

Meeting Date: Tuesday 6 November 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 16 October 2012

Report prepared by: Meeting Support Coordinator**File No.:** CLM/12/1/3/2 - BP12/1138

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 11/12, held on Tuesday 16 October 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 16 October 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 11/12

Meeting Date: Tuesday 16 October 2012

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

Time: 4.00pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Maggio, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Apologies: Nil.

Staff Present: Group Manager – Corporate Services, Group Manager – Environment & Planning, Service Unit Manager Assessment, Service Unit Manager Environmental Health & Building, Service Unit Manager – Governance, Team Leader – Assessment, Team Leader – Development Engineers, Assessment Officer, Team Leader – Strategic Planning, Business Support Coordinator – Environment & Planning, Councillor Support Coordinator and Acting Section Manager – Governance.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 4 – 62 Darvall Road, Eastwood for the reason that he attended school with the applicant's architect/representative.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Item 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Note: The Group Manager – Corporate Services was appointed by the General Manager to be the Returning Officer for conducting the election of the Chairperson and Deputy Chairperson.

The Returning Officer gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

ITEM 1 (continued)

ATTACHMENT 1

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

The Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

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

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.
- (b) That the General Manager or his delegate, as Returning Officer, undertake the election of the Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received nominations for Councillor Yedelian OAM and Councillor Simon.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with both Councillor Yedelian OAM and Councillor Simon that they accepted their nomination.

The ELECTION FOR CHAIRPERSON was conducted which resulted in the following voting:

Councillor Yedelian OAM 3 votes

Voting in favour: Councillors Chung, Maggio and Yedelian OAM

Councillor Simon 4 votes

Voting in favour: The Mayor, Councillor Petch and Councillors Pendleton, Salvestro-Martin and Simon.

As a result of the voting, **COUNCILLOR SIMON WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

Councillor Simon assumed the Chair.

ITEM 1 (continued)

ATTACHMENT 1

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson and received nominations for Councillor Chung and Councillor Pendleton.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with both Councillor Chung and Councillor Pendleton that they accepted their nomination.

The ELECTION FOR DEPUTY CHAIRPERSON was conducted which resulted in the following voting:

Councillor Chung 3 votes

Voting in favour: Councillors Chung, Maggio and Yedelian OAM

Councillor Pendleton 4 votes

Voting in favour: The Mayor, Councillor Petch and Councillors Pendleton, Salvestro-Martin and Simon.

As a result of the voting, **COUNCILLOR PENDLETON WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.**

2 CONFIRMATION OF MINUTES - Meeting held on 7 August 2012

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 10/12, held on Tuesday 7 August 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.

3 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling. LDA2012/0047.

Report: The Committee inspected the property at 958 Victoria Road, West Ryde.

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

ITEM 1 (continued)

ATTACHMENT 1

MOTION: (Moved by Councillors Maggio)

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be approved subject to the rear being demolished and appropriate conditions of consent being provided by the Group Manager – Environment and Planning at the Council Meeting on 23 October 2012.

Note: The above Motion lapsed for want of a seconder.

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

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Councillors Chung, Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as dissenting votes were recorded.

4 62 DARVALL ROAD, EASTWOOD. LOT 11 DP 6247. Local Development Application for demolition of existing dwelling and erection of a attached dual occupancy. LDA2011/380.

Report: The Committee inspected the property at 62 Darvall Road, Eastwood.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he attended school with the applicant's architect/representative.

Note: Mr Jeff Brown (on behalf of objectors) and Mr Hock Chua (owner) and Mr Alex Dounis (applicant) addressed the Committee in relation to this Item.

Note: Correspondence and plans submitted by the owner, Mr Hock Chua was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2011/380 at 62 Darvall Road, Eastwood being LOT 11 DP 6247 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an

ITEM 1 (continued)

ATTACHMENT 1

outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation.

5 59 WHARF ROAD, GLADESVILLE. LOT D DP 342402. Local Development Application to erect a new two storey dwelling, in-ground swimming pool and front fence. LDA2012/0071.

Report: The Committee inspected the property at 59 Wharf Road, Gladesville.

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector at 57 Wharf Road, Gladesville.

Note: Mr Martin Liu (on behalf of the objector) and Mr James Colman (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Maggio and Chung)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 OCTOBER 2012** as substantive changes were made to the published recommendation

The meeting closed at 7.00pm.

CONFIRMED THIS 6TH DAY OF NOVEMBER 2012.

Chairperson

2 29 DEVLIN STREET, RYDE. Lots 5 & 6 DP 83504. Application under Section 82A of the EP&A Act 1979, to review Council's determination of LDA2011/0521 for construction of a Residential Flat Building (APL2012/0001)

INSPECTION: 4.20pm
INTERVIEW: 5.30pm

Report prepared by: Architectus, Planning Consultants; Architectus, Planning Consultants

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

Report dated: 17/10/2012 **File Number:** grp/12/5/5/3 - BP12/1211

1. Report Summary

Applicant: Wade El Takchi

Owner: Rahmani International Pty Limited

Date lodged: 15 March 2012

This report considers a request by the applicant under Section 82A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to review Council's determination to refuse LDA2011/0521. The application was refused based on a number of reasons as indicated in the Notice of Determination (refer to **Attachment 1**).

APL2012/0001 sought to address the issues raised in Council's Determination Notice and included additional documentation in support of the application. The proposal has been amended in the following manner:

- Reduction in number of units (from 23 to 20 units);
- Change in dwelling mix;
- Size of courtyards increased;
- Internal reconfiguration of units so all living rooms facing western aspect achieve adequate solar access;
- Slight reduction in building height (from RL 76.00 to RL 75.80 to top of lift);
- Slight reduction in Floor Space Ratio (from 3.06:1 to 2.66:1);
- Setback to Belmore Lane of 2.5m;
- Slight reduction in width of driveway (from 5.8m to 5.6m);
- Slight reduction in number of car spaces (from 38 to 37);
- Introduction of new external material/finish (metal cladding to lift well);
- Slight increase in landscaped area (from 39% to 43.3%);
- Slight reduction in communal open space (from 25.6% to 24%).

The difference between the refused application and the Section 82A scheme that is the subject of this Review is provided on a 'feature by feature' basis in the table at **Attachment 2**. The revised proposal is substantially the same development for the purposes of Section 82A of the EP&A Act as demonstrated in this table.

ITEM 2 (continued)

The amended development addresses the reasons of refusal in the original development as well as resulting in minimal environmental impacts. Accordingly, the Section 82A review is recommended for approval.

Reason for Referral to Planning and Environment Committee: The original application was determined by staff under delegated authority. In accordance with Section 82A of the Environmental Planning and Assessment Act 1979, the review must be determined by Council.

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

Note: Two individual submissions were received during the assessment of the original DA.

Clause 4.6 RLEP 2010 objection required? Yes, clause 4.6 RLEP 2010 objection required for 36% variation to maximum building height development standard. The proposed building exceeds the maximum height limit (15.5 metres) above existing ground level by 5.6 metres on the southern elevation and 5.1 metres at the centre of site (location of lift core). This represents a non-compliance of 36% and 33% respectively.

Value of works? Not stated on the Section 82A application. \$5.1 million based on the refused application.

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

RECOMMENDATION:

- (a) That Section 82A Review No. APL 2012/0001 at 29 Devlin Street, Ryde being Lots 5 & 6 Section E in DP 83504 be approved subject to **'deferred commencement'** in accordance with Section 80(3) of the EP&A Act and subject to the **ATTACHED** conditions (Attachment 3).

'Deferred commencement' means the consent will not become operative until the Applicant has satisfied the requirements listed in Schedule 'A' of the consent. All issues shall be satisfactorily resolved within a period of six (6) months from the 'Determination Date', that is shown on the consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

ITEM 2 (continued)

(b) The following deferred commencement conditions will be imposed on the DA:

Part 1

1. The Applicant is to seek new BASIX and ABSA Certificates. The BASIX and ABSA Certificates must satisfy the requirements of these Certificates and Council.
2. A Demolition Plan must be provided for the demolition of the existing building and structures on site to the satisfaction of Council in accordance with:
 - a. Australian Standard AS 2601 – 1991 – The Demolition of Structures; and
 - b. “*Demolition Report for an existing Two and Three-Storey building located at 29 Devlin Street, Ryde*” (prepared by Architex dated 15th August 2011) submitted as part of Development Application APL 2012/0001.

Part 2

3. A detailed site investigation report is prepared and submitted for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation works.
Council may require a site audit of the detailed investigation report. If requested by Council, the proponent must submit a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997 verifying the information contained in the detailed site investigation.

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

ATTACHMENTS

- 1 Notice of determination for LDA2011/0521
- 2 Compliance table
- 3 Proposed conditions.
- 4 Map
- 5 A4 plans
- 6 A3 plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

ITEM 2 (continued)

Report Prepared By:

**Jane Fielding Senior Planner
Architectus, Planning Consultants**

**Michael Harrison Director
Architectus, Planning Consultants**

Report Approved By:

**Liz Coad
Manager Assessment**

**Dominic Johnson
Group Manager - Environment & Planning**

ITEM 2 (continued)

2. Site and Context *(Refer to Figure 1 below)*

The Site

- Address** : 29 Devlin Street, Ryde
(Lots 5 & 6, Section E, in DP 83504)
- Site Area** : 721.5 square metres
Frontage:
 - 20.9 metres to Devlin Street;
 - 20.04 metres to Belmore Lane.Depth:
 - 35.815 metres to northern boundary;
 - 36.105 metres to southern boundary.
- Topography and Vegetation** : The site slopes from the eastern boundary at Devlin Street down to the western boundary at Belmore Lane. The elevational change ranges from minimum 7.5 metres up to 9.5 metres between these boundaries, representing slopes of between 21.1% and 26.2%.
- Existing Buildings** : Part 2 & 3 storey brick building that is occupied by a carpet and rug retail store.
- Planning Controls Zoning** : Zone B4 Mixed Use (Ryde Local Environmental Plan 2010)
- Other** :
 - State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development
 - State Environmental Planning Policy (Infrastructure) 2007
 - State Environmental Planning Policy No. 55 – Remediation of Land
 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 1994
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 - a Deemed SEPP
 - Residential Flat Design Code
 - Ryde DCP 2010

ITEM 2 (continued)

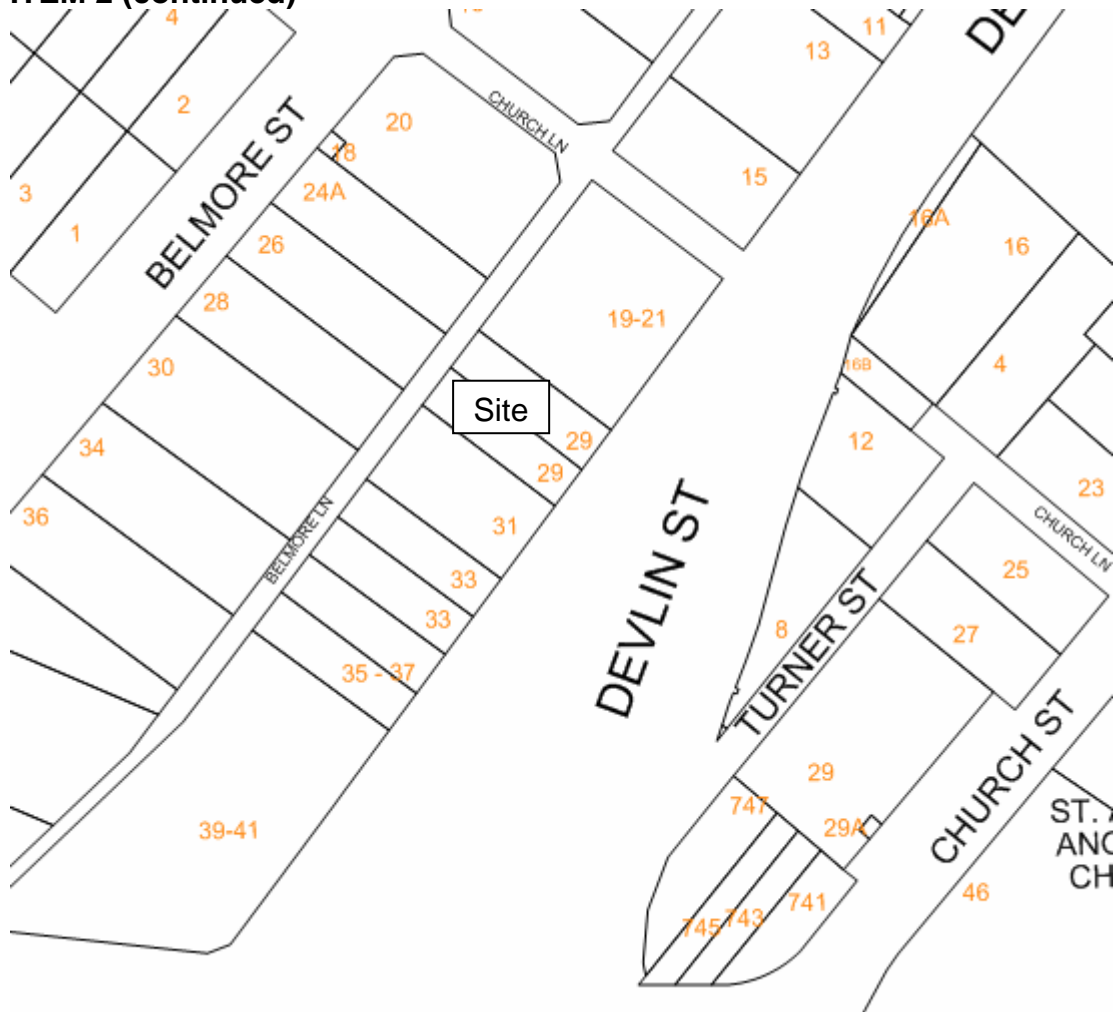


Figure 1 Site map

Immediately Surrounding Development

The existing surrounding development includes:

