

Meeting Date: Tuesday 4 December 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

Item		Page
1	CONFIRMATION OF MINUTES - Meeting held on 20 November 2012.....	1
2	5 - 11 MERITON STREET, GLADESVILLE. LOT 1 DP 305000, LOT 1 DP650824, LOTS 1 and 2 DP591345. Local Development Application for demolition of existing structures and construction of a mixed use commercial and residential development. LDA2012/0331. <i>INSPECTION 4.15PM / INTERVIEW 5.05PM</i>	8
3	87 ELLIOTT AVENUE, EAST RYDE. LOT 387 DP3157. Local Development Application for demolition of existing dwelling and erection of a new 2 storey dwelling. LDA2012/368. <i>INSPECTION 4.30PM / INTERVIEW 5.10PM</i>	101
4	30 CLANWILLIAM STREET, EASTWOOD. LOT 5 DP 6247. Local Development Application for a subdivision of one (1) lot into two (2), construction of new two/three storey dwelling and inground pool. LDA2012/0065. <i>INSPECTION 4.45PM / INTERVIEW 5.15PM</i>	145
5	30 CLANWILLIAM STREET, EASTWOOD. LOT 5 DP 6247. Local Development Application for a new two/three storey dwelling and inground swimming pool. LDA2012/0066. <i>INSPECTION 4.45PM / INTERVIEW 5.20PM</i>	210

1 CONFIRMATION OF MINUTES - Meeting held on 20 November 2012

Report prepared by: Meeting Support Coordinator**File No.:** CLM/12/1/3/2 - BP12/1393

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 13/12, held on Tuesday 20 November 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 20 November 2012

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 13/12**

Meeting Date: Tuesday 20 November 2012

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

Time: 4.05pm

Councillors Present: Councillors Simon (Chairperson), Chung, Maggio, Pendleton and Salvestro-Martin.

Councillors Maggio and Salvestro-Martin arrived at 5.43 pm and did not attend inspections.

Apologies: Nil.

Leave of Absence: Councillor Yedelian OAM.

Staff Present: Group Manager – Environment & Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health & Building, Service Unit Manager – Governance, Consultant Town Planner, Team Leader – Assessment, Team Leader – Drainage Engineers, Senior Town Planner, Business Support Coordinator – Environment & Planning and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 6 November 2012

RESOLUTION: (Moved by Councillors Pendleton and Salvestro-Martin

That the Minutes of the Planning and Environment Committee 12/12, held on Tuesday 6 November 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.

ITEM 1 (continued)

ATTACHMENT 1

2 208-214 BLAXLAND ROAD, RYDE. LOT 1 DP 1135185, Part LOTS 12-13 DP 6046. Application pursuant to Section 96(2) of the Environmental Planning & Assessment Act, 1979, to amend the approved three storey residential flat building.

Report: The Committee inspected the property at 208-214 Blaxland Road, Ryde.

RESOLUTION: (Moved by Councillors Chung and Salvestro-Martin)

(a) That the application MOD 2012/41 for modification of Local Development Application No. LDA2008/0630 for demolition of the existing buildings and the construction of a three storey residential flat building comprising 24 units, including basement car parking and landscape works at 208 – 214 Blaxland Road Ryde be approved subject to the deletion of condition 1, its replacement with the following, and by the addition of condition 154:

1. Development is to be carried out in accordance with the following:

(a) Plans No. SK01B to SK08B (inclusive), SK12B, SK14B to SK17B (inclusive) and SK22B dated 18/05/2009, SK09 and SK10, dated 27/08/2008 and SK11A dated 13/03/2009 prepared by Mackenzie Architects, BASIX Certificate number: 238665M dated 19 March 2009, Acoustic Study prepared by Acoustic Logic Consultancy (Report 2008560/0508A/R0/HM) dated 5 August 2008 and support information submitted to Council forming part of the Deferred Commencement Development Consent dated 14 July 2009.

(b) As amended by:

- Distinctive edging on plans SK01D dated 26 October 2011, SK02D dated 25 October 2011, SK05C – SK08C dated 11 October 2011, prepared by Mackenzie Architects,
- Plan SK23C dated 18 October 2011, prepared by Mackenzie Architects,
- Basix Certificate 388670M dated 25 July 2011,
- Noise Impact Assessment prepared by Acoustic Logic dated 18 October 2011.

And support information submitted to Council as part of MOD2011/103.

(c) As amended by distinctive colouring on plans WAE01 – WAE04, WAE08 dated 15.02.2012, plans WAE05A – WAE07A dated 28.06.2012 prepared by Mackenzie Architects.

154. All balustrades or parts of balustrades (except balustrades to unit 24) are to be of solid (non see through) material as shown on the approved plans referred to in Condition 1(a) & 1(b) or the solid parts shall be of opaque (non see through) glass.

ITEM 1 (continued)

ATTACHMENT 1

(b) That the objector be advised of the decision.

(c) That the Manager Environmental Health & Building issue a penalty notice for the breach of the Development Consent.

Record of Voting:

For the Motion: Unanimous

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

3 50 FARNELL STREET, WEST RYDE. LOT 19 DP 30394. Local Development Application for Demolition, construct multi-dwelling housing containing 4 strata titled dwellings. LDA2012/0137.

Report: The Committee inspected the property at 50 Farnell Street, West Ryde.

Note: Mr Anthony Scott (objector on behalf of Hollscott Corporation Pty Ltd) and Mr Andrew Martin (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Salvestro-Martin

(a) That Local Development Application No. 2012/137 at No. 50 Farnell Street, West Ryde, being LOT 19 in DP 30394, be approved subject to the **ATTACHED** conditions (Attachment 2).

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

Record of Voting:

For the Motion: Councillors Chung, Salvestro-Martin, Simon and Maggio

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **27 NOVEMBER 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

4 66A PELLISIER ROAD, PUTNEY. LOT B DP 419543. Local Development Application for new dual occupancy. LDA2012/0106.

Report: The Committee inspected the property at 66A Pellisier Road, Putney.

Note: Mr Don Bailey (objector on behalf of residents of 66, 70, 72 and 74 Pellisier Road and 4a and 8 McGowan Road), Mr Mark Grodzicky (on behalf of Liz Grodzicky - owner) and Mr Peter Hall (applicant's architect) addressed the Committee in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: A document from Mr Don Bailey dated 20 November 2012 was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Maggio and Chung)

- (a) That Local Development Application No. 2012/106 at No. 66A Pellisier Road, Putney, being LOT B DP 419543, be deferred for the Group Manager Environment and Planning to undertake a mediation with the applicant and objectors to bring the dual occupancy into closer compliance with DCP 2010 and a further report be presented to the Planning and Environment Committee within three (3) months.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung and Maggio

Against the Motion: Councillors Salvestro-Martin, Simon and Pendleton

The Motion was LOST and the matter was AT LARGE.

MOTION: (Moved by Councillors Simon and Pendleton)

- (a) That Local Development Application No. 2012/106 at No. 66A Pellisier Road, Putney, being LOT B DP 419543, be approved subject to the ATTACHED conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Simon and Pendleton

Against the Motion: Councillors Salvestro-Martin, Chung and Maggio

The Motion was LOST and the matter was AT LARGE.

Note: This matter will be dealt with at the Council Meeting to be held on **27 NOVEMBER 2012** as the matter is AT LARGE.

5 64 PELLISIER ROAD, PUTNEY. LOT 102, DP 86680. Local Development Application for alterations and additions to the existing dwelling and new cabana. LDA2011/0493.

Report: The Committee inspected the property at 64 Pellisier Road, Putney.

ITEM 1 (continued)

ATTACHMENT 1

Note: Ms Mary Ruggeri (objector), Mr Mark Wakeham (objector on behalf of Marion Wakeham), Mr Mark Grodzicky (objector) and Mr Vito Ignazzi (on behalf of the applicant) addressed the Committee in relation to this Item.

Note: Correspondence and photographs from Mark and Elizabeth Grodzicky dated 20 August 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Photographs from Vito Ignazzi dated 20 August 2012 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

- (a) Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney be approved as a deferred commencement subject to amended plans. The amended plans and supporting information shall incorporate the following details:
- i. Reduction of balcony/terrace. The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.
 - ii. Setback of proposed additions from northern boundary. The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).
 - iii. Tree Management Plan – adjoining Fig Tree:
The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:
 - Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.
 - Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.
 - Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.
 - Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.

ITEM 1 (continued)

ATTACHMENT 1

- That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.
- (b) Upon submission of satisfactory details to Council regarding the above matters, the General Manager be the delegated authority to make the consent operational subject to standard conditions of consent to be provided at the Ordinary Meeting of Council 27 November 2012.
- (c) That the persons who made submissions be notified of Council's decision.

Record of Voting:

For the Motion: Councillors Chung, Simon, Pendleton and Maggio

Against the Motion: Councillor Salvestro-Martin

Note: This matter will be dealt with at the Council Meeting to be held on **27 NOVEMBER 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

The meeting closed at 7.05 pm.

CONFIRMED THIS 4TH DAY OF DECEMBER 2012.

Chairperson

- 2 5 - 11 MERITON STREET, GLADESVILLE. LOT 1 DP 305000, LOT 1 DP650824, LOTS 1 and 2 DP591345. Local Development Application for demolition of existing structures and construction of a mixed use commercial and residential development. LDA2012/0331.**

INSPECTION: 4.15pm

INTERVIEW: 5.05pm

Report prepared by: Team Leader - Major Development Team

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

Report dated: 16/11/2012

File Number: grp/12/5/5/3 - BP12/1384

1. Report Summary

Applicant: DEP (Gladesville) Pty Ltd.

Owner: R J Price, A J Booth, J H Jolly and B L O'Brien

Date lodged: 12 September 2012

This report considers a proposal for the demolition of the existing buildings and the erection of a mixed use development containing commercial and residential uses. The building will be part 6 storeys and part 7 storeys over two levels of basement car parking. Two commercial tenancies will be provided on the ground floor ensuring that the development provides an active frontage to Meriton Street. A total of 40 residential apartments will be provided. The residential mix will consist of 4 studio apartments, 15x1 bedroom apartments, 17x2 bedroom apartments and 4x3 bedroom apartments.

The site is located in the Gladesville Town Centre and is subject to the planning controls applicable for the town centre and the Victoria Road corridor. These controls aim to facilitate the revitalisation of Gladesville Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities.

The proposed development results in four minor variations to the applicable planning controls. The first variation is in respect of the permitted floor space ratio under the LEP. The development exceeds the control by 6.6% or 202m². Despite this minor breach, the bulk and massing of the building is consistent with the Council's controls.

The second variation is in regard to the number of storeys. The DCP identifies the site as having 6 storeys whereas the building is part 6 and part 7 storeys. Despite this non-compliance with the DCP, the development complies with the height control as measured in metres in the LEP. The provision of the additional floor does not result in an inappropriate scale or massing of the building.

ITEM 2 (continued)

The development also results in two further DCP variations. These variations are in respect to the percentage of residential use along the active frontage and the provision of recessed doors. Both of these variations are minor and the development complies with the intent of both controls.

During the advertising period, Council received 7 objections to the development. The issues raised in the objections included the development being uncharacteristic with other buildings, overshadowing, traffic, bulk and scale, construction issues and that this development should be considered with the other two developments in the area. All of these issues have been discussed in detail in the body of the report.

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

Reason for Referral to Planning and Environment Committee: Number of submissions received by Council.

Public Submissions: 7 submissions were received objecting to the development.

Clause 4.6 RLEP 2010 variation required? Yes. A Clause 4.6 variation has been submitted in respect of the floor space ratio. The development exceeds the FSR by 6.6%.

Value of works? \$10,505,000

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. 2012/0331 at 5-11 Meriton Street, Gladesville being LOT 1 DP 305000, LOT 1 DP650824, LOTS 1 and 2 DP591345 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Proposed Conditions
- 2 Map
- 3 A4 Plans
- 4 Gladesville Master Plan, LEP and DCP Project - Consultation and Project Timeline
- 5 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 2 (continued)

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)

2. Site (Refer to attached map.)

Address : 5-11 Meriton St Gladesville

Site Area : 1218m²
Frontage 30.01 metres to Meriton Street
Depth 38.825 metres along the north eastern boundary
36.17 metres along the south western boundary.



Topography and Vegetation : The site has a gentle fall from the north eastern side boundary to the south western side boundary of approximately 2.5 metres.

A total of 3 trees are located on the site. These trees are all exotic being a China Doll, London Flame and Box Elder.

ITEM 2 (continued)

Existing Buildings : Currently erected on the site are 2 pairs of semi-attached dwellings comprising 5-7 Meriton Street and 9-11 Meriton Street. These buildings are single storey with a garage or carport attached to each dwelling.



Planning Controls

Zoning : B4 Mixed Use under Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010.

Other : State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.
State Environmental Planning Policy No 55 – Remediation of Land.
State Environmental Planning Policy (Building Sustainability Index: BASIX).
State Environmental Planning Policy (Infrastructure) 2007.
Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.
Draft Local Environmental Plan 2011.
Ryde Development Control Plan 2010.
Section 94 Development Contributions Plan 2007 (Amendment 2010).

3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

ITEM 2 (continued)**5. Proposal**

The proposal seeks approval for the demolition of the site's existing structures and the construction of a mixed use development upon the site. The development will be a part 6 and part 7 storey building erected over 2 levels of basement car parking. A total of 40 residential apartments and two commercial tenancies and 50 car parking spaces are proposed.

The residential units will consist of the following mix:

- 4 Studio apartments
- 15 x 1 bedroom apartments
- 17 x 2 bedroom apartments
- 4 x 3 bedroom apartments.

A communal roof terrace is proposed on level 6 of the building.

Access to these residential apartments is via two residential lobbies with access from Meriton Street.

Both commercial tenancies are located on the ground floor with access directly from Meriton Street. The area of these tenancies are 105m² and 127m².

Vehicular access/egress to the proposal is via a common driveway located adjacent to the southern boundary of the site. In addition to providing car parking for 50 vehicles, the basement will also contain the garbage areas for the commercial and residential components of the building, bicycle parking and residential storage facilities.

ITEM 2 (continued)

The following is a photomontage of the proposed development as viewed from Meriton Street.



6. Background

DA was lodged on 12 September 2012.

Prior to the lodgement of the development application, the applicant participated in Council's prelodgement service. This involved several meetings with Council's Officers and the proposed development being considered by the Council's Urban Design Review Panel on two occasions.

During the assessment process, concerns were raised with the applicant in respect to the size of four of the 1 bedroom apartments and the storage areas provided for all units. The 1 bedroom apartments did not achieve the minimum size as specified in the Residential Flat Design Code and the plans failed to demonstrate the required storage areas under the Residential Flat Design Code.

Also, the applicant was advised that concerns were raised with the paint colour selection on the two side elevations.

ITEM 2 (continued)

The applicant submitted amended plans to address each of these issues. These plans were not required to be readvertised or renotified as the changes were either internal minor changes or did not affect the bulk and scale of the development.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 3 October 2012. Notification of the proposal was from 28 September 2012 until 24 October 2012. During this time a total of seven (7) submissions were received. The issues raised in the submissions were as follows;

- *The development is completely uncharacteristic with any other building in Gladesville and is inappropriate for the street.*

Comment: It is agreed that this development is uncharacteristic with other buildings in the street. However, the proposed development is consistent with the future desired character of Gladesville as identified in the applicable planning policies. These planning policies aim to facilitate the revitalisation of the Gladesville Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities.

- *The development will result in overshadowing to the courtyards of units in 5-7 Meriton Street.*

Comment: The development will result in additional overshadowing to 5 to 7 Meriton Street. Diagrams which illustrate the extent of overshadowing to 5 to 7 Wharf Road have been included in Attachment 1. The extent of overshadowing in mid winter is discussed below:

9.00am The western elevation of the building is overshadowed by either itself or the existing building at 1 to 3 Wharf Road. There is no impact as a result of the proposed development.

10.00am There is no overshadowing by the proposed development. Shadow on the building is due to 1 to 3 Wharf Road or the building itself.

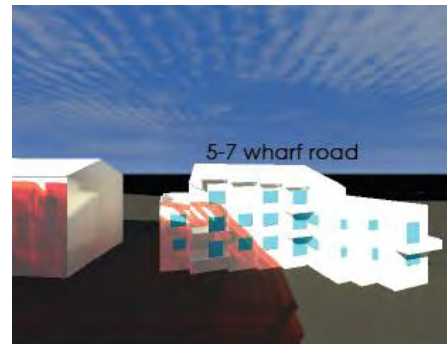
11.00am The development does not cause any overshadowing to 5 to 7 Wharf Road. The western elevation is not overshadowed by itself or neighbouring buildings.

ITEM 2 (continued)

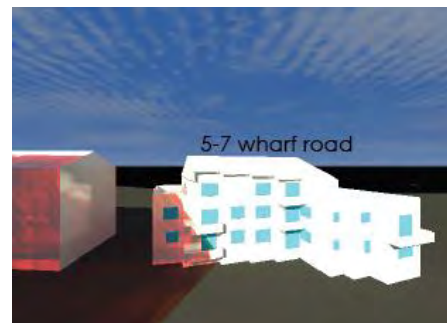
12.00 noon Overshadowing from the development will affect the landscaped setback area adjacent to Meriton Street as well as one of the courtyards facing Meriton Street. The courtyard likely to be affected is located in the north western corner of the building. Part of this courtyards would already be affected due to overshadowing by the courtyard fence.



1.00pm Overshadowing from the proposed development will affect the ground floor and part of the first floor. The north western courtyard on the ground floor, 1 balcony on the first floor and 5 windows on the ground and first floor of 5 to 7 Wharf Road will be overshadowed by the proposed development.



2.00pm Overshadowing from the proposed development will affect a smaller area of the ground and first floor, 3 windows (2 on the ground floor and 1 on the first floor) as well as the north western courtyard on the ground floor will be affected by overshadowing from the proposed development.



3.00pm No overshadowing from the proposed development will affect 5 to 7 Wharf Road.

There is no R2 zoning in the immediate area so Council's requirements in respect to overshadowing in the Dwelling and Duplex Building DCP does not apply. The Gladesville Town Centre and Victoria Road DCP does not contain any requirements in respect of the impact of overshadowing onto the adjoining properties. The Residential Flat Design Code requires that new development should receive at least 3 hours of daylight for 70% of the apartments. This is only a guide and strictly applies to the proposed development rather than adjoining developments. However, if this requirement is applied to 5 to 7 Wharf Road, the western facade of this building would comply with the requirement. The north western courtyard on the ground floor will receive solar access for 2 hours in the morning between 10am and 12 noon

ITEM 2 (continued)

during mid winter. The extent of overshadowing is considered acceptable and is unlikely to significantly affect the amenity of the building.

- *This development combined with the other future development at 1-3 Wharf Road and 136-140 Victoria Road will tower over other buildings and result in a “boxed-in” feeling.*

Comment: Previously, DA's were submitted to Council for the two sites listed above. These DA's however were withdrawn prior to the determination meeting of the Joint Regional Planning Panel (JRPP) in May 2012. Council on 5 November 2012 received a new DA for 1 to 3 Wharf Road and in all likelihood a new DA for the other site will be submitted sometime in the new year. These DA's will be assessed based on the applicable planning policies and both will be required to be determined by the JRPP as the capital investment value exceeds \$5 million and both sites involve Council owned land. The current development application can be determined by Council as it does not involve any Council owned land and has a capital investment value of less than \$20 million. The issue of bulk and scale for the other two sites is a matter to be considered during the assessment of those DA's rather than this application.

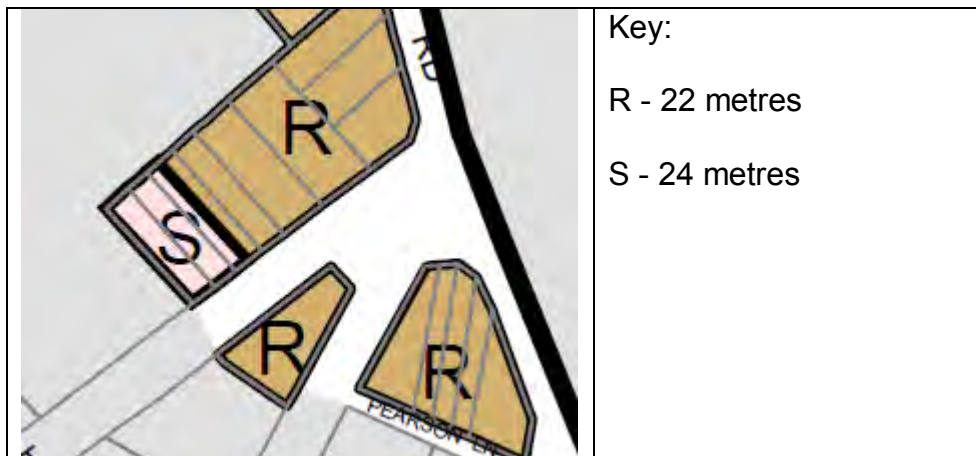
- *Development in the locality needs to be looked at as a whole and not on an individual building by building basis.*

Comment: At a strategic planning level, planning policies are developed for the locality. The planning policies consist of LEP's and DCP's. The controls for Gladesville have been developed through extensive consultation and analysis with the preparation and exhibition of the Gladesville Town Centre and Victoria Road Master Plan. The DCP process also included the preparation of built form, public domain and land economic studies to inform and create the current development controls. A chronology of the LEP and DCP process has been attached for Councillor's information. The LEP and DCP controls are then used in assessing any development applications for individual sites.

- *Height should be reduced to 5 storeys to ensure Gladesville is not adversely affected. Another submission suggested that 4 storeys is more in keeping with the area.*

Comment: RLEP (Gladesville Town Centre and Victoria Road Corridor) 2010 permits a building with a maximum height of 22m and 24m for the site. This is demonstrated in the following diagram. Based on this height control it is possible to erect a 7 storey building. The development complies with the height controls.

ITEM 2 (continued)



- *The development will adversely impact on the existing vehicular traffic in what is already an overburdened street. It will add to the morning congestion at the traffic lights at Victoria Road and Meriton Street as well as adding to the cars that currently use Meriton Street.*

Comment: As part of the planning process for Gladesville, a Corridor Traffic Study was undertaken. The traffic surveys revealed the following existing traffic movements along Victoria Road and Meriton Street.

		AM Peak	PM Peak
Victoria Road	Eastbound	1,751	1,632
	Westbound	1,103	1,913
	East-turn into Meriton Street	238	583
Meriton Street	Right-turn	254	332
	Left-turn	28	18

The existing operational performance of the Meriton Street intersection was identified as good with an average vehicle delay of 8.9s and 4.8s in the AM and PM retrospectively.

The Corridor Traffic Study also assessed the future traffic impacts as a result of future developments occurring in Gladesville. The study included modelling of the key intersections, of which the Meriton Street and Victoria Road is one, based on the 6 key sites identified in the DCP being 100% redeveloped. The subject site is included as part of 1 of the 6 key sites. This modelling revealed that after all 6 key sites were redeveloped, the Meriton Street/Victoria Road intersection will still operate at a good level of service with average vehicle delays of 10.7s and 6.8s in the AM and PM retrospectively.

ITEM 2 (continued)

The total traffic generation from the proposed development is likely to be 17 vehicle trips per hour in the morning peak and 22 vehicle trips per hour in the afternoon peak. This results in the following figures:

AM		PM	
In	Out	In	Out
5	12	15	7

These figures are based on RMS Guidelines and no credit has been given to any traffic generated by the existing development.

The traffic generation from this development falls within the future traffic impacts as identified in the Corridor Traffic Study which identified the performance of the intersection as good. Council's Traffic Engineer has raised no objections to the development. This development is unlikely to have an adverse impact on traffic in the locality that was not anticipated when the current planning controls were developed.

- *The site is located in a school zone and high pedestrian area. This development will increase safety risks to children and pedestrians.*

Comment: The proposed vehicle access will involve a 6m wide combined ingress/egress driveway at the southern site boundary. The driveway and its location comply with the design criteria of AS2890.1 and excellent sight distances are available. This has been confirmed by Council's Development Engineer. A copy of AS2890.1 in respect of the sight distances has been attached for Council's information. The fact that the site is located in a school zone and is in a high pedestrian area is not adequate grounds to refuse this application.

- *There is already a problem with cars using Meriton Street and Morrison Street to avoid the traffic along Victoria Road. This will be exacerbated by this development.*

Comment: Given the location of the site in Meriton Street, there is nothing to suggest that this development will exacerbate vehicles using Morrison Road to avoid Victoria Road.

- *There will be an increased number of people who will use public transport. Will more buses be provided?*

Comment: Bus services along Victoria Road are controlled and managed by STA rather than Council. In developing the current planning controls, Council was required to consult with STA. No objection was raised by STA to these controls.

ITEM 2 (continued)

- *Lack of privacy due to the development having balconies and windows that will look into our courtyard.*

Comment: This submission was from a resident in 5-7 Meriton Street. The nearest proposed balcony to this property is the communal roof terrace. This is set back a minimum of 16.5m from the property boundary of 5-7 Meriton Street. This is demonstrated in the following aerial photograph. The distance to the nearest courtyard is approximately 22m. These distances exceed the building separation requirements in the Residential Flat Design Code and will ensure acceptable distances to maintain privacy.



The design of the development has provided all apartments but 1 with bedroom windows along Meriton Street. Bedrooms are not considered a primary living area. The use of these rooms combined with the separation distances will ensure that there is no loss of amenity due to overlooking.

- *The location of the car park entrance is close to 5-7 Meriton Street. Concerned about noise of garage doors and cars entering and exiting. Also there will be noise from garbage trucks.*

ITEM 2 (continued)

Comment: The applicant has provided a letter from an Acoustic Engineer in respect of noise from the roller shutter door. The Acoustic Engineer has advised that noise from the proposed roller shutter door will comply with the relevant project criteria of background plus 5 dB(A). This is unlikely to impact on the amenity of the area. Noise from vehicles entering and exiting the development as well as garbage trucks is also unlikely to adversely impact on the amenity of the area.

- *Concerned about additional cars that will result in a loss of on street parking.*

Comment: The development has provided car parking numbers in accordance with Council's DCP requirements. Subject to these spaces being used by the occupants of the building, there should be minimal impact on street parking.

- *Construction noise before 9am on weekdays and weekends will adversely impact on residents quality of life.*

Comment: Council's policy in terms of construction work permits work to commence at 7am on weekdays and 8am on Saturdays. These hours are applicable to all development in Ryde and try to find a balance between preserving the amenity of the locality for neighbours and the construction industry needs. As Council's standard hours permit construction to commence at 7am it is not proposed to impose any other restrictions on construction hours.

- *Dust and rubbish during the construction period will adversely affect our property.*

Comment: Any approval would be conditioned to require no dust to leave the property. (See condition number 70). In the past there has not been an issue in terms of rubbish from construction sites entering neighbouring properties. Despite this, it is proposed to include a condition on the consent to require all rubbish to be contained wholly on the site. (See condition number 76).

- *DA should not be approved until the height is reduced, privacy measures provided to balconies or the developer provides a pergola/shade structure to our courtyard, parking is improved and increased public transport.*

Comment: Each of these issues has been addressed earlier in the submissions. The issues raised in the context of the current planning controls should not prevent the development application from being determined favourably by Council in the opinion of the Assessing Officer.

- *This development is really a three staged development of the three parcels of land. By lodging this DA without the other 2 DA's is a cynical exercise in first gaining approval for a huge building that will then set a precedent for the other 2. Council will then be pressured to approve the other two developments.*

ITEM 2 (continued)

Comment: This development application has been submitted independently of the other two sites. The development application has been submitted based on the current planning controls applicable for Gladesville. DA's submitted on the other two sites would be required to be assessed and determined based on the applicable planning controls for those sites. This DA should not create a precedent for the other two sites. It should be noted that the other two DA's would be required to be determined by the JRPP rather than Council as the capital investment value exceeds \$5 million and both projects include Council owned land.

- *The development is likely to block TV reception from the towers at Gore Hill.*

Comment: No evidence was submitted to substantiate this statement. This is not considered to be a valid planning matter.

8. Clause 4.6 RLEP 2010 variation required?

Yes. A Clause 4.6 variation has been submitted in respect of the floor space ratio. The development exceeds the FSR by 6.6%.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010****Clause 2.3 Zone Objectives and Land Use Table**

The site is zoned B4 Mixed Use under the provisions of the above LEP. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.* The development proposes to provide 40 residential apartments as well as two commercial tenancies. These uses are considered compatible land uses. The development satisfies this objective.
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.* The site is an accessible location given its proximity to Victoria Road. The mix of commercial and residential uses as well as the development providing car parking in accordance with Council's requirements should encourage the use of public transport and walking. The development has

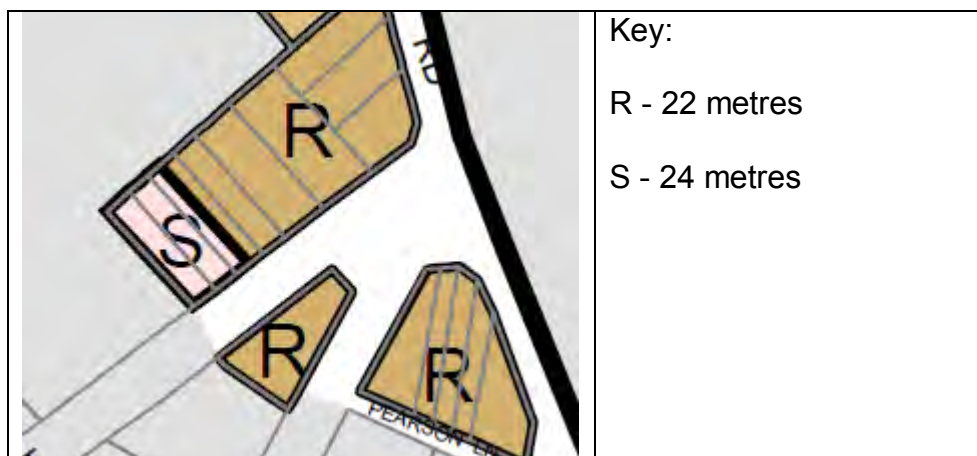
ITEM 2 (continued)

also proposed bicycle parking areas in the basement of the building. The development satisfies this requirement.

- *To create vibrant, active and safe communities and economically sound employment centres.* The addition of the residential apartments and commercial tenancies will add to the town centre being developed as a vibrant, active, safe and economically sound employment centre.
- *To create safe and attractive environments for pedestrians.* The development has proposed an active street frontage by the provision of the commercial tenancies as well as the development providing an awning over the footpath. In addition any approval would be required to upgrade the public domain along the front of the site. This will ensure a safe and attractive environment for pedestrians.
- *To recognize topography, landscape setting and unique location in design and land use.* The topography and landscape setting of the site has been recognised by the development complying with the building heights, setback and landscape requirements. Landscaping is proposed along the rear of the site and this will ensure that the greenery will still be a feature of the site as well as contributing to the amenity of the occupants of the building. The development complies with this requirement.

Clause 4.3 Height

The site is affected by two height zones being 22m and 24m The delineation between the two height zones is a line running in a south east to north westerly direction through the middle of 7 Meriton Street. This is demonstrated on the following map.



ITEM 2 (continued)

The following diagram illustrates the Meriton Street elevation of the building and demonstrates the two height controls.



The development complies with the height controls.

Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum permitted floor space ratio as specified on the Floor Space Ratio Map. The Floor Space Ratio Map identifies the site as having a 2.5:1 floor space ratio.

This would permit a maximum of 3,045m² of floor space on the site. The development has proposed 3,247m² which equates to 2.67:1. This variation represents a 6.6% or 202m² variation to the control. The applicant has submitted a variation to this clause under Clause 4.6 of LEP 2010.

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the criteria referred

ITEM 2 (continued)

to above and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard in Section 5 of the Statement of Environmental Effects prepared by Glendinning Minto and Associates Pty Ltd.

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

As demonstrated below, the development will not result in any adverse impacts to the amenity of the adjoining properties or public domain areas. In addition, the non-compliance will not adversely contribute to the bulk and scale of the building. The development is also consistent with the zone objectives and height objectives.

In these circumstances, compliance with the development standard would be unreasonable and unnecessary.

3. Environmental grounds to justifying contravening the development standard.

The applicant has provided the following grounds/reasons for the proposed variation:

- *“The proposed building complies with the applicable height and setback controls required by the Council therefore resulting in a building envelope consistent with Council’s controls.*
- *The proposal seeks to maximise in an efficient manner the maximum permissible building envelope whilst at the same time ensuring that the underlying objectives of the Council are met.*
- *The additional bulk attributable to the non-compliance will not be discernible to passers by or adjoining property owners.”*

The above reasons are all supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

4. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

ITEM 2 (continued)

The objectives of the floor space ratio are discussed below:

- a) *To provide effective control over the bulk of future development.* The development proposes a 6.6% or 202m² variation to the permitted FSR. The variation occurs due to the development providing a part 7 storey building whereas the Key Site Diagram in the DCP intended 6 storeys. Despite this, the building envelope is consistent with the height control permitted by the LEP and setback controls and building envelope requirements as permitted by the DCP. The massing of the building is consistent with Council's control as demonstrated in the earlier height section of this report. A reduction of 202m² is unlikely to significantly change the massing or bulk of the building.

The massing of the building is unlikely to result in a loss of amenity to adjoining properties due to overshadowing. At 9am mid winter additional shadow will affect a small portion of the adjoining school which is used for growing vegetables as well as the public domain in Meriton Street. By 12 noon midwinter, the shadow mostly occurs in Meriton Street and will affect part of 1 to 3 Wharf Road and 5 to 7 Wharf Road. This affectation will not affect the buildings on either property. By 3pm the overshadowing will affect 1 to 3 Wharf Road only. Given the current commercial use of the building, the overshadowing will not affect the amenity of the building.

Despite the minor variation, the bulk and massing of the building is consistent with the Council's requirements.

- b) *To allow appropriate levels of development for specific areas.* Due to the minor variation, the development is considered to comply with this objective. This is due to the massing of the building being consistent with Council's controls.
- c) *To enable the consent authority to assess and respond appropriately to future infrastructure needs.* Any approval would be conditioned to require Section 94 contributions on the entire building including the portion of the building that exceeds the FSR control. This will assist Council in providing the required infrastructure in terms of community and cultural facilities, open space and recreation facilities, civic and urban improvements, roads and traffic management facilities, cycleways and stormwater management facilities.

5. Concurrence of the Director General.

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

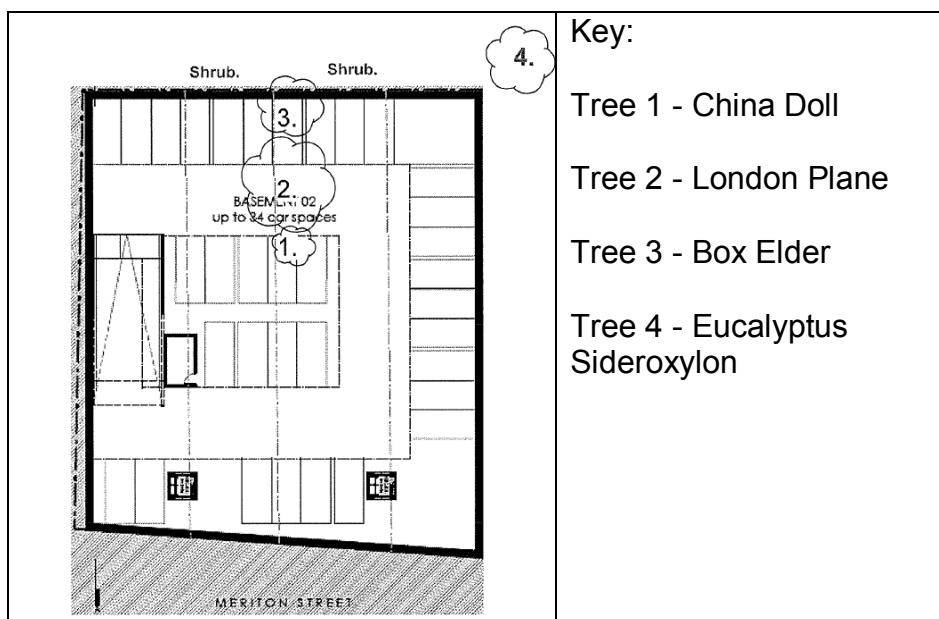
Conclusion

The variation to the control is minor being 202m² or 6.6%. Despite the non-compliance with the FSR control, the development satisfies the criteria outlined in Clause 4.6 and the variation could be supported by Council.

ITEM 2 (continued)

Clause 5.9 Preservation of Trees or Vegetation

Clause 5.9 requires either development consent or a permit granted by Council for the removal of any trees. As part of this development application, consent is sought for the removal of three trees from the site as they are located within the building footprint. These trees are all exotic being a China Doll, London Plane and Box Elder. These trees are not considered to be significant to the site due to their size and that they are screened from view by either other trees or the existing buildings on the site. The location of these trees is demonstrated in the following plan.



ITEM 2 (continued)



There is a Eucalyptus sideroxyion located on the adjoining school grounds adjacent to the rear boundary of the site. This tree is identified as having high significance due to its dimensions and its contribution to the local amenity. The tree is demonstrated in the following photograph. The development proposes to protect this tree during construction. Subject to compliance with the recommended tree protection measures, there should be no impact to this tree. Conditions of consent have been imposed requiring compliance with the Arboricultural Impact Assessment report. (See condition No. 67). Council's Consultant Landscape Architect has agreed with the recommendations in this report.

Clause 5.10 Heritage Conservation

The site does not contain any heritage items nor is it located in a Heritage Conservation Area. The site is however in the vicinity of several heritage items being The Great North Road (Victoria Road) and The Memorial Clock and the Gladesville Shopping Centre Conservation Area. This is demonstrated in the following figure.

ITEM 2 (continued)



The applicant has submitted a Heritage Impact Statement which assesses the potential impact of the proposal on the significance of the nearby items and potential impact, if any, on the view corridors to and from these items. This document has concluded that the proposal will have little to no impact on the principle view corridors to and from the adjoining heritage items and conservation area and that the significance of these items will be little impacted as a result of the proposal. This document has been reviewed by the Council's Heritage Officer who agrees with the findings of this report. The development will not impact on the nearby heritage items or conservation area.

ITEM 2 (continued)**Clause 6.1 Earthworks**

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a two level basement car park. Council's Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate.

The site is not known to contain any relics or any other item of heritage significance.

The development is considered satisfactory in respect of this clause.

(b) Relevant SEPPs**State Environmental Planning Policy No. 65 _ Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential flat developments in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposal has been assessed against the following matters relevant to SEPP 65 for consideration.


- Urban Design Review Panel
- The 10 SEPP 65 Design Quality Principles
- The NSW Residential Flat Design Code Guidelines.

ITEM 2 (continued)
Urban Design Review Panel

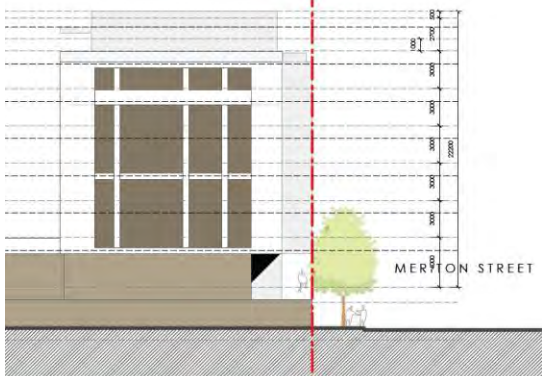
Council's Urban Design Review Panel reviewed the preliminary proposal on 19 July 2012. The Panel were generally supportive of the development scheme however the Panel did raise the following issues:

Building Level	Panel Concern	Comment
Basement Level		
1.01	These were generally thought to be ok subject to compliance with applicable standards. Bicycle store not yet located.	The architectural plans submitted with the DA now identify adequate provision of bicycle parking within the basement.
Ground Floor		
2.01	Storage behind kitchen in apartments could be larger or different plan shape as they are hard to use.	The storage was only proposed in two of the three ground floor apartments. The width of the space has been enlarged to ensure this area is more useable. The area is now equivalent to 13m ² and 8m ² .
2.02	Apartment lobbies and access corridors need work. <ul style="list-style-type: none"> • Corridors would be better straightened to achieve direct line of sight. • Gap between escape stair and lift shaft is too narrow. 	The ground floor apartments have been redesigned so that a straightened lobby and access corridor can be provided. This will improve the line of sight for pedestrians. Also the gap between the escape stair and lift shaft has been widened from 1.2m to 2m.
2.03	Residential lobbies should be extended to street alignment.	It is not possible to extend the lobbies to the street level. Due to the slope of the site access to the commercial tenancies is from within the building rather than directly from Meriton Street. There is no alternative but for the residential entry to be setback. This is demonstrated in the following diagram.

