

Meeting Date: Tuesday 1 May 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

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2	52 FARNELL ST, WEST RYDE. Lot 15 DP 30562. Local Development Application for demolition, construction of multi dwelling housing containing 3 villas and strata subdivision. LDA2011/0462. <i>INSPECTION 4.20PM / INTERVIEW 4.40PM.....</i>	29
3	7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375. <i>INTERVIEW 4.50PM.....</i>	73

1 CONFIRMATION OF MINUTES - Meeting held on 3 April 2012

Report prepared by: Meeting Support Coordinator**Report dated:** 8/03/2012**File No.:** CLM/12/1/3/2 - BP12/243

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 4/12, held on Tuesday 3 April 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 3 April 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 4/12

Meeting Date: Tuesday 3 April 2012

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.05pm

Councillors Present: Councillors Pickering (Chairperson), Butterworth, O'Donnell and Yedelian OAM.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment & Planning, Service Unit Manager Assessment, Service Unit Manager Environmental Health & Building, Business Support Coordinator – Environment & Planning, Team Leader – Assessment, Team Leader – Major Development Team, Team Leader – Development Engineers and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 6 March 2012

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 3/12, held on Tuesday 6 March 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

2 28 GERARD STREET, GLADESVILLE. LOT 40 DP 10598. Local Development Application for the erection of a 2 storey dual occupancy (attached). LDA2011/0328.

Report: The Committee inspected the property at 28 Gerard Street, Gladesville.

Note: Mr Stephen Latham and Mr John Fowler (objectors) and Mr Alastair Robb (on behalf of the applicant) addressed the Committee in relation to this Item.

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MOTION: (Moved by Councillor O'Donnell)

- (a) That Local Development Application No. LDA2011/328 at No 28 Gerard Street Gladesville being LOT 40 DP10598 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Note: As there was no seconder for the Motion, the Motion LAPSED.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Butterworth)

That this matter be referred to full Council for consideration.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 APRIL 2012** as substantive changes were made to the published recommendation.

- 3 33 LOVELL ROAD, DENISTONE EAST. LOT 24 DP 6182. Local Development Application for multi dwelling (attached) development containing 3 villa homes (1 x 3 bedroom two storey villa at the front, 2 x 3 bedroom villas at the rear). LDA2011/0505.**

Report: The Committee inspected the property at 33 Lovell Road, Denistone East.

Note: Mr Graham McKee (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Butterworth and O'Donnell)

That Local Development Application No. 2011/0505 at No. 33 Lovell Road, Denistone East, being LOT 24, DP 6182 be approved, subject to the Conditions of Consent as set out below:-

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

Approved Plans

1. Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

ITEM 1 (continued)

ATTACHMENT 1

Document Description	Date	Plan No/Reference
Architectural Plans prepared by G & A Draftline	14 August 2011	1011/11-1-4 to 1011/11-4-4 (incl)
Stormwater Concept Plans prepared by Storm Civil	2 September 2011	D1 to D4 (Issue A)
Landscaping Plan prepared by Peta Gillard Landscape Design	12 August 2011	L001(A)
Arborist's Report prepared by Vic's Tree Service	18 May 2011	

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 394822M, dated 6 September 2011.

Protection of Adjoining and Public Land

4. Hours of work
Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Stormwater

6. **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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
7. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
8. **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

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ATTACHMENT 1

payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

9. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Imported fill

10. All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council’s Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type	B – Contribution Amount (\$)
Community & Cultural Facilities	5,502.29
Open Space & Recreation Facilities	13,545.48
Civic & Urban Improvements	4,607.20
Roads & Traffic Management Facilities	628.56
Cycleways	392.54
Stormwater Management Facilities	1,248.06
Plan Administration	105.83
The total contribution is	26,029.97

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These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

12. The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
13. The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation)
14. The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
15. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

Road Opening Permit

16. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
17. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written

ITEM 1 (continued)**ATTACHMENT 1**

endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

18. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**. The side boundary fence between the subject site and No. 31 Lovell Street shall be a minimum of 1.8m high shall contain an additional 300mm high lattice on top of the fence. Details are to be shown on the Construction Certificate drawings, and shall be at no cost to the adjoining owner.

Lighting of Common Areas (driveways etc)

19. Details of 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.
20. The width of the landscape strip along the eastern and southern boundary within each courtyard is to be increased to 1.2m wide. Details are to be submitted on the Construction Certificate plans.
21. **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.
22. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
23. **Manoeuvring Area.** The southern end of the driveway near unit 3 shall be extended by 1.5m to the south to provide additional room for vehicles to manoeuvre and exit in a forward direction. This area shall be paved with grass crete or similar porous paving. The landscaping area adjoining shall be reduced as amended in red on the architectural plan Job No 1010/11>1>4 dated 27 July 2011 prepared by G + A Draftline. Prior to issue of the Construction Certificate, all plans shall be amended to reflect these amendments.

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ATTACHMENT 1

24. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

Accordingly, revised engineering plans prepared by a qualified engineer shall be submitted with the construction certificate application, addressing, but not be limited to the following:

- a. Design the orifice size using the correct head within the detention basin.

The pipes, down pipes and gutters are to be designed to carry the 100 year ARI 5 minute storm flow from roof areas to the detention basin. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

25. **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.
26. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures,
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

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Prescribed Conditions

27. Site Sign

- (a) A sign must be erected in a prominent position on site:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

28. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

29. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
- (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
- (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

Safety Fencing

30. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

31. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any

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ATTACHMENT 1

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.

32. **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 2010: - Part 8.1; Construction Activities
33. **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.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

Critical stage inspections

34. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Noise and vibration

35. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
36. 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.

Survey of footings and walls

37. All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

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38. No sediment, dust, soil or similar material shall leave the site during construction work.
39. Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
40. All materials associated with construction must be retained within the site.
- 41. Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
- 42. Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equivalent are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
43. At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
- Tree Protection**
44. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
45. Trees that are shown on the approved plans as being retained must be protected against damage during construction.
46. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
47. A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

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48. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

Drop-edge Beams

49. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

Prescribed Condition

50. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 392311, dated 1 September 2011.

51. All landscaping works approved by condition 1 are to be completed.

52. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

53. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

54. 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.

Letterboxes and street/house numbering

55. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
56. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
57. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
58. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
59. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 107033 Drawing D1 to D4 dated 18/8/11 Issue A prepared by Storm civil engineering Solutions.
60. **Footpath Paving Construction.** The applicant shall, at no cost to Council, replace any damaged concrete path paving across the frontage of the property.
61. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan

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2010: - Part 8.3; Driveways.

- 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 2010: - Part 8.2; Stormwater Management
- Confirming 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.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
- Confirming that damaged footpath paving has been reconstructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*

62. **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.

POST OCCUPATION CERTIFICATE

63. 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.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 APRIL 2012** as substantive changes were made to the published recommendation

- 4 35 LOVELL ROAD, DENISTONE EAST. LOT 25 DP 6182. Local Development Application for multi dwelling (attached) development containing 3 villa homes (1 X 3 bedroom two storey villa at the front, 2 X 3 bedroom villas at the rear). LDA2011/0504.**

Report: The Committee inspected the property at 35 Lovell Road, Denistone East.

ITEM 1 (continued)

ATTACHMENT 1

Note: Mr Graham McKee (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMENDATION: (Moved by Councillors Butterworth and O'Donnell)

That Local Development Application No. 2011/0504 at No. 35 Lovell Road, Denistone East, being LOT 25, DP 6182 be approved, subject to the Conditions of Consent as set out below:-

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

Approved Plans

1. Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Architectural Plans prepared by G & A Draftline	7 August 2011	1010/11-1 to 1010/11-4 (incl)
Stormwater Concept Plans prepared by Storm Civil	18 August 2011	D1 to D4 (Issue A)
Landscaping Plan prepared by Peta Gillard Landscape Design	12 August 2011	L001(A)
Arborist's Report prepared by Vic's Tree Service	7 August 2011	

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 392311M, dated 1 September 2011.

Protection of Adjoining and Public Land

4. Hours of work
Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

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5. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Stormwater

6. **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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
7. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
8. **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.
9. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Imported fill

10. All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance

ITEM 1 (continued)

ATTACHMENT 1

with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

A – Contribution Type	B – Contribution Amount (\$)
Community & Cultural Facilities	5,502.29
Open Space & Recreation Facilities	13,545.48
Civic & Urban Improvements	4,607.20
Roads & Traffic Management Facilities	628.56
Cycleways	392.54
Stormwater Management Facilities	1,248.06
Plan Administration	105.83
The total contribution is	26,029.97

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council’s website <http://www.ryde.nsw.gov.au>.

12. The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
13. The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council’s Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation)

ITEM 1 (continued)

ATTACHMENT 1

14. The following fees must be paid to Council in accordance with Council's Management Plan:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
15. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

Road Opening Permit

16. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
17. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

18. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**. The side boundary fence between the subject site and No. 37 Lovell Street shall be a minimum of 1.8m high shall contain an additional 300mm high lattice on top of the fence. Details are to be shown on the Construction Certificate drawings, and shall be at no cost to the adjoining property owner.

Lighting of Common Areas (driveways etc)

19. Details of 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.
20. The width of the landscape strip along the eastern and southern boundary within each courtyard is to be increased to 1.2m wide. Details are to be submitted on the Construction Certificate plans.
21. **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.
22. **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.

ITEM 1 (continued)

ATTACHMENT 1

The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

23. **Manoeuvring Area.** The southern end of the driveway near unit 3 shall be extended by 1.5m to the south to provide additional room for vehicles to manoeuvre and exit in a forward direction. This area shall be paved with grass crete or similar porous paving. The landscaping area adjoining shall be reduced as amended in red on the architectural plan Job No 1010/11>1>4 dated 27 July 2011 prepared by G + A Draftline. Prior to issue of the Construction Certificate, all plans shall be amended to reflect these amendments.
24. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties. The pipes, down pipes and gutters are to be designed to carry the 100 year ARI 5 minute storm flow from roof areas to the detention basin.
25. **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.
26. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures,
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles

ITEM 1 (continued)

ATTACHMENT 1

- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

Prescribed Conditions

27. Site Sign

- (a) A sign must be erected in a prominent position on site:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

28. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

29. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further

ITEM 1 (continued)

ATTACHMENT 1

work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

Safety Fencing

30. The site must be fenced throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.
31. **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.
32. **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 2010: - Part 8.1; Construction Activities
33. **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.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

Critical stage inspections

34. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Noise and vibration

35. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

ITEM 1 (continued)

ATTACHMENT 1

36. 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.

Survey of footings and walls

37. All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
38. No sediment, dust, soil or similar material shall leave the site during construction work.
39. Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
40. All materials associated with construction must be retained within the site.

41. Site Facilities

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

42. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equivalent are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
43. At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

Drop-edge Beams

44. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

ITEM 1 (continued)
PRIOR TO OCCUPATION CERTIFICATE

ATTACHMENT 1

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

Prescribed Condition

45. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 392311, dated 1 September 2011.
46. All landscaping works approved by condition 1 are to be completed.
47. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

49. 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.

ITEM 1 (continued)

ATTACHMENT 1

Letterboxes and street/house numbering

50. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
51. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
52. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
53. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
54. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 107034 Drawing D1 to D4 dated 18/8/11 Issue A prepared by Storm civil engineering Solutions.
55. **Footpath Paving Construction.** The applicant shall, at no cost to Council, replace any damaged concrete path paving across the frontage of the property.
56. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - 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 2010: - Part 8.2; Stormwater Management
 - Confirming 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

ITEM 1 (continued)

ATTACHMENT 1

formwork, and other debris.

- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
- Confirming that damaged footpath paving has been reconstructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*

57. **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.

POST OCCUPATION CERTIFICATE

58. 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.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 APRIL 2012** as substantive changes were made to the published recommendation

The meeting closed at 5.40pm.

CONFIRMED THIS 1ST DAY OF MAY 2012.

Chairperson

2 52 FARNELL ST, WEST RYDE. Lot 15 DP 30562. Local Development Application for demolition, construction of multi dwelling housing containing 3 villas and strata subdivision. LDA2011/0462.

INSPECTION: 4.20pm

INTERVIEW: 4.40pm

Report prepared by: Team Leader - Major Development Team

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 12 April 2012

File Number: GRP/12/5/5/3 - BP12/404

1. Report Summary

Applicant: Holscott Corporation Pty Ltd.

Owner: P A Crawford.

Date lodged: 30 August 2011.

This report considers a proposed development which involves the erection of a multi dwelling housing development (attached) containing 3 villas. The villa adjacent to Farnell Street will be two storeys and contains 4 or 5 bedrooms. The other two villas are single storey and both contain an attic within the roof space. One of these villas contains 3 bedrooms and the other villa contains 2 bedrooms.

During the assessment of this development application amended plans were submitted that addressed the issue of the front setback. The original development proposed a 7.66m setback whereas the amended plans proposed an average setback of 12m. The 12m setback is consistent with the front setback required for dwelling houses and duplexes in Part 3.3 of DCP 2010 and is considered appropriate for the site.

The development results in minor variations to the setbacks along the northern side and rear boundary, the width of the planting strip along the southern boundary and the design of the front fence. The proposed variations to the setbacks and width of the landscape planting are considered to be reasonable, whilst a condition of consent is recommended to ensure the front fence aligns with the DCP provisions (condition 26).

Overall, the proposed development is considered acceptable in terms of DCP 2010.

The original application was advertised and notified to adjoining and nearby owners, in accordance with Council's Notification DCP (Part 2.1 of DCP 2010) and four (4) submissions including a petition signed by 43 persons were received. The amended plans were also notified to all adjoining properties and those persons who objected to the original development. As a result of this notification period, Council received 1 submission.

ITEM 2 (continued)

The application is recommended for approval, subject to conditions of consent.

Reason for Referral to Planning and Environment Committee: Called to Committee by Councillor Butterworth, Councillor Campbell and Councillor O'Donnell.

Public Submissions: 4 submissions from 3 properties, including a petition signed by 43 persons were received objecting to the original development. Advertising of the amended drawings resulted in 1 submission being received by Council.

Clause 4.6 RLEP 2010 objection required? Not applicable.

Value of works: \$650,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

RECOMMENDATION:

- (a) That Local Development Application No. 2011/0462 at 52 Farnell Street, West Ryde, being Lot 15, DP 30562 be approved subject to the **ATTACHED** conditions (Attachment 1).

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

ATTACHMENTS

- 1 Draft conditions.
- 2 Map.
- 3 A4 plans.
- 4 Schedule of finishes.
- 5 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**.

Report Prepared By:

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

Address : 52 Farnell Street, West Ryde
Lot 15, DP 30562

Site Area : 992.7m²
Frontage 20.115 metres
Depth 48.77/52.56 metres

Topography and Vegetation : The subject site has a gradual fall from the rear boundary to the street alignment.

There are no trees presently growing on the site. However, there is a large Lemon-scented gum tree growing within the adjoining property (No. 50 Farnell St) and in close proximity to the north-eastern corner of the subject site. The tree is shown in the following photograph:



Existing Buildings : A single storey dwelling-house together with free-standing garage and swimming pool presently occupy the site.

ITEM 2 (continued)**Planning Controls****Zoning**

: R2 – Low Density Residential under Ryde Local Environmental Plan 2010.

Other

: Environmental Planning & Assessment Act 1979
State Environmental Planning Policy – Building Sustainability Index (BASIX) 2004
City of Ryde Development Control Plan 2010

3. Councillor Representations

1. Name of Councillor: Councillor Butterworth

Nature of the representation: Request the application be determined by Planning and Environment Committee.

Date: 14 October 2011

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

On behalf of objectors.

2. Name of Councillor: Councillor Campbell

Nature of the representation: Request the application be determined by Planning and Environment Committee.

Date: 25 October 2011

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

On behalf of objectors.

3. Name of Councillor: Councillor O'Donnell

Nature of the representation: Request the application be determined by Planning and Environment Committee.

Date: 1 November 2011

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

On behalf of objectors.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No

ITEM 2 (continued)

5. Proposal

Consent is sought for the demolition of all existing structures on the site and the erection of a multi dwelling development. The multi dwelling development will contain 3 villas. The villa adjacent to the street will be 2 storeys and contain 4 or 5 bedrooms. The two villas located behind this villa are both single storey and one villa contains 3 bedrooms and the other 2 bedrooms. Attic storage has been provided in both of these villas. Strata subdivision is also proposed.

Each villa has a single garage together with a car space behind the garage.

6. Background

The development application was lodged on 30 August 2011.

The original development resulted in a significant non-compliance with the front setback requirement. These plans proposed a setback of 7.66m whereas a setback of 12m was required to comply with Council's requirements. Various meetings occurred with the applicant in respect of this issue. On 27 February 2012, amended plans were submitted which proposed an average setback of 12m. To achieve this setback the size of each villa was reduced with one villa being reduced from a 3 bedroom villa to a 2 bedroom villa. An attic storage room has also been proposed in villas 2 and 3.

Due to the changes in the plans, the development application was renotified.

This report addresses the amended plans.

7. Submissions

The original proposal was advertised in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 28 September 2011 and notification of the proposal was from 9 September until 19 October 2011. During this time, Council received 4 submissions from 3 properties. One of the submissions contained a petition signed by 43 persons.

The amended plans were renotified and all persons who made a submission or signed the petition were notified. The amended notification period was from 1 March 2012 until 19 March 2012. During this period, Council received 1 submission. The issues raised in respect of the amended plans included:

- *The description of the development that was sent to the previous objectors is incorrect. This was described as 1x4 bedroom two storey at the front, 2x3 bedroom villas at the rear. Villa 1 contains 5 bedrooms. Villa 2 is a 2 bedroom unit and both villas 2 and 3 are two storey due to the attic.*

ITEM 2 (continued)

Comment: The description of the amended plans were incorrect in that both villas 2 and 3 were identified as 3 bedroom villas. As a result of the increased front setback, the amended plans have reduced villa 2 from a 3 bedroom villa to a 2 bedroom villa.

The fifth bedroom in villa 1 is identified on the plans as either a bedroom or study. Given the two alternate uses of the room, the description is considered acceptable.

The objector's statement about villas 2 and 3 being 2 storey is incorrect. These villas are defined under REP 2010 as being single storey. The RLEP 2010 defines storey and attic as follows:

Storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above but does not include:

- a. A space that contains only a lift shaft, stairway or meter room; or
- b. A mezzanine; or
- c. An attic.

Attic means any habitable space but not a separate dwelling, contained wholly within a roof above the ceiling line of storey immediately below, except for minor elements such as dormer windows and the like.

The room in question is not a separate dwelling and is contained within the roof of the dwelling. Accordingly, the room satisfies the definition of an attic. Attics are excluded from the storeys control.

Based on these definitions, the development is defined as a 2 storey villa at the street and 2 single storey villas at the rear.

The intent of the description is to advise the objectors about the development. The neighbour has correctly identified that these was an error in terms of the description given in respect of the number of bedrooms contained in villa 2. It is not however considered necessary that these plans would need to be readvertised as the description is only intended to be a guide for the neighbours.

- *The architect's plans fail to demonstrate all windows on the northern side of our property. The dining room window and the main bedroom window are not demonstrated. These windows will be adversely impacted by the present proposal.*

Comment: From information provided by the objector, the dining room window is located on the eastern elevation and the main bedroom window is located on the western elevation. Council's requirements on the development application checklist requires that the site plan must include the location of any adjoining owners' windows facing your development. The applicant has included the windows along the northern elevation and accordingly the level of information provided by the applicant complies

ITEM 2 (continued)

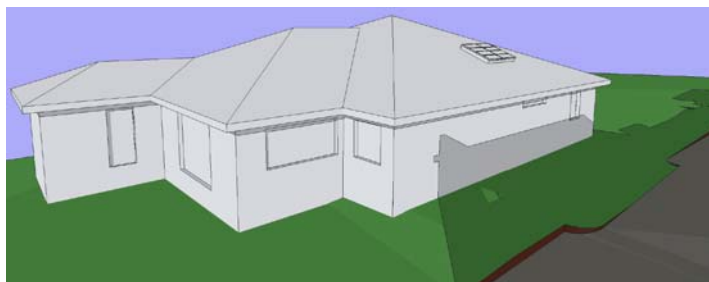
with the Council's requirement. For the sake of completeness, the applicant has submitted to Council photographs which demonstrate the location of the windows on the other two elevations. These windows have been considered in the assessment and it has been concluded that the development is likely to have an acceptable impact in respect of these windows.

- *The solar hot water system on our roof will be adversely affected.*

Comment: Following is an aerial photograph of the subject site and No. 54 Farnell Street. The photograph identifies the roof-top solar hot water system.

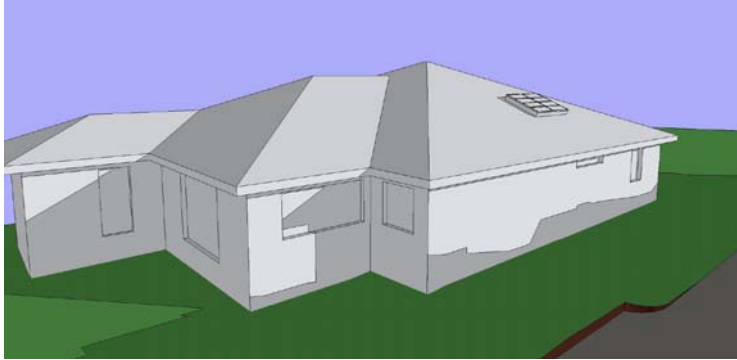


The submitted shadow drawings indicates that during the mid-winter period, the shadow impact from the proposed development will not affect the roof and not the solar hot water system on No. 54 Farnell Street. This is demonstrated by the following diagrams.



Elevational shadow diagram at 9.00 mid winter.

ITEM 2 (continued)



Elevational shadow at 3pm mid winter.

- *Request details about the future levels of the proposed development and if there are any retaining walls between 52 and 54 Farnell Street.*

Comment: From the existing ground levels and the proposed levels of the driveway, it will be necessary to construct a retaining wall approximately 200mm to 400mm above natural ground level to support the driveway. This retaining wall may be located along either the boundary of the site or along the edge of the driveway. Full details of the retaining wall are to be submitted on the Construction Certificate plans. Levels of the development have already been provided on the architectural plans.

- *We would like the existing 1.8 metre high colourbond fence to be extended to the nature strip as this would improve privacy, noise and reduce the impact of car headlights as they enter the property.*

Comment: The landscape plan demonstrates that all of the boundary fences are proposed to be lapped and capped timber fencing. The neighbour at 54 Farnell Street has requested that their colourbond fencing be retained as well as the existing 1.8 metre high fence being extended to the nature strip. A condition of consent will be imposed to require the retention of the colourbond fencing. This condition however will not permit the height of the return fence to be 1.8m. In accordance with Council's Fencing DCP, the return fencing must not be more than 1m high. A height of 1m will reduce the impact of any car headlights as well as ensuring acceptable amenity impacts in terms of noise and privacy. (See condition number 26).

- *We also own the property at the rear. We would expect that the existing boundary fences remain during construction and after completion in their existing situation.*

Comment: The applicant intended to replace the existing boundary fence with a new fence. As a retaining wall is to be erected on the boundary, the existing fence would be required to be removed. A condition of consent has been structured so that this fence is not removed without the written agreement of the owner. If consent is not given for the removal of the fence it will be necessary for the applicant to relocate the retaining wall 600mm from the boundary. (See condition number 27). Any new fencing will be at the applicant's expense.

ITEM 2 (continued)

- *No access will be allowed and no works are to occur on either 54 Farnell Street or 61 Marsden Road.*

Comment: No access would be required on either of the adjoining properties. If the applicant does wish to access one of these properties, this would be a private matter between the two landowners.

- *The DA is unsuitable for the street and will affect adjoining property values. The applicant should be invited to submit an amended proposal whereby the 2 storey villa is followed by single storey villas.*

Comment: The amended development now complies with the required 12 metre setback. The development will be two storeys as viewed from the street. The development is compatible with both the existing and the desired future character of the area. In terms of property values, the applicant has a right, under the Act, to the orderly and economic use and development of land, and possible decreases in surrounding property values do not constitute a reasonable ground of refusal. As discussed earlier, the 2 rear villas are both defined as single storey.

Original Scheme

As previously detailed, Council received 4 submissions from 3 properties including a petition signed by 43 persons in respect of the original proposal. The issues raised in these submissions included:

- Inadequate setback distance from the street. The development should be setback 16.0m from the street as this was the setback requirement when many dwellings were erected in the 1960's.*

Comment: This issue was common in all submissions received in respect of the original proposal. If the front setback was determined based on the average setback of the adjoining properties, then a 16m setback would be required. However, the site is located within the West Ryde Special Development Area which requires a 12 metre setback as identified in the Dwelling House and Duplex Building DCP. The amended development complies with the required 12 metre setback. This setback is considered appropriate and will be consistent with the likely character of the area in the future.

- Two-storey dwelling at front is out of character with the locality.*

Comment: Following is the architectural drawing of the Farnell Street façade. As demonstrated the development has the bulk and scale characteristics of a two-storey dwelling-house. The bulk and scale is consistent with other development in the area. However the original development was out of character with the locality due to the street setback. As this has now been amended, the amended scheme is considered to be compatible with both the existing and desired future character of the area.

ITEM 2 (continued)

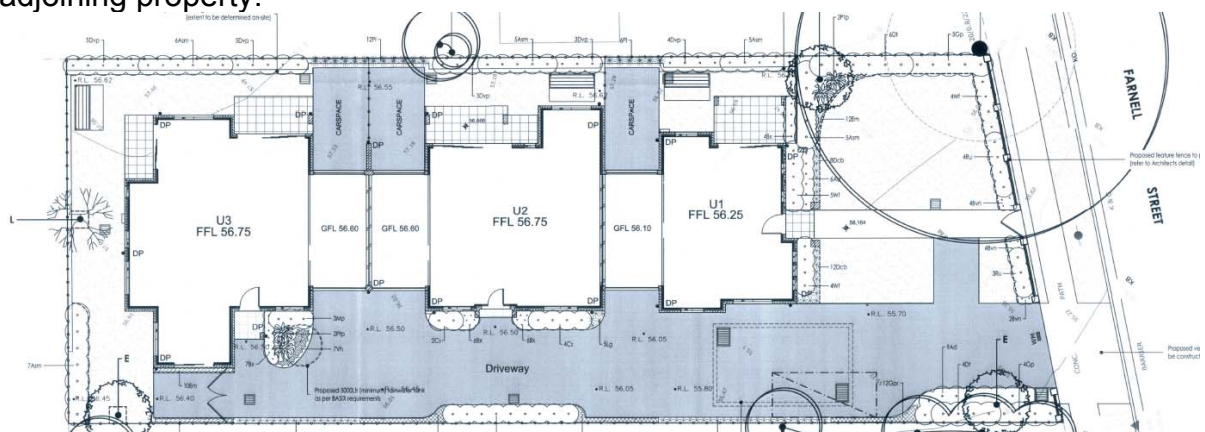


(c) *Inadequate off-street car parking facilities.*

Comment: The amended development under DCP 2010 requires 6 off-street car parking spaces (5 resident and 1 visitor). The proposal provides for seven off-street car parking spaces (6 resident and 1 visitor). No objection is raised to the development based on car parking.

(d) *Adverse impact from retaining wall on northern boundary.*

Comment: The Landscape Plan details low level retaining walls which range in size from 0.4m to 1m along the edge of the proposed garden beds that accommodate the landscaping in proximity to the northern boundary. The retaining walls are not on the boundary, but rather set back either 0.6m or 0.35m from the boundary and simply form a low level edge to support the garden beds. This is demonstrated in the following diagram. The retaining wall is unlikely to have any adverse impacts to the adjoining property.