- Commercial building (4 storeys) occupied by Centrelink directly abutting the northern boundary of the site. The ground level of this land is higher than the site. The southern wall of this building is built to the boundary that will present as a 10 metres high blank wall to the proposed internal courtyard.
- There are two residential flat buildings (RFBs) adjoining the southern boundary of the site that are each 4 storeys in height. The ground level of this land is set lower than the site.
- There are existing single dwellings and RFBs located west of the site across Belmore Lane. These range between 2 and 3 storeys in height. The ground level of this land is set lower than the site.

It is noted that this surrounding development is situated on land that has the same zone as the site (ie. Zone B4 Mixed Use).

ITEM 2 (continued)



Figure 2: View of Belmore Lane behind the site

This photo shows that the ground levels to the lots vary along the laneway.



Figure 3: View north to existing building on site.

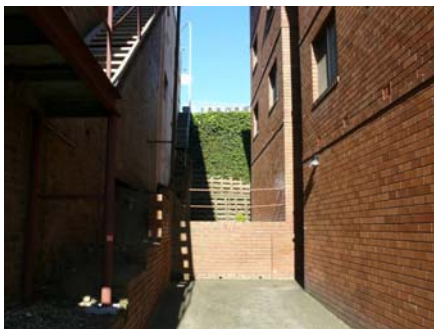


Figure 4: View east between the site (left) and residential flat building (right).

This photo shows the elevational difference from Devlin Street and between the site and neighbouring lot.

Broader Context

- The site is located within the Ryde Town Centre. The commercial centre is located to the north-east of the site. Top Ryde City Shopping Centre is located approximately 600 metres north-east of the site and presently dominates the view driving north along Devlin Street from the intersection with Victoria Road.
- A heritage precinct is located directly east of the site across Devlin Street. This land is set at a much higher elevation than the site.
- Low density housing is situated further west of the site.
- Ryde Park is situated within an 800 metres catchment to the north-east of the site across Devlin Street.

ITEM 2 (continued)

- There is a mixture of commercial, retail and residential uses along Devlin Street, ranging in height from 1 to 4 storeys. The corner of Devlin Street and Victoria Street has a car dealership. The frontage to Devlin Street is visually dominated by this major arterial road.
- There are views from Devlin Street to the west over Ryde and to distant mountains beyond.



Figure 5: View to neighbouring residential flat building at 31 Devlin Street from Belmore Lane

This photo shows that there are windows and balconies to the western frontage of the building.



Figure 6: View north along Devlin Street near the site.

This photo shows the 'Top Ryde' Shopping Centre in background which presently dominates the view.



Figure 7: View from heritage precinct towards site

This photo shows how much at a lower level and setback the residential flat buildings to the site are. The existing Fig tree shown at centre of the photo will over time visually screen the proposed development from Devlin Street.

ITEM 2 (continued)**Site Constraints**

The site constraints include:

- There are significant noise impacts from traffic on Devlin Street;
- The lot to the north is set at a higher elevation and there is an existing building built along the northern boundary of the site which has a 10 metre high wall;
- The lot to the south (existing residential use) is set at a lower level;
- Vehicular access cannot be provided to the site from Devlin Street; and
- It is steeply sloping site.

The future character for the precinct is described in Part 4.4 of the DCP. Refer to Section 9(e) below for an assessment of the key DCP provisions.

3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No

5. Proposal

Development Application LDA2011/0521 was lodged with Council on 5th October 2011 and refused by Council Officers under delegated authority on 5 December 2011. The application was for a mixed use development (part 5/7 storeys), comprising 23 apartments, commercial office use, communal open space on roof terrace, private courtyards, landscaping, and basement car parking over 3 levels for 38 vehicles.

The amended development scheme that is the subject of the Section 82A review application APL2012/0001 is for mixed use development (part 5/7 storeys) comprising 20 apartments, commercial office use, communal open space on roof terrace, private courtyards, landscaping, and basement car parking over 3 levels for 37 vehicles.

The residential mix of the s82A amended scheme comprises:

- 4 x 1 bedroom apartments (including 3 with media rooms);
- 12 x 2 bedroom apartments (including 3 with media rooms); and
- 4 x 3 bedroom apartments.

ITEM 2 (continued)

There are two commercial tenancies in the development that have direct pedestrian access from Devlin Street. They have the following floor areas:

- 79.4 sqm nett; and
- 83.3 sqm nett.

Other details of the development include:

- All of the apartments have private balconies;
- 2 apartments are adaptable units and there are 2 accessible car parking spaces in the basement to serve these units;
- There is a lift to provide access to all apartments and commercial office space from basement level car parking;
- All units are orientated east-west with dual aspects and openings;
- There are separate waste storage areas for the apartment and the commercial office space in the basement.
- The eastern portion of level 3 contains storage areas for each unit (of approximate areas 2 metres x 2 metres); rainwater tank; bike store; and equipment room.

There are two central courtyards that assist in achieving natural ventilation for most units, solar access and visually breaking up the mass of the building.

Refer to '6. Background' below for details on changes to the development scheme, noting differences between the original lodged development scheme with the current amended scheme.

6. Background

The original Development Application (LDA2011/0521) for mixed use development was lodged with City of Ryde Council on 5th October 2011. Council's Design Review Panel considered the DA on 4th November 2011. The DA was refused by Council Officers under delegated authority on 5 December 2011.

The applicant lodged an Application for Review of Determination on 15 March 2012 in accordance with Section 82A of the Environmental Planning and Assessment Act 1979 (EP&A Act). This included amended plans, and an amended Statement of Environmental Effects (SEE) to address the amended development scheme.

The s82A review was considered by Council's Urban Design Review Panel on 18 April 2012. At this meeting, a number of recommendations were made for a redesign to better address the requirements of SEPP 65 and to generally achieve a better design that limited adverse impacts on amenity. As a consequence the applicant submitted amended plans on 1 June 2012.

ITEM 2 (continued)

The consultant firm, Architectus, was engaged by Council to undertake an independent assessment of the DA under a Section 82A review. As a result of their preliminary assessment of the amended development scheme, together with the comments from the Design Review Panel, recommendations were made to update the DA documentation and amendments to the Architectural plans (a redesign). This preliminary assessment letter was sent to the Applicant dated 31 May 2012. Further amended plans were submitted on 16 July 2012.

It is the amended drawings received by Council on 16 July 2012 that are the subject of this report to Council's Planning and Environment Committee.

The difference between the original DA and the first amended development scheme is summarised in a table at **Attachment 2** below.

It should also be noted that the site has a valid Development Consent No. LDA2008/0618 for a four (4) storey motel development. The applicant has shown the overshadowing impacts of the approved motel development compared with the impacts from the existing and proposed development on the 'Shadow Elevations of Adjoining Property'.

7. Submissions

The amended proposal (the subject of the Section 82A review) was advertised and notified in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 2 May 2012. Notification of the proposal was from 27 April 2012 until 23 May 2012.

Seven (7) submissions were received. The issues raised in the submissions are summarised and addressed in Table 1 below. Additional justification supporting the response is provided following the table, including supporting diagrams.

The applicant submitted amended plans which were not re-notified. Details of the changes are detailed in **Attachment 2**. In summary the changes included:

- Further information in respect of the solar access.
- Reduction in the massing of the lift core on level 7.
- Deletion of the covered area over the bridge link to the communal open space on level 6.
- Changes to the windows in the communal unit to high level windows which are not openable.
- Deletion of the opening to the light well to the car park.
- Design unit layout so that the 2nd bedroom rather than the main bedroom opens onto the light well.
- Change the glass in the fire stairs to obscure glass.

ITEM 2 (continued)

- Provision of privacy louvers to the open bridge.
- Redesign of the units facing Devlin Street so that the living areas are on the western face of the unit.

The above changes do not result in significant variation to the architectural plans. In accordance with Council's Notification DCP, it was not necessary to readvertise / renotify these plans.

Table 1: Summary of Submissions Received on DA

No.	Objector	Date	Key Issues Raised	Response
1	31 Devlin Street	01/5/12	<ul style="list-style-type: none"> • Believed changes to scheme are cosmetic only. States that they still object to the development and the previous submission dated 06/11/2011 still applies. • Suggested solar panels on roof. 	Refer below.
2	4/31 Devlin Street	06/5/12	<ul style="list-style-type: none"> • Bulk and scale impacts. • There will be full overshadowing of their unit. • Concerned retaining wall is not structurally sound. • Questioned if there can be compensation for their loss of amenities. 	<ol style="list-style-type: none"> 1. The proposed development will not produce significant overshadowing impacts and the extent of overshadowing will be little beyond the existing approved motel development. 2. Condition that the dilapidation survey be undertaken. (See condition no. 44). 3. This is outside the scope of the assessment.
3	6/31 Devlin Street	23/05/12	<ul style="list-style-type: none"> • Concerned about loss of solar access and overshadowing of their unit. • Concerned retaining wall is not structurally sound. • Questioned if there can 	<p>Refer to response above.</p> <p>Dilapidation report is recommended as a condition of consent. (See condition no. 44).</p>

ITEM 2 (continued)

No.	Objector	Date	Key Issues Raised	Response
			be compensation for their loss of amenities.	
4	Strata Manager representing Owners Corporation of Strata Plan 4450 for 29 and 31 Devlin Street	23/05/12	<ul style="list-style-type: none"> Height of building will result in overshadowing of an already cold building. Concerned that retaining wall at the boundary will be damaged during works. Request a Dilapidation Report. 	Refer to response above.
5	9/31 Devlin Street	Undated. Received 24/05/12	<ul style="list-style-type: none"> If damage is caused to the neighbouring property, he will hold the owners and builders responsible. 	Refer to response above.
6	5/24 Belmore Street	22 May 2012	<ul style="list-style-type: none"> Increased traffic. Increased overshadowing. 	<ol style="list-style-type: none"> While the development will increase traffic in the laneway (37 car spaces will be provided on site) the development has been pulled back from the laneway (by 2.5m) to accommodate future road widening. Refer to overshadowing response below.
7	10/31 Devlin Street	22 May 2012	<ul style="list-style-type: none"> Overshadowing. Increased power bills due to overshadowing. Loss of privacy. Concern about the retaining wall at the boundary. 	<ol style="list-style-type: none"> Refer to overshadowing response below. As above. There are few windows to the southern elevation and these comprise 'fire rated obscure glass' to mitigate potential for overlooking.

ITEM 2 (continued)

No.	Objector	Date	Key Issues Raised	Response
				4. Condition that the dilapidation survey be undertaken. (See condition number 44).

