NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee No. 03/09 held on 03 November 2009, be confirmed.
2 155 BALACLAVA ROAD, MARSFIELD. Lot 1 DP 556321. Local Development Application for new and replacement signage. Façade alterations and additions.

**INSPECTION:** 4.20PM  
**INTERVIEW:** 5.30PM

<table>
<thead>
<tr>
<th>Report prepared by:</th>
<th>Assessment Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Report approved by:</td>
<td>Manager Assessment; Group Manager Environment &amp; Planning</td>
</tr>
<tr>
<td>Report dated:</td>
<td>11 November 2009</td>
</tr>
<tr>
<td>File Number:</td>
<td>GRP/09/6/5 - BP09/899</td>
</tr>
</tbody>
</table>

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**

   **Applicant:** Woolworths Limited  
   **Contact:** Chris Tudor  
   **Owner:** Sanwick Pty Ltd  
   **Date lodged:** 20 July 2009

This report considers a development application for new/replacement signage and modifications and additions to the building facade of the Woolworths Supermarket at 155 Balaclava Road, Marsfield.

In response to the public notification/advertising period one (1) submission was received objecting to the proposal. The issues raised in the submission relate to the proposed number of signs being excessive/unnecessary particularly within a residential area and the signs being a safety hazard posing a distraction to motorists, particular concern regarding illumination.

The proposal is considered to be generally consistent with the intent of Council’s DCP 2006 however does not comply with the maximum 5m² area control applicable for flush wall signs. Conditions have been recommended which exclude the proposed new pylon sign from the approval, reduce the size of the proposed Balaclava Road entrance sign, and where appropriate prevent or restrict the illumination of the proposed signage.

The proposal involves the removal of several large existing signs and subject to conditions is considered to be an acceptable and co-ordinated approach to signage on the site. Council’s Traffic Engineer has reviewed the proposed signage with regard to distracting motorists and raised no objection to the proposal.

The setback distance of the building from both the Epping Road and Balaclava Road frontages should prevent the proposed new first floor level parapet structure from being excessively prominent when viewed from either of the road frontages. The proposed façade works are considered to be acceptable.
ITEM 2 (continued)

On balance it is considered the proposal does not warrant refusal. The application is recommended for approval subject to conditions which address where appropriate the objectors concerns and where possible rectify non-compliances with Council policy.

Reason for Referral to Planning and Environment Committee: Requested by Councillor O’Donnell.

Public Submissions: One (1) submission received objecting to the development.

SEPP1 Objection: Not required.

Value of works: $100 000.00

2. Site (Refer to attached map.)

Address: 155 Balaclava Road, Marsfield

Site Area: 9288m². Balaclava Road frontage is 79.72m wide, splayed corner to Epping Road is 48.6m wide and Epping Road frontage is 88m wide.

Topography and Vegetation: Car park area near the store entry is at RL 49. Site rises slightly to RL 51 near Balaclava Road entry. Site falls away to the east at the Waring Street entry and falls more steeply at the southern end of the site through to Zanco Road. Vegetation includes mature Casuarina and Eucalyptus trees along the site perimeters with some hedging to Balaclava Road and palm trees along the south east boundary. There are approximately 12 Eucalyptus trees spread throughout the carpark.

Existing Buildings: Woolworths supermarket and petrol station.

Planning Controls: Ryde Planning Scheme Ordinance 1979.

City Of Ryde Development Control Plan 2006:
Part 7.2 – Waste Minimisation and Management.
Part 9.2 – Access for People with Disabilities.
Part 9.3 – Car Parking.

Zoning: Business Neighbourhood D2
3. **Councilor Representations:**

Name of Councilor: Councillor O’Donnell.

Nature of the representation: Request the application be considered at Planning and Environment Committee.

Date: 21 September 2009.

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

On behalf of applicant or objectors? On behalf of an objector.

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

4. **Political Donations or Gifts**

No political donations or gifts disclosed.
ITEM 2 (continued)

5. Proposal

Council is in receipt of an application seeking development consent for new/replacement signage and modifications and additions to the building façade. The proposal specifically involves:

Façade additions comprising:

- construction of new first floor level parapet structure measuring 26.1 metres in length and a maximum width of 3.15 metres above the height of the fascia awning; and
- new fascia awning constructed of alucabond.

New external signage:

Signs 1 - New and replacement illuminate top hamper signs above front entry doors two (2) new icon signs measuring 0.5m by 0.5m, reface two (2) existing light box signs each measuring 0.65m x 0.5m.

Sign 2 - New illuminated wall sign (south elevation) measuring 2.0m x 1.8m (total area 3.6m²) with a 1.50m x 1.66m illuminated icon.

Signs 3 - New trolley bay non-illuminated signs 0.465m x 0.600m (x 2) located on western elevation column.

Sign 4 - New (replacement) illuminate parapet sign above front entry doors measuring 11.7m by 2.5m, alucobond ‘Anthrazit gray’ total area 29.25m², background illuminated area 13.03m² (see Figures 8 & 9).

Sign 5 - New freestanding pylon sign 6.0m (height) x 1.8m (width) to indicate direction to parking to be located on the northern boundary of the site at the intersection of Balaclava and Epping Roads. The total area of the sign is 10.8m². The illumination of the sign is limited to the lettering and icon.

Sign 6 - New free standing pole sign located adjacent to the Waring Street entry (adjacent to Epping Road). The proposed illuminated sign measures 1.6m x 1.6m elevated on a 2.4m high pole (area of sign 3.2m²). The proposed illuminated sign reaches a total height of 4.0m above ground level.

Sign 7 - New illuminated pole sign at main entry measuring 2.14m x 2.14m and elevated 3.0m above ground level (reaches 5.14m above ground level).

The location of all proposed signs are shown in Figures 2 & 3. It is noted in addition to the proposed new signage detailed above the site is to retain an existing partially illuminated pylon sign which includes business names and petrol prices, this sign located adjacent to Balaclava Road. The sign measures more than 4.0m in height and has a width of approximately 1.5m.
ITEM 2 (continued)

Figure 2 - Proposed signs on north-western elevation facing Epping Road

Figure 3 – Location plan of proposed Signs 2, 4, 5, 6 and 7.
ITEM 2 (continued)

Following are drawings and details of the proposed signs:

- New Woolworths icon sign
- Existing standard light box indicating store location
- New welcome lettering on existing doors

Signs 1 (for both front entry doors)

Sign 2

Sign 3 (x2)

Sign 4
ITEM 2 (continued)

Sign 5

Sign 6
ITEM 2 (continued)

6. Background

18 November 2008 - Council granted Deferred Commencement Consent to LDA 2008/424 for:

- Internal fitout to incorporate a larger trading area and new checkouts;
- 146m² increase to retail trading area by modifying the front entry, internally reconfiguring rear of store and creating a new space for offices and staff amenities on the lower ground level;
- A total increase of 218m² increase in floor space including new plant rooms. Excluding plant rooms, a total new gross floor area of 180m²;
- New glazing and automatic doors to modifies entry;
- 2.8m wall extension to eastern side of store building for new square entry; and
- Replacement of green awning panel along the Epping Road elevation and 8.7m length on east side of store.

As per the approval of LDA2008/424 the consent did not become operative until the following matters were satisfied:

- a median strip was shown on the Waring Street access driveway;
- A acceptable Traffic Management Plan was submitted which included a suitably qualified traffic controllers to be used during sale events; and
- A trolley management plan to demonstrate how trolleys will be managed, stored and contained within the site.
ITEM 2 (continued)

On the 7 May 2009 Council advised the applicant that the above matters had been satisfied and that the consent has become operative.

13 October 2009 - A Section 96 Application was lodged for LDA 2008/424 seeking approval for a revised Traffic Management Plan. This application is currently being assessed.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2006 - Part 2.1, Notification of Development Applications. Notification period for the proposal ended on 17 September 2009. A total of one (1) submission was received. Following is a summary of the issues raised:

1. The proposed signage is excessive and the current signage and entrances are visible from the two main roads.

Comment: As detailed in the non-compliance and built environment sections of this report conditions have been recommended to omit the proposed addition pylon sign and reduce the size of the proposed Balaclava Road entrance sign. To maintain residential amenity conditions restricting the illumination of the proposed signage have also been recommended. Subject to these conditions the signage is not considered to be excessive and represents an acceptable replacement of the existing signage on the subject site.

2. Proposed sign No.2 (facing Balaclava Road) is unnecessary and outside the current sign specifications and is block illuminated. Proposed sign No.2 is to be 1500cm high.

Comment: Proposed flush wall sign No.2 seeks to replace the existing flush wall sign located the building wall facing Balaclava Road. The proposed sign is of a similar size to the existing sign and is to be located approximately 4.0m above ground level (see Figure 4 below).
3. **The method of illumination materials of proposed sign No.4 (shopfront parapet) should be the same as the existing sign.**

   **Comment:** The proposed internal illumination of the new parapet sign should not appear excessive or notably brighter than the existing sign. An area of 13.03m² is proposed to be illuminated whilst the total area of the parapet sign is 29.25m².

4. **The proposed 6.0m high parking sign (proposed sign No.5) is excessive and unnecessary, the current small sign on the corner is adequate. This sign will be a distraction to drivers.**
ITEM 2 (continued)

Figure 5 – Existing pole sign and proposed pylon sign adjacent to Epping Road

Comment: The existing sign and proposed pylon sign can be seen in Figure 5. As detailed in the non-compliance section of this report the proposed new pylon sign is contrary to the provisions of Council’s DCP 2006 and a condition has been included in the recommendation of this report to exclude the proposed pylon sign from the consent.

5. The entrance to the site from Waring Street should not be advertised. The current ‘Welcome’ sign is adequate.

Comment: The proposed new illuminated pole sign near the Waring Street entrance seeks to replace two existing signs located in this area (see Figure 6). The two existing signs near the Waring Street entrance measure 1.4m x 1.7m and 1.4m x 0.6m respectively. The combined area of the two existing signs is greater than the area of the proposed new replacement sign. Subject to a recommended condition preventing the illumination of this sign the proposed sign is considered to be an acceptable replacement.

Figure 6 - Proposed and existing signs adjacent to Waring Street

6. Proposed sign No.7 is 3 metres high and in close proximity to the existing petrol prices sign. The sign is described as an entry/exit sign but does not say
ITEM 2 (continued)

so. The current sign is adequate especially with the shopping trolley rules displayed.

Comment: A condition has been included in the recommendation of this report to reduce the size of the proposed Balaclava Road entrance sign from 2.14m x 2.14m to measure 1.6m x 1.6m. This reduction in the area of the sign will see the proposed sign the same size as the proposed sign near the Waring Street entrance. A condition has also been recommended that this sign is not to be illuminated as the existing sign in this location is not illuminate and is in close proximity to neighbouring residential properties (See Figure 7).

Figure 7 - Existing and proposed Balaclava Road entrance sign.

7. The number of illuminated signs will be a distraction to motorists at an accident prone corner.

Comment: Council’s Traffic Engineer has advised that the proposed signage would not pose a distraction to motorists on Epping Road or Balaclava Road.

8. An additional blue and white sign has been attached to the petrol price sign on Balaclava Road, if consent has not been granted for this sign it should be removed.

Comment: No record has been found of an existing approval for the additional blue and white sign attached to the existing pylon sign. It would appear that consent may not been granted for this sign. This matter will be referred to the Manager of Health & Building for investigation.

9. The proposed signage does not accord with conditions of consent Land and Environment Court Appeal No. 10123 of 1997 which granted approval for the Service Station.

Comment: The application has been lodged pursuant to the provisions of Section 79C of the Environmental Planning Assessment Act 1979. A condition of consent imposed by the Court for the service station required a separate application to be submitted to and approved by Council prior to the erection of any advertisement or advertising structure.
ITEM 2 (continued)

8. **SEPP1 Objection.**

Not required.

9. **Policy Implications**

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

(a) **Ryde Planning Scheme Ordinance**

**Zoning**

The subject site is zoned D2 Business Neighbourhood under the provisions of the Ryde Planning Scheme ordinance. The proposed works are permissible with the consent of Council.

**Mandatory Requirements**

**Clause 34(1) – Consideration of certain applications**

> The responsible authority shall, in respect of an application under this Ordinance for its consent or approval to the erection of a building, the carrying out of work or the use of land within view of any waterway or adjacent to any county or main road, railway, public reserve or land reserved for open space or land with Zone No. 6 (a), 6 (b) or 6 (c), take into consideration the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, county or main road, railway, public reserve or land so reserved or zoned.

**Comment:** The subject site has a frontage to Epping Road (a main road) in consideration of the aesthetic appearance of the proposed signage from Epping Road conditions have been included within the recommendation of this report to refuse consent for the proposed freestanding pylon sign measuring 6.0m (height) x 1.8m (width) and reduce the size of the proposed pole sign adjacent to Balaclava Road.

**Clause 42 - Advertising Signs**

1. The consent of the Council is required to display an advertising sign.
2. An advertising sign* may only provide information about a business, industry or profession carried on where it is displayed. The information may include details about the use of the land or a building, goods manufactured or offered for sale, services offered and the name and address of the owner or occupier.
3. The Council may consent to the display of an advertising sign that does not comply with subclause (2) where that advertising sign is part of a structure
ITEM 2 (continued)

the principal purpose of which is to provide improved safety, amenity and convenience for pedestrians, and the structure is located on or adjacent to a road.

Comment: The proposed advertising signs comply with the above requirements as the information contained on the signs relates to the business conducted on the site.