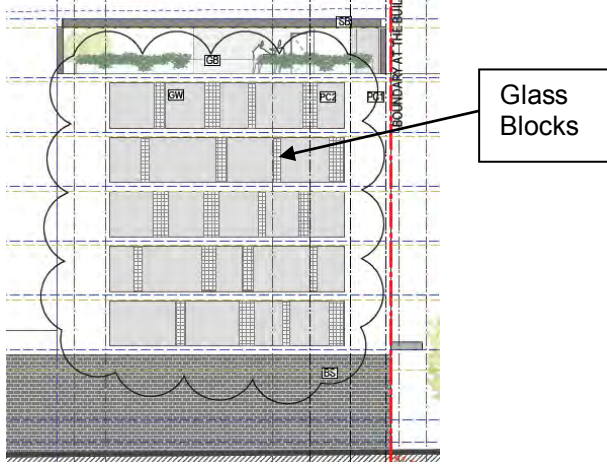
ITEM 2 (continued)

Building Level	Panel Concern	Comment
		
2.04	The largest commercial suite (90 sq. m) should be extended to the street alignment if possible. (Overall height of the building may increase).	This has been amended on the current development plans and the height of the building complies with the maximum permitted height.
2.05	Consideration could be given to combining the two commercial units between the lifts.	This has been amended on the current development plans.
2.06	Sub-station size and RL need checking and details confirmed.	The size of the substation has increased following discussions with Energy Australia.
2.07	Ground floor apartments should have direct access to the courtyard.	This has been amended on the current development plans.
Level 1		
3.01	Internalised kitchens should be re-planned (1 bed apartments). Kitchens could be gallery style running in the NW/SE direction with bed 1 walk-in robe and ensuite behind.	This change has not been adopted. The request would result in these bedroom apartments needing to provide two bathrooms rather than one bathroom. The size of the apartment does not allow for the second bathroom. This is not considered to be a critical matter.
Levels 2-5		
4.01	Internalised kitchens should be re-planned. (See item 3.01).	Refer to point 3.01.
4.02	Internal balcony to eastern corner apartment is unacceptable. This unit also has an internalised kitchen. It may be better as a studio.	The apartment layout has been amended to delete the internal balcony. The size of the balcony for this apartment complies with the RFDC requirements.

ITEM 2 (continued)

Building Level	Panel Concern	Comment
4.03	The recesses in front of the lift shafts are very deep. These will be improved if carpark vent shafts are located here.	By rearranging the apartment in the point above this has resulted in the deepest recess in front of the lift being replaced with floor space. The development still proposes one recess in front of the southern most lift shaft, however this adds to the articulation at the front of the building as demonstrated in the photomontage of the development earlier in this report.
Level 4		
5.01	Considered acceptable.	No changes required.
Massing and Elevations		
6.01	<p>The SE and NW elevations are considered an improvement on the previous submission, however the metal clad upper storey could benefit from some further work.</p> <p>The NE and SW elevations were not considered to be satisfactory at this time. The chocolate painted panels were not considered appropriate. Use of glass block panels were discussed. Further work is needed here. (The following diagram demonstrates the south western elevation as considered by the UDRP).</p> 	<p>The applicant has amended the SW elevation by adding glass blocks and the NW elevation by providing rendered painted strips randomly along the elevation. These features help to provide contrast and interest in the elevation. The primary colour along the two side elevations originally was brown with white. During the assessment of the application Council's Urban Designer raised concerns that the brown was not an ideal colour for the external walls and that white would be a more appropriate colour. The applicant has agreed to replace the brown with a pale grey. It is not intended to readvertise this change as none of the original objectors raised any concerns about the external finishes or colours and this change does not alter the bulk, scale or massing of the building. The following diagram demonstrates the current south western elevation.</p>

ITEM 2 (continued)

Building Level	Panel Concern	Comment
		
6.02	Details of materials and finishes are required for the DA.	As part of the development application, finishes and materials have been submitted.

SEPP 65 Design Quality Principles

There are 10 design quality principles identified within SEPP 65. The following table provides an assessment of the development proposed against the 10 design principles of the SEPP.

Planning Principle	Comment	Comply
<p>Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Gladesville is currently undergoing a transition in terms of its context. The proposed development is of a scale, built form and density that is consistent with the desired future character of the site as identified in the LEP and DCP for Gladesville.</p> <p>The development is also consistent with the local context with respect to the mix of commercial and residential uses.</p>	Yes
<p>Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p>	<p>The scale of the development envisaged for the site is detailed in the Key Sites Diagram under DCP 2010 and LEP 2010. The development is generally</p>	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
<p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>consistent with the scale and massing as identified in this diagram. This diagram envisages 6 storeys whereas the development has proposed a maximum of 7 storeys while still complying with the permitted height control of 22m to 24m. The additional storey will not add to the scale or massing of the building. The scale of the development is consistent with the future character of the area.</p>	
<p>Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development is consistent with the building type (mixed use residential/commercial) envisaged for the site. In addition the development is also consistent with the building alignments as envisaged by the Key Sites Diagram. The building proportions are considered appropriate with adequate building articulation to assist in reducing the massing of the building.</p>	<p>Yes</p>
<p>Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The applicable floor space ratio for the site is 2.5:1. The development proposes a FSR of 2.67:1. This exceeds the control by 6.6% or 202m². Given that the development complies with the height control in the LEP and the setback and building massing controls as envisaged by the Key Sites Diagram, the scale and density of the building is appropriate. The minor breach in the floor space will not have any impacts on the desired future density of other developments in the area.</p>	<p>Yes</p>
<p>Resource, energy and water efficiency Good design makes efficient use of</p>	<p>The applicant has provided a BASIX Certificate (No. 444101M dated 5 September 2012) which</p>	<p>Yes</p>

ITEM 2 (continued)

Planning Principle	Comment	Comply
<p>natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>indicates that the residential component of the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A waste management plan for the demolition of existing buildings has been submitted and is considered acceptable by Council's Environmental Health Officer.</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code.</p>	
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment</p>	<p>There is no landscaping proposed at the front of the site. This is consistent with the DCP controls which require a zero setback to the street and side boundaries.</p> <p>Landscaping is proposed at the rear of the ground floor. This will assist in improving the aesthetics of the development as viewed from the adjoining school site and providing increased amenity to the residential units that have direct access to this space.</p> <p>Landscaping consisting of planter boxes over a slab will also be added to the rear of the first floor. This will also improve the aesthetics of the rear of the building and provide increased amenity for some of the occupants of the building.</p> <p>Some landscaping is provided in the communal open space area on the roof top of the building. This</p>	<p>Yes</p>

ITEM 2 (continued)

Planning Principle	Comment	Comply
and long term management.	will contribute to the amenity of this space. The development satisfies this planning principle.	
Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	The design and orientation of the units allows for sufficient levels of amenity for the occupants of the proposed building and the adjoining developments. Units are practically laid out to provide for solar access, private open space, storage space and to minimise overlooking and noise impacts. The development complies with the controls contained in the Residential Flat Design Code in respect to apartment sizes, access to sunlight, ventilation, visual and acoustic privacy, storage and access requirements.	Yes
Safety and Security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	The development is consistent with the Crime Prevention Through Environmental Design principles as follows: <ul style="list-style-type: none"> • Clearly located entries to the residential and commercial uses. • Passive surveillance of Meriton Street and part of the adjoining school. • Clear, well lit access from the entry to private lobbies. Each lobby also provides limited entries which will encourage familiarity between neighbours. • Clear definition between public and private spaces, with residents only able to access the residential domain. 	Yes
Social Dimensions and Housing Affordability Good design responds to the social	The development will include the following housing mix: <ul style="list-style-type: none"> • 4 x studio apartments; 	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
<p>context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<ul style="list-style-type: none"> • 15 x 1 bedroom apartments; • 17 x 2 bedroom apartments; • 4 x 3 bedroom apartments. <p>This mix will result in an affordable range of housing which should attract single, couples and possibly family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability.</p>	
<p>Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	<p>The development has incorporated a variety of materials and finishes to assist in breaking down the massing of the building as well as providing differentiation between the uses and various elements within the development. The aesthetics respond to the desired future character of the area.</p>	<p>Yes</p>

Residential Flat Design Code

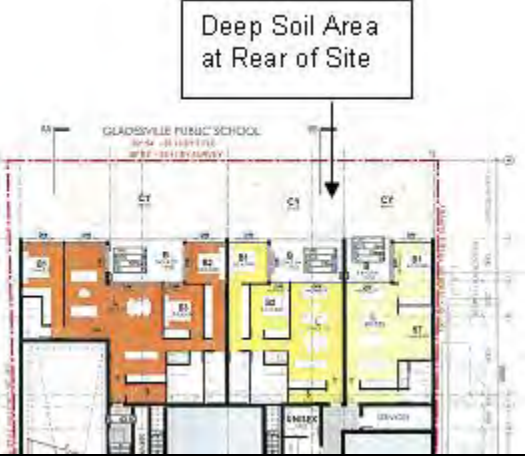
The SEPP also requires the consent authority to take into consideration the requirements of the Residential Flat Design Code. These matters have been raised in the following table.

Primary Development Control and Guidelines	Comments	Compliance
Part 01 – Local Context		
<p>Building Height</p> <p>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a</p>	<p>The proposed development complies with the building height controls applicable under the LEP for the site.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
<p>good fit. Test heights against the number of storeys and the minimum ceiling heights required for the desired building use.</p>		
<p>Building Depth In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.</p>	<p>The building depth ranges from 17.6m to 19.8m. The above dimensions include the articulation zones (balconies and shading devices). At no point in the building does the plan depth exceed 18m. The building will provide satisfactory daylight and natural ventilation. The depth of the building will ensure adequate amenity for future occupants as well as not adversely impacting on the amenity of the adjoining properties.</p>	<p>Yes</p>
<p>Building Separation Building separation for buildings 5 to 8 storeys should be: -18m between habitable rooms / balconies -13m between habitable / balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p>	<p>The development does not propose any setbacks to the side boundaries. This is consistent with the Gladesville and Victoria Road DCP which permits buildings with a zero setback to the side boundaries.</p> <p>The urban form of this building is consistent with Council's requirements. In addition visual and acoustic privacy to the adjoining properties will be retained. The development will not result in overshadowing that will adversely impact on the adjoining properties.</p>	<p>Yes</p>
<p>Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<p>The DCP requires a zero setback to Meriton Street. The development complies with this requirement.</p>	<p>Yes</p>
<p>Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and</p>	<p>The DCP requires zero setbacks to the side boundaries. The development complies with this requirement.</p> <p>The development is required to provide a 6m setback to the rear for the ground</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
<p>deep soil zone controls. In general, no part of the building should encroach into a setback area.</p>	<p>floor and 18m setback for the upper floors. The development also complies with this requirement.</p>	
<p>Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.</p>	<p>The permitted FSR is 2.5:1. The development proposes a 6.6% variation to this standard resulting in a FSR of 2.67:1. The development is still consistent with the building height, footprint and 3D building envelope permitted by the LEP and DCP controls. In this instance, the variation in floor space is minimal and is recommended that it be supported.</p>	<p>Yes</p>
<p>Part 02 – Site Design</p>		
<p>Deep Soil Zones A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the RFB.</p>	<p>The development has provided approximately 41% of the open space area as deep soil zones. The deep soil zones is located in the rear 6m of the site as demonstrated on the following plan. This space will be allocated as courtyards for the ground floor apartments. The development complies with this requirement.</p> 	<p>Yes</p>
<p>Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and</p>	<p>No fences or walls are proposed to the Meriton Street frontage. The development does propose fencing along the rear boundary and part of the south western side boundary towards the rear of the site. This fencing</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
public domain without compromising safety and security.	<p>adjoins the Gladesville Public School. The fencing proposed is blockwall for the lower wall and metal fencing above. Along the rear elevation the combined height of the fencing varies from 1.3m to 3.8m high. Along the south western elevation, the fencing is 3.8m high and then adjoins the ground floor of the development.</p> <p>The height of the fencing is due to the cross fall of the site. The fencing adjoins an open space area of the school and the vegetable garden area so it is unlikely to materially affect the amenity of the school grounds.</p>	
<p>Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.</p>	The landscaping proposed will improve the amenity of the open spaces and the occupants of the building. Due to the zero setback no significant landscaping is proposed in the street setback.	Yes
<p>Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space. The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park is 25m².</p>	The minimum amount of communal open space required is equivalent to 304m ² . The only communal open space is located on the roof terrace. This is equivalent to 98m ² or approximately one third of the required communal open space area. Access to this space is available via the southern most lift in the building. Residents who access their apartments by the northern most lift will need to exit the building at Meriton Street and then re-enter via the southern most entry to use the lift to access the open space. Alternatively, access is available via the basement. This is not considered desirable however this is not considered sufficient grounds for refusal. The apartments on the ground floor and level 1 all have access to a balcony as well as a larger courtyard. The courtyards vary in size from	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
	25m ² to 94m ² . All of the remaining apartments have access to a balcony located off the living area of the unit. All of these spaces will contribute to an acceptable level of residential amenity. In these circumstances the variation to the amount of communal open space is considered adequate to ensure the occupants have satisfactory amenity.	
Orientation Optimise solar access to living areas and associated private open spaces by orientating them to the north.	The balconies and living areas of all but one of the apartments are orientated to the northwest. The orientation of the building is considered appropriate and will maximise environmental design opportunities for natural ventilation and solar access.	Yes
Planting on Structures In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: <ul style="list-style-type: none"> • Large trees such as figs (canopy diameter of up to 16m at maturity) - minimum soil volume 150m³ - minimum soil depth 1.3m – minimum soil area 10m x 10m area or equivalent • Medium trees (8.0m canopy diameter at maturity) - minimum soil volume 35m³ - minimum soil depth 1.0m - approximate soil area 6.0m x 6.0m or equivalent • Small trees (4.0m canopy diameter at maturity) - minimum soil volume 9.0m³ - minimum soil depth 800mm - approximate soil area 3.5m x 3.5m or equivalent 	The plans demonstrate that 183m ² of the landscape zone will have a soil depth of at least 1 metre. This will be suitable for accommodating medium tree species. A condition of consent has been imposed requiring that species appropriate for the soil depth provided and planted, in accordance with the RFDC soil depth and dimension standards. (See condition No. 49).	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
<ul style="list-style-type: none"> • Shrubs - minimum soil depths 500 - 600mm 		
Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Council's Development Engineer has reviewed the proposed stormwater management measures and considered them to be generally adequate.	Yes
Safety Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	The proposed development is considered acceptable with respect to safety. The design provides for adequate passive surveillance of the street and the school. Appropriate access control is provided throughout including to the residential lobbies and units and to residential secure parking areas through secure doors and roller shutters.	Yes
Visual Privacy The building separation requirements should be adopted.	Visual privacy is considered acceptable. The development will allow for overlooking of the courtyards on the ground and first floor of the development from the upper floors of the building. This overlooking is considered acceptable as each of the apartments that are overlooked are also provided with a private balcony area that cannot be overlooked.	Yes
Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.	The development will provide equitable as well as safe and secure access to all aspects of the building. In addition the development provides clear lines of transitions between the public streets and private areas within the development.	Yes
Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	Council's DCP requires car parking between 47 and 60 car parking spaces. As the development provides 50 car parking spaces it complies with Council's requirements. All car parking is located underground.	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.	The development provides accessible routes to the public areas within the development. A total of 4 adaptable units have been provided which is compliant with Council's DCP requirements.	Yes
Vehicle Access To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.	Vehicular access is via Meriton Street. The development has proposed the width of the driveway to be 6 metres.	Yes
Part 03 – Building Design		
Apartment Layout Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following; Studio - 38m ² 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 95m ²	Three of the single aspect apartments have a maximum depth of 9m. These apartments all have a storage area which is setback furthest from the window. This part of the unit will not require sunlight. The rest of the apartment complies with the depth requirement. In these circumstances the variation is considered to be acceptable. All of the apartments achieve the minimum apartment sizes.	Yes
Apartment Mix The development should provide a variety of types.	Council's controls do not require a particular apartment mix for this area. The development has proposed a studio, 1 bedroom, 2 bedroom and 3 bedroom apartments. This mix will provide a variety of unit sizes within the development.	Yes
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	All balconies will provide a minimum depth of 2 metres.	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
<p>Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and do not preclude higher ceilings, if desired</p> <ul style="list-style-type: none"> • in mixed use buildings: 3.3m minimum for ground floor retail or commercial and for first floor residential, retail or commercial to promote future flexibility of use • in residential flat buildings in mixed use areas: 3.3m minimum for ground floor to promote future flexibility of use in residential flat buildings or other residential floors in mixed use buildings • in general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non habitable rooms, however 2.25m is permitted. 	<p>The ground floor ceiling height for the commercial tenancies and residential apartments will be 3.5m.</p> <p>The first floor has proposed a floor to ceiling height of 2.7m rather than the recommended 3.3m. Given that the site is located at the edge of the town centre there is unlikely to be the demand for this floor to be used for either retail or commercial uses. The 2.7m height is appropriate for the residential use of this floor.</p> <p>All other floors within the building comply with the required floor to ceiling height.</p>	Yes
<p>Ground Floor Apartments Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p>	Access to the ground floor apartments is via the common walkway. Given that the development is required to provide active frontages such as commercial tenancies on the ground level, it is not possible to provide separate entries from the street for this ground floor apartments.	Yes
<p>Internal Circulation In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none"> • for adaptive re-use buildings • where developments can 	<p>The apartments are accessed via 2 lift cores. The number of apartments which are accessed off a lift corridor will not exceed 4 apartments.</p> <p>The development does not allow for natural daylight or ventilation to the internal corridor areas. This is acceptable given that the corridors and lobbies will provide adequate amenity</p>	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
demonstrate the achievement of the desired streetscape character and entry response <ul style="list-style-type: none"> • where developments can demonstrate a high level of amenity for common lobbies, corridors and units. 	in terms of width sizes, ceiling heights and the number of apartments having access from the corridors.	
Mixed Use The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems.	The site is located within a mixed use zoning. The development proposes commercial and residential uses. These uses are compatible and are consistent with the desired character of the area.	Yes
Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> • studio apartments - 6.0m³ • one-bedroom apartments - 6.0m³ • two-bedroom apartments - 8.0m³ • three plus bedroom apartments -10m³ 50% of the above areas may allocated within each respective apartment while the remaining 50% is to be located within the car parking area.	All apartments have been provided with the required storage areas.	Yes
Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.	The apartment layout is considered appropriate, as similar uses such as kitchens, living areas and bedrooms are located opposite the same uses of adjoining units.	Yes
Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of	In this location the development is required to achieve 3 hours of direct sunlight to at least 70% of the apartments in mid winter. 36 or 90% of the apartments comply with this	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
<p>three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed. how site</p>	<p>requirement.</p> <p>The development has proposed only 4 of the apartments with a single southerly aspect. This represents 10% and complies with this requirement.</p>	
<p>Natural Ventilation</p> <p>Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.</p>	<p>60% of the apartments with the development will be naturally cross ventilated.</p> <p>None of the kitchens will have access to natural ventilation. This was not an issue raised by the Urban Design Review Panel. The variation is a minor non compliance and would be an inadequate reason to justify a refusal of the development.</p>	<p>No. Variation acceptable.</p>
<p>Awning</p> <p>Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>An awning has been proposed along Meriton Street in accordance with the DCP requirements. To ensure all weather protection for pedestrians, a condition of consent will be imposed to require that the awning is not broken up but is provided across the entire frontage. (See condition No. 47).</p>	<p>Yes</p>
<p>Facades</p> <p>Facades are to be of appropriate scale, rhythm and proportion which responds to the building's use and the desired contextual character.</p>	<p>The design of the façade incorporates a number of different building elements including recessed balconies, horizontal louvers across windows, articulation and the top most floor being recessed from the street. The building finishes will be rendered masonry and blockwork with paint finishes. These materials will assist in the building mass being broken up into distinct elements as well as enhancing the aesthetics of the building when viewed from the public domain.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Compliance
Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.	The roof is well integrated with the overall building design. Materials, colours and finishes of the roof complement the overall aesthetics.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	The proposal is considered to be acceptable in terms of building maintenance.	Yes
Waste Management A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the DA.	Yes

State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

Due to the previously land uses on this site, it is unlikely to be contaminated. Accordingly, the site is considered suitable for the intended use.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No.444101M) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition number 3 and 84).

State Environmental Planning Policy (Infrastructure) 2007

The proposed development, being a residential flat building with 50 car parking spaces and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development. Before determination of a development application for which this clause applies, Council must take into consideration any submission from RMS. RMS have advised as follows:

ITEM 2 (continued)

I wish to advise that RMS would grant its concurrence subject to the Council's approval of the development application and the following requirements being complied with:

- 1. All vehicles shall be wholly contained on site before being required to stop.*

Comment: A garage door is proposed to be setback a minimum of 2.2 metres from Meriton Street. This would result in a vehicle being stopped partly over the footpath. To ensure pedestrian movement is not affected, a condition of consent will be imposed to require the garage door to be setback a minimum of 5.5 metres from Meriton Street. (See condition number 50).

- 2. During construction, all demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping.*

Comment: Throughout the entire construction process it will not be possible for all construction vehicles to be contained wholly on the site. the applicant is required to provide a Construction Management Plan prior to any works occurring on the site. as part of this plan it is proposed to require all construction vehicles to be parked on site wherever possible. (See condition number 40).

- 3. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

Comment: Council's Development Engineer has proposed a condition on the consent that will require the car parking areas to be designed in accordance with AS2890. (See condition number 39). This condition adequately addresses this requirement without the need for a separate swept path plan being submitted.

- 4. Car parking provision to Council's satisfaction.*

Comment: The development complies with the required car parking. This matter has been discussed in greater detail further in the report.

- 5. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*

Comment: This matter has been imposed as a condition of consent. (See condition number 40).

ITEM 2 (continued)

6. *Disabled car parking spaces are to be provided in accordance with Council's requirements and are to conform to Australian Standard 2890.6:2009.*

Comment: Council relies on the disabled car parking requirements contained in AS2890. This matter has been imposed as a condition on the consent. (See condition number 39).

7. *The layout of vehicle parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS2890.1-2004.*

Comment: This matter has been imposed as a condition on the consent. (See condition number 39).

8. *The required sight lines to pedestrians, other vehicles and cyclists shall not be compromised by landscaping, signage, fencing or display materials.*

Comment: Council's Development Engineer has raised a concern that sight lines could be affected by the western wall adjacent to the driveway. This wall will be required to be setback 2.5m as measured from Meriton Street to facilitate safe pedestrian sight distances. This has been imposed as a condition. (See condition number 39).

9. *All works associated with the proposed development are to be at no cost to RMS.*

Comment: This has been included as a condition of consent. (See condition number 18).

Council must also take into consideration any potential traffic safety, road congestion or parking implications of the development. Issues in terms of traffic safety, road congestion and parking have been discussed elsewhere in the report. The development will not result in any unsatisfactory traffic implications.

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2

ITEM 2 (continued)

of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(c) Relevant REPs

There are no applicable Regional Environmental Plans.

(d) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012. The draft plan in relation to the site essentially seeks to consolidate the provisions of the existing Ryde LEP (Gladesville Town Centre and Victoria Road Corridor) 2010 with the existing Ryde LEP 2010. Under this Draft LEP, the zoning, height and FSR remain unchanged. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning. .

(e) Any DCP
Ryde Development Control Plan 2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor

The RDCP (Part 4.6) is the primary DCP applicable within the Gladesville Town Centre and Victoria Road Corridor. The relevant provisions of the DCP are outlined below:

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement Gladesville Town Centre Precinct The precinct will: Transform into a genuine mixed use town centre. An enhanced pedestrian network and new public spaces off Victoria Road, with a new square at the end of Wharf Road. Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre.	The development is consistent with the vision statement for the Town Centre Precinct. The development proposes a mixed use development that has a scale and massing which is consistent with the future intent for the Town Centre. The pedestrian network in terms of the public domain will be enhanced as part of any conditions of approval. In addition, the development will have no adverse impacts on the heritage significance of the Clock Tower.	Yes

ITEM 2 (continued)

Control	Comment	Compliance
The intersection of Wharf Road, Meriton Street and Victoria Road is a key site. The Clock Tower marks this important intersection, which will be strongly defined by appropriately scaled buildings built to the street alignment.		
2.3 Public Domain		
2.3.2 Public spaces Public spaces to be provided as part of 'key sites'.	The Key Site diagram does not require the provision of any public spaces.	NA
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in the Gladesville Town Centre and Victoria Road Corridor LEP and the Built Form Heights Plan in this DCP.	As previously stated the LEP specifies two height controls for the site being 22m and 24m. The development complies with this requirement. The Built Form Heights Plan in the DCP specifies 6 storeys whereas the development has proposed part 6 and part 7 storeys. The seventh storey has been setback from Meriton Street as well as on the southern boundary. This setback will reduce the visual appearance of the development as viewed from Meriton Street. The number of storeys was also supported by Council's Urban Design Review Panel. Given that the development complies with the LEP control, no objection is raised to the seventh storey.	Yes
Floor to ceiling heights must be a minimum of 2.7m for residential uses	Each residential floor has a minimum floor to ceiling height of 2.7m. The upper residential floor has a floor to ceiling height of 2.9m The development complies with the requirement.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The ground floor has a floor to ceiling height of 3.6m and complies with the requirement.	Yes

ITEM 2 (continued)

Control	Comment	Compliance
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map. Active uses are required along the length of the Wharf Road and Meriton Street frontages.	The development has provided an active frontage along Meriton Street by proposing two commercial tenancies. The frontage will also include the vehicular access to the site, a substation and two pedestrian entries. There is no alternative on the site for the substation or vehicular entry/exit.	Yes
Active uses consist of community and civic facilities, recreation and leisure facilities, shops, commercial premises, residential uses that do not occupy more than 20% of the street frontage.	The two pedestrian access points will occupy approximately 21.3% of the frontage. This slightly exceeds Council's requirement of 20%. The variation occurs due to the slope of Meriton Street and the need to provide at grade access to the commercial tenancies as well as the entries to the residential component of the building. Given that there are no further properties south east of the site which require an active frontage and this part of the site has not been identified as a major street connection in the DCP, the minor variation will not result in any adverse impacts on the street frontage and can be supported.	No – variation acceptable
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The commercial uses have a depth of between 16.5m and 18m. The development complies with this requirement.	Yes
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access is proposed from Meriton Street which is identified as an active street frontage. There is however no other alternative to gain access to the site.	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	The plans do not propose any security grills. A condition of consent will be imposed to reflect	Yes

ITEM 2 (continued)

Control	Comment	Compliance
	this requirement. (See condition number 5).	
<p>3.1.3 Buildings Abutting the Street Alignment</p> <p>Provide buildings built to the street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0. Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>	<p>The DCP requires a zero build to line along Meriton Street. The development complies with this requirement.</p> <p>The recessed doors and windows are only permitted to a maximum of 400mm from the street boundary. This has been exceeded for the pedestrian entries to the building. The door to access the residential foyer is setback between 5m and 6m from the street frontage. The intent of the DCP requirement is to prevent concealment opportunities. The entries to the building are 2.1m and 4.7m wide. Due to the greater width concealment opportunities will be reduced. In addition, NSW Police have not raised an objection to this aspect of the development.</p>	<p>No – variation acceptable</p>
<p>3.1.4 Setbacks</p> <p>Setbacks in accordance with Setback Requirements Table and Key Sites diagram.</p> <p>The Setbacks Requirements Table does not include any setbacks from boundaries of the subject site.</p>	<p>The Table and the Key Sites diagram requires the development to have a zero setback to Meriton Street on each level of the building. This has been provided with the exception of the upper floor. The upper floor has been setback between 0.5m and 1.7m from Meriton Street. This setback is supported as it assists in reducing the visual massing of the building as well as adding interest and articulation.</p>	<p>Yes</p>
<p>3.1.5 Rear Setbacks and Residential Amenity</p> <p>The Key Site diagram determines the required rear and side setbacks.</p>	<p>The Key Site diagram requires a 6m rear setback for the ground floor and the upper floors must be setback 18m. A zero setback is permitted on the side boundaries. The development</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comment	Compliance
	complies with these setbacks.	
<p>3.1.6 Conservation Area and Built Form Guidelines</p> <p>All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance</p>	The site lies outside of the Conservation Area.	NA
<p>3.1.7 Awnings</p> <p>Provide awnings over footpaths for ground level building frontages as shown on relevant map.</p> <p>Awning height is to be generally a minimum of 3m from the pavement and setback 600mm from the kerb edge. The heights of adjoining awnings should be considered.</p> <p>Awnings are to protect people from sun and rain. Glazed awnings are generally not permitted.</p> <p>Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p>	An awning has been proposed along Meriton Street. This awning however proposes gaps. To ensure all weather protection for pedestrians, a condition of consent will be imposed to require that the awning is not broken up but is provided across the entire frontage. (See condition No. 47). No details have been provided in respect of the lighting. This will also be required as part of the above condition.	Yes
3.2 – Access		
<p>3.2.2 Vehicular Access</p> <p>Provide vehicular access from the local roads network in preference to Victoria Road. This will require the development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts.</p>	The site is located within the Town Centre Precinct and is not required to provide a public laneway. Vehicular access is proposed from Meriton Street.	Yes
<p>3.2.3 Parking</p> <p>The subject site is identified as a location to provide publicly acceptable parking to support retail, entertainment and commercial land uses, to Council's satisfaction.</p> <p>The quantity of publicly accessible parking within the Town Centre Precinct shall equal or exceed existing public</p>	Although the site is identified on the Parking Control diagram, it currently does not provide any existing public parking. Accordingly the development is only required to provide car parking in accordance with the DCP requirements for the proposed development. The	Yes

ITEM 2 (continued)

Control	Comment	Compliance
parking.	development complies with this requirement.	
Provide secure bicycle parking in every building equal to 1 car space for every 100 car spaces or part thereof.	The development provides 50 car parking spaces. Accordingly an area equivalent to 0.5 car parking space needs to be allocated for bicycle parking. The development has proposed an area equivalent to at least 1.5 car parking spaces. This space will accommodate 5 bicycles. The development exceeds Council's requirements. (See condition number 48).	Yes
3.3 Public Domain		
3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages. Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6M) and the Public Domain Control Drawing (Figure 4.6N). Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.	The site is not required to provide any through-site connections, public domain parks, squares or plazas. Any approval will include a condition of consent to require the public domain at the front of the site to be upgraded in accordance with the Ryde Public Domain Manual. (See condition number 54).	Yes
3.3.2 Public Domain Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing (including street closure at Meriton Street and Wharf Road to create a new public square away from Victoria Road).	The Public Domain Framework Control Drawing does not impact on the subject site.	NA
3.3.3 Landscape Character Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence,	The Landscape Character Control Drawing requires large scale trees to be provided in Meriton Street. These trees will be required to be in accordance	Yes

ITEM 2 (continued)

Control	Comment	Compliance
Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.	with the Ryde Public Domain Manual. This matter has been addressed as a condition. (See condition No. 54).	
<p>3.3.4 Urban elements</p> Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual. Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.	A condition of consent will be imposed requiring compliance with the Ryde Public Domain Manual. (See condition No. 54).	Yes
<p>3.3.7 Victoria Road – Town Centre Precinct Section</p> Provide continuous granite paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual. Provide landscaping consistent with an urban setting including planter boxes and the like. Provide street furniture in accordance with the Ryde Public Domain Technical Manual including: <ul style="list-style-type: none"> Provide seats and bins at 50 metre intervals and at bus stops, a minimum one per block, if required by Council. Provide new street lighting, staggered at 20 metre intervals on both sides of street, or to Council satisfaction. Provide lighting to the underside of 	<p>This clause requires the public domain to be upgraded in accordance with the Ryde Public Domain Manual. This has been included as a condition of consent. (See condition number 54).</p> <p>This clause also requires powerlines to be undergrounded in locations specified by Council. The DCP does not identify this site as requiring the undergrounding of the powerlines.</p>	Yes

ITEM 2 (continued)

Control	Comment	Compliance
awnings for the safety and security of pedestrians. Power lines are to be underground in locations specified by Council.		
4.0 Key Sites		
4.1 Introduction Future design and development proposals for Key Sites are to be reviewed by a Design Review Panel to ensure quality in design proposals.	The development was reviewed by the Urban Design Review Panel on 19 July 2012. The comments raised by the Panel have been discussed in greater detail under the heading of SEPP 65 in this report. The Panel were generally supportive of the development application. This issue has been discussed in detail earlier in the report.	Yes
The Keys Sites Plans in Section 4 of this Part may be varied subject to preparation of a new Comprehensive Plan, subject to Council's satisfaction.	The development does not propose to provide a new comprehensive plan. The development is consistent with the Key Site Plan with the exception of the number of storeys. This matter is further discussed below.	Yes
Block 20 Built Form controls Building Uses and Ground Floor Activities Provide mixed use development with retail or commercial uses at ground floor, with a continuous retail or commercial frontage to Victoria Road, Meriton Street and Wharf Road.	The proposal provides a mixed use development. Two commercial uses are provided on the ground floor in addition to the residential entries. The development complies with this requirement.	Yes
Street Frontages Provide an active frontage at ground level to Victoria Road, Meriton St and Wharf Road.	Two commercial tenancies which are 104m ² and 127m ² in size are proposed to address Meriton Street. This will provide the active frontage as required by the DCP.	Yes
Building heights Provide development in accordance with Block 20 Built Form Plan for building height in storeys.	The Built Form Plan requires 1 storey at the rear of the site and 6 storeys at the front of the site. The development complies with	No - Variation acceptable

ITEM 2 (continued)

Control	Comment	Compliance
	<p>the single storey requirement but has proposed 7 storeys where the DCP requires 6 storeys. Although the development does not comply with the number of storeys it does comply with the height control required by the LEP. The upper floor has been setback from Meriton Street which will reduce the massing of the building as viewed from Meriton Street. In addition the number of storeys is supported by Council's Urban Design Review Panel. This variation is considered acceptable.</p>	
<p>Building Depth and Separation Building depth to be in accordance with Built Form Plan. 12m separation required to adjoining residential development. 18m wide maximum envelope including balconies and façade articulation is preferred.</p>	<p>The Built Form Plan requires the single storey component of the building to be setback 6m from the rear boundary and the rest of the building to be setback 18m from the rear boundary. Zero setbacks are permitted to Meriton Street and the side boundaries. The development complies with the building depth as required on the Built Form Plan.</p> <p>The DCP requires 12m building separation between proposed development and existing or proposed residential development. This is not applicable to this site as the Built Form Plan permits development with a zero setback requirement to the side boundaries. Greater than 12m separation will be provided with any residential development on the other side of Meriton Street.</p> <p>The building depth ranges from 17.6m to 19.8m. If the balconies are excluded from this figure, at no point in the building will the</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comment	Compliance
	depth exceed 18m. The development will provide satisfactory daylight and natural ventilation which will provide adequate amenity to the adjoining properties. In this instance the building depth is considered adequate.	
Building Setbacks Zero setback to Meriton Street.	The development complies with this requirement.	Yes
Avoiding Noise and Air Pollution in residential buildings Barriers to noise and air pollution provided by internal layout and design. Cross ventilation to be maintained as part of any noise and air pollution barriers.	The applicant has provided an acoustic report which demonstrates that the development will be able to provide appropriate acoustic levels within the building. Noise and air pollution is due to the proximity of the site to Victoria Road. The design has proposed all but one of the living rooms at the rear of the site so that they are further away from Victoria Road. Bedrooms are located nearer to Meriton Road however these can be adequately acoustically protected.	Yes
Access Provide a new laneway that is 8 metres wide and enhances pedestrian and vehicular access to and from the site and public plaza.	This site is not required to provide a laneway. This DCP requirement is not applicable to the site.	NA
Other detailed provisions The proposed development is to comply with the provisions of the following parts of the DCP: Waste Minimisation and Management.	The development complies with the requirements of the Waste Minimisation and Management DCP.	Yes
Construction Activities.	The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust	Yes

ITEM 2 (continued)

Control	Comment	Compliance
	and the like. These matters have been addressed by way of appropriate conditions of consent.	
Access for People with Disabilities.	The DCP requires that the development must provide an accessible path of travel to all units as well as the provision of 4 adaptable units. The applicant has provided an Access Review Report which demonstrates that the development can comply with the access requirements as well as providing 4 adaptable apartments. This report has detailed recommendations that will be required to be addressed as part of any Construction Certificate. A condition of consent has been imposed to ensure that the development complies with the appropriate access standards. (See condition number 53).	Yes
Part 9.3 Car Parking 2.0 Car parking rates: Residential: 1 bedroom: 0.6 to 1 space dwelling 2 bedroom: 0.9 to 1.2 spaces per dwelling 3 bedroom: 1.4 to 1.6 spaces per dwelling 1 visitor's space per 5 dwellings. Commercial premises: 1 space per 40sqm of area accessible to public.	For the purposes of the car parking requirement, the studio apartments have been included at the same rate as a 1 bedroom apartment. The minimum car parking required for the residential component is 33 resident spaces and 8 visitor spaces. The maximum car parking would be 46 resident spaces and 8 visitor spaces. The commercial tenancies would require 6 car parking spaces. Combining this, results in the minimum car parking required being 47 car parking spaces and the maximum car parking	Yes

ITEM 2 (continued)

Control	Comment	Compliance
	<p>required being 60 spaces. As the development provides 50 car parking spaces, appropriate car parking can be allocated to each use to ensure that the development complies with Council's requirements.</p> <p>The applicant however has requested that the car parking be allocated as follows: Residents 40 spaces Visitors and Commercial 10 spaces.</p> <p>This would result in a decrease in the number of visitor and commercial spaces while ensuring each residential apartment is provided with 1 car parking space. The justification provided by the applicant is as follows: <i>"The code provision for resident visitor parking is quite high particularly when there are also retail spaces available for use."</i> The RMS guidelines are consistent with Council's requirements for visitor car parking spaces. The justification provided by the applicant is inadequate so it is not proposed to accept the variation in car parking as suggested by the applicant, Condition 106 will be imposed to ensure that car parking will be allocated at the following rates: 36 residential spaces 8 visitor spaces(residential) 6 commercial spaces.</p>	

ITEM 2 (continued)

Control	Comment	Compliance
	This rate will ensure that the development is consistent with Council's DCP requirements.	
2.7 Bicycle parking Bicycle parking spaces should be provided at an equivalent rate of 10% of the required car parking spaces. Accordingly, the equivalent of 5 car parking spaces should be dedicated to bicycle parking.	The development complies with this requirement. A condition of consent will be imposed to require 5 bicycle parking that are designed in accordance with AS2890.3 Parking Facilities. (See condition number 48).	Yes

Section 94 Development Contributions Plan 2007 (Amendment 2010)

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

The contributions that are payable with respect to the increased floor area are based on the following figures being outside Macquarie Park:

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$104,808.21	
Open Space and Recreation Facilities	\$236,854.55	
Civic and Urban Improvements	\$94,227.64	
Roads and Traffic Management Facilities	\$12,914.34	
Cycleways	\$8,026.59	
Stormwater Management Facilities	\$24,478.74	
Plan Administration	\$2,165.05	
Grand Total		\$483,475.12

Notes:

- The September 2012 rates have been applied to the development.

Condition 28 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

10. Likely impacts of the Development

The likely impacts as a result of this development have been addressed earlier in the report.

ITEM 2 (continued)**11. Suitability of the site for the development**

The site is considered suitable for the proposed development for the reasons outlined below.

The site is zoned B4 – Mixed Use under RLEP (Gladesville Town Centre and Victoria Road Corridor) 2010, which permits the proposed development. The development is consistent with the desired future character of this area as identified in the current planning controls.

The proposed development is considered suitable for the subject site with respect to traffic and transport impacts. In addition the development will not adversely impact on the amenity of the area.

12. The Public Interest

The development is considered to be in the public interest as it is consistent with the desired future character of the area as identified in the current planning controls.

Also the development will provide a variety of housing options as studios, one bedroom, two bedroom and three bedroom apartments are proposed. This variety of housing will allow for affordable housing options to be provided in a designated town centre.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: No objection subject to appropriate conditions of consent. (See condition numbers 14 to 17, 38 to 45, 64 to 66, 90 to 94).

Landscape Architect: No objections to the development subject to compliance with the tree protection measures as contained in the Arborist's report. (See condition number 67).

Environmental Health Officer: No objection subject to appropriate conditions of consent. (See condition numbers 19, 51, 57 to 58, 101 to 105).

Heritage Planner: No objections raised to the development. No conditions of consent required.

Traffic Engineer: No objections to the development subject to a condition of consent requiring a longitudinal section of the driveway ramp and bollards being provided near the lift cores. (See conditions 46 and 59).

ITEM 2 (continued)

External Referrals

Roads and Maritime Services: The comments from the RMS have been discussed earlier in the report under the heading of State Environmental Planning Policy (Infrastructure) 2007.

