elevations, dated 12/05/05) & DWG. No. 0541 & DWG. No. 0541/2 (landscape plans, dated June "05) & DWG. No. 04/0802 (stormwater plan, dated & amended June '05) and support information submitted to Council.

2. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

3. In issuing this approval, Council has relied on the information provided by you about the siting of the building/structure on the allotment. If this information is incorrect, it is your responsibility to correct the errors. It may be advisable to undertake a land survey prior to commencing any works.

4. Landscaping of the development site is to be carried out in accordance with the landscape plan/concept submitted with the development application. (Plan No. DWG. No. 0541 & DWG. No. 0541/2 prepared by Jocelyn Ramsay & Associates Pty Ltd).

5. Fencing is to be in accordance with Council's Fencing Development Control Plan and details of compliance are to be provided in the plans for the Construction Certificate.

6. Any hot water systems installed as part of the development must achieve a minimum 3.5 Star Greenhouse Score. The energy rating of the hot water system should be visible on the product at the place of purchase.

7. The ceiling/roof area and walls must be fitted with insulation. Ceiling/roof insulation must be rated R3.0 or equivalent and wall insulation must have an R1.5 or equivalent rating. Insulation of brick cavity walls is not required.

8. Water Efficient Fixtures - Showerheads and toilet cisterns shall be at least AAA rated water efficient. Bathroom and kitchen taps shall be fitted with aerators and water closets shall have a dual flush cistern.

9. All car park lighting is to be designed, installed and maintained to Australian Standard AS1680.2.1 - 1993: Interior Lighting Circulation Spaces and Other General Areas. To this effect, ceilings, columns and other vertical structures (including columns and pipes) should be painted white.
ITEM 2 (Continued)

10. All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.

11. The roof material being non-reflective.

12. All external glazing having a maximum reflectivity of 20%.

13. A minimum of ten (10) off-street car spaces being provided in accordance with the submitted plans. Such spaces to be paved, linemarked and made freely available at all times during business hours of the site for staff and visitors.

14. **Prior to a Construction Certificate** being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications 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 143A of the Environmental Planning and Assessment Regulation 2000.

15. **Prior to an Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, 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 154A of the Environmental Planning and Assessment Regulation 2000.

16. The occasions on which building work must be inspected are:

   (a) at the commencement of the building work, and
   (b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
   (c) prior to covering any stormwater drainage connections, and
   (d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
ITEM 2 (Continued)

Documentary evidence of compliance with Council’s approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, the mandatory inspections must be carried out.

17. A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the Construction Certificate.

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
</tr>
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<tbody>
<tr>
<td>Public Space</td>
<td>$31285</td>
</tr>
<tr>
<td>Stormwater Drainage</td>
<td>$6221</td>
</tr>
<tr>
<td>Administration</td>
<td>$327</td>
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</tbody>
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The total contribution is $37,833

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Contribution Plan No. 1 (2003 Amendment) adopted by City of Ryde on 19/8/2003.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on an annual basis in accordance until such time as the contribution is paid.

18. A security deposit is to be paid to Council (Public Facilities and Services Group) being a deposit of $4200.00 as well as the infrastructure inspection fee in accordance with the requirements of Council’s Management Plan (scheduled fees).

19. An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council’s Management Plan (scheduled fees).

20. Documentary evidence of compliance with Conditions 18 & 19 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.
ITEM 2 (Continued)

21. 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 received prior to the issuing of the **Construction Certificate**.

22. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92.**

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water’s Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

23. Please contact Energy Australia’s Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia
Building No. 2 Bridge Road (near Sherbrook Road) Hornsby
Telephone: 9477 8201
Facsimile: 9477 8295
Postal Address: GPO Box 4009, Sydney NSW 2001
Website Address: www.energy.com.au

This information is to be submitted to Council **prior to the release of the Subdivision Certificate/Occupation Certificate**.

24. A "Fire Safety Schedule" specifying the fire safety measures that are proposed or required to be implemented in the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the **Construction Certificate**.
ITEM 2 (Continued)

25. **Essential Services** must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.

On completion of the building work and prior to an Occupation Certificate being issued, the owner of the building must provide to the Consent Authority (i.e. Ryde City Council) a Fire Safety Certificate from a competent person with respect to each essential service provided in the development.

26. Sediment control works are to be installed and maintained in accordance with Council’s Development Control Plan 42 for Construction Activities.