(4) In considering an application for consent for the display of an advertising sign, the Council must consider:

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The effect of the sign on the amenity of the locality, including the need to avoid visual disorder or clutter of signs.</td>
<td>Conditions have been included in the recommendation of this report to reduce the number of signs, reduce the size of the proposed Balaclava Road entry sign and impose restrictions relating to illumination.</td>
</tr>
<tr>
<td>The effect of the signs on the built environment or the landscape.</td>
<td>Subject to the conditions detailed in the recommendation of this report the proposal should not have an unacceptable impact on the built environment.</td>
</tr>
<tr>
<td>The need for the signs and the opportunities for adequately displaying it on the site.</td>
<td>The subject site has an area of 9288m², contains an existing supermarket and has frontages to both Epping Road and Balaclava Road. There is considered to be some justification and opportunity for the proposed signs subject to conditions.</td>
</tr>
<tr>
<td>The advertising pattern and theme in the locality and the number of signs of the same type.</td>
<td>The proposal seeks to replace the most of the existing signage on the site in a co-ordinated manner. Conditions have been recommended where appropriate to omit or reduce the size of signage which exceeds the existing signage.</td>
</tr>
<tr>
<td>The effect of the sign on existing advertising signs.</td>
<td>The proposal seeks to retain an existing pylon sign which displays petrol prices adjacent to Balaclava Road. The proposed additional pylon sign is not supported as this</td>
</tr>
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</table>
ITEM 2 (continued)

<table>
<thead>
<tr>
<th>Existing sign is to be retained. Overall subject to conditions the proposal is considered to be acceptable.</th>
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<tbody>
<tr>
<td>Subject to conditions the proposed signage is considered to adequately relate to the size of the subject site and scale of surrounding buildings.</td>
</tr>
<tr>
<td>Subject to conditions the proposed signage is considered to adequately relate to the size of the subject site and scale of surrounding buildings.</td>
</tr>
<tr>
<td>Subject to conditions detailed in the recommendation the proposed signage should not have an unacceptable impact in terms of colour, brightness and location.</td>
</tr>
</tbody>
</table>

**Clause 88 – Development within the vicinity of a heritage item.**

This clause relates to development in the vicinity of a heritage item and requires the consent authority to assess the impacts of the proposed development on the setting of the heritage item.

The subject site is located within 100 metres of Macquarie University site at 192 Balaclava Road which contains the following item of environmental heritage under the Ryde Planning Scheme Ordinance:

Ruins; located in Macquarie Park within Macquarie University.

The site is separated from the University boundary by Epping Road. Council’s Heritage Officer has raised no objection to the proposal and the proposal is not considered to have an adverse impact on the setting of the heritage item within the University grounds.

(b) Relevant SEPPs

**SEPP 64 – Advertising and Signage**

Applies to all signage except exempt development. In the event of any inconsistency between it and local planning controls, the provisions of SEPP 64 prevail. Council must be satisfied that the signage is consistent with the objectives of the policy, as set out in clause 3(1)(a), and satisfies the assessment criteria within Schedule 1 of the SEPP.
ITEM 2 (continued)

The objectives in clause 3(1)(a) are to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area;
(ii) provides effective communication in suitable locations; and
(ii) is of high quality design and finish.

Comment: Subject to condition the proposed signage is compatible with the amenity and visual character of the area, provides effective communication in suitable locations and will be high quality, design and finish.

There are 8 assessment criteria listed in Schedule 1.

Character of Area – Subject to conditions the signs would be in keeping with the character of the area.
Special Areas – There are no special areas affected by the proposal.
Views and Vistas – The proposed signage does not impact on any significant views or vistas.
Streetscape, Setting or Landscape – Subject to conditions the proposed signage is considered acceptable.
Site and Building – Signs considered to be compatible subject to conditions.
Associated Devices and Logos with Advertising and Advertising Structures – Designed as integral part of building.
Illumination – No unacceptable glare or impacts subject to conditions detailed in the recommendation.
Safety – No safety implications have been identified.

Comment: Subject to conditions it is considered the proposal is able to comply with the objectives of State Environmental Planning Policy No 64 - Advertising and Signage and meet the assessment criteria set out in Schedule 1 of the Policy.

(c) Relevant REPs

None.

(d) Draft Ryde Local Environmental Plan 2008

Draft Local Environmental Plan 2008 was adopted by Council on 5 May 2009. Under this Draft LEP, the zoning of the property is Business B1. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.
ITEM 2 (continued)

(e) Any DCP

Part 9.1 – Advertising Structures

The proposal is in compliance with the above part of DCP 2006 as illustrated by the development standards below.

The compliance with the DCP is illustrated by the development standards below.

<table>
<thead>
<tr>
<th>Part 9.1 DCP 2006 – Advertising Signs</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertising content must be either:</td>
<td></td>
<td></td>
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<tr>
<td>• Business identification sign</td>
<td>The proposal involves business identification signage.</td>
<td>Yes</td>
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<tr>
<td>• Directional sign</td>
<td></td>
<td></td>
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<tr>
<td>• Safety, amenity of pedestrians</td>
<td></td>
<td></td>
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<tr>
<td>Language</td>
<td></td>
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<tr>
<td>• English</td>
<td>The proposed signage is in the English language without any translation.</td>
<td>Yes</td>
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<tr>
<td>• Any translation not larger than English</td>
<td></td>
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<tr>
<td>Number of signs</td>
<td></td>
<td></td>
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<tr>
<td>• Excessive signage inappropriate</td>
<td>The proposed number of signs is considered acceptable however conditions have been included in the recommendation of this report to not approve proposed pylon (Sign No.5) and to reduce the size of the new illuminated pole sign at the entrance from Balaclava Road.</td>
<td>Yes (Subject to conditions)</td>
</tr>
<tr>
<td>Design, safety, maintenance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Compatible with architectural style of building</td>
<td>The proposed signs are compatible with the building. The proposed sign should not impact on the footpath. Conditions have been included to reduce the signage so as to not adversely affect the streetscape.</td>
<td>Yes</td>
</tr>
<tr>
<td>• Not impact adversely on streetscape</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Located at height to discourage vandalism &amp; not impact on footpath</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business &amp; urban village zones:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extent of signage permitted</td>
<td>Balaclava Road frontage is 79.72m wide, spayed corner to Epping Road is 48.6m wide and Epping Road frontage is</td>
<td>Yes</td>
</tr>
<tr>
<td>Single storey buildings:</td>
<td></td>
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<tr>
<td>• Total for all elevations not to exceed 1m² per 1m of frontage to the street</td>
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ITEM 2 (continued)

<table>
<thead>
<tr>
<th>Part 9.1 DCP 2006 – Advertising Signs</th>
<th>Proposal</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side &amp; rear elevations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Max sign area not exceed 15% of the elevation area</td>
<td>88m wide. The proposed total area of the signage for the site is approximately 51m² and less than 1m² of street frontage.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The portion of the flush wall sign extending over the south elevation does not exceed 1% of the elevation area.</td>
<td></td>
</tr>
<tr>
<td>Pole and Pylons Signs</td>
<td></td>
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</tr>
<tr>
<td>Permitted only on sites with large street or road frontage that are occupied by uses such as service stations, large take-away food outlets and large retail outlets.</td>
<td>The site contains a large retail outlet and a service station and in principle is suitable for this form of signage.</td>
<td>Yes</td>
</tr>
<tr>
<td>Illuminated signs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) The lighting intensity and hours of illumination must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.</td>
<td>Satisfactory subject to conditions. A condition has been recommended that all illuminated signage be subject to an automatic timer which switches off the illumination outside of operating hours for the supermarket.</td>
<td>Yes (Subject to conditions)</td>
</tr>
<tr>
<td>b) The lighting intensity of an advertising sign must be capable of modification or control after installation.</td>
<td>Illumination intensity is able to be controlled.</td>
<td>Yes (Subject to conditions)</td>
</tr>
<tr>
<td>c) Illuminated advertising signs must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.</td>
<td>Proposed illuminated signs minimise spill and should not compromise safety.</td>
<td>Yes</td>
</tr>
<tr>
<td>d) Illumination of a sign (with the exception of floodlit signs) must not be external to the sign i.e. surrounding a sign. Illumination must be part of the advertisement.</td>
<td>Proposed signs are internally illuminated.</td>
<td>Yes</td>
</tr>
<tr>
<td>e) Electric wiring to illuminated signs is to be concealed.</td>
<td>Wiring is to be concealed.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 2 (continued)

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
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<tbody>
<tr>
<td>f)</td>
<td>Depending on its location and its relationship to residential properties, Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 11pm and 6 am, or as is considered reasonable in the circumstances.</td>
</tr>
<tr>
<td></td>
<td>A condition has been recommended to limit the hours of illumination. Illuminated signage is to be controlled by a single timer switch which is to be programmed to turn on at dusk and turn off at 10:00pm.</td>
</tr>
<tr>
<td></td>
<td>Yes (Subject to condition)</td>
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### Flush wall signs

<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Only one sign per building elevation;</td>
<td>One flush wall sign is proposed on the front and the side elevation replacing existing signage.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Where it is illuminated shall not be less than 2.6 metres above the ground;</td>
<td>The proposed front flush wall sign (parapet) is illuminated and positioned 4.6m above ground level. The proposed side elevation sign is 3.27m above ground level.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not exceed a maximum area of five (5) square metres;</td>
<td>The proposed front elevation flush wall sign (parapet) has an area of 29.25m². The side elevation flush wall sign has an area of 3.22m²</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Shall not extend laterally beyond the wall of the building to which it is attached;</td>
<td>The proposed signs do not extend laterally beyond the walls to which they are attached.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not project above the top of the wall to which it is attached;</td>
<td>The proposed signs do not extend above the walls to which they are attached.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not be located on a building wall if there is an existing building or business identification sign;</td>
<td>There is no other business identification signage on the subject building walls.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not extend over a window or other opening or architectural feature;</td>
<td>The positions of the proposed signs does not extend over a window or architectural feature.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not project horizontally more than 300mm from the wall; and</td>
<td>The proposed flush wall signs do not project more than 300mm from the walls to which they are attached.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Consideration must be given to design and aesthetics, so as to harmonise with the nature of the</td>
<td>The proposed flush wall sign should not detract from the streetscape in view of the</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>
ITEM 2 (continued)

<table>
<thead>
<tr>
<th>streetscape and townscape.</th>
<th>existing building setback and replace existing signage in similar locations.</th>
</tr>
</thead>
</table>

**Pylon Sign**

<table>
<thead>
<tr>
<th>Maximum height 6m</th>
<th>Maximum 6.0m</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum area of structure 12m</td>
<td>Proposed area 10.8m²</td>
<td>Yes</td>
</tr>
<tr>
<td>One per site</td>
<td>The proposed pylon sign is in addition to an existing pylon sign on the site Balaclava Road site which displays petrol prices and business names.</td>
<td>No</td>
</tr>
</tbody>
</table>

A pylon sign and a business directory board sign are not to be located at the same entrance way or access way. Such signs must be physically separated from each other;

<table>
<thead>
<tr>
<th>Must be provided within a landscaped setting;</th>
<th>The proposed pylon sign is positioned within an established landscaped area.</th>
<th>Yes</th>
</tr>
</thead>
</table>

Illumination of sign will be considered by Council on a merit basis ie. location of sign, proximity to main road, hours of operation. Up lighting is the preferred form of illumination.

<table>
<thead>
<tr>
<th>Illumination of sign will be considered by Council on a merit basis ie. location of sign, proximity to main road, hours of operation. Up lighting is the preferred form of illumination.</th>
<th>The proposed pylon sign is internally illuminated. Only the lettering and the icon are proposed to be illuminated.</th>
<th>Yes</th>
</tr>
</thead>
</table>

Signs should generally be placed on buildings. Therefore Pylon signs will not be permitted where signs are capable of being placed on a building and buildings are within 5 metres of the road frontage.

<table>
<thead>
<tr>
<th>Signs should generally be placed on buildings. Therefore Pylon signs will not be permitted where signs are capable of being placed on a building and buildings are within 5 metres of the road frontage.</th>
<th>The subject building is located greater than 5.0m from a road frontage.</th>
<th>Yes</th>
</tr>
</thead>
</table>

**Pole Signs**

<table>
<thead>
<tr>
<th>Pole Signs</th>
<th>Pole Signs</th>
<th>Pole Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) shall not be more than six (6) metres in height;</td>
<td>Two pole signs are proposed Sign No.6 has a total height of 4.0m and Sign No.7 has a total height of 5.14m.</td>
<td>Yes</td>
</tr>
<tr>
<td>(b) have a maximum area of 3.3 square metres;</td>
<td>Proposed Sign No.6 has an area of 2.56m² and Sign No.7 has an area of 4.58m².</td>
<td>No</td>
</tr>
<tr>
<td>(c) to be contained wholly within the site. A sign is not to overhang any public space. Eg Footpath</td>
<td>Proposed Sign No. 7 is located entirely within the site. Proposed Sign No.6 is adjacent to Waring Road, a Condition has been recommended to ensure this sign does not overhang the entry road or the Epping Road reserve.</td>
<td>Yes (Subject to condition)</td>
</tr>
</tbody>
</table>
ITEM 2 (continued)

Non-Compliances

1. **Area of flush wall sign exceeds 5.0m²**

Flush wall signs are not to exceed a maximum area of five (5) square metres. The proposed front elevation flush wall sign (parapet sign) has an area of 29.25m². The significant non-compliance with this flush wall sign control is considered acceptable in this instance as:

- the proposed sign seeks to replace an existing large roof top sign of a similar size and location;
- the sign forms the primary advertising feature for the supermarket;
- the sign is part of a co-ordinated new and replacement signage plan for the entire site.

![Figure 8 – Proposed new parapet signage](image)

![Figure 9 – Existing roof top sign.](image)

2. **A second pylon sign for the subject site**

Only one (1) pylon sign is permitted per site as specified within Council’s DCP 2006. The proposed new pylon sign measures 6.0m (height) x 1.8m (width). The subject site has an existing pylon sign located adjacent to site’s Balaclava Road frontage measuring approximately 2.0m x 5.5m (see **Figure 10**). This
ITEM 2 (continued)

existing pylon sign partly displays petrol prices whilst also including business identification details.