16. Other Options

No other options have been considered in respect of this development application.

17. Conclusion

The development application has been prepared, submitted and assessed under the planning controls for the Gladesville Town Centre and Victoria Road Corridor. Although the development does not respond to the current context of Gladesville, it is consistent with the desired future character as identified in the current planning instruments. This building will contribute positively to the future quality and identity of the area.

The floor space of the development exceeds the LEP control by 6.6%. Despite this exceedance, the bulk, scale and massing of the building will be consistent with the desired future character of the area. The number of storeys is also exceeded with the development being a part 6 and part 7 storey building. This control however is a DCP control and the development fully complies with the permitted height control under the LEP. These variations are both minor and the development still complies with the intent of the controls.

Seven submissions were received during the notification period. All of the issues raised in these submissions have been addressed in the report.

The development has demonstrated adequate amenity to the future occupants of the building as well as acceptable amenity to the surrounding residents.

The development application is recommended for approval.

ITEM 2 (continued)

ATTACHMENT 1

GENERAL

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

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

Document Description	Date	Plan No/Reference
Ground floor plan	25 October 2012	DA02 Issue B
Plan L1	25 October 2012	DA03 Issue B
Typical plan L2-5	25 October 2012	DA04 Issue C
Plan L6	25 October 2012	DA05 Issue B
Roof and site plan	25 October 2012	DA06 Issue B
Basement 01 plan	25 October 2012	DA07 Issue C
Basement 02 plan	25 October 2012	DA08 Issue C
Section aa	5 September 2012	DA09 Issue B
Section bb	5 September 2012	DA10 Issue B
North elevation	5 September 2012	DA11 Issue B
South elevation	5 September 2012	DA12 Issue B
West elevation	5 September 2012	DA13 Issue C
East elevation	5 September 2012	DA14 Issue C
Finishes Board	5 September 2012	DA15 Issue C

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 444101M, dated 5 September 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
6. **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.

ITEM 2 (continued)

ATTACHMENT 1

7. Hoardings.

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

8. 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.

9. 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.

10. 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.

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

12. 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.

13. Motorcycle parking. An area shall be designated for motorbike parking on the site within the basement level.

14. 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.

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

16. 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.

ITEM 2 (continued)

ATTACHMENT 1

17. **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.

18. All works associated with the proposed development are to be at no cost to RMS.

19. All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

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.

20. **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.

21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

22. 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.

23. **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.

ITEM 2 (continued)

ATTACHMENT 1

24. **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 docketts must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **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.
27. **Imported fill – type.** 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.

28. **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**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$104,808.21
Open Space & Recreation Facilities	\$236,854.55
Civic & Urban Improvements	\$94,227.64
Roads & Traffic Management Facilities	\$12,914.34
Cycleways	\$8,026.56
Stormwater Management Facilities	\$24,478.74
Plan Administration	\$2,165.05
The total contribution is	\$483,475.12

ITEM 2 (continued)

ATTACHMENT 1

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>.

29. **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**.
30. **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**.
31. **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)
32. **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
33. **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**.
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**.

ITEM 2 (continued)

ATTACHMENT 1

35. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work namely 3 Meriton Street, Gladesville. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
36. **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.

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. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
39. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed comply with relevant sections of Australian Standards AS 2890 where applicable. Accordingly, the plans shall be modified to incorporate but not be limited to the following:
- a. The western building wall at the driveway entrance shall be set back from the southern boundary (road boundary) by a minimum 2.5m to facilitate safe pedestrian sight distance at the entrance/exit from the site.
 - b. All retail parking spaces and aisle widths shall be designed to comply with class 3(a) as specified under AS 2890.1-2004.
 - c. Disabled car parking requirements to comply with AS2890.6.

Detailed plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

ITEM 2 (continued)

ATTACHMENT 1

40. Construction Management Plan. Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted to Council for approval prior to the issue of any Construction Certificate. This plan is also to include details of construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council for approval prior to the issue of any Construction Certificate. Where possible, all construction vehicles are to be contained wholly on the site.

41. Dilapidation Report. To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

- a) Road pavement.
- b) Kerb and gutter.
- c) Constructed footpath.
- d) Drainage pits.
- e) Traffic signs.
- f) Any other relevant infrastructure.

These reports shall be submitted to Council development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate

42. Stormwater Runoff. Stormwater runoff from site shall be collected and piped to Meriton Street via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to the following:

- a. All site stormwater runoff from the site shall be collected and piped to the Meriton Street via an On-site stormwater detention system.

ITEM 2 (continued)

ATTACHMENT 1

b. The site discharge to the kerb shall be limited to a maximum 30l/s. Accordingly, where the site runoff post development is likely to exceed this amount, the OSD orifice shall be reduced with tank storage volume increased to ensure the tank outflow discharging to the kerb and gutter is limited to 30l/s. Alternatively, the discharge shall be made to the nearest Council's underground drainage system via extension of Council's existing drainage system to the site where Council approval will be required.

b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank.

c. All gutters, downpipes and pipeline conveying stormwater runoff to the OSD tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

43. External Engineering Works. To facilitate access to and from the proposed development the following works shall be completed at no cost to Council

a. The reconstruction of kerb and gutter along the entire frontage of the site, this shall include the removal and replacement of all redundant vehicular crossing with vertical kerb and gutter.

b. The reconstruction of full width concrete footpath along the entire frontage of the site to Meriton Street.

Detailed engineering plans prepared by a Civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works shall be submitted to Council for approval. Engineering plans approval and work inspection fee in accordance with Council's Management are payable to prior to approval being granted by Council.

44. Excavation. To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical / structural report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

a) *The likely impacts of the proposed excavations will have on structures and services of adjoining properties*

b) *Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*

c) *A copy of the report including geotechnical/structural engineer certification should be submitted to Council*

ITEM 2 (continued)

ATTACHMENT 1

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

45. **Road Anchors.** Where road anchors are proposed to support the proposed excavation, the applicant shall submit to Council detailed structural plans prepared by a chartered structural engineer indicating the number of proposed anchors and have all applicable fees paid to Council in accordance with Council's Management Plan.
46. **Longitudinal Section of the Driveway Ramp.** Prior to the issuing of a Construction Certificate, a longitudinal section of the driveway ramp detailing ground clearance templates cast over all transition points to be provided to Council. This plan is to confirm that vehicles will not scrape as per Figure 2.10 from AS2890.1:2004 and Figure C1 from AS2890.1:2004. This plan is to be at a scale of 1:100.
47. **Awning.** The awning along Meriton Street is to extend across the entire Meriton Road frontage. The awning is to achieve a minimum height of 3 metres above the pavement and be setback 600mm from the kerb edge. The awning is not to be glazed. Details of the awning including the lighting details are to be submitted on the Construction Certificate plans.
48. **Bicycle Parking.** A total of 5 bicycle parking spaces are to be provided in the basement. These spaces are to be designed in accordance with AS2890.3 Parking Facilities – Bicycle Parking Facilities. Details are to be submitted on the Construction Certificate demonstrating compliance with this Australian Standard.
49. **Detailed Landscaping Plan.** A detailed landscaping plan is to be submitted and approved by Council in accordance with the approved landscaping plan prior to the issue of a Construction certificate. The detailed landscaping plan must also incorporate the following:
- Soil depth over structures. Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat design Code. Information verifying that the development complies with these requirements is to be provided on the Construction Certificate plans.
 - The landscape plan is to be amended to nominate a tree more suitable to the Sydney region rather than the nominated *Tilia cordata* which is more suited to cold climates.
50. **Relocation of the Garage Door.** To ensure that vehicles are contained wholly within the site before being required to stop, the garage door is to be setback 5.5metres from Meriton Street. Details are to be submitted on the Construction Certificate plans.
51. **Garbage and Recycling Rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:

ITEM 2 (continued)

ATTACHMENT 1

- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

The garbage and recycling room must allow for an adequate numbers of containers as identified in Schedule 3 of Part 7.2 of DCP 2010. Details demonstrating compliance with these requirements is to be submitted on the Construction Certificate plans.

52. Compliance with Noise Impact Assessment Report. The development is to comply with the recommendations contained in the Environmental Noise Impact Assessment prepared by Acoustic Logic dated 24/8/12. Details of compliance is to be submitted on the Construction Certificate plans.

53. Disabled Access. Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Morris-Goding Accessibility Consultants dated 31 August 2012. Details indicating compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the construction certificate being issued. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

ITEM 2 (continued)

ATTACHMENT 1

54. **Ryde Public Domain Technical Manual.** The public domain along the entire site frontage of Meriton Street is to be upgraded in accordance with the Ryde Public Domain Manual. This includes street lighting, footpath paving, street furniture and street tree planting. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of any Construction Certificate for the development.
55. **Design verification** – Prior to a Construction Certificate being issued with respect to the residential component of this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
56. **Service infrastructure/utilities** – All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.
57. **Provision of a Household Cleanup room.** It will be necessary to amend either basement 01 level or basement 02 level to incorporate a separate room for the disposal of household cleanup. This room or caged area is to be a minimum of 5m² in area. This room is to be used for the storage of bulky discarded items such as furniture and white goods which are awaiting Council pickup. Instructive signage is to be provided on the door to this room or caged area. Details of this amendment are to be submitted on the Construction Certificate.
58. **Commercial bin storage area.** A separate bin storage area is to be provided for the commercial waste. This area is to be separated from the residential area. The area must provide separate containers for the separation of recyclable materials from general waste. The size of the commercial waste area is to be in accordance with the areas specified in Schedule 3 of Part 7.2 of DCP 2010. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
59. **Bollards near the lift cores.** It will be necessary to install at all four (4) corners of both of the lift cores in the basement car park a 1200mm high cast in-situ (core filled) concrete/steel bollard. Details are to be submitted on the Construction Certificate plans.

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

60. 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.

61. Excavation adjacent to adjoining land

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

62. Pre-commencement dilapidation report. It will be necessary to prepare a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining private properties namely 1-3 Meriton Street, Gladesville. A copy of the report must be provided to Council and the owners of the affected adjoining private properties, prior to the commencement of construction.

63. 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.

64. 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*

ITEM 2 (continued)

ATTACHMENT 1

- (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.

65. **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

66. **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 where applicable. 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.

67. **Tree Protection Measures.** Tree protection measures as outlined in the Arboricultural Impact Assessment Report prepared by Urban Tree Management and dated 10 August 2012 are to be implemented prior to any work occurring on the site. These measures are to be maintained until all building works are completed. The tree protection zone is not to be modified or relocated without consultation of the project Arborist.

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.

68. **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*.

ITEM 2 (continued)

ATTACHMENT 1

69. **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.
70. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
71. **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.
72. **Construction materials.** All materials associated with construction must be retained within the site.
73. **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.
74. **Site maintenance**
The applicant must ensure that:
- (d) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (e) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (f) the site is clear of waste and debris at the completion of the works.
75. **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".
76. **Rubbish removal.** During the demolition and construction process, all rubbish is to be stored and contained on site and is to be disposed of in an environmentally acceptable manner.
77. **Anti-Graffiti Coating.** All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.

ITEM 2 (continued)

ATTACHMENT 1

78. Lighting. All lighting including the awning lighting is to comply with the following requirements:

- a. Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- b. A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- c. To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park walls and ceilings are to be painted a light colour.
- d. Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, and the communal open space areas.
- e. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

79. Fire exit doors. Fire exit doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. Fire exit doors directly accessible from the public domain are to be fitted with metal covering plates to prevent forced entry and manipulation of locks.

80. Balcony doors to units. Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

81. Unit windows. The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

82. Intercom. A intercom system providing remote door operation is to be installed at the residential building entrances. The intercom system is to include night time lighting and should allow electronic access control, which allows residents to allow access from units. Residents should be able to communicate and identify persons prior to admitting them into the development.

83. Car parking security. Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

ITEM 2 (continued)

ATTACHMENT 1

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.

84. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 444101M, dated 5 September 2012.

85. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

86. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

87. **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.

ITEM 2 (continued)

ATTACHMENT 1

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

88. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
89. **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.
90. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
91. **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 constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and Development Control Plan 2010: - Part 8.2; Stormwater Management*
 - 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.
 - From Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
92. **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.

ITEM 2 (continued)

ATTACHMENT 1

93. **Work-as-Executed Plan.** A Work-as-Executed plan prepared by a Registered Surveyor for the site stormwater drainage and on-site stormwater detention system including the WSUD treatment train if one has been constructed. The WAE plan **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. Additionally, 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.
94. **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 On-site stormwater detention system and the Water Sensitive Urban Design Treatment Train 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.
95. **Mechanical Ventilation Systems.** Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
96. **Waste Collection Services.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
97. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
98. **BASIX Completion.** Within 2 days of issuing a final Occupation Certificate, the Principle 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 receive is to be placed on the PCA file.
99. **Sign Posting and Line Marking of the basement.** Prior to the occupation of the building, the basement is to be sign posted and line marked for increased safety and circulation for all users. The signage is to include a height indicator at the entrance to the basement.

ITEM 2 (continued)

ATTACHMENT 1

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.

100. **Hours of operation.** The hours of operation for the commercial uses are to be restricted to:
- 8am to 10pm (Monday-Friday).
 - 8am to 9pm (Saturday)
 - 9am to 6pm (Sundays and public holidays)
101. **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*.
102. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
103. **Wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
104. **Noise from the Premises.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
105. **Plant or Machinery Noise.** The operation of any plant or machinery installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
106. **Off Street Car parking.** 50 off-street car spaces being provided in accordance with the submitted plans. Such spaces to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. These spaces are to be allocated as follows:
- 36 spaces for the residents of the residential buildings.
 - 8 residential visitor spaces.
 - 6 Commercial car parking spaces.

ITEM 2 (continued)

ATTACHMENT 1

107. **Cleaner/Caretaker's responsibilities.** It will be necessary for the cleaner/caretakers of the building to be responsible for transferring the bins from the residential waste room in the basement to the kerbside for servicing the night before pick up. Once serviced, these bins are to be transferred back to the residential waste room. The cleaner/caretaker will also be responsible for moving the bulky discarded items from the household cleanup room to the kerbside for collection. This is to occur no earlier than 2 days before the collection.

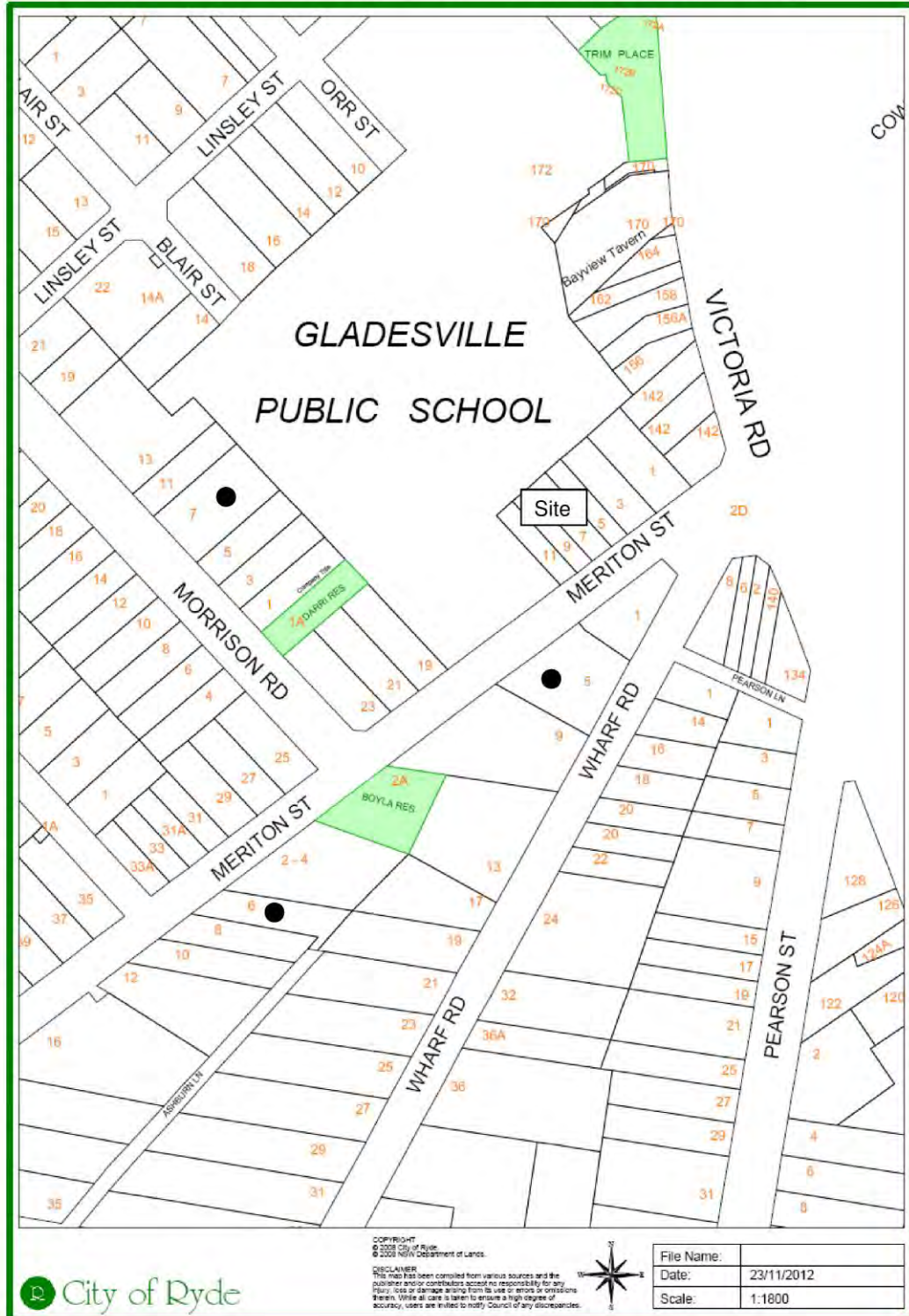
ADVISORY CONDITIONS

1. Adequate provision must be made for the installation of kitchen exhaust systems to any future food premises.
2. Adequate provision must be made for the installation of a grease trap for any future food premises if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

ITEM 2 (continued)

ATTACHMENT 2

● Indicates submissions received (multiple received from units at 5-7 Wharf Road)



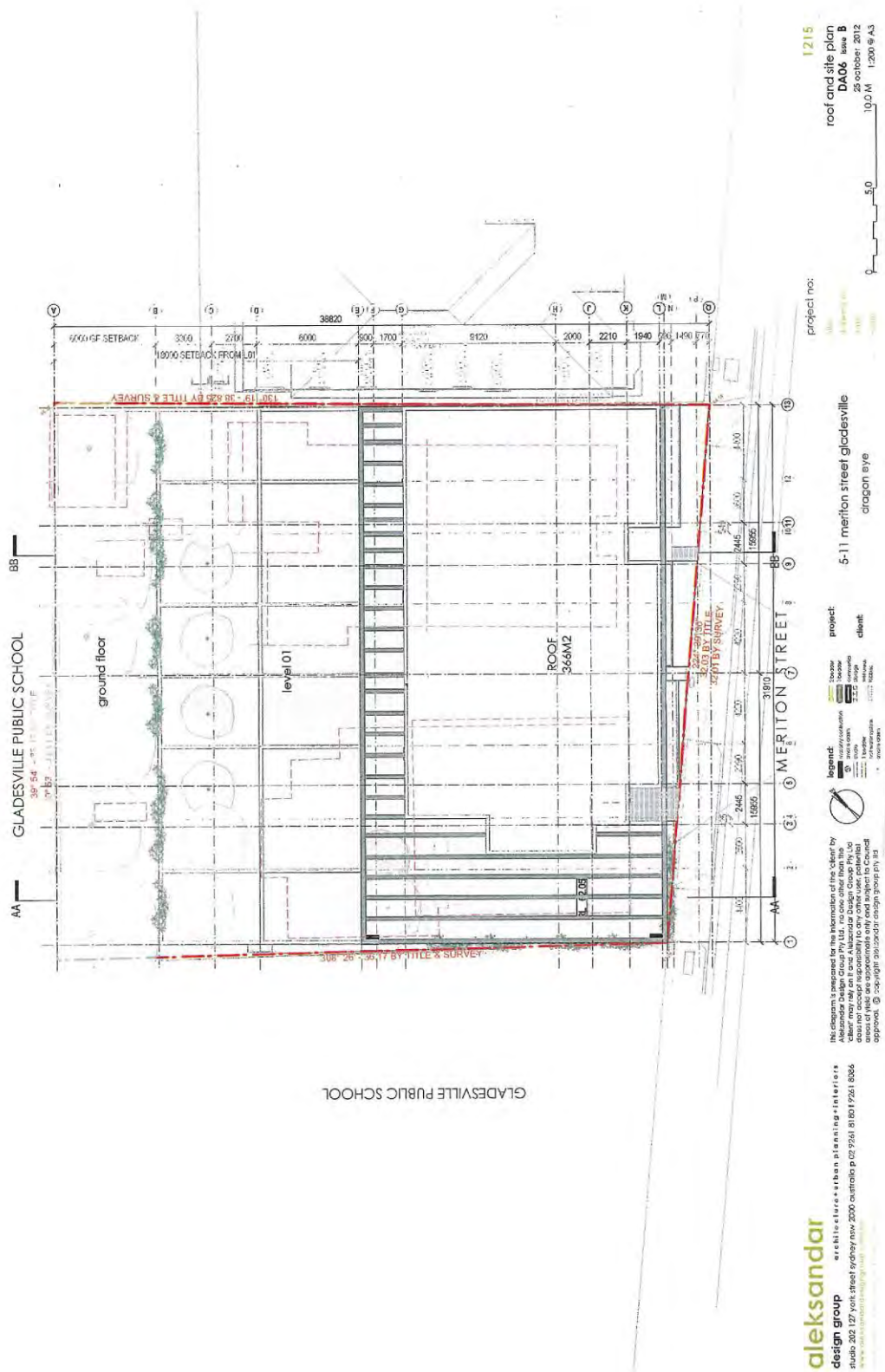
COPYRIGHT
© 2008 City of Ryde
© 2008 NSW Department of Lands
DISCLAIMER
This map has been compiled from various sources and the publisher and/or contributors accept no responsibility for any errors, omissions or damage arising from its use or errors or omissions therein. While all care is taken to ensure a high degree of accuracy, users are invited to notify Council of any discrepancies.



File Name:	
Date:	23/11/2012
Scale:	1:1800

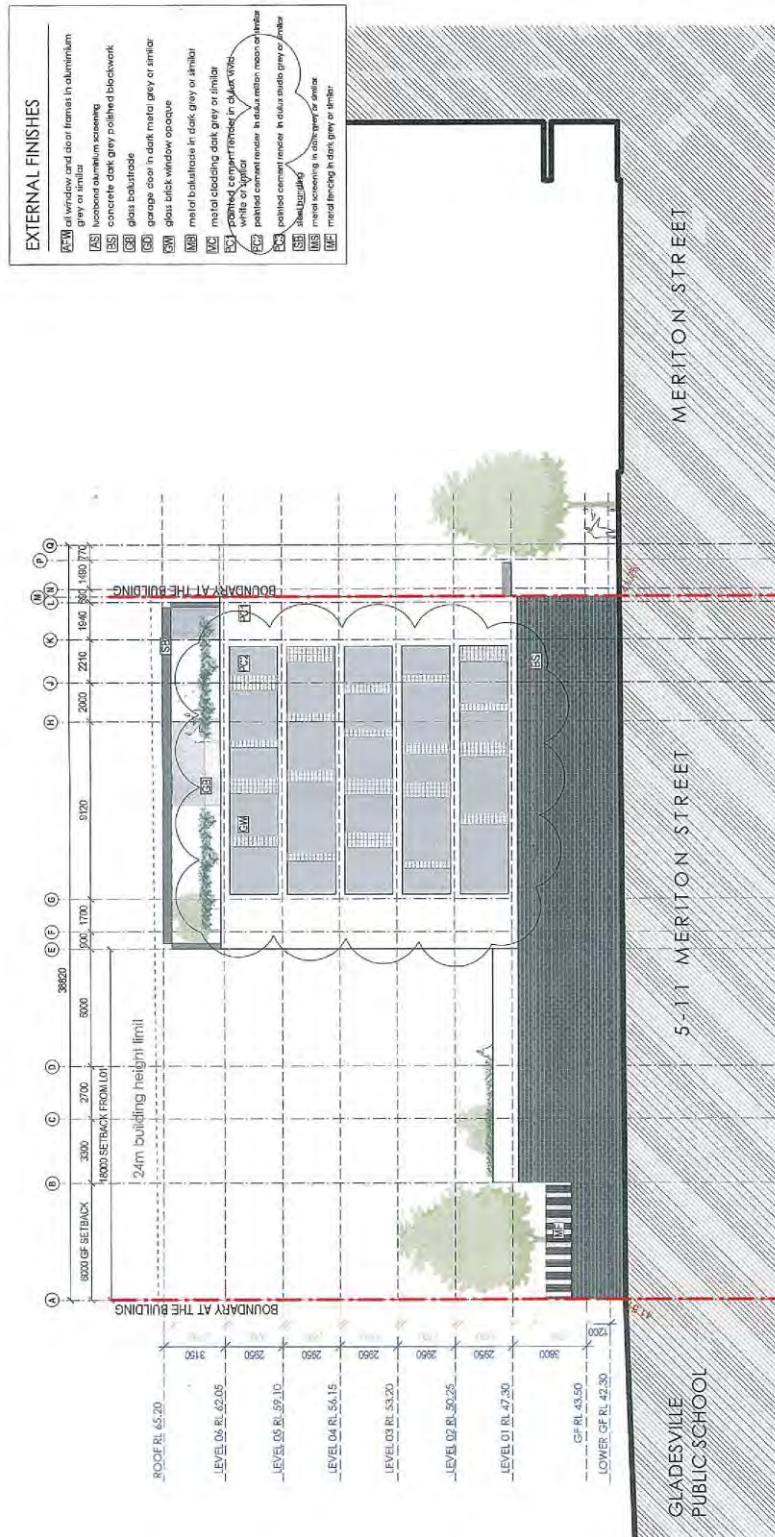
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



aleksandar design group architects + urban planning + interiors
 11/11/12 201 York Street Ryde NSW 2008 Australia P 02 9241 8180 F 9261 1806
 www.aleksandardesigngroup.com.au

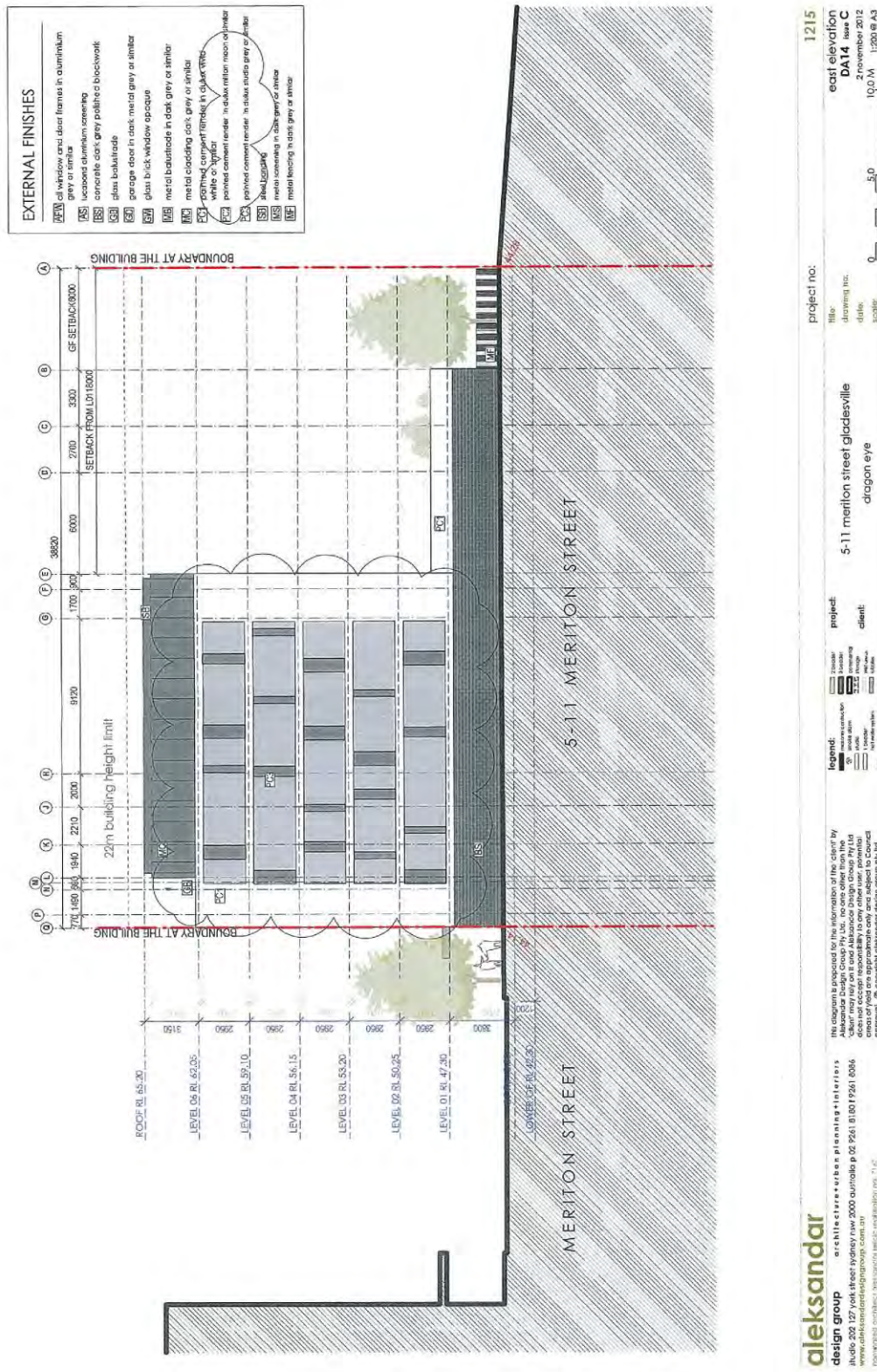
1215 project no:
 title: 5-11 meriton street gladesville
 drawing no: dragon eye
 date: 10.01.12
 scale: 1:200 @ A3

Legend:
 1. boundary
 2. building
 3. tree
 4. fence
 5. wall
 6. window
 7. door
 8. roof
 9. ground level
 10. finished floor level
 11. finished ceiling level
 12. finished ground level
 13. finished roof level
 14. finished ground level

This document is prepared for the information of the client by Aleksandar Design Group Pty Ltd. No other plan from this client may be used without the written consent of Aleksandar Design Group Pty Ltd. All rights reserved. This document and its contents are the property of Aleksandar Design Group Pty Ltd. All rights reserved.

ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)
ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Dec 2002	Report to Council	Report to Council regarding need to undertake joint master plan for Gladesville	Ryde Council resolved to enter into a partnership with Hunters Hill Council to prepare a Master Plan for Gladesville
March 2003	Appoint urban design consultants, Annand Alcock to prepare a master plan	An urban design based study utilising the principles of <i>New Urbanism</i>	
May June 2003	Community consultation	To establish issues and define the master plan vision	
July 2003	Gladesville Community Reference Group initiation meeting.	The Master Plan preparation was guided by a community reference group, drawing representation from: <ul style="list-style-type: none"> ▪ Roads and Traffic Authority ▪ Gladesville Public School ▪ Chamber of Commerce ▪ Residents for Appropriate Development ▪ Cowell Street Action Group ▪ Heritage groups; and ▪ Councillors. 	
Sep 2003	Gladesville Reference Group Meeting		
Oct 2003	<ul style="list-style-type: none"> • 3 meetings of the Gladesville Reference Group subcommittee/s • Gladesville Reference Group Meeting 	The subcommittee/s considered issues from the perspective of residents and the Chamber of Commerce	
Nov 2003	Joint briefing of Hunters Hill and Ryde Councils	The councils supported the request by the Community Reference Group for a heritage study	

ITEM 2 (continued)
ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Mar 2004	Report to Ryde Council requesting funding and support to prepare a Heritage Study		RESOLUTION “(t)hat a history study of the Gladesville Town Centre be undertaken in conjunction with Hunters Hill Council ... (and that) a report on the findings of the history study be made to both Councils.”
May 2004	Appoint heritage consultant Paul Davies to prepare heritage study.	Master Plan put on hold while the Heritage Study was undertaken.	
Dec 2004	Gladesville Reference Group Meeting	Reference Group briefed on master plan vision & progress and draft Heritage Study and provided opportunity to comment.	
March 2005	Hunter’s Hill and Ryde Council’s submit application for funding from NSW government	Funding based on preparation of an urban design based DCP	
April 2005	Heritage study reported to Council	Draft Master Plan amended to incorporate recommendations of Draft Heritage Study	RESOLUTION: (Moved by Crs Petch and Butterworth) (a) That <i>The Gladesville Heritage Assessment and Conservation Guidelines, March 2005</i> by Paul Davies Pty Ltd, Architects and Heritage Consultants be received and noted. (b) That a further report regarding the recommendations of <i>The Gladesville Heritage Assessment and Conservation Guidelines, March 2005</i> be provided to Council after exhibition of the Draft Gladesville Master Plan. (c) That the landowner of the former Primrose Hill Sawmill be advised of the Archaeological potential of the site.
Jul 2005	Gladesville Reference Group Meeting	Draft Master Plan presented to Reference group and comments sought.	

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Aug 2005	Report to Council	Council resolved to exhibit the Master Plan	<p>RESOLUTION: (Moved by Crs Petch and Butterworth)</p> <p>(a) That the draft Gladesville Town Centre Master Plan prepared by Annand Alcock Urban Design be placed on public exhibition for a period of 28 days.</p> <p>(b) That a report be presented to Council following completion of the formal exhibition and consultation process.</p> <p>(c) That the General Manager write to the members of the Gladesville Reference Group thanking them for their commitment to the future of Gladesville and assistance during preparation of the Draft Gladesville Master Plan.</p> <p>(d) That the Manager Strategic Planning, Meryl Bishop and Senior Strategic Planner, Lexie Macdonald be congratulated on the manner in which they conducted the reference group meetings.</p>
Sept/Oct 2005	Exhibit Draft Gladesville and Victoria Road Master Plan	<ul style="list-style-type: none"> • 4 x 4hr drop in sessions at Gladesville Library • Well attended community/public meeting held by the councils on 19 Sep 	
Dec 2005	Notice of successful application to Dept of Planning for funding	\$90,000 from Planning Reform Fund was provided to Council to prepare the to prepare Gladesville LEP and DCP	
5 Dec 2005	Report to Council	<ul style="list-style-type: none"> • Exhibition outcomes reported to Council <p>Council received 255 submissions 74% were positive 18% gave conditional support subject to change 8% were negative</p> <ul style="list-style-type: none"> • Council resolved to prepare planning controls 	<p>RESOLUTION: (Moved by Crs Butterworth and Tagg)</p> <p>(a) That the report on the public exhibition of the draft Gladesville town centre and Victoria Road master plan be received, noted and endorsed.</p> <p>(b) That a further report attaching an amended Gladesville town centre and Victoria road master plan be presented to council in April 2006.</p>

ITEM 2 (continued)
ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Jan 2006	Hill PDA commenced economic analysis	This study recommended that FSRs would need to be generally around 2.7:1	
Jul 2006	Consultant appointed to prepare DCP & site studies.	The consultants were not at this stage engaged to prepare the LEP as the Dept of Planning had still not released the standard LEP instrument	
Jul 2006	Gladesville Chamber of Commerce briefed		
Aug 2006	Presentation work in progress to joint Council workshop		
Oct 2006	Inaugural meeting of Technical Working Group	Set up to consult and obtain an integrated approach to a range of issues. Draw representation from Dept of Planning, Ryde Council, RTA, Hunters Hill Council and Transport for NSW	
Nov 2006	Presentation work in progress to joint Council workshop.	Presentation provided by consultant team	
Dec 2006	Briefing to Gladesville Chamber of Commerce		

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Dec 2006		Council formally resolved to prepare LEP The LEP was not commenced immediately as the LEP template format had not been released at the time.	RESOLUTION: (Moved by Crs Butterworth and Campbell) (a) That a draft Local Environmental Plan be prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006, for the Gladesville Town Centre and Victoria Road Corridor. (b) That the NSW Department of Planning be advised of Council's resolution to prepare the draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979. (c) That a report regarding preparation of the Draft Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan and Draft Development Control Plan be provided to Council in early 2007.
Mar 2007	Technical Working Group meeting	Group provided opportunity to comment on DCP. RTA requested traffic impact study	
May 2007	<ul style="list-style-type: none"> • Notify Dept of Planning that council had resolved to prepare an LEP (s54) • The GM reported to Council that the RTA required a traffic study in order for the project to proceed to s62 	S62 consultation with state agencies is a prescribed step in the plan making process. Without state agency support the LEP could not proceed. A traffic study was not included in the original project scope as the RTA was a member of the Community Reference Group for the master plan and had not raised the issue prior. Traffic consultant appointed	No RESOLUTION minuted

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Jul 2007	<ul style="list-style-type: none"> • Ryde Councillor Workshop • Council received s55 approval from the Dept of Planning to prepare the LEP. 		
Jul– Aug 2007	S 62 Consultation with state agencies		
4 Dec 2007	<ul style="list-style-type: none"> • Council adopted the DLEP for public exhibition • Briefing to Chamber of Commerce • a s64 report to the Dept of Planning requesting approval to publicly exhibit the plans 	The DDCP and DLEP were complete and presented to Council.	<p>RESOLUTION: (Moved by Crs Ryan and Netterfield)</p> <p><i>(a) That the draft Local Environmental Plan, for the Gladesville Town Centre and Victoria Road Corridor be forwarded to the NSW Department of Planning requesting that a section 65 certificate be issued in accordance with the Environmental Planning and Assessment Act 1979.</i></p> <p><i>(b) That the General Manager be delegated to consult affected landowners regarding the potential heritage listing of their properties to obtain their responses. The outcome of this consultation is to be reported to Council as soon as practicable.</i></p>

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
15 April 2008	based on owners objections Council resolved to not incorporate heritage items recommended by Heritage Study		<p>RESOLUTION: (Moved by Crs Butterworth and Netterfield)</p> <p><i>(a) That the report of the Senior Strategic Planner, dated 8 April 2008 on the outcomes of the consultation with the land owners of properties subject to a potential heritage listing within the Gladesville Town Centre and Victoria Road Corridor, be received and noted.</i></p> <p><i>(b) That the Draft Ryde Local Environmental Plan 2008: Gladesville and Victoria Road Corridor be amended in accordance with the recommendations of the table within this report entitled Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions from affected landowners to potential heritage listing.</i></p> <p><i>(c) That relevant recommendations of the table within this report entitled Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions from affected landowners to potential heritage listing be incorporated in the Draft Ryde Development Control Plan Gladesville Town Centre and Victoria Road Corridor.</i></p> <p><i>(d) That the Draft Ryde Development Control Plan and Draft Ryde Local Environmental Plan 2008: Gladesville Town Centre and Victoria Road Corridor and supporting studies, be reported to Council upon receipt of the s65 certificate from the Director General of the Department of Planning.</i></p>
Jul 2008	briefing to the Gladesville Chamber of Commerce	Provided by Ryde Council's General Manager	
August 2008	S65 approval to exhibit the plans issued by Dept of Planning	The approval to exhibit was issued during the Council's caretaker period. At the direction of Dept Local Government no major decisions could be undertaken. The exhibition was delayed until the new council could be briefed.	
Oct 2008	Briefing to Council	The newly elected Council was briefed re the Draft LEP and DCP	

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Nov 2008 - Feb 2009	Public exhibition of draft LEP and DCP and supporting studies	The Act requires that draft LEPs and DCPs are exhibited for 28 days. The exhibition ran 92 days from November 2008 to February 2009 and submissions were accepted up to 31 March 2009.	
Dec 2008	Public exhibition activities	<ul style="list-style-type: none"> • All day drop in session (10am-7pm) • Public meeting (at Gladesville RSL) briefed by staff from both councils & consultants 	
Jan 2009	Public exhibition activities	<ul style="list-style-type: none"> • Briefing to Gladesville Chamber of Commerce • Public meeting (briefed by Hunters Hill Staff) • Ryde staff met with landowners and stakeholder groups on request 	
May 2009	Councillor briefing	regarding issues raised in submissions	

ITEM 2 (continued)

ATTACHMENT 4

Date	Milestone	Description/comment	Council resolutions
Jun 2009	Report to Council	<p>The report recommended adoption of the plans subject to amendment based on submissions including:</p> <ul style="list-style-type: none"> • LEP Height map • LEP FSR map • Several DCP changes (e.g. rear setbacks) <p>http://www.ryde.nsw.gov.au/Documents/Mtg-COW2009/cow0909_160609a.pdf</p>	<p>RESOLUTION: (Moved by Crs Butterworth and O'Donnell)</p> <p>(a) That the report of the Senior Strategic Planner, dated 19/03/2009 on GLADESVILLE TOWN CENTRE AND VICTORIA ROAD CORRIDOR PLANNING CONTROLS, be received and noted.</p> <p>(b) That the amendments to the Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008 and Development Control Plan as outlined in this report be adopted.</p> <p>(c) That the draft Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008 be forwarded with a s.68 report to the Department of Planning with a request that the Minister make the Plan.</p> <p>(d) That the amendments to the Gladesville Town Centre and Victoria Road Corridor Development Control Plan are made and the plan becomes effective upon the making of the Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008.</p> <p>(e) That draft Heritage Item 141, Our Lady Queen of Peace Church, 329 Victoria Road, Gladesville be deferred from Schedule 5 of the draft Gladesville Town Centre and Victoria Road Local Environmental Plan 2008 and a further report be submitted to Council following discussions with the landowner.</p>

- 3 87 ELLIOTT AVENUE, EAST RYDE. LOT 387 DP3157. Local Development Application for demolition of existing dwelling and erection of a new 2 storey dwelling. LDA2012/368.**

INSPECTION: 4.30pm

INTERVIEW: 5.10pm

Report prepared by: Team Leader - Assessment

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

Report dated: 16/11/2012

File Number: grp/12/5/5/3 - BP12/1385

1. Report Summary

Applicant: Astute Architectural Drafting Pty Ltd

Owner: Mr E Jones

Date lodged: 4 October 2012

This report considers a development application (DA) for demolition of the existing dwelling and erection of a new 2 storey dwelling at the subject property.