Overshadowing

The development will produce overshadowing of the residential flat building to the south of the site (31 Devlin Street) on 21st June compared to the existing situation:

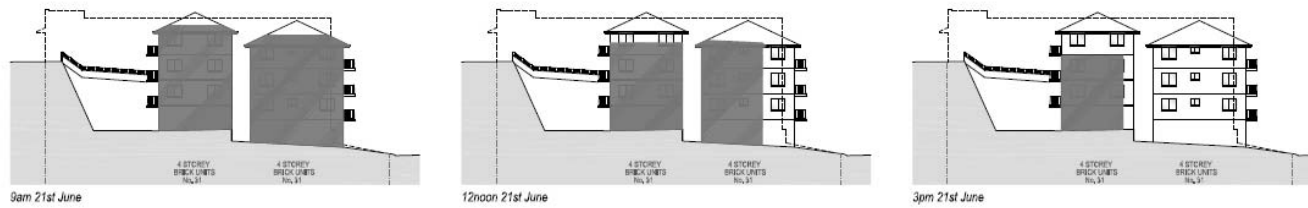
- Additional 5 north-facing windows at 3pm;
- Additional 3 north-facing windows at 12 noon.

Refer to the Elevational Shadow diagrams at **Figure 8** below.

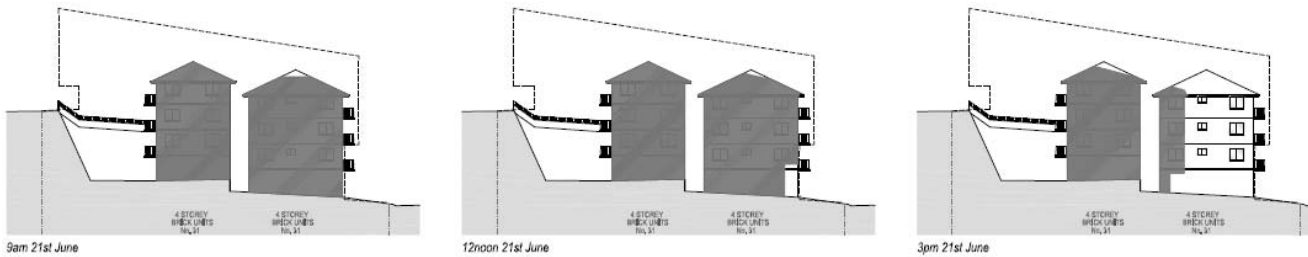
However the building will contribute only a marginal increase in overshadowing compared to overshadowing produced by the approved 4 storey motel development on the site. This is demonstrated in **Figure 8** below.

Furthermore, these impacted units have primary windows to their eastern and western façades. Balconies are located to the western frontage (shown at **Figure 8**) which would take advantage of views and provide required solar access. Therefore the impact is considered minor and acceptable.

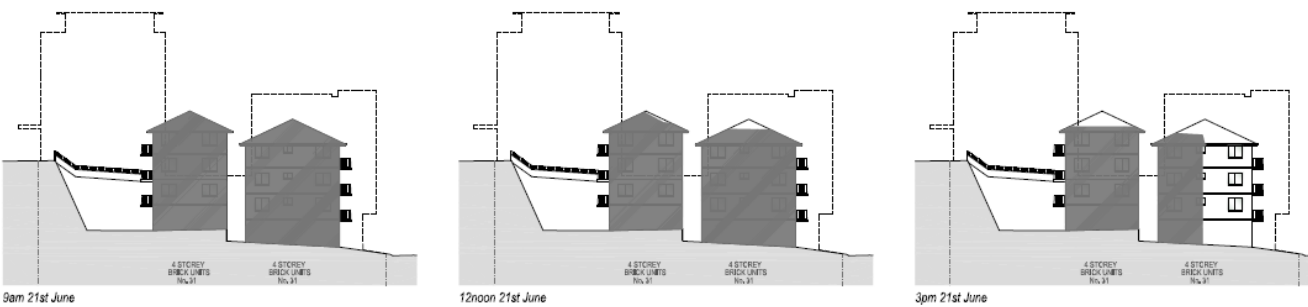
ITEM 2 (continued)



Shadows of Existing Building



Shadows of Approved DA Consent



Shadows of Proposed Development

Figure 8: Extract from Elevational Shadow diagrams

Source: Architex

8. Review of Amended Proposal

The application was refused on a number of grounds as indicated in the Notice of Determination (refer to **Attachment 1**). As part of the Section 82A Review Application, the applicant has provided responses to each of the reasons of refusal either via amended plans or by submission of additional information in support of the application.

An assessment of the revised plans and additional information is summarised and discussed below:

Reasons for Refusal

- i. *“The proposed development is inconsistent with the design quality principles outlined in State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development in respect to context, scale, built form, density, resource, energy and water efficiency and amenity.”*

ITEM 2 (continued)
Consultant Planner's Comments:

The proposed development has been assessed against the 10 design quality principles identified under SEPP 65 in Table 4 below.

Table 2: Assessment of proposed development against Design Quality Principles in SEPP 65

Design Quality Principles (SEPP 65)	Response	Comply
<p>Design Quality Principle 1: Context</p> <p><i>“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</i></p> <p><i>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.”</i></p>	<p>The precinct is identified in an area of transition in the Ryde Town Centre DCP (Part 4.4) as a ‘Major Gateway’ location. It is identified in a mixed use zoning and it can be expected that older buildings in the area will be redeveloped. The proposed development responds to the aspiration for mixed use and delivers on the Gateway character by embracing the maximum height limit and zero setback at this frontage, and addressing the primary frontage with commercial office space.</p>	<p>Yes</p>
<p>Design Quality Principle 2: Scale</p> <p><i>“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</i></p> <p><i>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.”</i></p>	<ul style="list-style-type: none"> • The proposed bulk and height of the building immediately to the street frontages achieves the scale that is identified for the future character of the area, and is appropriate. • It is at the centre of the site and to the side elevations that the building density exceeds the height limit. • The residential flat buildings on the lot to the south of the site currently have an approximately 12.5 metres high wall (that includes 4 metres high retaining wall and an 8.5 metres high wall of building) presenting on their northern boundary. • The fig tree at Devlin Street in the verge area south of the site (refer to 	<p>Yes</p>

ITEM 2 (continued)

Design Quality Principles (SEPP 65)	Response	Comply
	Figure 5) will increasingly obscure the proposed building as the tree grows.	
<p>Design Quality Principle 3: Built Form</p> <p><i>“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.</i></p> <p><i>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.”</i></p>	<p><i>Building alignments / setbacks</i></p> <ul style="list-style-type: none"> • There are no DCP setback controls applying to the site. The proposed building will be built to the street frontage at Devlin Street (zero setback). This is considered consistent with the precinct’s future character of a ‘major gateway’ area that the building is built to this street frontage. • Building to the northern site boundary is appropriate given that the existing Centrelink building is also built to this boundary and presents as a blank wall to the site. • The setback to Belmore Lane has increased to 2.5 metres to accommodate future road widening and footpath. • The proposed building will be built to the southern side boundary (zero setback). The height of the wall (combination of retaining wall and proposed wall of building) is increasing compared to the existing situation, as discussed under Principle 2 above. • The central courtyard areas have been increased in size and break the building up into two towers connected by a central lobby and lift. <p><i>Building proportions and building elements</i></p> <ul style="list-style-type: none"> • ‘Blockish’ buildings are more commercial in their appearance. The site is identified in a ‘major gateway’ location and so this is appropriate development for the Devlin Street frontage. • The proposed eighth floor level, while pushing the building over the height limit, does create visual 	Yes

ITEM 2 (continued)

Design Quality Principles (SEPP 65)	Response	Comply
	interest because it is set back from the building line.	
<p>Design Quality Principle 4: Density</p> <p><i>“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</i></p> <p>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>	<ul style="list-style-type: none"> • There are no floor space controls that apply to the site. Density is only regulated by the Building Height development standard in the LEP. • The site is located in the Ryde Town Centre, as defined in the LEP and DCP. It is specifically located in the Commercial Edge West Precinct (Precinct 7) in the DCP, is identified in a major gateway area, and is zoned to permit mixed use development. On this basis, it is expected that relatively high densities can be supported on the site because of close proximity to public transport and other services. 	Yes
<p>Design Quality Principle 5: Resource, Energy and Water Efficiency</p> <p><i>“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</i></p> <p><i>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.”</i></p>	<ul style="list-style-type: none"> • The SEE specifies those sustainable features in the proposed building’s design and construction as including natural ventilation; energy efficient gas hot water system; rainwater collection and storage for irrigation of planter boxes and deep soil areas. • The proposed development includes two apartments that are capable of being adapted to meet the Australian Standard for Adaptable Housing. This means that major modifications is not required to these units to facilitate more accessible living, because the units have already been designed to ensure that only minimal modification is required. • The proposed landscape design includes private courtyards and communal open space on the roof level that include small trees. 	Yes

ITEM 2 (continued)

Design Quality Principles (SEPP 65)	Response	Comply
<p>Design Quality Principle 6: Landscape</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours’ amenity, and provide for practical establishment and long term management.”</i></p>	<ul style="list-style-type: none"> • The landscape design incorporates private and communal open space that includes planter beds and small trees. • The communal open space on roof level will allow for spectacular views to the west. • There are three types of small tree proposed in the planting scheme. 	Yes
<p>Design Quality Principle 7: Amenity</p> <p><i>“Good design provides amenity through the physical, spatial and environmental quality of a development.</i></p> <p><i>Optimising amenity requires appropriate room dimensions and shapes,</i></p>	<p>In summary, the proposed development provides for adequate amenity in respect of the matters referenced under the principle.</p> <p><i>Outlook / privacy</i></p> <p>Within the development:</p> <ul style="list-style-type: none"> • A separation distance of 9 metres is 	Yes

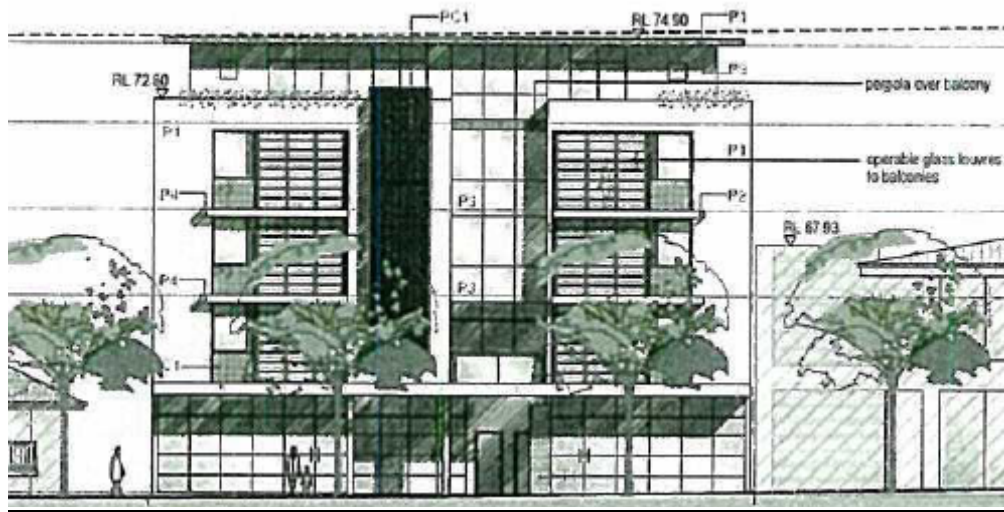
ITEM 2 (continued)

Design Quality Principles (SEPP 65)	Response	Comply
<p><i>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.”</i></p>	<p>proposed between units and commercial office space and between units and other units. Mitigating measures proposed include fixed or sliding louvred screens to windows where they are located opposite windows of other units.</p> <p>From the proposed development:</p> <ul style="list-style-type: none"> • Over Devlin Street – which is a four-lane carriageway with road cut and retaining wall beyond. This is not a desirable outlook for dwellings. Living rooms have been orientated internally to the development. • To the residential flat buildings south of the site – there are few windows to this frontage and these comprise ‘fire rated obscure glass’ to mitigate potential for overlooking. <p>Refer to response to other principles and response to provisions of the RFDC below for other amenity considerations.</p>	
<p>Design Quality Principle 9: Social Dimensions</p> <p><i>“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</i></p> <p><i>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.</i></p>	<p>The proposed development will provide for a mix of dwellings (20% 1 bed; 60% 2 bed; 20% 3 bed) and is located close to the Ryde Town Centre and public transport.</p>	<p>Yes</p>

ITEM 2 (continued)

Design Quality Principles (SEPP 65)	Response	Comply
<p><i>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.”</i></p>		
<p>Design Quality Principle 10: Aesthetics</p> <p><i>“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.”</i></p>	<p>The Site Elevations provide details on the external materials and finishes. The exterior walls will comprise mostly paint finish and the lift well will be metal clad. Louvre screens will front most of the balconies and glass louvre windows are fitted to the bridge link. This is demonstrated in the eastern elevation of the building following this table.</p>	<p>Yes</p>

ITEM 2 (continued)



The above assessment demonstrates that the amended development complies with the 10 design principles in SEPP 65. This is no longer considered a valid reason for refusal.