The proposal seeks to erect the pylon sign adjacent to the Epping Road frontage of the site whilst also retaining the existing pylon sign adjacent to the Balaclava Road frontage. The proposed additional pylon sign is considered unacceptable in view of the following:

- two pylon signs on a single site is contrary to the pylon sign controls within Part 9.2 of Council’s DCP 2006;
- the proposed pylon sign is significantly larger than the existing pole at the same location;
- the proposed pylon sign is in addition to four (4) significantly large illuminated signs proposed for the site; and
- the parking areas of the site are to be identified by the erection of a large illuminated pole sign at each entrance point.

A condition has been included within the recommendation of this report exclude the proposed additional pylon sign from the consent.

Figure 10 – Existing pylon sign to be retained

3. Size of pole sign

Part 9.1 of Council’s DCP 2006 specifies that pole signs are to have a maximum area of 3.3m². The proposed pole sign at the Balaclava Road entrance to the site (Sign No.7) measures 2.14m x 2.14m comprising an area of 4.58m².

A condition has been included in the recommendation of this report to reduce the size of this sign to measure 1.6m x 1.6m, an area of 2.56m² which is the same size as the pole sign proposed close to the Waring Road entrance. The
ITEM 2 (continued)

size of the proposed Balaclava Road entrance sign is also considered excessive as it is located in clear view and close proximity to the adjoining residential property at 153 Balaclava Road (see Figure 11).

Figure 11 - View of existing Balaclava Road entrance sign as seen from the residence at No.153 Balaclava Road.

10. Likely impacts of the Development

(a) Built Environment

Illumination of signage

The subject site is located adjacent to residential properties on both Balaclava Road and Waring Street. To reduce the impact of the proposed signage on the neighbouring residential properties conditions have been included in the recommendation to not allow the illumination of the proposed new Balaclava Road and Waring Street entry signs. These two signs are located in close proximity to residential properties and the existing signs are not illuminated it is considered the proposed illumination of these signs will have an unacceptable impact the neighbouring residential properties.

The proposed illumination of the proposed new front parapet sign and side flush wall sign is acceptable subject to the following conditions included in the recommendation:

- The signage shall not be illuminated during the daytime and between the hours of 11.00pm and 7:00am daily.
ITEM 2 (continued)

The applicant is to provide details of how this condition will be complied with and monitored to Council prior to the issue of the Construction Certificate.

- The lighting of the proposal shall be directed so as not to cause nuisance to the owners or occupiers of adjacent residential premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australian Standard AS 42821 997: Control of the Obtrusive Effects of Outdoor Lighting.

Conclusion

Subject to the recommended conditions which are discussed above and within the non-compliance section of this report the proposed new signage and façade addition should not have an unacceptable impact on the amenity of the surrounding area. The conditions reducing the number of signs, the size of the proposed Balaclava Road entry sign and restrictions relating to illumination should ensure the proposal does not have an unacceptable impact on the existing streetscape or the amenity of the surrounding area.

The setback of the building from both the Epping Road and Balaclava Road frontages should prevent the proposed new first floor level parapet structure from being excessively prominent when viewed from either of these road frontages.

(b) Natural Environment

The proposed development should have no significant impacts on the natural environment.

11. Suitability of the site for the development

The subject site is located within 100 metres of Macquarie University site at 192 Balaclava Road which contains the following item of environmental heritage under the Ryde Planning Scheme Ordinance:

Ruins; located in Macquarie Park within Macquarie University.

The site is separated from the University boundary by Epping Road. Council’s Heritage Officer has raised no objection to the proposal and the proposal is not considered to have an adverse impact on the setting of the heritage item within the University grounds.

The site is not located within a Heritage Conservation Area or subject to any natural constraints such as flooding or subsidence. In this regard, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments subject.
ITEM 2 (continued)

12. The Public Interest

There are no issues with regard to public interest that should preclude a favourable determination of the application (subject to conditions).

13. Management Plan Linkages

Relationship to Key Outcome Areas

People

This project meets the following key outcomes for People (set out on page 50 of the Management Plan 2009-2013):

P2 A city that plans for people by involving them in decision making to improve their quality of life.

Comment: The proposal was advertised and notified in accordance with Development Control Plan 2006 – Part 2.1, Notification of Development Applications. Advertising occurred in the Northern District Times on 2 September 2009. Notification of the proposal commenced 19 August 2009 and ended 17 September 2009. One (1) submission was received in response to the first notification/advertisement period.

Assets

This project meets the following key outcomes for Assets (set out on page 60 of the Management Plan 2009-2013):

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

Environment

This project meets the following key outcomes for Environment (set out on page 67 of the Management Plan 2009-2013):

E4 Strong links to the past through protection, conservation and interpretation of our heritage.

Comment: Council Heritage Officer has raised no objection to the proposal in view of nearby heritage items as addressed in Section 11 of this report.

Governance

This project meets the following key outcomes for Governance (set out on page 79 of the Management Plan 2009-2013):
ITEM 2 (continued)

G1 Improved awareness and understanding of Council’s decisions by the community.

G2 Members of the community are engaged in democratic decision making.

G3 Review of best practice approaches on Governance to enhance the delivery of services to the community.

G4 A safe working environment with skilled and motivated staff who are committed to the organisation’s vision and values.

G5 Compliance with all legislative requirements and statutory obligations.

G6 An efficient and effective regulatory environment.

Comment: The proposal was advertised and notified in accordance with Development Control Plan 2006 – Part 2.1, Notification of Development Applications. Advertising occurred in the *Northern District Times* on 2 September 2009. Notification of the proposal commenced 19 August 2009 and ended 17 September 2009. One (1) submission was received in response to the first notification/advertisement period.

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979, the City of Ryde Planning Scheme Ordinance, the City of Ryde Development Control Plan 2006 and other relevant Council policies.

14. Consultation – Internal and External

Internal Referrals:

**Heritage Officer, 1 September 2009**: Council’s Heritage Officer has raised no objection to the proposal.

**Traffic Engineer: 3 September 2009**: Council’s Traffic Engineer as raised no objection to the proposal subject to all signs being located within the shopping centre site and advised the would not pose any distraction to motorists on both roads. All signage complies with Ryde DCP. A condition has been included within the recommendation of this report to require that all signage is to located completely within the site.

External Referrals

Nil.

15. Critical Dates

There are no critical dates or deadlines to be met.

16. Financial Impact

Adoption of the option outlined in this report will have no financial impact.
ITEM 2 (continued)

17. Other Options

The alternative option of refusal was considered, however subject to appropriate conditions detailed in the recommendation of this report the application is considered to warrant approval.

18. Conclusion:

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and found to be satisfactory not withstanding a non-compliance with Council’s DCP 2006.

In response to the public notification/advertising period one (1) submission was received objecting to the proposal. The issues raised in the submission relate to the proposed number of signs being excessive/unnecessary particularly within a residential area and the signs being a safety hazard posing a distraction to motorists, particular concern regarding illumination.

The proposal is considered to be generally consistent with the intent of Council’s DCP 2006 however does not comply with the maximum 5m² area control applicable for flush wall signs. Conditions have been recommended which exclude the proposed new pylon sign from the approval, reduce the size of the proposed Balaclava Road entrance sign, and where appropriate prevent or restrict the illumination of the proposed signage.

The proposal involves the removal of several large existing signs and subject to conditions is considered to be an acceptable and co-ordinated approach to signage on the site. Council’s Traffic Engineer has reviewed the proposed signage with regard to distracting motorists and raised no objection to the proposal.

The setback distance of the building from both the Epping Road and Balaclava Road frontages should prevent the proposed new first floor level parapet structure from being excessively prominent when viewed from either of the road frontages. The proposed façade works are considered to be acceptable.

On balance it is considered the proposal does not warrant refusal. The application is recommended for approval subject to conditions which address where appropriate the objectors concerns and where possible rectify non-compliances with Council policy.

RECOMMENDATION:

(a) That Local Development Application No. 2009/0388 at 155 Balaclava Road, Marsfield being Lot 1 DP 556321 be approved subject to the following conditions:

1. Development is to be carried out in accordance with plan reference DA A01 as amended in red and by any other condition of this consent.
ITEM 2 (continued)

2. The proposed new illuminated pylon sign (Sign No.5 on the plan referred to in condition No.1) is not approved and is excluded from this consent.

3. The proposed pole sign at the Balaclava Road entrance (Sign No.7 on the plan referred to in Condition No.1) shall not exceed an area of 2.56m² (the same area as Sign No.6).

4. Sign No.6 and Sign No.7 on the plan referred to in Condition No.1, are not permitted to be illuminated (at any time). These signs are not to be capable of illumination.

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

6. The signage shall not be illuminated during the daytime and between the hours of 11.00pm and 7:00am daily.

The applicant is to provide details of how this condition will be complied with and monitored to Council prior to the issue of the Construction Certificate.

7. The lighting of the proposal shall be directed so as not to cause nuisance to the owners or occupiers of adjacent residential premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australian Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.

8. The sign included in this consent must not use:
   - Flashing lights;
   - Electronically changeable messages;
   - Animated display, moving parts or simulated movement;
   - Complex displays that hold a driver’s attention beyond “glance appreciation”
   - Displays resembling traffic signs or signals; and
   - A method and level of illumination that distracts or dazzles.

9. All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

   Any translated message must be accurate and complete.

   No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

10. All signage is to be located completely within the subject site and is not to overhang the property boundary.
ITEM 2 (continued)

11. Compliance with the Building Code of Australia
   a) 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).
   b) 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).

12. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
   a) A Construction Certificate is to be obtained in accordance with Section 81A (2)(a) of the Act.
   b) 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.
   c) 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.

13. 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).

PRIOR TO CONSTRUCTION CERTIFICATE

14. A security deposit is to be paid to Council (Public Works and Services Group) as well as the infrastructure inspection fee. Please refer to Council's Management Plan for the current fee amounts.

15. 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).

16. 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.
ITEM 2 (continued)

17. Documentary evidence of compliance with Conditions 14, 15 and 16 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.

18. **Sydney Water**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.

19. **Waste Management Details** - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes. Council’s DCP 2006, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

20. Certification is to be provided with the Construction Certificate by a Structural Engineer that the proposed method of anchorage of the signs is structurally adequate having regard to their size, type and location.

21. **Protection of Public Places**

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

b) 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.
ITEM 2 (continued)

c) The work site must be kept lit between sunset and sunrise if it is likely
to be hazardous to persons in the public place.
d) Any such hoarding, fence or awning is to be removed when the work
has been completed.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

22. 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.

23. ‘Dial 1100 Before You Dig’

Underground pipes and cables may exist in the area. In your own interest
and for safety, telephone 1100 before excavating or erecting structures.
Information on the location of underground pipes and cables can also be
obtained by fax on 1300 652 077 or through the following website

If alterations are required to the configuration, size, form or design of the
development upon contacting the Dial Before You Dig service, an
amendment to the Development Consent (or a new development
application) may be necessary. Council’s Assessment Officer should be
consulted prior to the lodgement of an application for a Construction
Certificate if this is the case.

24. Sediment control works are to be installed and maintained in accordance
with Council’s DCP 2006, Part 8.1 – “Construction Activities”.

25. Tree Protection Zones are to be established around all trees to be retained
on the site prior to the commencement of any works including demolition
or construction.

26. Signage is to be provided on the site as follows:

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.

DURING CONSTRUCTION

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

a) at the commencement of the building work
b) after excavation for, and prior to the placement of, any footings
c) prior to pouring any in-situ reinforced concrete building element
ITEM 2 (continued)

d) prior to covering of the framework for any floor, wall, roof or other building element
e) prior to covering waterproofing in any wet areas
f) prior to covering any stormwater drainage connections
g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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.

28. In addition to the above stated inspections, Council or an accredited certifier is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and Council’s Development Control Plan 42 for “Construction Activities”:

a) Sediment control measures.
b) Security fencing.
c) Materials or waste containers upon the footway or road.
b) PCA and principal contractor (the coordinator of the building work) signage and site toilets.

29. 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.

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

31. 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.

32. 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.

33. Only unpolluted water is to be discharged to Council’s stormwater drainage system.
ITEM 2 (continued)

34. The L10 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.

PRIOR TO OCCUPATION CERTIFICATE

35. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

ADVISORY NOTE

1. The applicant is advised that any erection of signs on advertising structures not indicated on the development consent plans requires the submission of a new development application to Council.

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

ATTACHMENTS

1. Map
2. Plans

Report Prepared By:

**Paul Mills**
Assessment Officer

Report Approved By:

**Liz Coad**
Manager Assessment

**Dominic Johnson**
Group Manager Environment & Planning
ITEM 2 (continued) ATTACHMENT 1

Indicates submission received
Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 2 (continued)

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.

Woolworths Supermarket Up Grade, Marsfield NSW
Cnr Epping & Balaclava Road, Marsfield NSW
Entry/Street Signage. Proposed & Existing.

- Replaced Pylon Sign to be located next to pedestrian path within site boundary.
- Pole Signs on Balaclava Rd & Epping Rd approach to be illuminated signs.
3 167 NORTH ROAD & 4-4A FERRABETTA AVE EASTWOOD. Lot 1 DP 503472, Lot 21 & Lot 22 DP 1081450. - Local Development Application for demolition, urban housing development & strata subdivision.