The proposal has been assessed against the controls in Ryde Development Control Plan (DCP) 2010, and there are a number of minor areas of non-compliance regarding deep soil areas in the rear yard (8m x 8m area not provided as required by the DCP), rear setbacks, side setbacks, and the maximum garage width and width of garage doors. As discussed in the body of the report, these issues of concern are considered to be relatively minor and would not justify refusal or design amendments regarding the DA.

The DA has been notified to neighbours and **3 submissions** have been received, raising issues including privacy impacts (from first floor windows overlooking onto neighbour's properties), the size of the building relative to the size of the subject allotment, the size of the garage, and construction impacts (noise, dust, general disruption etc).

Overall, the issues of concern raised in the submissions and the DCP non-compliances are considered to be relatively minor and can be resolved via standard conditions of consent.

Reason for Referral to Planning and Environment Committee: Requested by the Mayor, Councillor Petch.

Public Submissions: **Three (3) submissions** were received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required.

ITEM 3 (continued)

Value of works? \$400,000

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. 2012/368 at 87 Elliott Avenue, East Ryde, being LOT 387 DP3157 be approved subject to the conditions in **Attachment 2**.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Compliance Table
- 2 Proposed Conditions
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 6 Submission on behalf of applicant by Red Gum Town Planning Services - CIRCULATED UNDER SEPARATE COVER
- 7 Submission from owner - 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 : 87 Elliott Avenue, East Ryde.

Site Area : 578.3m²
Frontage 18.975m
Depth 30.48m

Topography and Vegetation : The site has a slight fall from the rear towards the front boundary and contains no significant vegetation.

Existing Buildings : Dwelling house and detached dwelling.

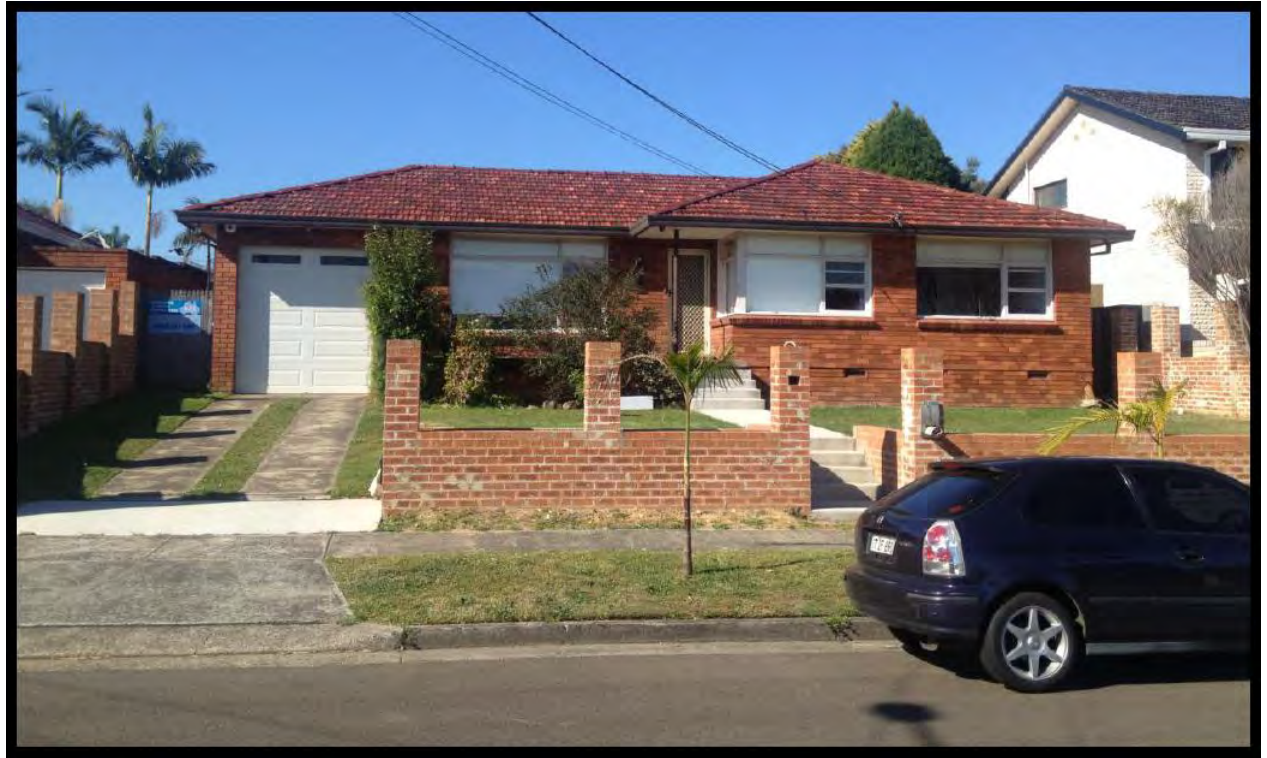
Planning Controls

Zoning : Ryde LEP 2010
R2 Low Density Residential.

Other : Ryde DCP 2010



ITEM 3 (continued)



3. Councillor Representations

Name of Councillor: The Mayor, Councillor Petch

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

Date: 7 November 2012

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

On behalf of applicant or objectors? On behalf of objectors at No 20 Lumsdaine Ave to rear

Any other persons (e.g. consultants) involved in or part of the representation: Unknown.

4. Political Donations or Gifts

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

ITEM 3 (continued)

5. Proposal

The development proposes demolition of the existing structures (dwelling house and detached garage) and erection of a new 2 storey dwelling.

6. Background

The DA was lodged on 4 October 2012, and shortly thereafter (5 October 2012) it underwent a preliminary assessment and was assigned to an Assessment Officer, referred to internal officers (Council's Development Engineer), and advertised/notified to neighbours with a notification period closing 22 October 2012. Further details of these processes are discussed later in this report.

In early to mid-October, Council's Development Engineer had identified minor issues regarding the submitted drainage design and associated calculations. Contact was made with the applicant's drainage engineer, who supplied revised drawings and details for the assessment of Council's Development Engineer. Advice was then received (18 October) that the development was satisfactory from an engineering perspective subject to appropriate conditions.

The assessment of this application was completed on 7 November 2012 and preparations were made to formally determine the application (by approval under officer delegation), however the DA was called up to the Planning & Environment Committee on this same date. Arrangements were then made to schedule this application at the first available Committee meeting.

7. Submissions

The proposal was notified to adjoining property owners in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications for a period from 5 October to 22 October 2012.

In response, **3 submissions** were received from the owners of the properties at No 85 Elliott Ave, 20 Lumsdaine Ave and 22 Lumsdaine Ave – see location indicated on the air photo earlier in this report. The issues raised in the submissions are summarised and discussed as follows. It is noted that the applicant was provided with a copy of these submissions and was given an opportunity to respond to the issues therein. A copy of the applicant's response to the submissions is attached to this report.

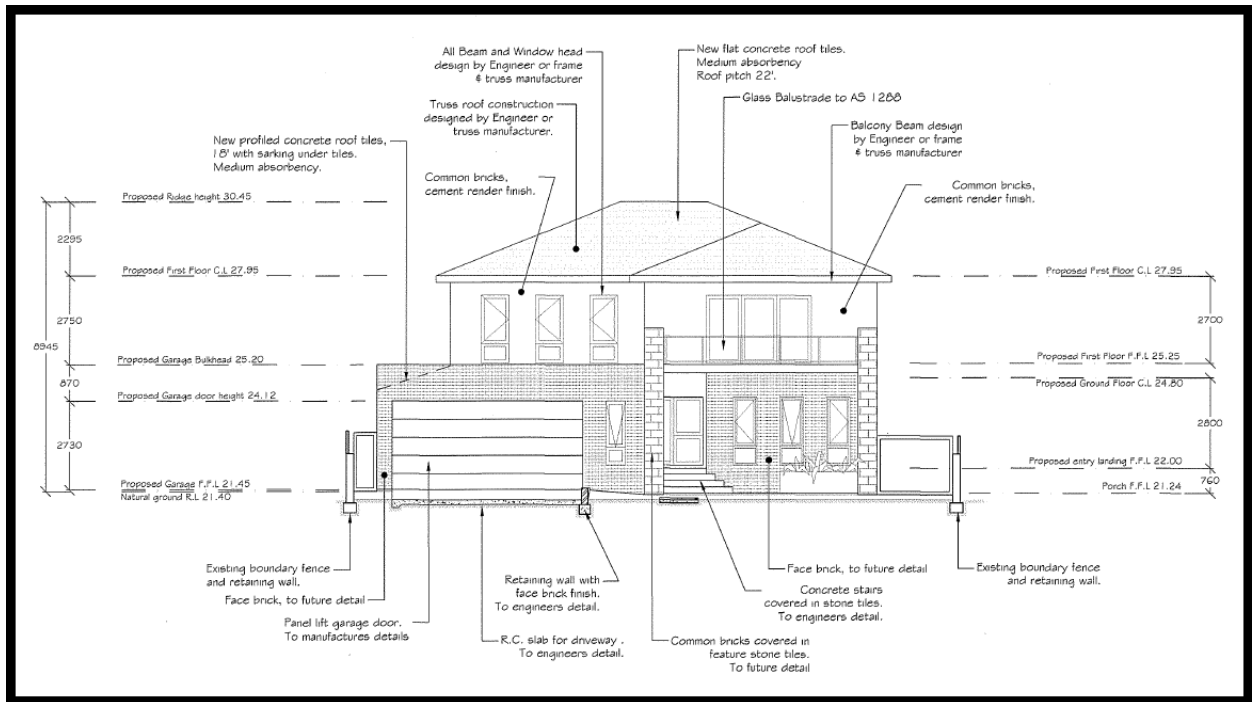
- 1. Size/height of dwelling.** *Concerns are raised that the size and height of the dwelling is out of proportion to the size of the block.*

ITEM 3 (continued)

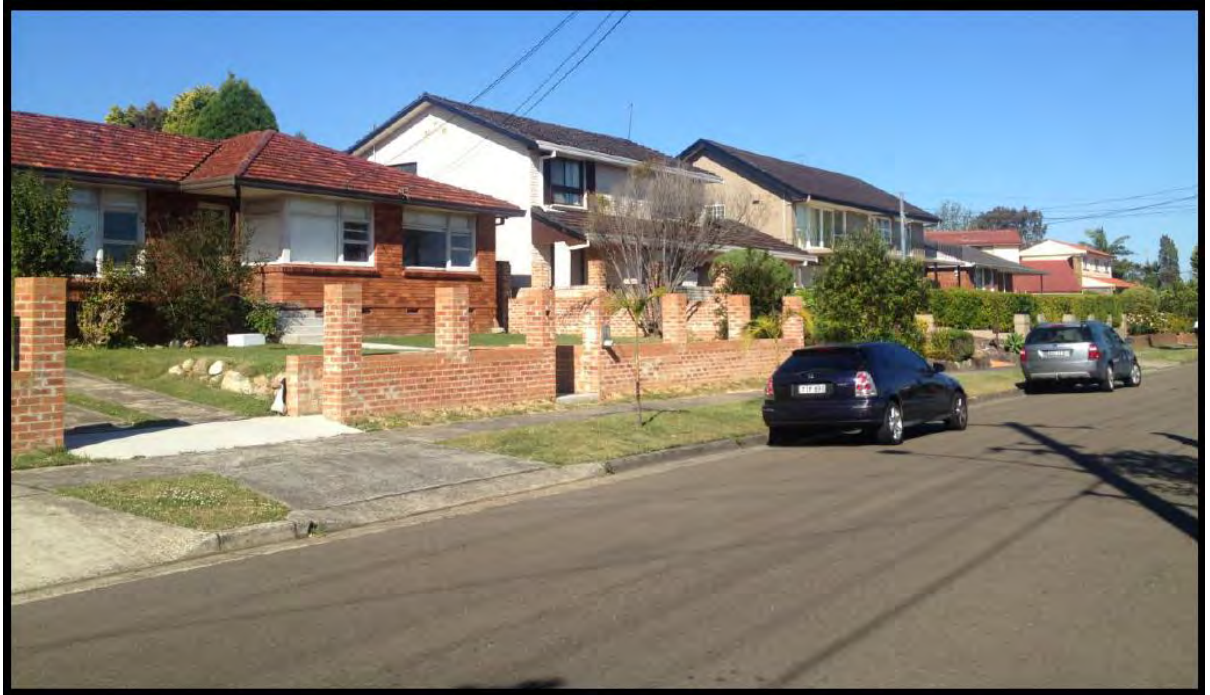
Comment: There are a number of controls within DCP 2010 which relate to the size of the dwelling, and it's relationship to the allotment on which it is sited – these include height (both wall plate height and overall (ridge) height), and also floor space ratio (which is a ratio of the gross floor area divided by the size of the allotment). As discussed in the DCP compliance section of this report, the proposal fully complies with these controls.

2. Streetscape character. Concerns are raised that the dwelling will not be compatible with other dwellings in the street in terms of appearance.

Comment: The front elevation of the proposed dwelling is shown below. The dwelling has the appearance of a typical residential dwelling. It will be provided with a pitched roof and a range of external materials (eg both face brick and cement rendered finish) which are consistent with other residential dwellings in the City of Ryde. The immediate streetscape also contains a number of 2 storey dwellings as shown in the photograph below. It is considered that this dwelling would be consistent with the low density residential character of this particular location.



ITEM 3 (continued)



3. **Garage width.** *The size of the garage is too big for domestic use (ie 1½ times the maximum allowed for a car and storage) and there are concerns that it will be used for a home business.*

Comment: The garage width and garage door are both only slightly larger than permitted by the DCP:

- garage door: DCP maximum 5.7m; proposed is 5.89m (exceeds by 190mm)
- garage width: DCP maximum 6m; proposed is 6.46m (exceeds by 460mm).

However, the extent of these non-compliances are numerically very minor, and are considered to be designed to make the garage space easier to use. As shown in the front elevation (above), the garage will not appear as a dominant feature of the dwelling, and is in proportion with what would reasonably be expected for a residential dwelling (ie it is a double garage only). There are no town planning concerns regarding the design of the garage despite the minor numerical non-compliance with DCP 2010.

4. **Privacy impacts.** *Concerns are raised that the first floor level of the proposed dwellings will create privacy/overlooking impacts to neighbouring properties. These impacts are made worse by the higher-than-usual floor to ceiling heights of the proposed dwelling.*

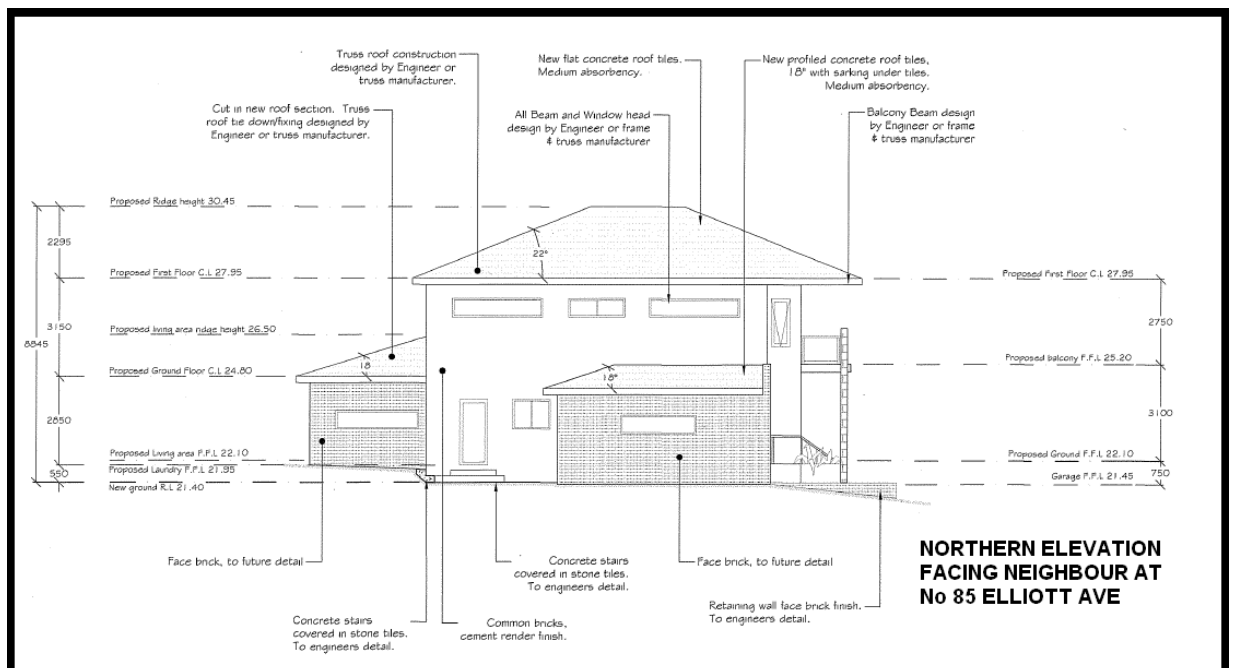
ITEM 3 (continued)

Comment: In terms of the privacy impacts from the first floor level of the proposed dwelling, a review of the floor plans shows that the rooms at this level are mostly bedrooms or bathrooms and a study. It is recognised in Council’s DCP 2010 that “overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms” – because generally such rooms are used mostly at night for sleeping and are low-use rooms during the day. The bathrooms (including ensuite) will be provided with frosted glass to ensure appropriate privacy for the type of room in question. It is also noted that many of the windows are “highlight” windows (in particular those on the northern elevation) which prevent direct overlooking because of the high (1.5m) sill height, but they enable light to enter the room for the occupants.

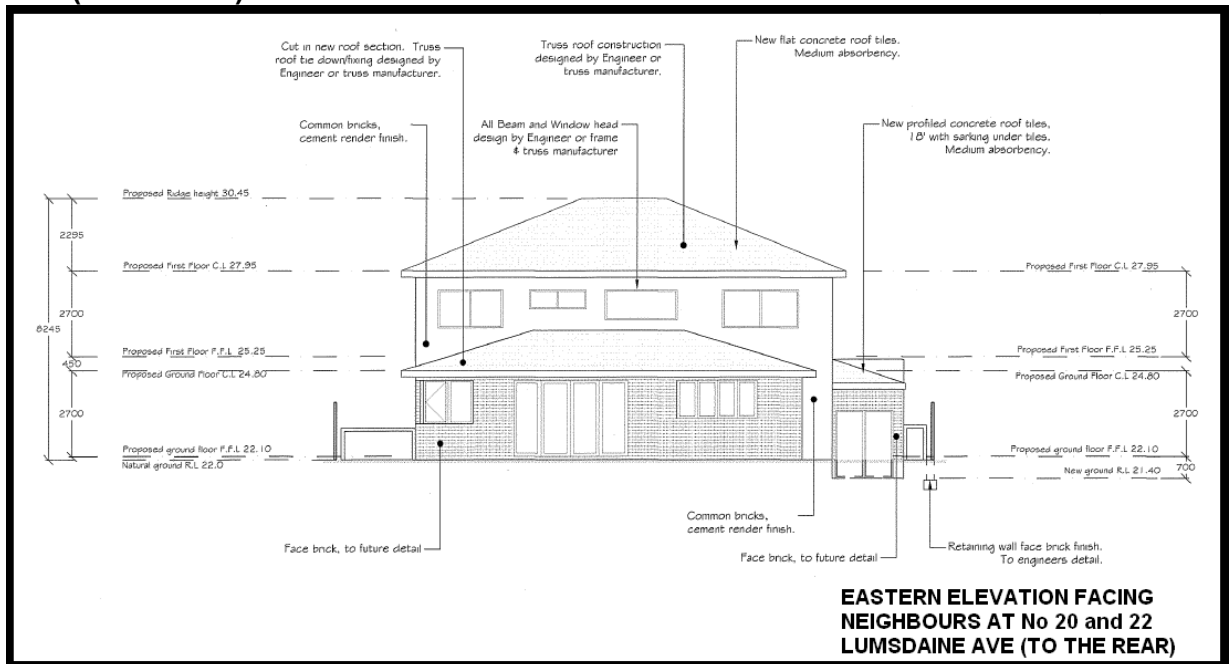
Given the type of the rooms at 1st floor level of this house, it is considered that the privacy impacts would be acceptable and commensurate with what would be expected in a residential situation.

In regard to concerns regarding floor to ceiling heights, the DA plans show that these are 2.7m which is a standard height for a residential dwelling.

The following are the elevations of the proposed dwelling – namely the northern elevation facing the neighbour at No 85 Elliott Ave, and the eastern elevation facing the neighbours at No 20 and 22 Lumsdaine Ave.



ITEM 3 (continued)



- 5. Demolition/construction impacts.** Concerns are raised regarding noise and dust impacts during demolition and construction, as well as privacy from overlooking by builders.

Comment: Whilst these issues are understandable and are a common source of concern regarding development in the City, they are not considered to be valid reasons for refusal of an application given the temporary nature of the construction phase of a development. It is noted that the draft conditions of consent includes standard conditions regarding construction hours (condition 5), safety fencing (34), sediment control (35) and dust control (39). Council has enforcement powers under the Environmental Planning & Assessment Act 1979 to ensure compliance with these conditions of consent.

- 6. Rear setback.** Concern is raised that the rear setback of the proposed dwelling does not comply with DCP 2010 and this contributes to privacy and overlooking impacts

Comment: This issue is discussed in full detail in the DCP Compliance section of this report.

- 7. Property devaluation.** Concerns are raised that the development will cause property devaluation of neighbouring properties.

ITEM 3 (continued)

Comment: Development Application applicants have a right, under the provisions of the Environmental Planning and Assessment Act, 1979, to apply for developments that achieve the aim of orderly and economic use and development of land. Concerns about possible decreases in surrounding property values do not constitute a valid town planning consideration. This position has been reinforced by planning and development decisions in the Land and Environment Court.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

None required.

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

The subject property is zoned R2 Low Density Residential. The proposal is permissible with Council's development consent.

Mandatory Requirements

The following mandatory provisions under Ryde LEP 2010 apply to the development.

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that “the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”. In this case, the maximum height is 9.5m. The maximum height of the proposed additions is 8.05m, which complies with Ryde LEP 2010.

Clause 4.4 Floor Space Ratio. This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.497:1, which complies with this clause.

(b) Relevant State Environmental Planning Policies (SEPPs)State and Sydney Regional Environmental Planning PoliciesSEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

ITEM 3 (continued)State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

(c) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. It is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

(e) The provisions of any development control plan applying to the landRyde Development Control Plan (DCP) 2010.

The proposal has been assessed using the development controls contained in Ryde DCP 2010. The DCP compliance table for this development proposal is held at **Attachment 2**.

There are a number of areas of non-compliance identified in the Compliance Table, which are discussed as follows:

1. Minimum 8x8m deep soil area in backyard

In the Deep Soil Area controls in DCP 2010 (Part 3.3.2.5.1), there is a requirement for a minimum 8m x 8m deep soil area. As a result of the non-compliance with the 8m minimum rear setback control (see below), the proposed development is unable to comply with these requirements.

The maximum available dimension of the deep soil area in the rear yard is 7.2mx17m. Whilst not strictly complying with the 8m x 8m requirement, this amount of deep soil area provided will achieve Council's overall deep soil area requirement, and is considered sufficient for the planting of vegetation in the rear yard including a tree capable of reaching a mature height of 15m as indicated on the submitted Landscape Plan.

Accordingly, given the deep soil area provided will still meet the objectives of the control it is considered this non compliance is justifiable in this instance.

ITEM 3 (continued)

2. Side setback

The side setback on the north-western side of the proposed dwelling house is 950mm from the garage wall to the north-western side boundary, representing an encroachment of 550mm into the side setback.

This non-compliance is, however, considered justifiable as the section of the dwelling at this location is only single storey in height, and includes a garage with a window that does not result in any visual impacts through loss of privacy to the adjoining development (85 Elliot Avenue). This is because the adjoining development at this location only includes a single garage built to the boundary.

Furthermore the neighbouring dwelling at 85 Elliot Avenue does not include any living room windows of the façade adjoining the subject site (see photo below).

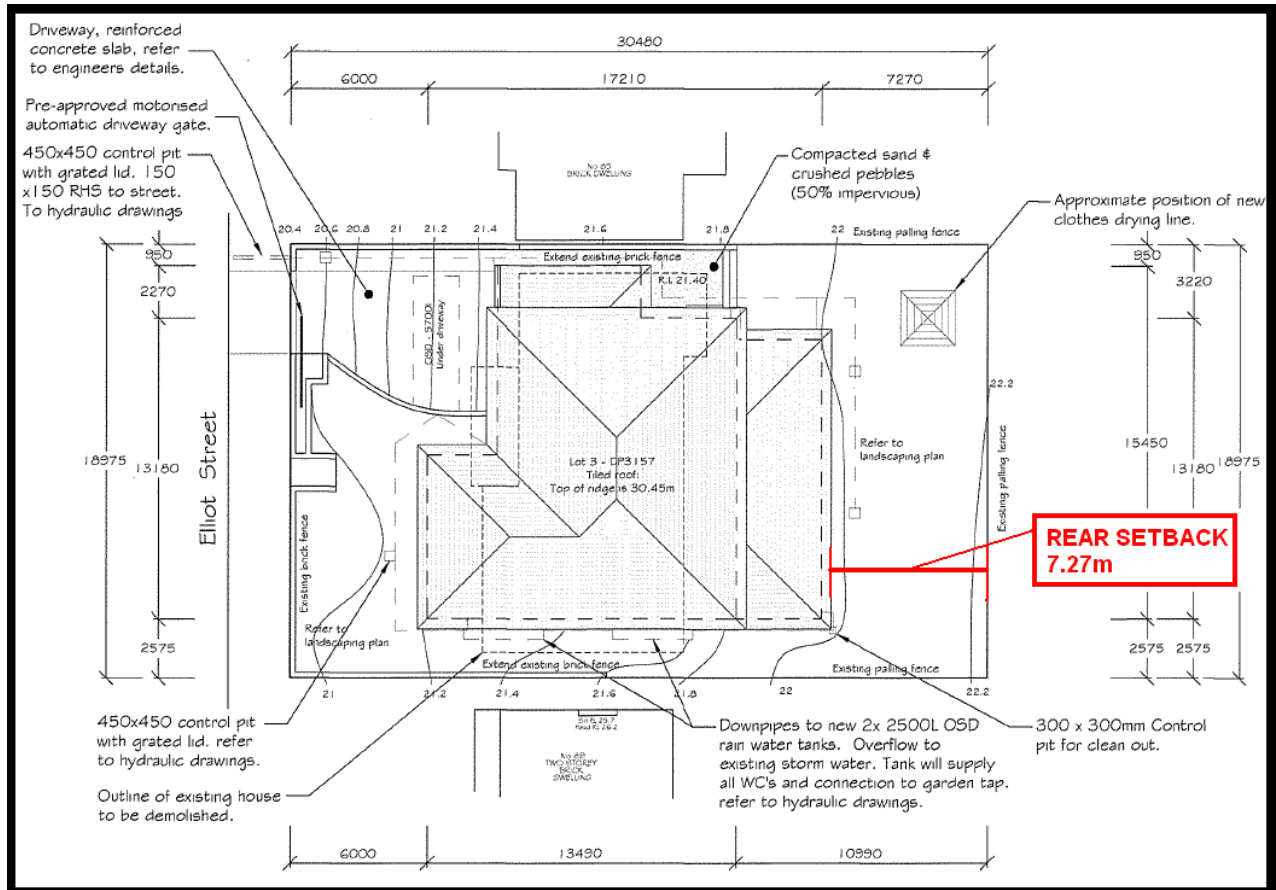


3. Rear setback

DCP 2010 requires a minimum rear setback of either 8m or 25% of the length of the allotment, whichever is the greater. The allotment is 30.48m long, and 25% of this would equate to 7.62m and so the minimum rear setback requirement is 8m.

ITEM 3 (continued)

The rear setback of the proposed dwelling is 7.27m, representing an encroachment of 730mm – as shown below.



This non-compliance is the result of a relatively shallow allotment depth of 30.48m, and the fact the proposed dwelling house has managed to maintain the required front setback control of 6m. The subdivision pattern in this location has created numerous allotments with shallow allotment depths (refer to air photo earlier in this report), and so a non-compliance with the 8m rear setback requirement would be a common occurrence in this location for this reason.

The rear yard is also considered to be well landscaped, and although not meeting the minimum dimension requirement for deep soil area, will include sufficient deep soil area in total to comply with the provisions of the Ryde DCP 2010 and include mature planting of a tree capable of reaching a mature height of 15m. Most importantly, the resultant rear yard to be provided is considered capable of meeting the private outdoor recreation needs of the future occupants.

Given the above, this non compliance is considered justifiable in this instance.

ITEM 3 (continued)**4. Maximum Garage Width and Total width of garage doors**

DCP 2010 prescribes a maximum width of a garage of 6m or 50% of the frontage, whichever is the less. Given the site has a frontage of 18.975m, the 6m maximum width would apply. The proposed garage has an external width: 6.46m (including wall width) or 6.21m (excluding wall width).

DCP 2010 also states that the total width of garage doors is not to exceed 5.7m. The proposed garage door width is 5.89m.

The objectives of the Car Parking and Access controls contained within the Ryde DCP 2010 are listed below, together with a comment in relation to how the proposal performs against these objectives:

To provide for off-street parking

Comment: The proposed development will provide for the required number of off-street parking spaces (i.e. two spaces) as per the Ryde DCP 2010 minimum requirements.

To ensure car parking structures and garage doors are not prominent features with regard to either the individual lot or the streetscape.

Comment: The proposed garage width and proposed garage width exceed the Ryde DCP 2010 minimum controls by less than 8%. Additionally, with relatively wide allotment width of approximately 19m, this minor variation from the Ryde DCP 2010 control is not considered to result in a garage, or garage doors, that will dominate the streetscape, particularly as other dwellings along the northern side of Elliot Avenue also include allotment widths of approximately 19m.

The curved nature of the driveway approaching the garage, and site landscaping adjacent to this area in front of the garage will soften the impact the proposed garage will have when viewed from the public domain. Additionally, as the half of proposed garage is only single storey in height (i.e. increased side setback of first floor of proposed dwelling) the bulk and scale of the garage is reduced.

To ensure that car parking structures are consistent with the design of the dwelling.

Comment: The proposed garage and garage doors are integrated with the proposed dwelling house, and as a result are considered to be consistent with the design of the dwelling.

ITEM 3 (continued)

Given that the level of non-compliance with the Ryde DCP 2010 controls is minimal, and given that the proposed development still achieves the objectives of the Car Parking and Access Controls of the Ryde DCP 2010, these non-compliances are considered justifiable in this instance.

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

Issues regarding impacts on the built environment are discussed throughout this report (in particular submissions from neighbours and DCP compliance). In summary, the proposal is considered satisfactory for approval in terms of impacts on the built environment.

(b) Natural Environment

The proposal would have minimal impact in terms of the natural environment. The proposal involves no removal of existing vegetation, whilst matters regarding soil erosion/sediment control etc could be addressed via standard conditions on any consent if Council decides to approve the DA.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that there are no constraints affecting the subject property of concern regarding the proposed development.

12. The Public Interest

It is considered that approval of this DA would be in the public interest.

The development substantially complies with Council's development controls and provides for the orderly and economic use and development of the land by renewing older housing stock.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer: Council's Development Engineer has provided the following comments:

"The amended drainage plans submitted are now satisfactory. OSD tank is proposed under the driveway. The drainage plans indicate two water tanks with minimum 129m² of roof area connected into it. However the size of the tanks is not specified

ITEM 3 (continued)

on the drainage plan. The BASIX report requires 5000 litre tank with 129m² of roof area connected into it. This can be addressed at the CC stage.

The driveway gradients can be achieved to comply with AS 2890.1. It appears that applicant is going to use the existing concrete driveway. The fence and the gates have been approved under a previous DA.

No objections are raised to the approval.”

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

There are some areas of non-compliance with DCP 2010, however these are minor in the context of the development and do not warrant refusal or further design amendments.

The proposal was notified to neighbouring properties and 3 submissions were received, raising concerns including privacy impacts, compatibility with the street, construction issues and size of the garage. It is also considered that these issues do not warrant refusal of the application or design amendments, and can be addressed via standard DA conditions of consent.

The DA is recommended for approval subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

DCP COMPLIANCE TABLE
87 Elliott Ave, East Ryde.

City of Ryde Development Control Plan 2010:

Part 3.3 – Dwelling Houses and Dual Occupancy (Attached)

Part 7.1 – Energy Smart, Waterwise

Part 7.2 – Waste Minimisation and Management

Part 8.2 – Stormwater Management

Part 9.4 – Fencing

Compliance with the above part/s of DCP 2010 is illustrated by the development standards below.

DCP 2010	PROPOSED	COMPLIANCE
<i>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys proposed	Yes
- Dwellings to address street	Dwelling presents to main street frontage	Yes
- Garage/carports not visually prominent features.	Double garage is recessed from the main building line by 1.08m.	Yes
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. - Corner buildings to address both frontages 	Front doors and windows face street. Side door is a service type door only - i.e. laundry. Single storey entrance portico Articulated street facade Not a corner allotment	Yes Yes Yes N/A
<ul style="list-style-type: none"> • Public Views and Vistas - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the 	No view corridors identified during site inspection.	Yes

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
street. Landscaping is not to restrict views. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm	No view corridors identified during site inspection. Existing brick front fence to be retained.	Yes N/A
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. - Fencing that blocks sight line is to be splayed. 	Sightlines provided to footpath and road. Existing front fence and front fence layback to be retained. Existing fencing to be retained.	Yes
Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	Approx. 43% of site area 8m x 8m not provided. 7.2mx17m deep soil area achieved in rear yard. Hard surface areas have been kept to a minimum.	Yes No Yes
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path - Max ht retaining wall 900mm 	Max cut: 400mm (rear northern side of dwelling (laundry) Max fill: 700mm (front southern corner of lounge). Max cut: 400mm (adjacent to the laundry door) Max fill: less than 400mm (in front of front porch) No fill proposed between side boundaries. Not in overland flow path Possible retaining wall at driveway not shown, but would be less than 900mm..	Yes Yes Yes Yes Yes NA Yes
Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Detached car parking structures 	151.6m ² 131.8m ² 38.5m ²	

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<p>- Outbuildings (incl covered pergolas, sheds etc) - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	<p>0m²</p> <p>321.9m² 285.9m²</p> <p>When using the area from the DP which is 22^{3/4}p (575.41239665m²) the FSR works out to be 0.497:1.</p>	<p>Yes</p>
Height		
<p>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</p> <p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</p> <p>Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet.</p> <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i> - 9.5m Overall Height</p> <p>NB: <i>EGL – Existing ground Level</i></p>	<p>Two storey dwelling house</p> <p>One storey max above attached garage.</p> <p>TOW RL: 27.95 FGL below (lowest point): RL: 21.2 TOW Height (max)= 6.75m</p> <p>Max point of dwelling RL: 30.45 EGL below ridge (lowest point) RL: 22.4 Overall Height (max)= 8.05m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	<p>2.7min room height</p>	<p>Yes</p>
Setbacks		
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Two storey dwelling <ul style="list-style-type: none"> - 1.5m to wall, includes balconies etc. ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports 	<p>950mm to north-western side boundary (single story garage only at this location), and 2.575m to south-eastern side boundary</p> <p>No secondary frontage</p>	<p>No</p> <p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Front <ul style="list-style-type: none"> - 6m to façade (generally) - 2m to secondary street frontage - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 7.62m is 25% of site length. 	<p>6m</p> <p>No secondary frontage</p> <p>1.08m</p> <p>Wall above aligns</p> <p>No ancillary structures in front setback</p> <p>7.27m</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>
Outbuildings – No outbuildings proposed.		
Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Garage or carport may be in front if no other suitable position, no vehicular access to side or rear - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. • Garages <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Solid doors required - Materials in keeping or complementary to dwelling. 	<p>2 spaces provided</p> <p>No secondary frontage</p> <p>Garage not proposed in front</p> <p>External width: 6.46m (including wall width) or 6.21m (excluding wall width).</p> <p>Behind facade</p> <p>Setback from façade: 1.08m</p> <p>Width of opening: 5.89m</p> <p>Door setback: <300mm</p> <p>Garage window setback 950mm from north-western side boundary</p> <p>Solid proposed</p> <p>Materials: consistent with new dwelling.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Parking Space Sizes (AS) Double garages: 5.4m w (min) - Internal length: 5.4m (min) • Driveways - Extent of driveways minimised 	<p style="text-align: center;">6.21m 6.21m</p> <p>Driveway minimised</p>	<p style="text-align: center;">Yes Yes Yes</p>
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	<p>Subject site does not include any major trees.. Not bushland adjoining</p> <p>Ground floor not elevated above NGL at rear. Connection to rear yard via family room via bi-fold type doors.</p> <p>Obstruction-free pathway proposed on both sides of dwelling. Noted that rain water tanks are located on south-eastern side setback although path of travel still considered achievable.</p> <p>One (1) Magnolia 'Exmouth' capable of reaching a mature height of 10m is proposed in the front yard.</p> <p>One (1) Cupaniopsis Anacardioides tree capable of growing to a mature height of 15m is proposed in the rear yard.</p> <p>Although the mature height of the proposed hedge planting is not specified on the landscape plans, CPS's landscape architect/arborist has provided the following details as to the mature height of these proposed hedges:</p> <p>Murraya – 1 - 2.5m Durantia – 1 - 2.5m Acmenia Smithii Minor – 1.5m</p>	<p style="text-align: center;">Yes NA Yes Yes Yes Yes Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. - Landscaped front garden, with max 40% hard paving. - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. 	<p>Accordingly hedge and screening planting provided along the boundaries is considered to comply with the 2.7m height limit. OSD located under driveway in the front setback area.</p> <p>Hard Paving: 39.62%</p> <p>The lot does not immediately adjoin bushland.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>Living areas within the proposed dwelling have been orientated toward the north where possible. The orientation of the allotment means that north is toward the rear corner of the allotment rather than the side boundary.</p> <p>North facing windows receive at least 3 hrs sunlight to a portion of their surface between 9am and 3pm mid-winter.</p> <p>POS: receives at least 2 hrs sunlight between 9am-3pm mid-winter.</p> <p>Min 2hrs of sunlight to adjoining principal open space received.</p> <p>No living room windows located on north facing side of adjoining dwelling. Refer to photograph appended to the end of this compliance check for further info.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. • View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. • Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>The proposed development includes some living room windows facing the side boundaries. However no visual privacy impacts are envisaged due to there being no living room windows on the sides of adjacent dwellings. Refer to photographs and comments at the end of this report for further details.</p> <p>Living room windows orientated in a fashion that is considered not result in unreasonable overlooking of adjoining dwelling or open space.</p> <p>Proposed side windows are not anticipated to result in any significant loss of visual privacy to adjoining development. Refer to photographs at the end of this report for further details.</p> <p>A veranda/balcony is proposed to the master bedroom, however as this overlooks the street, no overlooking or visual privacy impacts are anticipated.</p> <p>Proposal is not considered to interrupt any views.</p> <p>Cross ventilation opportunities provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Articulated – 22° main roof pitch Min. 450mm overhang</p> <p>None provided None provided.</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
Fencing		
<ul style="list-style-type: none"> • Front/return: <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. - No colourbond or paling - Max pier width 350mm. • Side/rear fencing: <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>All existing fencing to be retained.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan	Yes
Part 8.2 – Stormwater Management		
• Stormwater		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	<p>Development Engineer comments:</p> <p>The amended drainage plans submitted are now satisfactory. OSD tank is proposed under the driveway. The drainage plans indicate two water tanks with minimum 129m² of roof area connected into it. However the size of the tanks is not specified on the drainage plan. The BASIX report requires 5000 litre tank with 129m² of roof area connected into it. This can be addressed at the CC stage.</p> <p>The driveway gradients can be achieved to comply with AS 2890.1. It appears that applicant is going to use the existing concrete driveway. The fence and the gates have been approved under a previous DA.</p>	Yes – subject to conditions

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
	No objections are raised to the approval subject to the attached conditions.	
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Existing pathway to front door from street to be retained. This includes steps as a result of the site gradient at the front boundary.	Yes
Part 9.4 – Fencing		
<ul style="list-style-type: none"> • Front & Return Fences - Front and return fences that exceed 1m in height are to be 50% open. 	Existing fencing to be retained.	NA
Part 9.6 – Tree Preservation		
<p>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 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.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main</p>	Not significant trees to be removed or impacted upon as part of the proposed development. Adjoining vegetation in the rear yard of 89 Elliot Avenue is not considered to be impacted upon due to proposed side setbacks..	Yes

ITEM 3 (continued)

ATTACHMENT 1

DCP 2010	PROPOSED	COMPLIANCE
issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.		