- ii. ***“The proposed development is inconsistent with the guidelines of the Residential Flat Design Code in respect to height, building separation, orientation, visual privacy, pedestrian access, vehicular access, daylight access, natural ventilation, balconies and waste management which results in a development with poor residential amenity, inadequate environmental sustainability and lower design quality.”***

Consultant Planner’s Comments:

The Residential Flat Design Code (RFDC) implements SEPP 65. It has the status of a DCP.

Table 3: Assessment of proposed development against RFDC provisions

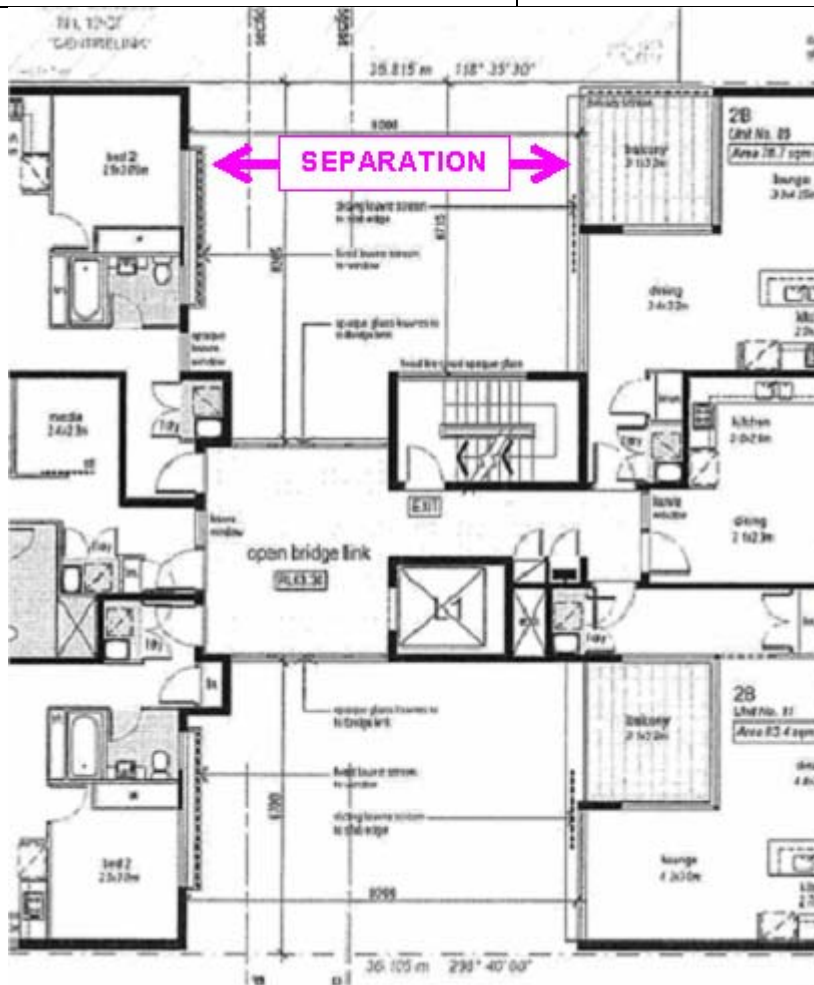
RFDC Provision	Comments	Comply
<p>Building Height</p> <p>Objectives</p> <p>a. To ensure future development responds to the desired scale and character of the street and local area.</p> <p>b. To allow reasonable daylight access to all developments and the public domain.</p>	<ul style="list-style-type: none"> The proposed development delivers on the Gateway character by embracing the maximum height limit to the street frontages, building to a zero setback to this frontage, and addressing the primary frontage with commercial office space. The communal open space (on roof) will receive adequate 	<p>Yes</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
	solar access. <ul style="list-style-type: none"> The proposed development will overshadow north facing windows of the residential flat building (31 Devlin Street) however the impact is considered minimal. Refer to 'daylight access', below. 	
<p>Building Separation</p> <p>Objectives</p> <p><i>To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.</i></p> <p>a. <i>To provide visual and acoustic privacy for existing and new residents.</i></p> <p>b. <i>To control overshadowing of adjacent properties and private or shared open space.</i></p> <p>c. <i>To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.</i></p> <p>d. <i>To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.</i></p> <p>Designing the controls</p> <p><i>For buildings over three storeys, it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Suggested dimensions within a development, for internal courtyards and between adjoining sites are:</i></p> <p>a. <i>up to four storeys/12 metres</i></p> <p>b. <i>12 metres between habitable rooms/balconies</i></p>	<ul style="list-style-type: none"> The residential units on levels 3 and 4 will be located across from the commercial office space, and therefore the 9 metre building separation control applies, with which the building complies. The residential units on levels 5 are located opposite other residential units. These are separated by 9 metres. Therefore the 18 metres building separation control applies in this instance. Proposed mitigation measures for privacy impacts include 'fixed louvre screen' to bedroom windows and sliding louvre screens to balconies as demonstrated in the diagram at the base of this table. The residential units on level 6 are located opposite the communal open space (approximately a 10 metres separation distance). Proposed measures to mitigate privacy impacts include 'sliding louvre screen' to balconies/living room windows that face opposite. The residential units on levels 7 and 8 are not located directly opposite any units or open space at the same level. Refer to response to 'visual privacy', 'acoustic privacy', 	Acceptable non-compliance

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p>c. 9 metres between habitable/balconies and non-habitable rooms</p> <p>d. 6 metres between non-habitable rooms</p> <p>e. five to eight storeys/up to 25 metres</p> <p>f. 18 metres between habitable rooms/balconies</p> <p>g. 13 metres between habitable rooms/balconies and non-habitable rooms</p> <p>h. 9 metres between non-habitable rooms</p>	<p>daylight access', above and below.</p> <ul style="list-style-type: none"> • For deep soil zone and open space provision, refer to response to Principle 5 above. • For overshadowing impacts on adjacent properties refer to response to LEP, Clause 4.3. 	



(Diagram as referred to in above table showing separation of units on level 5)

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p>Orientation</p> <p>Objectives</p> <p>a. <i>To optimise solar access to residential apartments within the development and adjacent development.</i></p> <p>b. <i>To contribute positively to desired streetscape character.</i></p> <p>c. <i>To support landscape design of consolidated open space areas.</i></p> <p>d. <i>To protect the amenity of existing development.</i></p> <p>e. <i>To improve the thermal efficiency of new buildings.</i></p>	<ul style="list-style-type: none"> • The residential units cannot orientate their frontages (openings) to the north because the existing Centrelink building is built to the boundary and presents a 10 metre high blank wall to the site. Accordingly, the units in the development have east-west aspects /openings. • The building provides the desired streetscape character to Devlin Street as set out in the Ryde Town Centre DCP. • The communal open space (on roof) achieves adequate solar access. Additional shading has been provided through planting of small trees to the west of the roof in a planter box. • Thermal efficiency of the building is governed by BASIX / ABSA requirements. The proposed development passes these requirements. 	<p>Yes</p>
<p>Acoustic Privacy</p> <p>Objectives</p> <p>a. <i>To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings both within the apartments and in private open spaces.</i></p> <p><i>Better Design Practice</i></p> <p>b. <i>Utilise the site and building layout to maximise the potential for acoustic privacy</i></p>	<p>From proposed commercial office space to proposed dwellings:</p> <ul style="list-style-type: none"> • The Design Review Panel made recommendations in relation to acoustic privacy which have been incorporated by the applicant in the design. <p>To dwellings within the</p>	<p>Conditioned to comply.</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p><i>by providing adequate building separation within the development and from neighbouring buildings.</i></p> <p><i>c. Arrange apartments within a development to minimise noise transition between flats.</i></p> <p><i>d. Design the internal apartment layout to separate noisier spaces from quieter spaces.</i></p> <p><i>e. Resolve conflicts between noise, outlook and views by using design measures including:</i></p> <ul style="list-style-type: none"> <i>• double glazing</i> <i>• operable screened balconies</i> <i>• continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.</i> <p><i>f. Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.</i></p>	<p>development:</p> <ul style="list-style-type: none"> • The central private courtyards contain greater areas of soft landscaping than hard surfaces which will absorb noise, minimising the noise transmission to other units above. • The windows and sliding doors to the eastern façade of the eastern tower will have double glazing to mitigate noise from Devlin Street. • Those units that front Devlin Street will have mechanical ventilation (air conditioning) due to noise emissions from this arterial road. • Balconies will have operable glass louvers (winter garden). <p>To dwellings external to development – the noise impacts to adjacent dwellings is anticipated to be minimal because:</p> <ul style="list-style-type: none"> • There are limited openings from the southern building façade (windows) fronting the residential flat buildings to the south. • There will be trees and shrubs separating the paved private courtyard area to the southern site boundary which will assist to buffer noise transmission. 	

ITEM 2 (continued)

RFDC Provision	Comments	Comply
	<p>From the proposed roof terrace to south and east of the site:</p> <ul style="list-style-type: none"> The proposed planter box will assist to buffer noise transmission and will prevent overlooking to the adjoining properties. <p>Recommendations from the Acoustic report that accompanied the DA will be incorporated into conditions of consent. Refer to Condition No. 23.</p>	
<p>Visual Privacy</p> <p>Objectives</p> <p>a. <i>To provide reasonable levels of visual privacy externally and internally, during the day and at night.</i></p> <p>b. <i>To maximise outlook and views from principal rooms and private open space without compromising visual privacy.</i></p> <p>Rule of Thumb</p> <p>c. <i>Refer to Building Separation minimum standards (see Building Separation).</i></p>	<ul style="list-style-type: none"> Refer to response to Building Separation above. Refer to 'Outlook / privacy' at response to Principle 7 above. 	-
<p>Pedestrian access</p> <p>Objectives</p> <p>a. <i>To promote residential flat development which is well connected to the street and contributes to the accessibility of the public domain.</i></p> <p>b. <i>To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their apartment and use communal areas via minimum grade ramps, paths, access</i></p>	<ul style="list-style-type: none"> The street footpath to Devlin Street will be maintained. 2.5m setback has been provided to Belmore Lane to accommodate a future footpath and road widenings. A lift will be provided in the development that will serve the commercial office space, residential units, and will provide 	Yes – except location of bike storage areas do not allow for ease of access.