27. A site works plan must be prepared and submitted with the **Construction Certificate** for every demolition; earthworks or building works indicating methods of sediment and pollution control in accordance with Council’s Development Control Plan 42 for Construction Activities.

28. Trees that are to remain on site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a fence erected around their drip line. A qualified arborist shall inspect the tree protection measures and documentary evidence of tree protection measures is to be submitted to Council prior to the issuing of the **Construction Certificate**.

29. In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601-2001 (*The Demolition of Structures*).

30. Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.

31. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled “Amenities for Construction Work”.

32. 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 AS1742.3-1996 “Traffic Control Devices for Work on Roads”.

33. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
ITEM 2 (Continued)

34. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.

35. Signage is to be provided on the site as follows:
   (a) During the demolition process notices lettered in accordance with AS1319 displaying the words “DANGER - DEMOLITION IN PROGRESS” or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
   (b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

36. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled “Amenities for Construction Work”.

37. 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 AS1742.3-1996 “Traffic Control Devices for Work on Roads”.

38. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

39. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.

40. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.

41. All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
ITEM 2 (Continued)

42. All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), 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 docket must be kept by the applicant for at least 3 years and be submitted to Council on request.

43. Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.

44. Concrete wastes must be collected, stored and treated in accordance with the Concrete Wastes guide published by the Environment Protection Authority and details of compliance must be submitted to Council or an accredited certifier before the issue of the Construction Certificate.

45. Only unpolluted water is to be discharged to Council’s stormwater drainage system.

46. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

General Engineering Conditions

47. Design and Construction Standards. All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council’s publication Environmental Standards Development Criteria and relevant Development Control Plans except as amended by other conditions.

48. Service Alterations. All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.

49. 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.
ITEM 2 (Continued)

50. **Engineering Compliance Certificates.** Engineering Compliance Certificates must be obtained for the following works at the specified stage (If Council is appointed the PCA then the appropriate inspection fee is to be paid to Council) and **submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:**

- Prior to backfilling of pipelines in which Council has an interest.
- Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
- Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, accessways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

**NOTE:** Council has an interest in all pipelines which drain public reserves and public road reserves, and in all structures located within public road reserves.

All Engineering Compliance certificates are to contain the following declarations:

a) **This certificate is supplied in relation to <<address of property>>.**

b) **<<name of engineer and company >>** have been responsible for the **supervision of all the work nominated in (a) above.**

c) **I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.**

d) **I have kept a signed record of all inspections and tests undertaken during the works, and can supply the Principal Certifying Authority [PCA] with a copy of such records and test results if and when required.**

**Engineering Conditions to be complied with Prior To Construction Certificate**

51. **Driveway Grades** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 5. The maximum change of grade permitted is 1 in 8 and any transition grades shall have a minimum length of 2.5m. 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.
ITEM 2 (Continued)

52. **Drainage Plans.** The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils’ control in the future, shall be constructed of cast in situ concrete. Details are to be submitted with the Construction Certificate application.

53. **On-Site Stormwater Detention** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with Ryde City Council’s Stormwater Management Development Control Plan “DCP 41”. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

The on-site detention system shall be designed to ensure peak flowrates at any point within the downstream drainage system do not increase as a result of the development during storms from the 5 year to the 100 year average recurrence interval of all durations. Outflow from the basin shall be piped to a point of discharge in accordance with Councils Stormwater Management Development Control Plan “DCP 41”.

The system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

54. **Private Drainage Easements.** An easement to drain stormwater water shall be created through the rear property over all pipelines which may be constructed within adjoining private properties to enable collected stormwater runoff from the site to be piped to Council's drainage system in Gowrie Street by gravity flow. The easement draining the site into Gowrie Street must be created prior to the issue of the Construction Certificate.
ITEM 2 (Continued)

In conjunction with the above documentation a drainage design by a qualified Civil Engineer is to be submitted with the Construction Certificate application showing the pipe and easement position and sizing and any other relevant detail, in accordance with Council’s Stormwater Management Development Control Plan “DCP 41”. The legal documentation is to reference the drainage design submitted with the Construction Certificate application.

55. **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 Department of Housing. 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.

56. **Truck Shaker.** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

57. **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.
ITEM 2 (Continued)

58. **Car Parking.** The car parking area is to comply with AS2890.

**Engineering Conditions to be complied with Prior to Commencement of Construction**

59. **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.

60. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and Ryde City Council’s Development Control Plan for Construction Activities “DCP 42”.