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 443542S_02 dated 24 September 2012		
<ul style="list-style-type: none"> • Minimum 5,000L required 	5m ³ rainwater tank provided via 2 x 2,500L tanks.	Yes
<ul style="list-style-type: none"> • Thermal Comfort Commitments: <ul style="list-style-type: none"> - Construction - TCC – Glazing. 	Thermal Comfort Target passed.	Yes Yes
<ul style="list-style-type: none"> • Solar Gas Boosted HWS 2/41-45 RECS+ 	See Below	Yes
<ul style="list-style-type: none"> • HWS Gas Instantaneous 6 star. 	Commitment indicated on plans – 6 star performance stated.	Yes
<ul style="list-style-type: none"> • Natural Lighting <ul style="list-style-type: none"> - kitchen - bathrooms 	Kitchen & bathroom provided with windows for natural light access.	Yes Yes
Water Target 40	Water: 41	Yes
Energy Target 40	Energy: 41	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

ITEM 3 (continued)

ATTACHMENT 2

DRAFT CONDITIONS OF CONSENT
87 ELLIOTT AVENUE EAST RYDE
LDA2012/368

GENERAL

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

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

Document Description	Job No.	Drawing No.	Dated
• Site Plan	-	1	Revision 1.6 – 24.09.2012
• Demolition Plan	-	2	Revision 1.6 – 24.09.2012
• Proposed Ground Floor	-	3	Revision 1.6 – 24.09.2012
• Proposed Ground Floor Annotations	-	4	Revision 1.6 – 24.09.2012
• Proposed First Floor	-	5	Revision 1.6 – 24.09.2012
• Proposed First Floor Annotations	-	6	Revision 1.6 – 24.09.2012
• Northern Elevation	-	7	Revision 1.6 – 24.09.2012
• Western Elevation	-	8	Revision 1.6 – 24.09.2012
• Eastern Elevation	-	9	Revision 1.6 – 24.09.2012
• Southern Elevation	-	10	Revision 1.6 – 24.09.2012
• S-1 Sectional Elevation	-	11	Revision 1.6 – 24.09.2012
• S-2 Sectional Elevation	-	12	Revision 1.6 – 24.09.2012
• Landscape DA	-	1	28.08.2012
• Landscape DA	-	2	28.08.2012
• Landscape DA	-	3	28.08.2012
• Stormwater Drainage Plan	5317	SW01	Revision B – 16.10.2012
• General Notes & Details	5317	Sw02	Revision 0 – 12.09.2012

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 numbered 443542S_02, dated 24 September 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 3 (continued)

ATTACHMENT 2

- (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

- 5. **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.
- 6. **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.
- 7. **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.
- 8. **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.
- 9. **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

- 10. **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, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 11. **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.

ITEM 3 (continued)

ATTACHMENT 2

Stormwater

12. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

General 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.

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.

ITEM 3 (continued)

ATTACHMENT 2

17. **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**.
18. **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**.
19. **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: dwelling houses with delivery of bricks or concrete or machine excavation)
20. **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
21. **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**.
22. **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**.
23. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.
24. **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.

ITEM 3 (continued)

ATTACHMENT 2

Or telephone 13 20 92.

25. **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**.
26. **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.
27. **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.
28. **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.
29. **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

ITEM 3 (continued)

ATTACHMENT 2

- (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.

30. 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.

31. 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.

32. 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.

ITEM 3 (continued)

ATTACHMENT 2

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).

33. Excavation adjacent to adjoining land

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

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

35. 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.

36. 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.

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.

37. 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*.

ITEM 3 (continued)

ATTACHMENT 2

38. **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.
39. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
40. **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.
41. **Construction materials.** All materials associated with construction must be retained within the site.
42. **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.
43. **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.
44. **Work within public road.** At all times if 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".
45. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
46. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

ITEM 3 (continued)

ATTACHMENT 2

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.

47. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 440672S, dated 01 August 2012.
48. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
49. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

50. **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**.
51. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

ITEM 3 (continued)

ATTACHMENT 2

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 Project No 5317 SW01 revision B dated 16/10/12 and SW02 Rev 0 dated 12/9/12 prepared by Mitchell Howes Civil & Structural Engineers Pty Ltd
55. **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.
56. **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.

ITEM 3 (continued)

ATTACHMENT 2

OPERATIONAL CONDITIONS

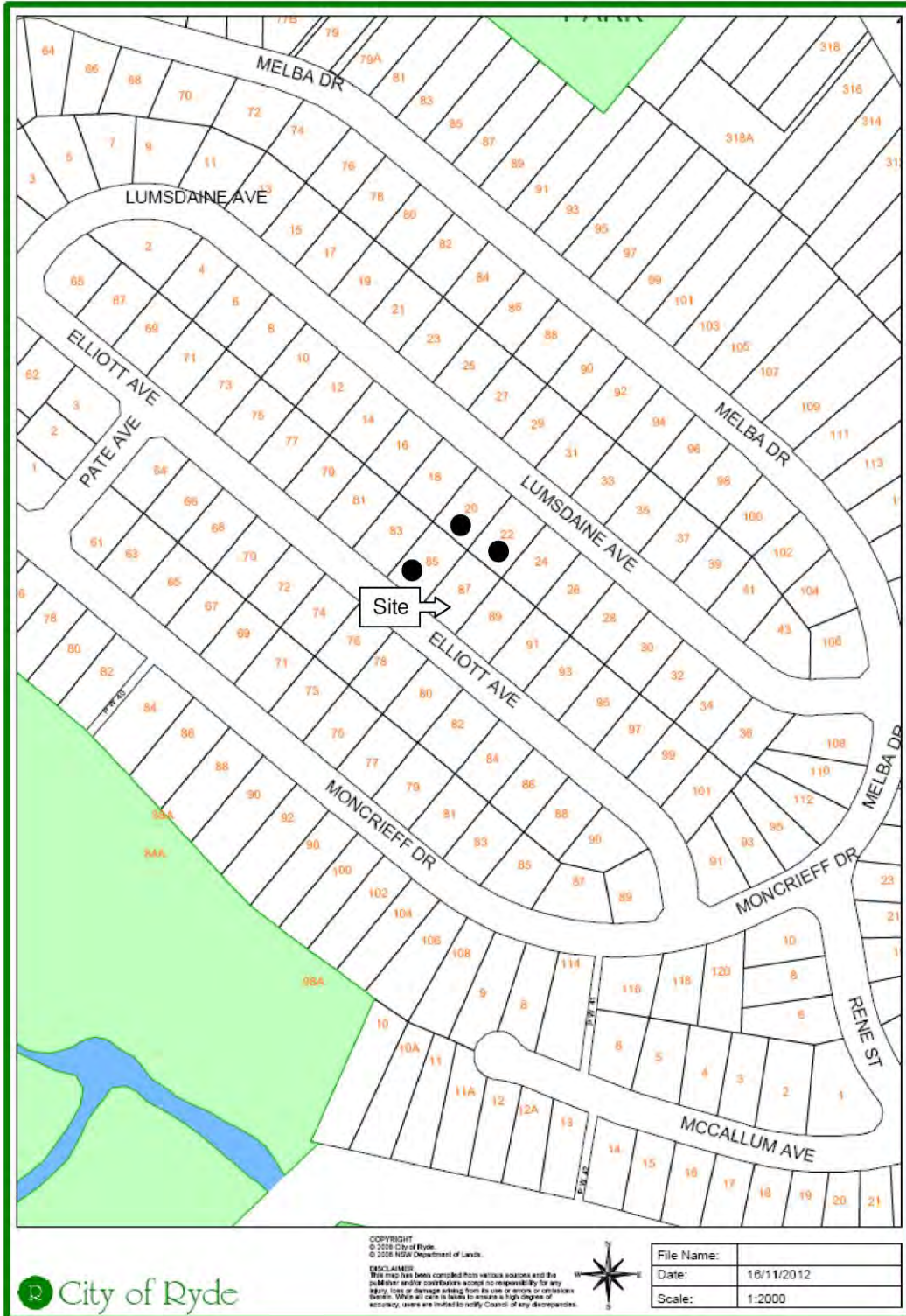
The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

57. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

ITEM 3 (continued)

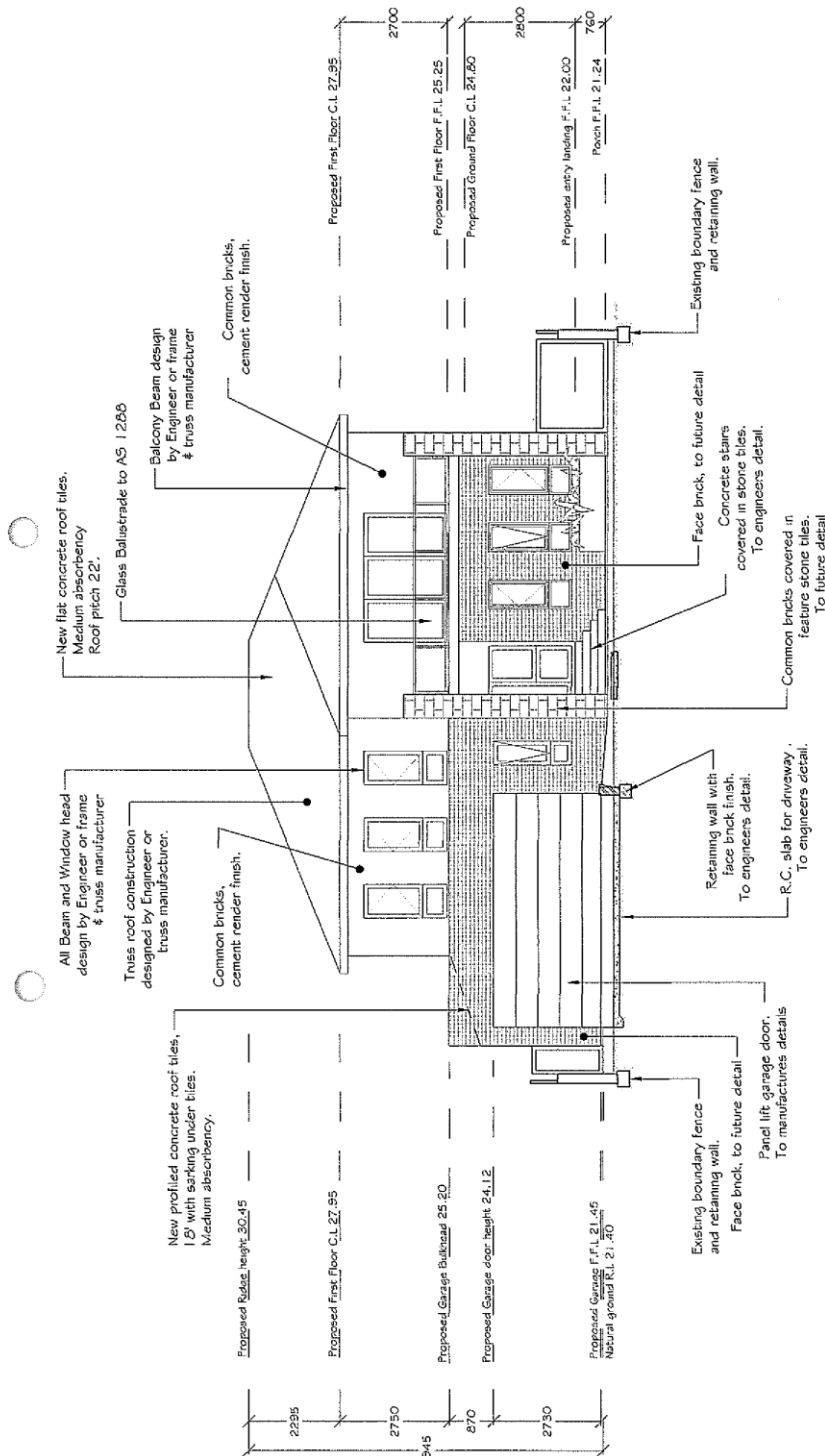
ATTACHMENT 3

● Indicates submissions received



ITEM 3 (continued)

ATTACHMENT 4



PROJECT:
PROPOSED TWO STOREY HOUSE
87 ELIOT AVENUE,
EAST RYDE, NSW

CURT NAME: Edward F. Hideo
SCALE: AS SHOWN
DRAWN BY: Christian Jones
INITIAL DATE: 28/07/2012

ACTIVE ARCHITECTURAL DRAFTING
www.activearchitectural.com.au
active.drafting@gmail.com

Postal address:
28524 Church Street
East Ryde NSW 1512
PHONE: (03) 9693 9272
MOBILE: 0488 044 377

NOTE: All dimensions need to be confirmed by onsite measurements. Other walls to exact brick course

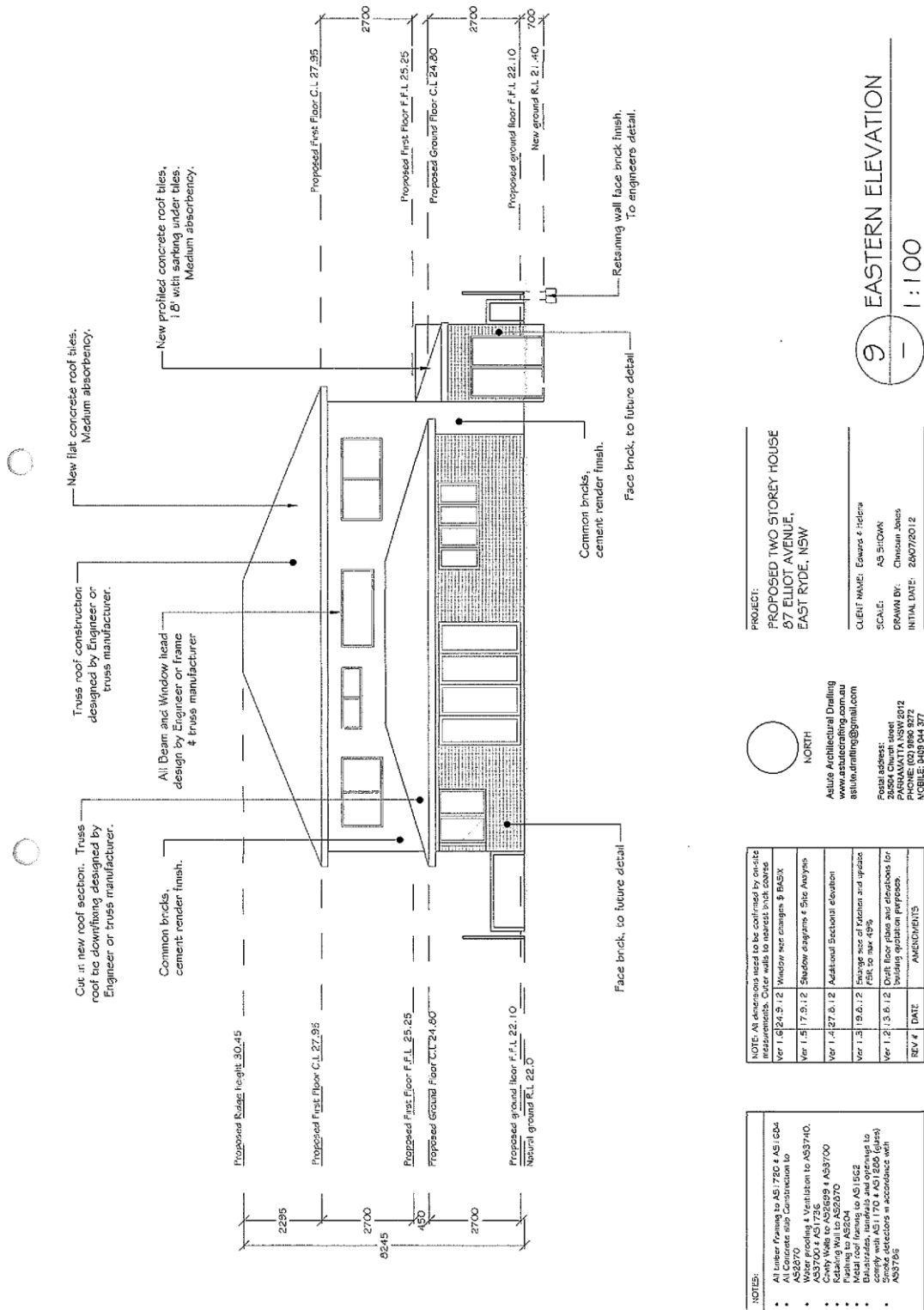
REV #	DATE	AMENDMENTS
Ver 1.0	17.03.12	Window size change & BASIX
Ver 1.1	17.03.12	Shadow diagrams & Site Analysis
Ver 1.2	17.03.12	Additional Sectional elevation
Ver 1.3	03.03.12	Revised main elevation and update FSR to max 49%
Ver 1.4	03.03.12	Final floor plans and citations for building separation purposes.

- NOTES:**
- All timber frames to AS 1720 & AS 1684
 - All Concrete slab Construction to AS2870
 - Water proofing & ventilation to AS3740.
 - Concealed wiring to AS2870
 - Retaining Wall to AS2870
 - Masonry to AS3700
 - Masonry pointing to AS 1562
 - Drainage, handrails and openings to comply with AS 1700 & AS 1288 (glass) sections it concerned with
 - AS3786

8 WESTERN ELEVATION
1:100

ITEM 3 (continued)

ATTACHMENT 4



NOTE: All dimensions need to be confirmed by on-site measurements. Corner walls to nearest brick corners.

Ver 1.0	24.9.12	Window size changes & BASIX
Ver 1.1	17.9.12	Shadow diagrams & Site Analysis
Ver 1.2	27.8.12	Additional Sectional elevation
Ver 1.3	19.6.12	Change size of kitchen and update RSL to meet 43%
Ver 1.4	13.6.12	Drift floor plate and elevations for building operation purposes.
REV #	DATE	AMENDMENTS

- NOTES:
- All Linter Framing to AS 1762 & AS 1604
 - Waterproofing for this construction to AS2370
 - Water proofing & Ventilation to AS3740.
 - Comply with AS 1562.1 for Retaining Wall to AS2470
 - Comply with AS2609 & AS3700
 - Painting to AS204
 - Comply with AS 1562
 - Ballast beds, sandpads and opening to comply with AS 170 & AS 1806 (glass)
 - Smoke detectors in accordance with AS3796

PROJECT:
PROPOSED TWO STOREY HOUSE
87 ELLIOT AVENUE,
EAST RYDE, NSW

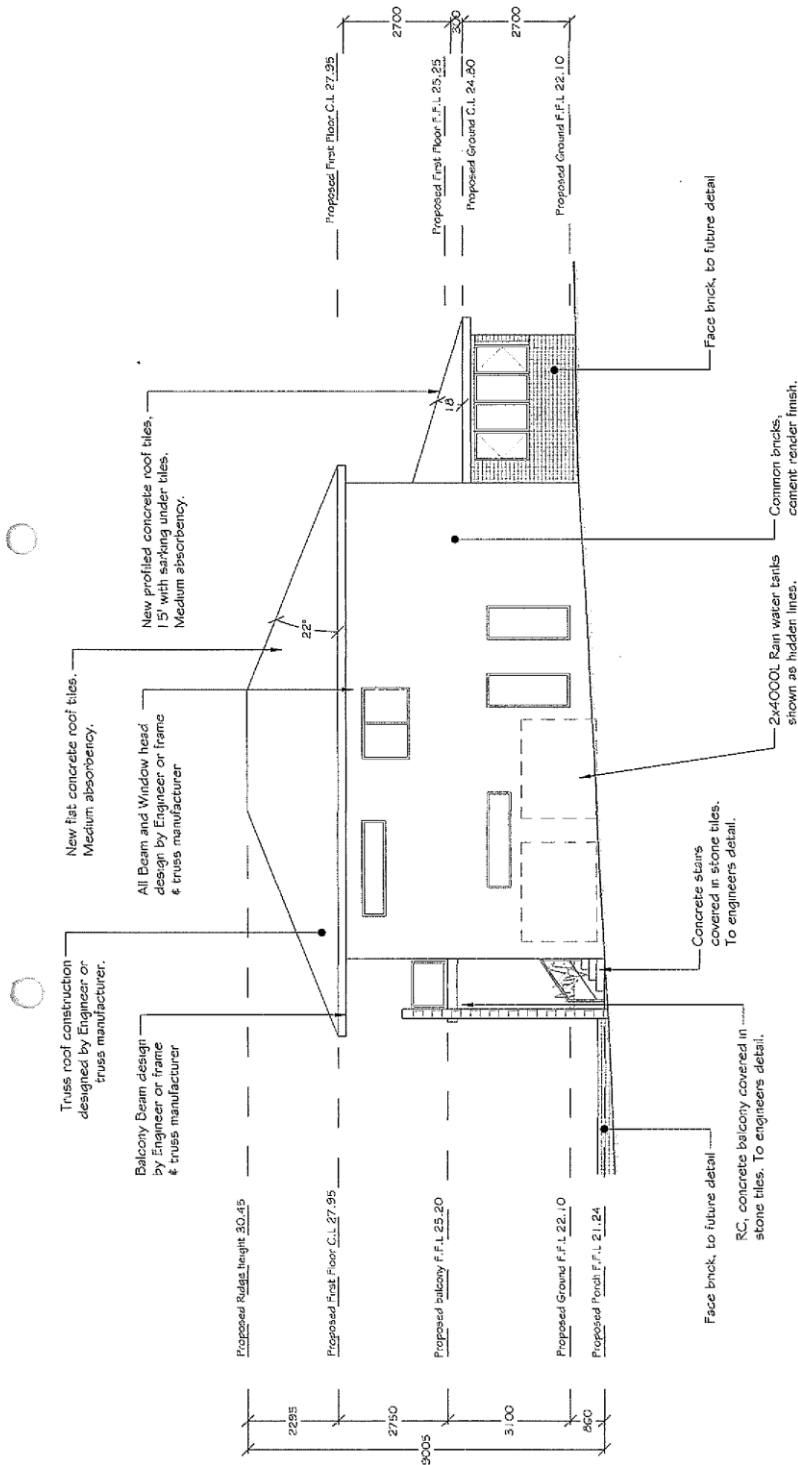
CLIENT NAME: Esware & Helena
SCALE: AS SHOWN
DRAWN BY: Chinoum Jabes
INITIAL DATE: 26/07/2012

NORTH

Adula Architectural Drafting
28/504 Church Street
PARRAMATTA NSW 2072
MOBILE: 0489 041 377

ITEM 3 (continued)

ATTACHMENT 4



NOTE: All submissions need to be confirmed by onsite inspection. Other walls to meet brick colour.

REV	DATE	AMENDMENTS
Nr 1.0	24.01.12	Window box changes & BMS
Nr 1.1	17.9.12	Shadow diagrams & Site Analysis
Nr 1.2	27.8.12	Additional Section elevation
Nr 1.3	13.6.12	Engineer's seal of fitness and update FSR to max 49%
Nr 1.4	13.6.12	Drill Bore logs and drawings for building application purpose.

- NOTES:
- All timber frames to AS1720 & AS1604
 - All Concrete to AS2870
 - AS3700 & AS1735
 - Conc Wall to AS2870
 - Conc Wall to AS2870
 - Metall roof framing to AS1562
 - Distressed, timbers and openings to comply with AS1170 & AS1708 (glass)
 - 5. All windows in accordance with AS3756

PROJECT:
PROPOSED TWO STOREY HOUSE
87 ELLIOT AVENUE,
EAST RYDE, NSW

CLIENT NAME: Edward & Helen
SCALE: AS SHOWN
DRAWN BY: Christine Jones
INITIAL DATE: 28/07/2012

NORTH

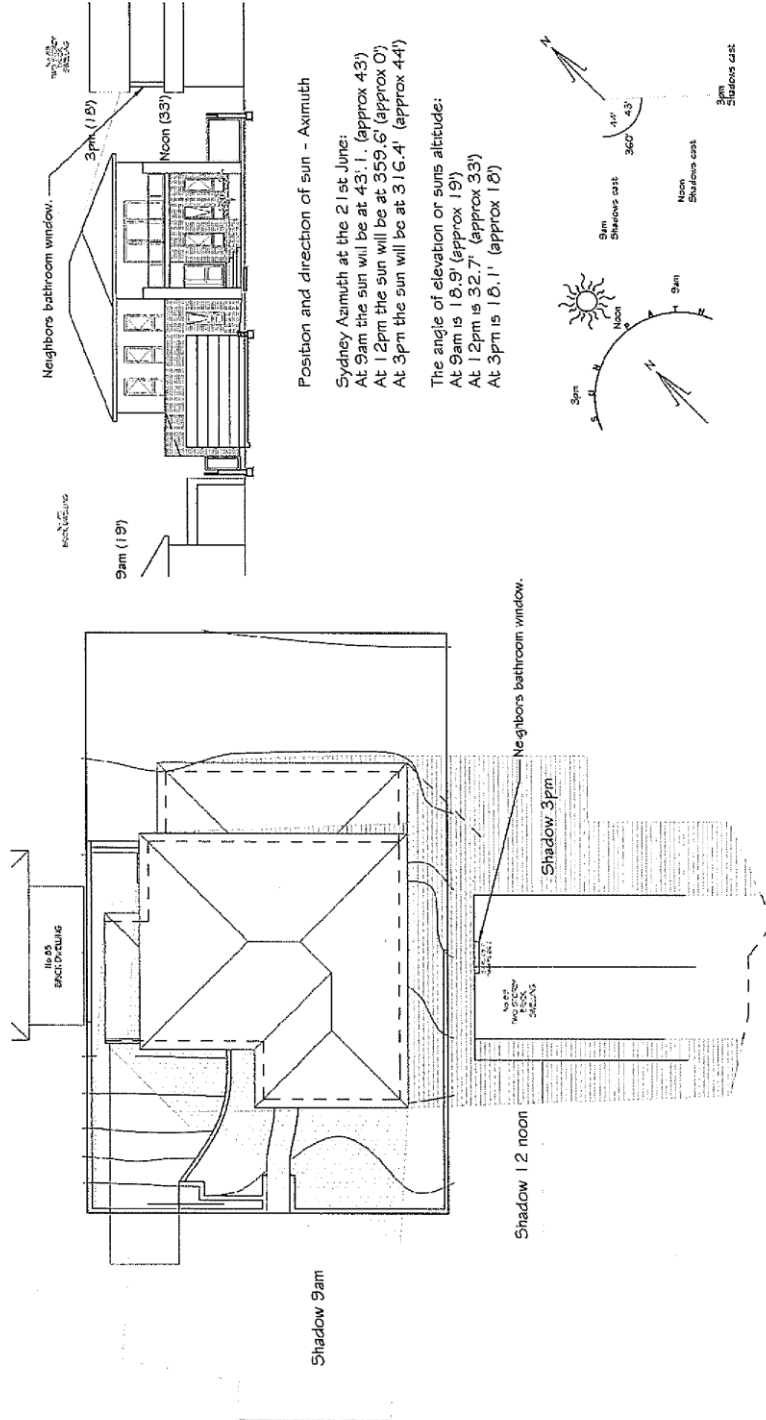
Asidue Architectural Drafting
www.asiduearchitect.com.au
asidue.drafting@gmail.com

Postal address:
2850A Church Street
East Ryde NSW 1512
PHONE: (02) 9890 8272
MOBILE: 0409 044 377

10 SOUTHERN ELEVATION
1:100

ITEM 3 (continued)

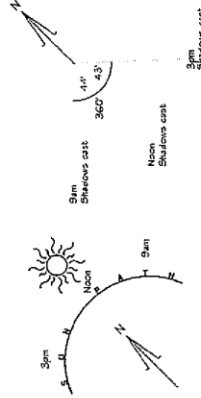
ATTACHMENT 4



Position and direction of sun - Azimuth

Sydney Azimuth at the 21st June:
At 9am the sun will be at 43.1° (approx 43°)
At 12pm the sun will be at 359.6° (approx 0°)
At 3pm the sun will be at 316.4° (approx 44°)

The angle of elevation or suns altitude:
At 9am is 18.9° (approx 19°)
At 12pm is 32.7° (approx 33°)
At 3pm is 18.1° (approx 18°)



NOTE: All dimensions need to be confirmed by on site measurements. Over walls to nearest brick course.

REV	DATE	REVISIONS
Nov 13	17/01/12	Window size change to 800x800
Nov 14	27/01/12	Architect's Succession etc 2011
Nov 13	13/01/12	Change size of window and update FRN to max 40%
Nov 13	13/01/12	Depth from glass and dimensions for linting specification purposes.

- NOTES:**
- All work to comply with AS1750 & AS1524
 - AS3270 - 2001 Construction for
 - Water proofing & Ventilation to AS3740,
 - AS3740 - 2001
 - Comply with AS2629 & AS3700
 - Retain by W.A. to AS2870
 - AS2870 - 2001
 - Minimum framing to AS1562
 - Electricals, handrails and fittings to comply with AS1770 & AS1500 (glass)
 - AS1500 - 2001
 - AS3795

PROJECT:
PROPOSED TWO STOREY HOUSE
87 ELIOT AVENUE,
EAST RYDE, NSW

CLIENT NAME: Estate + Heca
SCALE: AS SHOWN
DRAWN BY: Chelsea Jones
INITIAL DATE: 2007/01/2

ASLUK Architectural Drafting
www.asludrafting.com.au
asluk.drafting@gmail.com

Postal address:
ASLUK ARCHITECTURAL DRAFTING
PARARAMATTA NSW 2012
PHONE: 002 9596 9072
MOBILE: 0481041377

13 SHADOW DIAGRAMS
1:200

- 4 30 CLANWILLIAM STREET, EASTWOOD. LOT 5 DP 6247. Local Development Application for a subdivision of one (1) lot into two (2), construction of new two/three storey dwelling and inground pool. LDA2012/0065.**

INSPECTION: 4.45pm

INTERVIEW: 5.15pm

Report prepared by: Assessment Officer ; Team Leader - Fast Track Team

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

Report dated: 21/11/2012

File Number: grp/12/5/5/3 - BP12/1418

1. Report Summary

Applicant: M Hazzouri.

Owner: M & N Hazzouri,

Date lodged: 28 February 2012.

This report considers a proposal for the subdivision of one lot into two lots and to construct a new two/three storey dwelling and inground swimming pool. The dwelling has four bedrooms and a double garage. The site is located on the corner of Clanwilliam Street and Wentworth Road.

There are two separate DAs at this site for the Planning and Environment Committee's consideration:

1. LDA2012/0065 for a two lot subdivision and erection of a new dwelling on Lot A in the subdivision. This proposal is the subject of this report.
2. LDA2012/0066 for a new dwelling on Lot B in the subdivision proposed in LDA2012/0065. That DA is considered in item 5 in this business paper.

The main issue of concern with this DA is the public interest.

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 2 March 2012 for 14 days. In response to the notification process, four submissions were received from the owners of No. 32, No. 34, No. 36 Clanwilliam Street and No. 12 Wentworth Road. The main issues of concern raised were overdevelopment of the site, the proposal being three storeys, privacy, overshadowing, the aesthetics of the proposed metal roof, impacts on Council's stormwater easement and questioning if the proposal complies with Council's controls.

The applicant provided amended plans and shadow diagrams to address the neighbours concerns. The proposal was re-notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 28 September 2012 for 14 days. In response to the re-notification process, one submission was received from the owner of No.34 Clanwilliam Street reiterating their original concern relating to overdevelopment.

ITEM 4 (continued)

The proposal has been assessed against the controls in Council's DCP 2010 and there are areas of non-compliance with the number of storeys (3), excavation and fill, wall plate height, pool coping height. However these are considered to be acceptable in the context of the site and do not warrant refusal of the DA or further amendments.

There is a separate application (LDA2012/0066 - for Lot B) for the construction of a new two/three storey dwelling and inground swimming pool. The applicant is proposing to put fill and a retaining wall in the front yard over Council's stormwater easement, which would not generally be supported by Council. However, in this instance the proposed fill is considered satisfactory to provide amenity for the lot and does not impact on the adjoining neighbours. Council has imposed a condition of consent for the stormwater pipe to be replaced as part of the conditions of consent for the subdivision.

The proposal is recommended for approval.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and the Mayor - Councillor Petch.

Public Submissions: Four submissions were received objecting to the original notification and one submission to the re-notification.

Clause 4.6 RLEP 2010 not required.

Value of works is \$620,000.

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. LDA2012/0065 at No. 30 Clanwilliam Street Eastwood Lot 5 DP 6247 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Compliance Table
- 2 Proposed Conditions
- 3 A4 Plans
- 4 Map
- 5 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 4 (continued)

Report Prepared By:

Jane Tompsett
Assessment Officer

Colin Murphy
Team Leader - Fast Track Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)**2. Site** (*Refer to attached map.*)

Address	:	30 Clanwilliam St, Eastwood
Site Area	:	Area: 1182m ² Frontage: 17.59 metres Depth: 63.28 metres
Topography and Vegetation	:	Proposed lot A has street frontage on Clanwilliam Street and Wentworth Road. The dwelling faces Clanwilliam Street. The site has a steep slope of approximately 6.5 metres, falling away from the corner boundary at Wentworth Road and Clanwilliam Street to the rear boundary at the south western corner of the lot. The site is vacant land with unmanaged vegetation. There are no significant trees on the site and the Landscape Plan proposed is in accordance with Council's controls.
Existing Buildings	:	No existing buildings the land is vacant.
Planning Controls Zoning	:	R2 – Low Density Residential Zone pursuant to the Ryde Local Environmental Plan 2010
Other	:	Ryde Development Control Plan 2010

ITEM 4 (continued)



Locality Map

3. Councillor Representations

Two Councillor Representations received.

Name of Councillor: Councillor Maggio

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

Date: 20 April 2012

Form of the representation was a text message.

On behalf of: Unknown.

ITEM 4 (continued)

Name of Councillor: The Mayor - Councillor Petch

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

Date: 1 May 2012

Form of the representation was via email.

On behalf of objectors: The property owner at No. 36 Clanwilliam St Eastwood,

No other persons (e.g. consultants) involved in or part of the representation:

4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

5. Proposal

The application proposes the subdivision from one lot into two lots (Lot A & Lot B) and the erection of a new two/ three storey dwelling and swimming pool on Lot A. A separate application LDA2012/0066 has been submitted for construction of a new two/three storey dwelling and inground swimming pool on proposed Lot B (see item 5 on this business paper).

ITEM 4 (continued)**6. Background**

The application was lodged 28 February 2012. Shortly after, it underwent a preliminary assessment, with referrals to Council's Development Engineer, Drainage Engineer, Heritage Officer and Consulting Structural engineer.

- 2 March 2012 neighbour notification commenced (closing date for submissions 20 March 2012). Four submissions were received objecting to the proposal. The issues raised are discussed in Section 7 of this report below.
- 5 March 2012 comments received from Council's Heritage Officer.
- 10 April 2012 a letter was sent to the applicant to request the following information: A driveway profile, amended drainage plan including changes to the on site detention (OSD), reduction to the proposed excavation, overall height to comply, delete one kitchen area, provide details of pool fence and boundary fence, cost of work is undervalued, provide contractors details on waste management plan, provide privacy screens on western elevation and address neighbours' concerns.
- 3 May 2012 amended plans were received, which included the following. Amended driveway profile and drainage plan, sub-floor deleted, lower ground floor kitchen deleted, pool details and fence details on plan, privacy screens added to western elevation, additional fees paid with amended cost of works, Further information was requested to address the overall height of the proposed dwelling and address neighbours' overshadowing concerns.
- 25 May 2012 comments received from Council's Drainage Engineer.
- 1 June 2012 amended plans were received, which included the following: height reduced to comply with Council's control and additional shadow diagrams.
- 4 June 2012 comments received from Council's Development Engineer.
- 8 June 2012 comments received from Council's Geotechnical Consultant.
- 8 August 2012 comments received from Council's Drainage Engineer.
- 28 September 2012 application re-notified.
- 18 October 2012 additional comments received from Council's Drainage Engineer.
- 31 October 2012 additional comments received from Council's Development Engineer.

ITEM 4 (continued)**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 2 March 2012 for 14 days.

In response to the notification process, four submissions were received from the owners of No. 32, No. 34, No. 36 Clanwilliam Street and No. 12 Wentworth Road as shown on the air photo earlier in this report.

The applicant provided amended plans and shadow diagrams to address the neighbours concerns. The proposal was re-notified with the amended information in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 28 September 2012 for 14 days.

In response to the re-notification process, one submission was received from the owner of No.34 Clanwilliam Street reiterating the original concerns.

The issues raised in the submissions were:

1. **Driveway for No. 32 Clanwilliam.** The objector is seeking clarification as the existing driveway is shown to be retained on one drawing and does not appear on the landscape plan.

Assessment Officer's Comment:

The applicant has amended the plans and confirmed the existing driveway is to be removed on 30 Clanwilliam Street (see below).

ITEM 4 (continued)

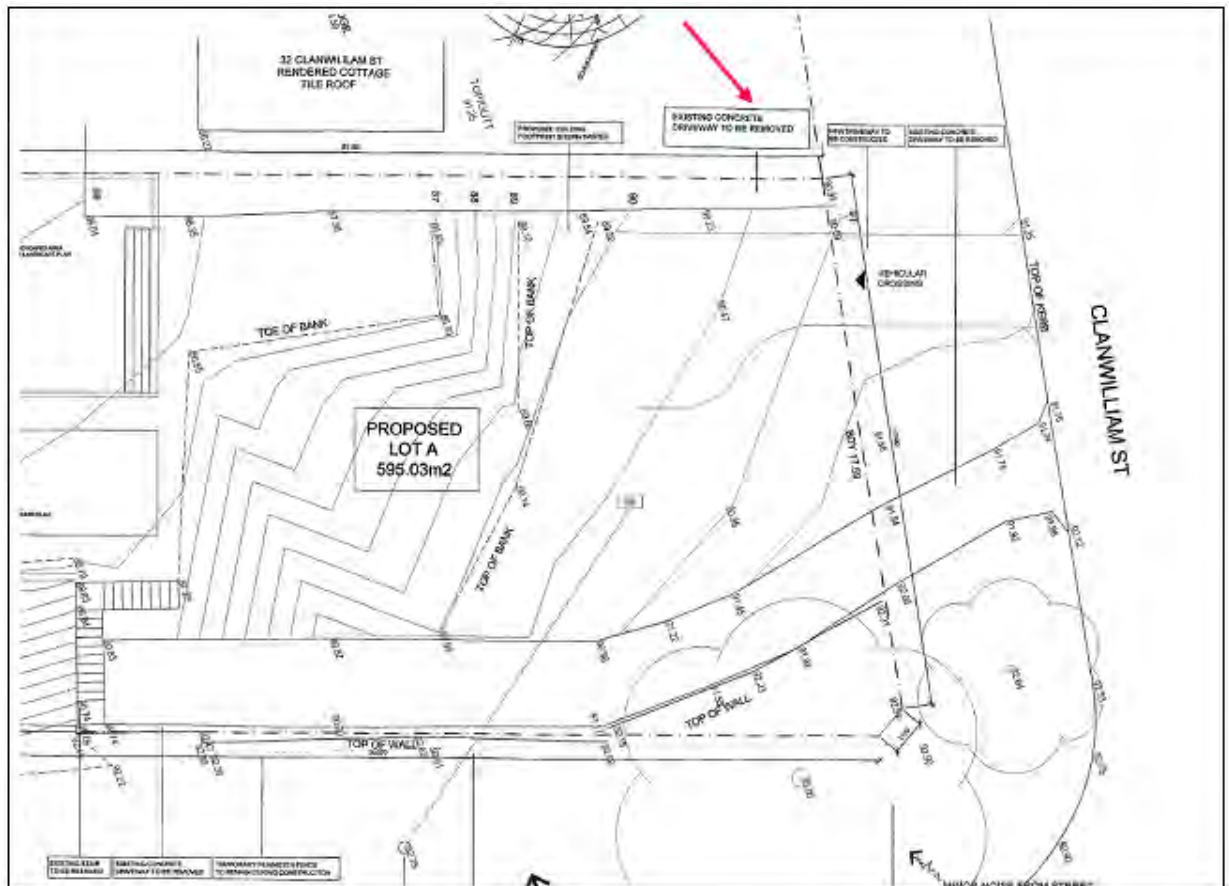


Figure 2: Site Plan (Lot A)

2. **Three Storeys.** The objectors have concerns regarding the permissibility of the proposed dwelling which is partly three storeys.