ITEM 2 (continued)

(e) *Adverse impact upon solar hot water system on roof of No. 54 Farnell Street.*

Comment: This matter has been addressed earlier in the report.

8. Clause 4.6 RLEP 2010 objection required?

Not required.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan 2010 (RLEP)****Zoning and Zone Objectives**

The subject site is zoned R2 – Low Density Residential under the provisions of RLEP 2010. The proposed development is a permissible form of development with consent of Council.

The objectives of the residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.
- To ensure that new development complements or enhances the local streetscape.
- To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.
- To ensure that land uses are compatible with the character of the area and responsive to community needs.

The development complies with the above objectives.

ITEM 2 (continued)
Mandatory Requirements

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
8m for dwelling facing street	7.837m	Yes
6.5m for dwellings not facing the street	5.8m	Yes
4.5A Density		
• 300m ² per 1,2,3br dwelling		
• 365m ² per 4+br dwelling		
Total required (2 x 300 + 1 x 365) = 965m ²	992.7m ²	Yes

Clause 5.10(4) Heritage Conservation.

The subject site is located within 100 metres of an item of heritage significance, being a dwelling at No. 69 Marsden Road (Item No. 65 in the RLEP). Council's Heritage Officer has reviewed the proposal and has raised no objections to the development.

(b) Relevant SEPPs

A compliant BASIX Certificate (No. 393709M_02 dated 18 March 2012) has been submitted with the DA. A standard condition has been included in the recommended conditions of consent requiring compliance with this BASIX certificate. (See condition number 3).

(c) Relevant REPs

No relevant plans.

(d) Any draft LEPs

No draft plans are relevant to the subject site.

(e) Any DCP (e.g. dwelling house, villa)
City of Ryde Development Control Plan 2010:

- Part 3.5 – Multi Dwelling Housing**
- Part 7.1 – Energy Smart, Waterwise**
- Part 7.2 – Waste Minimisation and Management**
- Part 8.2 – Stormwater Management**
- Part 9.2 – Access for People with Disabilities**
- Part 9.4 – Fencing**

ITEM 2 (continued)

The proposed development has been assessed against the provisions of the above part/s of DCP 2010 and found to be mostly compliant as illustrated by the development standards below.

DCP 2010	Proposed	Compliance
PART 2.0 – Site Analysis, Location Number and Type of Dwelling		
2.1 Site Analysis		
<ul style="list-style-type: none"> ○ Must have a site analysis ○ SA should relate dwgs to surrounds + minimise amenity impacts 	Site analysis plan submitted	Yes
2.2 Minimum allotment size		
Area: (not <600m ²)	992.7m ²	Yes
Primary Frontage: (not <20m)	20.115m	Yes
Not hatchet shaped	Regular	Yes
2.3 Non-Preferred Locations		
Is the proposed development within a non-preferred location?	No	Yes
2.4 Linear Separation		
Is there any approved Villa, Duplex or Urban Housing development within double the frontage (or proposed frontage)?	No	Yes
2.5 Retention of Existing Dwellings		
Retention of existing dwg as part of a MDH will not be approved	Not to be retained	Yes
2.6 Density		
As per clause 4.5A RLEP2010 – which state: (a) Site Area: <ul style="list-style-type: none"> ○ 300m² per 1,2,3br dwg ○ 365m² per 4+br dwg 	Total required: 965m ² Site Area = 992.7m ²	Yes
(b) Each dwg has its own POS and separate access to that space from unbuilt portion of site	Each dwelling has a private open space area that is accessible from both within the dwelling and from other portions of the site.	Yes
2.7 Number of Dwellings		
Not more than 12 Dwellings	3 dwellings proposed	Yes
2.8 Type of Dwellings		
If 4 or more dwellings on site,	n/a	n/a

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
<75% with same number of bedrooms (rounded down) e.g. 6d= 4x3B + 2x2B		
PART 3.0 Site Planning		
3.1 Slope of Site		
At least one dwelling must present to the street	Dwelling 1 presents to street	Yes
Slope must be <1:6 either up or down from street frontage	<1:6 slope The site has minimal fall to street (Approx 5%)	Yes
Cross-fall <1:14	<1:14 cross fall 1:20 max cross fall	Yes
3.2 Altering the Levels of the Site		
No imported Fill	None shown	Yes
<300mm Cut or Fill outside building envelope.	No identifiable areas of cut or fill outside of building footprint, except at south-western corner of site where natural ground level drops away. A low level retaining wall is proposed along most of the rear boundary, principally to provide a suitable bed for landscaping and create a useable private open space area.	Yes
No basement garages, minimal steps, minimal retaining walls	No basement garage	Yes
POS generally at NGL.	Private open space areas are at ground level	Yes
3.3 Storey and Height		
3.3.1 Storeys		
A MDH must be within single storey bldg. OR	Dwelling 1 is two-storey (Refer to next control). Dwellings 2 and 3 both contain a small attic. The attic is not defined as a storey under RLEP 2010. These buildings are single storey.	Yes
Dwg with frontage to street can be 2 storeys provided:	Dwelling 1 is not attached to other two-storey dwelling	

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> ○ 2 st dwg not attached to any other 2 st dwg ○ 2 st dwg is suitable re streetscape 	and accordingly a two-storey development is permissible. Streetscape impact is acceptable.	Yes
3.3.2 Height		
As per Clause 4.3(2a) – which state the maximum height is: (a) for dwgs in bldg with no frontage to street – 6.5m	Ridge RL: 62.98 NGL below (min): RL: 57.18 Max height: 5.8m	Yes
(b) for dwgs with a frontage to street, if adj lots have dwgs that are <9.5m high – 8m	Ridge RL: 63.837 NGL below (min): RL: 56 Max height: 7.837m	Yes
3.4 Site Coverage		
Site coverage < 40% (753.44m ²)	32.35% (321m ²)	Yes
Pervious area > 35% (347.2m ²)	38.8% pervious area. (Planted & permeable paving area = 384.9m ²)	Yes
3.5 Setbacks		
3.5.1 Front Setbacks		
<u>Front Setbacks:</u> Same as the adjoining buildings Note: Site also in West Ryde Special Development Area which requires front setback to be consistent with existing setbacks and up to 12.0m, to achieve this objective.	The setback should be either 16m or 16.7m. Proposed front setback: Between 11.5m and 12.6m (Average is 12.0m)	YES (See Note 1)
3.5.4 Side and Rear Setbacks		
Min 4.5m unless vehicular access is included in this area, then min 6m. Allow variation between 3-6m for less than 50% for visual interest.	North side: 2.65m – 4.7m (28% setback less than 4.5m, however part of the setback is 2.65m). South side: 3.0m – 7.09m (9.5% setback less than 6.0m) Note: In areas where the driveway is proposed, the setback is a minimum of 6.0m, except for one small	No (See Note 2) Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
	<p>section near the front dwelling where setback is 5.9m. The proposal is considered to comply with this control.</p> <p>Rear boundary: 3.0m – 4.5m (53% setback less than 4.5m but not less than 3.0m)</p>	No (See Note 2)
Must provide appropriate solar access.	Appropriate given site orientation	Yes
Ensure existing substantial trees not within proposed courtyard areas.	No substantial trees are growing within proposed courtyards.	Yes
3.5.5 Internal Setbacks		
Habitable room windows don't overlook	No close direct overlooking	Yes
9m separation between facing dwellings habitable room windows?	No facing windows.	Yes
3.6 Private Outdoor Space		
Min 30m ² for 2B Min 35m ² for 3+B	Villa 1: 35.5m ² Villa 2: 37.9m ² Villa 3: 241.1m ²	Yes
Min dimension 4m and generally at NGL	4m dimension provided.	Yes
Solar access: 50% for ≥2hrs	Due to the east-west orientation of the allotment, all private open space areas face north and will receive a minimum of three hours mid-winter solar access during the period 10.00am to 3.00pm.	Yes
Do not contain ex'g big trees	Private open space areas do not contain large existing trees.	Yes
Access to courtyard other than through dwg?	Second access point to private courtyards provided either through the garage, the subject unit or gate to courtyard.	Yes
Securely enclosed (not roofed)	Securely enclosed – no	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
+ visible from living rms	roofing.	
Not within front setback	At side or rear.	Yes
≥1.2m landscape strip between courtyard and adjoining property	A 1.2m wide landscape strip is provided as required.	Yes
3.7 Landscaping		
Landscaping plan required, existing trees retained in common areas?	There are no trees presently growing on the subject site. However one tree is growing in No. 50 Farnell Street, only millimetres from the north-eastern corner of the subject site. Council's Landscape Architect has provided recommended conditions in respect of protection of the Lemon Scented Gum (<i>Corymbia citriodora</i>).	Yes
Privacy Planting <ul style="list-style-type: none"> • ≥1.2m landscaped strip between driveway & adjoining property. Shrubs in this strip 3-4m & small trees 5-6m mature • 1m strip between driveway and wall of dwgs 	The proposed landscaping strip between the driveway and the side boundary varies between 0.3m and 1.8m wide. Required privacy planting is provided along the sides of the driveway. A mixture of shrubs and trees are proposed. The dominant planting is Lilly Pilly and Bronze Hopseed Bush both with a mature height of 3.0m. A small number of shrubs are proposed that have a max height of between 1.0m and 2.0m. Further, five trees are proposed as follows: <ul style="list-style-type: none"> • Front setback: (2 x Blueberry Ash -8m) • Rear setback: (Blueberry Ash -8m) 	<p style="text-align: center;">No (See Note 3)</p> <p style="text-align: center;">Yes</p>

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
	<ul style="list-style-type: none"> Rear setback: (Crepe Myrtle -6m) 	
Lawn areas edged or kerbed?	Edged lawn areas proposed.	Yes
Nature Strips: Street trees retained and protected?	No street trees exist.	Yes
3.8 Car Parking, Manoeuvrability and Driveway Crossings		
Car Parking		
Number of Parking Spaces (at least 1 space per dwg must be lockable garage) <ul style="list-style-type: none"> 1 space per 1 or 2 B dwelling (1 space) 2 spaces per 3+B dwelling (4 spaces) 1 visitor space per 4 dwgs (1 space) Total No of spaces req'd: 6 5 resident spaces 1 visitor space.	Villa 1: 1 car garage + car space Villa 2: 1 car garage + car space Villa 3: 1 car garage + car space. 1 visitor space proposed. Total proposed: 6 resident spaces 1 visitor space	Yes
Garage location: <ul style="list-style-type: none"> - 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 is proposed. Conveniently located for occupants. Located to separate dwellings where appropriate.	Yes
Manoeuvrability: Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).	Council's Development Engineer has advised that the car manoeuvrability complies with Australian Standard 2890.1:2004	Yes
Driveways Suitably paved, extent minimised, to avoid excessive amounts of hard paving.	Concrete driveway. Extent minimised.	Yes
Driveway Crossings Width: >10 spaces, max 6m	<10 spaces. 4.5m wide driveway	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Driveways <30% of frontage	crossing. Driveway is 22% of frontage.	Yes
3.9 Overshadowing and Access to Sunlight		
Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	All habitable room windows face outdoor space open to sky or courtyard. All windows are no closer than 1.5m to facing walls.	Yes
Sunlight to at least 50% of each courtyard within the development and the principal area of private open space of adjacent dwellings must not be reduced to less than 2 hours between 9am and 3pm on 21 June.	All units will achieve at least 3 hrs of sunlight to 50% of the courtyards. The private open space of the adjoining property at 54 Farnell Street will retain adequate solar access.	Yes
Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%	Not applicable. Existing dwelling is single storey.	n/a
Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Shadow diagram indicates shadowing extent within development and over adjoining properties.	Yes
3.10 Visual and Acoustic Privacy		
Min 9m separation between facing habitable room windows	No facing habitable windows.	Yes
No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary)	No direct views between living area windows or adjacent dwellings.	Yes
Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	No direct overlooking of adjoining private open space areas is possible. The side boundary landscaping comprises a mixture of shrubs with a mature height up to 3.0m. This, combined with the single level construction of the two rear units, should	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
	reasonably preclude any opportunity for overlooking of adjoining private open space areas.	
<ul style="list-style-type: none"> No balconies. Elevated landings (or similar associated with stairs into courtyard) max 1m wide 	None proposed. No elevated landings proposed.	Yes Yes
Living and sleeping areas protected from high levels of external noise?	No high levels of external noise exposure.	Yes
Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	None shown on plans.	n/a
3.11 Accessibility		
3.11.1 Pedestrian Access		
Pedestrian access provided, separate to vehicle access where possible.	Appropriate pedestrian access provided. A separate path is provided from Farnell Avenue to Unit 1.	Yes
PART 4.0 Building Form		
4.1 Appearance		
Complement streetscape	The proposed development, including the 12.0m average street setback, is considered to complement the existing streetscape of Farnell Street.	Yes
Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick	A variety of roof forms is proposed and there is articulation in the various elevations.	Yes
At least 1 dwg must face street	Dwelling 1 faces Farnell Street	Yes
4.2 Ceiling Height		
Floor to Ceiling min 2.7m	All dwellings have a floor to ceiling height of 2.7m.	Yes
4.3 Roofscape and Roof Materials		
Pitch 22-30° (35° where 2 nd floor is within roof)	Unit 1 has a roof pitch of 25°. Units 2 and 3 have a roof pitch of 27°.	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Min 300mm eaves overhang for roofs & verandas	A minimum 300mm eave overhang is proposed.	Yes
Gables to street frontage	Gable design element included in roof design facing street.	Yes
Variation to roof line	Variation to roof line.	Yes
Roof materials consistent with traditional ones in the street	<p>"Storm Grey" colour concrete roof tiles are consistent with traditional style of street.</p> <p>Refer to circulated Schedule of External Finishes for details of all external finishes.</p>	Yes
4.4 Building materials for Walls		
In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality	<p>The submitted face brickwork (colour Boral "Velour Brown")</p> <p>Refer to circulated Schedule of External Finishes for colour details.</p> <p>The proposed brick finish is considered to be reasonable.</p>	Yes
Proportion of windows and other openings consistent with character of locality. (windows generally 2:1 and 3:1 vertical proportion)	Window proportions consistent with character of locality.	Yes
4.5 Fences		
4.5.1 Front fence		
Max ht 1m, and 50% visually permeable	Front fence comprises 1.3m high posts with infill face bricks and horizontal metal slats.	No (See Note 4) (Condition 26 relates)
Materials compliment dwelling e.g. wooden pickets, masonry with infill panels, wrought iron or similar etc	(As above)	(As above)
4.5.3 Other boundary fences		

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Min ht 1.8m	1.8m	Yes
Lapped and capped timber	Existing metal and timber fences are to be retained.	Yes
4.6 Clotheslines and drying area		
External clotheslines (not visible from adjoining properties or public areas)	External clotheslines are within the private courtyards and are not visible from adjoining properties or public areas.	Yes
Each dwelling must have its own laundry	Separate laundry provided for each dwelling.	Yes
4.7 Lighting		
Front yard lighting and lighting for the front of dwellings is to be provided	Not indicated on plans	Condition 28
Location of external lighting must not have adverse affect on adjoining properties.	Not indicated on plans	Condition 28
4.8 Garbage bin enclosures		
- For developments of 6 or more dwellings or where sites are steeply sloping or have a narrow street frontage a central garbage bin enclosure shall be provided 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.	Each dwelling has an area suitable for storage of waste bins. The location of the bin storage areas within the private open space areas is considered acceptable, notwithstanding the need to take Dwelling 2's bins through the garage for collection.	Yes Yes
PART 5.0 – Engineering		
Drainage		
Refer to Part 8.2 Storm water Management DCP 2010	Refer to Development engineers comments.	Yes
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not	The only significant tree growing within the site is the Lemon-scented Gum (<i>Corymbia citriodora</i>) located near the front fence.	Yes

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	This tree is to be retained.	

Note 1: *Front setback distance*

The most significant DCP issue is the matter of the front setback distance. During the original advertising and notification of the application Council received four submissions (from three properties) and a petition objecting to the proposal, principally on the grounds of inadequate front setback distance. The original design had a front setback of 7.66m.

Subsequent discussion with the applicant resulted in the submission of amended drawings that provided for an average 12.0m front setback distance. The setback varies between a minimum of 10.6m for a 1st floor balcony to 12.8m.

The DCP requires the front setback to be the same as or average of the adjoining properties. The adjoining properties are set back 16m and 16.7m. Where Council is satisfied that the existing streetscape is likely to change, this standard may be varied to 7.5m.

The site is located within the West Ryde Special Development Area as identified in Part 3.3 of DCP 2010. This control requires that dwelling houses and dual occupancies are required to be set back 12 metres.

The existing streetscape of Farnell Street has a variety of front setback distances that are generally set into two groups. Firstly, the older style dwellings that were erected mostly in the middle of last century have front setback distances varying between 12 metres and 16 metres. Secondly, the more recent dwellings including multi-dwelling developments are set back from the street between 7.6m and 12.5m. The streetscape of Farnell Street is changing with new developments occurring mostly with a setback of 12 metres.

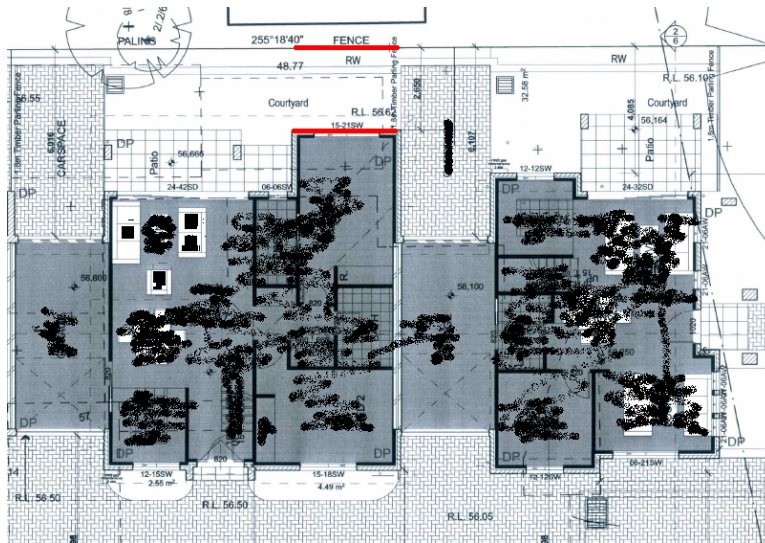
The 12m setback control as identified in Part 3.3 of DCP 2010 is considered appropriate for the multi dwelling development. As the development has proposed an average setback of 12m, this is considered acceptable. That part of the development which breaches the 12m setback is restricted to the entry portico and balcony on the first floor. This variation adds articulation and visual interest to the streetscape without resulting in any adverse impacts to the streetscape.

ITEM 2 (continued)

Note 2: *Side setbacks (northern boundary and rear boundary)*

The proposed setbacks adjoining the northern boundary vary between 2.65m and 4.7m.

The DCP sets a minimum side boundary setback of 3.0m. The proposal complies, except for a small portion of Villa 2. This area that has a setback of 2.65m is shown as between the two red lines in the following diagram:



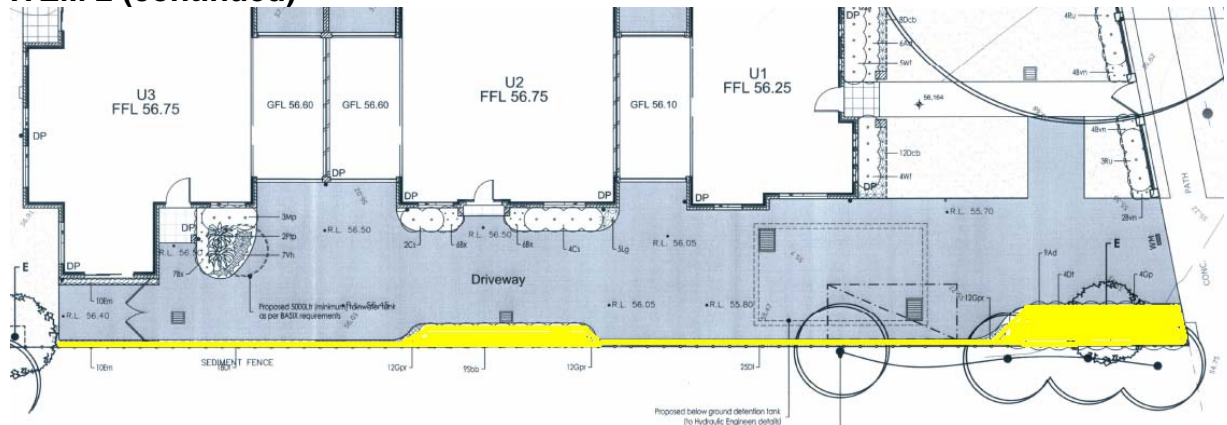
The length of the area that is less than 3.0m in width from the side boundary is approximately 3.0m. This part of the villa adjoins a garage on the adjoining property. To achieve compliance would require the bedroom to be reduced in depth. Maintaining reasonable levels of amenity in the villa is considered to outweigh the need to achieve a 3.0m side boundary setback. Accordingly, no objections are raised to the maintenance of the side boundary setback at 2.65m for the small identified distance.

The rear setback varies between 3m and 4.5m. 53% of the setback is less than the 4.5m. Council's control only permit a maximum of 50% of the setback to be less than 4.5m. Little would be achieved in requiring the development to comply as the change would not be readily noticeable from the adjoining properties.

Note 3: *Landscaping along edge of driveway*

Following is part of the Landscape Plan that details the extent of landscaping between the driveway and the side boundary. The DCP requires a 1.2m wide landscape strip adjacent to the driveway. This strip varies between 0.3m wide to 1.8m wide. The yellow tinting details the area to be landscaped.

ITEM 2 (continued)



Generally the smallest width of the landscaping strip is in proximity of the garages, and this arrangement permits the convenient turning circles for vehicles entering and departing the garages.

The objective of this control is to ensure that privacy is maintained between the development and the adjoining property. In this instance the only living areas within a villa that face the driveway is in Villa 2. Directly opposite the Villa 2 living areas are 9 Dwarf Lilly Pilly trees with a mature height of 4.0m. This should prevent any overlooking of this villa's living area from the adjoining property. The variation to this control is acceptable.

Note 4: *Front fence*

The proposed front fence comprises 1.3m high posts with infill face bricks for the first 600mm and horizontal metal slats in the upper section of the fence.

The proposed fence is to be constructed of material that compliments the materials used in the proposed dwellings. The only area of non-compliance is the distance between the slats. This distance should be increased to ensure that the upper part of the fence is 50% transparent. Condition 26 has been imposed to address this issue.

Section 94 Contributions

The proposed development will result in the increase from one to three in the number of dwellings on the site. Accordingly, contributions under Council's Section 94 Contributions Plan will be required as follows:

ITEM 2 (continued)

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

A	B (\$)
Community & Cultural Facilities	5,639.84
Open Space & Recreation Facilities	13,884.12
Civic & Urban Improvements	4,722.27
Roads & Traffic Management Facilities	644.16
Cycleway	402.35
Stormwater Management Facilities	1,278.91
Plan Administration	108.49
Total	\$ 26,680.14

This contribution has been calculated on the basis of the contribution rates current for December 2011.

Condition 20 relates to the payment of the above contributions.

10. Likely impacts of the Development
(a) Built Environment

The proposed development is not likely to have any unacceptable impacts on the existing built environment or the amenity of the surrounding area. The development, from a streetscape point of view, is generally consistent with the bulk and scale of other dwellings in the locality. It is acknowledged that the surrounding and nearby dwellings are principally free-standing dwellings, however, the proposed development is permissible within the statutory zoning of the site, and presents a bulk and scale impact on the Farnell Street streetscape similar to that of the existing two-storey dwelling houses.

Having considered all relevant factors, it is considered that the proposed development will align with the desired future character of the locality, and will compliment the existing built form and provide increased housing choice for the local community.

ITEM 2 (continued)**(b) Natural Environment**

The proposed development is not likely to have significant impacts on the natural environment.

11. Suitability of the site for the development

The site is not the subject of any natural constraint 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 environment.

12. The Public Interest

The development is considered to be in the public interest as it introduces housing choice in the local community and predominantly complies with Council's requirements.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: Council's Development Engineer has raised no objections to the development subject to conditions of consent.

Landscape Architect: Council's Landscape Architect has provided the following comments:

The site was accessed and inspected on the 16th November, 2011. In addition I have reviewed an arborist's report prepared by Scott Murray of Tremendous Trees, dated September, 2011.

ITEM 2 (continued)



*The only significant tree is a Lemon-scented Gum (**Corymbia citriodora**) located at 50 Farnell St, close to the common boundary with the development site. Generally the arborist's report is adequate in its outlining of tree protection measures, however, building plans indicate that a front fence is to be constructed along the front boundary, and this impact needs to be considered. The most effective method would be to use part of the driveway slab as a base for the fence, which would mean that the construction of the front wall would entail no excavation within the root zone. A condition has been attached requiring due consideration of the tree with regard to the construction of the front fence.*

Conclusion

No objections to the development subject to one condition in respect of the tree. (See condition number 25).

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

Not applicable

ITEM 2 (continued)**17. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal has some minor areas of non-compliance with the controls detailed in Part 3.5 of DCP 2010, namely:

- Height of front fence (1.3m as opposed to max height of 1.0m although a post and infill design). This matter has been addressed with a condition of consent.
- Setback from northern boundary and rear boundary.
- Width of landscaping strip between driveway and side boundary.

These issues have previously been detailed and they are not considered to be fatal to the application. It is noted that the proposed design responds, in a positive manner to the topography of the subject site.

The application was initially advertised and four submissions were received from three properties. One of the submissions contained a petition signed by 43 persons. The main issue raised in the submissions was the front setback. Amended plans were submitted which increased the front setback to an average of 12 metres. These plans were readvertised and 1 submission received.

The amended development is considered satisfactory and is recommended for approval.

ITEM 2 (continued)
GENERAL

ATTACHMENT 1

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Drawing Number	Date
DA 1C (Cover Sheet)	August 2011
DA 2C (Demolition Plan)	August 2011
DA 3C (Site / Ground floor)	August 2011
DA 4C (First floor)	August 2011
DA 5C (Roof)	August 2011
DA 6C (Elevations/Sections)	August 2011
(Schedule of External Finishes)	August 2011
Landscape plan 2011.0810DA1 (issue D)	24 February 2012

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 393709M_02, dated 18 March 2012.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Construction within the Site.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
6. **Public Domain.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
7. **Utility Providers.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
8. **Alignment Level Fees.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate.**

ITEM 2 (continued)

ATTACHMENT 1

9. **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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
10. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
11. **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.
12. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

13. **Notification of Demolition Commencing.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
14. **Demolition Works.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
15. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

ITEM 2 (continued)

ATTACHMENT 1

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council.
16. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
17. **Disposal of Asbestos.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
18. **Waste Management Plan.** Demolition material must be managed in accordance with the approved waste management plan.
19. **Removal of Demolition Wastes.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

20. **Section 94 Contributions.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any Construction Certificate.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$5,639.84
Open Space & Recreation Facilities	\$13,884.12
Civic & Urban Improvements	\$4,722.27
Roads & Traffic Management Facilities	\$644.16
Cycleways	\$402.35
Stormwater Management Facilities	\$1,278.91

ITEM 2 (continued)

ATTACHMENT 1

Plan Administration	\$108.49
The total contribution is	\$26,680.14

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

21. **Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
22. **Security Deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan (category: other buildings with delivery of bricks or concrete or machine excavation)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
24. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
25. **Protection of the Lemon Scented Gum.**
 - (a) The Lemon-scented Gum (*Corymbia citriodora*) located at No. 50 Farnell Street, but adjacent to the common boundary with the subject site, shall be retained and protected in accordance with measures outlined in the arborist's report prepared by Scott Murray of Tremendous Trees dated September 2011. Tree protection measures as specified in the report are to be installed prior to the issuing of the **Construction Certificate** and shall be maintained during the demolition and construction period.