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p><i>ways or lifts.</i></p> <p>Rules of Thumb</p> <p>c. <i>Identify the access requirements from the street or car parking area to the apartment entrance.</i></p> <p>d. <i>Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum.</i></p> <p>e. <i>Provide barrier free access to at least 20 percent of dwellings in the development.</i></p>	<p>access to basement car parking.</p> <ul style="list-style-type: none"> • Two of the total 20 units have been provided as adaptable units. This is consistent with the Rule of Thumb. • The Access/Compliance report (August 2011) accompanying the DA states that all compliance requirements in respect of BCA Part D3, DDA 1992, Access to Premises standards, Ryde DCP 2010 has been catered for in the development. • The bike storage area is on level 3 which requires the transfer of bikes via the lift which is not a good outcome. 	
<p>Vehicle access</p> <p>Objectives</p> <p>a. <i>To integrate adequate car parking and servicing access without compromising street character, landscape or pedestrian amenity and safety.</i></p> <p>b. <i>To encourage the active use of street frontages.</i></p> <p>Rules of Thumb</p> <p>c. <i>Generally limit the width of driveways to a maximum of six metres.</i></p> <p>d. <i>Locate vehicle entries away from main pedestrian entries and on secondary frontages.</i></p>	<ul style="list-style-type: none"> • The proposed driveway width is 5.6 metres. This width is consistent with requirements of AS2890.1. • The vehicle entry will be to the secondary frontage (Belmore Lane) which will also accommodate service access. • Commercial office space will be provided to Devlin Street that will promote an active street frontage. • Does not incorporate loading bay. It is suggested that since car parking spaces have been provided above the minimum requirement that a condition of consent be made to allocate one of 	<p>Conditioned to comply.</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
	these car spaces as a loading bay. <ul style="list-style-type: none"> Refer to Conditions 5, 36 and 41. 	
<p>Daylight access</p> <p>Objectives</p> <p>a. <i>To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.</i></p> <p>b. <i>To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.</i></p> <p>c. <i>To provide residents with the ability to adjust the quantity of daylight to suit their needs.</i></p> <p>Rules of Thumb</p> <p>d. <i>Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.</i></p> <p>e. <i>Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10 percent of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).</i></p> <p>f. <i>See Apartment Layout for additional rules of thumb.</i></p>	<p>To dwellings within the development:</p> <ul style="list-style-type: none"> Living rooms – 14 units will achieve minimum 3 hours of direct sunlight to windows according to the solar access diagrams. This represents 70% compliance which complies with the RFDC rule of thumb. Each unit will have a balcony that will achieve minimum 3 hours of direct sunlight. The communal open space is located on the roof of the development and therefore this will receive adequate solar access. Small trees to the western side of the roof will provide some shade. There are no apartments in the development that will have a southerly aspect as they are all orientated east-west with openings to these orientations. 	<p>Yes</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p>Natural ventilation</p> <p>Objectives</p> <ul style="list-style-type: none"> a. <i>To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.</i> b. <i>To provide natural ventilation in non-habitable rooms, where possible.</i> c. <i>To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</i> <p>Rules of Thumb</p> <ul style="list-style-type: none"> d. <i>To ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.</i> e. <i>To provide natural ventilation in non-habitable rooms, where possible.</i> f. <i>To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</i> 	<ul style="list-style-type: none"> • Natural ventilation is facilitated in the apartments by provision of two towers and central courtyard areas, which allow for two openings and possible cross ventilation for units. • All windows to residential units directly fronting Devlin Street have fixed glass (except Level 8 and windows recessed back from balconies that can be enclosed). • Most of the bedrooms of residential units fronting Devlin Street all require mechanical ventilation due to noise emissions from this arterial road. This is recommended in the acoustic report and will be a condition of consent. • Refer to Condition No. 23. 	Conditioned to comply.
<p>Balconies – Objectives</p> <ul style="list-style-type: none"> a. <i>To provide all apartments with private open space.</i> b. <i>To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for apartment residents.</i> c. <i>To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.</i> d. <i>To contribute to the safety and liveliness of the street by</i> 	<ul style="list-style-type: none"> • All apartments are provided with private open space in the form of balconies, and these are integrated into building facades. • Some of the balconies provide articulation to the Devlin Street façade. • The balconies proposed are functional because they provide large areas in excess of the minimum 2 metres depth. 	Yes

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p><i>allowing for casual overlooking and address.</i></p> <p>Rules of Thumb</p> <p>e. <i>Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind-can not be satisfactorily mitigated with design solutions.</i></p> <p>f. <i>Require scale plans of balcony with furniture layout to confirm adequate, useable space when an alternate balcony depth is proposed.</i></p>		
<p>Waste Management</p> <p>Objectives</p> <p>a. <i>To avoid the generation of waste through design, material selection and building practices.</i></p> <p>b. <i>To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development.</i></p> <p>c. <i>To encourage waste minimisation, including source separation, reuse and recycling.</i></p> <p>d. <i>To ensure efficient storage and collection of waste and quality design of facilities.</i></p> <p>Rules of Thumb</p> <p>e. <i>Supply waste management plans as part of the development application submission as per the NSW Waste Board.</i></p>	<ul style="list-style-type: none"> • The waste storage design and service access have been designed to meet Council DCP requirements, as Council will provide the waste removal service for the development. • Waste storage areas for residential units and commercial offices are in separate areas in the basement. They will be accessible by building occupants from the lift. 21 bins are provided for the 20 residential units and 4 bins are provided for the two commercial units. • Waste pickup and access will be from Belmore Lane. The amendment to the development scheme to bring the building back by 2.5 metres from the street will make waste pickup more feasible. 	<p>Yes</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
	<ul style="list-style-type: none"> • Council's waste management section has provided comments and recommended conditions of consent for the DA. • Refer to Conditions 24, 56, 107, 108, 109. 	
Mixed Use Objectives <ol style="list-style-type: none"> a. <i>To support the integration of appropriate retail and commercial uses with housing.</i> b. <i>To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base.</i> c. <i>To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.</i> 	<ul style="list-style-type: none"> • The proposed development includes residential and commercial offices uses. • Residential amenity will be maintained between the two uses. The commercial units at level 4 will have separate entries direct from the street. There is adequate separation distance and mitigation measures proposed (fixed louvre screens to office space windows fronting courtyards) to mitigate acoustic and visual privacy impacts between the uses. 	Yes
Ceiling Heights Objectives <ol style="list-style-type: none"> a. <i>To increase the sense of space in apartments and provide well proportioned rooms.</i> b. <i>To promote the penetration of daylight into the depths of the apartment.</i> c. <i>To contribute to flexibility of use.</i> d. <i>To achieve quality interior spaces while considering the external building form requirements.</i> Rule of Thumb <ol style="list-style-type: none"> e. <i>The following recommended</i> 	<ul style="list-style-type: none"> • Commercial unit have 3.3 metres high floor to ceiling height. The entrance foyer is 3.23 metres high. • The residential floor above on level 5 (which is the 1st floor to the Devlin Street frontage) has a floor to ceiling height of 2.9 metres which does not comply, but as this level transitions along the level to residential use this non-compliance is acceptable. 	No – but minimal impact and acceptable.

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p><i>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.</i></p> <p><i>- in mixed use buildings: 3.3 metre minimum for ground floor retail or commercial and for first floor residential, retail or commercial to promote future flexibility of use</i></p> <p><i>- Developments which seek to vary the recommended ceiling heights must demonstrate that apartments will receive satisfactory daylight (eg. Shallow apartments with large amount of window area).</i></p>		
<p>Storage Objectives</p> <p>a. <i>To provide adequate storage for everyday household items within easy access of the apartment.</i></p> <p>b. <i>To provide storage for sporting, leisure, fitness and hobby equipment.</i></p> <p>c. <i>Rule of Thumb</i></p> <p><i>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</i></p> <ul style="list-style-type: none"> <i>- studio apartments: 6m³</i> <i>- one-bedroom apartments: 6m³</i> <i>- two-bedroom apartments: 8m³</i> <i>- three plus bedroom apartments: 10m³</i> 	<ul style="list-style-type: none"> • Each residential unit has been allocated a secure storage area at level 3. • The storage area is accessible from the units via the lift. • The secure storage areas do not meet the dimensions specified in the Rule of Thumb. • However as each unit will exceed the minimal floor areas requirements, and some units will incorporate a media room, it is considered sufficient. 	Acceptable non-compliance
<p>Flexibility Objectives</p> <p>a. <i>To encourage housing designs which meet the broadest range of the occupants' needs</i></p>	<ul style="list-style-type: none"> • Two units have been designed as adaptable units. The DA documentation includes post-adaptation drawings 	Yes

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<p><i>possible.</i></p> <p><i>b. To promote 'long life loose fit' buildings, which can accommodate whole or partial changes of use.</i></p> <p><i>c. To encourage adaptive re-use.</i></p> <p><i>d. To save the embodied energy expended in building demolition.</i></p>	<p>for these units.</p>	
<p>Internal Circulation</p> <p>Objectives</p> <p><i>a. To create safe and pleasant spaces for the circulation of people and their personal possessions.</i></p> <p><i>b. To facilitate quality apartment layouts, such as dual aspect apartments.</i></p> <p><i>c. To contribute positively to the form and articulation of the building and its relationship to the urban environment.</i></p> <p><i>d. To encourage interaction and recognition between residents to contribute to a sense of community and improve perceptions of safety.</i></p> <p>Rule of Thumb</p> <p><i>e. 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:</i></p> <ul style="list-style-type: none"> <i>- for adaptive reuse buildings</i> <i>- where developments can demonstrate the achievement of the desired streetscape character and entry response</i> <i>- where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross</i> 	<ul style="list-style-type: none"> • The commercial units have separate access from the street (they do not rely on access via the foyer at Devlin Street). • Access between all levels is facilitated by a lift. 	<p>Yes</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<i>over, dual aspect apartments).</i>		
<p>Apartment Layout</p> <p>Objectives</p> <ul style="list-style-type: none"> a. <i>To ensure the spatial arrangement of apartments is functional and well organised.</i> b. <i>To ensure that apartment layouts provide high standards of residential amenity.</i> c. <i>To maximise the environmental performance of apartments.</i> d. <i>To accommodate a variety of household activities and occupants' needs.</i> <p>Rules of Thumb</p> <ul style="list-style-type: none"> e. <i>Single-aspect apartments should be limited in depth to 8 metres from a window.</i> f. <i>The back of a kitchen should be no more than 8 metres from a window.</i> g. <i>The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.</i> h. <i>Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory daylight and natural ventilation can be achieved, particularly in relation to habitable rooms (see Daylight Access and Natural Ventilation).</i> i. <i>If council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes,</i> 	<ul style="list-style-type: none"> • There is no single aspect apartments proposed. • The following units do not comply with the kitchen being a minimum 8m from window: <ul style="list-style-type: none"> • Units 2, 4, 5, 7, 8 (minimum 17m from window); • Units 9, 15, 16, 17 & 18 (minimum 12m from window) • This means that half of the units do not comply. • Complies with minimum width of apartments. • All of the proposed dwellings meet the minimum apartment sizes referred to in the Rule of Thumb. 	<p>No – in respect of distance from kitchen to window. However this issue is not considered reason alone to redesign / refuse the DA.</p>

ITEM 2 (continued)

RFDC Provision	Comments	Comply
<i>which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</i> - 1 bedroom apartment 50m ² - 2 bedroom apartment 70m ² - 3 bedroom apartment 95m ²		

The amended development has resulted in a substantial redesign in respect of the provision of the courtyards. The courtyards have been increased which has resulted in the amended development now achieving acceptable building separation, orientation, visual privacy, daylight access, and natural ventilation. In addition the amended development has provided acceptable pedestrian and vehicular access and waste management. These issues are no longer applicable reasons for refusal.

iii. “The proposed development is inconsistent with the zone objectives as outline in Clause 2.3 of Ryde Local Environmental Plan 2010 in that the development has not given adequate consideration to the slope resulting in a design that will result in poor amenity for the future occupants as well as to the adjoining properties.”

Consultant Planner’s Comments:

Under Ryde LEP 2010, the zoning of the property is Zone B4 Mixed Use.

The proposed development is permissible with development consent in the zone and it complies with the objectives of the zone. Refer to **Table 4** for an assessment against the objectives of the zone.