**Engineering Conditions to be complied with Prior to Occupation Certificate**

61. **Compliance Certificates – Engineering.** Compliance Certificates must be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:

- Confirming that the constructed driveway is constructed in accordance with the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria* - 1999.
- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria* - 1999.
- Confirming that the constructed interallotment drainage system complies with the construction plan requirements and Ryde City Council’s Stormwater Management Development Control Plan “DCP 41”.
- Confirming that the on-site detention system will function hydraulically in accordance with the approved design.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council’s *Environmental Standards Development Criteria*. 
ITEM 2 (Continued)

62. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s Engineering Services Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

63. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

64. **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. If there are proposed interallotment drainage easements on the subject property, a **Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

65. **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 Council’s Stormwater Management DCP. An approved plate may be purchased from Council’s Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

66. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan 0802/04 prepared by Simon Fan and associates.
ITEM 2 (Continued)

Engineering Conditions to be complied with Prior to Subdivision Certificate

67. **Positive Covenant.** The creation of a Positive Covenant under Section 88E 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 88B instrument for Maintenance of Stormwater Detention Systems" and to the satisfaction of Council.

68. **Film Plan of Subdivision.** The submission of a Film Plan of Subdivision plus 5 copies suitable for endorsement by the Chief Executive pursuant to Section 327 of the Local Government Act.

69. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 plus 2 copies, creating any Easements Positive Covenants and restrictions on use, the Ryde City being the authority empowered to release vary or modify the same

70. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.

71. **Certification of Building Works.** If Council is not the PCA then certification that all building works as detailed in Local Development Consent No 463/2005 have been completed in accordance with that consent is to be submitted with the application for the Subdivision Certificate.

72. Details of compliance with the recommendations of the Noise Assessment Report by John T. Acoustics (dated 12/09/2005) are to be provided in the plans for the Construction Certificate.

ADVISORY CONDITIONS

1. **Compliance with Building Code of Australia**

   1) All building work (other than work relating to the temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date of the application for the relevant construction certificate or complying development certificate was made)
ITEM 2 (Continued)

2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, in the Environmental Planning and Assessment Regulations 2000, subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

2. Residential Building Work

1) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

a) in the case of work to be done under the Act:
   i) has been informed in writing of the licensee's name and contractor licence number, and
   ii) is satisfied that the licensee had complied with the requirements of Part 6 of the Act; or

b) in the case of work to be done by any other person:
   i) has been informed in writing of the person's name and owner-builder permit number; or
   ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner builder work" in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

2) A certificate purporting to be used by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purpose of this clause, sufficient evidence that the person has complied with the requirements of that Part.

3 Excavations and backfilling

1) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
ITEM 2 (Continued)

4 Retaining walls and drainage
If the soil conditions require it:
   a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
   b) adequate provision must be made for drainage

5 Support for neighbouring buildings
If the soil conditions require it:

1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
   a) must preserve and protect the building from damage, and
   b) if necessary, must underpin and support the building in an approved manner, and
   c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

2) The 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 clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.

3) In this clause, “allotment of land” includes a public road and any other public place.

6 Protection of Public Places

1) If the work involved in the erection or demolition of a building:
   a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
   b) building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

4) Any such hoarding, fence or awning is to be removed when the work has been completed.
ITEM 2 (Continued)

7 Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:-

   i) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.

   ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.

   iii) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

8 The applicant may apply to the Council or an accredited certifier for the issuing of a **Construction Certificate** and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

   Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).

   (b) That the person who made a submission be advised of the decision.

Liz Coad  Troy Loveday
Manager Assessment  Executive Planner
Environment & Planning  Environment & Planning
ITEM 2 (Continued) Submission received from outside map area.

Development Application
463/2005

City of Ryde

Development Committee Agenda No. 1/06 Page 39
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 2 (Continued)
ITEM 3


FILE NO. LDA05/961

Manager Assessment Reports 3 February 2006

The assessment contained in this report is a summary of the matters deemed relevant to this development proposal and matters contained in the Department of Planning's Guide to Section 79C – Potential Matters for Consideration.

1. Report Summary

This report considers a proposal for the use of the rear of the 2 new commercial units on the site for the purposes of an advertising agency (commercial premises). This will involve storage, bookkeeping, and administration, with no customers attending the premises. There is also no advertising signage involved. It will be the first occupation of these premises since they were approved for office use under the previous LDA 554/04 in November 2004.

The proposal was notified under Council's Notification DCP, and 1 submission was received. The issues raised in the submission largely relate to building works being supervised by a private certifier, and private matters between the 2 property owners. It does not contain any issues warranting refusal of the DA.