Assessment Officer's Comment:

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

Residential dwellings are to be a maximum of two storeys high.

Maximum number of storeys 2, but a maximum of 1 floor level of the building including car parking level can be located above a garage which is attached to a dwelling, whether a semi-basement garage or a garage at grade.

ITEM 4 (continued)

Building height

Height is an important control to ensure that future development responds to the desired 2 storey maximum scale, and to character of the street and to the local area, and to ensure that good daylight access is provided to existing and proposed dwellings. The allowable heights ensure new development is consistent with existing buildings in the street and locality. Height controls on individual sites may be further refined by consideration of the streetscape, solar access, roof design, residential amenity, setting and topography of the particular allotment.

Maximum building height 9.5 metres

The proposed dwelling is two/three storeys, however when viewed from Clanwilliam Street the dwelling is two storeys (see below), and only single storey when viewed from Wentworth Road (see below).



Figure 3: North Elevation - natural ground line at Clanwilliam Street

ITEM 4 (continued)

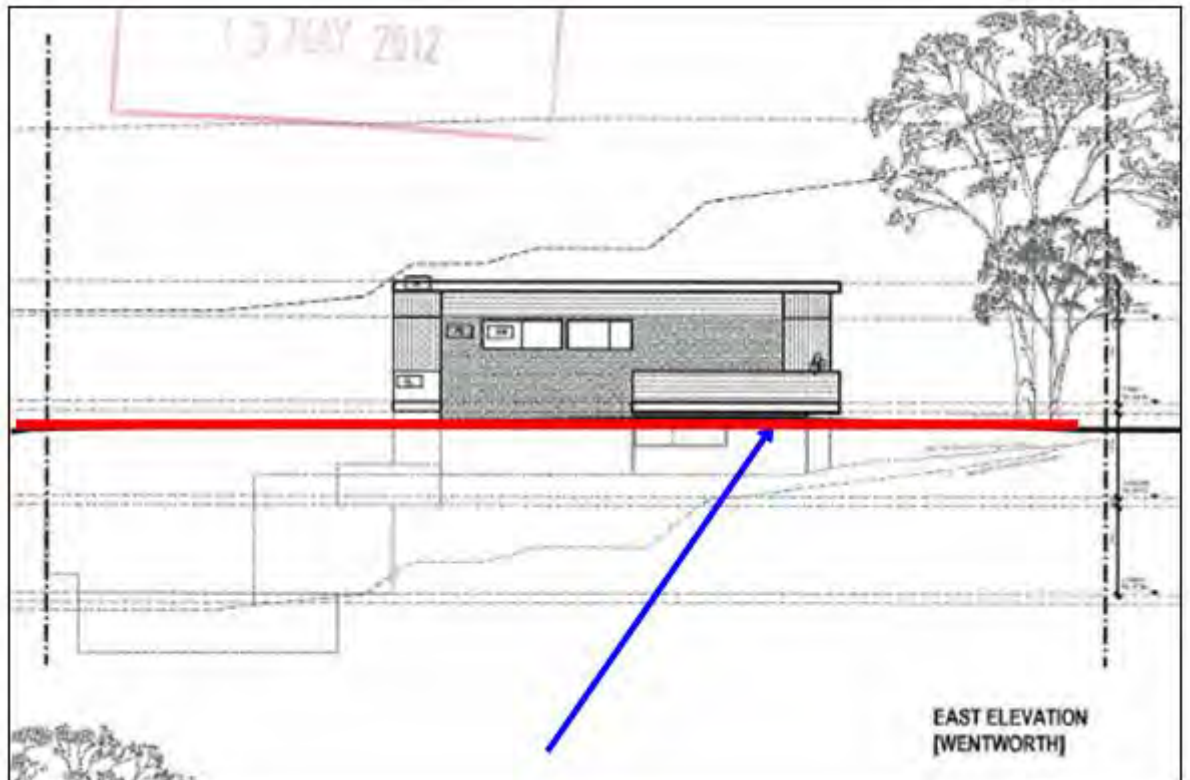


Figure 4: East Elevation - natural ground line at Wentworth Road

ITEM 4 (continued)



The photomontage shows the view on the streetscape is a one storey dwelling and is in keeping with the locality.

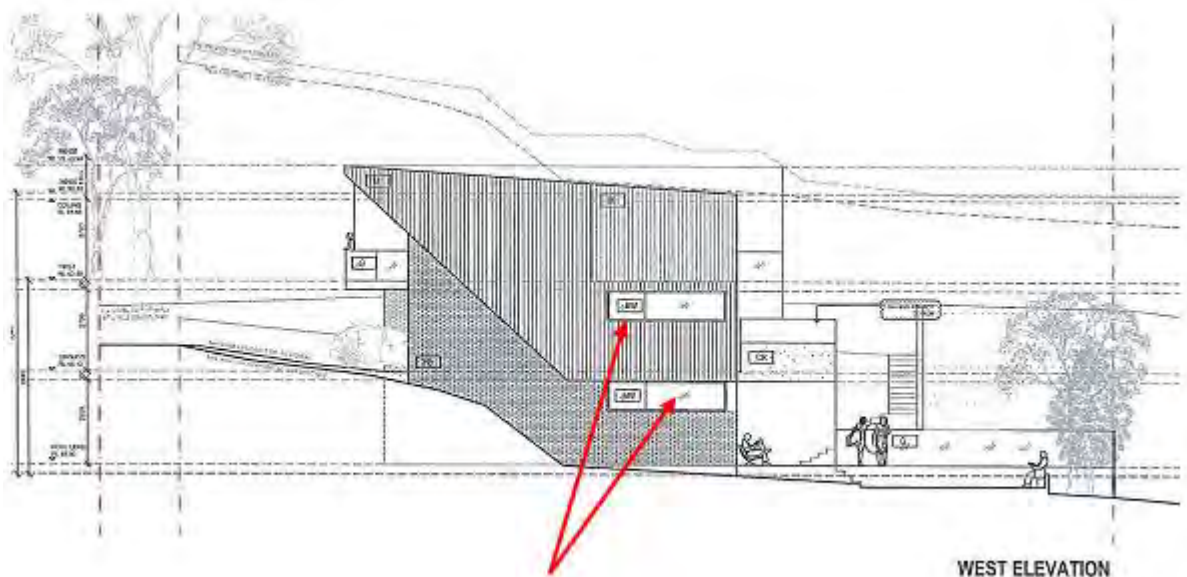


Figure 5: West Elevation

ITEM 4 (continued)

The western side elevation is two/three storey which is the result of the steep topography and slope from Clanwilliam Street to the rear boundary. The three storey portion is only 5.5m in length. The side setback is a generous 2.5m from the adjoining boundary at No. 32 Clanwilliam Street. There are only two highlight windows on this elevation. The high sill height will prevent overlooking to the neighbouring site. The ground floor and the lower ground have larger deck areas and a 1.8m high privacy screen has been provided to maintain privacy between the dwellings. The first floor balconies are narrow (only 1.5m wide) and are off bedrooms.



Figure 6: South Elevation

The south elevation facing the proposed dwelling on Lot B in the subdivision is three storeys. The first floor balconies are narrow (only 1.5m wide). The first floor balcony has a setback of 12m from the rear boundary adjoining proposed Lot B in LDA2012/0066. There is a separation distance of 20 metres between both proposed new dwellings.

The site falls 6.5m from the corner of Clanwilliam Street and Wentworth Road to the rear boundary adjacent to No. 32 Clanwilliam Street. The difference in the ground level at the street and the rear corner boundary is equivalent to two storeys in building height. The impact on the streetscape has been minimised by the proposal presenting as two storeys to Clanwilliam Street. The neighbour's north facing windows are not affected by the proposal. The

ITEM 4 (continued)

proposed shadow will affect the adjoining properties in the morning at 9am on 22 June. At midday the shadows have a small encroachment on No. 32 Clanwilliam Street only and complies with Council's control. The three storey elements at the side and rear have boundary setbacks that also comply with Council's controls.

Height is an important control to ensure that future development responds to the desired two storey maximum scale, and to character of the street and to the local area, and to ensure that good daylight access is provided to existing and proposed dwellings. The allowable heights ensure new development is consistent with existing buildings in the street and locality. The overall height of the dwelling is 7m to a maximum of 9.4m. The proposal complies with the maximum height of 9.5m.

With consideration to the site constraints, the bulk and scale of the neighbouring sites and locality (see below) in this instance as a merit based assessment the three storey element is considered satisfactory.



The view from the nature strip looking to No. 33 Wentworth Street

ITEM 4 (continued)



**The view from the nature strip on Wentworth Road looking at No. 32, No. 34,
No. 36 Clanwilliam Street.**



**Across the road at No. 12 Wentworth Road the character of the street is
depicted with a two/three storey dwelling in appearance.**

ITEM 4 (continued)

3. **Overland flow.** The objectors have concerns regarding the overland flow that affects the site and whether the proposal complies with Council's control.

Assessment Officer's Comment:

Council's Development Engineer and the Drainage Engineer in Council's Traffic and Governance Team have assessed the proposal and have raised no objections to the approval of the application subject to conditions. It is noted that the overland flow path which affects this property will be fully contained within the property, as will the easement to drain stormwater from the proposed dwellings.

4. **Subdivision.** The objectors have concerns regarding overdevelopment of the site and compliance with Council's Subdivision controls.

Assessment Officer's Comment:

The proposed subdivision complies with Council's minimum lot size and dimension controls. This subdivision is also very similar to a subdivision which occurred directly opposite the site to the east (No. 22 Clanwilliam Street and No. 12A Wentworth Road) in terms of lot sizes and subdivision of a large corner lot (refer to photo earlier in the report). Also the two resulting dwellings both comply with Council's DCP requirements for floor space ratio (FSR) and side boundary setbacks which will ensure adequate space and separation between this development and neighbouring properties.

5. **Garages.** The objectors have concerns regarding the garage compliance against Council's controls.

Assessment Officer's Comment:

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *The total width of garage doors visible from public space must not exceed 5.7m in a low density residential development.*

The proposed garage door width is 5.9 metres and is a minor encroachment of 200mm. The lot has a generous frontage of 32 metres and the garage is not a dominant feature in the streetscape. In this instance the minor non-compliance is considered satisfactory.

6. **Privacy.** The objectors have concerns regarding the impact on privacy.

Assessment Officer's Comment:

Due to the topography of the land in the locality there is potential overlooking into the neighbours private open space from all of the sites from No. 33 Wentworth Street, No. 30, No. 32, No. 34, No. 36 Clanwilliam Street.

ITEM 4 (continued)

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

It is not necessary to provide the same degree of privacy protection to all parts of a neighbouring site. Higher levels of privacy are to be provided to both internal living areas and to the external living area. Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.

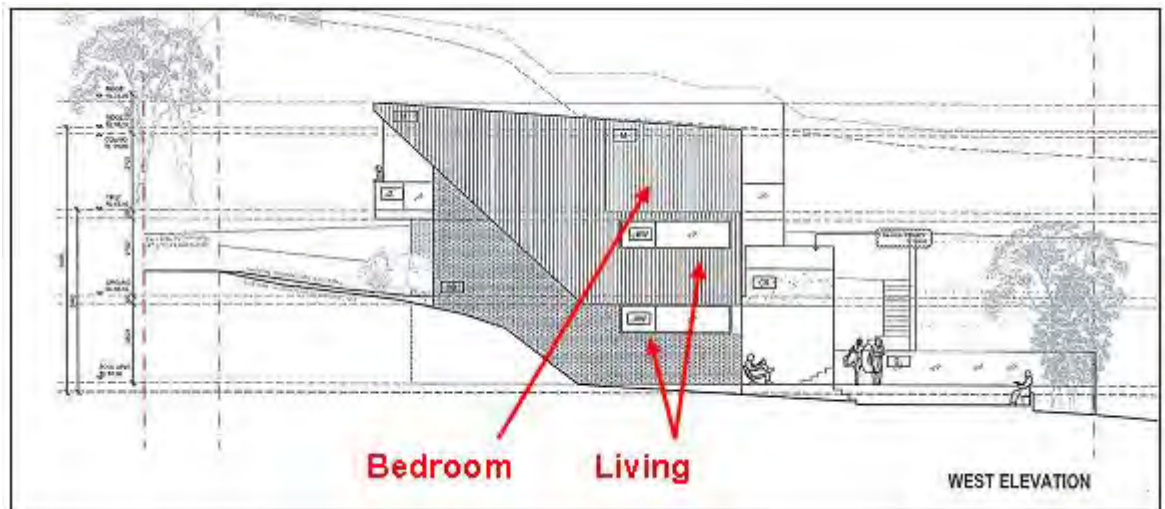


Figure 7: West Elevation

The lower ground floor level has a living area. The ground floor level at the street has a living area with highlight window and 1.8m privacy screen to balcony. The first floor area is a bedroom with no window in the western elevation and a small 1.5m wide balcony facing south. The ground floor living area is below the street level on the site. The applicant proposes significant planting (eight trees) with a maturing height ranging from 6 – 8 metres to the left and right of the ground floor living area. The proposal seeks to capture the long distant views and minimise the near neighbour's views through the balcony materials (meaning there is no visibility through the balcony). Views to the adjoining properties are not possible from the living spaces, unless sought by walking to the balcony edge and looking downwards.

ITEM 4 (continued)

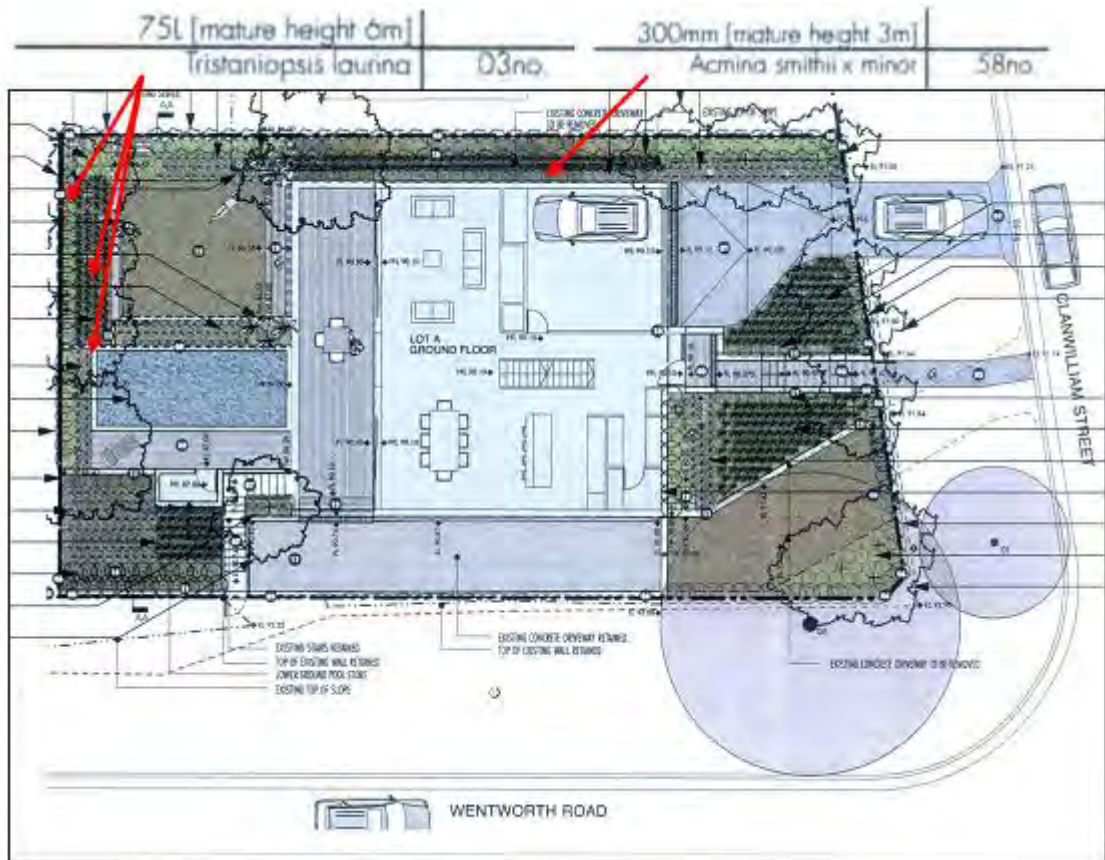


Figure 8: Landscape Plan

The proposal incorporates medium size trees and screen planting adjoining the neighbours' boundaries to maintain privacy. It is considered that the proposed development produces an appropriate outcome on the site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by existing residents.

7. **Overshadowing.** The objectors have concerns regarding overshadowing as the adjoining dwellings are not shown on the plans.

Assessment Officer's Comment:

The applicant has provided amended shadow plans. See below. The only dwelling affected by shadow is No. 33 Wentworth Road. Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:
A minimum of 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. No. 32 and No. 34 Clanwilliam Street private open space is not affected by shadow for 3 hours.

ITEM 4 (continued)

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. The proposal indicates that between 12 – 3pm, No. 32 and No. 34 will receive sunlight to a portion of the surface of north facing windows.

The proposal complies with Council's control regarding Daylight and Sunlight Access.



Figure 9: Shadow Diagram

ITEM 4 (continued)

8. **Metal roof and design.** The objectors have concerns regarding the proposed metal roof not complying with Council's controls and being aesthetically unappealing as all surrounding dwellings have tiled roofs. The metal roof would reflect heat and sun glare to the dwellings on the high side of the street.

The design of the dwelling is too modern for aesthetic looks of surrounding areas and does not comply with environmental laws.

Assessment Officer's Comment:

The site is not close to any heritage item, nor is it within any of the Council's Heritage Conservation or Character Areas. Therefore, the style/design of the dwellings needs to be considered using the 'general' controls in DCP 2010 which allow for a range of housing styles and materials in the City's residential areas.

There is no policy regarding the use of a metal roof. There is a standard condition of consent to be imposed as follows:

- **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**. (Condition No. 32).

The design of the dwelling and presentation in the streetscape is considered to be consistent with the desired future character of the low density residential areas.

9. **Site Constraints.** The objector's concerns are the proposed dwelling will be built over the remains of a Moreton Bay Fig Tree where a large root system remains. The land has no natural ground and has been filled over time. The dwelling is being built over an existing Council easement to drain water.

Assessment Officer's Comment:

The applicants have provided a Geotechnical report. The report has taken into consideration the site constraints. Council's Geotechnical Consultant has reviewed the proposal and has raised no objection subject to full compliance with the recommendations as contained in Geotechnique's report dated 21 February 2012. The previous existence of a Moreton Bay Fig tree would not prevent the development from occurring.

ITEM 4 (continued)

Council's Drainage Engineer has reviewed the proposal and made the following comments.

The proposed earth filling and retaining wall will result in external loading on Council's stormwater pipeline. The imposed load (external loading – retaining wall, earth filling) on pipeline will be increased and there is a high risk of damage to the pipeline. The applicant proposes to discharge property drainage into Council's stormwater pipeline in the easement. To maintain an effective and efficient method of dispersal of property drainage, Council's pipeline has to be in a good serviceable condition. To manage the risk and mitigate the potential for future failure as a result of external loading, Council recommends the applicant replace the existing pipe with a 375mm RC pipe. Council will not support the proposed retaining wall construction as detailed without the pipe upgrade within lot 'B'.

8. Clause 4.6 RLEP 2010) objection required?

This application does not require the submission of a clause 4.6 RLEP 2010 objection.

9. Policy Implications**(a) Relevant Provisions of Environmental Planning Instruments etc:**

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010 and dual occupancy (attached) development is permissible with Council's consent.

The aims and objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide 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.*

ITEM 4 (continued)

This locality displays a range of architectural styles and the proposal is considered to be compatible with the character of the streetscape and the desired future character as identified in the general controls contained in the DCP 2010 for the R2 – Low Density Residential Zone.

The proposed development is considered to satisfy the objectives for residential developments. The proposed dwelling is two/three storeys and complies with Council's maximum overall height limits. The proposal is only single storey when viewed from Wentworth Road and considered to enhance the streetscape. The proposal is a two storey dwelling in the streetscape of Clanwilliam Street. The closest neighbour on Clanwilliam Street has a two/three storey element with a setback of 2.5m and the privacy between neighbours is maintained with highlight windows and privacy screen to the ground floor rear balcony. Three storeys are common in the locality as discussed previously. The dwelling consists of four bedrooms and the proposal is not considered to be inconsistent with the low density character of the streetscape.

Mandatory Requirements**Clause 4.3 – Height of buildings**

The height of a building on the subject site must not exceed 9.5 metres. Building height as defined by the RLEP 2010 means:

the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

According to the definition above, the proposed dwelling has a maximum building height of 9.4 metres.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable of the site is 0.5:1; the development proposes a maximum floor space ratio of 0.5:1. See compliance table below (i.e. Assessment under DCP 2010) for a more detailed break down of the proposed floor areas.

ITEM 4 (continued)
Clause 4.1A Minimum subdivision lot size
4.1A Minimum subdivision requirements in certain residential zones

<p>(2) The consent authority must not consent to the subdivision of land to which this clause applies unless:</p> <p>(a) each lot (other than a hatchet shaped lot) has:</p> <p>(i) an area of not less than 580 square metres, and</p> <p>(ii) a frontage to a road of not less than 10 metres, and</p> <p>(iii) a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot, and</p>	<p>Lot A 595.3m² and Lot B 587.43m²</p> <p>Lot A 17.59m and Lot B 32.120m</p> <p>Lot A 17.59m and Lot B 32.120m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
--	--	---

(b) Relevant SEPPs
SEPP BASIX:

A compliant BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (Condition No. 4).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

ITEM 4 (continued)**(c) Relevant REPs****Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP however, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Council's Development Control Plan 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning. .

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

DCP 2010 was adopted by Council on 15 June 2009 and became effective on 30 June 2010 (i.e. upon commencement of Ryde LEP 2010). A full assessment of the proposal under DCP 2010 is illustrated in the compliance table held at **Attachment 1**. The Non-compliances identified in the table are assessed below.

*Non-Compliances:***1. Three storeys**

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *Residential dwellings are to be a maximum of two storeys high.*

The streetscape when viewed from Wentworth Avenue is only single storey in appearance. The southern elevation has a 12m rear setback and is three storeys facing proposed lot B. The north elevation is two storeys facing Clanwilliam Street and western elevation has three storeys for the length of 5.5m. All setbacks comply with Council's control. The balcony width on the first

ITEM 4 (continued)

floor is off bedrooms and has a width of 1.5m wide. The overall maximum height complies with Council's control. The landscape plan provides significant tree planting on the western and southern boundary to maintain privacy for the neighbour's private open space down the slope. In this instance due to the constraints on the site the three storey element is considered satisfactory.

2. Excavation and fill

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

- The area under the dwelling footprint may be excavated or filled so long as:*
- i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;*
 - ii. the depth of excavation is limited to 1.2 metres maximum; and*

The proposed excavation within the footprint is a maximum 3m for a small portion of the dwelling on the eastern elevation. There is no excavation required on the western side for an area of 20m² on the lower ground floor. The remaining excavation that is greater than 1.2m up to a maximum of 3m is limited to approximately 20m². Due to the topography of the site the excavation is considered satisfactory (see below).

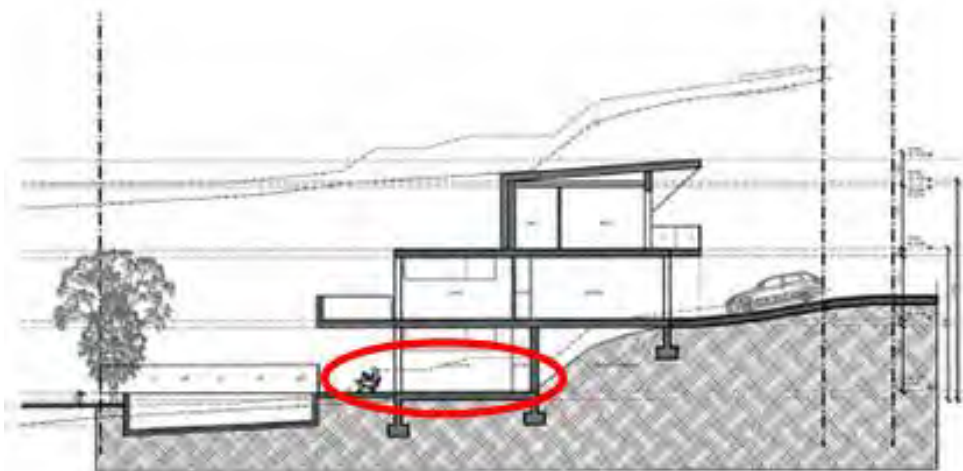


Figure 10 – Section – small area of excavation a maximum of 2-3m

ITEM 4 (continued)

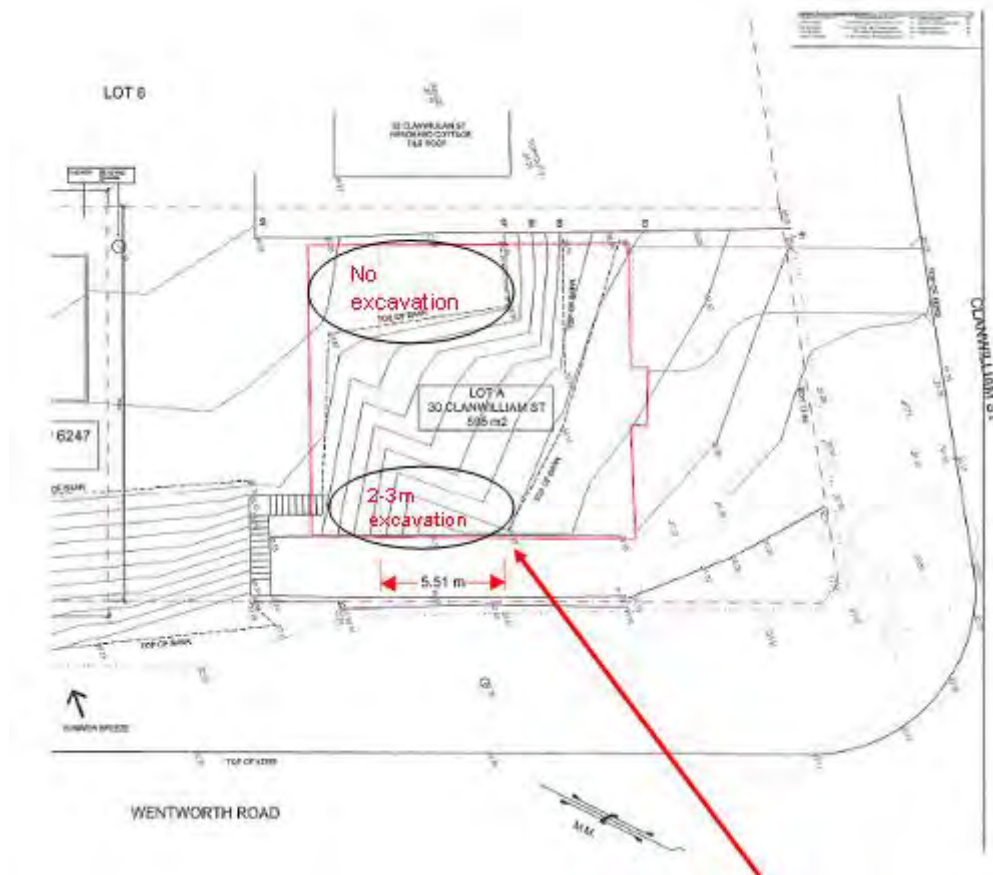


Figure 11 – Contour Plan - small area of excavation that exceeds 1.2m

- Areas outside the dwelling footprint may be excavated and/or filled so long as:
- i. the maximum height of retaining walls is no greater than 900mm; and
 - ii. the depth of excavation is not more than 900mm; and
 - iii. the height of fill is not more than 500mm; and
 - iv. the excavated and filled areas do not have an adverse impact on the streetscape; and
 - v. the filled areas do not have an adverse impact on the privacy of neighbours;

The maximum height of the retaining wall is 1000mm in the side yard adjoining the pool area. The retaining wall is for the embankment in the front yard. The embankment is existing and some additional fill is used to stabilise the embankment and enable planting to be maintained at a reasonable gradient.

The maximum fill is a maximum of 1m adjacent to the pool area. The fill is proposed to provide amenity in the private open space of the proposed dwelling (which is below the street level).

ITEM 4 (continued)

In this instance the areas of excavation and fill are to be for the purpose of creating useable and practical outdoor recreation spaces where the existing ground level is not suitable and should not result in an unreasonable loss of the privacy or security of neighbours (see below)



Figure 12 – Landscaped Plan showing the embankment and proposed fill

3. Wall plate height

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

Maximum wall plate height 7.5 metres or 8 metres for a roof which has a continuous parapet

The proposed wall plate height is 5.8m - 9.1m, which does not comply with the DCP requirement for a part of the dwelling at the southern end. This is the result of the steep topography which results in the dwelling being partly three storeys. However, when viewed from the public domain. (ie Clanwilliam Street and Wentworth Road), the dwelling will appear as a single/two storey dwelling which is consistent with the streetscape. Also, it is noted that the dwelling complies with the overall maximum (ridge) height of 9.5m.

ITEM 4 (continued)

4. Pool coping height

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states. The finished coping level of the pool must not be higher than 500mm above the adjacent existing ground level. This maximum height can only be achieved where it will not result in an unreasonably adverse impact on the privacy of neighbours.

The proposed pool coping height is a maximum of 550mm. The south west corner of the pool exceeds the allowable height only for a small portion due to the topography of the site. There is no adverse impact on the privacy of the neighbours and in this instance the minor encroachment of 50mm is considered satisfactory.

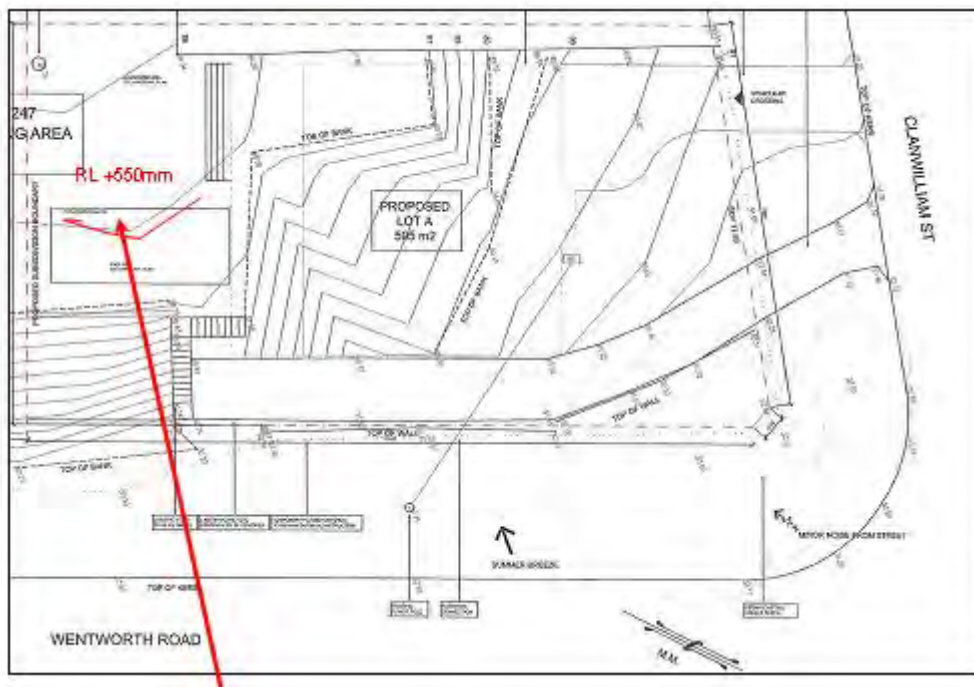


Figure 13 – Pool coping a small area 550mm above natural ground

- (f) **City of Ryde Section 94 Development Contribution Plan 2007.** The subdivision component of this DA creates additional demand for Council's facilities and services as a result of the additional allotment. The following Section 94 contributions are payable for this development.

ITEM 4 (continued)

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,085.15
Open Space & Recreation Facilities	\$10,056.78
Civic & Urban Improvements	\$3,420.40
Roads & Traffic Management Facilities	\$466.47
Cycleways	\$291.43
Stormwater Management Facilities	\$926.00
Plan Administration	\$78.58
The total contribution is	\$19,324.81

Condition No. 25 has been imposed in the Draft Consent requiring payment of a Section 94 contribution of \$19,324.81. The calculation sheet has been certified by two Council Officers and is held on Council's file.

10. Likely impacts of the Development

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. It is considered that the development is acceptable and suitable for approval subject to the conditions listed in **ATTACHMENT 2**.

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2010 and Submissions sections). The development is considered satisfactory in terms of environmental impacts.

The proposed development involves the construction of a new two/three storey dwelling and inground pool is not considered to have any adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed development will appear as a single storey dwelling with the frontage on Wentworth Road which is consistent with other developments of a similar nature.

(b) Natural Environment

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

The proposed use is permitted in the zoning and is compatible with the other surrounding uses; therefore the development is considered satisfactory in terms of environmental impacts.

ITEM 4 (continued)**11. Suitability of the site for the development**

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following constraints affecting the subject property:

Overland Flow: See Development Engineer's referral below.

Heritage Items: See Heritage Officer's referral below.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer, 31 October 2012: Council's Development Engineer has raised no objection to the application subject to 34 conditions of consent.

Drainage Engineer, 18 October 2012: Council's Development Engineer has raised no objection to the application subject to 18 conditions of consent.

Heritage Officer, 5 March 2012: Council's Heritage Officer has raised no objection to the application.

Consultant Geotechnical Engineer, 8 June 2012: Council's Consultant Geotechnical Engineer has raised no objection to the application subject to 1 condition of consent.

External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the recommendation contained within this report will have no financial impacts.

ITEM 4 (continued)**16. Other Options**

None applicable.

17. Conclusion

This report has considered a proposal to construct a new two/three storey dwelling and inground swimming pool. The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered satisfactory.

The proposal has some areas of non-compliance with controls detailed in Part 3.3 of DCP 2010, namely:

- Three storeys
- Excavation and fill
- Wall plate height
- Pool coping height

It is noted that the proposed subdivision complies with Council's controls. The design responds, in a positive manner, to the constraints of the site. It is considered that in the design of the dwelling, the applicant has been mindful of the impact of the development on the adjoining dwellings and has provided appropriate setbacks, building articulation, minimal balconies to provide amenity to occupants of the distant views. The proposed dwelling has appropriate landscaping along side boundaries in order to minimise the perceived and actual impacts of the development.

The proposal was notified to neighbours in accordance with DCP 2010, with five (5) submissions (four to the original notification, one to the amended notification) being received from the owners of adjoining properties. The main issues raised are that the proposal is a three storey dwelling, overdevelopment of the site, compatibility of the proposal within the locality (regarding existing character), the constraints on the site being existing fill, overland flow and Council's stormwater easement, the extent of overshadowing and privacy. The issues raised in the submissions have been discussed earlier in this report and relevant comments provided.

It is not considered that the issues of concern raised by the neighbours are sufficient to warrant further design modifications or refusal of the development application. The proposal is considered satisfactory and is recommended for approval.

ITEM 4 (continued)

ATTACHMENT 1

Compliance Table
Quality Certification

Ryde LEP 2010 and Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development.