ITEM 2 (continued)

ATTACHMENT 1

(b) The proposed front fence shall be constructed so as not cause any damage to the structural root zone of the Lemon-scented Gum, and should utilize part of the existing driveway slab as the base for the fence, or alternatively, a more light weight fence construction shall be utilized. Full fence details shall be included in the **Construction Certificate** application.

26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**. In this regard the distance between the slats on the upper part of the fence is to provide spacing to ensure that this part of the fence is 50% transparent. In addition, the fencing between 52 and 54 Farnell Street is to be colourbond fencing and the height of any return fencing is not to exceed 1 metre.
27. **Fencing.** Unless otherwise agreed in writing by the owners of the adjoining properties, the existing fencing along the boundaries of the site are to be retained in place during the construction period. If any damage occurs to these fences, it will be necessary to consult with the neighbours about replacement fencing. Any replacement fencing is to be at the applicant's expense and to the same standard as the existing fencing.

If the adjoining neighbours do agree to the removal of the boundary fence, details including signed copies of the letters from the adjoining neighbours and details of the proposed replacement fencing is to be submitted to Council with the Construction Certificate. This fencing is to be at the applicant's expense.

If the adjoining property owner at the rear of the site does not agree to the erection of a new fence, the retaining wall that is currently shown on the boundary is to be setback 600mm from the boundary. If required to undertake this amendment, details of the new location of the retaining wall is to be submitted on the Construction Certificate plans.

28. **Lighting of Common Areas.** Details of 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.
29. **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.
30. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

ITEM 2 (continued)

ATTACHMENT 1

31. **Driveway Width.** The width of the driveway across the footpath shall be 5.5m.
32. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.
33. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.
34. **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.
35. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures,
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

ITEM 2 (continued)

ATTACHMENT 1

36. Site Sign.

- (a) A sign must be erected in a prominent position on site:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

37. 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.

38. 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 2010: - Part 8.1; Construction Activities

39. 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.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

40. Critical stage inspections. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

41. Noise and Vibration. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

ITEM 2 (continued)

ATTACHMENT 1

42. **Noise.** 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.
43. **Sediment, dust and soil.** No sediment, dust, soil or similar material shall leave the site during construction work.
44. **Excavation Material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
45. **Materials to remain on the Site.** All materials associated with construction must be retained within the site.
46. **Site Facilities.** The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
47. **Site maintenance.** The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

48. **BASIX Commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 393709M_02, dated 18 March 2012.

ITEM 2 (continued)

ATTACHMENT 1

49. Completion of Landscaping Works. All landscaping works approved by condition 1 are to be completed.

50. Sydney Water. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

51. Letterboxes and Street House Numbering. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

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

- Confirming that 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 section 4.*
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- 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 2010: - Part 8.2; Stormwater Management
- Confirming 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.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council’s *Environmental Standards Development Criteria -1999 section 4*

53. Work-as-Executed Plan. A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor’s name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.

ITEM 2 (continued)

ATTACHMENT 1

54. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
55. **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.
56. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of drawing SW11334-S1 Issue C dated 21/2/12 prepared by ALW Design Civil Engineering Consultants.
57. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
58. **Footpath Paving Construction.** The applicant shall, at no cost to Council, remove and reconstruct all damaged and displaced path paving in front of the property in Farnell Street.

PRIOR TO ISSUE OF STRATA SUBDIVISION CERTIFICATE

59. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
60. **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
61. **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.
62. **Certification of Building Works.** If Council is not the PCA, certification shall be provided to the Council to demonstrate that all building works **as detailed** in Local Development Consent No 2011/462 have been completed in accordance with the consent.

POST OCCUPATION CERTIFICATE

ITEM 2 (continued)


ATTACHMENT 1

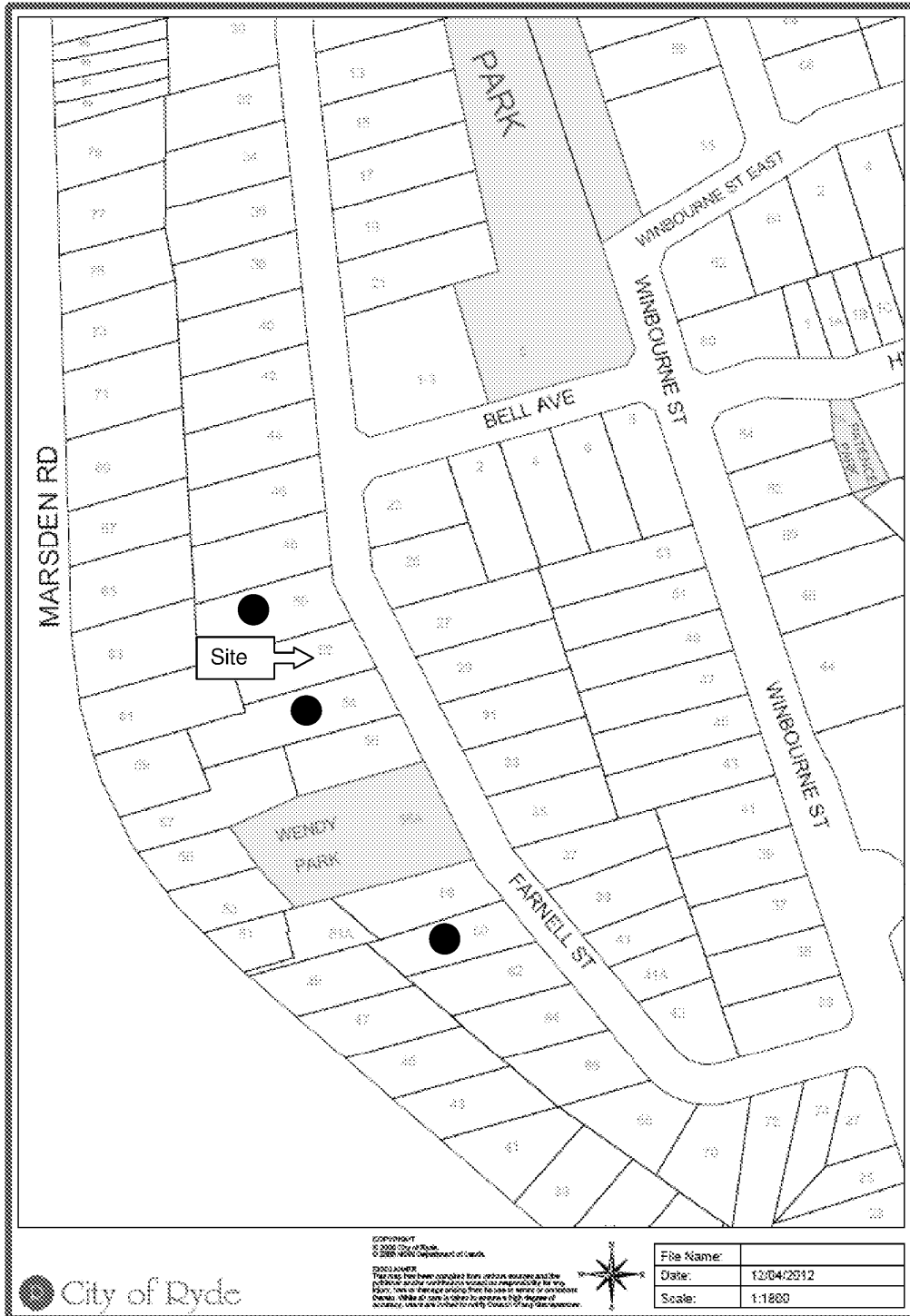
63. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp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

End of consent

ITEM 2 (continued)

ATTACHMENT 2

 Indicates submissions received
Petition also received



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DISCLAIMER
Planning has been compiled from various sources and the
planning and/or road information is not responsible for any
errors, omissions or inaccuracies. These plans are for reference only.
Users of these plans should be aware of the high degree of
accuracy, which are subject to the City of Ryde's planning
department.



File Name:	
Date:	13/04/2012
Scale:	1:1800

ITEM 2 (continued)

ATTACHMENT 3

11-021

South Scale 1:100

East Scale 1:100

West Scale 1:100

North Scale 1:100

ABSA
ASST # 20881 — Cert # 88190958
Sign Date 29/09/2011

DA6C

Proposed medium density development

11-021

designitect
Proprietary limited

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E: mail@designitect.com.au

ITEM 2 (continued)

ATTACHMENT 3

GENERAL NOTES

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.

2. ALL WORK TO BE ACCORDING TO THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL ELECTRICAL REGULATIONS 2017.

3. ALL MATERIALS TO BE APPROVED BY THE LOCAL AUTHORITY.

4. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

5. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED BUDGET.

6. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.

7. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED SAFETY STANDARDS.

8. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.

9. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED SOCIAL STANDARDS.

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97. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED SOCIAL STANDARDS.

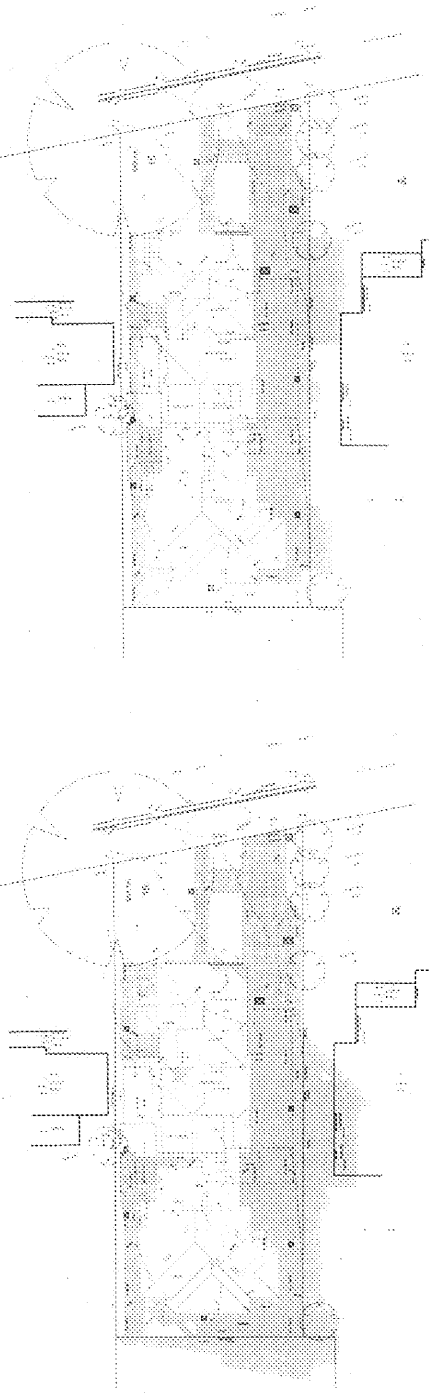
98. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED CULTURAL STANDARDS.

99. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED ECONOMIC STANDARDS.

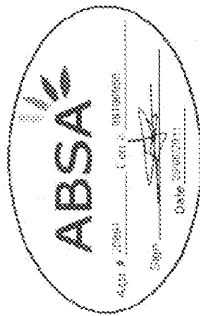
100. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.

11-021

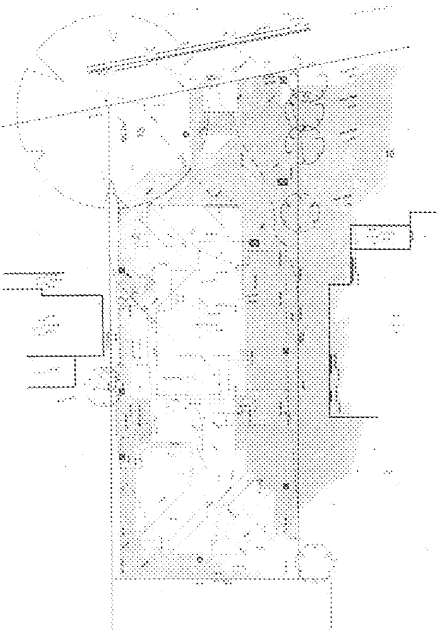





Shadow 21 June 8am
Scale 1:200



ABS
4021 7 2024
L 017 38139000
3807 Date 20/06/2011



Shadow 21 June 3pm
Scale 1:200

<p>Hollidays Cart: 52 Farmlet Street West Ryde NSW 2114</p> <p>Shadow 21 June 8am, 8am & 3pm Proposed medium density development</p>	<p>DA 8 C</p> <p>4021 7 2024 L 017 38139000 3807 Date 20/06/2011</p>	<p>4021 7 2024 L 017 38139000 3807 Date 20/06/2011</p> <p>4021 7 2024 L 017 38139000 3807 Date 20/06/2011</p>
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ITEM 2 (continued)

ATTACHMENT 4

PROPOSED EXTERNAL COLOURS & FINISHES

Proposed medium density development AT
52 Farrnell Street, West Ryde For Holscott Corp

AMENDED PLANS
27 FEB 2012



ROOF TILES
Boral Strata
"Storm Grey"



ISSUE: C
DATE: Aug 2011



ABN 99 065 386 709
Suite 1A
1 Hunter Street
PARRAMATTA NSW 2150
AUSTRALIA
P: + 61 - 2 - 9633 - 5699
F: + 61 - 2 - 9475 - 5266
M: + 61 - 413 - 775 - 555
E: mail@designeffect.com.au

Metal fascia and gutters, window infill:
Colorbond "Shale Grey"



DULUX "OFF WHITE"
TO WALLS



Walls Rendered and painted:
Dulux "Savannah"



Walls Face Brick
Boral Velour
"Brown"



DRIVEWAY AND
PATHWAYS
"Stamped Concrete"
Light Grey HD-RC



- 3 7 DAYMAN PLACE, MARSFIELD. LOT 3 DP623320. Local Development Application for demolition of existing dwelling and erection of a new 3 storey boarding house containing 77 boarding rooms, 1 manager's residence and communal facilities. LDA2011/375.**

INTERVIEW: 4.50pm

Report prepared by: Team Leader - Assessment

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 13/04/2012

Previous Items: 2 - 7 DAYMAN PLACE,
MARSFIELD. LOT 3 DP623320.
Local Development Application
for demolition of existing dwelling
and erection of a new 3 storey
boarding house containing 77
boarding rooms, 1 manager's
residence and communal
facilities. LDA2011/375. -
Planning and Environment
Committee - 21 February 2012

File Number: grp/12/5/5/3 - BP12/411

1. Report Summary

Applicant: Weir Phillips Architects Pty Ltd

Owner: Ms A M Tilley

Date lodged: 15 July 2011

This report has been prepared to enable Council's further consideration of a development application (DA) for a 3 storey boarding house/student accommodation development at the subject property.

At the Planning & Environment Committee meeting of 21 February 2012, it was resolved to defer consideration of this DA to enable the applicant to submit amended plans addressing various issues of concern with the development, namely:

1. insufficient/unsatisfactory details regarding stormwater drainage;
2. insufficient/unsatisfactory details regarding vehicular access;
3. front, side and rear setbacks of the building;
4. privacy/overlooking issues particularly from the "roof garden"/terrace on the 3rd floor of the building;
5. garbage bin storage arrangements;
6. the height of the building could also become an issue of concern if any design amendments addressing the concerns about stormwater drainage (such as raising floor levels) results in increase to the building height.

ITEM 3 (continued)

7. the position of the Australia Post box, which would need to be relocated in accordance with the requirements of Australia Post as part of any design amendments.
8. a revised Plan of Management needs to be provided that has regard for the specific location of the proposal within a residential zone; not on Macquarie University land.

Amended plans were received from the applicant on 1 March 2012, which substantially address the above issues to the point where the development can be recommended for approval subject to conditions. The proposal is now satisfactory when assessed against the various planning instruments applicable to the site and to the development (namely State Environmental Planning Policy (Affordable Rental Housing) 2009 (“AHSEPP”), Ryde LEP 2010, and Ryde DCP 2010), although there remain some non-compliances with the numerical requirements of Council’s DCP in terms of front, and side/rear setbacks.

The amended plans were notified to adjoining owners between 8 March and 27 March 2012, and a further **9 submissions** were received. The issues of concern, although valid and reasonable, do not warrant refusal of the application or further amendment, and can be addressed via conditions of consent.

It is recommended that the DA be approved subject to conditions – such consent would need to be a “deferred commencement” consent requiring the applicant to submit information and/or documentation regarding the following matters before the full consent becomes operational (in summary):

1. Stormwater drainage:
 - (a) Documentary evidence of legal rights to utilise the drainage easement on the adjoining property to the north.
 - (b) Assessment of the capacity of the existing inter-allotment drainage system to accommodate the proposed development – and upgrading if required.
2. Vehicle access – the entry to the basement carpark shall be widened to address the following:
 - (a) The entry to the basement carpark shall be widened to allow vehicles to pass without conflict.
 - (b) Re-location of the loading bay (from adjacent to the driveway, within the front setback area) to be in the basement car parking area (near the basement lift lobby). The loading area in the basement shall include turning area and headroom clearance to be designed for a small rigid vehicle, to ensure it can enter and leave in a forward direction.
3. Plan of Management – a site specific Plan of Management document is to be prepared (ie not a “generic” House Rules document issued for student

ITEM 3 (continued)

housing within Macquarie University), as per Council's previous resolution. The Plan of Management should also be amended to include various detail in particular requirements that residents of the approved development shall be currently enrolled at Macquarie University; prohibition on illegal dumping (furniture etc) in the street; and details of the duties of the on-site manager.

Reason for Referral to Planning and Environment Committee: Nature of the proposed development and large number of submissions received; and requested by Councillor Butterworth and Councillor Pickering.

Public Submissions: A total of **152 submissions** was received objecting to the development, including:

- (a) **143 submissions** following the original notification (2 – 18 August 2011); and
- (b) A further **9 submissions** following notification of the amended proposal (9 March – 27 March 2012).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works: \$3.5 million

RECOMMENDATION:

- (a) That Local Development Application No. 2011/375 at 7 Dayman Place Marsfield being LOT 3 DP623320 be approved via a "Deferred Commencement" consent subject to the conditions provided in **ATTACHMENT 1**.
- (b) That the objectors be notified of Council's decision in this matter.

ATTACHMENTS

- 1 Draft conditions.
- 2 Map.
- 3 Amended plans & documents notified to neighbours.
- 4 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER.

Report Prepared By:

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)

Address : 7 Dayman Place, Marsfield

Site Area : 1723m²
Frontage: 65.265m to Dayman Place.
Allotment Depth: 0m/45m

Topography and Vegetation : The site generally slopes down away from Dayman Place to the eastern corner with a variable slope (average slope 1 in 11). There are a number of non-significant trees and other shrubs proposed to be removed and to be embellished by landscaping as part of any approval

Existing Buildings : Single storey dwelling to be demolished as part of this application

Planning Controls

Zoning : R4 – High Density Residential

Other : State Environmental Planning Policy (Affordable Rental Housing) 2009 (referred to as “AHSEPP” throughout this report)
Ryde LEP 2010 (R4 High Density Residential)
Ryde DCP 2010



ITEM 3 (continued)



3. Background

The previous report to Planning & Environment Committee 21 February 2012 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

At that meeting, the Committee resolved the following in relation to this development application:

(a) *That Council defer consideration of Local Development Application No. 2011/375 at 7 Dayman Place Marsfield being LOT 3 DP623320 to enable the applicant to submit amended plans and details addressing the issues of concern regarding the current design of the development. The specific issues of concern are:*

1. *insufficient/unsatisfactory details regarding stormwater drainage;*
2. *insufficient/unsatisfactory details regarding vehicular access;*
3. *front, side and rear setbacks of the building;*
4. *privacy/overlooking issues particularly from the “roof garden”/terrace on the 3rd floor of the building;*
5. *garbage bin storage arrangements;*

ITEM 3 (continued)

6. *the height of the building could also become an issue of concern if any design amendments addressing the concerns about stormwater drainage (such as raising floor levels) results in increase to the building height.*
 7. *the position of the Australia Post box, which would need to be relocated in accordance with the requirements of Australia Post as part of any design amendments.*
 8. *a revised Plan of Management needs to be provided that has regard for the specific location of the proposal within a residential zone; not on Macquarie University land.*
- (b) *That the amended plans and additional information referenced in (a) above shall be re-notified to the neighbouring properties and previous submitters to the original DA.*
- (c) *That a further report be prepared for the Planning & Environment Committee within two (2) months of the receipt of the information required in recommendation (a).*

4. Proposal

The amended plans received 1 March 2012 include the following changes:

1. No change in total number of boarding units from the original proposal (ie still 77 boarding rooms and one manager's room). However the configuration of rooms has changed (ie a reduction in number of double rooms) in accordance with the following table:

	Original Proposal	Amended proposal
Single Rooms	30 rooms	38 rooms
Self contained (single room)	27 rooms	27 rooms
Double Rooms	20 rooms	12 rooms
Total No of Rooms	77 rooms	77 rooms
Total Occupancy (No of persons)	97 persons @ 20 x double and 57 single	89 persons @ 12 x double and 65 single

2. Increase in boundary setbacks to northern boundary to minimum 4.5m – and revised internal layout to suit.
3. Deletion of north-facing windows on western wing of the building, and provision of vertical louver privacy screens to eastern wing.
4. Deletion of the “roof garden”/terrace (previously at 3rd floor/attic level) – and revised internal layout to suit.
5. The entrance to basement car parking for improved vehicle access.
6. Enlargement of garbage bin storage area (in basement level).

ITEM 3 (continued)

The applicant's amended plans include revised documents regarding "Rules of the Facility" and "Noise Policy".

5. Submissions

The amended proposal (including the "Rules of the Facility" and "Noise Policy" documents) was notified to adjoining owners and previous objectors, in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. Notification of the proposal was from 8 March to 27 March 2012.

In response to this process, a further **9 submissions** were received. The issues of concern raised in these further submissions are summarised and discussed as follows:

1. **Plan of Management.** *Concerns are raised that the Plan of Management is deficient in detail, and too "generic" (ie more applicable to student housing within the University grounds, not a residential zone). In particular, additional detail is required in various matters, for example:*
 - *There is no "coupling" of the proposed development to the University, nor is there any requirement for occupants to be currently studying;*
 - *There are no contact details (on a 24hour/7day basis) for who the neighbours may contact if/when required (eg noise disturbances etc);*
 - *No details about preventing illegal dumping (furniture etc) in the street when residents leave (or any time);*
 - *No details regarding responsibilities of the on-site Manager*
 - *No details of separate documents referenced in the Plan of Management (including a "Party Policy").*
 - *The Plan of Management is specific to university/student housing and a new Plan of Management should be prepared if the development is to be used as a general "boarding house".*

An amended Plan of Management should be required as a condition of consent (deferred commencement so that Council signs off on the Plan of Management, rather than a private certifier) – and a condition has been suggested.

Comment: The submitted Plan of Management is a broad document capable of helping to control many of the potential daily issues of concern for neighbours (eg noise and other amenity impacts). However, it is agreed that the Plan of Management has been prepared based on "Rules" for housing within the grounds of the University and hence should be adapted for this site which is within a residential area.

ITEM 3 (continued)

It is recommended that the following conditions be imposed in regard to the Plan of Management, as well as other conditions to protect the amenity of the neighbourhood which can be enforced via Council's consent:

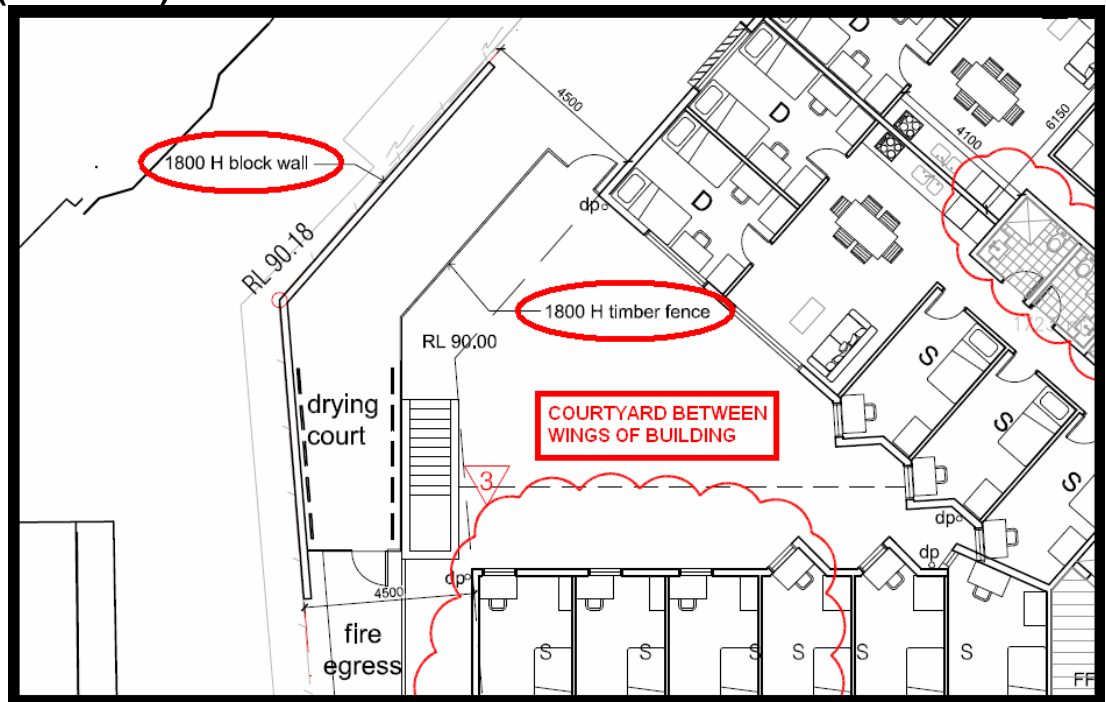
- Amended Plan of Management (see Part 1 condition 3);
- On-going compliance with Plan of Management (see Part 2 condition 79);
- Noise (see Part 2 condition 83);
- Use of external courtyard (see Part 2 condition 81-82);
- No drying of clothes externally (see Part 2 condition 86);
- Deletion of roof terrace (see Part 2 condition 80).

It is considered that subject to these amendments, most of the potential amenity impacts can be addressed satisfactorily.

- 2. External courtyard.** *Concerns are raised regarding the use of the external "courtyard" between the 2 wings of the building – specifically regarding the noise from persons using this courtyard. In particular, it is completely inappropriate to allow this space to be used until 11pm on weekend nights (as permitted by the "Noise Policy"), and the use of this space should be prohibited after 9pm on any day, and prevent the playing of music in this area at any time.*

Comment: A 1.8m high fence is to be provided to the perimeter of the courtyard, and there is also another 1.8m high block-wall fence to be constructed on the boundary – to screen the outdoor drying area from the neighbouring residential flats to the north. The following drawing shows the position of the courtyard relative to the property boundaries, as well as the proposed fencing to both the boundary and also the fencing to enclose the courtyard.

ITEM 3 (continued)



In addition, given the nature of the proposed development and its proximity to surrounding developments (and in particular to preserve amenity both within this site and for neighbours), it is reasonable to impose conditions (see conditions 81-82) limiting the hours of use of this courtyard to between 9am and 9pm on any day, and preventing the playing of music in this area.

It is considered that the provision of such fencing and the limitation on hours of usage of the courtyard would ensure that amenity for both the development's occupants and the neighbours are preserved to a satisfactory level.

- 3. Boundary fencing.** Concern is raised regarding visual impacts of fencing on the adjoining property to the north (No 1 Dayman Place) – given the elevated nature of the site, and such fencing would need to be erected at a higher level.