Table 4: Assessment of proposed development against the objectives of Zone B4 Mixed Use in Ryde LEP 2010

LEP Provision	Response	Comply
Zone B4 Mixed Use – Objectives of zone <i>To provide a mixture of compatible land uses.</i>	The residential and commercial uses are compatible; they do not detrimentally impact the other.	Yes
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	Provides integration of residential and commercial uses in a location close to public transport.	Yes
<i>To create vibrant, active and safe</i>	The development will provide residential and commercial office	Yes

ITEM 2 (continued)

LEP Provision	Response	Comply
<i>communities and economically sound employment centres.</i>	use, thereby activating the development at all hours and providing new high quality commercial office space to support the town centre.	
<i>To create safe and attractive environments for pedestrians.</i>	The pedestrian footpath to Devlin Street will be retained; a new footpath will be provided to Devlin Lane.	Yes
<i>To recognise topography, landscape setting and unique location in design and land-use.</i>	Recognises that the site is in transition to a Gateway area to the town centre. The height of the building is stepped in accordance with topography and meets the height limit at the street frontages.	Yes

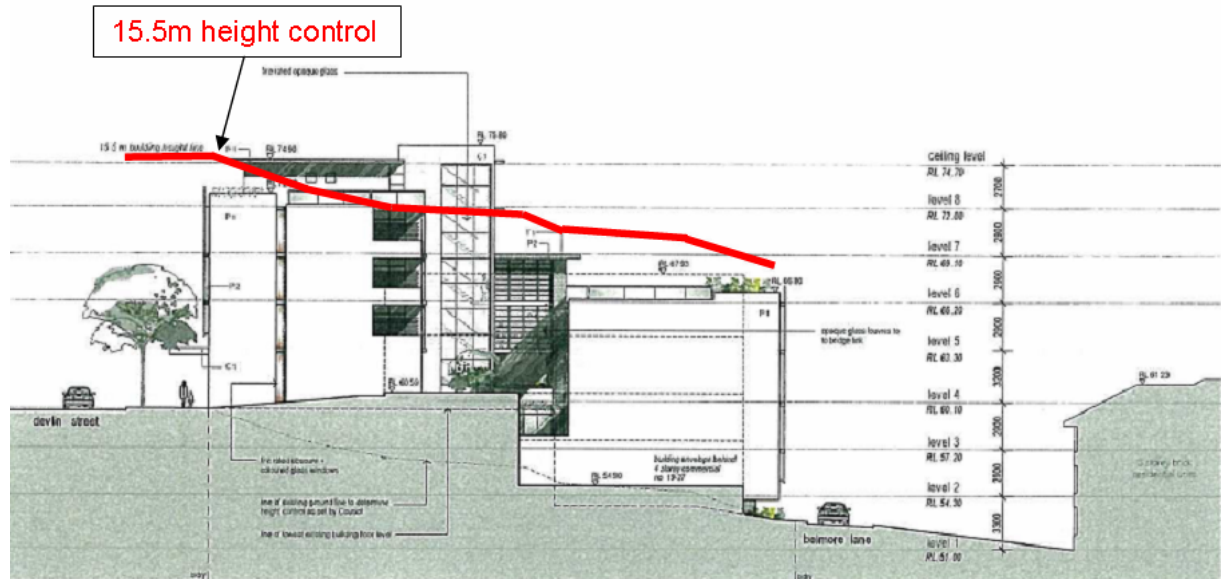
The redesigned development has improved the amenity for future residents and the adjoining residents. The development now satisfies the objectives of the zone.

iv. “The proposed development is inconsistent with Clause 4.3 Height of Buildings in Ryde Local Environmental Plan 2010 and inadequate justification has not been provided in respect to Clause 4.6.”

Consultant Planner’s Comments:

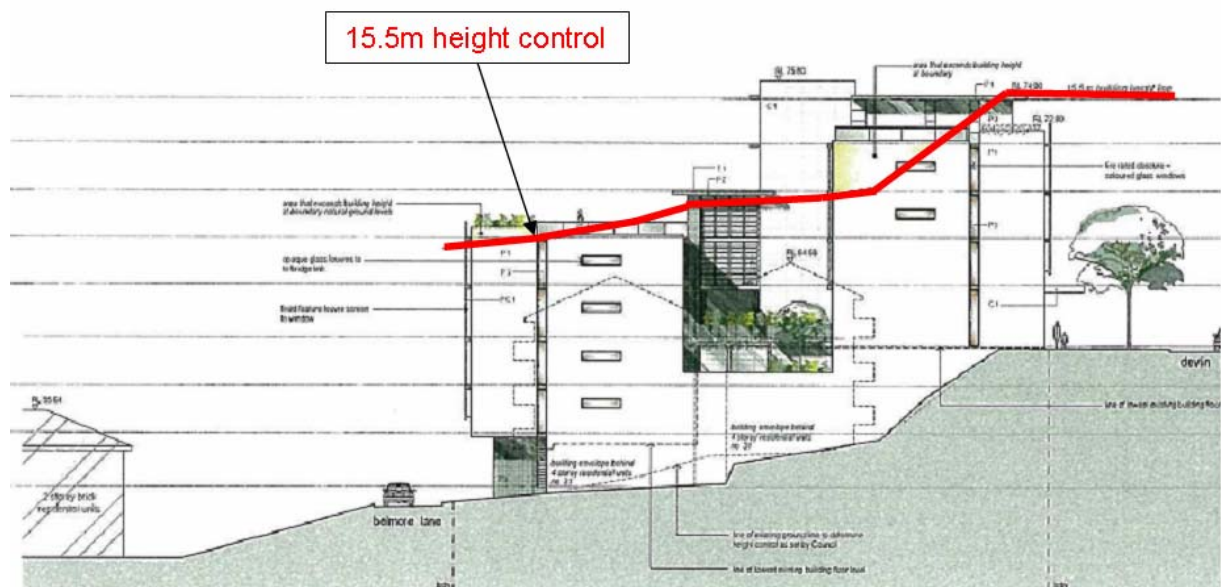
The proposed building exceeds the building height development standard (15.5 metres) by 5.6 metres on part of the southern elevation and 5.1 metres at the centre of site (location of lift core). This represents a non-compliance of 36% and 33% respectively. This is demonstrated on the following two diagrams. It should be noted that the development predominantly complies with the height control for Belmore Lane and Devlin Street.

ITEM 2 (continued)



North Elevation

Figure 9 Northern elevation of the building. The red line demonstrates the height non compliance. The greatest non compliance occurs in respect to the lift area of the building. This is setback 6.715m from the northern side boundary.



South Elevation

Figure 10 Southern elevation of the building. The line demonstrates the height non compliance. The greatest non compliance occurs in respect of the lift area. This is setback 6.7m from the southern boundary.

ITEM 2 (continued)

Refer to **Table 5** below for an assessment of the impacts associated with the building height non-compliance.

Table 5: Assessment of proposed development against the provisions of Clause 4.3 Building Height and Clause 4.6 Exceptions to Development Standards in Ryde LEP 2010

Clause 4.3 Height of buildings	Response	Comply
<p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to maintain desired character and proportions of a street within areas,</i></p>	<p>The building meets the desired future character of the area for the street, as described for Precinct 7 in the Town Centre DCP.</p>	<p>Yes</p>
<p><i>(b) to minimise overshadowing and ensure a desired level of solar access to all properties,</i></p>	<p>The development will produce overshadowing of the residential flat building to the south of the site (31 Devlin Street) on 21st June compared to the existing situation:</p> <ul style="list-style-type: none"> • Additional 5 north-facing windows at 3pm; • Additional 3 north-facing windows at 12 noon. <p>However the building will contribute only a marginal increase in overshadowing compared to overshadowing produced by the approved 4 storey motel development on the site.</p> <p>Furthermore, these impacted units have primary windows to their eastern and western façades. Balconies are located to the western frontage which would take advantage of views and would provide required solar access. Therefore the impact is considered minor and acceptable.</p> <p>70% of the units in the development will achieve 3 hours</p>	<p>No – but impact minimal</p>

ITEM 2 (continued)

Clause 4.3 Height of buildings	Response	Comply
	of direct solar access to living rooms, and all will achieve required solar access to balconies.	
<i>(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,</i>	The site is in the major gateway precinct to the town centre, and so the proposed built form and scale is appropriate to Devlin Street.	Yes
<i>(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,</i>	Not applicable.	-
<i>(e) to reinforce important road frontages in specific centres.</i>	Devlin Street is an important street because it is a four lane carriageway that delivers a lot of traffic, and therefore it is important to have a good street address for the building. As the proposed building will be built to the Devlin Street frontage, at the planned height limit and provide commercial office space to this frontage, it meets the objective.	Yes
<i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map</i>	<p>Clause 4.3 Height of Buildings of the LEP and associated Maximum Building Height Map specify a maximum building height of 15.5 metres for the site.</p> <p>The Site Elevations show that the most significant area of non-compliance in relation to the building height development standard is the height being exceeded by up to 5.6 metres for a width of approximately 4 metres to the southern elevation. This represents a non-compliance of 36% with the development standard.</p>	No – however scale is compatible with ‘Gateway’ precinct

ITEM 2 (continued)

Clause 4.3 Height of buildings	Response	Comply
<p>4.6 Exceptions to development standards</p> <p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p><i>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p> <p><i>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p><i>(3) Development 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:</i></p> <p><i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p><i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p> <p><i>(4) Development consent must not be granted for development that contravenes a development</i></p>	<p>Despite these non-compliances it is considered the height of the building is appropriate for the following reasons:</p> <ul style="list-style-type: none"> • The site is located in a precinct identified as a major gateway to the town centre. It is also located on a major arterial road, and therefore the scale of the proposed building is typical of the character associated with these areas. • The building meets the height limit at the street frontages. • The height of the building is consistent with the existing Centrelink building to the north of the site. • The building mass has been broken up to the side boundaries into two distinct forms with planting at the location of the courtyard to the southern boundary, which will be visible from the adjacent lot. This is a significant improvement on the development scheme refused by Council Officers and the approved motel scheme. • The top storey of the building, while partly exceeding the height limit, is recessed back which creates visual interest to the built form. • The areas of building height non-compliance only contribute a marginal increase in overshadowing of the adjacent residential flat building to the south compared with the approved motel development for the site. Refer to response 	

ITEM 2 (continued)

Clause 4.3 Height of buildings	Response	Comply
<p><i>standard unless:</i></p> <p><i>(a) the consent authority is satisfied that:</i></p> <p><i>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</i></p> <p><i>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</i></p> <p><i>(b) the concurrence of the Director-General has been obtained.</i></p> <p><i>(5) In deciding whether to grant concurrence, the Director-General must consider:</i></p> <p><i>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i></p> <p><i>(b) the public benefit of maintaining the development standard, and</i></p> <p><i>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</i></p> <p><i>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</i></p> <p><i>(8) This clause does not allow development consent to be</i></p>	<p>to Clause 4.3(b) above.</p> <ul style="list-style-type: none"> • The Fig tree at Devlin Street in the verge area south of the site (refer to Figure 5) will increasingly obscure the view of the proposed building as the tree grows. 	

ITEM 2 (continued)

Clause 4.3 Height of buildings	Response	Comply
<p><i>granted for development that would contravene any of the following:</i></p> <p><i>(a) a development standard for complying development,</i></p> <p><i>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</i></p> <p><i>(c) clause 5.4,</i></p> <p><i>(ca) clause 4.3, to the extent it applies to Precinct 2 (Town Core) shown on the Ryde Town Centre Precincts Map.</i></p>		

The applicant has provided adequate justification for the height of the building. This height was also supported by Council's Urban Design Review Panel. The impacts from the breach in height are considered to be minimal and the development is appropriate given its location in the Gateway precinct. This is no longer considered an appropriate reason for refusal.

- v. ***“The proposed development will result in unacceptable impacts on the amenity of the adjoining residential flat building in respect to overlooking, overshadowing and perceived bulk and scale of the development.”***

Consultant Planner's Comments:

These issues are addressed in response to SEPP 65 and RFDC, and elsewhere in this report. Refer to:

- Overlooking – refer to response to Principle 7 SEPP 65; Visual Privacy under RFDC;
- Overshadowing – refer to response to Clause 4.3 & 4.6 under the LEP; and Section 7 Submissions;
- Bulk and scale – refer to response to Principle 2 under SEPP 65.

ITEM 2 (continued)

On the basis of this analysis it is concluded that the proposed development as now amended will not have unacceptable impacts on the amenity of the adjoining residential flat buildings in this regard.

vi. “The bulk and scale of the proposed development is inconsistent with the character and future character of the area.”

Consultant Planner’s Comments:

Refer to response to Principle 2 under SEPP 65; the DCP provisions at **Attachment 3**; and the ‘impact on the built environment’ below.

On the basis of this analysis it is concluded that the bulk and scale of the proposed development as now amended will not be inconsistent with the character and future character of the area.

vii. The proposed development has not provided an adequate setback to Belmore Lane.

Consultant Planner’s Comments:

The proposed development scheme has been amended to provide a 2.5 metres setback to Belmore Lane to accommodate future road widening and footpath. The increased width is consistent with advice from Council’s Development Engineer.

viii. The proposed development will have an adverse impact on the built environment.

Consultant Planner’s Comments:

A summary of the likely impacts of the proposed development on the built environment are set out below.

Positive impacts

The anticipated positive impacts include:

- Change in use of the site from commercial office / retail to mix of residential and commercial office will provide 20 more dwellings to support and be supported by the town centre services. These units will be in walking distance of public transport and retail, commercial office, open space and other town centre land uses and activities.
- Improved street address to Devlin Street and Belmore Lane.
- Provision of small office space tenancies that are in an accessible location close to public transport.