COMPLIANCE CHECK

Ryde LEP 2010	Proposal	Compliance
4.1A Minimum subdivision requirements in residential zones		
(1) This clause applies to land in Zone R2 Low Density Residential , Zone R3 Medium Density Residential and Zone R4 High Density Residential.	547.43m ² & 595.03m ²	
(2) The consent authority must not consent to the subdivision of land to which this clause applies unless:		Yes
(a) each lot (other than a hatchet shaped lot) has:	Lot A 17.59m & Lot B 32.120m	Yes
(i) an area of not less than 580 square metres, and		
(ii) a frontage to a road of not less than 10 metres, and	a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot, and	Yes
(iii) a width of not less than 15 metres at a distance of 7.5 metres from the frontage of the lot, and		Yes
(b) each hatchet shaped lot has:	N/A	
(i) an area of not less than 740 square metres (not including the access corridor and any part of the lot that is intended for access to other lots), and		
(ii) a frontage to a road of not less than 3 metres, and		

ITEM 4 (continued)

ATTACHMENT 1

Ryde LEP 2010	Proposal	Compliance
<p>(iii) an access corridor not less than 3 metres wide.</p> <p>(3) However, the consent authority may consent to the subdivision of land to create a lot adjoining a hatchet shaped lot if the consent authority is satisfied that:</p> <p>(a) the area of the lot to be created will be not less than 740 square metres, and</p> <p>(b) there will be permanent adequate vehicular access from a public road to the lot to be created.</p>	N/A	
4.3(2) Height		
9.5m	9.4m	
4.4(2) & 4.4A(1) FSR		
0.5:1	0.50:1	Yes

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	part two/part 3 storeys	No(1)
- Dwellings to address street	Dwelling presents to Clanwilliam Street	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
- Garage/carports not visually prominent features.	Garage not prominent feature as setback in front elevation of building.	Yes
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Single entrance portico.	Yes
- Articulated street facades.	Articulated street façade.	Yes
Public Views and Vistas		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm.	View corridor provided	Yes
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Yes
- Fencing that blocks sight lines is to be splayed.	- Fencing 1.2m 50% open does not block sight lines.	Yes
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	Permeable (deep soil) area: 220.55m ² approx (37% of site area).	Yes
- Min 8x8m deep soil area in backyard.	Rear DSA dimensions: 8m x 8m provided.	Yes
- Front yard to have deep		

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Front DSA: 67% permeable area in front yard. Hard surface areas have been kept to a minimum in the front yard 33%	Yes
Topography & Excavation		
Within building footprint: - Max cut: 1.2m - Max fill: 900mm	Within BF Max cut 0.-3m Max fill: none	No(2)
Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	Outside BF Max cut: none Max fill: 1m (bottom of embankment off Wentworth Road) - No fill between side of building and boundary or close to rear boundary - 1.0m	No(2)
Floor Space Ratio		
Ground floor	139.92m ²	
First floor	119.18m ²	
Lower Ground	74.55m ²	
Total (Gross Floor Area)	333.65m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	297.65m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.50:1	Yes
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Height of any basement ceiling (above EGL) that is located below two storeys above:	No(1)

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	One Storey above garage	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 95.80-96.10 FGL below (lowest point): 90.0 -86.85 TOW Height (max)=5.8m- 9.1m	No(3)
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 96.10 & 96.90 EGL below ridge (lowest point): RL:86.70 & 89.25 Overall Height (max)= 9.4 m & 7.65m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Yes
Setbacks		
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	To wall min 1.5m 3.22m	Yes Yes
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	3.22m	Yes
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	6.06m 1m Wall above aligns Front setback free of ancillary elements eg RWT, A/C	Yes Yes Yes Yes
Rear - 8m to rear of dwelling OR	9.560m	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
25% of the length of the site, whichever is greater. Note: 5.26m is 25% of site length.		
Outbuildings- Pool Pump		
Not within front setback.	In rear yard	Yes
Max area – 20m ²	Area: 2.2m ²	Yes
Max wall plate (ceiling) height 2.7m	TOW (ceiling) RL: EGL below: Ceiling height =2m	Yes
Max O/A height 4.5m – Ridge to EGL	Roof Ridge RL: EGL below: Overall height =2m	Yes
To be single storey.	Single storey	Yes
Windows not less than 900mm from boundary.	Setback: 3.5m	
Concrete dish drain if setback less than 900mm.	N/A	N/A
Design to complement new dwelling.	Materials: Match dwelling Roof Design: flat	
Car Parking & Access		
General - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	Number/location of car spaces: two spaces Access from: Clanwilliam External width:5.7m	Yes Yes Yes
Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.	Setback from façade: 1m from front entry Width of opening: 5.7m Door setback: 1m	Yes Yes Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
- Garage windows are to be at least 900mm away from boundary.	Windows: none Setback:1500mm	Yes
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Internal length: 5.4m (min)	Internal measurements: 5.6m 5.655m	Yes
Driveways Extent of driveways minimised	Minimised	Yes
Swimming Pools & Spas		
- Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback.	Does fence isolate pool area from dwelling and outbuildings? Is gate location/swing shown? Condition to comply Are there any windows/doors within pool area? No No N/A Rear yard	Yes Yes Yes Yes Yes
Pool coping height - 500mm maximum above existing ground level <i>(only if no impact on privacy)</i>	Pool coping RL:87.00 EGL (lowest point below coping): RL:86.45 Coping Height (max)=550mm	No(4)
Pool Setback - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting - Screen planting required for pools located within 1500mm, min bed width of	Setback (min):1m Landscaping proposed: Screen planting 3m	Yes Yes Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>900mm for the length of the pool. Min ht 2m, min spacing 1m</p> <ul style="list-style-type: none"> - Pool setback 3m+ from tree >5m height on subject or adjacent property - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure 	<ul style="list-style-type: none"> - Pool setback 3m+ from tree >5m height on subject or adjacent property <p>Pool filter located away from neighbouring dwellings, and in an acoustic enclosure</p>	<p>Yes</p> <p>Yes</p>
Landscaping		
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	<p>No trees on the site</p> <p>Pathway and stairs</p> <p>Obstruction free pathway both sides</p> <p>Lemon Myrtle</p> <p>Scribbly gum</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	<p>Hard Paving: 33%</p>	<p>Yes</p>
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p>		

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p style="text-align: center;">Not in urban Bushland</p> <p style="text-align: center;">Lot A is not affected by flood</p>	<p style="text-align: center;">N/A</p> <p style="text-align: center;">N/A</p>
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to 	<p>Living areas face South west for views</p> <p>North is front setback</p> <p>N facing windows:</p> <p>Min 3hours</p> <p>POS:</p> <p>From 9-11am</p> <p>Hours of sunlight to adjoining principal open space:</p> <p>12-3pm</p> <p>Hours of sunlight to adjoining</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.	living area windows: 12-3pm	Yes
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Side windows offset</p> <p>privacy screens to northern side of balconies</p>	<p>Yes</p> <p>Yes</p>
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	View sharing	Yes
<p>Cross Ventilation</p> <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	Complies with Basix	Yes
External Building Elements		
<p>Roof</p> <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Articulated.</p> <ul style="list-style-type: none"> - 450mm eaves overhang minimum. - No trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Fencing		
Front/return: <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm. 	<u>Front fence</u> Description: 1.2m 50% open	Yes
	<u>Return fence</u> Description: 1.2m 50% open	Yes
	Existing retaining wall retained	Yes
	No paling or colourbond	
Side/rear fencing: <ul style="list-style-type: none"> - 1.8m max o/a height. 	Height: 1.8m Materials proposed: Timber	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	Yes
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Yes
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Accessible path required from the street to the front door, where the level of land permits	Yes
Part 9.4 – Fencing		
Front & return fences		
Front and return fences that exceed 1m in height are to be 50% open	1.2m 50% open	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
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 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.	<p>Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person (where necessary)?</p> <p>No trees for removal protection of street trees</p>	Yes

BASIX		
<p>All ticked “DA plans” commitments on the BASIX Certificate are to be shown on plans (list)</p> <p>BASIX Cert 417255S dated 26 February 2012</p> <p>ABSA Cert 2559267</p> <ul style="list-style-type: none"> • RWT 3000L • Swimming Pool <ol style="list-style-type: none"> 1. <40kL 2. outdoors • Thermal Comfort Commitments – Construction. • TCC – Glazing. • HWS Gas Instantaneous 5 star. • 168m² low water use landscape • Natural Lighting <ol style="list-style-type: none"> 1. bathrooms (3) 	<p>Shown on plans</p> <p>Shown on plans</p> <p>Shown on plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Water Target 40 Energy Target 40</p>	<p>Water: 43 Energy: 40</p>	<p>Yes Yes</p>
<p>Correct description of property/proposal on 1st page of Certificate.</p>	<p>correct details: -</p>	<p>-</p>

ITEM 4 (continued)

ATTACHMENT 2

GENERAL

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

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

Document Description	Date	Plan No/Reference
Architectural Plans	15/10/2012 8/11/2012 15/10/2012 1/06/2012 1/05/2012	DA001 (revision C) DA101(revision E) DA102 (revision D), DA201 (revision C) DA301, (revision B)
Landscaping Plans		Landscape Plan SK01 (revision D) to be amended match the architectural plans
Stormwater Concept Plans]	24/04/12	D SW11451-S1, issue B sheet S1 & S2 prepared by ALW Design and as amended in red by Council.
Geotechnical report	21/02/2012	Reference No. 12598/1-AA(R) prepared by Geotechnique Pty Ltd
Flood Study Report	February 2012	Flood Study Report by Global Civil Pty Ltd, Job No 12002

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) Landscape Plan SK01 (revision D) to be amended match the architectural plans
- (b) Stormwater plan as amended in red by Council.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 417255S, dated 26 February 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 4 (continued)

ATTACHMENT 2

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **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.
6. **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.
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.
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, 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. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
12. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

ITEM 4 (continued)

ATTACHMENT 2

14. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
22. **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.
23. **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.

ITEM 4 (continued)

ATTACHMENT 2

24. **Geotechnical Requirements.** All works on the subject site are constructed in full compliance with the recommendations as contained in the Geotechnique's report dated 21 February 2012 and their email to Cardno dated 15 March 2012.

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.

25. **Replacement of Existing Pipeline.** The applicant shall replace the existing 300mm pipeline by constructing one (1) new grated surface inlet pit to a point near the western side boundary within the easement and a new interconnecting 375mm RC pipeline between the existing pit in the road reserve and the above-mentioned grated surface inlet pit within the property. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Pipeline Construction Costs.** All costs associated with the construction of pipeline shall be borne by the applicant. For further information building near or over a Drainage Easement, the applicant must refer DCP2010 Part 8.4 "Title Encumbrances".
27. **Stormwater Drainage Works.** Council stormwater drainage works on the development site shall be constructed generally in accordance with stormwater management layout No.SW11451-S4 issue 'B', prepared by the applicant's stormwater consultant ALW Design, and shall incorporate the following design criteria: -
- Pits shall be cast-in-situ and conforming to Council's standard drainage pit details.
 - Drainage pipeline through the property shall be minimum Pipe Class 4, Rubber Ring Jointed, Reinforced Concrete with Type HS2 bedding Support and conforming to AS 4058.
 - Drainage pipelines shall be designed to have a minimum longitudinal gradient of 1%.

Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

ITEM 4 (continued)

ATTACHMENT 2

28. **Engineering Documentation.** Prior to the issue of a Construction Certificate, Council shall be provided for approval engineering documentation addressing the following: -
- a. A drainage system layout plan drawn at a scale of 1:100, 1:200 or 1:250 and showing drainage pipe locations, drainage pit locations and any other information necessary for the design and construction of the drainage system (i.e. utility services).
 - b. A drainage system longitudinal section drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
 - c. Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
 - d. The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features to Council's satisfaction prior to the issue of the Construction Certificate.

Note: The drawings from the different consultants should be compatible and in agreement with each other in the representation of all structures.

29. **Inspections of Work on Council infrastructure.** Inspections of work on Council infrastructure are required as set out in "Environmental Standards Development Criteria Section 4 Public Civil Works". Before commencement of work a fee of \$450.00 (including GST) will be payable for the inspections.
30. **Property Drainage Disposal Pipelines.** The property drainage disposal pipelines shall be connected to the new grated surface inlet pit adjacent to the western side boundary. The pit must be designed to capture any overflow from Discharge Control Pit "B" on the below ground detention tank. For further technical information the applicant must refer to Council's DCP2010, Part 8.2 Schedule: Stormwater Management Technical Material, Section 4. The detailed design to show compliance with Clause 2.5.6 – Building near Stormwater & Subsoil Drains. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
31. **Retaining Walls.** Segmented construction of the retaining walls on the eastern boundary is required above the Council pipeline in order to allow for future maintenance works. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

ITEM 4 (continued)

ATTACHMENT 2

32. **Retaining Wall Requirements.** Both retaining walls at the eastern boundary shall be supported by piers to rock as detailed in the geotechnical report prepared by Geotechnique Pty Ltd dated 21 February 2012 (Ref No: 12598/1-AA-R). Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
33. **Engineering Certification.** Prior to the issue of the Construction Certificate, a suitably qualified structural engineer shall certify that the retaining walls are able to withstand the loads due to embankment filling.
34. **Spillway.** The retaining wall along the eastern boundary shall provide a spillway designed by a hydraulic engineer, adequate to contain and direct the 100 Year Overland Flow through the property. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
35. **Catch Drain.** A catch drain shall be constructed behind the lower retaining wall with an outlet joining the property drainage system of Lot B. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
36. **Embankment.** The landscape of the embankment between the two (2) retaining walls shall be designed and constructed to control erosion and facilitate the surface water flow. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
37. **Permeable Fence.** A permeable fence must be provided with 32 Clanwilliam Street, designed by a Hydraulic Engineer to allow for the safe escape of surface water downhill along its natural course. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
38. **Deck Bridge.** The deck bridge shall be designed as a suspended structure. The underside of the structure must be minimum 150mm clear of 1 in 100 year ARI water level to allow free passage of overland flow. A certificate from a suitably qualified engineer to this effect shall be provided to the PCA prior to the issue of a Construction Certificate.
39. **Floodplain Engineering Certification.** Prior to the issue of the Construction Certificate, a suitably qualified floodplain engineer shall certify that all structures, storage areas and utility services below the 100 year ARI flood event plus 0.5m freeboard are designed to be flood compatible in accordance with Schedule 1, Appendix D of Draft Floodplain Management DCP Provisions in the Eastwood & Terry's Creek Floodplain Risk Management Study & Plan October 2009.

ITEM 4 (continued)

ATTACHMENT 2

40. **Damage Deposit.** A damage deposit of \$40,000.00 shall be paid to cover the repairs in Wentworth Road to the kerb and gutter and road pavement that may occur during the period of development construction. The damage deposit will be refunded upon satisfactory completion of all construction works within Lots A & B and the issue of the final occupation certificate and upon submission of the second dilapidation report that shows no change in the condition of the road.
41. **Ausgrid.** The applicant shall contact Ausgrid concerning the two (2) leaning power poles on the footpath of Wentworth Road which may be affected by the development construction. Details must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
42. **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**.
43. **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**.
44. **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**. (dwelling houses with delivery of bricks or concrete or machine excavation)
45. **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
46. **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**.
47. **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.

ITEM 4 (continued)

ATTACHMENT 2

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.

48. **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**.
49. **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.
50. **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.
51. **Dilapidation Report.** Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.
- a) Road pavement
 - b) Kerb and gutter
 - c) Constructed footpath.
 - d) Drainage pits.
 - e) Traffic signs
 - f) Any other relevant infrastructure.

The report is also to be submitted to Ryde Council, attention development engineer, prior to the issue of the construction certificate. The report shall be used by council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the occupation certificate.

ITEM 4 (continued)

ATTACHMENT 2

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Ryde City Council

52. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable fully sealed 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.
53. **Geotechnical Report.** Prior to the issue of a **Construction Certificate**, the structural drawings shall be reviewed by a qualified geotechnical consultant to ensure that all recommendations made in the geotechnical report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd and have been adhered to. The geotechnical engineer/consultant shall confirm the overall stability of the slope; and review structural drawings for footings, retention of excavation/fill and hydraulic disposal of storm water and confirm (in writing) that they are in accordance with the geotechnical report. The geotechnical consultant is to provide written confirmation that the structural and hydraulic drawings have been prepared in accordance with the recommendations contained in the above report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd and are suitable for sites at risk of slope instability
54. **Fencing within Floodways.** All fencing within the overland flow path shall have a permeable section at least 150 mm above the calculated top water surface level.
55. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
56. **Inter-allotment Stormwater Drainage.** To facilitate stormwater disposal from the proposed dwellings, engineering plans prepared and certified by a qualified engineer for the following engineering works are to be submitted with the Construction Certificate application.
 - 1) The construction of an inter-allotment drainage system for the disposal of stormwater runoff from proposed lot A to Council's pipe line through proposed Lot B.
 - 2) The inter-allotment drainage system shall be designed to cater for the 1 in 100 year runoff generated from proposed lot A and located wholly within the proposed drainage easement as shown on the drainage plan. Additionally, the design shall be in accordance with DCP 2010 Part 8.2 Stormwater Management

ITEM 4 (continued)

ATTACHMENT 2

57. **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.
58. **Car Parking.** To facilitate safe sight distance in accordance with AS 2890.1-2004 all fencing & vegetation planted forward of the building alignment to Clanwilliam Street are to have a maximum height of 900mm.
59. **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.
60. **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**.
61. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

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 4 (continued)

ATTACHMENT 2

62. 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.

63. 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.

64. 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).

65. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

ITEM 4 (continued)

ATTACHMENT 2

- (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.
66. **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.
67. **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.
68. **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
69. **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.

70. **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*.
71. **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.
72. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 4 (continued)

ATTACHMENT 2

73. **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.
74. **Construction materials.** All materials associated with construction must be retained within the site.
75. **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.
76. **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.
77. **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".
78. **Tree protection – no unauthorised removal.** 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.
79. **Tree protection – during construction.** Trees within 3m (including adjoining neighbours trees) must be protected against damage during construction.
80. **Drop-edge beams.** 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.

ITEM 4 (continued)

ATTACHMENT 2

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.

81. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).
82. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
83. **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.
84. **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.
85. **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, inter-allotment drainage 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.
86. **Disused Gutter Crossing.** The disused gutter and footpath crossing in Clanwilliam Street shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
87. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Clanwilliam Street & Wentworth Road. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.
88. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No SW11451 issue B sheet S1 & S2 dated 24/4/12 prepared by ALW Design and as required by conditions of this consent.

ITEM 4 (continued)

ATTACHMENT 2

89. **Compliance Certificates – Engineering.** Where Council is not the Principal Certifying Authority for the Subdivision works compliance Certificates shall be obtained for the following and submitted to Council with the application for a Subdivision Certificate.
- 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
 - Confirmation from a structural engineer that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from a Geo-technical Engineer that during and after completion of works site has been inspected and all works have been completed in accordance with the report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd and complies with requirements for sites at risk of slope instability
 - Confirming that the constructed interallotment drainage system complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from Council that construction of Council's pipe & associated works and the connection of site drainage system to the trunk drainage system complies with Council requirements and satisfactory.
 - Confirmation from Council that footpath paving has been constructed to the satisfaction of Council.
 - 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*.
90. **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.
91. **Compliance Certificate – Surveyor.** A compliance certificate must be submitted from a Registered Surveyor indicating that all pipelines and associated drainage structures lie wholly within any easements being created under this consent.

ITEM 4 (continued)

ATTACHMENT 2

92. **Registration of Easement over Council pipe.** Prior to the issue of the Subdivision Certificate documents to create a 2.5m wide easement to drain water centrally located over the pipeline and in favour of Council shall be prepared by a registered surveyor and registered with the Department of Land and Property Information. The existing easement shall be extinguished.
93. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council

PRIOR TO SUBDIVISION CERTIFICATE

94. **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**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,085.15
Open Space & Recreation Facilities	\$10,056.78
Civic & Urban Improvements	\$3,420.40
Roads & Traffic Management Facilities	\$466.47
Cycleways	\$291.43
Stormwater Management Facilities	\$926.00
Plan Administration	\$78.58
The total contribution is	\$19,324.81

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>.

ITEM 4 (continued)

ATTACHMENT 2

95. **Restriction As to user- On-Site Detention.** To minimise downstream impacts due to future development on proposed Lot A & B, an instrument setting out Terms of Restrictions on the use of land intended to be created, pursuant to Section 88 B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

- a) All future developments on all proposed Lot A & B shall incorporate an onsite stormwater detention system designed and constructed in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- b) The 88B Instrument may not be extinguished or altered without prior approval being obtained from Ryde City Council.

The wording of the instrument shall be submitted to and approved by Council prior to release of the Subdivision Certificate

96. **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.

97. **Registration of easements.** The registration of all necessary easements as required ensuring all proposed lots will have legal access to all utility services, inter-allotment drainage and vehicular access.

Prior to release of Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan.

98. **Film Plan of Subdivision.** The submission of a Film Plan of Subdivision plus 5 copies suitable for endorsement by the General Manager pursuant to Section 109C of the Environmental Planning and Assessment Act 1979

99. **Certification Documents.** The submission of all certification as required under Local Development Consent LDA2012/0065 prior to the release of the Subdivision Certificate.

100. **Public Authority Certificates.** To ensure satisfactory effluent disposal and utility services are provided to all proposed lots, the following certificates are to be submitted to Council prior to release of subdivision certificate certification from:

- a) S73 Certificate from Sydney Water indicating that reticulated water and sewer has been made available to each lot in the subdivision.
- b) Integral Energy indicating that satisfactory arrangements have been made for the provision of (aerial / underground) electricity supply to each lot in the subdivision

ITEM 4 (continued)

ATTACHMENT 2

- c) An approved telecommunications service provider stating that satisfactory arrangements have been made for (underground /aerial) telephone services to each lot in the subdivision

101. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
102. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
103. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
104. **Section 73 Certificate.** 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.

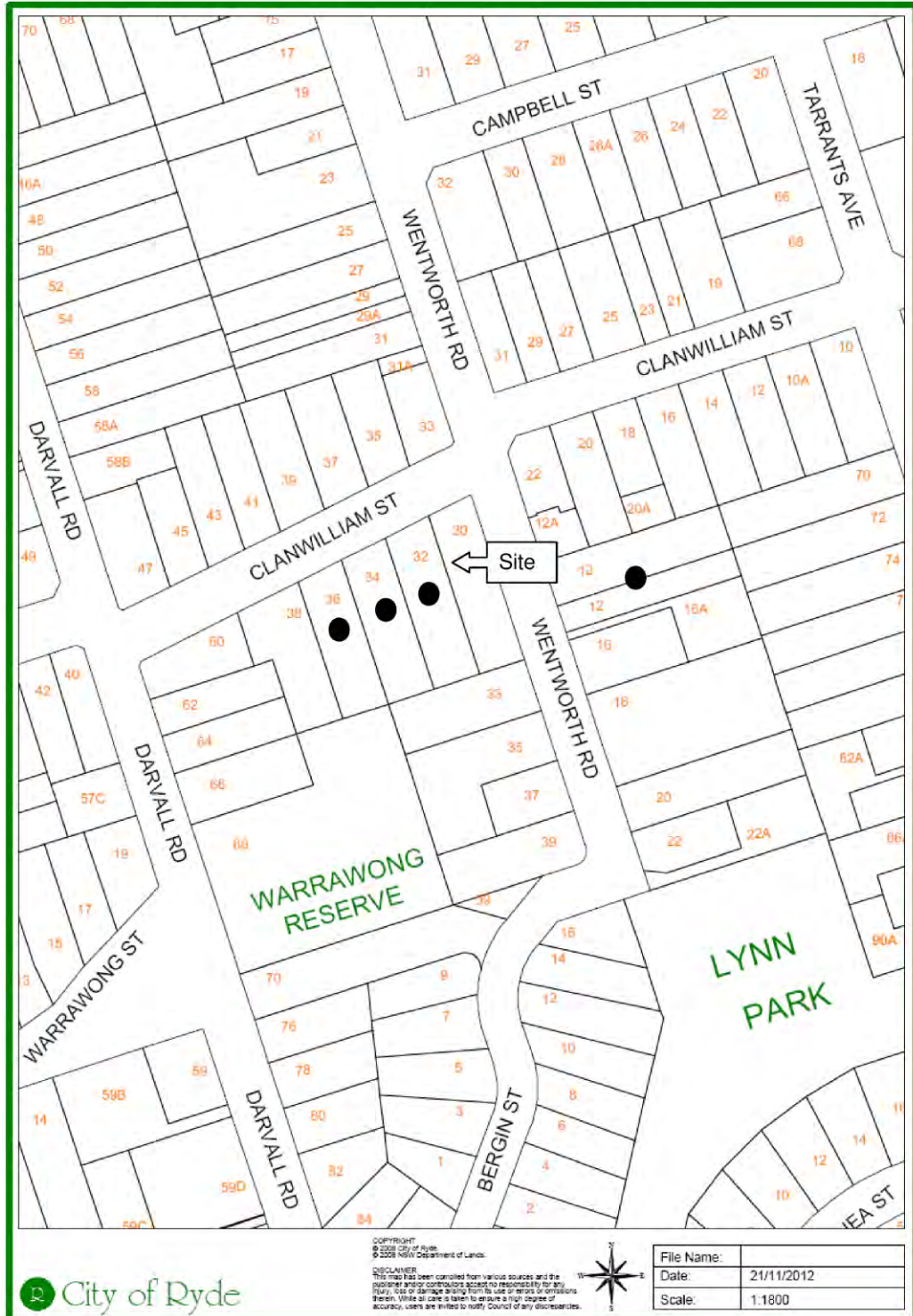
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

105. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

ITEM 4 (continued)

ATTACHMENT 4

● Indicates submissions received



5 30 CLANWILLIAM STREET, EASTWOOD. LOT 5 DP 6247. Local Development Application for a new two/three storey dwelling and inground swimming pool. LDA2012/0066.

INSPECTION: 4.45pm

INTERVIEW: 5.20pm

Report prepared by: Assessment Officer ; Team Leader - Fast Track Team

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

Report dated: 21/11/2012

File Number: grp/12/5/5/3 - BP12/1419

1. Report Summary

Applicant: M Hazzouri, N Hazzouri.

Owner: M Hazzouri, N Hazzouri.

Date lodged: 28 February 2012

This report considers a proposal to construct a new two/three storey dwelling and inground swimming pool. The dwelling has four bedrooms and a double garage. The site is located on the corner of Clanwilliam Street and Wentworth Road.

There are two separate DAs at this site for the Planning and Environment Committee's consideration:

1. LDA2012/0065 for a two lot subdivision and erection of a new dwelling on Lot A in the subdivision. That proposal is subject to item 4 in this business paper.
2. LDA2012/0066 for a new dwelling on lot B in the subdivision proposed in LDA2012/0065, which is the subject of this report.

The main issue of concern with this DA is the public interest.

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 2 March 2012 for 14 days. In response to the notification process, four submissions were received from the owners of No. 32, No. 34, No. 36 Clanwilliam Street and No. 12 Wentworth Road. The main issues of concern raised were overdevelopment of the site, the proposal being three storeys, privacy, the extent overshadowing, and the aesthetics of the proposed metal roof, impact on Council's stormwater easement and questioning if the proposal complies with Council's controls.

The applicant provided amended plans and shadow diagrams to address the neighbours concerns. The proposal was re-notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 28 September 2012 for 14 days. In response to the re-notification process, one submission was received from the owner of No.34 Clanwilliam Street reiterating their original concern relating to overdevelopment.

ITEM 5 (continued)

The proposal has been assessed against the controls in Council's DCP 2010 and there are areas of non-compliance with the number of storeys (3), excavation and fill, wall plate height, garage door width, pool coping height and fill in overland flow. However these are considered to be acceptable in the context of the site and do not warrant refusal of the DA or further amendment.

The applicant is proposing to put fill and a retaining wall in the front yard over Council's stormwater easement, which would generally not be supported by Council. However, in this instance the proposed fill is considered satisfactory to provide amenity for the lot and does not impact on the adjoining neighbours. Council has imposed a condition of consent for the stormwater pipe to be replaced.

The proposal is recommended as a Deferred Commencement Consent. The reason is that the applicant is required to finalise the subdivision and the linen plan registered with LDA2012/0065 prior to approval of this application.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and the Mayor - Councillor Petch.

Public Submissions: Four submissions were received objecting to the original notification and one submission to the re-notification.

Clause 4.6 RLEP 2010 not required.

Value of works is \$620,000.

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. 2012/0066 at No. 30 Clanwilliam Street Eastwood Lot 5 DP 6247 be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Compliance Table
- 2 Proposed Conditions
- 3 A4 Plans
- 4 Map
- 5 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 5 (continued)

Report Prepared By:

Jane Tompsett
Assessment Officer

Colin Murphy
Team Leader - Fast Track Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 5 (continued)**2. Site** (*Refer to attached map.*)

Address	:	30 Clanwilliam St Eastwood
Site Area	:	Area: 587.47m ² Frontage: 32.12metres Depth: 18.29m metres
Topography and Vegetation	:	Proposed lot B has a street frontage on Wentworth Road. The site has a steep slope of approximately 5 metres, falling away from Wentworth Road to the rear boundary on the western side of the lot with a gradient of approximately 3.6:1. The site is vacant land with unmanaged vegetation. There are no significant trees on the site and the Landscape Plan proposed is in accordance with Council's controls.
Existing Buildings	:	No existing buildings, the land is vacant.
Planning Controls Zoning	:	R2 – Low Density Residential Zone pursuant to the Ryde Local Environmental Plan 2010
Other	:	Ryde Development Control Plan 2010

ITEM 5 (continued)



Locality Map

3. Councillor Representations

Two Councillor Representations received.

Name of Councillor: Councillor Maggio

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

Date: 20 April 2012

Form of the representation was a text message.

On behalf of: Unknown.

ITEM 5 (continued)

Name of Councillor: The Mayor - Councillor Petch

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

Date: 1 May 2012

Form of the representation was via email.

On behalf of objectors: The property owner at No. 36 Clanwilliam Street Eastwood,

No other persons (e.g. consultants) involved in or part of the representation:

4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

5. Proposal

The application proposes the construction of a new two/three storey dwelling and inground swimming pool. A separate application LDA2012/0065 has been submitted for the subdivision of one lot into two lots, new two/three storey dwelling and inground swimming pool.

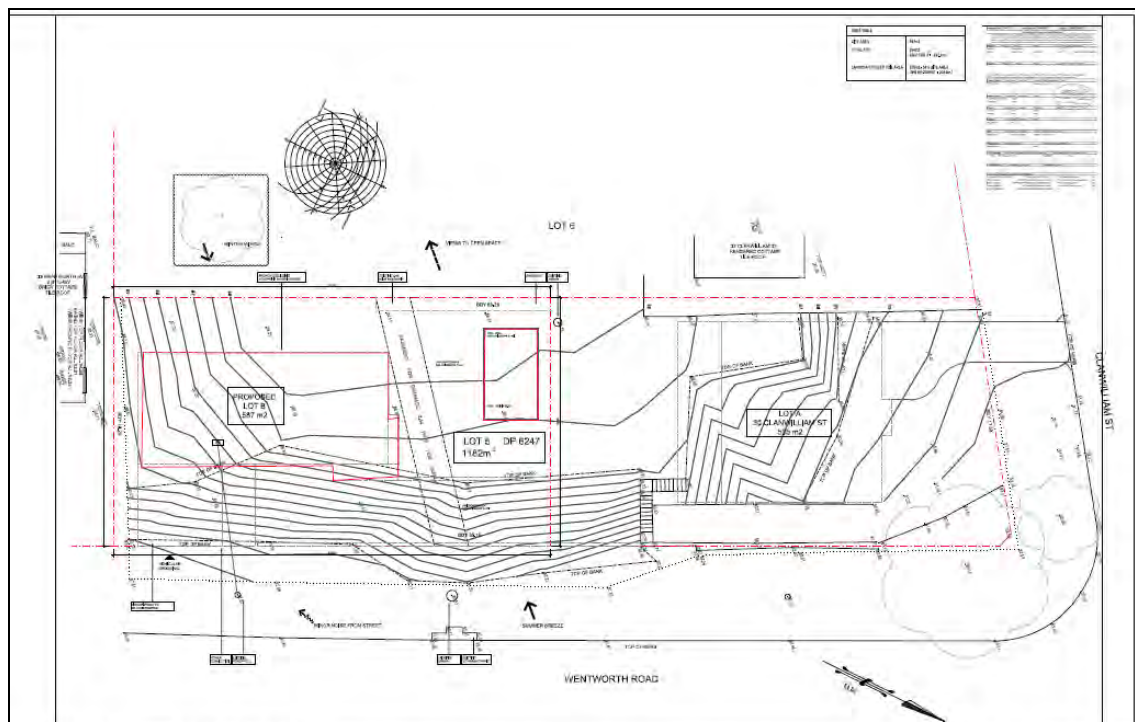


Figure 1: Site Plan

ITEM 5 (continued)**6. Background**

The application was lodged on 28 February 2012. Shortly after, it underwent a preliminary assessment, with referrals sent to Council's Development Engineer, Drainage Engineer, Heritage Officer and Consulting Structural engineer.

- 2 March 2012 neighbour notification commenced (closing date for submissions 20 March 2012). Four submissions were received objecting to the proposal. The issues raised are discussed in Section 7 of this report below.
- 5 March 2012 comments from Council's Heritage Officer were received.
- 10 April 2012 a letter was sent to the applicant to request the following additional information: A driveway profile, amended drainage plan including on site detention and location and depth of existing stormwater pipe in easement, overall height to comply, delete one kitchen area, provide details of pool fence and boundary fence, cost of work is undervalued, provide contractors details on waste management plan and address your neighbours concerns.
- 3 May 2012 amended plans were received, which include the following. Amended drainage plan and request that any issue around the easement and stormwater pipe should be a condition of consent, lower ground floor kitchen deleted and additional fees paid with the amended cost of works. Further information was requested to address the overall height of the proposed dwelling.
- 25 May 2012 comments received from Council's Drainage Engineer.
- 1 June 2012 amended plans were received, which included the following: height reduced to comply with Council's control and additional shadow diagrams.
- 4 June 2012 comments received from Council's Development Engineer.
- 8 June 2012 comments received from Council's Geotechnical Consultant.
- 8 August 2012 comments received from Council's Drainage Engineer.
- 28 September 2012 application re-notified.
- 18 October 2012 additional comments received from Council's Drainage Engineer.
- 31 October 2012 additional comments received from Council's Development Engineer.

ITEM 5 (continued)**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 2 March 2012 for 14 days.

In response to the notification process, four submissions were received from the owners of No. 32, No. 34, No. 36 Clanwilliam Street and No. 12 Wentworth Road as shown on the aerial photo earlier in this report.

The applicant provided amended plans and shadow diagrams to address the neighbours concerns. The proposal was re-notified with the amended information in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 28 September 2012 for 14 days.

In response to the re-notification process, one submission was received from the owner of No.34 Clanwilliam Street reiterating the original concern.

The issues raised in the submissions were:

1. **Driveway for No. 32 Clanwilliam.** The objector is seeking clarification as the existing driveway is shown to be retained on one drawing and does not appear on the landscape plan.

Assessment Officer's Comment:

The applicant has amended the plans and confirmed the existing driveway is to be removed on 30 Clanwilliam Street (see below).

ITEM 5 (continued)

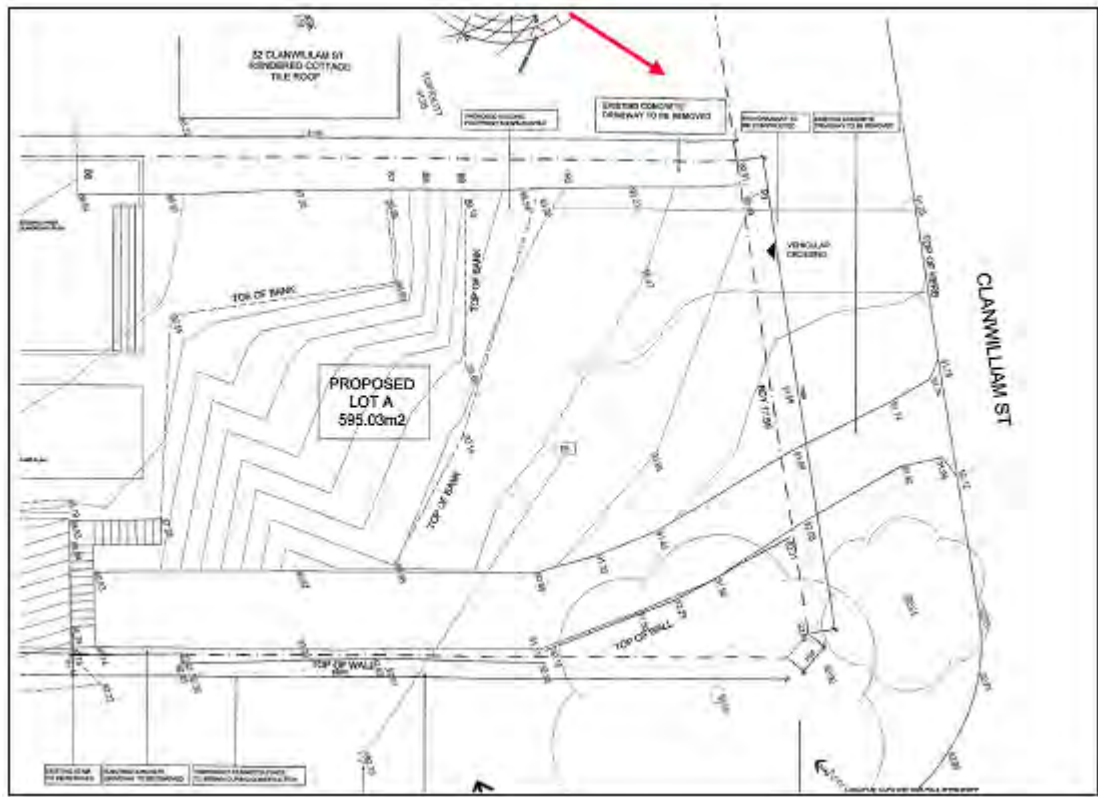


Figure 2: Site Plan (Lot A)

2. **Three Storeys.** The objectors have concerns regarding the permissibility of three storeys.

Assessment Officer's Comment:

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

Residential dwellings are to be a maximum of two storeys high.

Maximum number of storeys 2, but a maximum of 1 floor level of the building including car parking level can be located above a garage which is attached to a dwelling, whether a semi-basement garage or a garage at grade.

ITEM 5 (continued)

Building height

Height is an important control to ensure that future development responds to the desired 2 storey maximum scale, and to character of the street and to the local area, and to ensure that good daylight access is provided to existing and proposed dwellings. The allowable heights ensure new development is consistent with existing buildings in the street and locality. Height controls on individual sites may be further refined by consideration of the streetscape, solar access, roof design, residential amenity, setting and topography of the particular allotment.

Maximum building height 9.5 metres

The proposed dwelling is two/three storeys, however when viewed from the street (Wentworth Road) the dwelling will appear as single storey (see elevation and streetscape photomontage below).

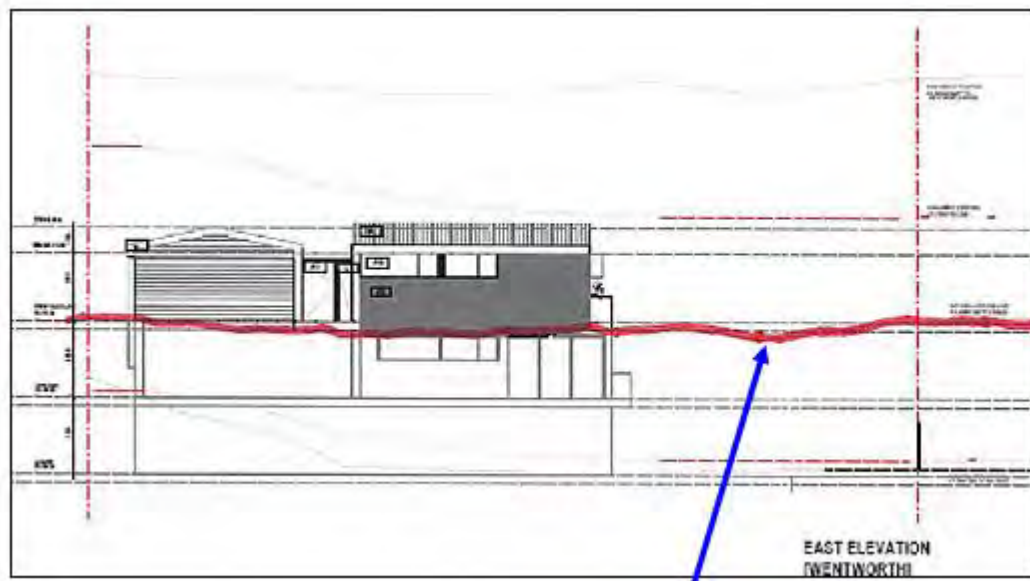


Figure 3: East Elevation - natural ground line at Wentworth Road

ITEM 5 (continued)



The photomontage shows the view on the streetscape is a one storey dwelling and is in keeping with the locality.

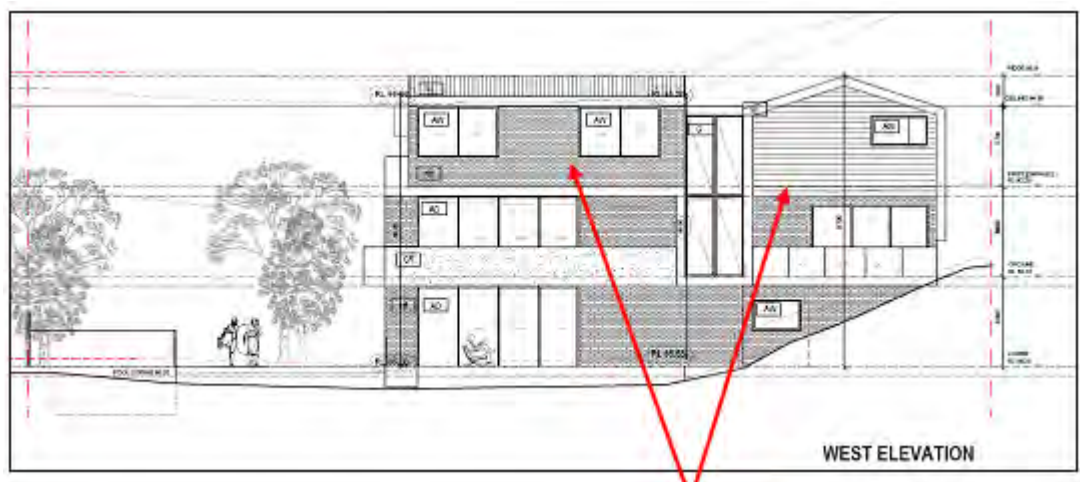


Figure 4: West Elevation - The rear elevation is two/three storey. The first floor level at the street is car parking and bedrooms.

ITEM 5 (continued)

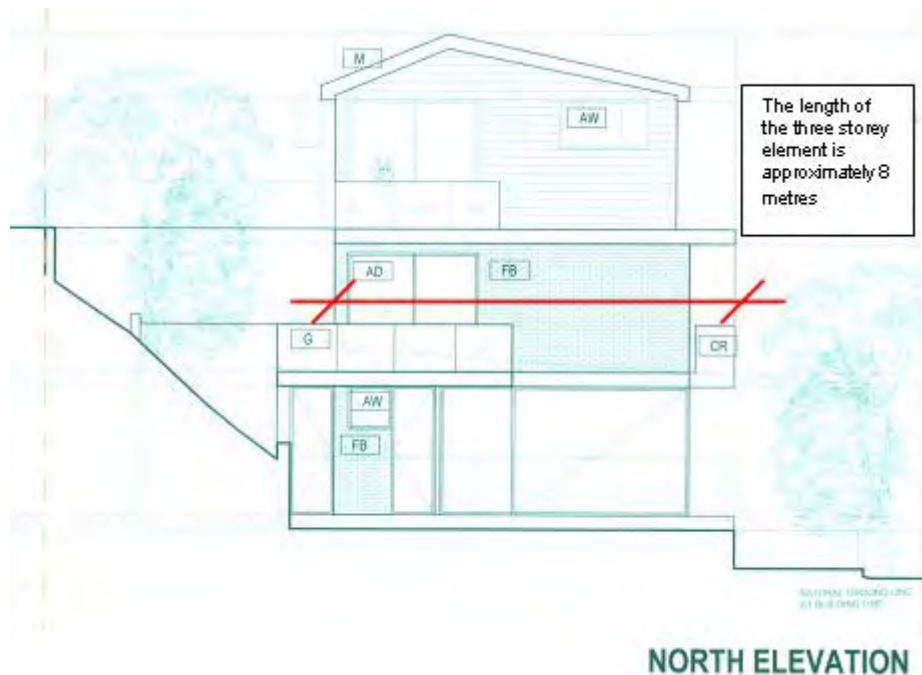


Figure 5: North Elevation

The north elevation facing the proposed dwelling on Lot A in the subdivision is three storeys. The length of the three storey element is only 8 metres. The proposal has a setback of 11.5 metres from the rear boundary of proposed Lot A in LDA2012/0065 and there is a separation distance of 20 metres between both proposed new dwellings.