**INSPECTION:** 4.40PM  
**INTERVIEW:** 5.40PM

**Report prepared by:** Team Leader - Assessment  
**Report approved by:** Manager Assessment; Group Manager Environment & Planning  
**Report dated:** 6 November 2009  
**File Number:** GRP/09/6/5 - BP09/886

1. **Report Summary**

   **Applicant:** Martin & Spork Pty Ltd  
   **Owner:** Mr S Abediasl  
   **Date lodged:** 13 May 2009.

This report considers a proposal to demolish the existing structures, and erect an urban housing development containing 7 units (1 x 4 bedroom, 5 x 3 bedroom and 1 x 2 bedroom) at the subject property, and strata subdivide the development upon completion.

The proposal has been assessed in accordance with Council’s Urban Housing DCP (Part 3.6 DCP 2006), and the proposal is generally considered satisfactory in terms of these requirements. There are some areas of non-compliance namely amount of cut, height, site coverage, secondary setback and bin storage area, these issues are mostly minor concerns and the development is satisfactory despite the non-compliance.

The DA was notified to adjoining owners in accordance with Council’s Neighbour Notification DCP (Part 2.1 DCP 2006), and **3 submissions** were received. The main issues of concern were:

- **Stormwater disposal**, in particular the original proposal involved creation of an easement and laying of stormwater pipes along the rear of 2 adjoining properties to the north (169 and 171 North Road). This raised concerns regarding possible impacts on the root-zone of large trees on neighbouring properties, and also concerns that those adjoining owners could be forced to grant an easement to the developer. However the proposal has since been amended to direct the stormwater pipes through the development site to North Road and then to Woorang St, which has addressed these concerns.

- **Traffic impacts**, in particular sight distances from the driveway along North Road. In this regard, Council’s Traffic Engineer has reviewed the proposal and advised that the site complies with relevant Australian Standards in terms of sight distances and location of the driveway at an intersection. The Traffic Engineer has recommended conditions that require the front fence to be splayed (to maximise sight distances) and also a speed hump in the driveway at the front of the site.
ITEM 3 (continued)
The proposal been reviewed by both Council’s Development Engineer who has advised that the amended drainage design is satisfactory from an engineering viewpoint, and Landscape Architect, who advises that the development is satisfactory in terms of impacts on the trees on the adjoining property. The Landscape Architect has recommended the provision of timber decking to the outdoor living areas of the closest villa’s courtyard (Villa 3) to minimise the potential for impacts on the root-zone – eg through compaction of the ground surface or other disturbances such as additional paving etc, and also the use of porous paving to the 2nd parking space of Villa 4.

The proposal is considered acceptable and approval via a “deferred commencement” consent is recommended.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Li, Councillor Perram and Councillor Maggio.

Public Submissions: 3 submissions were received objecting to the development.

SEPP1 Objection received? This application does not require the submission of a SEPP 1 objection.

Value of works? $1.2 million.
ITEM 3 (continued)

2. Site (Refer to attached map.)

<table>
<thead>
<tr>
<th>Address</th>
<th>167 North Rd, 4 Ferrabetta and 4a Ferrabetta Ave Eastwood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>2189.4m²</td>
</tr>
<tr>
<td>Frontage:</td>
<td>44.805m to Ferrabetta Ave; 35.425m to North Rd</td>
</tr>
<tr>
<td>Depth:</td>
<td>50.515m (N boundary); 45.77m (E boundary).</td>
</tr>
</tbody>
</table>

Topography and Vegetation

The land generally slopes down to the NE corner and contains a number of shrubs. The adjoining properties contain some large trees as discussed throughout the report.

Existing Buildings

2 dwelling houses and ancillary structures, all to be demolished as part of this DA.

Planning Controls

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Residential 'A'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>Ryde Planning Scheme Ordinance Development Control Plan 2006</td>
</tr>
</tbody>
</table>
ITEM 3 (continued)

3. Councillor Representations:

Name of Councillor: Councillor Li

Nature of the representation: Call-up to PEC meeting, and submission from resident at 1 Woorang St forwarded for Council officer’s attention.

Date: 18 June 2009

Form of the representation (e.g. via email, meeting, phone call): Email to Group Manager Environment & Planning

On behalf of applicant or objectors? Objectors

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

Name of Councillor: Councillor Perram

Nature of the representation: Various, including call-up to PEC meeting, and other concerns regarding stormwater disposal and the possibility that adjoining owners will be forced to grant an easement to the developer via Supreme Court proceedings.

Date: 27 June 2009

Form of the representation (e.g. via email, meeting, phone call): Advice given to residents at a Saturday Morning Interview.

On behalf of applicant or objectors? Objectors

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

Name of Councillor: Councillor Maggio

Nature of the representation: Call-up to PEC meeting, and concerns raised regarding stormwater disposal and vehicle access from North Road on behalf of residents at 169 North Rd.

Date: 13 July 2009

Form of the representation (e.g. via email, meeting, phone call): Email to Group Manager Environment & Planning.

On behalf of applicant or objectors? Objectors.
ITEM 3 (continued)

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

4. Political Donations or Gifts

None disclosed in DA submission or in any objections from neighbours.

5. Proposal

The development proposes the demolition of the existing dwelling and various ancillary structures, and the erection of a villa development consisting of 7 units. Villas 1 and 7 have 2 storeys, and Villas 2 to 6 are single storey. Villa 7 has 4 bedrooms, Villa 2 has 2 bedrooms, and all other units have 3 bedrooms. The proposed driveway access is North Road – via a single driveway servicing the development. Strata subdivision of the development (upon completion) is also proposed.

6. Background

The DA was lodged 13 May 2009. Shortly afterwards it underwent a preliminary check, referral to other Council officers, neighbour notification and advertising (closing date for submissions = 2 July 2009) and allocation to the Team Leader – Assessment.

The neighbour notification/advertising process resulted in 3 submissions, which are discussed in the Submissions section of this report. Many of the submissions raised various concerns regarding stormwater disposal, particularly the potential for underground pipes to damage the roots of the large trees on neighbouring properties, and also the possibility that adjoining owners will be forced to grant an easement to the developer via Supreme Court proceedings.

During July and August, the applicant liaised with Council’s Development Engineers (and engineers in the Catchments and Assets Unit) regarding possible alternative drainage designs. On 5 August 2009, Council’s Development Engineer advised the applicant that Council officers had no objection (in principle) to the amended proposal subject to detailed stormwater plans etc being submitted.

On 4 September 2009, Council officers wrote to the applicant to request additional information/amended plans in relation to the following matters:

1. Details re stormwater/drainage design – detailed amended engineering plans were requested (as above).

2. DCP 2006 – Areas of non-compliance were identified in terms of DCP 2006, and amended plans/additional information was requested in regards to the following matters:
   - Fill outside the building envelope
   - Number of 2 storey dwellings
ITEM 3 (continued)

- Site Coverage
- Front Setback
- Private Open Space (courtyards within front setback areas)
- Garbage bin storage area

3. **Submissions** – Copies of the submissions received for this DA were provided to the applicant so that they can provide a response to the issues raised.

4. **Impacts on trees on neighbouring property** – It was noted that the submissions raised concerns regarding impacts on the large trees located on neighbouring properties, and that these issues are being investigated by Council’s Landscape Architect.

On 7 September 2009, Council received a response from the applicant in particular regarding the issues of concern regarding DCP 2006. Then, on 21 September 2009, Council received the requested stormwater management report and drainage plans. These amended stormwater details were referred to Council’s Development Engineer for assessment.

On 22 October 2009, Council’s Development Engineer advised that the amended stormwater details for the development are satisfactory subject to requirements that will be imposed as a Deferred Commencement Consent (see further details in the “Referrals” section of this report).

The following are simplified drawings which depict the original and amended stormwater concepts:
ITEM 3 (continued)

Original drainage scheme (in summary):

Amended drainage scheme (summary):
ITEM 3 (continued)

7. Submissions

The proposal was advertised and notified in accordance with DCP 2006 - Part 2.1, Notification of Development Applications. The application was advertised on 10 June 2009, and notification of the proposal was from 2 June until 2 July 2009.

As a result, 3 submissions were received. The issues raised in the submissions are summarised and discussed as follows:

1. Tree Impacts. The development would cause adverse impacts on trees both within the subject property (to be removed) and also on the root-zone of trees on neighbouring properties – in particular the large Sydney Blue Gum located at rear of 1 Woorang St. These impacts would be caused by both the proposed drainage line and easement (over rear of 169 and 171 North Road) and also the construction of the villa dwellings.

Comment: These concerns largely relate to impacts on the trees growing on the neighbouring properties. The original drainage design proposed the laying of an underground pipe along the rear of No 169 and 171 North Road to connect to Council’s drainage system in Woorang St. The drainage design has since been amended so that the drainage pipes now go through the subject property west to North Rd, and then connect to Council’s drainage system in Woorang St via works within the road reserve. These amendments have been designed to the satisfaction of Council’s Development Engineer, and they have resolved concerns regarding impacts on the root-zones of the trees on neighbouring properties.

The location of the villa units themselves could also have potential impacts on the neighbouring trees, and in this regard, Council’s Landscape Architect has made an assessment of the proposal and provided comments (as indicated in the Referrals Section of this report). In summary, Council’s Landscape Architect advises that the development will be satisfactory subject to conditions relating to the following:

- tree protection zones to protect the root-zones within the subject property of trees that are located on neighbouring properties;
- construction of a timber deck adjoining the living areas of Villa 3, and other conditions for the landscaping of the courtyard of Villa 3 to prevent long-term compaction of the ground surface where the roots of the trees are likely to be located.
- the 2nd parking space for Villa 4 shall be constructed of a non-rigid porous construction laid on a flexible sub-grade, and with design levels that minimise or eliminate the need for any excavation into the root-zone of the neighbouring pine tree.

See condition 3.
ITEM 3 (continued)

In terms of the trees within the subject site itself, a review of the applicant’s Tree Survey Plan submitted with the DA indicates that it is intended to retain a Brush Box and Bottle Brush Tree growing in the southern corner of the site. The other trees/shrubs within the site are ornamental, non-native species which are proposed to be removed, and no objections are raised to such removal.

2. Traffic Impacts. The development will cause additional traffic impacts. There is a crest in North Road near the site which could affect sight distances. Also the site is near bus stops, which makes this area very busy particularly in the morning. Access to the site should be from Ferrabetta Ave.

Comment: According to the Roads and Traffic Authority’s Guidelines for Traffic Generating Development, the 3 existing dwelling houses would generate an average of 9 vehicle trips per day (0.9 in each peak hour) – ie a total of 27 vehicle trips (2.7 in the peak hour).

Medium density housing developments (of 3 or more bedrooms such as the subject proposal) generate an average of between 5 and 6.5 vehicle trips per dwelling (0.5 – 0.65 in each peak hour), and therefore this development could generate between 35 and 45.5 trips per day (3.5 – 4.55 in the peak hour). This development proposal would therefore only generate around 8 – 18.5 additional trips per day compared to what 3 single dwellings would generate. Therefore, the proposal would generate only a small increase in traffic compared to the existing situation.

In order to ensure that these concerns are properly evaluated, Council’s Traffic Engineer was requested to assess the proposal and provide comment. These comments are included in the Referrals section of this report. In summary, the Traffic Engineer has advised that the proposal meets the requirements of relevant Australian Standards (approach sight distance in accordance with AS1742.2 and location of driveway at an intersection AS 2890.1,2004), and also North Road has a speed limit of 50km/hr. It is recommended that the front fence should be splayed at the entry point of the driveway, and also that a speed hump should be provided on the driveway within the property to further address safety of pedestrians. See condition 1(b) and (c).

3. Stormwater Disposal. The proposed arrangements for stormwater disposal are not satisfactory.

Comment: These concerns were also raised from the owners of No 169 North Rd (to the north of the subject site), and related to the possibility that the applicant could undertake private legal action (in the Supreme Court) to obtain an easement over No 169 and 171 to drain stormwater to Woorang St.
ITEM 3 (continued)

The applicant has now proposed an alternative drainage design (as previously described) which involves extension of Council’s stormwater system in Woorang St to the front of their property in North Road (at their expense), and eliminates the need for an easement over neighbouring properties.

It is noted that an on-site interview between the Assessing Officer and the Owners of both No 169 and 171 North Road was conducted during the processing of this application, to discuss and explain the original and amended drainage designs.

4. **Structural damage to neighbour’s dwellings.** Earthworks associated with the laying of underground pipes could damage nearby dwellings.

Comment: These concerns were also related to the original drainage concept that has now been amended.

5. **Density.** Seven (7) dwellings seems a lot for the size of the property (2189.4m²)

Comment: As noted in the Mandatory Requirements section of this report, the proposal complies with the density requirements for villas under the Ryde Planning Scheme.

8. **SEPP1 Objection received?** This application does not require the submission of a SEPP 1 objection.

9. **Policy Implications**

Relevant Provisions of Environmental Planning Instruments etc:

(a) **Ryde Planning Scheme Ordinance**

Zoning

The subject site is zoned Residential 2(a) under the provisions of the Ryde Planning Scheme Ordinance. The proposed works are permissible with the consent of Council.

Mandatory Requirements

Clause 56A specifies that an urban housing development shall not be erected on an allotment that is not hatchet-shaped, unless it has a site area of not less than 300m² for each 1, 2, and 3 bedroom dwelling and 365m² for each 4+ bedroom dwelling.
ITEM 3 (continued)

The subject site has a total area of 2189.4m². The proposed 7 dwellings (1 x 2 bedroom, 5 x 3 bedroom and 1 x 4 bedroom) would require 2165m² of site area, and as such, this villa development complies with Clause 56A.

(b) SEPP Building Sustainability Index: BASIX 2004

Conditions 8, 9, 106 and 111 deal with BASIX issues.

(c) Relevant REPs

None relevant.

(d) Any draft LEPs

Draft Local Environmental Plan 2008 was adopted by Council on 5 May 2009. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

(e) The provisions of any Development Control Plan applying to the land

City of Ryde Development Control Plan 2006:

Part 3.6 – Urban Housing

An assessment of the proposal in terms of the requirements of this Part of DCP 2006 appears in the following table.