ITEM 2 (continued)*Negative Impacts*

- There are no adverse impacts anticipated as a result of the development.
- Minimal negative impacts have been identified in relation to:
 - **Acoustic** – bedrooms are sited next to Devlin Street which has significant noise transmission from traffic. Those residential units sited adjacent to this road will have mitigation measures including winter gardens to balconies, fixed glass to some windows, sound-rated glass to windows and sliding doors, and mechanical ventilation, as recommended by the Acoustic Report. These measures are considered to adequately mitigate the impacts.
 - **Overshadowing of neighbouring residential flat buildings** – The development will produce overshadowing of the residential flat building to the south of the site (31 Devlin St) on 21st June: additional 5 north-facing windows at 3pm; and additional 3 north-facing windows at 12 noon. However the building will contribute only a marginal increase in overshadowing compared to overshadowing produced by the approved motel development on the site. Furthermore, these units have windows to their eastern and western façades. Balconies are to the western frontage which would take advantage of views and would provide required solar access. Therefore the impact is minimal.
 - **Distance from kitchens to natural light** – half of the apartments comply with the kitchen being a minimum 8m from window.
 - **Building separation** between residential units at level 5 which requires a minimum 18m separation under the RFDC and 9m is proposed. Adequate mitigation measures are proposed including louvre screens to balconies and windows.
 - **Natural ventilation** – apartments in western tower will achieve natural ventilation as there are openings to the east and west. Mechanical ventilation will be provided for most units fronting Devlin Street due to noise impacts from Devlin Street.
 - **Storage** – each apartment has been allocated a storage area on level 3. These storage areas do not meet the rule of thumb however the impacts are minimised by units that are larger than minimum requirements in the RFDC.
 - **Lack of loading bay** – could apply a condition of consent since there is an excess of car parking spaces above the minimum requirement of the DCP.

On the basis of this analysis it is concluded that the proposed development will not have an adverse impact on the built environment.

ix. The proposed development is considered to be unsuitable for the site.

ITEM 2 (continued)Consultant Planner's Comments:

Council has zoned the site for Zone B4 Mixed Use under Ryde LEP 2010. Mixed use development, by its nature, typically includes some residential use. The zone permits residential use with development consent.

The site constraints referred to above outlines the topographical, built form, other physical, and acoustic issues for the redevelopment of the site that provide challenges for the achievement of adequate amenity for future occupants and occupants of the surrounding buildings. As demonstrated in the summary of impacts above, anticipated negative impacts are considered minimal and can be adequately mitigated by various measures incorporated into the design or as conditions of consent.

On the basis of this analysis it is concluded that the proposed development is suitable for the site.

x. The proposed development is not considered to be in the public interest.

Consultant Planner's Comments:

The reasons in favour of the proposed development in terms of the public interest include:

- The proposed redevelopment and proposed built form and land uses support the Council's aspiration for the site to be part of a 'major gateway' area for the town centre.
- The proposed development will provide more residential dwellings that will assist Council in achieving dwelling completion targets that have been forecast by Council to support the revitalisation of the town centre, in terms of its services and local amenities, and that can be served by good public transport.
- The development will provide new commercial office space; and
- Potential job creation at both construction and operational stages of development.

On the basis of this analysis it is concluded that the proposed development will be in the public interest.

9. Contribution under Section 94 of the EP&A Act**Section 94 Development Contributions Plan 2007 (2010 Amendment)**

The contributions that are payable with respect to the increased housing density on the subject site are calculated as follows:

ITEM 2 (continued)

CONTRIBUTION PLAN	TOTALS
Community & Cultural Facilities	\$59,518.26
Open Space and Recreation Facilities	\$131,932.58
Civic & Urban Improvements	\$54,296.27
Roads & Traffic Management Facilities	\$7,448.45
Cycleways	\$4,624.94
Stormwater Management	\$13,987.42
Plan Administration	\$1,247.51
CONTRIBUTION TOTAL	\$273,055.43

NOTE:

- The June 2012 rates have been applied to the development. Prior to the Planning and Environment Committee meeting the rates are likely to increase due to the September 2012 CPI figures. If this occurs, an addendum to this report will be provided to the Councillors on the date of the meeting to reflect the new Section 94 figures.

Condition No. 18 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. Statutory Procedures under Section 82A of the Environmental Planning and Assessment Act 1979
The relevant sections are discussed below:

- (1) *If the consent authority is a council, an applicant may request the council to review a determination of the applicant's application, other than:*
 - (a) *a determination to issue or refuse to issue a complying development certificate, or*
 - (b) *a determination in respect of designated development, or*
 - (c) *a determination in respect of integrated development, or*
 - (d) *a determination made by the council under Division 4 in respect of an application by the Crown.*

Consultant Planner's Comments:

The subject application constitutes a Local Development Application which does not fall into any of the exempted categories under Section 82A(1) above and therefore can be reviewed by Council under the provisions of the Act.

- (2) *A council must, on a request made in accordance with this section, conduct a review.*

ITEM 2 (continued)

- (2A) *A determination cannot be reviewed:*
- (a) *after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or*
 - (b) *after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

Consultant Planner's Comments:

The critical dates in respect of the Section 82A review of the DA are set out below. There is a six month period within which the Applicant is required to lodge a request for the Section 82A Review to Council. The previous Application was determined on 5 December 2012. The Applicant lodged the *Application for Review of Determination* on 15 March 2012. This means that despite six months having elapsed, Council still has the legal power to determine the Section 82A application for review.

- (3) *(Repealed)*
- (3) *In requesting a review, the applicant may make amendments to the development described in the original application, subject to subsection (4)(c).*

Consultant Planner's Comments:

The applicant has submitted amendments to the development.

- (4) *The council may review the determination if:*
 - (a) *it has notified the request for review in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and*
 - (b) *it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and*
 - (c) *in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.*
- (4A) *As a consequence of its review, the council may confirm or change the determination.*

Consultant Planner's Comments:

The revised proposal submitted to Council for the Section 82A Review was notified in accordance with Council's notification policy under the DCP2010. Submissions have been discussed earlier in this report.

ITEM 2 (continued)

- (6) *If the council reviews the determination, the review must be made by:*
- (a) *if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
 - (b) *if the determination was made by the council—the council.*

Consultant Planner's Comments:

The application was refused by Council officers under delegation. Therefore it is being referred for determination by Council.

11. Consultation – Internal and External**Internal Referrals*****Development Engineer:***

The proposal is supportable from an engineering perspective, subjected to engineering conditions.

Environmental Health Officer:***Waste***

General comments – The complex is made up of 20 units & 2 commercial properties. Waste allocations would be a minimum of 11 x 240L waste, 12 x 240L recycle & 1 x 240L green waste for the domestic units.

The bins required for the commercial premises would depend on the type of business, however the space allocated seems of a suitable size.

Issue –

1. The separate bin areas for waste & recycling – residents will not go to two different locations to deposit their waste & recycling. There should be only one storage room for the actual bins with space for a total of 24 x 240L bins.
2. A storage area for the household cleanup waste is required under the new DCP which should be accessible from the roadway. The laneway does not have suitable space for residents to place bulky household material out for collection.
3. The bins will be required to be brought out to the laneway for servicing by a cleaner or caretaker.
4. An area needs to be allocated on the laneway for the placement of the bins for collection, which does not impede pedestrian access.

ITEM 2 (continued)

5. The width of the laneway is an issue for the truck access, as it is a no through road with no turning area, the truck will be required to reverse back down the street to Church Lane to turn around.

Note: Issues 1, 3 and 4 have been addressed as conditions of consent (see condition No. 25 and 119). Issue 2 has been addressed as a deferred commencement condition.

The Waste DCP only requires a separate room for the storage area of household cleanups for developments that contain 30 or more dwellings. As this development contains 20 dwellings, the requirement is not applicable. Due to the increased setback to Belmore Lane, this development will have areas where cleanup waste can be collected.

Traffic Engineer:*Traffic*

General comments –

- LDA needs to be sent to get RTA's comments
- Similar development approved on this site.
- Belmore Lane provides access to other buildings along Devlin Street.

Issue –

- Width of Belmore Lane.
- No on street parking available in the front and rear of development.
- No pedestrian footpath along Belmore Lane

Note: No objections were raised by Council's Traffic Engineer in respect of the number of on-site carparking or traffic generation. A condition of consent has been recommended to ensure a footpath is provided in Belmore Lane (see condition No. 41).

Drainage Team:

General comments – The low point of the footpath is located in front of No. 31 Devlin Street. There are grated surface inlet pits located in this low point of the footpath to capture ponding water. The hydraulic analysis carried out by Council indicates the partially blocked existing drainage system is sufficient to capture flows up to 1 in 100 year ARI storm event.

Issue – No issues identified.

ITEM 2 (continued)External Referrals

The Section 82A Review referred to NSW Road and Maritime Services (RMS) because the development has frontage to a classified road. RMS have advised that if Council was to approve the application, the following requirements are to be incorporated into the determination:

- 1. Details of servicing/delivery requirement for the proposed development have not been provided. Details including truck sizes and number of movements shall be provided by the developer and endorsed by RMS and Council prior to the determination of the development application.*

Comment: The extent of commercial floor space is relatively minor with two tenancies totalling an area of 162.7m². At this stage the exact use of these tenancies is not known so it is not possible to determine the servicing requirements. The development however will provide adequate loading and unloading areas to the satisfaction of Council's Traffic Engineer.

- 2. 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 already been addressed as a condition on the consent. (See condition number 42).

- 3. Council should ensure that the post development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.*

Comment: Council's Development Engineer has advised that the stormwater will be discharged to Belmore Lane rather than into the Devlin Street drainage system.

- 4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval prior to the commencement of any works.*

Comment: Based on the previous response, this will not affect the development. However as a precautionary action, this has been imposed as a condition on the consent. (See condition number 52).

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

Comment: This has already been imposed as a condition on the consent. (See condition number 36).

ITEM 2 (continued)

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

Comment: Council's Development Engineer and Traffic Engineer has raised no objection to the development.

7. *The entrance and exit driveways are to be clearly signposted to ensure that there is a one-way movement of vehicles through the site. The existing driveways are to be clearly delineated as "Entry" and "Exit".*

Comment: The entry/exit is a combined access rather than two separate access points. This matter raised by the RTA is not applicable to this development.

8. *Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.*

Comment: This matter has been addressed as a condition on the consent. (See condition No. 80).

9. *All construction/works associated with the above property are not to be undertaken on the Devlin Street frontage of the property. All works should be undertaken on Belmore Lane, Ryde.*

Comment: This matter has been addressed as a condition of consent. (See condition No. 42).

10. *All vehicles enter and leave the site in a forward direction.*

Comment: The development permits this to happen.

11. *All vehicles be wholly contained on site before being required to stop.*

Comment: The development permits this to happen.

12. *All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.*

Comment: This matter has been addressed as a condition of consent. (see condition No. 7).

12. Critical Dates

The critical dates in respect of the Section 82A review of the DA are set out below. There is a six month period within which the Applicant is required to lodge a request for the Section 82A Review to Council. The previous Application was determined on 5 December 2012. The Applicant lodged the *Application for Review of Determination* on 15 March 2012. This means that despite six months having elapsed, Council still has the legal power to determine the Section 82A application for review.

ITEM 2 (continued)**13. Financial Impact**

Not applicable.

14. Other Options

Not applicable.

15. Conclusion

This is an application seeking review of the decision made by Council's Officers under delegation on 5 December 2011 to refuse consent to the proposed mixed use development at 29 Devlin Street, Ryde under Section 82A of the EP&A Act.

The proposed development comprises demolition of the existing building on site and a new mixed use development comprising commercial office space fronting Devlin Street and 20 apartments. The building is part 5/7 storeys above existing ground level. Three levels are dedicated to car parking which will accommodate 37 car spaces to meet the requirements for residential, commercial and visitor car parking.

An evaluation of the Development Application in relation to the environmental planning framework and the heads of consideration under Section 79C of the EP&A Act as provided above, revealed a number of non-compliances and potential impacts.