Height is an important control to ensure that future development responds to the desired two storey maximum scale, and to character of the street and to the local area, and to ensure that good daylight access is provided to existing and proposed dwellings. The allowable heights ensure new development is consistent with existing buildings in the street and locality.

The site falls 5m from Wentworth Road to the rear boundary. The difference in the ground level at the street and the rear boundary is equivalent to two storeys in building height. The impact on the streetscape and the closest neighbour at No. 33 Wentworth Road has been minimised by the proposal presenting one and two storey elements to these elevations. The three storey elements at the side and rear have boundary setbacks that comply with Council's controls. The three storey elements comply with Council's maximum overall height control. The site is wider than its length and only has a depth of 18.29m. The cross-fall from front to back is a ratio of 1:3.3 metres.

ITEM 5 (continued)

With consideration to the site constraints, the bulk and scale of the neighbouring sites and locality (see below) in this instance as a merit based assessment the three storey element is considered satisfactory.



The view from the nature strip looking to No. 33 Wentworth Street



The view from the nature strip on Wentworth Road looking at No. 32, No. 34, No. 36 Clanwilliam Street.

ITEM 5 (continued)



Across the road at No. 12 Wentworth Road the character of the street is depicted with a two/three storey dwelling in appearance.

3. **Overland flow.** The objectors have concerns regarding the overland flow that affects the site whether the proposal complies with Council's control.

Assessment Officer's Comment:

Council's Development Engineer and the Drainage Engineer in Council's Traffic and Governance Team have fully assessed the proposal subject to conditions. In particular it is noted that the overland flow path which affects the property will be fully contained within the property as will the easement to drain stormwater from the proposed dwellings.

4. **Subdivision.** The objectors have concerns regarding overdevelopment of the site and compliance with Council's Subdivision controls.

Assessment Officer's Comment:

These concerns have been addressed in the report regarding LDA2012/0065 (see item 4 on this business paper).

ITEM 5 (continued)

5. **Garages.** The objectors have concerns regarding the garage compliance against Council's controls.

Assessment Officer's Comment:

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *The total width of garage doors visible from public space must not exceed 5.7m in a low density residential development.*

The proposed garage door width is 5.9 metres and is a minor encroachment of 200mm. The lot has a generous frontage of 32 metres and the garage is not a dominant feature in the streetscape. In this instance the minor non-compliance is considered satisfactory.

6. **Privacy.** The objectors have concerns regarding the impact on privacy.

Assessment Officer's Comment:

Due to the topography of the land in the locality there is potential overlooking into the neighbours private open space from all of the sites from No. 33 Wentworth Street, No. 30, No. 32, No. 34, No. 36 Clanwilliam Street.

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

It is not necessary to provide the same degree of privacy protection to all parts of a neighbouring site. Higher levels of privacy are to be provided to both internal living areas and to the external living area. Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.

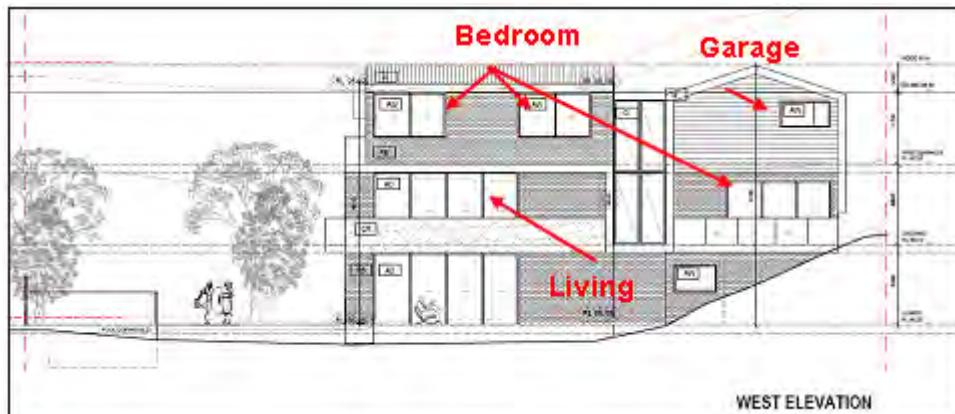


Figure 6: West Elevation

The ground floor level has a living area and bedroom. The first floor level at the street is car parking and bedrooms. The ground floor living area is below the street level on the site. The applicant proposes significant planting (eight trees) with a maturing height ranging from 6 – 8 metres to the left and right of the ground floor living area. The proposal seeks to capture the long distant views

ITEM 5 (continued)

and minimise the near neighbour's views through the balcony materials (meaning there is no visibility through the balcony). Views to the adjoining properties are not possible from the living spaces, unless sought by walking to balcony edge and looking downwards.

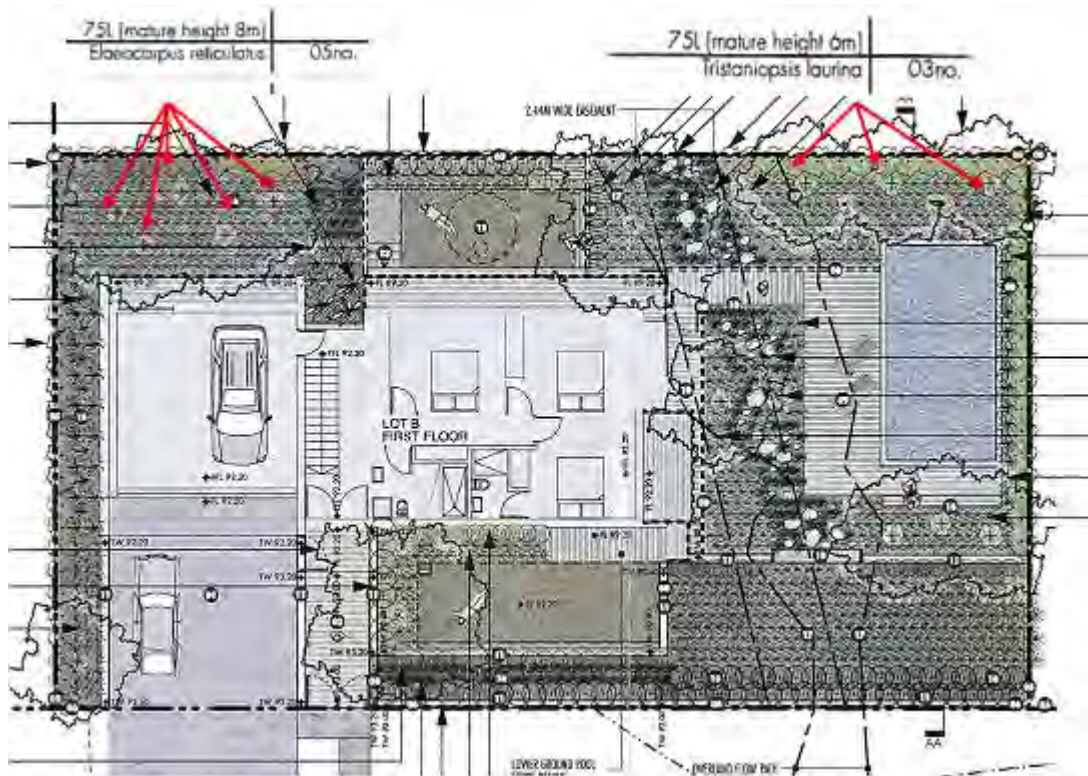


Figure 7: Landscape Plan

It is considered that the proposed development produces an appropriate outcome on the site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by existing residents.

- 7. Overshadowing.** The objectors have concerns regarding overshadowing as the adjoining dwellings are not shown on the plans.

Assessment Officer's Comment:

The applicant has provided amended shadow plans see below (the only dwelling affected by shadow is No. 33 Wentworth Road). Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:
A minimum of 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. No. 33 Wentworth Road private open space is not affected and the private open space in No. 32 Clanwilliam is not affected by shadow for 3 hours.

ITEM 5 (continued)

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. The proposal indicates that between 12 – 3pm, No. 33 Wentworth Road will receive sunlight to a portion of the surface of north facing windows.

The proposal complies with Council's control regarding Daylight and Sunlight Access.



Figure 8: Shadow Diagram

- 8. Metal roof and design.** The objectors have concerns regarding the proposed metal roof not complying with Council's controls and being aesthetically unappealing as all surrounding dwellings have tiled roofs. The metal roof would reflect heat and sun glare to the dwellings on the high side of the street. The design of the dwelling is felt to be too modern for aesthetic looks of surrounding areas and does not comply with environmental laws.

Assessment Officer's Comment:

The site is not close to any heritage item, nor is it within any of the Council's Heritage Conservation or Character Areas. Therefore, the style/design of the dwellings needs to be considered using the 'general' controls in DCP 2010 which allow for a range of housing styles and materials in the City's residential areas.

ITEM 5 (continued)

There is no policy regarding the use of a metal roof. There is a standard condition of consent to be imposed as follows:

- **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**. (Condition No. 32).

The design of the dwelling and presentation in the streetscape is considered to be consistent with the desired future character of the low density residential areas.

9. **Site Constraints.** The objector's concerns are the proposed dwelling will be built over the remains of a Moreton Bay Fig Tree where a large root system remains. The land has no natural ground and has been filled over time. The dwelling is being built over an existing Council easement to drain water.

Assessment Officer's Comment:

The applicants have provided a Geotechnical report. The report has taken into consideration the site constraints. Council's Geotechnical Consultant has reviewed the proposal and has raised no objection subject to full compliance with the recommendations as contained in Geotechnique's report dated 21 February 2012. The previous existence of a Moreton Bay Fig Tree would not prevent the development from occurring.

Council's Drainage Engineer has reviewed the proposal and made the following comments.

The proposed earth filling and retaining wall will result in external loading on Council's stormwater pipeline. The imposed load (external loading – retaining wall, earth filling) on the pipeline will be increased and there is a high risk of damage to the pipeline. The applicant proposes to discharge property drainage into Council's stormwater pipeline in the easement. To maintain an effective and efficient method of dispersal of property drainage, Council's pipeline has to be in a good serviceable condition. To manage the risk and mitigate the potential for future failure as a result of external loading, Council recommends the applicant replace the existing pipe with a 375mm RC pipe. Council will not support the proposed retaining wall construction as detailed without the pipe upgrade within lot 'B'.

ITEM 5 (continued)**8. Clause 4.6 RLEP 2010 objection required?**

This application does not require the submission of a clause 4.6 RLEP 2010 objection.

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

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010 and dual occupancy (attached) development is permissible with Council's consent.

The aims and objectives of the R2 Zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide 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.*
- *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.*

This locality displays a range of architectural styles and the proposal is considered to be compatible with the character of the streetscape and the desired future character as identified in the general controls contained in the DCP 2010 for the R2 – Low Density Residential Zone.

The proposed development is considered to satisfy the objectives for residential developments.

ITEM 5 (continued)**Mandatory Requirements****Clause 4.3 – Height of buildings**

The height of a building on the subject site must not exceed 9.5 metres. Building height as defined by the RLEP 2010 means:

the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

According to the definition above, the proposed dwelling has a maximum building height of 9.45 metres.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable of the site is 0.5:1; the development proposes a maximum floor space ratio of 0.46:1. See compliance table below (i.e. Assessment under DCP 2010) for a more detailed break down of the proposed floor areas.

(b) Relevant SEPPs**SEPP BASIX:**

A compliant BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (Condition No. 3).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

ITEM 5 (continued)**(c) Relevant REPs****Deemed SEPP - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP however, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Council's Development Control Plan 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPs

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan has been placed on public exhibition between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R2 Low Density Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning. .

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

DCP 2010 was adopted by Council on 15 June 2009 and became effective on 30 June 2010 (i.e. upon commencement of Ryde LEP 2010). A full assessment of the proposal under DCP 2010 is illustrated in the compliance table held at **Attachment 1**. The Non-compliances identified in the table are assessed below.

*Non-Compliances:***1. Three storeys**

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *Residential dwellings are to be a maximum of two storeys high.*

The streetscape when viewed from Wentworth Avenue is only single storey in appearance. The southern elevation has a 1.5 metre side setback and is two storey adjoining No. 33 Wentworth Avenue. The north and western elevations which are not visible from the street are three storeys. The northern and western setbacks comply with Council's control. The balcony width is minimal

ITEM 5 (continued)

and the materials are designed so as there are no direct views from inside the dwelling. The overall maximum height complies with Council's control. The landscape plan provides significant tree planting on the western boundary to maintain privacy for the neighbours private open space down the slope. In this instance due to the constraints on the site the three storey element is considered satisfactory.

2. Excavation and fill

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

The area under the dwelling footprint may be excavated or filled so long as:

- i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;*
- ii. the depth of excavation is limited to 1.2 metres maximum; and*

The proposed excavation within the footprint is a maximum 1.8m for a small portion of the dwelling and due to the topography of the site the excavation is considered satisfactory (see below).

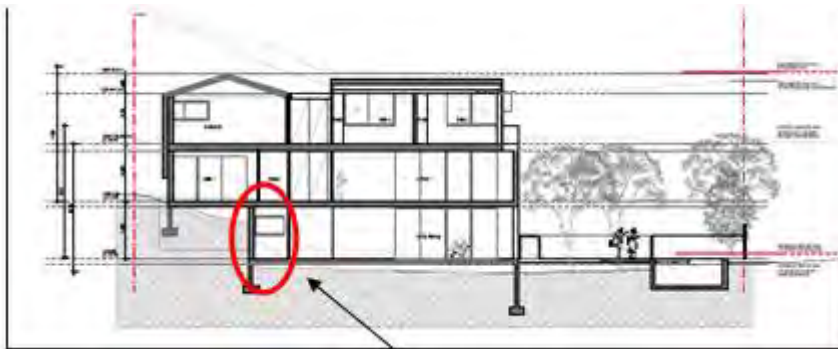


Figure 9 – Section - small area of excavation that exceeds 1.2m

Areas outside the dwelling footprint may be excavated and/or filled so long as:

- i. the maximum height of retaining walls is no greater than 900mm; and*
- ii. the depth of excavation is not more than 900mm; and*
- iii. the height of fill is not more than 500mm; and*
- iv. the excavated and filled areas do not have an adverse impact on the streetscape; and*
- v. the filled areas do not have an adverse impact on the privacy of neighbours;*

The maximum height of the retaining wall is 1800mm in the front yard adjoining the pool area. The retaining wall is for the embankment in the front yard. The embankment is existing and some additional fill is used to stabilise the embankment and enable planting to be maintained at a reasonable gradient.

ITEM 5 (continued)

The maximum fill is a maximum of 1.7m at the front of the dwelling. The fill is proposed to provide amenity in the front yard of the proposed dwelling on the ground floor (which is below the street level).

In this instance the areas of excavation and fill are to be for the purpose of creating useable and practical outdoor recreation spaces where the existing ground level is not suitable and should not result in an unreasonable loss of the privacy or security of neighbours (see below)

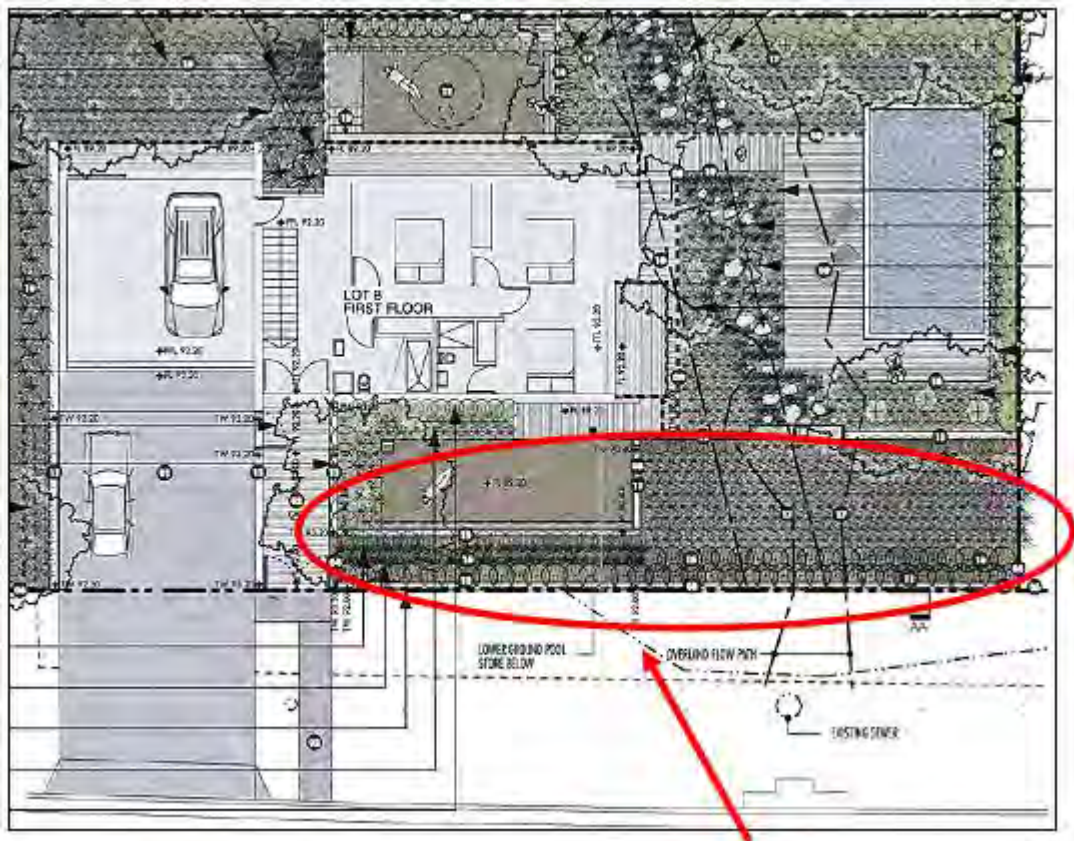


Figure 10 – Landscaped Plan showing the embankment and proposed fill

3. Wall plate height

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

Maximum wall plate height 7.5 metres or 8 metres for a roof which has a continuous parapet

ITEM 5 (continued)

The proposed wall plate height is 5.1m – 8.7m which does not comply with the DCP requirement for a part of the dwelling at the northern and western elevation. This is the result of the steep topography which results in the dwelling being partly three storeys. However when viewed from the public domain (ie Wentworth Road), the dwelling will appear as a single storey dwelling which is consistent with the streetscape. Also it is noted that the dwelling complies with the overall maximum (ridge) height of 9.5m.

4. Garage door width

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

The total width of garage doors visible from a public place, such as the street, is not to exceed 5.7 metres.

The proposed garage door width is 5.9m visible from Wentworth Road. The site has a generous frontage of 32.12m, the garage door is not dominant in the streetscape and the minor encroachment of 200mm is considered satisfactory.

5. Pool coping height

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states.

The finished coping level of the pool must not be higher than 500mm above the adjacent existing ground level. This maximum height can only be achieved where it will not result in an unreasonably adverse impact on the privacy of neighbours.

The proposed pool coping height ranges from -300mm to +1190mm. The south west corner of the pool exceeds the allowable height only for a small portion due to the topography of the site. There is no adverse impact on the privacy of the neighbours and in this instance the pool coping is considered satisfactory.

ITEM 5 (continued)

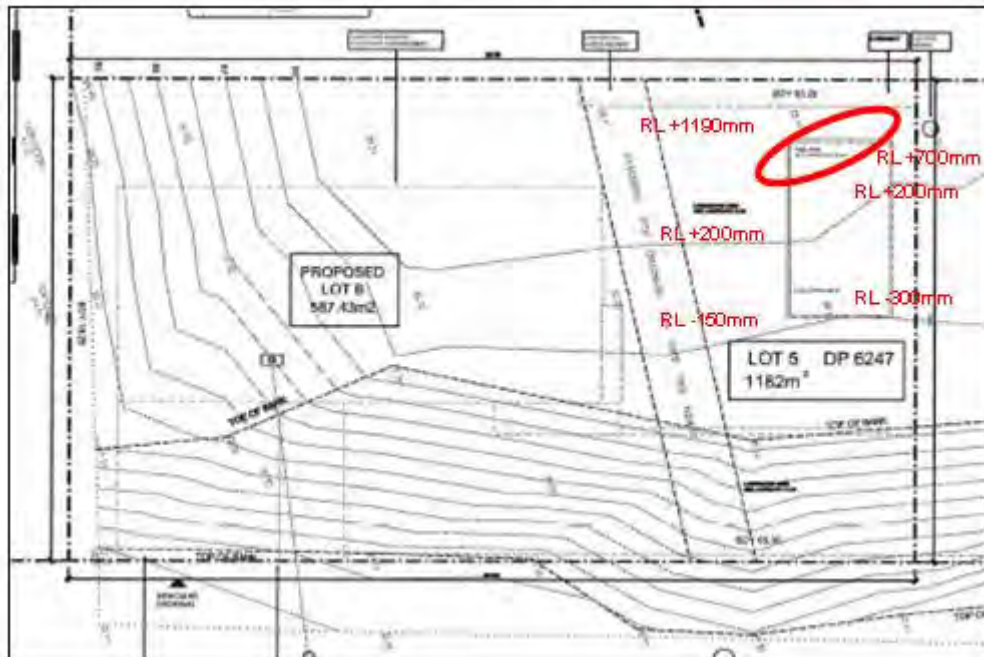


Figure 11 – Pool coping levels

6. Fill in overland flow

Fill is not allowed in areas of overland flow. The majority of the fill proposed is not within the overland flow path. Council’s Drainage Engineer has raised no objection to the proposal subject to conditions of consent.

10. Likely impacts of the Development

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. It is considered that the development is acceptable and suitable for approval subject to the conditions listed in **ATTACHMENT 2**.

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2010 and Submissions sections). The development is considered satisfactory in terms of environmental impacts.

The proposed development involves the construction of a new two/three storey dwelling and inground pool is not considered to have any adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed development will appear as a single storey dwelling with the frontage on Wentworth Road which is consistent with other developments of a similar nature.

ITEM 5 (continued)**(b) Natural Environment**

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

The proposed use is permitted in the zoning and is compatible with the other surrounding uses; therefore the development is considered satisfactory in terms of environmental impacts.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following constraints affecting the subject property:

Overland Flow: See Development Engineer's referral below.

Heritage Items: See Heritage Officer's referral below.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer, 31 October 2012: Council's Development Engineer has raised no objection to the application subject to 24 conditions of deferred commencement consent.

Drainage Engineer, 18 October 2012: Council's Development Engineer has raised no objection to the application subject to 12 conditions of consent.

Heritage Officer, 5 March 2012: Council's Heritage Officer has raised no objection to the application.

Consultant Geotechnical Engineer, 8 June 2012: Council's Development Engineer has raised no objection to the application subject to 1 conditions of consent.

External Referrals

None required.

ITEM 5 (continued)**14. Critical Dates**

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the recommendation contained within this report will have no financial impacts.

16. Other Options

None applicable.

17. Conclusion

This report has considered a proposal to construct a new two/three storey dwelling and inground swimming pool. The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered satisfactory.

The proposal has some areas of non-compliance with controls detailed in Part 3.3 of DCP 2010, namely:

- Three storeys
- Excavation and fill
- Wall plate height
- Garage door width
- Pool coping height
- Fill in overland flow.

It is noted that the design responds, in a positive manner, to the constraints of the site. It is considered that in the design of the dwelling, the applicant has been mindful of the impact of the development on the adjoining dwellings and has provided appropriate setbacks, building articulation, minimal balconies to provide amenity to occupants of the distant views. The proposed dwelling has appropriate landscaping along side boundaries in order to minimise the perceived and actual impacts of the development.

The proposal was notified to neighbours in accordance with DCP 2010, with five (5) submissions (four to the original notification, one to the amended notification) being received from the owners of adjoining properties.

ITEM 5 (continued)

It is not considered that the issues of concern raised by the neighbours are sufficient to warrant further design modifications or refusal of the development application. The proposal is considered satisfactory and is recommended for approval as a Deferred Commencement Consent.

ITEM 5 (continued)

ATTACHMENT 1

Compliance Check

DCP 2010	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	Front and rear gardens proposed.	Yes
	Two/three storeys	No(1)
	Dwelling presents to Wentworth Road	Yes
	Garage not prominent feature as setback in front elevation of building.	Yes
Public Domain Amenity		
Streetscape		
<ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	Front doors and windows face street.	Yes
	Single entrance portico.	Yes
	Articulated street façade.	Yes
Public Views and Vistas		
<ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm. 	A view corridor is provided from the street garage and carports are not located in the view corridor	Yes

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	<p>Carparking accommodates sightlines</p>	<p>Yes</p>
Site Configuration		
<p>Deep Soil Areas</p> <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard. - - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). equally). 	<p>Permeable (deep soil) area: 285.62m² approx (48% of site area).</p> <p>Rear DSA dimensions: 8m x 8m provided. 89.88 = 8m x 8m rear DSA Front DSA: 100% permeable area in front yard= 56.97m² = 33% hard paving. Hard surface areas have been kept to a minimum in the front yard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Topography & Excavation</p> <p>Within building footprint:</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>Within BF Max cut: 2.8m for lower ground Max fill: 380mm</p> <p>Outside BF Max cut: 800mm-1200m Max fill: 1.7m near the dwelling in the front yard</p> <p>1.8m</p>	<p>No(2)</p> <p>No(2) No(2)</p> <p>No(2)</p>
Floor Space Ratio		
Ground floor	114.893m	
Lower Ground Floor	90.998m	
First floor	102.332m	
Total (Gross Floor Area)	308.223m	
Less 36m ² (double) or 18m ² (single) allowance for parking	272.223m ²	

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	0.46:1	Yes
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Height of any basement ceiling (above EGL) that is located below two storeys above: Three Storeys	No(1)
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	No storey above garage	Yes
<p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet <p><i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p>	<p>TOW RL: 94.9</p> <p>FGL below (lowest point): RL:86.20</p> <p>FGL below (highest point): RL: 89.50</p> <p>TOW Height (min)= 5.1 m</p> <p>TOW Height (max)= 8.7m</p>	No(3)
<p>9.5m Overall Height</p> <p><i>NB:</i> <i>EGL = Existing Ground Level</i></p>	<p>Max point of dwelling RL: 95.9</p> <p>EGL below ridge (lowest point): RL:86.45</p> <p>Overall Height (max)= 9.45m</p>	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Yes
Setbacks		
<p>SIDE</p> <p>Two storey dwelling</p> <ul style="list-style-type: none"> - 1500mm to wall - Includes balconies etc 	To wall min 1500mm	Yes
<p>Front</p> <ul style="list-style-type: none"> - 6m to façade (generally) 	6m	Yes

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	<p>1m</p> <p>No wall above</p> <p>Free of ancillary elements</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Rear</p> <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. <p>Note: Xm is 25% of site length.</p>		<p>N/A</p>
<p>Sites wider than they are long</p> <ul style="list-style-type: none"> - One side setback of 8m or 20% of allotment width, whichever is greater. - Rear setback 4m min (in addition to 8m side setback). <p>NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)</p>	<p>11900mm</p> <p>4m</p>	<p>Yes</p> <p>Yes</p>
Car Parking & Access		
<p>General</p> <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	<p>Number/location of car spaces: 2 spaces</p> <p>Access from: Wentworth Road</p> <p>External width:6m</p> <p>Behind building façade</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Garages</p> <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 	<p>Setback from façade: 1m</p> <p>Width of opening: 5.9m</p> <p>Door setback:</p>	<p>Yes</p> <p>Yes</p> <p>No(4)</p>

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. -	<300mm Windows: None Setback:1500mm	Yes Yes
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Single garage: 3m w(min) o Internal length: 5.4m (min)	Internal measurements: 6m 5.7m	Yes
Driveways Extent of driveways minimised	Elevated driveway considered satisfactory	Yes
Swimming Pools & Spas		
- Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Pools not to be in front setback.	Does fence isolate pool area from dwelling and outbuildings? Is gate location/swing shown? Away from pool Are there any windows/doors within pool area? no No openable windows Pool not in front setback	Yes Yes Yes Yes
Pool coping height - 500mm maximum above existing ground level <i>(only if no impact on privacy)</i>	Pool coping RL:86.20 EGL (lowest point below coping): RL:85.01 EGL (highest point below coping): RL:86.61 Coping Height (min)=-300mm Coping Height (max)=1.19 south west corner only for a small portion due to	Yes No(5)

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
	topography	
<p>Pool Setback</p> <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient space for amenity screen planting - Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m - Pool setback 3m+ from tree >5m height on subject or adjacent property - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure 	<p>Setback (min):900mm</p> <p>Landscaping proposed:3m high</p> <p>No trees within 3m</p> <p>Below ground</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Landscaping		
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 	<p>No trees to be retained</p> <p>Stairs and elevated ramp provided</p> <p>Obstruction-free pathway on one side of dwelling</p> <p>15m on landscape plan but it is not in a suitable location condition to relocate</p> <p>15m proposed in rear yard</p> <p>3m considered satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
2.7m. - OSD generally not to be located in front setback unless under driveway.	OSD in rear yard	Yes
- Landscaped front garden, with max 40% hard paving	Hard Paving: 33 %	Yes
Landscaping for lots with Urban Bushland or Overland Flow constraints - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.	Fill proposed subject to drainage engineers consent Condition of consent	No (6) Yes
Dwelling Amenity		
Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <u>Subject Dwelling:</u> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <u>Neighbouring properties are to receive:</u> - 2 hours sunlight to at least 50% of adjoining principal ground level open space	Living areas face North North >4m N facing windows: Min 3 hours POS: Min 2hours Hours of sunlight to adjoining principal open space: Min 2hours over 50%	 Yes Yes Yes Yes Yes

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.	Hours of sunlight to adjoining living area windows: min 3 hours	Yes
Visual Privacy - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.	Orientation of windows of living areas balconies and outdoor living areas are to the side (11900mm setback)and rear There are no close or direct views to adjoining dwelling views to Homebush Bay across the neighbours rear yard. Side windows are offset Balconies are narrow and 4m from the rear boundary	Yes Yes Yes
View Sharing - The siting of development is to provide for view sharing.	The siting of development is to provide for view sharing.	Yes
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies with Basix	Yes
External Building Elements		
Roof - Articulated. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Articulated. - No trafficable Terrace. - No Skylights No dormer windows and skylights	Yes Yes Yes Yes

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Fencing		
<p>Front/return:</p> <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm. 	<p><u>Front fence</u> Description: 1.2m timber open style</p> <p><u>Return fence</u> Description:</p>	Yes
<p>Side/rear fencing:</p> <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>Height: 1.8m Materials proposed: timber</p>	Yes
Part 7.2- Waste Minimisation & Management		
<p>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	Yes
Part 8.2 - Stormwater Management		
Stormwater		
<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p>	<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management</p>	Yes
Part 9.2- Access for People with Disabilities		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>Accessible path required from the street to the front door, where the level of land permits</p>	Yes
Part 9.4 – Fencing		
Front & return fences		
<p>Front and return fences that exceed 1m in height are to be 50% open</p>	<p>1.2m 50% open</p>	Yes

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
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 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.	<p>Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person (where necessary)?</p> <p>No trees proposed for removal no adjoining trees affected by the proposal</p>	Yes

BASIX		
<p>All ticked “DA plans” commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 417253S dated 26 February 2012</p> <p>ABSA Cert RWT 3800L</p> <ul style="list-style-type: none"> • Swimming Pool <ol style="list-style-type: none"> 1. <40kL 2. outdoors • Thermal Comfort Commitments – Construction. • HWS Gas Instantaneous 5 star. • Natural Lighting <ol style="list-style-type: none"> 1. kitchen 2. bathrooms (2) 	<p>Shown on plans</p> <p>Shown on plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Water Target 40 Energy Target 40</p>	<p>Water: 40 Energy: 40</p>	<p>Yes Yes</p>
<p>Correct description of property/proposal on 1st page of Certificate.</p>	<p>correct details: -</p>	<p>Yes</p>

ITEM 5 (continued)

ATTACHMENT 2

DEFERRED COMMENCEMENT

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

1. This consent shall not operate until the subject lot has been subdivided and registered with the Land and Property Information Office. The applicant is to provide documentation evidence to Council that the subject lot has been created and registered with the Land and Property Information Office prior to this consent being operative.

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.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Architectural Plans	15/10/2012 15/10/2012 1/06/2012	DA001 (revision C) DA101, DA102 (revision D), DA201, DA301, (revision C)
Landscaping Plans		Landscape Plan SK01 (revision D) to be amended match the architectural plans
Stormwater Concept Plans]	24/4/12	Job No SW11451 issue B sheet S3 & S4 prepared by ALW Design and as amended in red by Council.
Geotechnical report	21/02/2012	Reference No. 12598/1-AA(R) prepared by Geotechnique Pty Ltd
Flood Study Report	February 2012	Flood Study Report by Global Civil Pty Ltd, Job No 12002

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) Landscape Plan SK01 (revision D) to be amended match the architectural plans
- (b) Stormwater plan as amended in red by Council.

ITEM 5 (continued)

ATTACHMENT 2

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 417253S, dated 26 February 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **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.
6. **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.
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.
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, 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.

ITEM 5 (continued)

ATTACHMENT 2

11. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
12. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
14. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
22. **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.

ITEM 5 (continued)

ATTACHMENT 2

23. **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.
24. **Geotechnical Requirements.** All works on the subject site are constructed in full compliance with the recommendations as contained in the Geotechnique's report dated 21 February 2012 and their email to Cardno dated 15 March 2012.

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.

25. **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**.
26. **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**.
27. **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**. (dwelling houses with delivery of bricks or concrete or machine excavation)
28. **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

ITEM 5 (continued)

ATTACHMENT 2

29. **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**.
30. **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**.
31. **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.

32. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
33. **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**.
34. **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**.
35. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

ITEM 5 (continued)

ATTACHMENT 2

36. **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.
37. **Dilapidation Report.** Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.
- a) Road pavement
 - b) Kerb and gutter
 - c) Constructed footpath.
 - d) Drainage pits.
 - e) Traffic signs
 - f) Any other relevant infrastructure.

The report is also to be submitted to Ryde Council, attention development engineer, prior to the issue of the construction certificate. The report shall be used by council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the occupation certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Ryde City Council.

38. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable fully sealed 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.
39. **Geotechnical Report.** Prior to the issue of a **Construction Certificate**, the structural drawings shall be reviewed by a qualified geotechnical consultant to ensure that all recommendations made in the geotechnical report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd have been adhered to. The geotechnical engineer/consultant shall confirm the overall stability of the slope; and

ITEM 5 (continued)

ATTACHMENT 2

review structural drawings for footings, retention of excavation/fill and hydraulic disposal of storm water and confirm (in writing) that they are in accordance with the geotechnical report. The geotechnical consultant is to provide written confirmation that the structural and hydraulic drawings have been prepared in accordance with the recommendations contained in the above report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd and are suitable for sites at risk of slope instability

40. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$134.00 shall be paid to Council prior to the issue of the Construction Certificate
41. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
42. **Overland Flow Mitigation.** The following overland flow mitigation measures are to be carried out. These are also to be shown on all documentation to be submitted for approval with the Construction Certificate:
 - a). The recommendations of Part 8 of the Stormwater Flood Study Report by Global Civil Pty Ltd, Job No 12002, dated February 2012.
 - b). No changes to natural ground levels within the overland flow path except as allowed/required by the abovementioned report.
 - c). Any new front or rear fences where within the 100 year ARI flow zone, as shown in the abovementioned report, are to provide a clear gap at the base of at least 150mm above ground level which may be covered by an open-style pool type fence.
 - d). Landscaping works are not to obstruct overland flow.
43. **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.
44. **Sewer Connection.** A high level overflow pipe shall be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the Sydney water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the principal certifying authority (PCA), prior to occupation, issue of the occupation certificate or issue of the final compliance certificate.
45. **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 Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

ITEM 5 (continued)

ATTACHMENT 2

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.
46. **Retaining Walls.** Segmented construction of the retaining walls on the eastern boundary is required above the Council pipeline in order to allow for future maintenance works. Details to be provided to the PCA prior to the issue of a Construction Certificate.
47. **Retaining Wall Construction.** Both retaining walls at the eastern boundary should be supported by piers to rock as advised by the geotechnical report from Geotechnique Pty Ltd. Details to be provided to the PCA prior to the issue of a Construction Certificate.
48. **Structural Certification.** Prior to the issue of the Construction Certificate, a suitably qualified structural engineer shall certify that the retaining walls are able to withstand the loads due to embankment filling.
49. **Spillway.** The retaining wall along the eastern boundary should provide a spillway designed by a hydraulic engineer, adequate to contain and direct the 100 Year Overland Flow through the property. Details to be provided to the PCA prior to the issue of a Construction Certificate.
50. **Catch Drain.** A catch drain shall be constructed behind the lower retaining wall with an outlet joining the property drainage system of Lot B. Details to be provided to the PCA prior to the issue of a Construction Certificate.
51. **Embankment.** The landscape of the embankment between the two retaining walls shall be designed and constructed to control erosion and facilitate the surface water flow. Details to be provided to the PCA prior to the issue of a Construction Certificate.
52. **Permeable Fence.** A permeable fence must be provided with 32 Clanwilliam Street, designed by a Hydraulic Engineer to allow for the safe escape of the surface water downhill along its natural course. Details to be provided to the PCA prior to the issue of a Construction Certificate.

ITEM 5 (continued)

ATTACHMENT 2

53. **Deck Bridge.** The deck bridge shall be designed as a suspended structure. The underside of the structure must be minimum 150mm clear of 1 in 100 year ARI water level to allow free passage of overland flow. A certificate from a suitably qualified engineer to this effect shall be provided to the PCA prior to the issue of a Construction Certificate.
54. **Floodplain Engineering Certification.** Prior to the issue of the Construction Certificate, a suitably qualified floodplain engineer shall certify that all structures, storage areas and utility services below the 100 year ARI flood event plus 0.5m freeboard are designed to be flood compatible in accordance with Schedule 1, Appendix D of Draft Floodplain Management DCP Provisions in the Eastwood & Terry's Creek Floodplain Risk Management Study & Plan October 2009.
55. **Damage Deposit.** A damage deposit of \$40,000.00 shall be paid to cover the repairs in Wentworth Road to the kerb and gutter and road pavement that may occur during the period of development construction. The damage deposit will be refunded upon satisfactory completion of all construction works within Lot B and the issue of the final occupation certificate and upon submission of the second dilapidation report that shows no change in the condition of the road.
56. **Ausgrid.** The applicant shall contact Ausgrid concerning the two leaning power poles on the footpath of Wentworth Road which may be affected by the development construction.
Evidence is to be provided to the PCA prior to the issue of a Construction Certificate.
57. **Driveway and Pedestrian Access.** The driveway and pedestrian access shall be designed as a suspended structure. A suitably qualified structural engineer must certify that the suspended slab driveway structure is able to withstand the imposed loads. A certification must be provided to the PCA prior to the issue of the Construction Certificate.

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.

58. **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.

ITEM 5 (continued)

ATTACHMENT 2

- (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.

59. **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.
60. **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).

61. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
62. **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.

ITEM 5 (continued)

ATTACHMENT 2

63. **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.
64. **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
65. **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.

66. **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*.
67. **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.
68. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
69. **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.

ITEM 5 (continued)

ATTACHMENT 2

70. **Construction materials.** All materials associated with construction must be retained within the site.
71. **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.
72. **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.
73. **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".
74. **Tree protection – no unauthorised removal.** 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.
75. **Tree protection – during construction.** Trees within 3m (including adjoining neighbours trees) must be protected against damage during construction.
76. **Drop-edge beams.** 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.

ITEM 5 (continued)

ATTACHMENT 2

77. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).
78. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
79. **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.
80. **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.
81. **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, inter-allotment drainage 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.
82. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No SW11451 issue B sheet S3 & S4 dated 24/4/12 prepared by ALW Design and as amended in red by Council.
83. **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
 - Certification from the hydraulic engineer confirming that overland flow mitigation works have been carried out as required by the flood report.

ITEM 5 (continued)

ATTACHMENT 2

- Confirmation from a Geo-technical Engineer that during and after completion of works site has been inspected and all works have been completed in accordance with the report reference No. 12598/1-AA(R) dated 21 February 2012 prepared by Geotechnique Pty Ltd and complies with requirements for sites at risk of slope instability
 - 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.
 - Confirmation from Council that the connection of the site drainage system to the trunk drainage system complies with Council requirements and satisfactory.
 - Confirmation from a structural engineer that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
84. **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.
85. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council

ITEM 5 (continued)

ATTACHMENT 4

● Indicates submissions received