Comment: The DA plans show that there is to be a 1.8m high masonry wall on the property boundary – to be built on top of finished ground level on the subject site's side of the fence. The submission requests that such fencing be located behind a minimum of 1m of landscaping, to reduce its visual bulk when viewed from the neighbour's property – because parts of the adjoining property are cut below natural ground level (see photo below), and a fence on top of the required retaining wall at the boundary would have an excessive finished height. The request for fencing to be set back by 1m from the boundary is considered to be reasonable and has been included as a condition (Part 2 condition 1(a)).

ITEM 3 (continued)



- 4. Roof terrace.** Confirmation is sought that the amended plans has deleted the roof terrace (the elevations still show people on the roof).

Comment: The amended floor plans do show that the roof terrace has been deleted, and that the roof will be a “non-accessible area”, however Council does not send floor plans out with neighbour notification (for privacy reasons), hence the confusion for neighbours. The deletion of the roof terrace has also been confirmed by the applicant in their covering letter which accompanied the amended plans. See also condition 80.

- 5. Car Parking.** Previous concerns are repeated that the development provides inadequate parking, which will cause on-street parking problems and an area already experiencing high parking demand.

Comment: As noted in previous report, in terms of compliance with Council’s DCP (Part 9.3 DCP 2010 – Car Parking) and compliance with the AHSEPP, the development fully complies with the on-site car parking requirements of both of these planning controls and accordingly parking is not a ground on which Council could refuse consent.

ITEM 3 (continued)

This development is located within an “accessible area” (as defined within the AHSEPP) because of its proximity to public transport services which operate at the required frequency both on weekdays and weekends, and so the residents of the boarding house would have good public transport options available.

It appears one of the assumptions for the parking requirements of the AHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low.

- 6. *Traffic.*** *Concerns are raised that the amended plans have not reduced the number of units, and therefore the issues of concern previously raised regarding traffic (refer to previous report to Planning & Environment Committee) remain with the amended plans.*

Comment: As noted in the previous report to the Planning & Environment Committee, this site is currently under-developed compared to what is allowed under the zoning of the property – it contains a single dwelling whereas the R4 High Density zoning of the property allows medium-high density developments including residential flats. Therefore, any re-development of the property for a permissible development would result in a significant increase in traffic compared to the existing situation.

Also, in the previous report to the Planning & Environment Committee, it was noted that the traffic generation from this development would be no worse than if the site was re-developed for a permissible residential flat development.

Concerns regarding existing traffic conditions (eg concerns about safety of nearby intersections etc) are noted, however these are broader local traffic management and safety issues that are beyond the scope of consideration for an individual DA. Generally, any re-development of this property would generate a significant increase compared to the existing situation (single dwelling).

Overall, the traffic impacts of the development are considered acceptable.

- 7. *Height.*** *Concern is raised that the development still contains 2 storeys with mansard attic and is still too high.*

Comment: The height of the development remains the same as the original proposal. In terms of compliance with Council’s DCP and the AHSEPP, the development does not comply with the DCP (which prescribes a maximum 2 storeys for this site), but it does comply with the AHSEPP (maximum 9.5m), which over-rides Council’s DCP – except for a very small portion of the

ITEM 3 (continued)

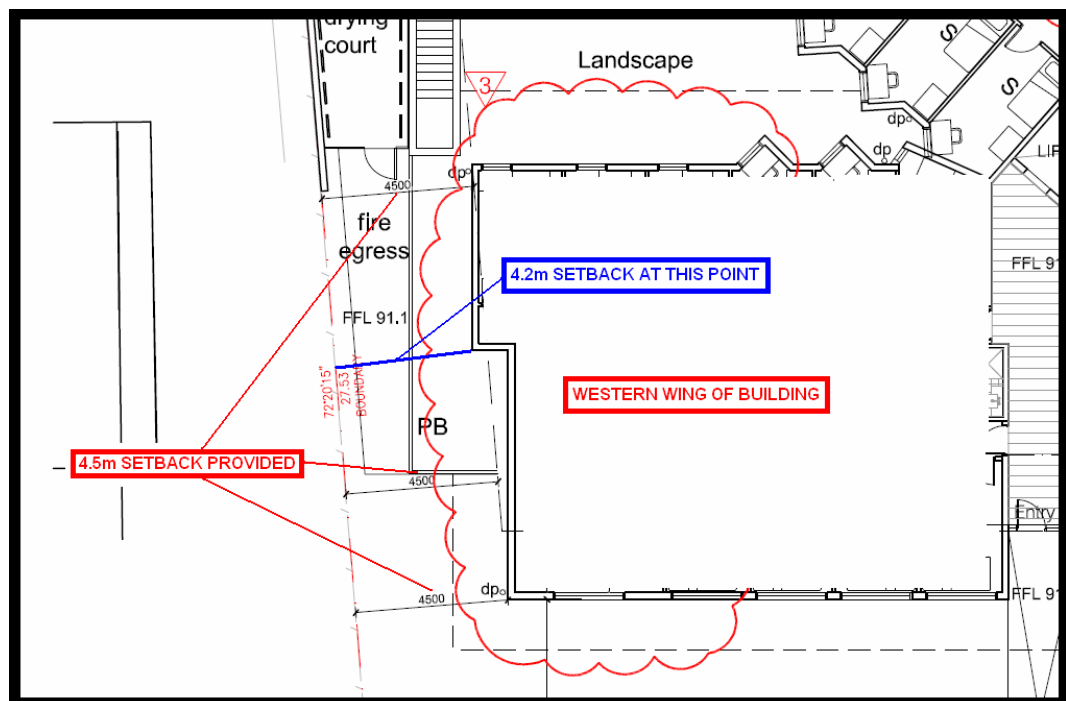
building being the lift over-run. In the original assessment report, it was noted that the development is acceptable in terms of height, however amendments to the drainage design may require floor levels to be increased. That is, any increase to the floor levels may increase the overall height of the building which could be unacceptable.

However, the amendments to the drainage design have occurred without any change to the floor levels (and therefore the building height remains the same as originally proposed and complies with the AHSEPP).

- 8. Building setbacks.** Concerns are raised that the amended plans have not changed the building's front setback, or the rear setback (to the retirement village), and although the setback has been increased to the residential flats to the north (to 4.5m) it is still too close.

Comment: The front and side/rear setbacks of the development, and the issues relating to such setbacks, are discussed in detail in the "DCP Compliance" section later in this report.

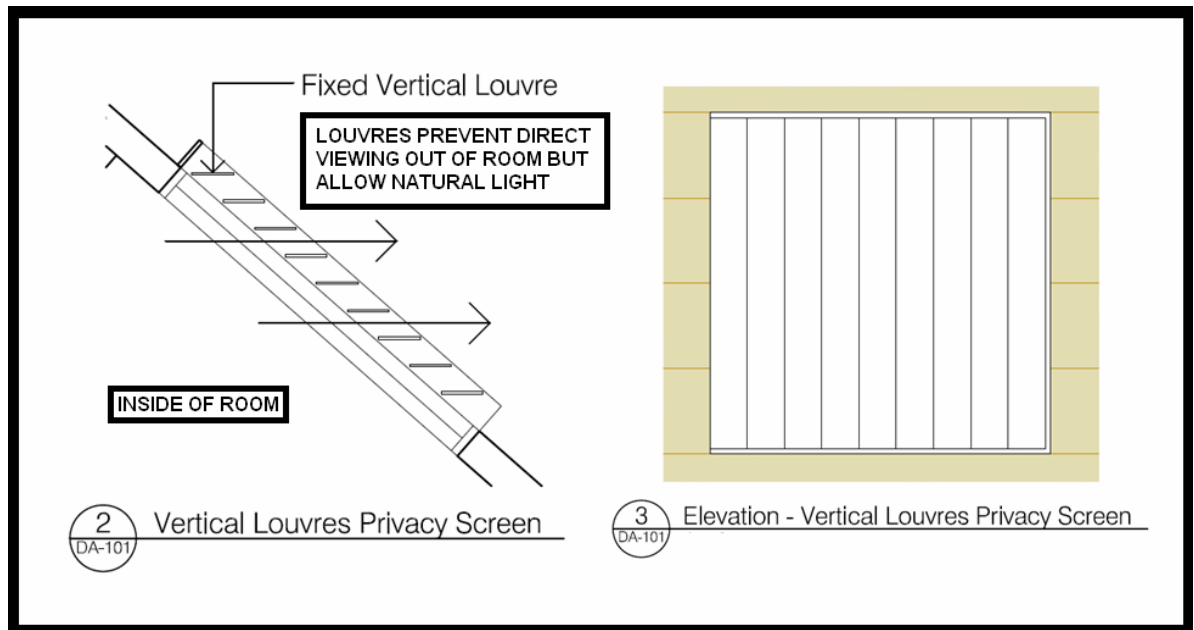
The following diagram shows the increased setback to the northern boundary of the western wing of the building (ie generally 4.5m but 4.2m at closest point).



In summary, although the setbacks do not technically comply with the requirements of Council's DCP, they are considered acceptable in the context of this site, having regard to the location of adjoining buildings, and

ITEM 3 (continued)

because vertical louvre privacy screens are provided to most of the student boarding rooms to prevent direct viewing into neighbouring properties. The following drawing shows an example of the vertical louvre privacy screens proposed to be installed.



9. Drainage. Concerns are raised that the site is very steep and drainage may impact on neighbouring properties.

Comment: The amended plans submitted with this DA have included a drainage concept plan that has been assessed as satisfactory by Council’s Development Engineer. As indicated in the “Referrals” section of this report, although the amended plans have not fully addressed the issues of concern previously raised regarding drainage matters, the submitted plans are generally satisfactory and these issues can now be resolved via conditions of consent (see conditions Deferred Commencement Condition 1 and condition 78).

10. Development density/overpopulation. Concerns are raised that there are already many apartment complexes in the area and this development will increase saturation. Concerns are also raised that the DA documentation does not specify the maximum number of boarders and so the 78 rooms could potentially house up to 156 people. Concerns are also raised about the “House Rules” policy which allows “overnight guests” – which could increase the resident population.

Comment: The property is zoned R4 High Density Residential, which allows higher-density residential developments including residential flat buildings.

ITEM 3 (continued)

In regard to the number of people to be accommodated on the site, based on the number of single occupant (38 rooms), self contained (27 rooms) and double occupant rooms (12 rooms) in accordance with the amended plans, the development could potentially accommodate up to 89 people. This is a reduction in the total number that could have been accommodated in the original proposal, as a result of a reduction in the number of double rooms (refer to "Proposal" earlier in this report). If Council decides to approve the DA, conditions of consent (see condition 96) can be imposed to ensure that this maximum number is not exceeded. Council could then take enforcement action regarding any breaches of the maximum number, should this situation arise in the future.

In terms of "overnight guests", the House Rules policy states that overnight guests are not encouraged, and "extended visits" (presumably more than 1 night) are also not permitted. The designated tenant of the room would be subject to an administration fee for each night the unauthorised person has stayed and would be in breach of their residential agreement. Such "overnight guests" are therefore not considered to be the norm in terms of the population of the building.

11. Noise. *Concerns are raised that the development will cause increased noise for neighbouring residents, in particular the Leisure Lea Gardens Retirement Village adjoining.*

Comment: This issue of concern was addressed in the previous assessment report regarding the original proposal. The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*. The application proposes the provision of an on-site manager, whose responsibilities would ensure that any noise disturbances are managed and resolved at the time on a day-to-day basis. Also, as noted previously, an amended Plan of Management and other conditions will be required to ensure that noise impacts on neighbouring properties are minimised.

12. Character of the area. *Submissions on behalf of the two developments adjoining this site have maintained their objection that the proposed development is out-of-character with the existing/adjoining developments.*

Comment: Clause 30A of the AHSEPP requires the consent authority (Council) to consider whether the design of the development is compatible with the character of the local area. The previous report to the Planning & Environment Committee on this development proposal included a detailed consideration of the development in terms of Character of the Area, and although the amended plans make some minor design changes to the development scheme, those previous comments still apply to the development.

ITEM 3 (continued)

Overall, the development is generally considered to be consistent with the character of the area, both in terms of the predominant style of residential development on the northern side of Epping Road, and in terms of the developments immediately adjoining the subject site.

13. Overshadowing. *Concerns are raised that the development will still excessively overshadow the buildings in the adjoining Leisure Lea Gardens Retirement Village.*

Comment: The previous report to the Planning & Environment Committee also made a detailed assessment of the development in terms of overshadowing of neighbouring properties, and overshadowing impacts in the amended plans will be generally the same as in the original plans. In terms of overshadowing, the previous report concluded that the impacts are considered acceptable having regard to the type of development proposed and given that the zoning allows higher-density residential developments (eg residential flats).

14. Landscaping/tree removal. *Concerns are raised that neighbouring properties will lose the aesthetic outlook and shading that they presently enjoy (with the removal of existing site vegetation).*

Comment: These concerns regarding removal of existing site vegetation were also considered as part of the original assessment, where it was stated that they are not considered to be valid. It is reasonable to expect that this site will at some stage undergo re-development into a higher density than currently exists (single dwelling), which will involve landscaping removal. This development does involve replacement landscaping, which (over time) would restore the outlook presently enjoyed by neighbouring properties.

15. Damage to fencing/retaining walls on the common boundary. *Concerns are raised from residents of the adjoining Leisure Lea Gardens Retirement Village regarding possible damage to retaining walls and fencing, and an assurance is sought that any damage will be made good.*

Comment: The part of the adjoining site (immediately behind the common boundary fence) contains a driveway that is cut in below previously existing ground level (see photo below), and concerns are raised that with the proposed cut for the driveway of the subject development, damage to the retaining structures on the boundary could result.

ITEM 3 (continued)



Possible damage to such retaining structures can be avoided with standard competent construction practices. A condition (50) has been imposed to ensure that the existing retaining walls are protected during the construction of the proposed development.

16. Australia Post Box. *The Australia Post box in Dayman Place is frequently used by residents of the Leisure Lea Gardens Retirement Village, and the driveway may hinder access to the post box or require it to be removed.*

Comment: This issue was addressed in the previous report to Council, where it was noted that the post box would need to be relocated some 20-30m to the north. Although it was stated that consultation should occur (between the applicant and Australia Post) regarding this relocation prior to the lodgement of amended plans, there have been no details of such consultation with the current amended plans.

Council's Team Leader – Assessment has contacted Australia Post to determine the process for re-locating the post-box, and it was advised that it is a relatively simple process of the applicant contacting the Area Manager of Australia Post and making mutually acceptable arrangements to physically move the post-box (at the applicant's expense). This matter could

ITEM 3 (continued)

be resolved via a condition of consent (see condition 52), and the applicant has indicated that they would be agreeable to such a condition.



17. Possible site contamination. Concern has been raised that the property previously contained a “vehicle service pit” used for the servicing of heavy vehicles, and thus there is a possible soil contamination issue.

Comment: This site is a residentially-zoned property, and this development involves construction of another form of residential development (student housing), and therefore there would normally be little reason to suspect that the site is contaminated. However, given these concerns from the submissions received (and also given the presence of stockpiled fill material as shown in the photo above), it is recommended that condition 66 be imposed, which requires Council to be notified as soon as practicable if any information is discovered during site construction works that has the potential to alter previous conclusions about site contamination.

18. Crime. The area has experienced break and enter/theft, and this development could worsen this situation because of the type of residents it will attract. Boarding houses typically cater for people with substance abuse, mental health issues etc.

ITEM 3 (continued)

Comment: These concerns were also addressed in the previous report to Planning & Environment Committee. As noted in that report, these concerns appear to relate more to a “traditional”/historical type of boarding house. As noted elsewhere in this report, the applicant’s DA documentation indicates that this development is to be for student housing administered by Macquarie University.

19. Drugs. *Concerns are raised that the development’s occupants may possess, cultivate, use or sell illegal drugs, and it is unacceptable that such a development should be located next to a retirement village.*

Comment: Although these concerns are understandable, they are a broader social issue beyond the scope of the development assessment process and it would not be a reasonable ground for refusal that the occupants may possess/use drugs. The possession, cultivation etc of many types of drug is a criminal offence in NSW, and this is the most appropriate means of addressing this issue.

20. Harassment of residents of the adjoining retirement village. *Concerns are raised that the development’s occupants will be obscene, harassing or discriminating towards the residents of the adjoining retirement village, and it is requested that a clause be inserted into the House Rules that such behaviour will cause immediate termination of any resident acting in this manner.*

Comment: These concerns appear to be based on fear and perception rather than fact, and would not be reasonable grounds for refusal or specific conditions on the consent.

21. Weapons and firearms. *Concerns are raised that occupants caught in possession of any weapon/firearm should be immediately terminated from the facility, and it is unreasonable for residents of the retirement village to have to live next door to such people.*

Comment: These concerns also appear to be based on fear and perception rather than fact, and would not be reasonable grounds for refusal or specific conditions on the consent. It is also noted that there are very strict laws regarding possession and/or storage of firearms and ammunition. There is nothing to suggest that the occupants of this development would own/possess firearms any more than the wider population.

22. Smoking. *Concerns are raised that the external courtyard will be used for smoking, as smoking is prohibited within the building, but permitted outside the building – and this will adversely affect the neighbouring residential flats (to the north).*

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Comment: Whilst this concern is understandable, it is an issue essentially beyond the scope of the DA assessment process. It is noted that there is a distance of approximately 8 metres between the courtyard and the neighbouring residential flat building for the smoke to sufficiently disperse, and there are restrictions on the hours of use of the courtyard.

23. Exhaust fans – kitchen and bathrooms. *Concerns are raised that the exhaust fans from the kitchens and bathrooms should not discharge towards neighbouring properties.*

Comment: The DA plans do not provide detail regarding exhaust from the kitchens and bathrooms (such detail is provided at the construction certificate stage), however the applicant has confirmed that the exhaust will be collected via ducting through the ceiling and discharged via vents on the roof of the building, which is a typical arrangement for residential flat buildings.

24. Basement carpark ventilation. *It is questioned whether the basement carpark will be naturally or mechanically ventilated – and what noise mitigation will be applied with any mechanical ventilation.*

Comment: The basement car park will require some mechanical ventilation to comply with the Building Code of Australia (clause F4.11). Mechanical ventilation is also common in many residential flat buildings, and can operate with minimal noise disturbance to neighbouring properties.

25. Lift motor room. *It is questioned whether the basement contains lift motor room and will this be close to neighbouring properties.*

Comment: The basement floor plan shows that the lift motor room will be immediately adjacent to the lift entrance, which is in a central position within the basement (ie not adjacent to any site boundary).

26. Construction issues. *Concerns are raised that the amended DA details do not include any information regarding construction hours, sediment control, construction parking, materials storage, etc*

Comment: These are addressed via proposed conditions 57-65.

27. Sewer. *Concern is raised regarding the location of the sewer and whether it will overflow onto neighbouring properties.*

Comment: Waste disposal from the development's sewerage system is to be resolved to Sydney Water's requirements. Conditions 35 and 70 requires the submission of certification from Sydney Water (called a Section 73 Certificate) that the development has complied with the requirements of

ITEM 3 (continued)

Sydney Water regarding any upgrading of water and sewer infrastructure associated with new development.

6. Policy Implications
Relevant Provisions of Environmental Planning Instruments etc:
(a) Ryde Local Environmental Plan 2010

Under Ryde LEP 2010, the property is zoned R4 High Density Residential. "Boarding houses" are permissible with consent within this zoning.

(b) Relevant SEPPs
State Environmental Planning Policy (Affordable Rental Housing) 2009

The assessment report to the Planning & Environment Committee meeting of 21 February 2012 contained an assessment of the original proposal in terms of the AHSEPP. The following is an updated assessment of the amended proposal against the provisions of the AHSEPP:

Provision	Proposed	Compliance
Accessible area means land that is within:		
(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	None within the specified distance	N/A
(b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or	None within the specified distance	N/A
(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <u>Passenger Transport Act 1990</u>) that has at least one bus per	The site is approx 100m of bus stops for buses operating in both directions along Vimiera Road and Epping Road for routes 140, 258, 290, 292, 293, and 295 services. These	Yes

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Provision	Proposed	Compliance
hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.	services operate at the required frequency both during weekdays and on weekends.	

Section 30 and 30A sets out standards and criteria for boarding houses and Council must not consent to a boarding house unless it is satisfied with each of the following:

30 Standards for boarding houses		
Standard	Proposed	Compliance
A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:		
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	This boarding house contains 77 boarding rooms and 1 manager's residence. The development includes a total of 12 designated communal living rooms (including kitchen, dining and lounge areas) – comprising 5 at ground level, 5 at first floor level, 2 at the "attic" level.	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	The largest of the self-contained rooms have gross floor area of 16-20m ² – excluding the ensuite bathrooms	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers.	Under the SEPP, rooms for more than 1 lodger need to be 16m ² or over.	Yes

ITEM 3 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
	<p>There are a total of 20 rooms identified as “double rooms”.</p> <p>Can be addressed via condition.</p>	
<p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>The proposed development contains a range of boarding rooms – including self-contained rooms with ensuites and both double and single rooms (without ensuites).</p> <p>The identified communal rooms (12 in total) all have kitchen facilities.</p> <p>There are a total of 19 communal bathroom facilities (containing shower, toilet and hand-basin) on the ground and 1st floor of the building.</p> <p>The kitchen and common bathroom facilities are spread throughout the floor layout such that they are in close proximity to the boarding rooms.</p> <p>Council’s Environmental Health Officer and Building Surveyor have raised no objection to the proposed bathroom and kitchen facilities.</p>	<p>Yes</p>
<p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding</p>	<p>In accordance with the provisions of the AHSEPP this boarding house has a maximum capacity of 77</p>	<p>Yes</p>

ITEM 3 (continued)

30 Standards for boarding houses		
Standard	Proposed	Compliance
room or on site dwelling will be provided for a boarding house manager,	boarding rooms and 89 persons. One on-site manager is proposed – which complies with the AHSEPP.	
(f) (repealed)	N/A	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	The site is within the R4 High Density Residential zone.	N/A
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms. Proposal: 77 boarding rooms = 15.4 say 16 bicycle and 16 motorcycle spaces required	Basement parking area contains 16 bicycle and 16 motorcycle parking spaces.	Yes
30A Character of local area		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	See detailed discussion in the previous report to Planning & Environment Committee.	Yes

ITEM 3 (continued)Character of the Area (clause 30A of the AHSEPP)

This clause of the AHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area. Although the applicant has made some design changes to the development, the overall style of development (building footprint, height, built form etc) remains the same as was originally proposed. The issue of conformity with the Character of the Area was fully addressed in the previous report to the Planning & Environment Committee.

Overall, the development is generally considered to be consistent with the character of the area, both in terms of the predominant style of residential development on the northern side of Epping Road, and in terms of the developments immediately adjoining the subject site.

Standards that cannot be used to refuse consent

Clause 29 of the AHSEPP specifies the following standards that the consent authority cannot use to refuse consent for a boarding house if the development complies with these standards:

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
<p>Floor Space Ratio A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or on the State Heritage register – the existing maximum FSR for any residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum FSR is 2.5:1 or less, or (ii) 20% of the existing maximum FSR, if the existing maximum FSR is greater than 2.5:1.</p> <p>(irrelevant parts of the AHSEPP re: FSR are deleted from this table)</p>	<p>See calculation below.</p>
<p>For this site:</p> <ul style="list-style-type: none"> • Residential Flat Buildings permissible with consent, thus clause (c) applies. • Maximum FSR under RLEP 2010 is 0.75:1 (as identified on the Ryde LEP 2010 Maps) • AHSEPP FSR standard as per (c)(ii) above is therefore 0.75 + 0.5:1 • Maximum FSR = 1.25:1 	<p><u>Floor Space Calculation – Amended Plans</u></p> <ul style="list-style-type: none"> • Ground Floor: 675.3m² • 1st Flr: 671.3m² • 2nd Flr (“attic”): 442.5m² • Total GFA = 1789.1m² • Site = 1723m² • FSR = 1.038:1 <p>Complies.</p>
<p>In addition a consent authority must</p>	

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
not refuse consent to development to which this Division applies on any of the following grounds:	
<p>Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>For this site: The Height of Buildings Map under Ryde LEP 2010 prescribes a 9.5m maximum height.</p> <p>(NOTE: Maximum number of storeys not specified)</p>	<p>For this development:</p> <p>Eastern Wing: Top of roof = RL 98.6 Existing Natural GL below = 89.5 to 90.6 Overall height = 8.0m to 9.1m</p> <p>Western Wing: Top of roof = RL 100.4 Existing Natural GL below = 91.0 to 92.1 Overall height = 8.3m to 9.4m</p> <p>Lift Over-run: Top of roof: RL101 Existing Natural GL below: 90.9 Overall Height = 10.1m</p> <p>Complies – except lift over-run.</p>
<p>Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>This street contains one adjoining development, to the north, which is a 2 storey residential flat development with an established landscaped area within the front</p>

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
	<p>setback.</p> <p>The landscaping plan for the proposed development shows that the front setback area will be provided with a mixture of trees and shrubs which will ensure compatibility with the streetscape – in particular the remnant bushland opposite the site.</p> <p>Complies.</p>
<p>Solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>There are a total of 12 communal rooms in the development of various orientations in terms of solar access. The location and window placement to these communal rooms will ensure that the required amount of solar access can be provided to meet the requirements of the AHSEPP.</p> <p>Complies.</p>
<p>Private open space if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers 	<p>(i) the area at grade on the northern side of the development (within the “v-shape” between the 2 “wings”) of the building is identified as a private open space area, provided with a mix of turf and tiled surface for use for residents.</p>

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>The area of this space is 75m² (not including the other side setback areas shown as being landscaped garden areas)</p> <p>(ii)A boarding house manager is required as there are more than 20 boarding rooms. The manager’s room is provided on the ground floor level, with a separate, designated courtyard of 12m².</p> <p>Complies.</p>
<p>Parking if not more than:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.</p>	<p>See below</p>

ITEM 3 (continued)

Standards that cannot be used to refuse consent	Comment
<p>For this site:</p> <ul style="list-style-type: none"> • Located within an “accessible area” as defined under the AHSEPP. • 77 boarding rooms require 15.4 say 16 parking spaces @ 0.2 spaces per boarding room. • Plus not more than 1 parking space for on-site resident manager. • 17 parking spaces required. 	<p>16 resident spaces PLUS 1 space identified as manager’s parking is provided in the development.</p> <p>Complies.</p>
<p>Accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12m² in the case of a boarding room intended to be used by a single lodger, or (ii) 16m² in any other case.</p>	<p>All of the proposed boarding rooms comply with the minimum area requirements proposed for both single lodger and double lodger rooms.</p>
<p>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Noted.</p> <p>Some of the boarding rooms have ensuite bathrooms (including shower, toilet and wash-basin).</p> <p>There are no kitchen facilities within any of the boarding rooms.</p>
<p>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Noted.</p>

(c) Any draft LEPs

None relevant.

ITEM 3 (continued)
(d) The provisions of any Development Control Plan applying to the land

Under the provisions of DCP 2010 Council does not have any development controls which specifically relate to the use of premises as boarding houses (other than the car parking requirement contained in Part 9.3, detailed below).

Ryde DCP 2010 Part 3.4 Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone)

The following is the Assessment Table from the original report to Planning & Environment Committee on 21 February 2012, which has been adapted where required in respect of the amended plans.