<table>
<thead>
<tr>
<th>Control</th>
<th>Proposal</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constraints identified</td>
<td>Nil</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum allotment size</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area: (not &lt;600m²)</td>
<td>2189.4m²</td>
<td>Y</td>
</tr>
<tr>
<td>Primary Frontage: (not &lt;20m)</td>
<td>35.425m</td>
<td>Y</td>
</tr>
<tr>
<td>Not hatchet shaped</td>
<td>Not hatchet shaped.</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Preferred Location</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the proposed development within a non-preferred location?</td>
<td>This site is not listed.</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Linear Separation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there any approved Villa, Duplex or Urban Housing development within double the frontage (or proposed frontage)?</td>
<td>No.</td>
<td>Y</td>
</tr>
</tbody>
</table>
ITEM 3 (continued)

<table>
<thead>
<tr>
<th>Control</th>
<th>Proposal</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the existing building a Heritage Item to be retained?</td>
<td>No</td>
<td>Y</td>
</tr>
<tr>
<td>If yes, is it to be scheduled &amp; does it comply with 2.5.1?</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

PART B – Density

| Not more than 12 Dwellings | 7 dwellings. | Y |
| 1x 2B dwelling per 300m² of site area | 1 x 2br = 300m² req’d | Y |
| 1x 3B dwelling per 300m² of site area | 5 x 3br = 300m² req’d |  |
| 1x 4+B dwelling per 365m² of site area | 1 x 4br = 365m² req’d. |  |
| TOTAL = 2165m² req’d. | SITE AREA = 2189.4m² |  |

If 4 or more dwellings on site, <75% with same number of bedrooms (rounded down) eg. 6d= 4x3B + 2x2B | 71.4% | Y |

PART C – Site Planning

| Presentation | | |
| At least one dwelling must present to the street | 2 dwellings present to street. | Y |

Slope

| Slope must be <1:6 either up or down from street frontage | <1:6 slope | Y |
| Cross-fall <1:14 | <1:14 cross fall | Y |

<300mm Cut or Fill outside building envelope | >300mm retained fill outside building envelope. See courtyard landings in elevation dwg. | N |

No imported Fill | No. | Y |

No basement garages | No basement garages. | Y |

Minimal steps, retaining walls | Min Steps and Retaining Walls | Y |

Storeys

| Single storey only. OR | - | - |
| The 2 storey villas are not attached to another 2 storey villa. | - |

Design incorporates 2 x 2 storey dwellings (ie units 1 and 7 are 2 storey). | N |

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 3 (continued)

<table>
<thead>
<tr>
<th>Height</th>
<th>Villa 1</th>
<th>Villa 2 (RL87.9)</th>
<th>Villa 3 (RL87.9/RL87.4)</th>
<th>Villa 4 (RL88.2)</th>
<th>Villa 5 (RL89)</th>
<th>Villa 6 (RL89.6)</th>
<th>Villa 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceiling Height</td>
<td></td>
<td><strong>Villa 1</strong></td>
<td><strong>Villa 2 (RL87.9)</strong></td>
<td><strong>Villa 3 (RL87.9/RL87.4)</strong></td>
<td><strong>Villa 4 (RL88.2)</strong></td>
<td><strong>Villa 5 (RL89)</strong></td>
<td><strong>Villa 7</strong></td>
</tr>
<tr>
<td>- Single storey villas only:</td>
<td></td>
<td>Top Ceiling RL: 93.975</td>
<td>Ceiling RL: 90.6</td>
<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 91.7</td>
<td>Top Ceiling RL: 95.525</td>
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<tr>
<td>3.7m max</td>
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<td>NGL below (min): 88.0</td>
<td>NGL below (min): 87.6</td>
<td>NGL below (min): 87.0</td>
<td>NGL below (min): 87.5</td>
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<td></td>
<td></td>
<td>NGL below (max): 88.5</td>
<td>NGL below (max): 88.5</td>
<td>NGL below (max): 87.9</td>
<td>NGL below (max): 88.6</td>
<td>NGL below (max): 89.5</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Min height: 5.475m</td>
<td>Min height: 2.1m</td>
<td>Min height: 3.0m</td>
<td>Min height: 2.3m</td>
<td>Min height: 2.4m</td>
<td>Min height: 5.525m</td>
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<tr>
<td></td>
<td></td>
<td>Max height: 5.975m</td>
<td>Max height: 3.0m</td>
<td>Max height: 3.9m</td>
<td>Max height: 3.4m</td>
<td>Max height: 3.2m</td>
<td>Max height: 6.525m</td>
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<tr>
<td></td>
<td></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>Ceiling Height</td>
<td></td>
<td><strong>Villa 1</strong></td>
<td><strong>Villa 2 (RL87.9)</strong></td>
<td><strong>Villa 3 (RL87.9/RL87.4)</strong></td>
<td><strong>Villa 4 (RL88.2)</strong></td>
<td><strong>Villa 5 (RL89)</strong></td>
<td><strong>Villa 7</strong></td>
</tr>
<tr>
<td>- Two storey:</td>
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<td>Top Ceiling RL: 93.975</td>
<td>Ceiling RL: 90.6</td>
<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 91.7</td>
<td>Top Ceiling RL: 95.525</td>
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<tr>
<td>6.5m max</td>
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<td>NGL below (min): 87.6</td>
<td>NGL below (min): 87.0</td>
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<td>Max height: 3.2m</td>
<td>Max height: 6.525m</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
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<tr>
<td>Ridge Height</td>
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<td><strong>Villa 3 (RL87.9/RL87.4)</strong></td>
<td><strong>Villa 4 (RL88.2)</strong></td>
<td><strong>Villa 5 (RL89)</strong></td>
<td><strong>Villa 7</strong></td>
</tr>
<tr>
<td>- 8m maximum (ie adjoining development is 2 storeys)</td>
<td></td>
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<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 90.9</td>
<td>Ceiling RL: 91.7</td>
<td>Top Ceiling RL: 95.525</td>
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<td>Max height: 3.2m</td>
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<tr>
<td></td>
<td></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
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</table>
## ITEM 3 (continued)

<table>
<thead>
<tr>
<th>Villa 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ridge RL: 96.575</td>
</tr>
<tr>
<td>NGL below: 89.0</td>
</tr>
<tr>
<td>Max height: 7.575m</td>
</tr>
</tbody>
</table>

### Site Coverage

- Site coverage must be under 40% (not including access handle for hatchet shaped blocks or area between foreshore building line and high water mark)
  - Site Area = 2189.4m²
  - Site Coverage (roof area) = 954.58m²
  - Site Coverage = 43.6%

- Pervious area must be greater than 35%
  - 43%

### Setbacks

#### Front Setbacks:
- Similar to adjoining dwellings
  - Main frontage is similar to adjoining dwellings.
  - Y
- If streetscape is likely to change: >7.5m for 50% of frontage, >6.5m for 50% of frontage.
  - n/a
  - -
- Provide an irregular front elevation for interest (+/- 1m)
  - Irregular front elevation provided.
  - Y

#### Secondary Frontage:
- Min 4.5m
  - Setback to Ferrabetta Ave complies except for villa 5: porch setback is 3.7m only.
  - N

#### Side & Rear Setbacks:
- Min 4.5m unless vehicular access is included in this area, then min 6m.
  - This situation applies where driveway is between the side boundary and the wall of the villa units. The driveway in this proposal is centrally located within the site (ie not adjacent to boundaries)
  - Y

- Allow variation between 3-6m for less than 50% for visual interest
  - 3-6m variation proposed.
  - Y

### Internal Setbacks

- Habitable room windows don’t overlook
  - Habitable room windows don’t overlook
  - Y
  
- 9m separation between facing dwellings habitable room windows?
  - >9m between facing habitable windows.
  - Y

### Private Outdoor Space

- Min 30m² for 2B
- Min 35m² for 3+B
- Min dimension 4m (one single space)
  - Complies.
  - Y

- Not within front setback
  - Not within front setback.
  - Y

- Private Open Space at natural ground level.
  - POS at NGL.
  - Y

- Solar access: 50% for ≥2hrs
ITEM 3 (continued)

| Access to courtyard two ways? | Two way access to courtyards. | Y |
| Visible from living areas? | Visible from living areas. | Y |
| Securely enclosed (not roofed) | L&C 1.8m ht fenced boundaries – not roofed. | Y |
| ≥1.2m landscape strip between courtyard and adjoining property | 1.2m landscape strip between courtyard and adjoining property. | Y |

**Landscaping**

| Extent of landscaping, existing trees retained in common areas? | Existing trees retained in common areas. See Tree Survey: Drawing #LPDA 08 – 155/1 | Y |
| Privacy Planting  
≥1.2m landscaped strip  
3<h<4m mature plants?  
5<h<6m small trees? | 1.2m landscaped strip.  
3-6m ht small trees along side and rear boundaries. | Y |
| Lawn areas edged or kerbed? | Brick garden edging. | Y |
| Nature Strips: Street trees retained and protected? | Street trees retained and protected. 2 only. | Y |

**PART D – Car Parking, Manoeuvrability & Driveway Crossings**

**Car Parking**

| Number of Parking Spaces  
1 space per 1 or 2 B dwelling  
2 spaces per 3+B dwelling  
1 visitor space per 4 dwellings (at least one space per dwelling must be in lockable garage) | 1 space for 2B Unit.  
2 spaces for 3&4B Units.  
2 Visitor spaces. (7 units) | Y |
| For hatchet shaped blocks, 1 extra visitor space per 4 dwellings | n/a | - |

**Garage location:**  
- Not between dwelling and street frontage  
- No tandem parking in front of garage  
- Conveniently located for occupants  
- Located so they separate dwellings.  
- Not between dwelling and street frontage.  
- No tandem parking in front of garage.  
- Conveniently located for occupants.  
- Located to separate dwellings. | Y |

**Manoeuvrability:**  
Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).  
Manoeuvrability addressed. | Y |

**Driveways**  
Suitably paved, extent minimised, to avoid excessive amounts of hard paving. | Y |
### ITEM 3 (continued)

<table>
<thead>
<tr>
<th>Driveway Crossings</th>
<th>Width:</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 spaces, min 4m</td>
<td>&gt;10 spaces, max 6m</td>
</tr>
<tr>
<td>Driveways &lt;30% of frontage</td>
<td>Driveway: 16% frontage.</td>
</tr>
</tbody>
</table>

#### PART E – Solar Access

<table>
<thead>
<tr>
<th>Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.</th>
<th>All such windows face courtyards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunlight to at least 50% of each courtyard, and principal ground level open space &gt;2hrs between 9am and 3pm on June 21 or</td>
<td>At least 50% of all courtyards receive &gt; 2hr sunlight. Courtyards for villas 6 &amp; 7 face south, however should receive more than 2 hours sunlight in the morning</td>
</tr>
<tr>
<td>Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%</td>
<td>Adequate solar access is provided for this and adjoining sites</td>
</tr>
<tr>
<td>Shadow diagrams must indicate extent of shadowing within development and adjoining properties.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### PART F – Visual & Acoustic Privacy

<table>
<thead>
<tr>
<th>Min 9m separation between facing habitable room windows</th>
<th>&gt;9m separation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary)</td>
<td>No direct views.</td>
</tr>
<tr>
<td>Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.</td>
<td>No direct views.</td>
</tr>
<tr>
<td>No balconies.</td>
<td>No balconies.</td>
</tr>
<tr>
<td>Elevated landings (or similar associated with stairs into courtyard) max 1m wide</td>
<td>Max 600mm elevated landings in courtyards.</td>
</tr>
<tr>
<td>Living and sleeping areas protected from high levels of external noise?</td>
<td>Sleeping/Living areas suitably located.</td>
</tr>
</tbody>
</table>
ITEM 3 (continued)

PART G – Accessibility

<table>
<thead>
<tr>
<th>Pedestrian access provided, separate to vehicle access where possible.</th>
<th>Pedestrian pathways to front doors provided for Villas 1, 5, 6 &amp; 7.</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 or more dwelling developments have min 35% of dwellings provide access to all indoor areas and outdoor living areas for people with disabilities (street, car parking and common areas accessed in one continuous path of travel)</td>
<td>See Access Audit.</td>
<td>Y</td>
</tr>
<tr>
<td>For above such developments, an access audit must be submitted</td>
<td>Access audit attached.</td>
<td>Y</td>
</tr>
</tbody>
</table>

PART H – Building Form

| Ceiling Height:  
Floor to Ceiling min 2.7m | 2.7m min. | Y |
|---|---|---|
| Roofing & materials | 25° Single storey.  
35° First floor within roof. | Y |
| Pitch 22-30° (35° where 2nd floor is within roof) | 450mm eaves. | Y |
| Min 300mm eaves overhang for roofs & verandas | Dormer windows with gable end features face street. | Y |
| Gables to street frontage? | Variation to roof line. | Y |
| Variation to roof line? | Roof materials consistent with neighbouring dwellings. | Y |
| Roof materials consistent with traditional ones in the street? | Development provides sufficient interest and individuality | Y |
| Building materials for Walls | Windows proportionate and consistent with local character. | Y |
| In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality | 1m high rendered pipers with timber infill for both street frontages. | Y |
| Proportion of windows and other openings consistent with character of locality. (windows 2:1 and 3:1 vertical proportion) | Compliment dwelling. | Y |
| Fences | | |
| Front fence: | | |
| Max ht 1m, and 70% visually permeable | Materials compliment dwelling eg wooden pickets, masonry with infill panels, wrought iron or similar etc | Y |
| 1m high rendered pipers with timber infill for both street frontages. | Compliment dwelling. | Y |
| Similar materials to main front fence | Yes. | Y |
ITEM 3 (continued)

| Solid fence must have indents for soft landscaping | n/a. | - |
| Other boundary fences | See condition 16 | Y |
| Lapped and capped timber | L&C timber fencing. | Y |