The proposal is suitable for conditional approval.

Reason for Referral to Development Committee: Location of the site within the Putney Village, and requested by Councillor Tagg.

2. Site (Refer to attached map.)

Address : 82 Charles Street, Putney

Site Area : 348.3m2
- Frontage 7.62 metres
- Depth 45.72 metres
ITEM 3 (Continued)

**Topography and Vegetation**
Site slopes to the rear and contains no significant vegetation.

**Existing Buildings**
2 storey brick shop (at the front of the site), and single storey brick building at the rear (the subject building in this DA).

**Planning Controls**

**Zoning**
Business Neighbourhood D1

3. **Proposal**

The development involves the occupation of the rear of the 2 new commercial units on the subject site as an advertising agency (commercial premises). The applicant has called these premises unit 3 – with the existing shop at the front of the site being “unit 1”, and the 2 new commercial units being units 2 and 3 respectively.

The main functions of this business to be carried out in unit 3 involve storage, bookkeeping, administration, with no customers being required to attend the premises. There is no advertising signage proposed.

The business will have 2 employees with hours of operation of 8.30am to 6pm Monday to Friday, and 8.30am to 2pm Saturday.

4. **Background**

This DA follows LDA 554/04 which was approved on 9 November 2004 for the creation of 2 offices at the rear of the site. The subject building was previously used as a bakehouse associated with a former bakery at the front of the site.

A copy of the report to Council for this previous DA is **CIRCULATED UNDER SEPARATE COVER**.

This current DA was lodged on 5 December 2005. It was notified to adjoining property owners with a closing date for submissions of 1 February 2006. One submission was received.

5. **Management Plan Linkages**
N/A.
ITEM 3 (Continued)

6. Relationship to Key Outcome Areas

Assets
The City of Ryde is committed to continuing the delivery and maintenance, with community participation, of high quality and environmentally friendly infrastructure facilities throughout the City, which contribute to the lifestyle of the community.

Comment: This DA involves no works which affect Council’s infrastructure (eg footpaths etc) and hence it has no direct relationship to this key outcome area.

Environment
The City of Ryde is committed to becoming an ecologically sustainable City through the professional management of our City’s natural and physical environment and the conservation of natural resources to ensure the health, diversity and productivity of the local environment is maintained or enhanced for the benefit of future generations.

Comment: This DA only involves occupation of existing premises and does not propose any building works (these were undertaken under the previous LDA 554/04). Hence this DA has no direct relationship to this key outcome area.

Governance
The City of Ryde is committed to ethical and effective decision making processes that ensure full transparency and involvement of its community in the governance of the City.

The assessment of this development application meets the key outcomes for Governance (set out on pages 47-48 of the Management Plan 2005-2008):

- Improved communication with the community and increased awareness and understanding of council’s decisions by the community.
- Compliance with all legislative requirements and statutory obligations.
- An efficient and effective regulatory environment.

Comment: This DA has been assessed using the heads of consideration listed in section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Notification to adjoining owners was also undertaken as required by Council’s Notification DCP 15B.
ITEM 3 (Continued)

People
The City of Ryde is committed to becoming a socially sustainable City through effective community participation and the active application of social justice principles. A City in which its citizens work together to improve the quality of life and enhance community wellbeing through improved networks and services.

The assessment of this development application meets the **key outcomes** for People (set out on pages 54-55 of the Management Plan 2005-2008):

- Members of the community are engaged through involvement in democratic decision making and the promotion of active citizenship.
- The arts, culture, economy, environment, housing, leisure and public health of our community are positively and proactively influenced.
- Growth and benefits for the community are demonstrated through the provision of employment, economic and academic opportunities.
- The dignity, aspirations, and rights of residents are responded to.

Comment: This DA has been assessed using the heads of consideration listed in section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. Notification to adjoining owners was also undertaken as required by Council’s Notification DCP 15B.

7. Consultation – Internal and External

**Internal Referrals**

None required.

**External Referrals**

None required.

8. Submissions:

The proposal was notified in accordance with the Development Control Plan for Notification from 4 January to 1 February 2006. **One submission** was received. The issues raised in the submission are discussed below:
ITEM 3 (Continued)

Our client has forwarded numerous complaints (*regarding encroachments on the reciprocal right of carriageway, certification documents for building works, etc) to Council about the development at 82 Charles St.
Comment: The previous Council report for the DA for the conversion of the existing building to office usage (attached to this report) dealt with the objector’s previous submission. Issues of concern regarding the accuracy of the certification of building works is a matter for the private certifier, and issues of concern regarding encroachments on the right of carriageway is a private matter between the 2 property owners.