An assessment of the proposal against the controls in this Part of the DCP appears in the following Table. Where any control in the DCP is over-riden by the AHSEPP, these are also identified in the table below:

Control/Requirement	Proposed	Compliance
2.0 Density and Height		
2.1 Density – NOTE: Over-riden by AHSEPP (clause 29(1))		
a. The maximum number of dwellings which can be erected on a particular site shall be calculated in accordance with the density requirements contained in Clause 4.5B of Ryde Local Environmental Plan 2010 – which states: Area 2 (site is within “Area 2” in the Ryde LEP Residential Density Area Maps): 1br dwelling – 100m ² per dwelling 2br dwelling – 150m ² per dwelling 3+ dwelling – 220m ² per dwelling 78 x 1 bedroom dwellings requires a site area of 7800m²	Site Area = 1723m ²	No (over-riden by AHSEPP)
b. The number of small (1br) dwellings in any development shall not exceed 50% of the total number of dwellings on site.	All boarding rooms are 1 “bedroom” (ie 100%)	No (over-riden by AHSEPP)
2.2 Height – NOTE: Over-riden by AHSEPP (clause 29(2(a)))		

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
<p>a. A residential flat building must comply with Ryde LEP 2010 Height of Buildings Map AND must not exceed the number of storeys contained in table 1 (Figure 3.4.01).</p> <p>Ryde LEP 2010 Height of Buildings Map: Area "J" = Maximum 9.5m</p> <p>Number of Storeys (Table 1 in DCP): "Area 2" in Residential Density Area – maximum 2 storeys.</p>	<p>Height Varies: East wing: 8.0m to 9.1m (except lift over-run 10.1m) West wing: 8.3m to 9.4m 3 storeys.</p>	<p>Yes – except lift over-run portion of building.</p> <p>No (over-ridden by AHSEPP)</p>
3.0 Setbacks		
3.1 Front Side and Rear Setbacks		
Varies according to number of storeys. For a 3 storey building:		
To a road other than a main or county road: Front Setback = 11m	7.5m to 11m – see "encroachments" below.	See below
Side Setback = 6m	"Side" setback is to northern boundary – and varies between 2.95m to 4.5m at closest points – see "encroachments" below.	See below
Rear Setback = 6m	"Rear" setback is to eastern boundary – and varies between 3.5m to 4.6m – see "encroachments" below.	See below
3.2 Encroachments to side setbacks		
3.2.1 Front Setbacks		
a. Encroachments on the specified front setback are permitted, provided such encroachments does not exceed 0.5m – 1 storey building, 1.5m – 2 or 3 storey building.	Front setback = 7.5m to 11m	No

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
Permitted Front Setback = 9.5m (11m required minus 1.5m)		
3.2.2 Side and Rear Setbacks		
a. Encroachments on specified side and rear setback are permitted, provided The portion of the external wall and/or balcony so set back does not encroach more than 25% on the specified setback. Permitted side/rear setback = 4.5m	“Side” setback is to northern boundary – and is generally 4.5m (4.2m at closest point) (600mm to basement). “Rear” setback is to eastern boundary – and varies between 3.5m to 5.58m (1000mm to basement).	No
3.3 Internal Setbacks		
a. Windows of habitable rooms should not be located less than 10m from windows of habitable rooms of adjacent dwellings, on the site or on adjoining properties, unless overlooking is prevented by the type or location of windows, or by permanent screening between windows to the satisfaction of Council.	Some windows are located within 10m of other windows on this and adjoining sites, but overlooking is prevented by permanent screening	Yes
5.0 Parking – NOTE: Over-ridden by AHSEPP (clause 29(2)(e))		
5.1 Quantity		
1.0 per one bedroom 1.4 per two bedroom 1.6 per three bedroom 1.0 per four dwellings for visitor parking. This development requires: 77 parking spaces (at 1 space per unit) 19.25 (say 20) visitor spaces (at 1 space per 4 units) Total 96.25 say 97 parking spaces required.	17 car spaces (plus 16 motorcycle and 16 bicycle spaces).	No (over-ridden by AHSEPP)
5.2 Design of Parking Areas		

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
b. All parking spaces provided on ground level shall comprise either uncovered parking spaces or carports, which are suitably screened from roads, public reserves and public places.	Located in basement – behind building line	Yes
d. All parking spaces and manoeuvring areas shall be designed so vehicles may freely enter and leave the property in a forward direction.	Satisfactory as per Development Engineer's advice.	Yes
e. All parking areas shall be drained, by gravity, to Council's stormwater drainage system.	Satisfactory as per Development Engineer's advice.	Yes
f. All parking must be designed to be in accordance with the relevant Australian Standards.	Designed to comply with relevant Australian Standards.	Yes
5.3 Parking under Buildings		
a. All parking areas located beneath a residential flat building shall be located such that:		
ii. the ceiling height does not exceed an average of 1.5m above natural ground level along the appropriate elevation;	Maximum ceiling height above NGL is 1m at south-east elevation	Yes
iv. where the parking area encroaches within the specified front, side or rear setbacks, the height of the roof of the parking area does not exceed 0.75m above natural ground level at the boundary with adjoining property.	Parking area encroaches within the prescribed setbacks but not to any greater extent than the building above (ie basement structure not discernible by itself). Acceptable.	Yes
c. All parking areas under buildings shall be ventilated, either naturally or by mechanical means, in accordance with Council's standards.	Ventilation provided. Full details required at construction certificate stage.	Yes

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
5.4 Driveways		
b. The maximum grade of any driveway shall be 1 in 6. Suitable transitional grades to Council's satisfaction shall be required at changes of grade.	Driveway gradients satisfactory, as per Development Engineer advice.	Yes
c. All driveways are to be suitably paved. Preference should be given to natural or earth coloured paving materials. The extent of driveways should be minimised to avoid excessive amounts of hard paved surfaces. Details regarding all hard paved areas will be required to be submitted to and approved by Council prior to the release of the Construction Certificate.	Concrete driveway provided	Yes
5.6 Visitor Car Parking		
a. Consideration should be given to the location of visitor car parking spaces in order that any security which may be required for residents' parking can be installed without impeding access to visitors' parking.	Visitor parking within basement, accessed via security intercom	Yes

Control/Requirement	Proposed	Compliance
6.0 Landscaping – NOTE: Over-ridden by AHSEPP (clause 29(2)(b))		
6.1 Quantity		
a. The minimum landscaped area within each development shall be calculated in accordance with the landscaping requirements contained in the table below (Figure 3.4.04).		

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
Area 2 (site is within “Area 2” in the Ryde LEP Residential Density Area Maps): a. 1 bedroom unit – 50m ² b. 2 bedroom unit – 75m ² c. 3 or more bedroom unit – 110m ² 77 x 1br boarding rooms requires 3850m²	A total of approx. 708m ² of landscaped areas have been provided on the subject site.	No (overridden by AHSEPP)
6.2 Landscaping Treatment		
a. Landscaping should be an integral part of the overall design of the development. The whole of the allotment external to buildings should be landscaped to Council’s satisfaction in accordance with a plan to be submitted with the DA.	All of the area external to the building has been landscaped via a mix of deep-soil plantings, turfed areas and tiled terraces	Yes
6.4 Common Landscape Area		
a. A portion of the landscaped area should be provided behind the front building line as communal open space. Preferably this space should be so located to provide dwellings within the development with an internal aspect.	Communal area provided on northern side of site, between the 2 “wings” of the building.	Yes
7.0 Contribution for Public Service and Public Amenity (Section 94 and Local Road Facilities)		
Section 94 contributions and conditions of consent regarding Local Road facilities (eg construction of kerb and gutter when required) will be applied to new developments	Section 94 contributions are applicable to the development – a condition would be imposed if Council decides to approve the DA Construction of kerb & gutter, footpath paving etc would be required by Council’s Development Engineer	Yes
8.0 General Requirements		
8.1 Materials		
a. Details of all finished surface materials, including colour and	Documentation provided on DA plans are	Yes

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
texture to be used in construction are to be submitted to Council with the Development Application	satisfactory	
b. Preference should be given to materials with natural textures and colouring.	Plan No DA402 shows materials will be a mix of split face brickwork, rendering and painting, aluminium windows, aluminium louvres and zinc roof with dormer windows	Yes
8.2 Fencing		
a. The site is to be fenced in accordance with a plan indicating the height, the type of material and construction and extent of all fencing is to be approved prior to construction.	The submitted documentation does not detail any fences. Details re fencing subject to condition.	Yes
b. A wall, fence or kerb shall be constructed along the front alignment of the property. Fences within the front setback shall not be of paling construction or exceed 1m in height. Boundary fences should not exceed 1.8m in height.	See above comments.	Yes
8.3 Clothes Drying Facilities		
a. Adequate clothes drying facilities shall be provided for each dwelling. These facilities can be provided either in the form of mechanical dryers or external clothes lines. Where external clothes lines are provided, they shall be suitably screened from view from any street, public place or adjoining property.	A "drying court" has been provided on the northern side of the site. Also there is a laundry provided in the basement area with sufficient space for clothes dryers.	Yes
8.4 Noise		
b. All noise producing plant such as ventilation equipment, swimming pool motors, air conditioners and the like are to be installed to Councils satisfaction.	Most noise-generating equipment is located within the basement (eg lift motor room etc)	Yes

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
8.5 Services		
a. All water services are to be in copper or another non-corrosive material.	Such detail to be provided at construction certificate stage	Yes
b. All drainage pipes, except downpipes, are to be concealed in ducts.	Concealed in ducts	Yes
c. All power and telephone lines shall be underground from the street alignment. All developments should have sufficient electricity capacity to accommodate the likely future needs of the occupants of that development.	Such detail to be provided at construction certificate stage	Yes
d. All dwellings are to be connected by gravity flow to the Sydney Water sewer to the satisfaction of the Council and the Board before occupation.	To Sydney Water requirements.	Yes
e. Only one external television antenna shall be provided for each residential flat building with multiple point connections for each dwelling.	Details at construction certificate stage	Yes
f. An outdoor lighting system for the illumination of all common vehicular and pedestrian accessways is to be provided to the satisfaction of Council for all developments.	Condition 38	Yes
8.7 Strata Subdivision		
a. If Strata subdivision is to occur, each Strata Lot is to comprise a dwelling and at least 1 car space. Car spaces are not to be given separate Strata Lot numbers. All visitors' spaces are to be included in common property.	No strata subdivision proposed	NA

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
b. All private landscaped area attached to a dwelling shall be identified on the Strata Plan as forming part of the lot of the appropriate dwelling unit.	No strata subdivision proposed	NA
c. All common landscaped areas, drying areas, driveways, visitors' car parking spaces and the like, shall be included on the Strata Plan as common property.	No strata subdivision proposed	NA
9.0 Engineering Requirements		
9.1 Service Alterations		
a. All mains, services, poles, etc. of public utility which require alteration shall be altered at the applicant's cost. The restoration of disturbed road or footway areas shall be at the applicant's expense.	Satisfactory as per Development Engineer's advice.	Yes
9.3 Vehicle Crossings		
a. A separate application shall be lodged for prior approval to all proposed entrances and crossings, the locations, design and construction of which shall conform to the requirements of Council, and, where applicable, to the Roads and Traffic Authority and the Police Department.	Satisfactory as per Development Engineer's advice.	Yes
b. Kerbs are not to be returned to the alignment line.	Satisfactory as per Development Engineer's advice.	Yes
c. Crossings shall be constructed in reinforced concrete, in accordance with the specifications and requirements of Council's Group Manager of Public Works.	Satisfactory as per Development Engineer's advice.	Yes

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
d. Bridge and pipe crossings are not permitted.	None proposed	Yes
9.9 Stormwater Management		
a. For all stormwater requirements see Part 8.2 Stormwater Management of this DCP.	See Development Engineer comments – stormwater disposal satisfactory subject to conditions.	Yes

Control/Requirement	Proposed	Compliance
9.10 Kerb and Gutter Works		
a. The applicant shall, at his own expense, construct kerb and gutter and paved road shoulders where same does not exist across the entire frontage of the land adjacent to the proposed development, in order to protect the carriageway from damage by the discharge of surface water or, alternatively, to protect any property from the flow of stormwater from a public road; this work shall be carried out according to the requirements of Council.	Could be addressed via condition	Yes
9.11 Footpath Paving and Construction		
a. The applicant shall, at his own expense, construct concrete footpath paving across the entire frontage of the development. All work shall be carried out to the requirements and satisfaction of Council.	Satisfactory as per Development Engineer's advice.	Yes
9.12 Footway Works		
a. The applicant shall at his own expense excavate or fill the footway in the public road adjacent to the proposed development so that the level of the footway at the property line will be 100mm above the level of the centre line of the road or top	Satisfactory as per Development Engineer's advice.	Yes

ITEM 3 (continued)

Control/Requirement	Proposed	Compliance
of kerb as applicable and the costs of adjusting any services that may be affected shall be borne by the applicant.		
b. All work shall be carried out in accordance with the requirements and specifications of the Group Manager of Public Works.	Compliance with this control would be enforced as part of any forthcoming consent for the proposal.	Yes
9.13 Advice to the Applicant concerning condition of Existing Roads, Gutters, Footways, etc		
a. Where road shoulders, kerbing and guttering or footpath paving is not constructed, it will be necessary for the developer, at his own expense, to provide the road shoulder, kerbing and guttering and footpath paving, as the case may be, adjacent to the property.	Satisfactory as per Development Engineer's advice.	Yes
10.0 Health requirements		
f. The floors of storage areas and minimum 1 metre wide access paths to the front boundary of the property must be in concrete or other approved material, suitably graded and drained.	Satisfactory	Yes

Notes from Table Above:

The above Table indicates that the proposal has a number of areas of non-compliance with DCP 2010 Part 3.4. These are discussed in more detail in the following section.

1. Density:

The assessment report for the original DA identified that the development does not comply with the density controls in DCP 2010 Part 3.4.

It is noted that clause 29 of the AHSEPP contains a standard regarding density and scale which cannot be used to refuse consent if the development complies with that

ITEM 3 (continued)

standard – and this standard over-rides the density controls in Council’s DCP 2010. The AHSEPP standard is a maximum floor space ratio (FSR) control of 1.25:1 (for this site). The FSR of this development (as amended) is 1.038:1 which complies.

2. Height:

The assessment report for the original DA identified that the development does not comply with the height controls in DCP 2010 Part 3.4.

Clause 29 of the AHSEPP contains a standard regarding building height which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the height controls in Council’s DCP 2010. The AHSEPP standard is “... not more than the maximum building height permitted under another environmental planning instrument for any building on the land.” In this regard, the maximum building height permitted under Ryde LEP 2010 is 9.5m.

The development fully complies with the maximum 9.5m except for the lift over-run which is 10.1m at that point of the site. Therefore technically this standard could be used to refuse consent. The following is the front elevation drawing which shows the location and size of the non-compliance:



It is considered that the development as currently presented, is acceptable despite non-compliance with the maximum 9.5m height requirement for the following reasons:

- the portion of the building which exceeds the 9.5m maximum height is a very small part of the overall built form of the building;
- the amount of the non-compliance (600mm) is numerically very minor;

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- this portion is located at the centre of the building and so it will have negligible impact on any adjoining property or the street (in terms of visual bulk or overshadowing).

3. Setbacks:

DCP 2010 Part 3.4 requires front, side and rear setbacks for a 3 storey residential flat building as follows:

- Front setback – from a road that is not a main or county road: **11m**
Encroachment of 1.5m for a 2-3 storey building (ie down to **9.5m**) is permitted to produce irregular elevations – provided such encroachment does not exceed 50% of the length of the elevation.

Front setback proposed = 7.5m to 11m (does not comply).

- Side and rear setback – **6m**.
Encroachment of up to 25% of the required setback (ie down to **4.5m**) is permitted to produce irregular elevations – provided such encroachment does not exceed 50% of the total length of the wall adjacent to the respective boundary.

Side setback (to northern boundary) proposed = generally 4.5m/ 4.2m at closest point (600mm to basement) (does not comply).

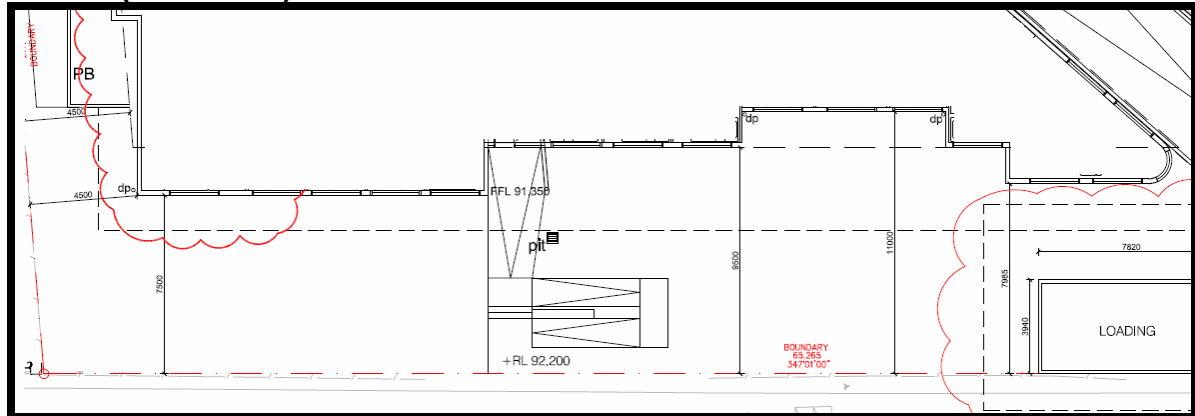
Rear setback (to south-eastern boundary) proposed = 3.5m to 5.58m (1000mm to basement, not including ramp to basement) (does not comply).

The amended plans have not achieved full compliance with the setback requirements of the DCP, however the development is considered acceptable in the following circumstances despite the numerical non-compliance.

Front Setback

The following is an extract of the DA plans showing the front setback at ground and first floor level. This shows a staggered front elevation with setbacks ranging from 7.5m up to 11m. (The mansard “attic” level is set back further than the ground/1st floor levels below, and has setbacks of 8m and 11m).

ITEM 3 (continued)



The only other building in Dayman Place is the adjoining residential flat building to the north. That building (which is 2 storeys above basement parking) has setbacks ranging from 9.5m to 11m (with balconies within those setbacks – down to a 7m setback). The proposed development will therefore be very similar to those of the adjoining development.

Side Setback (to northern boundary)

The amended plans have increased the side setback (of the western “wing” of the development) to a minimum 4.5m (previously 2.9m). The side setback of the eastern “wing” remains at 4.5m (which is the same as the original plans).

The main issue of concern with the original plans (the side setback of the western wing to the residential flats to the north) has been addressed by increasing the setback to 4.5m. Also, as in the original proposal, the windows facing in this direction have been relocated so that they do not directly overlook onto this adjoining property, or vertical louver privacy screens have been provided.

Although the proposal does not comply with the numerical requirements, the development is considered acceptable because of the increase in the northern side setback (in the amended plans).

Rear Setback (to south-eastern boundary)

The amended plans have not increased the rear setback of the development, which remains at 3.5m to 5.58m to the ground and 1st floor level (the mansard “attic” level is 4.5m to 5.5m).

As noted in the previous assessment report, the impacts arising from the siting of the proposed development, in particular privacy, are considered acceptable having regard to the position of the buildings on the adjoining site (Leisure Lea Gardens retirement village), which are located well away from the boundary on that site. Most of the area on the adjoining site immediately adjacent to the

ITEM 3 (continued)

subject site is a driveway and open car parking, together with pedestrian walkways.

The proposal has deleted the roof terrace from the mansard “attic” level, which would have caused significant impacts in terms of privacy/overlooking onto the adjoining site.

In summary, the proposed setbacks of the development are generally considered acceptable, as they are consistent with the setbacks of adjoining developments, and consistent with what could be built on this site within the R4 High Density Residential zoning of the property. The setbacks provide considerable variation (particularly along the front boundary) and architectural relief. Although non-compliant with the numerical requirements of the DCP, this is not a fatal issue to the application having regard to the overall amendments undertaken by the applicant to address previous concerns regarding bulk and scale, and privacy impacts to the neighbours (including deletion of the roof terrace, provision of vertical louvre privacy screens)

For these reasons, having regard the location of the buildings on the adjoining sites, and the design amendments undertaken by the applicant in the amended plans, the proposed setbacks of the development are considered acceptable despite the numerical non-compliance with the DCP requirements.

4. Parking

The assessment report for the original DA identified that the development does not comply with the parking controls in DCP 2010 Part 3.4.

However, clause 29 of the AHSEPP contains a standard regarding parking which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the parking controls in DCP 2010. The AHSEPP parking standard is 0.2 spaces per boarding room (ie 15.4 say 16 spaces required) + PLUS 1 space for each resident employee (manager), for a total of 16.4 say 17 spaces. The 17 car spaces in this development complies with the AHSEPP.

As noted previously, the boarding rooms in this development are more like bedrooms rather than as individual, self-contained flats such as in a residential flat development, hence the lower parking requirement for boarding houses when compared with a typical residential flat development.

Also, one of the assumptions for the parking requirements of the AHSEPP is that, given the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, car ownership and usage is relatively low.

ITEM 3 (continued)

5. Landscaped Area:

The assessment report for the original DA identified that the development does not comply with the landscaping controls in DCP 2010 Part 3.4.

Clause 29 of the AHSEPP contains a standard regarding landscaped area which cannot be used to refuse consent if the development complies with that standard – and this standard over-rides the landscaped area controls in DCP 2010. The AHSEPP landscaped area standard is *“that the landscape treatment of the front setback area is compatible with the streetscape in which the building is located.”*

The “streetscape” of Dayman Place is dominated by the land opposite the subject property which is a parcel of remnant bushland. The landscaping plan for the development shows that the front setback area will be planted using a range of trees and shrubs including *Eucalyptus saligna* (Sydney Blue Gum) to embellish the vegetation found in the remnant bushland opposite the site (see photo below).



ITEM 3 (continued)**Ryde DCP 2010 Part 9.3 Car Parking**

In addition to the car parking for residential flat developments (DCP 2010 Part 3.4) as discussed above, there are also car parking requirements for boarding houses contained in Part 9.3 (Car Parking). Amendments to this Part 9.3 of DCP 2010 took effect on 14 December 2011, and include a new parking rate for boarding houses as follows:

Boarding Houses – accessible area:

- *at least 0.2 parking spaces / dwelling containing 1 bedroom,*
- *at least 0.5 parking spaces / dwelling containing 2 bedrooms and*
- *at least 1 parking space / dwelling containing 3 or more bedrooms.*

It is noted that “accessible area” (above) has the same meaning as it does in the AHSEPP, and the site is within an “accessible area” as explained in the Section of this report regarding compliance with the AHSEPP.

The parking rate for dwellings containing 1 bedroom (0.2 spaces per dwelling) is the same as the AHSEPP parking rate. The development complies with the car parking requirement in both Part 9.3 DCP 2010 and the AHSEPP, and thus car parking cannot be used as a ground for refusal of the DA.

Section 94 Contributions Plan 2007

Council’s current Section 94 Contributions Plan (as amended on 16 March 2011) requires a contribution for the provision of various additional services required as a result of new developments. In the case of boarding house developments, the contribution is calculated based on the number of boarding rooms there are in the development proposal, with a rate of \$6230 per boarding room.

A condition of consent requiring the payment of a Section 94 contribution would be imposed on any consent issued for this development. The amount of Section 94 contributions payable for a development of 78 boarding rooms (including manager’s residence) would be some \$488,702.37, and the applicant is aware that this contribution is payable and will be required as a condition of consent.

It should be noted that these Section 94 figures were calculated using the most recent quarterly updated (December 2011 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the March 2012 quarter are expected to be issued from the ABS around 27 April 2012, however the timeframes for preparing this report prevents these figures from being used in this report. An updated Section 94 condition (see condition 29) will be distributed at the Planning & Environment Committee meeting on 1 May 2012 when this DA will be considered.

ITEM 3 (continued)**10. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. In summary, it is generally considered that this property is suitable for a medium-high density boarding house/student housing proposal (consistent with the R4 High Density Residential zoning of the property and the proximity to Macquarie University, as well as various public transport options), and the amended plans have generally addressed the issues of concern previously raised regarding the development, to the point where approval subject to conditions (deferred commencement) can be recommended.

11. Suitability of the site for the development

A review of Council's Land Information mapping system shows that there are no constraints (such as overland stormwater flow, bushfire affectation etc) that would render the land as unsuitable for the proposed development.

12. The Public Interest

The intent of the AHSEPP is to provide affordable housing options to address the significant shortage that currently exists in NSW. A recent Department of Housing survey (October 2010) on the need for affordable housing places Ryde in the highest category of need for affordable housing. The wider interests of the public to have access to affordable housing is served through approval of boarding house developments.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: The following comments have been provided by Council's Development Engineer in regard to the amended plans:

I have reviewed the amended plans submitted to address the engineering deficiencies raised in my memo dated 31 January 2012.

The amended plans have not fully addressed all the issues raised in my memo, however to assist in determination of this application in a timely manner, these matters could be conditioned for compliance as a deferred commencement consent.

No objections are raised to the proposal from an engineering perspective, subject to the following engineering conditions.

ITEM 3 (continued)Comments:

Council's Development Engineer has recommended that various matters be resolved via Deferred Commencement conditions, in order for Council to determine the DA by approval (if Council is mindful to do so). In summary, these matters are:

1. Stormwater drainage:
 - a. Documentary evidence of legal rights to utilise the drainage easement on the adjoining property to the north.
 - b. Assessment of the capacity of the existing inter-allotment drainage system to accommodate the proposed development – and upgrading if required.

2. Vehicle access:
 - a. The entry to the basement carpark shall be widened to allow vehicles to pass without conflict.
 - b. Re-location of the loading bay (from adjacent to the driveway, within the front setback area) to be in the basement car parking area (near the basement lift lobby). The loading area in the basement shall include turning area and headroom clearance to be designed for a small rigid vehicle, to ensure it can enter and leave in a forward direction.

14. Critical Dates

None relevant.

15. Financial Impact

Nil.

16. Other Options

None relevant.

17. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979. It is generally considered that the proposed development is suitable for approval subject to conditions.

There were numerous issues of concern with regard to the original proposal, leading to Council deferring consideration of that proposal to enable the applicant to submit amended plans which address those issues of concern. These issues have been largely addressed via the amended plans submitted 1 March 2012.

ITEM 3 (continued)

There remain some issues of concern with the amended design, namely front and side/rear boundary setbacks which have not been completely addressed in the amended plans. However, these issues (by themselves) are not sufficient to warrant refusal of the application or further design amendment, and are acceptable for the reasons discussed in the body of the report, given that the other issues of concern previously raised have now been satisfactorily resolved.

The issues of concern in the further submissions (following re-notification), although valid and reasonable, do not warrant refusal of the application or further design amendments, and can be addressed via conditions of consent.

The proposal is recommended for approval via a Deferred Commencement consent subject to conditions in Attachment 1 to this report.

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ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT FOR 7 DAYMAN PLACE MARSFIELD
LDA 2011/375**

PART 1 – DEFERRED COMMENCEMENT

The following are Deferred Commencement condition imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. Stormwater Drainage.

- (a) The submission of documentary evidence including certification from a registered surveyor and/or solicitor confirming the subject property has legal right to utilize the existing drainage easement and pipeline located at the rear boundary of the site.
- (b) The capacity of the existing inter-allotment drainage system to convey the 1 in 100 year un-detained runoff from the subject site, including runoff from other catchment areas and/or properties being piped to it shall be assessed by an engineer using hydraulic grade line and recognised catchment analysis techniques. Should the capacity is determined to be deficient, the inter-allotment pipeline shall be upgraded where required to ensure it has capacity to accept the flow from the subject site. Detailed design, including calculations and catchment plans are required to be submitted.