**Clotheslines and drying area**

| External clotheslines (not visible from adjoining properties or public areas) | Not visible to public/adjoining properties. | Y |
| Each dwelling must have its own laundry | Laundry for each dwelling proposed. | Y |

**Lighting**

| Front yard lighting and lighting for the front of dwellings is to be provided | See condition 65 | Y |
| Location of external lighting must not have adverse affect on adjoining properties. | See condition 65 | Y |

**Garbage bin enclosures**

<table>
<thead>
<tr>
<th>For developments up to 5 dwellings on sites that are not steeply sloping and which have a wide road frontage:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Each dwelling must be provided with a storage area for Council’s standard rubbish and recycling bins.</td>
</tr>
<tr>
<td>- Storage area should be behind the dwelling, not visible from public spaces, common areas and habitable room windows</td>
</tr>
<tr>
<td>For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow street frontage:</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>- A central garbage bin enclosure shall be provided</td>
</tr>
<tr>
<td>- Behind the building line and suitably screened by landscaping. A plan indicating the design and location of the garbage bin enclosure must be submitted with the DA.</td>
</tr>
</tbody>
</table>

**PART I – Engineering**

**Drainage**

| Part 8.2 Storm water Management DCP 2006 | Council’s Development Engineer advises that the proposal is satisfactory in terms of this Part of the DCP. | Y |
ITEM 3 (continued)

PART J – BASIX

<table>
<thead>
<tr>
<th>All “DA plans” commitments in BASIX certificate are to be shown on plans. List:</th>
<th>0m² required. Complies.</th>
<th>Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Ind/LW species as required.</td>
<td>No swimming pool proposed.</td>
<td>-</td>
</tr>
<tr>
<td>- Swimming Pool.</td>
<td>3 x 6000L &amp; 1 x 4200L.</td>
<td>Y</td>
</tr>
<tr>
<td>- 4200L/6000L RWT ea dwelling.</td>
<td>Star rating shown on plans.</td>
<td>Y</td>
</tr>
<tr>
<td>- HWS Gas Ins 3.5 Star</td>
<td>Complies.</td>
<td>Y</td>
</tr>
<tr>
<td>- Thermal Comfort – Construction</td>
<td>Water: 40</td>
<td>Y</td>
</tr>
<tr>
<td>Water Target 40</td>
<td>Energy: 45</td>
<td>Y</td>
</tr>
<tr>
<td>Energy Target 40</td>
<td>Correct description of property &amp; development on 1st page?</td>
<td>Incorrect details: -</td>
</tr>
</tbody>
</table>

Non-Compliances

1. Amount of Cut: DCP 2006 prescribes a maximum of 300mm cut or fill outside the building envelope. The development proposes levelled areas (eg terraces) adjacent to the living areas of the villas. Although the finished level of these terraces are minimised as much as possible, due to the slope of the land they exceed 300mm above natural ground level in some locations – for example in the worst-case, the terrace of Villa 3 will be up to 500mm above natural ground level. The following diagram indicates the height of the terrace areas of each villa above natural ground level.

The impact of the non-compliance is partly mitigated by the following:
- there is a shed on the adjoining property to the north;
- on the adjoining property to the east, there is a row of large trees.

The existence of these features will to a large extent prevent overlooking from the terrace areas (and the floor levels of the villas) into the adjoining properties. However in order to further prevent potential overlooking/privacy impacts into neighbouring properties, it is recommended that a 300mm lattice screen be placed on top of the boundary fencing, see condition 17.

2. Height: This development has 3 minor areas of non-compliance with the height controls for villa developments in Council’s DCP 2006, which are discussed as follows:

(a) **Number of 2 storey dwellings:** DCP 2006 states that “for corner allotments only one dwelling within the development can be 2 storeys that being the dwelling fronting the shortest street frontage.”
ITEM 3 (continued)

This development on a corner allotment proposes 2 x 2 storey dwellings (villas 1 and 7), which therefore does not comply.

The objective of this control is to ensure that villa developments occurring on a single allotment do not have more than one 2 storey development along the block, because in this situation, more than 1 x 2 storey dwelling could adversely impact on neighbouring properties. This development site is the amalgamation of 3 existing allotments, and the 2 storey villas in question are far from neighbouring dwellings. The orientation of the site means that any overshadowing from the front villas will fall mostly on the road or the front of the site, and not on any adjoining property. The villas have been designed to comply with the requirement that the 2nd storey shall be contained within the roof, which will also help to minimise the bulk and scale of these villas. The following diagram shows the location of the 2 storey villas in this development:

(b) Ceiling Height (single storey): DCP 2006 prescribes a maximum ceiling height of 3.7m for single storey villas. Villa 3 has a ceiling height varying from 3.0m up to a maximum of 3.9m which therefore slightly exceeds the prescribed maximum at the north-eastern side. This non-compliance is very minor (200mm) and only occurs in one location. The non-compliance is the result from the slope of the land, and will have no significant adverse impact on any neighbouring property. On this basis, the height of this villa is considered acceptable.
ITEM 3 (continued)

(c) Ceiling Height (2 storey): DCP 2006 prescribes a ceiling height of 6.5m – in situations where a 2nd storey is allowed, but required to be contained within the roof. Villa 7 has a ceiling height of 6.525m which also slightly exceeds the prescribed maximum (by 25mm). This is a negligible non-compliance that will also have no adverse impact on any neighbouring property, especially given this villa’s location at the south-western corner of the site.

It is noted that in both of the situations discussed in (b) and (c) above, the development fully complies with the overall height prescribed in the DCP, and these are the only minor non-compliances for the ceiling height in a development that otherwise fully complies in terms of maximum height.

3. Site Coverage: DCP 2006 prescribes a maximum 40% site coverage (ie the amount of the site covered by buildings). The site coverage has been calculated to be 43.6% or 954.58m², which exceeds by 3.6% above the maximum allowed.

The applicant has commented on this issue by stating that the definition of site coverage is “floor area plus garages”, and that the area of the eaves is not included in his calculations. However, the Council officer’s calculation of site coverage includes the eaves. The reason why the eaves have been included in Council’s site coverage calculations is that the site coverage definition (in DCP 2006) includes areas that are covered by buildings, and the eave is part of the building. The site coverage definition is provided below:

“… the amount of the site that is covered by buildings expressed as a percentage of the total site area. This is measured as the floor area and includes garages, carports, porches, verandahs, porticos, stairs etc that are above natural ground level or are covered.”

The inclusion of the eaves (450mm wide in this case) is the difference between Council’s and the applicant’s calculation of site coverage. It is also becoming increasingly evident that the inclusion of eaves is often the difference between whether or not a villa development complies with the site coverage control.

The extent of non-compliance is minimal (3.6%), and there will be no adverse impacts resulting from the non-compliance. In particular, when viewed from the street, the development will provide open landscaped areas and will give the appearance of being adequately spacious. It is considered that the development is satisfactory despite this minor non-compliance, and that a dispensation is warranted.
ITEM 3 (continued)

In order to ensure that the amount of pervious area is maximised as much as possible, it is recommended that a condition be imposed requiring the paving to be provided to the paved areas within each villa unit (e.g. the patio, car space and clothes drying areas) to be provided with pervious pavers (i.e. not stencilled concrete or any form of paving that would not allow water to pass through). See condition 4.

4. Secondary Street Frontage: DCP 2006 requires a minimum setback of 4.5m from the “secondary” street for villa developments on corner allotments (Ferrabetta Ave in this case). Villa 5 has a front porch (3.7m setback), and a 1.8m high wall at the rear of the 2nd car space (3.2m setback), which do not comply with this requirement. (see diagram below).

Apart from these 2 components of Villa 5, the development fully complies with the 4.5m minimum secondary building setback to Ferrabetta Ave, and there are some parts of this frontage with setbacks that far exceed the minimum (e.g. the setback of Villa 6 is up to 7m). The encroaching parts of the villa are relatively minor structures in the overall context of the development, and they will have minimal streetscape impact. Overall, the setback to Ferrabetta Ave contains significant variation, indentation and architectural relief, and the development is considered to be acceptable despite the non-compliance.

5. Garbage Bin Storage Areas: DCP 2006 requires the provision of a formal bin storage area in villa developments of more than 4 units. This 7-unit development does not provide any formal bin storage area, and therefore does not comply with the DCP.
ITEM 3 (continued)

The applicant has advised that the preliminary design (discussed at a pre-lodgement meeting with Council officers) did have a bin storage area, however they were advised that it was preferable for each unit to be responsible for their own bins. This approach is generally supported, because the provision of a central bin storage area can lead to amenity problems for the villas located closest to the storage area (odours etc) as well as maintenance issues for the development as a whole. The arrangement as proposed, where each villa unit owner would store their bins in the confines of their own villa and then take their bins out to the street on collection night is a preferable outcome instead of a central bin storage area.

Part 7.1 – Energy Smart, Waterwise

Over-ridden by BASIX requirements.

Part 7.2 – Waste Minimisation and Management

Condition 18 will ensure compliance with this Part of the DCP.

Part 8.2 – Stormwater Management

Council’s Development Engineer has advised that the proposal is satisfactory in terms of this Part of DCP 2006, as noted in Referrals above.

Part 9.4 – Fencing

Condition 16 addresses fencing issues (including side/rear boundary fencing to be in accordance with DCP requirements).

Section 94 Contributions Plan 2007

Council’s current Section 94 Contributions Plan (adopted 19 December 2007) requires a contribution for the provision of various additional services required as a result of new developments. The contribution is calculated based on the number of additional dwellings, and also (in the case of villa developments) the number of 2 bedroom, 3 bedroom and 3+ bedroom dwellings there are in the development proposal.

Condition 59 requiring the payment of a Section 94 contribution of $45,911.26 has been included in the recommendation.
ITEM 3 (continued)

10. Likely impacts of the Development

**Built Environment**

The proposed villa development involving the construction of 7 new dwellings will have acceptable impacts in terms of the existing built environment and the amenity of the surrounding area, as discussed elsewhere in this report (see discussion on “Submissions”, and also DCP compliance). The development is residential in nature, so it will be consistent with other developments in this area.

**Natural Environment**

The proposed development will have no significant impacts on the natural environment. Any potential impacts on the root-zone of trees on neighbouring properties are proposed to be managed via conditions of consent.

11. Management Plan Linkages

**Relationship to Key Outcome Areas**

**People**

This project meets the following **key outcomes** for People (set out on page 50 of the Management Plan 2009-2013):

- **P1** A vibrant city that is economically strong and engages its community through cultural and social activities.
- **P2** A city that plans for people by involving them in decision making to improve their quality of life.
- **P3** A harmonious community through a culturally enriched and respectful society.

**Comment:** Adjoining and nearby property owners have been involved in the decision making process through the neighbour notification of the DA plans. This assessment report, as well as details of the Planning & Environment Committee’s consideration of this report, is available to all residents through Council’s website, and all people who made a submission to the DA will be notified of the outcome of Council’s decision.

**Assets**

This project meets the following **key outcomes** for Assets (set out on page 60 of the Management Plan 2009-2013):

- **A1** Well designed streets and paths where motorists, cyclists and pedestrians feel safe.
- **A2** Well designed places and spaces that minimise personal harm and where people interact with each other.
ITEM 3 (continued)

A3 A high standard of visual appearance for our infrastructure, built environment and public areas.

Comment: Council’s Development Engineers have included conditions relating to restoration of Council’s footway areas (i.e. following driveway or footpath construction, etc).

Environment

This project meets the following key outcomes for Environment (set out on page 69 of the Management Plan 2009-2013):

E1 Clean air through better integrated transport systems.
E2 Clean water through control of pollution entering our waterways and through protection of these waterways.
E3 Preserved natural ecological systems and areas.
E4 Strong links to the past through protection, conservation and interpretation of our heritage.
E5 A leafy City through parks, gardens, trees and the built environment.
E6 Sustainable practices in buildings, waste management, transport, energy systems and water use.

Comment: Most of these key outcomes are not applicable to an individual development proposal, although it is noted that the DA documentation has included a compliant BASIX Certificate which indicates that the development meets the required targets for energy and water efficiency.

Governance

This project meets the following key outcomes for Governance (set out on page 79 of the Management Plan 2009-2013):

G1 Improved awareness and understanding of Council’s decisions by the community.
G2 Members of the community are engaged in democratic decision making.
G3 Review of best practice approaches on Governance to enhance the delivery of services to the community.
G4 A safe working environment with skilled and motivated staff who are committed to the organisation’s vision and values.
G5 Compliance with all legislative requirements and statutory obligations.
G6 An efficient and effective regulatory environment.

Comment: Adjoining and nearby property owners have been involved in the decision making process through the neighbour notification of the DA plans. This assessment report, as well as details of the Planning & Environment Committee’s consideration of this report, is available to all residents through Council’s website, and all people who made a submission to the DA will be notified of the outcome of Council’s decision.
ITEM 3 (continued)

12. Consultation – Internal and External

Internal Referrals:

Development Engineer: The Development Engineer has provided the following comments:

The proposed development is located on the corner of Ferrabetta Avenue and North Road comprising of 167 North Road and 4 and 4a Ferrabetta Avenue. The site currently has natural fall towards the northeast corner of the site, in this regard the most preferred stormwater disposal option would be to discharge to Woorang Street via an inter-allotment drainage system and drainage easement to be negotiated over downstream properties. The applicant has consulted with various downstream owners (No 1 Woorang Street, No. 169 & 171 North Road) regarding this matter. However, to date there has been no satisfactory resolution to this original drainage scheme.