The DA plans show that the applicant proposes to use the right of carriageway for private car parking purposes.
Comment: As indicated in the previous DA report, legal advice was received on this issue from Council’s solicitors which indicated that no parking was allowable in the right of carriageway. Given that there was no area on site available for car parking which was NOT located in the right of carriageway, Council approved the development on the basis that there would be no on-site parking, but subject to the payment of a Section 94 contribution in lieu of such on-site parking. This was paid in January 2005.

A condition (no. 3) is recommended to reinforce that there is to be no on-site parking within the area affected by the right of carriageway.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Planning Scheme Ordinance

Zoning

Business Neighbourhood D1. The proposal is permissible with the consent of Council.

Mandatory Requirements

None other than those discussed elsewhere in this report.

(b) Relevant SEPPs

None relevant.
ITEM 3 (Continued)

(c) Relevant REPs

None relevant.

(d) Any draft LEPs

None relevant.

(e) The Provisions of Any Development Control Plan

Car Parking DCP No 29A

Car parking issues for the subject building were assessed in the previous report to Council for LDA 554/04, which is CIRCULATED UNDER SEPARATE COVER. It was assessed that 2 parking spaces would be required as an “office” use, but because these could not be provided in an acceptable manner on site, a Section 94 contribution would be required in lieu. Council’s records show that this contribution was paid in January 2005.

The current application is for an office for an advertising agency, and therefore no additional on-site parking is required above that which was required for the site under the previous DA.

The current DA is therefore satisfactory in terms of Council’s Car Parking DCP 29A.

10. Likely impacts of the Development

(a) Built Environment

The proposal involves the occupation of existing commercial premises with no building works or signage proposed. Therefore it will have no impacts on the built environment.

(b) Natural Environment

Similarly, it will have no impacts on the natural environment.

11. Suitability of the site for the development

The site is not subject to any constraint (eg overland stormwater flow, etc) which would render it unsuitable for the proposed development.
ITEM 3 (Continued)

12.  The Public Interest

The proposal involves the commercial use of a suitably-zoned allotment and it a relatively low intensity use for the site. Overall, approval is considered to be in the public interest.

13.  Financial Impact

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

Other Options

Nil.

14.  CONCLUSION:

The proposed development has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. It involves a low-key office use of existing premises previously approved by Council and will therefore have minimal impact on the surrounding area. It is suitable for conditional approval.

RECOMMENDATION:

(a) That Local Development Application No. 961/2005 at 82 Charles Street, Putney, being LOT: 1 DP: 588796 be approved subject to the following conditions:

1. Development is to be carried out in accordance with the Plans No. 1 and 2 and support information submitted to Council.

2. Compliance with all relevant requirements of Consent No 554/2004 issued in respect of the subject property.

3. There shall be no standing or parking of vehicles within the part of the site encumbered by a right of carriageway.

4. The hours of operation of the proposal are restricted to 8.30am to 6pm Monday to Friday and 8.30am to 2pm Saturday.
ITEM 3 (Continued)

5. The erection of signs on advertising structures not indicated on the development consent plans requires the submission of a new development application to Council.

6. There are to be no items stored externally to the building or placed on the footpath (eg signs, stock displays, etc).

7. Any loading and unloading in connection with the use being carried out wholly within the property.

(b) That the persons who made submissions be advised of the decision.
ITEM 3 (Continued)  

Indicates submissions received

Development Application
961/2005

City of Ryde

Scale: 1:1200 approx.
Date: 07/02/2006
ITEM 3 (Continued)

CHARELS STREET

UNIT 1

3,000

UNIT 3

4,500

Common Carriage Way

Subject

30.12 m²

31.13 m²

3.700

TANK design
5639 5462
June 2004 1 of 1

82 Charles Street, Palmcy Shopping Village
Lot 69, DP 8329

Approximate
Note

Shared
Turning
Zone
ITEM 4

STATUS REPORT – Environment & Planning

File No. S8346-02, S9420-04, S10873-02

The Group Manager Environment & Planning reports 15 February 2006:

Report Summary

This report provides an update of significant issues that have occurred since the last Development Committee: these include gazettal of LEPs 129 and 137, finalisation of the Planning Documents for Ryde Town Centre and the release by the ICAC of a discussion paper on the Corruption Risks in NSW development approval processes.