2. Vehicle access.

- (a) The entry to the basement carpark shall be widened to a width of 6m as marked in red on the architectural plan No. DA100 Revision D to allow for the passage of vehicles without conflict.
- (b) The proposed loading bay at the driveway entry is to be relocated to the basement car-parking area and located within close proximity to a lift. The loading area including turning area and headroom clearance etc shall be designed for a Small Rigid Vehicle (SRV) to ensure it can enter and leave in a forward direction as per AS/NZS 2890. Plans including computer generated turning path are to be submitted.

3. Plan of Management. The submission of an amended Plan of Management which incorporates the following amendments:

- (a) The “Facility Neighbours” section shall include details of the current telephone number (including mobile) for the resident manager to be used for contact 24 hours per day/7 days per week in the event of a problem arising from the use of the site. This phone number is to be provided prior to occupation of the premises.

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ATTACHMENT 1

- (b) The “Facility Neighbours” section shall include a requirement for the incidents log book to also log the response taken to any concern raised by neighbours and to identify the time taken to respond to the concern.
- (c) The “Facility Neighbours” section shall include a requirement that the resident manager shall personally reply to any complaint made by a resident with details of the action to be take/or that has been taken, in response to the complaint. Such reply is to occur within 24 hours of the concern being raised.
- (d) The “Facility Neighbours” section shall include a requirement that the resident manager shall respond immediately to any noise related concern raised by a neighbour and to take any necessary action to reduce noise to acceptable levels;
- (e) The “Facility Neighbours” section shall include a requirement that the log book. Shall be made available to Council for inspection upon request.
- (f) The “Aesthetic Appearance” section shall include a requirement that residents must not dump furniture or other materials (including shopping trolleys) on the road reserve at any time.
- (g) The “Noise Policy” section shall include a requirement that no social gatherings (ie BBQ's, parties or the like) can occur in the external courtyard between the hours of 9pm and 9am on any day;
- (h) The “Noise Policy” section shall include a requirement that no audible music (ie without the use of headphones) be played (either recorded or live music) within the external courtyard area at any time;
- (i) The “Noise Policy” section shall include a requirement that internal common areas are not to be used for social gatherings between the hours of 9pm and 9am on any day;
- (j) The Plan of Management shall include a Section entitled “Responsibilities of the Manager”. This Section shall require the manager to control the behaviour of residents such that it does not impact upon the amenity of neighbours; address complaints from neighbours in a timely manner, log all complaints; respond to all complaints and provide follow up information to neighbours of action taken; ensure bins are placed appropriately out for collection no earlier than the day they are to be collected and placed back in the storage area as soon as practicable after collection; ensure furniture or other rubbish (including shopping trolleys) is not dumped by residents in the street and if it is then arrange its removal; enforce hours of use of external and internal common areas and monitor noise from such areas; ensure grounds are regularly and

ITEM 3 (continued)

ATTACHMENT 1

appropriately maintained; be available 24 hours a day, seven days a week onsite to ensure compliance with their responsibilities (with rotating shifts if necessary); be available 24 hours a day, seven days a week by phone to respond to neighbour's complaints in relation to the use of the site.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

PART 2 – GENERAL CONDITIONS

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent (in particular the Deferred Commencement requirements above), the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Basement Floor Plan	27 Feb 2012	DA-100 Issue D
Ground Floor Plan	27 Feb 2012	DA-101 Issue F
First Floor Plan	27 Feb 2012	DA-102 Issue D
Attic Floor Plan	27 Feb 2012	DA-103 Issue D
Roof Plan	27 Feb 2012	DA-104 Issue D
Elevations	27 Feb 2012	DA-400 Issue C
Elevations	27 Feb 2012	DA-401 Issue B
Materials and Colour	14 Jul 2011	DA-402 Issue A
Landscape Concept Plan	14 Jul 2011	DA-900 Issue A

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

- (a) Any boundary fencing adjacent to No 1 Dayman Place (adjoining site to the north) shall be located a minimum 1m from the boundary, with landscaping provided between the boundary and the fence – in order to reduce the visual bulk of such fencing given the elevated nature of the site.
- (b) The approved 1.8m high fence around the communal courtyard (between the two wings of the building) shall be of lapped and capped or masonry construction.

The Development must be carried out in accordance with the amended plans approved under this condition.

ITEM 3 (continued)

ATTACHMENT 1

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works,

ITEM 3 (continued)

ATTACHMENT 1

repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.

Bicycle/Motorcycle Parking

12. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.

Engineering Conditions

13. **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 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **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.
16. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

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ATTACHMENT 1

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

17. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
18. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
19. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
20. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
21. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
22. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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23. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
24. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
25. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
26. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
27. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
28. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

29. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

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A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$103,305.44
Open Space & Recreation Facilities	\$254,316.44
Civic & Urban Improvements	\$86,498.26
Roads & Traffic Management Facilities	\$11,799.17
Cycleways	\$7,369.74
Stormwater Management Facilities	\$23,426.16
Plan Administration	\$1,987.16
The total contribution is	\$488,702.37

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

30. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
31. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
32. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)

ITEM 3 (continued)

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33. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
35. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, 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.

36. **Road opening permit – certification.** The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
37. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
38. **Lighting of common areas (driveways etc).** Details of 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.
39. **Fire Safety Schedule.** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in

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the building premises as required by Clause 168 - Environmental Planning & Assessment Regulation 2000 are to be submitted and approved prior to the issue of the **Construction Certificate**.

Engineering Conditions

40. **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.
41. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
42. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and headroom clearances etc shall be designed comply with relevant section AS 2890.

Plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

43. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system designed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Accordingly, all roof gutters, downpipes and pipeline conveying runoff to the OSD system shall be designed for the 1 in 100 year, 5 minutes duration storm event. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

Detailed engineering plans including certification indicating compliance are to be submitted with the Construction Certificate application.

44. **Pump System.** The wet well shall be designed and constructed in accordance with section 7.3 of AS 3500.3. The pumps shall be dual

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submersible and shall be sized and constructed in accordance with section 7.3 of AS 3500.3.

Direct connection of the pumps rising main into the kerb will not be permitted. The rising main is to be connected into the on site detention tank. Details shall be submitted with the Construction Certificate application.

In the event of pump failure, all runoff that otherwise would have been pumped from the property is to be stored on the site at a minimum the 100 year Average Recurrence Interval 3 hour storm event. A detailed drainage design by a qualified Civil Engineer is to be submitted with the **Construction Certificate application.**

45. **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.
46. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Procedures for maintenance of erosion and sediment controls
- (l) Details for any staging of works
- (m) Details and procedures for dust control.

ITEM 3 (continued)
PRIOR TO COMMENCEMENT OF CONSTRUCTION

ATTACHMENT 1

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

47. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

48. Residential building work – insurance. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

49. Residential building work – provision of information. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

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50. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building **or the finished level of any retaining wall structures** on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

51. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

52. **Australia Post Box.** Prior to commencement of construction, the existing Australia Post box located in Dayman Place shall be re-located to a suitable location away from the approved driveway, in accordance with any requirement of Australia Post.

Engineering Conditions

53. **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.

54. **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 2010: - Part 8.1; Construction Activities.

55. **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

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

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

56. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
57. **Noise and vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
58. **Construction noise.** 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.
59. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
60. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
61. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
62. **Construction materials.** All materials associated with construction must be retained within the site.
63. **Site Facilities**

The following facilities must be provided on the site:

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- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

64. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

65. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

66. **Site Contamination – discovery of additional information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

In this regard, preliminary site contamination investigation reports and/or site contamination remediation plans may be required to address any concerns or issues arising in relation to potential site contamination.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

67. **Fire Safety Certificates.** A Fire Safety Certificate/s from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with

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Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.

68. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
69. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
70. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

71. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
72. Residents within a 200m radius of the site are to be provided with contact details in writing of the on-site manager (including a current mobile telephone number), who be contacted in the event of any noise disturbances arising from the use of the approved development.

If any details of the on-site manager changes (including but not limited to the name of the on-site manager or contact telephone number etc), then arrangements shall be made to re-notify the residents within a 200m radius of such changes in detail within 14 days.

Engineering Conditions

73. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal

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Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:

- 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 section 4*.
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- 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 2010: - Part 8.2; Stormwater Management
- Confirming 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.

74. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
75. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
76. **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.

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77. **Positive Covenant, Pumps.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the pump 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 Pump-out Systems and to the satisfaction of Council.
78. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the Construction Certificate version of Plan No. SW11272-S1 Revision D dated 24/2/12 prepared by alw design, including the Construction Certificate version of any plans that may be approved under this deferred commencement consent.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

79. The development must be operated in accordance with the Plan of Management approved subject to Part 1 Condition 3 of this consent. The Plan of Management can only be amended with the agreement of Council in writing.
80. The "roof terrace" shall be deleted from the proposal, and there shall be no access to the areas shown as "non-accessible area" (on the attic floor plan) for residents at any time.
81. Internal communal areas and external courtyards (including the external courtyard) must not be used for social gatherings (BBQs, parties or the like) outside the hours of 9am to 9pm – and shall accord with the required amendments to the Plan of Management (Part 1 condition 3).
82. There shall be no live or recorded music played in the internal courtyard/open space area between the two wings of the building (or any other location external to the building) at any time.
83. **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*.
84. The operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

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- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
85. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the basement car parking area.
86. At no time are external windows, verandahs, porches or the like permitted to be used for the drying of clothes.
87. The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times. All common areas within the boarding house, including bathrooms and their fixtures, are to be cleaned on at least weekly basis.
88. Open space areas, including any lawns, gardens, or landscaped areas must be maintained on at least a fortnightly basis and kept in a clean and tidy condition at all times.
89. An adequate number of suitable waste containers must be kept on the premises for the storage of all garbage and recycling wastes generated between collections. In this regard, provision for at least 60 litres/resident/week for garbage and 20 litres/resident/week for recycling must be made.
90. Waste storage areas and waste containers must be maintained in a clean and tidy condition at all times.
91. Staff or contractors must be employed to take the waste containers from garbage room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
92. The garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

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- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
93. All boarding rooms shown on the approved plans with the symbols “S” or “SC” are considered to be single-person rooms and can be occupied by only one (1) lodger.
94. All boarding rooms shown on the approved plans with the symbol “D” are considered to be double-person rooms and may be occupied by one (1) or two (2) lodgers.
95. No boarding room is to be occupied by more than 2 adult lodgers.
96. The maximum occupancy of the whole development shall be no more than 89 residents and 1 on-site manager.
97. A floor plan must be permanently affixed to the internal face of each bedroom door indicating the available emergency egress routes from the respective bedroom.
98. A schedule showing the numeral designating each bedroom and the number of lodgers permitted to be accommodated in each must be conspicuously displayed near the entrance of the premises.
99. The kitchen must be designed and constructed to permit easy and effective cleaning and prevent the entry and harbourage of pests.
- Note: See AS 4674 for guidance on the design, construction and fit-out of food handling areas.*
100. The kitchen facilities must include:
- at least one stove and one microwave oven for every 12 residents;

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- a suitable system of exhaust ventilation;
 - at least one sink supplied with hot and cold running water for every 12 residents;
 - adequate bench space for the preparation of food;
 - sufficient refrigerators and freezers for residents to store cold and frozen food;
 - lockable storage cupboards for each resident to store dry goods;
 - sufficient cutlery, crockery and cooking utensils for the number of residents;
 - adequate storage facilities for all utensils provided for residents;
 - separate containers for collection of garbage and recyclable materials.
101. A dining area with sufficient tables and chairs must be provided in or adjacent to the kitchen for the use of residents.
102. The laundry facilities must include:
- at least one automatic washing machine for every 12 residents;
 - at least one domestic clothes dryer for every 12 residents;
 - at least one laundry tub supplied with hot and cold running water; and
 - an ironing board and iron.
103. All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
104. Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2002 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.
105. All water-cooling and warm water systems (including thermostatic mixing valves) regulated under the *Public Health Act 1991* must be registered with Council's Environmental Health Unit within one (1) month of installation.
- Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
106. A grease trap must be installed if required by Sydney Water Corporation. Any grease trap installed must be located outside the building or in a specially constructed grease trap room and be readily accessible for servicing.
107. The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.


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Registration of Premises

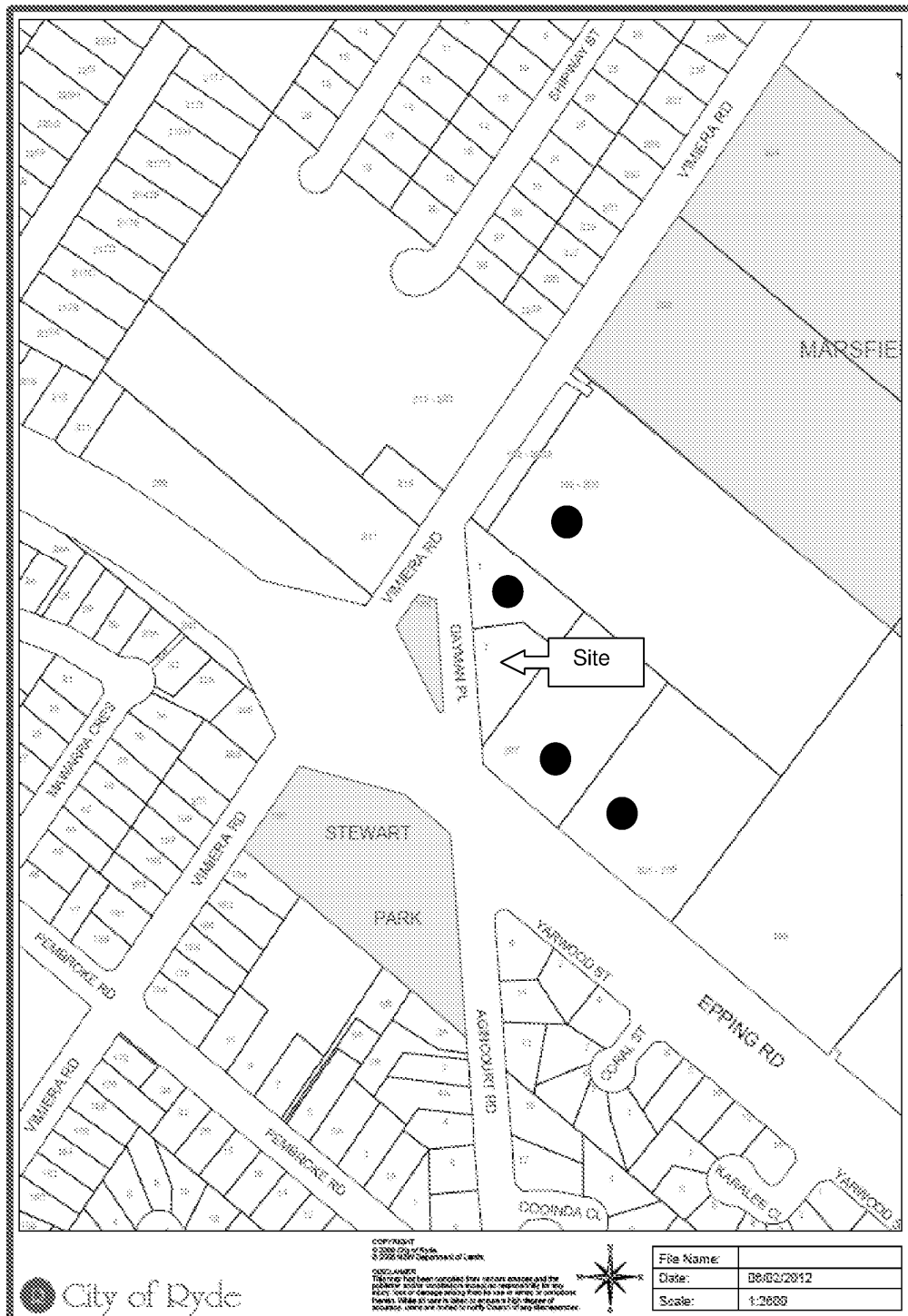
ATTACHMENT 1

108. The operator of the business must register the premises with Council's Environmental Health Unit before operations commence and must renew the registration annually.

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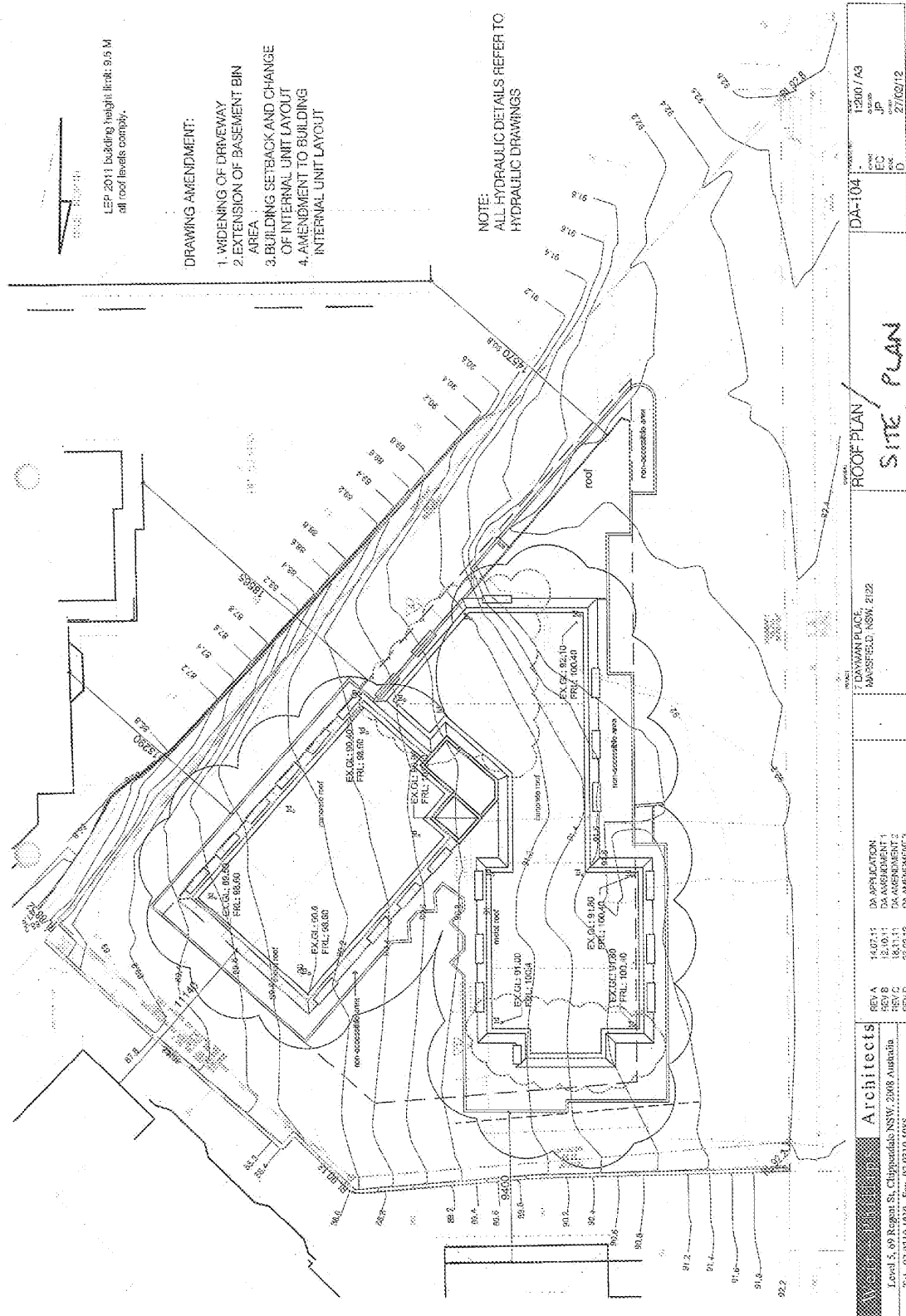
ATTACHMENT 2

 Indicates submissions received to amended plans only
 Other submission received outside map area, multiple submissions received from some properties



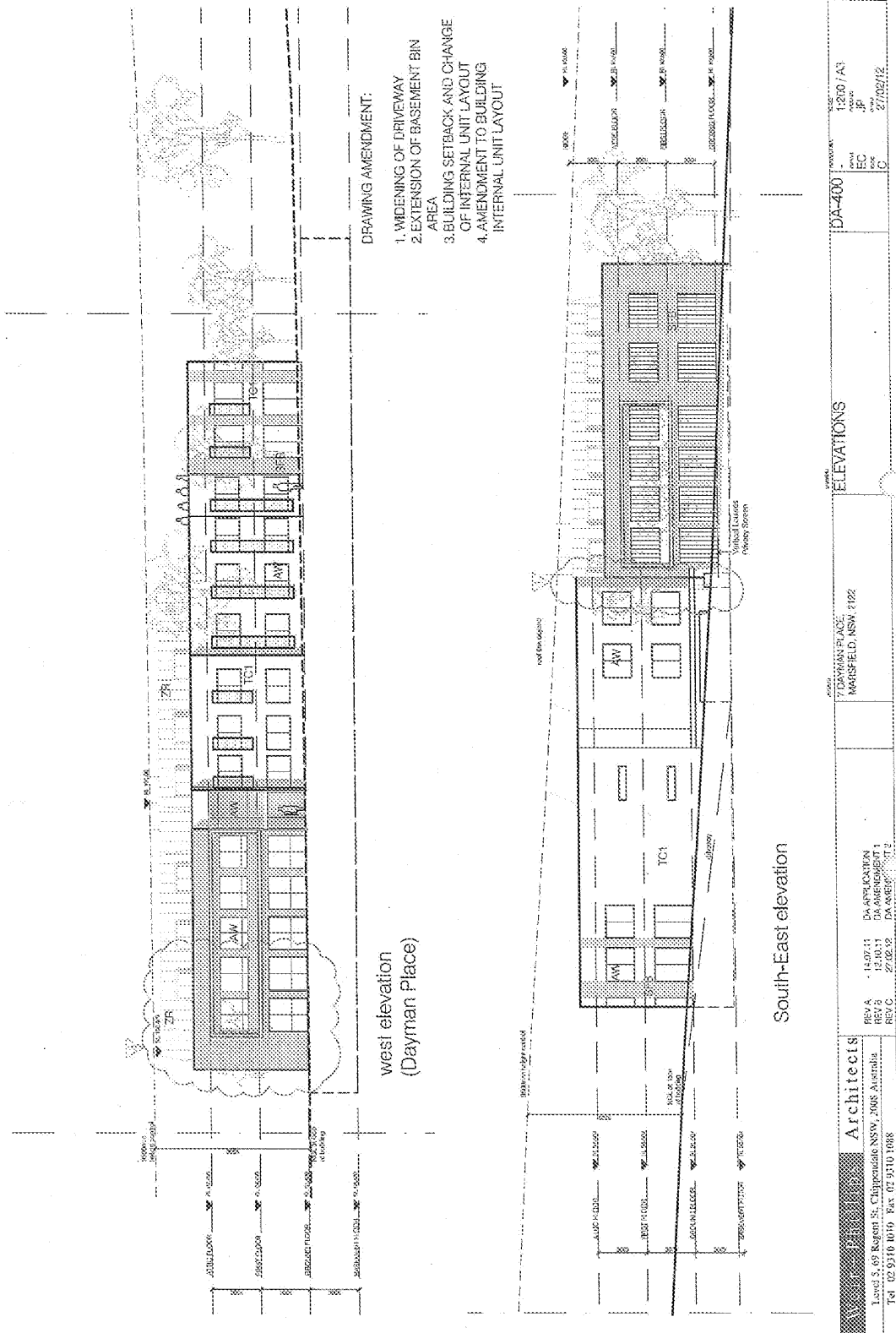
ITEM 3 (continued)

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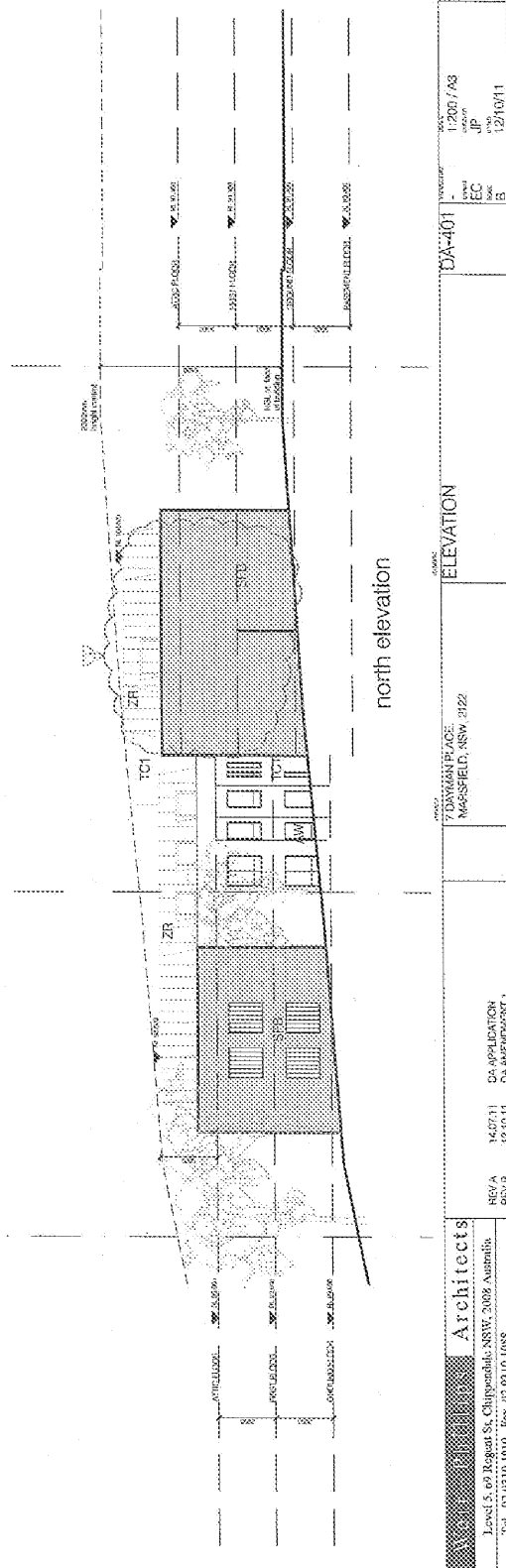


ITEM 3 (continued)

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DRAWING AMENDMENT:

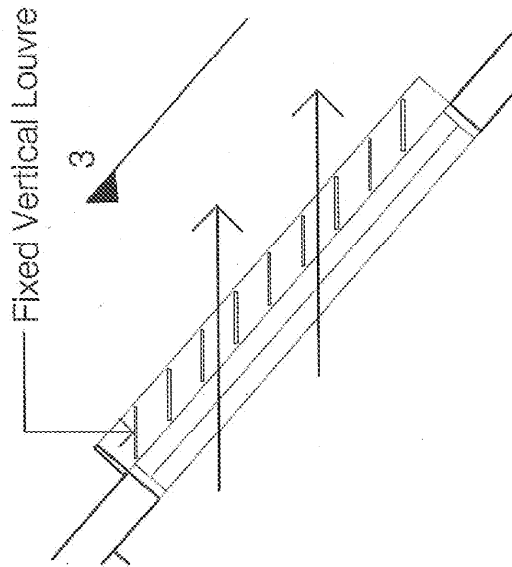
1. WIDENING OF DRIVEWAY
2. EXTENSION OF BASEMENT BIN AREA
3. BUILDING SETBACK AND CHANGE OF INTERNAL UNIT LAYOUT
4. AMENDMENT TO BUILDING INTERNAL UNIT LAYOUT



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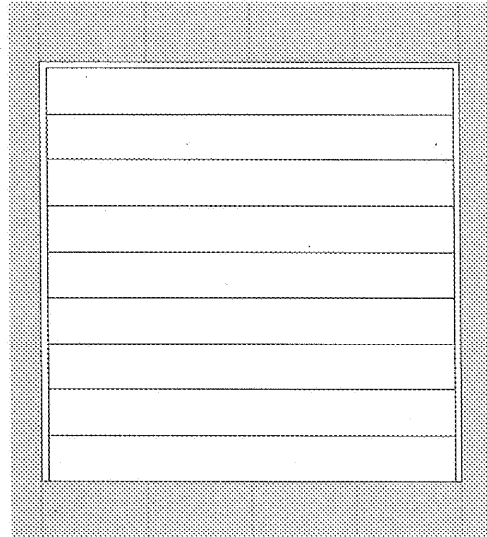
ATTACHMENT 3

Detail of Vertical Louvre Privacy Screens:



2 Vertical Louvres Privacy Screen

DA-101



3 Elevation - Vertical Louvres Privacy Screen

DA-101

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ATTACHMENT 3

**Dayman Place
Student Residence**

Noise Policy

The Facility brings together a large number of residents in one complex. One of the major challenges of living together in harmony is that of being able to reside in or adjacent to the Facility without being affected by undue loud noise. The Facility is also a social place and some noise will be present. It is the responsibility of all residents to balance these aspects and in doing so ensure that an environment conducive to study, sleep and quiet relaxation is maintained.