The applicant’s engineer has now proposed an alternative proposal to drain the site. This involves extending Council’s existing drainage system in Woorang Street to the northwest corner of the site for connection of discharge from the site. The concept drainage plan for the proposed extension has been assessed by Council’s Public Works Division and is considered to be satisfactory, subject to conditions.

The submitted concept stormwater drainage plan for the site indicated proposal to collect and pipe the site impervious areas runoff to the extended Council's drainage system via an underground detention system. The design is rudimentary as it is lacking in details and has not incorporated rainwater reuse tanks as required by BASIX. Accordingly, these deficiencies should be addressed in a deferred commencement consent.

Access to the site is proposed via a new 5.5m wide two-way driveway located off North Road. The driveway gradients, garage door opening and internal widths including driveway manoeuvring areas are considered to be generally adequate and in accordance with AS 2890.1-2004.

Landscape Architect: In order to properly address concerns regarding impacts on the root-zone of significant trees on neighbouring properties, Council’s Landscape Architect was requested to provide comments.

I have inspected the site and reviewed the impacts of the development particularly in terms of its impact upon neighbours’ trees. It should be noted that the arborist’s report prepared by Scott Gatenby of Apex on behalf of a number of objectors relates specifically to the impacts of a proposed drainage easement which has now been discounted as a viable option for development drainage. There are however ongoing concerns with the neighbours’ trees that relate to other potential development impacts.
ITEM 3 (continued)

The subject trees include:

- 1 Sydney Blue Gum (*Eucalyptus saligna*) growing at the rear of No1 Woorang St
- 1 English Oak (*Quercus robur*) growing on the side boundary of 6 Ferrabetta Ave
- 1 Stone Pine (*Pinus pinea*) growing on the side boundary of 6 Ferrabetta Ave
My concerns for the long-term health of these trees relate not necessarily to construction damage (which can be appropriately managed) it is more to do with placing an intensive use (i.e. a private courtyard) within the root-zone of the these 3 trees. What is likely to occur is compaction of the root-zone (just through normal use of the space by unit owners), and also proposed garden beds need to be carefully considered to reduce risks such as digging, watering and over-fertilizing (and in this regard the landscape plan should be amended). I have also seen in the past that once unit owners move in they may extend the size of garden bed areas (possibly introducing raised vegetable patches etc), and more commonly, pave over areas of natural ground.

The only way to ensure the long-term maintenance of natural ground levels and permeability is to cover the root area substantially with elevated decking. This has been a technique employed in similar development situations involving villa unit courtyards and nearby trees (including court-approved equivalent situations). One simply has to ensure that the decking does not cause serious privacy incursions, and this can often be ameliorated with appropriate landscaping or fixed screening.

The suggested size of decking should be of the order as shown on the following diagram. With a FFL similar to inside (RL87.4), the decking can be constructed without any ground disturbance. The only issue that may need to be addressed is that at its highest point off the ground, the deck is elevated some 700mm. This may be ameliorated with additional lattice panels fixed to the top of existing/proposed fencing in combination judicious landscaping selections.
ITEM 3 (continued)

With similar regard to preserving the root-zone of the Pine, the second carparking space of Villa Unit No 4 should be conditioned so that no excavation occurs in the construction of the slab or the preparation of the subgrade, in fact I have attached a condition requiring the space to be redesigned in favour of porous paving.

Providing an elevated deck area as shown will ensure natural ground and permeability are maintained into the future.

Traffic Engineer: In order to properly address concerns regarding traffic impacts (eg in particular sight distances etc), Council’s Traffic Engineer has provided the following comments.

I have investigated this proposal from an access/traffic view point.

The development proposal meets the requirements of the Australian Standards (approach sight distance in accordance with AS1742.2 and location of driveway at an intersection AS 2890.1,2004).
ITEM 3 (continued)

Approach sight distance to the right of proposed driveway is more than 200 metres and to the left is 75 metres restricted by slight crest and a bend. This distance satisfies the Standard, and the speed limit in North Road is 50km/hr. The location of proposed driveway is away from the intersection of Ferrabettia Avenue.

It is recommended that the front fence should be splayed at the entry point of the driveway, and also that a speed hump should be provided on the driveway within the property to further address safety of pedestrians.

External Referrals

Nil.

13. Critical Dates

There are no critical dates or deadlines to be met.

14. Financial Impact

Adoption of the recommendation of this report will have no financial impact.

15. Other Options

Not applicable.

16. Conclusion:

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is satisfactory. Although the proposal has some areas of non-compliance with DCP 2006 (Part 3.6) – namely amount of cut, height, site coverage, secondary setback and bin storage area, these issues are mostly minor concerns and the development is satisfactory despite the non-compliance.

There were 3 submissions received regarding this DA, raising concerns about stormwater disposal (creation of an easement and laying of pipes through neighbouring properties), impacts on trees and traffic impacts. The concerns regarding stormwater disposal have been resolved via an amended stormwater design that no longer involves an easement over neighbouring properties. Impacts on trees on neighbouring properties have been reviewed by Council’s Landscape Architect who has recommended appropriate consent conditions (including the use of timber decking in the courtyard, and porous paving to the car space, nearest to the neighbouring trees.
ITEM 3 (continued)

Traffic issues (e.g., additional traffic volumes and sight distances) have been reviewed by Council’s Traffic Engineer and found to be satisfactory, and appropriate conditions are included which require the front fence to be splayed (to maximise sight distances when leaving the site), and also a speed hump in the driveway.

Overall, the development is considered satisfactory and approval is recommended.

RECOMMENDATION:

(a) That Local Development Application No. 2009/224 at 167 North Road and 4 and 4a Ferrabetta Ave Eastwood, being Lot 1 DP 503472 and Lot 21 & 22 DP 1081450 be approved subject to the following conditions:

Part 1 – Conditions Relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

1. Approval by Council of an amended stormwater drainage plan which addresses the following matters:

   a. Submission of a detailed stormwater drainage plan prepared by a chartered civil engineer for the collection and piping of stormwater runoff from the site to Woorang Street underground drainage system. The design shall incorporate all BASIX requirements and includes provision for an On-site detention system designed in accordance with Part 8.2 of Council’s Stormwater Management manual.

   b. the extension of Council’s existing drainage system as detailed on drawing no. 0722–PO2 prepared by Storm Consulting Pty Ltd dated 15.9.09.

   c. The submission of written evidence confirming refusal to grant a drainage easement from the downstream property owners.

The following requirements shall apply upon satisfactory completion of the requirements outlined in Part 1 of this consent (above).

Part 2 – General Conditions of Consent

GENERAL

1. Development is to be carried out in accordance with the Plans 0709 DA01 Issue B, DA02 Issue A, DA03 Issue A, DA04 Issue A, DA05 Issue A, Landscaping Plan No LPDA08-234/1B, Tree Survey Plan LPDA08-155/1 except as amended by any other condition of this consent, and subject to the following specific requirements:

   (a) The reference to “proposed stormwater easement 1.200 wide” is not approved and shall be deleted.
ITEM 3 (continued)

(b) In order to maximise sight distances, the front fence shall be provided with a 2.5m x 2.5m splay on either side of the driveway as shown in red on the approved plan.

(c) In order to maximise pedestrian safety, a suitable speed hump shall be provided in the driveway within the subject site (generally shown in red on the approved plans). This hump shall also be constructed of materials which ensure that noise impacts on neighbouring properties are minimised.

2. The term of this Consent is limited to a period of two (2) years from the date of approval. The consent will lapse if the development does not commence within this time.

3. An amended arborist’s report shall be submitted with the Construction Certificate and shall include:
   a) the construction management of rootzones of neighbouring trees occurring on adjacent properties including:
      • Sydney Blue Gum (*Eucalyptus saligna*);
      • 1 Stone Pine (*Pinus pinea*); and,
      • 1 English Oak (*Quercus robur*)

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 3 (continued)

The arborist’s report shall provide detailed representation of the trunk diameter and canopy, and a plan representation of the tree protection zones and the type of temporary fencing to be installed around all tree rootzones to be protected.

b) The rootzones of the affected trees are to be fenced off prior to commencement of demolition and are to be maintained until the completion of construction. No construction activity or incursion of any sort is to occur within the rootzones of affected trees (other than to allow the hand-construction of the deck).

c) The report should also recommend a suitable design level and surface for the construction of the second carparking space associated with Villa unit 4; which should be of non-rigid porous construction laid on a flexible subgrade. Design levels should be as such to eliminate the need for any excavation into the rootzone of the neighbouring Stone Pine.

d) The report shall include a schedule of supervision by an appropriately qualified arborist for the duration of the construction period including demolition.

e) In order to protect the root-zone of trees on neighbouring properties, the courtyard of villa 3 shall be provided with a timber deck, generally as shown in red on the approved landscaping plan. This deck shall be constructed at the courtyard level shown on the architectural plans (RL87.04) and with minimal disturbance to surface ground levels.

4. Where practicable, the paving provided to the paved areas within the courtyard each villa unit (namely the patio, car space and clothes drying areas) shall be pervious pavers (ie not stencilled concrete or any form of paving which would not allow water to pass through).

5. Compliance with the Building Code of Australia

a) 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)

b) 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).

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

a) A Construction Certificate is to be obtained in accordance with Section 81A (2)(a) of the Act.
ITEM 3 (continued)

b) 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.

c) 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.

7. 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).

8. The development is to be carried out in compliance with the BASIX Certificate No 247167M dated 12 May 2009.

9. Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.

10. Residential Building Work

a) 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:

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

ii) in the case of work to be done by any other person: has been informed in writing of the person’s name and owner-builder permit number; or 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.
ITEM 3 (continued)

b) 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.

11. Excavations and backfilling

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

b) 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.

12. 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.

b) adequate provision must be made for drainage.

13. Support for neighbouring buildings

If the soil conditions require it:

a) 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:
   i) must preserve and protect the building from damage, and
   ii) if necessary, must underpin and support the building in an approved manner, and
   iii) 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.

b) 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.

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

14. Protection of Public Places
   
   a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
   
   b) 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.
   
   c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
   
   d) Any such hoarding, fence or awning is to be removed when the work has been completed.

15. Australia Post
   
   Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.

16. 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. Any replacement side boundary fencing required as a result of the proposed development shall be provided at no cost to adjoining property owners, and shall be provided in the correct position (ie on the property boundary, as verified by a registered surveyor).

17. The provision of a lattice screen 300mm high on top of the boundary fencing with adjoining properties.

18. **Waste Management Plan** - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

   Council’s DCP 2006, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

**DEMOLITION CONDITIONS**

19. A security deposit (category: demolition) is to be paid to Council (Public Works and Services Group) prior to the commencement of any demolition works. Please refer to Council’s Management Plan for the current fee amounts.
ITEM 3 (continued)

BEFORE WORK COMMENCES

20. If any changes are made to the Waste Management Plan, a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be maximised.

21. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
   (a) the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
   (b) the date the work is due to commence and the expected completion date.

22. **Notification of neighbouring residents** - At least seven (7) days before demolition work commences the applicant must notify the occupiers of all neighbouring premises of the date the work is due to commence by placing a written notice in the letter box of each premises.

House Removal

23. If a crane is to be used, a Crane Permit is to be obtained from NSW Police and a copy faxed to Council’s Traffic Engineers on 9952 8070, before removal of the house.

24. A fee will be payable to Council, if the crane is to be placed on Council property, as per Council’s Management Plan.

25. If a special type of vehicle is to be used to remove the house, approval from the Roads and Traffic Authority will be needed.

During Demolition

26. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the demolition period.

27. **Hoardings** - Where the site adjoins a public thoroughfare the common boundary must be fenced with a hoarding, unless the horizontal distance between the boundary and the structure being demolished is more than twice the height of the structure. All hoardings must be constructed of solid materials and be at least 1.8 metres high.
ITEM 3 (continued)

28. **Overhead protection** - Where the site adjoins a public thoroughfare with a footpath alongside the common boundary, the footpath must be provided with overhead protection in accordance with the requirements of Australian Standard AS 2601 *The Demolition of Structures*, unless:
   (a) the vertical height of the structure being demolished is less than 4 metres above the footpath; or
   (b) the horizontal distance between the boundary and the structure being demolished is more than half the height of the structure.

29. **Site signage** - A rigid durable sign showing the demolition contractor’s name, address and telephone contact details must be displayed in a prominent position on the site so that they can be easily read by anyone in any public road or other public place adjacent to the site.

30. **Warning notices** - Notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words ‘DANGER! DEMOLITION WORK IN PROGRESS’ must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.

31. **Additional warning notices in relation to asbestos** - Where the work involves the demolition or removal of asbestos products and materials, including asbestos-cement sheeting (ie. fibro), notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words ‘WARNING! ASBESTOS’ must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.

32. **Erosion and sediment controls** - Appropriate erosion and sediment controls must be installed before site works are commenced and be maintained at operational capacity until the site has been stabilised. These controls must include:
   (a) diversion of upslope runoff around disturbed areas in such a manner that the diverted water will not cause erosion and is diverted to a legal discharge point; and
   (b) sediment control fences or other measures on the downslope perimeter of disturbed areas to prevent sediment escaping from the site.

33. **Toilet facilities** - Toilets and hand washing facilities must be provided for workers in accordance with the *Code of Practice: Amenities for Construction Work* (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.

34. **Protection of underground services** - Before work commences the location of any underground services (eg. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
ITEM 3 (continued)

35. **Demolition work** - All demolition work must be carried out in accordance with the requirements of Australian Standard AS 2601 *The Demolition of Structures*.

36. **Licensed contractor to carry out work** - All demolition work must be carried out by an appropriately licensed contractor.

37. **Removal of underground storage tanks** - The removal of the underground storage tanks must be carried out in accordance with:
   (a) the Australian Institute of Petroleum Code of Practice *CP22 - Removal and Disposal of Underground Petroleum Storage Tanks* (1994); and
   (b) the requirements of WorkCover New South Wales.