Background

As the Development Committee has not met since early December 2005 it would seem opportune to brief the Councillors on some of the development matters that have occurred since then.

REPORT

DLEP 137

Draft Local Environmental Plan (DLEP) 137 was developed by Council to implement the Master Plan for Macquarie Park Corridor, North Ryde. It was gazetted on 20 January. In approving the LEP the Minister for Planning chose to defer 2 sites. These are; land known as M2 surplus land parcel number 5 (the construction depot for the railway off Epping Road) and the land around the Delhi Road Station.

In addition we have received advice that the Minister has declared the Macquarie University a state significant site. In making this decision, advice was given that the Minister considered that the Development Plan prepared by the University would provide for up to 140,000m² of new academic activities and 620,000m² of commercial floor space. This will be done while retaining the open space and playing fields. The Department of Planning have advised that the estimated value of this development would be $150 million. However a construction value of $3,000 per m² would suggest that the commercial component alone is worth $1.8 billion, without considering infrastructure requirements.
ITEM 4 (Continued)

One of the clear failings of the University’s proposal is that it perpetuates the “walled in” planning for Universities in Australia. There is a real opportunity for the university in its 40 year plan to turn the university outward and create a university town, which integrates with the local community, with public streets, has shared community uses and facilities and residential development.

This is discussed more fully in the report prepared by the Manager – Town Centres. A copy of the LEP is CIRCULATED UNDER SEPARATE COVER.

DLEP 129

This LEP was prepared by Council to modify the density requirements for Urban Housing (villa homes). It will also permit a 2 storey element in the dwelling closest to the street. This LEP had been initially prepared to make the “linear separation” provisions a development standard. However the Department of Planning would not accept this.

A copy of the LEP is CIRCULATED UNDER SEPARATE COVER.

ICAC Discussion Paper

Earlier this year ICAC released a discussion document on “Corruption risks in NSW Development Approval Processes”. A copy of this was previous circulated to the Councillors.

The paper raises many issues associated with the development assessment process in local government. The most significant would appear to be the role of Councillors and the conflicting role of the consent authority and planning authority. The paper is written in a way that may lead to a recommendation that elected Councillors not be involved in the decisions about development applications. I understand this has happened in Queensland.

Our current Code of Conduct refers to the Statement of Ethics for Development Applications – Roles, Rights, and Responsibilities for all Stakeholders. This document is currently a draft and at any workshop to consider the code of conduct it would be appropriate to consider this document as well.

An issue not canvassed well in the paper is the impact of State Significant Development and the increasing role of the state government in the development approval process. For example this recent legislation is written in terms of “approval” only, and does not contemplate a situation when assessment might lead to the conclusion that the development should be refused. The same issues that apply to Councillors and council staff would also apply to the Minister and Departmental staff.
ITEM 4 (Continued)

Development Activity in the City of Ryde

Since 2000/2001 the City of Ryde has received between 1200 and 1400 development applications per year. In 1999/2000, 1700 DAs were received. Based on current trends the number of DAs received for the year will be about 1250.

Up until the end of January we had received 729 DAs and determined 719. The value of approved development was $500 million. 98 applications were determined in December 2005, and during January 93 applications were determined. This is similar to last year when 114 DAs were determined in December 2004 and 84 were determined in January 2005. The current net median assessment time is 38 days. In addition we have received favourable feedback on the professionalism of staff and the comprehensive nature of the conditions of approval.

The Property Council of Australia recently presented its Bi-Annual Office Market report. It was reported that North Ryde posted the biggest vacancy reduction of any NSW office market surveyed by the Property Council’s bi-annual Office Market Report. The majority of absorption over the period was in direct vacancy, which dropped by 3.2% points to 8.6%. Sub-lease vacancy dropped by 0.6% points to 1.2%, providing an overall drop of 9.8%.

Mr Mark Grey, NSW President, Property Council of Australia was quoted in the report as saying, “North Ryde’s office market continues to go from strength to strength, The Office Market Report is proof that businesses want to be in North Ryde.” This suggests that with the gazettal of LEP137, there will be continued interest in North Ryde for new development.

Ryde Town Centre

These planning document has now been finalised and we are now awaiting the Minister's approval of the LEP. A more detailed report will be presented to the Council shortly.

Management Plan Budget / Linkages

This project forms part of the 2005/2006 Operational Budget for Environment & Planning.