This noise policy expands on sections 2, 49 and 56 of the Rules of the Facility: Every resident is responsible for the maintenance of good order and reasonable quiet in his or her room and apartment. Students must at all times show proper regard for others. Radios, televisions, stereos, musical instruments and other audio equipment should be adjusted so as not to disturb other residents of the Facility.

All residents and neighbours are entitled to privacy and quiet enjoyment in their rooms or properties, both from Facility staff and other residents. Be respectful of noise levels and allow residents the degree of privacy they desire.

Residents and neighbours should be able to live free of unsanctioned loud noise. Thus all residents need to be aware of the noise they and their guests are making regardless of the hour of the day. Residents should be particularly mindful of the noise generated from normal activity in an apartment such as watching TV, holding small gatherings, or returning late at night to the Facility after being out. The noise policy applies year round as study requirements are not restricted to traditional semesters.

Residents of the Facility undertake summer semester, mid semester classes and clinical blocks. Postgraduate research students study all year round. Many residents also work or study late into the night and therefore have varying sleep requirements.

If you are unsure what constitutes unreasonable noise you are encouraged to contact the Resident Manager or Resident Assistants. The level of noise at any time is at the discretion of the staff of the Facility, including the Resident Manager, Assistants and Security.

Official activities authorised by Facility Management may generate noise and such activities will generally cease by 10pm. These activities will normally be advertised in advance of them occurring. There are many other options close to the Facility that provide residents the opportunity to get together and provide music and other entertainment.

Responsibility for Addressing Noise:

Residents are responsible for the noise that they and their guests make. Residents should always be careful that they are not unreasonably disturbing their fellow residents. If a resident is being disturbed by noise they should speak with the person making the noise if they feel comfortable doing so. This is especially the case within apartments.

Should you feel that you are being effected by unreasonable noise please follow the following steps:

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1. Approach the resident/s making the noise and discuss the effect it is having on you and request that they lower the level of noise.
2. If you are unable to approach the residents generating the noise or they are unresponsive, you may contact Facility Administration. Residents should address noise complaints to the Resident Manager or Resident Assistant and should not contact Facility Security directly about noise complaints. Residents must comply with any request from the Resident Manager or Resident Assistant or other staff member relating to loud noise.
3. If a request by the Resident Manager or Resident Assistant to lower noise is not appropriately acted upon, the Resident Manager or Resident Assistant will contact Facility Security and/or the General Manager. Those making the noise will be identified and may be subject to disciplinary action.

Specific Noise Restrictions:

Residents of the Facility can generally expect reasonable quiet at all times in the Facility.

When residents do hold social gatherings they are asked to observe the following conditions:

Week Nights: (Sunday to Thursday inclusive) Gatherings with a reasonable amount of noise may be held in Common Areas until 9pm. No large gatherings should be held on outside common areas after 9pm on a week night.

Weekend Nights: (Friday & Saturday nights) Social gatherings that generate a reasonable amount of noise may be held until 11 pm.

Music: Stereos must not be used for outdoor gatherings and should be restricted to indoors with doors and windows closed. Likewise musical instruments and singing should be restricted to indoors.

Exams: During official University exam periods no social gatherings can be held that disturb other residents. If a resident organises a social gathering they must observe the Facility Party Policy. Please note that from time to time communal areas, may be closed to ensure that the Facility is free from noise that will disturb residents study and sleep.

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**Dayman Place
Student Residence**

Rules of the Facility

Subject to the terms of the Residential Agreement and any applicable legislative provisions, the Rules of the Facility ("**the Rules**") are as set out below.

Interpretation

For the purpose of this document, capitalised terms have the same meaning as in the Residential Agreement. The following terms are defined as follows (unless the context requires otherwise):

'**administration fee**', where referenced in the Rules, means an amount to be determined and notified to the resident by the Owner or Facility management (on behalf of the Owner), being a genuine pre-estimate of the costs and expenses incurred by the Owner for a breach of or noncompliance with the Rules (or part of the Rules) by a resident, which the Owner or Facility management (on behalf of the Owner) may, in its absolute discretion, charge the resident (and the resident must pay as a debt due on demand);

'**Facility**' refers to the accommodation facility at 7 Dayman Place.

1. Introduction

The Rules are a supplement to and form part of the Residential Agreement that all residents sign when they take up residence in the Facility. The Rules provide guidance and information about the standards and procedures which residents of the Facility are expected to meet and comply with during their residence in the Facility. Throughout the year updates of the Rules and information about residency in the Facility will be distributed to residents by emails and flyers.

Any failure by residents to comply with these Rules (as updated or amended from time to time as notified by Facility management) will constitute a failure to comply with the provisions of the Residential Agreement and may lead to disciplinary action including termination of a resident's right to reside in the Facility.

The Rules are intended to benefit all residents. However, the expectations of residents outlined in the Rules should not be seen as an exhaustive list. In becoming a resident of the Facility, you become a member of the Facility community and accept the responsibilities and obligations associated with being a good neighbour and citizen, whether or not they are detailed in the Rules.

2. Facility neighbours

Unlike University Colleges and residential Facilities, this Facility is located adjacent to a retirement village and a residential flat building. These neighbours are entitled to quiet enjoyment of their dwellings and their surroundings. A quiet facility is also conducive to study and achievement within the university context.

It is expected that no disruptive noise will emanate from the Facility at any time.

The Resident Manager will advise neighbours of a phone number on which he or she may be contacted by neighbours in the event of unreasonable noise coming from the Facility. The Resident Manager will keep a log book of such calls and inform the Owner or Facility management so that appropriate action can be taken to prevent further disturbance of neighbours. Action may be taken under Rule 20, Discipline and Misconduct.

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3. Absence from Room

If you expect to be absent from your Room for more than 48 hours, please inform Facility management, via email, and leave an emergency contact number. You do not have to tell Facility management where you are going, we just want to know how to contact you urgently if we need to, and so we do not worry. If you are detained away from the Facility for any reason, please contact the Facility administration office and leave a message if it is unattended.

Should another resident or a Resident Assistant report to Facility management that you have not been seen for 48 hours and you have not advised us of your intended absence, Facility management reserves the right and has the authority to enter your Room to check that you are okay.

If you are reported as being absent from the Facility for more than 72 hours, and we have no records of your whereabouts, Facility management may report you as a missing person to the police. If you are under 18 years of age, we will also contact the person nominated as Guarantor in your Residential Agreement.

4. Aesthetic Appearance

The Facility is part of the local community. You are required to maintain your Room in a neat and clean state of condition/appearance. To the extent applicable, you must, in conjunction with other resident(s) of the Facility, ensure that the Common Areas are maintained to the same standard.

You must not place foil, cardboard or other unsightly material or objects in or on any windows in your Room or alter any window coverings in your Room.

You must, at all times, keep balconies, decks and patios neat and orderly and clear of personal belongings. The hanging of any item from the walls, ceiling or balustrades of balconies, decks and patios is prohibited.

You must not use furniture designed for indoor use outside (including on any balcony, deck or patio).

If, in the opinion of Facility management, any item adversely affects the appearance of the Facility, the resident concerned will be asked to remove it. If you are asked by Facility management to remove any item, you must do so within the timeframe set by Facility management.

5. Alcohol and other Personal Issues

Personal issues, such as academic stress, alcohol abuse, depression and eating disorders may strain relationships in a living situation. It is both a resident's right and a resident's responsibility to seek help when such issues become disruptive. If Facility management is concerned about the personal wellbeing and/or safety of a resident, then they are entitled to treat the situation as an emergency and enter a resident's Room without notice.

Studies on alcohol abuse within universities show that there are significant secondary affects for roommates and friends of those who drink excessively. A resident's concern about protecting a roommate's privacy, where excessive drinking is involved or otherwise, should not keep them from getting support personally or for that other person.

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If a resident is worried about a fellow resident in their Apartment or if the behaviour of another resident in the Facility affects the living habits of other residents, the resident should immediately notify Facility management and endeavour to seek help for that resident of concern.

Sources of help such as University health & counselling services are listed under "handy phone numbers" at the back of the Resident Handbook.

Facility management recognises that alcohol is an established part of life in Australia and is enjoyed by many members of the Facility community. Generally, Facility management will not attempt to stop drinking at the Facility, but will expect moderation in and a responsible attitude towards the consumption of alcohol. Facility management aims to create a climate that enables residents to make a free and informed choice as to the level of their alcohol consumption, in an environment free of social pressures to drink to excess.

Alcoholic drinking games and other activities that promote binge drinking are not permitted at the Facility. Drinking games tend to encourage excessive drinking and drunkenness, tend to inhibit all other social interaction and pressure players to drink over their limits. Such activities can quickly make a participant very intoxicated and are dangerous. The host of the party and other participants may be held responsible for any negative consequences of excessive drinking.

Residents are required to comply with any policy, rule or guideline published by the University which relate to the consumption of alcohol and will be in breach of their obligations under the Rules and their Residential Agreement if they fail to do so. This rule works in conjunction with specific Facility rules as outlined in the Resident Handbook.

6. Room Condition Form

When moving into a Room, a resident is expected to carefully inspect the Room. Within 24 hours of moving in, any damaged or missing items must be reported to Facility management by returning the Apartment/Room condition form, which is provided to the resident upon arrival. This form includes a full list of all items that should be in the Room.

A resident should also report to Facility Management if there are any concerns with the cleanliness condition of the Room or the Apartment Common Areas when submitting the Apartment/Room Condition Form. Facility management will follow up on all issues reported in the Room condition form and take corrective action, as appropriate.

If a resident fails to notify Facility management of any issues(s) within 24 hours of moving in to the Room, the resident will be taken to have been satisfied with the condition of the Room and confirmed that the Room was in a good and undamaged condition at the date of first occupation by the resident.

Upon vacating a Room, a resident will be charged a reasonable amount as determined by Facility management for any missing or damaged items and for damage to the Room not reported to Facility management within 24 hours of moving into the Room.

7. Bikes

Bicycles must be secured only to the bicycle racks located in the basement of the Facility. Bicycles must not be left unattended or secured to other objects such as benches, light posts, trees, handrails or disabled access ramps.

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ATTACHMENT 3

Bicycles must not be placed in hallways or obstruct or impede a means of access. Bicycles that are left unattended or secured to anything other than bicycle racks, impede access or in any way present a safety hazard will be confiscated by Facility management and an administration fee will be charged for their return.

Bicycles are not permitted inside Rooms or Apartments. Bicycle storage is not available during the Summer Period once you have vacated your Room.

The Facility is not responsible for the security of, the theft of, or any loss or damage sustained to any bicycle which is secured via the bicycle racks or left anywhere else in the Facility. It is strongly recommended that residents use U-bolt locking devices for securing bicycles throughout the Facility.

8. Candles/Incense

Due to risk to life and damage to property, candles, torches, incense and other open flame devices are strictly prohibited anywhere inside or around buildings in the Facility, including in Rooms.

Burning of any of the above devices is likely to set off the smoke detectors in your Room. If a smoke detector is activated as a result of the use of any of the above prohibited devices, the Resident(s) will be required to pay the cost of the fire brigade and/or Facility security (as the case may be) attending together with any administration fee imposed by Facility management as a result of the resident's failure to comply with this Rule.

9. Car Parking and Motorbikes

The Facility has limited car parking spaces available, with more extensive parking for motorbikes and may not be able to provide parking facilities to residents of the Facility.

Residents are discouraged from parking in the street.

The Facility is not liable for any damage to and/or theft of any vehicle or property left within the vehicle whilst the vehicle is parked in the Facility or resulting from the vehicle being towed from the Facility.

10. Carpet Damage

Any damage to carpet, tiles or any floor covering (the "Floor Covering") in a Room will be charged to the resident.

Damage to any Floor Covering in an Apartment Common Area or in the common area of a Facility will be charged equally between Apartment and Facility residents respectively, unless the Facility management is able to identify the specific person or persons responsible for the damage, in which case those person or persons will be charged for the damage.

Facility management will attempt to have soiled Floor Coverings professionally cleaned at the expense of the resident(s) of a Room. In the event that a stain cannot be removed, the Floor Covering will be replaced at the expense of the resident(s) of a Room/ Apartment.

At all times during the Term of the Residential Agreement and upon vacating a Room, each resident must ensure all Floor Coverings in the Room are in the same condition as it was in on the date of first occupation by the Resident, taking into consideration general wear and tear.

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ATTACHMENT 3

Where the Resident(s) fails to do so, Facility management may arrange for the Floor Coverings of the Room to be professionally cleaned and the cost of returning the Floor Covering in a Room to this condition, including the cost of having the Floor Covering professionally cleaned will be charged to the resident(s).

11. Chalking

For the purposes of this Rule 10, "Chalking" means to write, draw, rub or otherwise mark or delineate with chalk any surface as a means of promoting any event or message. Any chalking on Facility roads, footpaths, parking areas or buildings is prohibited and will be removed immediately by Facility management and the persons responsible will be charged for the cleaning cost.

12. Cleaning

Facility management will arrange:

- (a) sweeping, vacuuming and mopping of the external and internal common areas of the Facility (e.g. laundry, administration & resource centre etc.);
- (b) maintenance of the Facility grounds and gardens;
- (c) for flyers posted in non-designated areas to be taken down;
- (d) for external garbage bins to be regularly emptied; and
- (e) for cleaning of external surface of buildings in the Facility.

All residents must:

- (f) clean and vacuum their Room on a regular basis;
- (g) maintain their Room in a hygienic manner; and
- (h) clean internal windows and walls in their Room.

Residents must supply their own cleaning materials and equipment, where not otherwise supplied by the Facility.

Residents may arrange for their Room to be cleaned professionally on a once off, weekly, monthly or other regular basis for a fee. Details of fees associated with these services are available from the Facility administration office.

Where it is brought to the attention of Facility management that a Room is not being cleaned or is unhygienic, the resident(s) of that Room will be requested to thoroughly clean the Room. If following such notification the Room is not promptly cleaned to comply with basic cleanliness and health standards, Facility management may arrange for the Room to be professionally cleaned at the expense of the Room resident(s).

Upon vacating a Room, Resident(s) must leave the Room in the same state of cleanliness and repair as it was in on the first day of occupation by the resident, considering fair wear and tear and taking into account any notice the resident submitted to Facility management in accordance with Rule 5.

Where the Resident(s) fails to comply with this Rule 11, the Resident(s) will be charged with the cost of professionally cleaning the Room to this condition.

13. Computer, Telephone and TV Facilities

ITEM 3 (continued)

ATTACHMENT 3

Residents acknowledge and agree that the telephone & computing infrastructure installed throughout the Facility forms an essential part of the Facility and Residents must not tamper with or remove any part of it. The cost of repairing any damage to the telephone and computing infrastructure caused by resident(s) will be charged to the resident(s) responsible, together with an administration fee.

The Facility data network is designed to be more than adequate for residents' use unless congestion is caused. Congestion is generally caused when a resident(s) download large data files such as movies.

Resident(s) who download these type of files and who continue to do so despite a warning from Facility management will be disconnected from the network.

Residents must adhere to the following protocols when using the Facility data network:

- (a) only connect to the data port with the recommended cables and connections;
 - (b) do not dismantle the data port;
 - (c) when connecting to the network, remember that others are doing likewise;
 - (d) continually downloading large data files may slow down the network and affect others and as such should only occur in limited circumstances;
 - (e) the network is not to be used for any criminal or illegal activity, including port surfing or computer hacking; and
 - (f) the network may be monitored by the University's network security services.
- Where a free to air television service connection is available, resident(s) must not tamper with or remove it.

14. Conduct Issues

Residents and their guests in the Facility are to show respect for order, morality, personal honour and rights as members of the Facility community.

Residents are responsible for their guests and will be held financially accountable for any breach of the Rules or misconduct by their guests.

15. Cooking

Cooking is only permitted in communal kitchens. Cooking equipment such as (but not limited to) hot plates, toasters, rice cookers, electric woks and fry pans are not permitted in Rooms.

Barbeque grills and charcoal fluid may be a fire hazard and are not permitted inside buildings in the Facility or outside on patios.

The responsible resident(s) will be required to pay to the Owner, the cost of the fire brigade attending as incurred by the Owner, together with an administration fee, if a false alarm occurs because of a resident's failure to comply with this Rule 14.

16. Damage or Loss

Residents must take proper care when using Facility property. Removal of any Facility property from its designated location will be reported to the police. The person responsible will be charged the cost for restoring, repairing or replacement (at the discretion of Facility management and having regard to the extent and nature of the damage) of the relevant item and an administration fee. When responsibility cannot be attributed to a specific person, Facility management may, in its absolute discretion, divide the replacement cost and the

ITEM 3 (continued)

ATTACHMENT 3

administration fee between all residents and recover such costs from the residents of the Apartment and or the Facility.

Residents are responsible for all damage to or loss of Facility property in their assigned Room and Apartment. If the damaged or lost item was located in a Room, then the resident of that Room will be held responsible and charged for the cost of restoring, repairing or replacing the item (at the discretion of Facility management).

Residents are also responsible for the conduct of their guests and any misconduct, injury to any person or property damage, which their guests cause whilst in the Facility.

17. Damages Charges

Recipients of an invoice for payment of costs for restoring, repairing or replacing a damaged or lost Facility property must pay the amount invoiced within 7 days after the date of issue of the invoice by Facility management (or to request a review of the invoice). If you have received an invoice for damaged or lost Facility property, please take care of it immediately. Any invoice not challenged within 7 days of issue is no longer subject to review.

Standard charges for repair or replacement of damaged furniture and fittings in a Room are available from the Facility administration office. It is not possible to provide a comprehensive list of prices and costs for all items of Facility property or maintenance services in the Facility, as they are generally dependant on the damage caused. All repair work is carried out on a 'do and charge' basis and will be invoiced at a rate equal to the actual charge from the supplier or contractor to the Facility plus the administration fee referred to in Rule 15.

18. Decorating Rooms and Apartments

Murals are not permitted to be painted on any surface in the Room, the Apartment or the Facility. Most adhesives will remove paint. Residents must not fix sticky stars, use sticky tape of any nature or other adhesive decorations to the ceiling or elsewhere in the Room or the Apartment.

The use of nails or screws will damage the walls and the paint. Residents must not use nails or screw on any surface of the walls in the Room or the Apartment. If any holes are left in the walls due to use of nails or screws and require patching, you will be charged not only for fixing the holes but also for painting the entire wall(s) that require repainting.

Notwithstanding the above, Residents may decorate Rooms and Apartments with posters affixed to walls using blu-tak or a similar nonmarking re-usable adhesive.

19. Disabled Access

A number of the Rooms, Apartments and buildings within the Facility have been fitted with facilities to assist persons with disabilities. Interfering with or blocking these facilities in any way is considered misconduct and will result in disciplinary action, which may include (but is not limited to) termination of a resident's Residential Agreement and their right to reside in the Facility. The cost for restoring, repairing or replacing such facilities will be charged to the responsible person.

20. Discipline and Misconduct

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ATTACHMENT 3

Misconduct is an action or series of actions that breach your Residential Agreement, these Rules, any laws or any other generally accepted standard of behaviour in the Facility (as determined by Facility management). Depending on the nature and severity of a resident's misconduct, Facility management is entitled to take the disciplinary action detailed in a resident's Residential Agreement and/or these Rules and reserves the right to refer or disclose any occurrence of misconduct to the University and/or the police if, in their absolute discretion, they determined that course of action is appropriate.

Disciplinary action includes but is not limited to admonition, probation, termination of a resident's Residential Agreement and the requirement for the resident to leave the Facility. Except in circumstances of serious misconduct or a material breach of the Residential Agreement, Facility management shall issue a warning notice, by email or in writing, notifying a resident of the unacceptable behaviour and the right of Facility management to require the resident to leave the Facility if the (or other) unacceptable behaviour re-occurs and the steps which the resident must take to retain the right to continue to reside in the Facility.

Should a resident fail to respond in an acceptable manner to an email or written warning and continue to behave in a manner that is detrimental to the well-being of the Facility community, Facility management may, by written notice terminate the resident's Residential Agreement and the resident must leave their Room and the Facility by the date and time specified in the termination notice.

In circumstances of serious misconduct or a material breach of the Residential Agreement, as determined by Facility management at its discretion, Facility management is not required to give any prior warning or notice to terminate a resident's Residential Agreement, except if to do so would breach a specific term of the Residential Agreement or any applicable legislative requirements.

A resident required to leave the Facility for disciplinary reasons will not ordinarily have the opportunity to return to their Room except via prior arrangement with Facility management and then only to collect the resident's possessions and under the supervision of Facility management staff.

If a resident has had their Residential Agreement terminated and been asked to leave the Facility, Facility management reserves the right to refuse to accept an application for residency in the Facility from that resident in the future for such time as it sees fit (in its absolute discretion).

For the purposes of this Rule 19, "**planking**" means the practice of lying face down flat on a surface(s) with arms on the side to mimic a wooden plank. Residents must not undertake or perform any form of planking in the Room, the Apartment or the Facility. A breach of this Rule 19 by a resident(s), in any form, is considered serious misconduct and, as a consequence, Facility management reserves the right to immediately terminate a resident's Residential Agreement.

21. Dishware

.If your Room is supplied with pots, pans, crockery and cutlery, it is the responsibility of each resident in the Room that the amount of inventory stated at the start of the year is maintained and present upon departure. Any concerns or requests to replace the pots, pans, crockery or cutlery should be submitted to the Facility administration office for consideration.

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ATTACHMENT 3

22. Drugs

The possession, cultivation, usage, or selling of any non-prescribed or illegal drugs and/or the possession of any equipment to aid the use of non-prescribed or illegal drugs or substances is prohibited.

Any breach of this Rule, in any form, by a resident is considered serious misconduct and as a consequence Facility management reserves the right to immediately terminate a resident's Residential Agreement and also report the incident to the police.

23. Electrical Equipment in Rooms

To prevent overloading electrical circuits and to conserve energy in the Facility, Residents must limit electrical equipment in Rooms and/or the Apartment to such items as computers, study lamps, clocks, stereos, coffee makers, personal vanity items and other small electrical appliances.

These items must be maintained in good and clean operating condition. The use of hot plates, electric heaters (other than those specified in Rule 37 (Heating)), electric blankets and any appliances with open heating elements are prohibited in Rooms, unless supplied by Facility management or otherwise approved in writing by Facility management.

Other than the small electrical appliances mentioned above, Residents must not install or use any other electrical appliances in the Room without the prior written consent of Facility management (such consent may be withheld or granted subject to conditions as may be required by Facility management, in its absolute discretion). For clarity, 'any other electrical appliances' includes (but is not limited to) mini bar fridges, fridges, washing machines, sewing machines, fans, portable air conditioners and heaters (other than those specified in Rule 37 (Heating)).

Residents must ensure all electrical appliances in the Room are switched off when not in use and particularly during any extended absence from the Room.

24. Electrical Safety Reminders

Residents must comply with the following fire and safety policies, which are intended to prevent injuries in the Facility and to ensure compliance with health and safety regulations:

- (a) never modify a plug by bending or removing prongs;
- (b) if plug prongs break off and remain in the receptacle slots after insertion or withdrawal, do not attempt to remove them, contact the Facility administration office for assistance;
- (c) extension cords should only be used when absolutely necessary and only on a temporary basis. If you must use an extension cord, we recommend using a multiple outlet power strip equipped with an internal circuit breaker and the electrical cord should not exceed 1 metre in length. If you discover any faulty electrical equipment, please report this immediately to Facility management;
- (d) do not "daisy chain" extension cords and/or power strips; and
- (e) promptly replace, at the resident's cost, frayed or damaged cords.

25. Emergencies

Located in the Resident Handbook, you will find all the numbers to be called in the event of an emergency. For any life-threatening emergency call '000' from a landline or '112' from a mobile to summon fire, police and ambulance services.

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False alarms waste the time of emergency services and Facility management and may result in disciplinary action, the on-charge of any call out service charge imposed by the emergency service and an administration fee.

You are responsible for familiarising yourself with the location of alarms and fire fighting equipment in your Room and in the common areas of the building in which your Room is located, and with the emergency procedures for the Facility. Fire safety information is posted in all Rooms.

26. Evacuation

Evacuation maps are posted in various parts of the Facility indicating your location in relation to the nearest exit and steps to take to vacate the premises in the event of an emergency. You must familiarise yourself with the location of all exits from your Room and the building in which your Room is situated and attend any emergency evacuation when required by Facility management, fire awareness programs and participate in fire and evacuation drills which take place at the Facility. For the avoidance of doubt, attendance at any emergency fire and evacuation (whether as a drill or actual) is compulsory and the failure to comply will be considered, by Facility management, as non-compliance with the Rules, which may be escalated to a serious misconduct for repeated failures.

Evacuation maps are part of the fire equipment of the Facility and must not be tampered with. In the event of an evacuation, residents must report to your building's assigned emergency assembly point for further instruction. If you are aware a fellow resident of the Facility is not in attendance at the emergency assembly point, you must immediately notify the Facility management in attendance at the assembly point.

The Facility is regularly inspected by the fire brigade for safety and fire code compliance. Residents must keep common areas clear of any items which may affect safe access to and egress from buildings in the Facility. Whenever Facility management encounter these obstructions or are informed of their presence, they will proceed to remove the obstructions to ensure fire code compliance.

If Facility management is required to remove items left in common areas, residents will be charged the cost incurred by the Facility to remove the obstruction, together with an administration fee. Repeated violations by a resident(s) of this Rule 25 may, in the absolute discretion of Facility management, be considered as serious misconduct, which result in disciplinary action, which may include (but is not limited to) termination of a resident's Residential Agreement.

27. Exit Signs

Exit signs have been located throughout the Facility for safety of residents and visitors. Residents (and the Residents must ensure its guests and visitors) must not tamper with, disconnect, remove or otherwise interfere with or obstruct exit signs in the Facility.

Playing of ball games in Rooms and common areas of buildings could potentially damage exit signs and is therefore prohibited

28. Fire Alarms

Residents must not assume that a building alarm goes directly to the fire brigade. Residents must always call '000' from a landline or '112' from a mobile in an emergency situation, or immediately contact Facility management if you are unsure what to do when you hear an alarm.

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The fire brigade is obligated to respond to any alarm regardless of the cause. Any resident found to have set off a false fire alarm, whether purposefully or because of carelessness (as determined by Facility management) is responsible for any charges levied by the fire brigade on the Facility for the call out.