38. **Asbestos work** - All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

39. **Dust control** - Appropriate measures must be taken to control the generation of dust during demolition work:
   (a) Any existing accumulations of dust (eg. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
   (b) Any materials that are likely to generate dust during demolition or removal must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
   (c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
   (d) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

40. **Hours of work** - All demolition work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.00am and 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.

41. **Noise** - Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.

42. **Noise monitoring** - Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work.

43. **Protection of trees** - Trees must not be removed, lopped or trimmed without the prior written approval of Council and any trees to be retained must be protected from damage during demolition work.
ITEM 3 (continued)

44. **Protection of buildings** - Any buildings or parts of buildings to be retained on the site and all adjacent buildings must be protected from damage during demolition work.

45. **Excavation and backfilling** - All excavation and backfilling associated with the demolition work must be carried out in a safe manner.

46. **Demolition wastes** - All demolition wastes must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.

47. **Recyclable wastes** - All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.

48. **Storage of asbestos wastes** - All asbestos wastes must be segregated from other wastes and stored in a secure area in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005*.

49. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.

50. **Demolition wastes not to be placed on public roads, etc.** - Demolition wastes must not be placed on public roads, footpaths or reserves, or be allowed to enter any street gutter, stormwater drain or waterway.

51. **Burning of demolition waste** - The burning of demolition waste is prohibited under the *Protection of the Environment (Control of Burning) Regulation 2000*.

52. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

53. **Disposal of asbestos wastes** - All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.

54. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
ITEM 3 (continued)

55. **Covering of loads** - All vehicles transporting demolition materials from the site must have their loads covered.

56. **Mud and debris from vehicles** - All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.

57. **Removal of mud and debris from roadway** - Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming).

58. No trees are to be removed as part of this application.

PRIOR TO CONSTRUCTION CERTIFICATE

59. 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 CONTRIBUTION PLAN</th>
<th>B TOTAL CONTRIBUTION PAYABLE</th>
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<tr>
<td>Community &amp; Cultural Facilities</td>
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<td>Plan Administration</td>
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<td><strong>Total</strong></td>
<td><strong>$45911.26</strong></td>
</tr>
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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.

60. A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the infrastructure inspection fee. Please refer to Council's Management Plan for the current fee amounts.

61. 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).

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 3 (continued)

62. 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.

63. The applicant is to apply to Council, pay the required fee, and have issued street alignment levels by Council prior to the issue of the Construction Certificate.

64. Documentary evidence of compliance with Conditions 59-63 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.

65. Details of security lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the Construction Certificate. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

66. Driveway and garden edging must be rolled edged with concrete or brick.

67. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this 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 occupation of the development / release of the plan of subdivision.

68. The applicant is to submit to and have approved by Council or an accredited certifier engineer’s details for all concrete work and structural steelwork prior to the issue of the Construction Certificate.

69. Fire and Smoke Alarms are to be provided in accordance with Part 3.7.2 of the Building Code. Location details are to be submitted and approved by Council or an accredited certifier prior to the release of the Construction Certificate.
ITEM 3 (continued)

70. All retaining walls to excavated areas are to be completed at the earliest possible stage and prior to the erection of the timber and masonry framework. Details are to be submitted to and approved by Council or an accredited certifier prior to the issue of the **Construction Certificate**.

71. 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 DCP 2006, Part 8.1 – Construction Activities.

PRIOR TO COMMENCEMENT

72. 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.

73. ‘Dial 1100 Before You Dig’

Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council’s Assessment Officer should be consulted prior to the lodgement of an application for a **Construction Certificate** if this is the case.

74. Sediment control works are to be installed and maintained in accordance with Council’s DCP 2006, Part 8.1 – “Construction Activities”.

75. Signage is to be provided on the site as follows:
   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.

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

77. 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.
ITEM 3 (continued)

78. 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.

79. 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.

80. 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 dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

81. 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.

DURING CONSTRUCTION

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

a) at the commencement of the building work  
b) after excavation for, and prior to the placement of, any footings  
c) prior to pouring any in-situ reinforced concrete building element  
d) prior to covering of the framework for any floor, wall, roof or other building element  
e) prior to covering waterproofing in any wet areas  
f) prior to covering any stormwater drainage connections  
g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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.
ITEM 3 (continued)

83. In addition to the above stated inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde’s DCP 2006, Part 8.1 - “Construction Activities”:
   a) Sediment control measures.
   b) Security fencing.
   c) Materials or waste containers upon the footway or road.
   d) PCA and principal contractor (the coordinator of the building work) signage and site toilets.

84. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) detailing compliance with Council’s approval at the following stages:
   - Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks.
   - On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.

85. Concrete wastes must be collected, stored and treated in accordance with the Concrete Wastes guide published by the Environment Protection Authority.

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

87. 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.

88. 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.

89. All excavated material must be removed from the site. No fill is to be placed above the natural ground level except for minor fill in the courtyard of dwelling number 4 as shown on the landscape plan.

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

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

Agenda of the Planning and Environment Committee Report No. 4/09, dated Tuesday 17 November 2009.
ITEM 3 (continued)

92. 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”.

93. A first flush device shall be fitted to the rainwater tanks to divert the first 5mm of runoff from the area draining away from the storage tank (e.g. 0.5 litre per square metre).

94. Adequate provisions shall be made to prevent mosquitoes breeding in the rainwater tank. This should include suitable screening to prevent eggs being laid within the tank.

95. All tanks and tank stand installations shall be structurally sound and comply with the manufacturer’s and/or designer’s instructions.

96. Tanks must be a commercially manufactured tank designed for the use of water supply.

97. Overflow from the tank shall be piped directly to an approved stormwater system.

98. The external finishes of tanks shall be painted or coloured to be compatible with the surrounding environment. Alternatively, the water tank may be screened behind a permanent physical barrier that serves that purpose.

99. Taps associated with the tank shall be clearly marked indicating the source of the water and that it is not to be used for Drinking Water.

100. Treads, risers and balustrades to comply with the Building Code of Australia Part 3.9.1 and Part 3.9.2. Balustrading is to be a minimum 1.0 metres high and any openings are not to exceed 125mm.

101. All timber framing is to comply with Part 3.4.3 – Timber Framing of the Building Code of Australia.

102. All steel framing is to comply with Part 3.4.2 – Steel Framing of the Building Code of Australia.

103. Perimeter of slabs are to be provided with a drop-edge beam so as to provide face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

104. Documentary evidence of landscape planting and construction in accordance with the approved plan and specified items is to be submitted to the Council prior to occupation of the building.
ITEM 3 (continued)

105. An Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

106. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the BASIX certificate.

107. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) that the method of Termite Protection has been provided in accordance with Part 3.1.3 of the Building Code of Australia and the requirements of the Australian Standard 3660.1.

108. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) that the method of Waterproofing wet areas has been provided in accordance with Part 3.8.1 of the Building Code of Australia and the requirements of the Australian Standard 3740 prior to wall tiling.

109. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) that Fire and Smoke Alarms have been provided in accordance with Part 3.7.2 of the Building Code.

POST OCCUPATION CERTIFICATE

110. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

STRATA SUBDIVISION

111. Certification Documents. The submission of all certification as required under this consent prior to the release of the Subdivision Certificate.

112. Council will only issue a Subdivision Certificate pursuant to the Environmental Planning and Assessment Act 1979 Section 109 J when the development consent is complied with and Council or an accredited certifier has lodged documentary evidence of completion of a final inspection of any building or engineering works with Council.
ITEM 3 (continued)

113. 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.

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

115. 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.

116. 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.

117. 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.

118. Certification of Building Works. If Council is not the PCA then certification that all building works as detailed in Local Development Consent No 07/592 have been completed in accordance with that consent is to be submitted with the application for the Subdivision Certificate.

OPERATIONAL REQUIREMENTS

119. Noise Limits – The noise level emitted by the air conditioners must not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity.
ITEM 3 (continued)

120. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

121. **Recyclable wastes** - Wastes for recycling should be stored in separate bins or containers and transported to a facility where the wastes will be recycled or reused.

122. **Offensive noise** - The use of the premises must not cause the emission of ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997*.

**ENGINEERING CONDITIONS**

**General**

123. **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.

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

125. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

**Prior To Construction Certificate**

126. **Drainage Security Deposit.** The applicant shall lodge with Council a security deposit of $1,000 prior to the issue of the Construction Certificate to ensure the Positive Covenant has been prepared and registered at the Lands and Property Information Office (L.P.I) in relation to the maintenance of the system. Refund of this security deposit will be made upon submission of certification from the Principal Certifying Authority, confirming the drainage system has been constructed satisfactorily and that the positive covenant has been successfully lodged with the L.P.I.

127. **Drainage Works.** Where site stormwater disposal is proposed via Council’s extended pipe network, the extended drainage works shall be constructed at no cost to Council generally in accordance with drawing no. 0722–PO2 prepared by Storm Consulting Pty Ltd dated 15.9.09.
ITEM 3 (continued)

Detailed engineering plans prepared by a chartered and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works are to be submitted to, and approved by Council incorporating the following additional requirements:

a. Kerb inlet pits (sag and on grade) shall be cast-in-situ and conforming to Council’s standard drainage pit details.
b. Drainage pipelines shall be minimum Pipe Class 4, Rubber Ring Jointed, Reinforced Concrete with Type HS2 bedding Support and conforming to AS 4058.
c. Drainage pipelines shall be designed to have a minimum longitudinal gradient of 1.0%
d. A drainage system layout plan shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show drainage pipe locations, drainage pit locations and number and road centerline chainage, size of opening and any other information necessary for the design and construction of the drainage system (i.e. utility services).
e. A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline road chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
f. Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
g. The drainage system layout plan shall be documented on a detailed features survey base that describes all existing structures, utility services, vegetation and other relevant features.
h. The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the applicant and utility authorities be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
i. The works shall include any other necessary works to make the construction effective.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council’s Management Plan prior to approval being issued by Council.

128. Boundary Levels. The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
ITEM 3 (continued)

129. Driveway Grades. The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council’s issued footpath and gutter crossing levels where they are required as a condition of consent.

130. Car Parking. All internal driveways, vehicle turning areas, garage door opening and internal widths and parking space dimensions shall comply with AS 2890.1-2004.

131. On-Site Stormwater Detention. Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to an on-site detention system in accordance with City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management. The internal piped drainage, gutters and downpipes system shall be designed for a minimum 1 in 20 year average recurrence interval (A.R.I) storm event. Overland flow paths are to be provided to convey surcharge flows to the OSD system when the capacity of the internal drainage system is exceeded up to and including the 100 year A.R.I storm event. Where this cannot be achieved the internal piped drainage and gutters, downpipes system shall be designed for a minimum 1 in 100 year A.R.I.

Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

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

Detailed engineering plans prepared by a chartered civil engineer incorporating the above requirements are to be submitted with the Construction Certificate application.

132. Water Tank First Flush. A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

133. 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.
ITEM 3 (continued)

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 area
(k) Procedures for maintenance of erosion and sediment controls
(l) Details for any staging of works
(m) Details and procedures for dust control.

**Prior to Commencement of Construction**

134. **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.

135. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

136. **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 Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

137. **Preconstruction Meeting** Prior to commencement on Council’s infrastructure works, the applicant shall arrange for a preconstruction meeting with Council’s engineer to discuss relevant aspects of the proposed works. A preconstruction meeting fee is payable in accordance with Council’s Management plan.
ITEM 3 (continued)

During Construction

138. Where applicable construction inspections shall be required by Council’s Coordinator – Asset Restorations for the Council stormwater drainage works at the following hold points: -
   a. Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
   b. Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
   c. Upon installation of bedding material.
   d. Upon installation of any pipe, culvert (include concrete slabs) and other drainage structures.
   e. Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
   f. Upon the completion of all drainage works and prior to practical completion.

Prior to Occupation Certificate

139. Footpath Construction. Concrete footpath paving shall be constructed along the entire frontage of the site to North Road and Ferrabetta Avenue at no cost to Council. The construction shall conform to levels issued by Council and in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works.

140. Compliance Certificates – Engineering. To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council’s standards the Principal Certifying Authority shall ensure the following will be met.

   • Compliance Certificate should be obtained from an accredited certifier 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.
   • Where applicable compliance Certificate should be obtained from an accredited certifier confirming that the constructed inter-allotment drainage system complies with the construction plan requirements and City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management
   • Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management
ITEM 3 (continued)

- Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria - 1999*.
- Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council’s satisfaction.

Please be advised that all Compliance Certificates issued by Council is subject to the payment of an inspection fee in accordance with Council’s schedule of fees if Council is not the appointed Principal Certifying Authority [PCA]

141. **Work-as-Executed Plan.** To ensure stormwater drainage works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council (If Council is not the appointed PCA) prior to issue of Occupation Certificate.

The W.A.E plans is to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plan.

142. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed on-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management section 3.10. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, RYDE.

143. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

144. **Maintenance Bond.** Where new public infrastructure works have been constructed and dedicated to Council a maintenance period of six (6) months shall apply to these completed works. The performance period shall commence from Council’s Compliance Certificate issue date.
ITEM 3 (continued)

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council’s standard specification. A bond in the form of a cash deposit or Bank Guarantee of $15000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

145. **Constructed Drainage** Where a new Council’s pipeline has been constructed, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network, and any defects in the drainage network identified in the report shall be rectified to Council’s satisfaction.

146. **Works-As-Executed Drawings** where applicable a W.A.E plan for the newly constructed Council’s stormwater pipeline shall be submitted to and approved by Council. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer, certifying the drawings are a true and accurate representation of the constructed works.

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

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**ATTACHMENTS**

1. Map
2. Plans

Report Prepared By:

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Report Approved By:

**Liz Coad**
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**Dominic Johnson**
Group Manager Environment & Planning
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