Relationship to Key Outcome Areas

This matter has no direct relationship to this key outcome area.
ITEM 4 (continued)

Environment

This matter has no direct relationship to this key outcome area.

Governance

This matter has no direct relationship to this key outcome area.

People

This matter has no direct relationship to this key outcome area.

Consultation – Internal and External

No Council business units were consulted as this is a status report.

Policy Implications

There are no policy implications through adoption of the recommendation.

Critical Dates

The following deadlines are required to be met:

Closing date for submissions on the ICAC paper is 28 February if the Councillors wish to make a submission.

Financial Impact

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

Other Options

Not applicable.

RECOMMENDATION:

That the report of the Group Manager Environment & Planning be received and noted.

Sue M Weatherley
Group Manager
Environment & Planning
ITEM 5

MACQUARIE UNIVERSITY (RYDE LGA).

File No. S272-10

Acting Manager of Neighbourhood & Town Centres reports 17 February 2006:

Report Summary
This report is to inform Council that the Department of Planning has advised that the Minister has agreed to consider Macquarie University as a State Significant Site. Further the report outlines some of the potential implications of this decision.

Background
City of Ryde Council received a letter from the Minister of Planning advising Council that he has agreed to consider Macquarie University RYDE LGA as a potential State Significant Site under the provisions of the State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP).

Report
The State Significant Site provisions of the Major Projects SEPP enable the Minister to list a site in Schedule 3 of the SEPP and include provisions relating to carrying out of development on the site including permissibility and development controls. In deciding whether or not to list a site as a State Significant Site, the Minister has requested that the Director General make arrangements for a study to be undertaken that will assess:

a) The State or regional planning significance of the site (having regard to the ‘Draft Guideline – State Significant Sites’, dated 24 July 2005);
b) The suitability of the site for any proposed land use taking into consideration environmental, social or economic factors, the principles of ecologically sustainable development and any State or regional planning strategy;
c) The implications of any proposed land use for local and regional land use, infrastructure, service delivery and natural resource planning;
d) Local and regional economic impacts of permitting additional commercial/research floor space within and adjacent to the Macquarie Park employment area;
e) Impacts on other identified employment centres including Homebush and Parramatta in relation to shifting economic opportunities;
f) The likelihood of the proposed rezoning achieving the desired outcomes of the State Government’s proposed Metropolitan Strategy, particularly regarding employment generation;
ITEM 5 (Continued)

g) The appropriateness of the Macquarie Campus University Development Plan to guide future development of the site; and
h) Those parts of the site which should be subject to Part 4 of the EP&A Act, with Ryde City Council as consent authority;
i) The development controls for the site that should be included in Schedule 3; and
j) The means by which developer contributions should be secured in respect of the site.

The study will also be used by the Director General to make recommendations to the Minister with regard to appropriate development controls for the site, and whether any subsequent development on the site should be declared to be a project subject to the provisions of Part 3A of the Environment and Planning and Assessment Act 1979, local development (with the Council as the consent authority) or exempt and complying development.

Macquarie University Proposal

Macquarie University is seeking to rezone the site in order to progress development of the University. The University has adopted the Macquarie University Campus Development Plan 2004 (MUCDP) to guide its future development. The key objectives of the MUCDP promote a development to the value of $160 million which includes:

- An increase of 20,000 students over the next forty years;
- An 140,000m² increase in built floor space for academic uses;
- Identification and creation of commercial and research precincts totaling 620,000m²;
- Residential accommodation for approximately 5000 students; and
- Retention of existing open space areas and the playing fields.

Issues for Council

Clearly what happens on the Macquarie University site has a major impact on the surrounding area and Ryde L.G.A. as a whole. Those impacts can be positive or negative.

Key issues are:

- The provision of 620,000m² Commercial and Research Space. Locating this amount of additional commercial and research floor space may impact negatively on Council by:
ITEM 5 (Continued)

- Impeding the speed and viability of redevelopment in the rest of Macquarie Park.
- Increasing traffic
- Impacting on the collection of Sec 94 contributions if development on the Macquarie Park site occurs at a slower speed.
- Making the train service initially less sustainable.
- Removing some open space.

- Section 94 Contributions and Developer Agreements
  It is unclear as to what Sec 94 and/or planning agreements might be put in place. These may impact negatively on Council by:

  - Providing a lesser Sec 94 rate and hence attracting development away from Macquarie Park.
  - Entering into Developer Agreements which favour the upgrading of the University rather than Ryde L.G.A.