Facility management also reserves the right to charge residents an administration fee and treat the false alarm as a breach of the Rules (where repeated violations may be considered as serious misconduct and result in disciplinary action, which may include (but is not limited to) termination of a resident's Residential Agreement).

Residents must not, at any time, shower with the bathroom door open, as excessive steam can set off a fire alarm. Residents must always use (in accordance with installed signage, as applicable) bathroom exhaust fans when showering and kitchen exhaust fans and range hoods when cooking.

29. Fire Equipment

Fire blankets, extinguishers and/or fire hoses are located in all kitchens. These are to be used for small fires only such as stove top fires where oil has ignited. Residents must immediately notify and return all used fire blankets and/or extinguishers to Facility management for immediate replacement.

Fire equipment that is not in working order jeopardises the safety of all residents and as such Facility management will regularly be checking all fire equipment including fire extinguishers and hoses, fire alarm boxes, smoke detectors, exit signs and evacuation maps.

It is against the law to tamper with fire equipment, including removing or covering exit signs, damaging exit signs, altering the function of door closers, disabling or covering smoke detectors, discharging fire extinguishers for any purpose other than putting out a fire and doing anything that may compromise the proper functioning of fire equipment.

Violators will be subject to any fines imposed by a relevant authority or agency, possible criminal penalties, an administration fee. A breach of this Rule in any way by a resident may be considered as serious misconduct and the resident may be subject to disciplinary action, which may include (but is not limited to) termination of a resident's Residential Agreement.

Any fire equipment repair or replacement that results from resident misconduct will be charged to the resident(s) responsible. If the responsible party cannot be determined, the cost incurred to repair or replace the damaged equipment will be charged to all residents of the building or Apartment as the case may be in equal shares.

30. Fix-it Requests & Repairs

The Facility has a substantial asset management and maintenance schedule, which is continually being implemented, to ensure that the Facility is maintained in an excellent condition.

All maintenance in the Facility is carried out by suitably qualified tradesperson who will be identifiable by Facility ID cards. Residents must submit all requests for repairs or replacements in your Room via a "fix-it request" via the Website. Fix-it requests are processed Monday to Friday by Facility management.

Residents must immediately report any problem which they believe constitutes a safety

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ATTACHMENT 3

or security risk to the Facility management. Depending on the nature of the problem, Facility management shall do their best to ensure that urgent repairs are dealt with immediately. This may not always be possible due to the availability of contractors and parts required for repairs.

Residents are not permitted to repair or replace electrical, plumbing, heating, security equipment, glass or any other item in the Facility nor are they permitted to contract with any third party for such repairs. The cost of any repair or replacement in the Facility which is necessitated because of a deliberate act or omission or the negligence of a resident(s) will be charged to that resident(s).

31. Flyers

Residents may only post flyers and posters on or about the Facility only with the prior written approval of Facility management and then only at approved locations or on bulletin boards throughout the Facility. Any materials posted anywhere else will be removed and cleaning charges will be charged to the responsible resident(s).

32. Furniture

Furniture provided in a Room is to remain in that Room. It is not to be moved to another Room or anywhere else in the Facility, even on a temporary basis. Furniture is to remain inside Rooms unless it has been nominated for outdoor use.

Residents are not permitted to install, bring into or use in the Room, Apartment or Facility any item of furniture or other furnishings, including without limitation beds and mattresses, (other than those furniture items supplied in the Room/ Facility by the Owner) without the prior written consent of Facility management, which may be withheld or granted subject to conditions, in its absolute discretion.

A breach of this Rule in any way is considered misconduct, and will result in disciplinary action, which may include (but is not limited to) termination of a resident's Residential Agreement. Any costs incurred by the Owner to remove, dispose of and/or rectify any damage to the Room, Apartment or Facility as a result of a breach or non-compliance by a resident of the Rule will be charged to the resident, along with an administration fee.

33. Garbage Disposal & Recycling

Residents are responsible for the frequent and regular removal of all garbage from their Rooms and Apartments. Multiple garbage bins are available for residents to dispose of rubbish. Residents are responsible for ensuring rubbish is placed in the appropriate garbage and recycling bins.

In the interest of hygiene and aesthetics, residents must not place garbage adjacent to or on top of garbage bins. There are ample bins within the Facility to cope with the garbage from all residents. Residents must not leave garbage outside their Rooms or Apartments.

Any resident found not complying with these procedures may be charged with the cost of cleaning and removing the garbage, at the discretion of Facility management.

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34. Grounds and Gardens

An extensive landscaping plan has been implemented for the Facility and the grounds are maintained by (or on behalf of) Facility management. If you notice areas in need of attention, please let Facility management know. Please help in keeping the Facility free of litter. Residents must not remove, damage, cut or break any foliage off plants or trees within the Facility grounds.

35. Hazardous Material

Hazardous materials, including (but not limited to) automotive or industrial batteries, chemicals, charcoal fluid, propane, fuelled camping lanterns, kerosene, and corrosive materials like acid and explosives, must not be used or stored in or around the Facility because of the safety risk to you and other occupants of the Facility. If a material is deemed hazardous, Facility management may arrange for its removal with the cost of arranging such removal to be charged to the owner of the material.

Residents must not pour motor oil or any other hazardous material on the ground or down any drain in the Facility. Motor oil is a hazardous waste material and cannot legally be recycled or discarded at the Facility.

36. Hazing/Initiation

For the purposes of this Rule 36, "Hazing" means any mental or physical requirement or obligation placed upon any person or group of persons, used as a way of initiating another person(s) into a group, which could cause discomfort, pain, fright, disgrace, injury or which may be personally degrading or which violates any University policy, Facility policy or applicable law.

Hazing in any form (whether by on-line means, such as via social networking sites, or otherwise) is prohibited in the Facility. Any resident who is found to be involved in Hazing (or any form of it) will be reported to the appropriate authorities and will be subject to disciplinary action at the discretion of Facility management, which may include immediate termination of their Residential Agreement and revocation of their right to remain in the Facility.

37. Heating

In the interests of safety, heaters with an exposed element, small fan heaters and bar heaters are prohibited within the Facility. If heaters are not supplied in your Room, residents are only entitled to use enclosed column heaters with a maximum capacity not exceeding 1,200 watts with the prior consent of Facility management.

Please use common sense when using the heaters. Do not leave heaters on when you leave your Room. Do not place any items of clothing or any other article over or close to a heater.

38. Indoor Plants

Indoor plants are permitted in Rooms, but residents are reminded to be mindful of the needs of co-residents. Residents must not water plants in the showers or sinks as this can create plumbing problems. All indoor plants must be placed on trays or other receptacles to avoid staining carpets.

39. Inspections and Building Condition Issues

ITEM 3 (continued)

ATTACHMENT 3

Subject to complying with the notice provisions in Rule 46, Facility management reserves the right to enter any Room:

- (a) in the case of an emergency (as determined by Facility management at its discretion);
- (b) at any time between semesters;
- (c) for the purpose of inspection, maintenance or repair; or
- (d) if requested to do so by a resident.

Residents must not change any lock or place any additional locks on any door to their Room or any other doors within their Apartment.

Inspections of Rooms are undertaken by Facility management to identify maintenance needs, ensure that health, safety and cleanliness standards are being maintained in the Room and to enable planning for renovation or refurbishment projects. Repeated failure to pass the cleaning inspections will result in charges to resident(s) for professional cleaners to return the Room to Facility standards.

40. Insurance

The Facility assumes no responsibility for the personal property of residents and their guests. Residents should maintain insurance protection against loss and damage to or theft of personal property.

41. Keys/Swipe Cards

Residents will be issued with keys and/or swipe cards, which enable access to their Room and to Facility common areas.

If your Room is fitted with a Saflok system, instructions on how to understand the Saflok warning signals are located on the inside of the entry door. It is the resident's responsibility to monitor these light signals and notify Facility management if batteries are running low.

Keys and/or swipe cards that are lost must be immediately reported to Facility management and with appropriate identification, a resident will be issued with a new key and/or swipe card at a cost. The amount of the cost charged to the resident will be dependent on whether the lock itself has to be replaced and/or whether any keying system has to be reprogrammed or replaced, as the case may be.

If your keys and/or swipe card is faulty, please return it to the Facility administration office and it will be replaced at no charge. If your keys and/or swipe card is damaged, please return it to the Facility administration office and you will be issued with a new keys and/or swipe card at a cost. Residents are responsible for the keys and/or swipe cards issued to them.

Residents are not permitted to duplicate keys and/or swipe cards and only Facility management or a duly appointed locksmith may alter or repair a lock. If you have lost your key and/or swipe card, locked yourself out of your Room or if you have damaged the lock to your Room, you must verify your identity at the Facility administration office prior to the issue of a replacement key and/or swipe card or access being granted to your Room.

If you are locked out of your Room after hours, please contact the duty Resident Manager (RM). The duty RM has a master key with which to open your Room door. There will be a charge to open your Room door.

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Facility management strongly recommends that Residents keep their Room door locked when they are not in their Room. Costs of replacing a swipe card and/or a key, lock and lock out charges are outlined in the Resident Handbook.

42. Kitchens

Residents must clean the kitchen appliances and equipment supplied in the Facility after each use. If a Resident becomes aware that a kitchen appliance requires maintenance, they should advise Facility management via the "fix it request" on the Website.

The cost of repairing or replacing damaged appliances and an administration fee will be charged to the person responsible for the damage. Faulty appliances will be repaired at no charge.

43. Laundry

For a fee, Residents may use the Facility laundry facilities. Residents may access the Facility laundry facilities 24 hours a day. Residents must provide their own washing supplies and must ensure that they leave the area in a tidy state after use. Laundry left in washers or dryers must be placed in the laundry baskets located under the folding bench. Any laundry left in the Facility laundry facilities which is not claimed within 7 days will be deemed abandoned and will be donated to a local charity (at the discretion of Facility management).

Items left unsupervised in the Facility laundry facilities are left at the resident's risk. The Facility is not responsible for any damage caused to clothes or other items resulting from the use by residents of the Facility laundry facilities

The cost of repairing or replacing damaged laundry appliances and an administration fee will be charged to the person responsible for the damage or to all residents of the Facility if the person(s) responsible cannot be identified. Faulty appliances will be repaired at no charge.

44. Lighting

Any light fixture provided by a resident in addition to existing lighting must not exceed 100 watts per fixture. Residents are not permitted to repair or replace permanent light fixtures in their Rooms under any circumstances. As a matter of safety we ask residents not to change light globes themselves, but to report blown globes via a "fix-it request" on the Website.

45. Mail and Communications

The primary means of communication within the Facility is by email, so it is important that you inform Facility management immediately of any changes to your email address. General notices will also be posted on the Website and around the Facility.

Residents wishing to receive standard mail should use the mailing address listed in the Resident Handbook. When parcels are delivered by Australia Post, they will be kept at the Facility administration office and a note will be placed in the resident's mailbox, sorted alphabetically indicating that you have a parcel for collection. Residents are required to acknowledge collection of parcels.

Facility management will not sign for any courier or non-Australia Post deliveries on a resident's behalf, except in exceptional circumstances where a resident has requested and authorised Facility management to do so and we have accepted that responsibility. Under no

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ATTACHMENT 3

circumstances will the Facility be responsible for any item delivered by courier or non-Australia Post deliveries.

It is a resident's responsibility to regularly check their mail box. Any mail not collected within one month of its delivery may be returned to the sender by Facility management. Facilities for purchasing stamps and posting letters and parcels are available from the post office located on the University campus.

46. Maintenance and Emergencies

If there is an emergency situation (such as a flood, a shower that will not turn off, a Room door that will not lock etc), please call the on-call RM and ask for assistance on the number listed in the Resident Handbook which is staffed 24 hours a day. All other requests for maintenance/repair must be submitted by a "fix-it request" on the Website.

If you submit a "fix-it request", you are deemed to have given Facility management permission to immediately enter your Room to carry out the requested maintenance/repair. Any questions or concerns about after hours emergency response should be directed to the Facility administration office.

47. Management Access to Rooms

By signing a Residential Agreement and without limiting any provision of the Residential Agreement, residents agree to give access to Rooms/Apartments on the following basis:

Purpose of Entry	Minimum Notice which must be given to you
In an emergency (as determined by Facility management at its discretion) or for urgent repairs	Without notice
To carry out repairs and maintenance which you have requested	Without notice
To carry out general repairs and Maintenance	48 hours
To inspect the Room	48 hours
To inspect the Apartment (other than a Room)	Without notice pursuant to clause 4.5(d) of the Residential Agreement.
To show the Room to prospective Residents	48 hours, on the proviso that Facility management may, during the last 14 days of your occupancy, show the Room to prospective residents a reasonable number of times after such notice has been given.

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If Facility management has reason to believe that you have abandoned the Room

Without notice

If Facility management suspects that you are in breach of the Residential Agreement or these Rules (including but not limited to a person other than you is residing in the Room or the Apartment Common Areas)

Without notice pursuant to clause 4.5(d) of the Residential Agreement.

Where notice is required to be given pursuant to the above, Facility management will not be able to specify the exact time or day that access will be required but rather a time period in which the entry may take place.

48. Modifications to Buildings and Rooms

Residents must not make any internal or external modifications to Rooms, Apartments or any other part of the Facility, such as installing shelves or hooks, adding new light fittings, changing light fittings, painting or repainting, or altering permanent fixtures, without the prior written approval of Facility management.

Modifications undertaken without prior written approval will be removed, reinstated and/or repaired (as the case may be), at the resident's expense, and the resident will be subject to disciplinary action at Facility management's discretion, having regard to the nature and extent of the modifications and costs for removal, repair and/or reinstatement.

49. Moving Out Procedures

Two calendar months prior to the end of the academic year all residents will be requested to confirm the date they will be vacating their Room ("the **vacation date**"), which must be prior to or on the Termination Date.

Residents must comply with the following procedures and requirements whilst moving out of their Room in addition to any other reasonable requirements posted by Facility management:

- (a) All residents will be assumed to be vacating their Room on the Termination Date, unless the resident has notified and obtained agreement from Facility management otherwise;
- (b) Prior to vacating a Room, the resident must pay in full and without set off, all fees and charges payable and due by the resident under the Residential Agreement, or make arrangements for payment satisfactory to Facility Management ;
- (c) If a pre-inspection of a Room is requested by the resident, Facility management shall use reasonable endeavours to arrange for the pre-inspection within the period being 14 days prior to the vacation date, with a final inspections to take place within 24 hours of the vacation date;
- (d) Subject to Rule 49(c) and any other prior arrangement with Facility management, Facility management will inspect Rooms/Apartments by the earlier of
 - (i) 14 days of the vacation date; and
 - (ii) within 24 hours prior to the Room being re-occupied;
- (e) Upon vacating a Room, residents must leave the Room in the same state of cleanliness and repair as it was in on the first day of occupation by the resident,

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considering fair wear and tear and taking into account any notice the resident submitted to Facility management in accordance with Rule 5;
(f) All furniture and fittings within the Room must be left in the appropriate rooms and if any are damaged or missing they will be charged for in accordance with these Rules; and
(g) Residents must ensure all personal belongings in the Room are removed from the Room by no later than 10:00am on the vacation date.

50. Noise

Every resident is responsible for the maintenance of good order and reasonable quietness in their Room and Apartment. Residents must at all times show proper regard for others. Radios, televisions, stereos, musical instruments and other audio equipment should be adjusted so as not to disturb other residents of an Apartment or the Facility.

Residents must at all times adhere to the Facility "Noise Policy", a copy of which is contained in the Resident Handbook or can be obtained from the Facility administration office or Website. Note also provisions in Rule 2, Facility neighbours.

51. Obscene, Harassing or Discriminatory Behaviour

Facility management is committed to ensuring that anyone who is part of the Facility community treats, and is treated, at all times fairly and equitably, in an environment which is free of harassment, bullying and discrimination (whether by on-line means, such as email or via social networking sites, or otherwise). All people have the right to be treated with dignity and respect, regardless of their sex, marital status, pregnancy, race, religion, disability, age, political beliefs, family responsibilities, parental status, sexual orientation, industrial activity, gender identity or physical features.

The Facility has a "Zero Tolerance Policy" with respect to discrimination, bullying and harassment of any kind (including, without limitation, by online means, such as email or via social networking sites, or otherwise).

All residents have a responsibility to comply with this policy, a copy of which is contained in the Resident Handbook or can be obtained from the Facility administration office or the Website.

A breach of this policy is considered serious misconduct and may result in disciplinary action (at the Facility's absolute discretion), including without limitation, in some instances, referral to the appropriate authorities, and termination of the resident's Residential Agreement.

The Facility recognises and residents acknowledge that the sexual harassment policy of the University, a copy of which can be found on the University's website, forms part of these Rules, a breach of which is considered serious misconduct and may result in disciplinary action (at the Facility's absolute discretion).

Placement of any obscene or harassing telephone calls or the taking of unauthorised pictures or images (and publishing such pictures or images) by a resident is completely unacceptable and is treated as a serious disciplinary issue by Facility management. Anyone the subject of such calls or such unauthorised images should report it immediately to the Facility administration office, who in turn will contact University security. Outside general office hours, report such calls to the duty Resident Assistant, to University security, as the case may be.

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Any resident who is found to be making obscene or harassing telephone calls or taking or publishing unauthorised images of another resident or others in the Facility will be subject to disciplinary action at the discretion of Facility management, which may include immediate termination of their Residential Agreement and revocation of their right to remain in the Facility. Facility management also reserves the right to refer the matter to the appropriate authorities.

Residents who have been victim of any form of harassment are advised to contact the University's health & counselling service for support.

52. Overnight Guests & Unauthorised Occupancy

While Facility management does not encourage overnight guests, it is understood that on occasion this will occur. Extended visits are not permitted and residents must not, in any circumstances, allow any other person to reside in their Room or Common Areas.

For the purposes of this Rule 52: □ a resident staying in a Room other than their allocated Room is a considered as a guest; and no guests are permitted, at any time, in a dual occupancy room.

Any person found to occupy a Room, where the above procedure has not been followed, will be deemed as unauthorised, and the resident of the Room will be charged an administration fee for each night the unauthorised person has stayed and will be in breach of their Residential Agreement, which must be paid by the resident as a debt due on demand.

A guest must leave the Facility immediately if requested to do so by Facility management whether or not the above procedure has been followed.

Residents must ensure that any guest or other person who is in the Facility at the invitation of the resident or in the residents company complies with the Rules and any reasonable directions given by Facility management and does not do anything which a resident is prohibited from doing under the Rules and the Residential Agreement.

53. Parties and Special Events

Residents must comply with the "Party Policy" at all times. Parties are generally not accepted as part of Facility life. Celebrations and parties should be held at public venues and away from the Facility and its neighbours.

54. Pest Control

Any infestations that are found to have been introduced or caused by a resident(s) will result in charges being levied for the costs of the eradication of the pests incurred by the Facility. Good housekeeping is very important. Residents must ensure that food is not left out or uncovered. It is unhealthy and attracts ants and other pests.

The Facility employs a pest control company to carry out routine treatments. This company will only use chemicals that are permitted by law and which comply with Australian/NZ Standards as applicable.

Prior to any residential area of the Facility being treated, 48 hours notice will be given to residents.

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55. Pets

Residents are not permitted to keep pets, including (without limitation) fish, rodents, insects and reptiles in the Room and/or the Facility. Additionally, residents are not permitted to bring animals into any building of the Facility. This Rule does not apply to the extent that it restricts the keeping of a guide or hearing dog.

56. Political and Religious Views / Solicitation

Residents are encouraged to discuss and debate their political and religious views, however, no resident has the right to force their opinion and views on another in a way that is abusive or which causes physical or emotional harm or distress, and no person may be discriminated against or oppressed because of their beliefs.

Solicitation is an uninvited or unwanted attempt to make contact (in any form, whether by on-line means, such as via email, social networking sites or otherwise) with a resident for the purpose of promoting religious beliefs, engaging political views, or encouraging the purchase of items or tickets to an activity or event, or membership to a club or organisation. Solicitation is prohibited in the Facility.

57. Privacy and Quiet Enjoyment

Except as otherwise outlined in the Residential Agreement (including these Rules), all residents are entitled to privacy and quiet enjoyment in their Rooms, both from Facility staff and other residents. Residents must be respectful of noise levels and allow other residents the degree of privacy they desire.

When entering another resident's Room, residents must knock on the door and do not enter uninvited. The Resident Manager holds a set of keys when on duty to deal with lockouts and emergencies. Resident Manager is not permitted to open Room doors without the permission of the occupier, except in emergencies, as otherwise contemplated in the Rules or as required by law. Any person requesting entry into another person's Room will be denied access unless the occupier gives permission in writing.

58. Project Work

Residents must not use cutting knives or equipment on furniture, counters, tables and other surfaces as this can cause permanent damage. If a resident has a project that requires use of a sharp implement, then they must acquire a piece of appropriate material to cut on.

Residents must ensure that they thoroughly protect surfaces if painting posters or other projects to avoid staining walls, floor coverings, carpet and other surfaces. Facility management reserves the right to charge the resident(s) for any damage or costs incurred by the Owner as a result of a breach of this Rule 58.

59. Common Areas

The Facility contains indoor common areas, they are for the use and enjoyment of all residents of the Facility. Non-residents, if they are registered with the Facility administration office, are also allowed to use the facilities but only if accompanied by a resident.

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60. Resident Assistants (RAs)

As part of the Residential Program at the Facility, a number of senior students are appointed by Facility management to the position of Resident Assistant (RA). The role of an RA is to give support and advice to residents. Full details on the role of an RA can be obtained from the Facility administration office.

RAs must respect the privacy of residents and residents must in return respect the privacy of RAs.

62. Roofs

The roof of the Facility is not constructed for pedestrian traffic. Residents must not go onto the roof of the Facility for both their own safety and to avoid damage. Residents are responsible for and will be charged for any damage they cause to the roofs as a result of a breach of this Rule.

63. Running a Business from the Facility

Residents must not conduct a business (or part thereof) of any description (including, without limitation any form of an on-line business) from their Room, or any other part of the Facility without the prior written consent of Facility management, which may be withheld or subject to conditions, at the absolute discretion of Facility management.

64. Security Issues

The Facility strives to provide its residents with a safe and secure atmosphere that is conducive to the academic life of each resident. Complacency often results in burglary, and we often think that "it will never happen to me" but when it does we are shocked and look to blame someone other than ourselves. With this in mind, there are several ways in which residents can further increase their level of security by:

- (a) ensuring that your Room door closes and locks behind you when you enter or leave your Room;
- (b) ensuring that building external doors are kept locked at all times;
- (c) not propping open doors (noting that this may result in an administration fee being levied on the resident(s) responsible by Facility management);
- (d) disallowing people that you do not know from following you into a building;
- (e) getting to know your neighbours;
- (f) never lending your keys and/or swipe card to another person;
- (g) not leaving your Apartment key and/or swipe card under a pot plant, door mat or on the frame of the door jamb;
- (h) not leaving windows wide open when you are not in your Room;
- (i) not leaving money or valuables in full view when you are not in your Room;
- (j) securing your bike to a bike rack using a quality lock such as a U-bolt; and
- (k) by notifying Facility management or University security if you notice any suspicious people or behaviour in or around the Facility.

65. Shopping Trolleys

Shopping trolley(s) are not permitted within the Facility. Any resident found to have brought a shopping trolley(s) into the Facility will be charged an administration fee as well as any amount charged to the Facility by the owner of the trolley.

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66. Smoking

Smoking of any substance is prohibited in the Room and the Facility building. Violation of this policy may, at the discretion of Facility management, result in disciplinary action and an administration fee.

Smoking of cigarettes is permitted outside of Facility building. Smokers must dispose of their cigarette butts in the ashtrays/receptacles provided. If cigarette butts are found in the area surrounding Facility, the Facility may charge the responsible residents of that building the cleaning costs incurred by the Facility and an administration fee (at the Facility's absolute discretion). Smokers must be mindful of not smoking near an open window

67. Student Records

Facility management are bound by the Facility "Privacy Policy", a copy of which can be found in the Resident Handbook or can be obtained from the Facility administration office or the Website.

It is a resident's responsibility to ensure that Facility management has their up to date personal details. Residents can update their personal details held by the Facility by contacting the Facility administration office.

68. Summer Letting and Storage

Where applicable, Residents who vacate their Rooms in the Summer Period must remove all personal belongings from their Room.

There is no guarantee that on returning from the summer break a returning resident will get the same Room as they had in the previous year which emphasises the need to remove everything from a Room, including all common areas. Facility management will remove any personal belongings from a vacated room or apartment. Items will be considered as being abandoned and will be disposed of at a cost to the resident.

69. Trespassing

Unauthorised persons (including non-residents, uninvited visitors or any other person(s) deemed to be unauthorised by Facility management, at its absolute discretion) will be asked to and must leave the Facility.

Any person whose behaviour is unacceptable, or who is behaving in a suspicious manner will be asked by Facility management to leave the Facility and if they do not leave the Facility will be trespassing.

Unauthorised persons and residents who have been asked to leave but have not left the Facility after having their Residential Agreement terminated will be trespassing. Facility management reserves the right to report all trespassers to the police.

70. Utilities

Facility management monitors utility usage throughout the Facility on a continual basis, and maintains practices in an attempt to keep utility charges to an absolute minimum. In order to ensure that utility charges remain low, Facility management requests that residents keep their utility use to a minimum.

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Room and Apartment lights and other electrical equipment should be turned off when not needed. Showers and other water usage should be of a reasonable duration.

Facility management reserves the right to increase the utility charges throughout the year, if we find that utility rates or consumption increases considerably.

71. Vacuuming

Vacuum cleaners are either provided in all of Rooms/Apartments for use by residents or are available for loan from Facility management. If a resident has borrowed a vacuum cleaner from the Facility management and does not return it within the applicable loan period, Facility management reserves the right to charge the resident a late return fee.

Vacuum cleaners must be checked regularly by residents and emptied after each use. If a resident notices that a vacuum cleaner is in need of repair, they must notify Facility management by submitting a "fix-it request". Any resident found to be abusing or deliberately misusing a vacuum cleaner will be charged, and must pay as debt due on demand, for its repair or replacement.

72. Facility Courtyard

The Facility courtyard is for the quiet use and enjoyment of all residents of the Facility. Ball games such as rugby, soccer and cricket are prohibited. management, the resident must do so immediately.

The Facility reserves the right to charge the responsible resident(s) for the cost of repairing, reinstating or replacing any damaged item of or on the Facility caused as a result of a breach of this Rule 72.

73. Visitors

A visitor is defined as a person who is meeting with a resident for a short period of time, while a guest is defined as a person who is staying overnight with a resident in accordance with the Rules. All visitors are required to leave the Facility by 12 midnight. Any visitor present in the Facility after midnight will be considered an "unauthorised person" to which Rule 52 (Overnight Guests & Unauthorised Occupancy) and Rule 69 (Trespassing) applies.

74. Weapons/Firearms

The possession of weapons (sword/knives etc.) or fire arms (guns etc.) by a resident and/or their guests within the Facility is strictly forbidden.

If a resident is found to be in possession of a weapon or firearm, Facility management will take disciplinary action which may include immediate termination of a resident's Residential Agreement, confiscation of the weapon/firearm. Facility management also reserves the right to report the incident to the police.

75. Wheelchair Access

Residents must not obstruct, impede access to or from any wheelchair ramps, curb cuts, and building entry ways ("access ways"). Residents must ensure all such access ways remain clear at all times to allow residents and others who use wheelchairs free access to their Rooms/Apartments and other areas of the Facility.

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ATTACHMENT 3

Resident(s) must notify Facility management upon becoming aware of any obstruction to any access way in the Facility. Facility management reserves the right to remove and confiscate any items obstructing any access way and to charge the administration fee specified at Rule 25 (Evacuation) to return such item to its owner.