- Increase in Population
  The increase of student, workforce and residential population may impact negatively on Council by:

  - Increasing traffic
  - Increasing the need for Community Facilities.
  - Increasing need for maintenance of roads/footpaths and open space.
  - Increasing hard surface and loss of permeable soil areas.
  - Creating greater demands on infrastructure.

- Isolation by Zoning

  One of the clear failings of the University’s proposal is that it perpetuates the “walled in” planning for Universities typically used after the second world war. This physical model failed to provide the benefits of the traditional university town. There is a real opportunity for the university in its 40 year plan to turn the university outward and create a university town, which integrates with the local community, with public streets, has shared community uses and facilities and residential development.

Best Planning Practice

Universities within an urban environment have the potential to provide great economic, social and cultural advantages.
ITEM 5 (Continued)

Synergies evolve because of the physical proximity of the university to its surrounding area. Benefits can include:

- Commercial enterprises allied to University research
- Business and tourist opportunities
- Cultural activities; theatre; art; exhibitions; cinemas
- Student housing
- Shared sporting facilities
- Provisions of restaurants; bookshops; music shops; pubs and other specialized retail.
- Support for public transport

These benefits however only accrue if the university is fully integrated with its surrounding area. The co-location of university and its surrounds in an integrated street and block pattern can ensure the greatest success of all the elements of the town. Many towns around the world owe their continued prosperity to the existence of a university as part of the town. Where each element of the town is physically separated so that a car journey is required to link activities or that the various uses are not visible the synergistic benefits do not occur.

Macquarie University is currently isolated from Macquarie Park and many of the potential benefits do not and have never flowed into the area as a whole.

Sydney requires a reorganization of its physical environment to accommodate the projected increases in population. Consolidated living and working areas within the city provide the opportunity for an urban lifestyle reliant on good public transport and close proximity to facilities. Macquarie Park and the University provide one of the few opportunities in Sydney for a critical mass of population to provide such an urban place. The provision of 3 heavy rail stations, a connected street pattern, the mix of uses, and the proximity of Lane Cove National Park makes this possible.

However, to ensure that all the potential benefits of such a place occur the precinct has to be designed and planned as one entity so that it is physically seamless. That task is made more difficult if not impossible when the university and its surrounds have different planning authorities.

The best outcome for the area would be as a University Town. Ideally then the “University Town” becomes the destination not just the university, the offices or the shopping centre.
ITEM 5 (Continued)

Management Plan Budget / Linkages
Not applicable.

Relationship to Key Outcome Areas
Separation of Macquarie University from Ryde L.G.A. in planning procedures has the potential to affect the following key outcome areas:

Assets

- An integrated and efficient transport network that links the City, with minimal environment impact.
- Well planned, safe and maintained public places and spaces throughout the City.
- Footpaths, cycleways and roads that are well maintained and designed to enable the safe use by all users.
- Stormwater infrastructure that is well maintained and designed to enhance public safety and amenity.

Environment

- Social and economic needs are met in a way that does not harm the environment.
- Global environment impacts of local activities are considered.
- There are systems and processes in place that measure our impact on the environment and take action when our environment is threatened.
- Use of public transport systems and integrated transport nodes are supported to reduce air pollution and greenhouse gas emissions.
- Preserved natural areas which are enhanced and maintained.
- Well designed streets and paths where motorists, cyclists and pedestrians feel safe.
- Well designed places and spaces that minimise personal harm and where people interact with each other, so that crime is reduced.

Governance

- Improved communication with the community and increased awareness and understanding of council’s decisions by the community.

People

- Community capacity is encouraged and developed through cultural and social activities.
- Educational and cultural opportunities that promote life long learning and access to information are provided.
ITEM 5 (Continued)

- Extensive social relationships and support networks of volunteers, social clubs, associations exist and the development of social capital is enhanced.
- Active healthy lifestyles are promoted.
- The arts, culture, economy, environment, housing, leisure and public health of our community are positively and proactively influenced.
- Growth and benefits for the community are demonstrated through the provision of employment, economic and academic opportunities.
- A strong sense of belonging and connectedness is fostered in the community that is safe and not threatened by crime.

Consultation – Internal and External
A consultation strategy is to be developed pending outcome of the Ministerial decision.

Policy Implications
Not applicable

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

RECOMMENDATION:

(a) That Council write to the Minister of Planning requesting that planning powers for Macquarie University remain with Ryde City Council.

(b) That a working partnership between Council, Macquarie University and the Department of Planning be created with a view to integrating the University with Macquarie Park to create a University Town.

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