The key non-compliance with the planning framework is in relation to the building height development standard under Ryde LEP 2010. The impacts associated with the height exceedance are considered minimal. The scale of the building is considered in keeping with the aspiration for a 'major gateway' location and has been improved from the scheme that was refused by Council. It is considered that the remaining impacts can be adequately mitigated.

While there is reduced amenity in some instances (for example, the need for mechanical ventilation for some units due to noise impacts from Devlin Street; a lack of natural light for half of the kitchens; and minimal overshadowing impacts on the neighbouring building), it is considered the development will achieve very good amenity in other respects (such as solar access; spectacular views to the west from living rooms, balconies, and the communal rooftop terrace; provision of generously sized communal area; and more). The challenges for the site and reduced amenity are in part as a result of the physical constraints imposed by the topography of the site and adjacent lots, and the built form existing next to the site. It is considered on balance that the positive aspects of this development scheme outweigh the negative impacts, and that the anticipated negative impacts have been largely mitigated by proposed measures in the design of the development. The development as amended has been supported by Council's Urban Design Review Panel.

ITEM 2 (continued)

The proposed development will provide more dwellings within 400 metres walking distance to the commercial core which will support the commercial office, retail and other uses. It will also promote more sustainable forms of transport (walking, etc) and will be close to good public transport for access to employment. The site is located in an area earmarked for transition to a 'major gateway' and it is considered that the development is an appropriate response to this aspiration.

ITEM 2 (continued)

ATTACHMENT 1

COPY

City of Ryde
Civic Centre, Devlin Street
PO Box 23, Ryde NSW 2112
Facsimile 9952 8070
Telephone 9952 8222



Development Application - Notice of Refusal

Applicant: Devlin Street Pty Ltd
C/- Wade El Takchi
Suite 1/ 241-245 Pennant Hills Road
CARLINGFORD NSW 2118

LDA No: LDA2011/0521

Property: 29 Devlin St Ryde Lot 5 DP 83504

Development: Demolition of the existing building and construction of a part 5 storey and part 8 storey development containing commercial floor space at Devlin Street ground level; 23 residential apartments and parking for 38 vehicles over three basement levels.

Local Development Application No. LDA2011/0521 at 29 Devlin St Ryde is refused for the following reasons:

- i. The proposed development is inconsistent with the design quality principles outlined in State Environmental Planning Policy No 65 Design Quality of Residential Flat Development in respect to context, scale, built form, density, resource, energy and water efficiency and amenity.
- ii. The proposed development is inconsistent with the guidelines of the Residential Flat Design Code in respect to height, building separation, orientation, visual privacy, pedestrian access, vehicular access, daylight access, natural ventilation, balconies and waste management which results in a development with poor residential amenity, inadequate environmental sustainability and lower design quality.
- iii. The proposed development is inconsistent with the zone objectives as outlined in Clause 2.3 of Ryde Local Environmental Plan 2010 in that the development has not given adequate consideration to the slope resulting in a design that will result in poor amenity for the future occupants as well as to the adjoining properties.
- iv. The proposed development is inconsistent with Clause 4.3 Height of Buildings in the Ryde Local Environmental Plan 2010 and adequate justification has not been provided in respect to Clause 4.6.
- v. The proposed development will result in unacceptable impacts to the amenity of the adjoining residential flat building in respect to overlooking, overshadowing and perceived bulk and scale of the development.
- vi. The bulk and scale of the proposed development is inconsistent with the character and future character of the area.

ITEM 2 (continued)

ATTACHMENT 1

- vii. The proposed development has not provided an adequate setback to Belmore Lane.
- viii. The proposed development will have an adverse impact on the built environment.
- ix. The proposed development is considered to be unsuitable for the site.
- x. The proposed development is not considered to be in the public interest.

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Notice of Refusal.



Sandra Bailey
Team Leader Major Developments

Date: 5 December 2011

ITEM 2 (continued)

ATTACHMENT 2

COMPLIANCE TABLES

(a) Section 82A of the Environmental Planning and Assessment Act 1979

Review of Determination

Section 82A(4)(c) specifies that if the applicant makes changes to the development scheme, that it must be substantially the same development as described by the original DA.

For the purposes of this provision, assessment has been made below as to whether the s82A development scheme (July 2012) represents substantially the same development as the original scheme that was lodged and refused by Council.

Table 6: Comparison of features of proposed development between refused DA and s82A development scheme

Key features of the proposed development	Original development scheme (lodged to Council)	Proposed amended scheme (16 July 2012)	Feature changed? [Yes / No]
Land use mix	Commercial office and residential	Commercial office and residential	No
Commercial floorspace (GFA / net floor area)	2 tenancies: <ul style="list-style-type: none"> • 78.0 sqm; & • 85.8 sqm. 	2 tenancies: <ul style="list-style-type: none"> • 79.4 sqm nett; & • 83.3 sqm nett 	Yes
GFA	2,206.0 sqm (FSR 3.06:1)	1,918.1 sqm (FSR 2.66:1)	Yes
Number of dwellings	23	20	Yes
Dwelling Mix:			
• No. of 3 bedroom units	1 unit	4 units	Yes
• No. of 2 bedroom units	15 units	12 units	Yes
• No. of 1 bedroom units	7 units	4 units	Yes
• No. of adaptable units	2 units	2 units	No
Configuration of development / building footprint	-	<ul style="list-style-type: none"> • Apartment located centrally removed. • Size of courtyards increased. • Internal reconfiguration of apartments so all living rooms to western aspect to achieve adequate solar access. 	Yes

ITEM 2 (continued)		ATTACHMENT 2	
Key features of the proposed development	Original development scheme (lodged to Council)	Proposed amended scheme (16 July 2012)	Feature changed? [Yes / No]
Number of levels / storeys	<ul style="list-style-type: none"> Part 5 / 7 storeys above existing ground level. 3 levels for parking 	<ul style="list-style-type: none"> Part 5 / 7 storeys above existing ground level. 3 levels for parking 	No
Maximum height of building (metres)	RL 75.20 to top of roof & RL 76.00 to top of lift core.	RL 74.90 to top of roof & RL 75.80 to top of lift core.	Yes
Setbacks (at ground level):			-
• Devlin Street	0 metres	0 metres	No
• Belmore Lane	0 metres	2.5 metres	Yes
• Northern boundary	0 metres	0 metres	No
• Southern boundary	0 metres	0 metres	No
Number of car spaces	38	37	Yes
Location of vehicular access	Off Belmore Lane	Off Belmore Lane	No
Width of driveway	5.8m	5.6m	Yes
External building materials and finishes	Two different paint finishes – one to most of exterior and one to lift well.	<ul style="list-style-type: none"> Two different paint finishes. Metal cladding to lift well. Operable glass louvres to balconies. Coloured glass windows to southern elevation. 	Yes
Landscaped area	281.1 sqm (39%)	312.1 sqm (43.3%)	Yes
Amount of communal open space	184.4 sqm (25.6%)	173.3 sqm (24.0%)	Yes

The more considerable changes between the two development schemes of those changes specified in **Table 6** above, include dwelling mix; reduction in number of dwellings; reduction in GFA; increase in landscaped area; and change to internal footprint to building and setback to Belmore Lane. As a result of the comparison of key features of the proposed development, detailing the original development scheme with the proposed development scheme, it can be concluded by the sum of their features and their differences that the development remains 'substantially the same' development.

ITEM 2 (continued)

ATTACHMENT 2

(a) Relevant SEPPs and REPs (now Deemed SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides that a consent authority must consider whether land is contaminated and whether the site in its contaminated state, or following remediation, will be suitable for the proposed use/purpose of the land.

A Preliminary Environmental Site Assessment was prepared by Argus Pty Ltd for 29 Devlin Street, Ryde. This identified a number of potential areas of environmental concern at the site. Most of these were considered of minimal (low) environmental concerns. However, the report identified medium concern attributed to the historical uses of the site, as it was occupied by commercial operators and the quality of fill at the site is unknown. The phase 1 report also recommended a hazardous material assessment be undertaken followed by an asbestos clearance certificate.

More detailed assessment is required to determine the extent of contamination, if any, necessitating a Stage 2 contamination assessment. Accordingly, deferred commencement condition of consent is recommended for the DA.

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

The development is defined as “BASIX affected development’ under the Environmental Planning and Assessment Regulation 2000.

The Applicant has provided BASIX Certificate No. 392810M_02 dated 08 March 2012. The Certificate indicates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency. To be valid, the certificate must be lodged within 3 months of the date of issue.

However the Applicant did not submit an updated BASIX Certificate to account for the amended architectural plans. Accordingly, the recommended approval of the DA is subject to ‘deferred commencement’ condition of consent, requiring submission of an updated BASIX and ABSA Certificates to the satisfaction of Council.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) applies to the proposed development given its location adjacent to Devlin Street.

Clause 101 – Development with frontage to a classified road

Devlin Street is identified as a Classified Road.

Clause 101 provides that:

1. *Where practicable, vehicular access is to be provide by a road other than the classified road.*

Note vehicular access will be provided from Belmore Lane.

ITEM 2 (continued)

ATTACHMENT 2

2. *2. The safety, efficiency and ongoing operation of the classified road is not to be adversely affected by the development as a result of the design of the vehicular access to the land, the emission of smoke or dust from the development or the nature, volume or frequency of vehicle using the classified road to gain access to the land.*

Vehicular access to the development will be provided from Belmore Lane. Therefore the development is unlikely to adversely affect the classified land in the manners referred to in the provision above.

The DA was referred to NSW Road and Maritime Services. No response was received from the RMS on the DA.

Clause 102- Impact of road noise or vibration on non-road development

Clause 102 of the SEPP provides that various noise levels are not to be exceeded for residential development that is adjacent to a road that exceeds an annual average daily traffic volume of 40,000 vehicles.

The proposed development includes residential use which is considered to be a more sensitive use to traffic noise and vibration. An Acoustic report was submitted as apart of the DA which concluded that if the development incorporated various acoustic mitigation measures that the development will achieve acceptable noise levels.

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

State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development) (SEPP 65) applies because the building comprises a Residential Flat Building that is greater than 3 storeys in height.

Refer to **Tables 2 and 3** above for an assessment of the proposed development against the provisions of SEPP65 and the RFDC.

Design Review Panel Comments

The original Development Application was considered by the City of Ryde's Design Review Panel on 4 November 2011. The Panel is constituted under Part 3 of SEPP 65.

The first iteration of Section 82A review plans were considered by the Panel on 18th April 2012.

The key issues raised by the Panel at this meeting included:

- Solar access diagrams were deemed inaccurate because they did not account for the depth of balconies which would prevent sun access to windows of living rooms. On this basis none of the units to the western frontage would comply with the solar access requirement. Furthermore these diagrams do not account for overshadowing from existing neighbouring buildings. The development will not achieve the required 3 hours, or even 2 hours, of sunlight access to living rooms for a minimum of 70% of units in mid winter.

ITEM 2 (continued)

ATTACHMENT 2

- The potential overshadowing from the proposed lift well and lobby areas on the adjoining residential flat buildings needed to be factored into the Shadow Elevations of Adjoining Property.
- The proposed building should not contribute additional overshadowing to the living rooms of the adjoining residential flat building.
- The overall massing and height of the building could be reduced by removing the roof to the lobby which is not necessary for the functioning of the building.
- Recommendations were made to improve the privacy of units which would require internal reconfigurations and minor modifications to the exterior of the building.
- Kitchens were set too deep into the units for them to achieve good light penetration. It was recommended that the units be internally reconfigured to address this issue.
- A number of other minor modifications were recommended to address amenity impacts.

Amended plans were submitted to address the above issues.

(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 exhibited but at this stage it has not been adopted by Council. Under this Draft LEP, the zoning of the property is B4 Mixed Use. 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

Part 4.4 Ryde Town Centre

Part 4.4 of the Ryde Town Centre DCP identifies the site in Precinct 7 – Commercial Edge West.

Table 7: Assessment of proposed development against provisions of DCP

DCP Objective / Control	Response	Comply
3.4 Awnings + Entry Canopies		
Objectives		
1. To unify the streetscape.	An awning is provided to the Devlin Street frontage. This will provide for human scale to the street in the built form.	Yes
2. To contribute to pedestrian amenity (all-weather protection), safety and security (lighting).	As above.	Yes
Controls		
a. Provide continuous awnings as	Not applicable.	-

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
indicated in Awnings Control Drawing (Figure 4.4.04).		
b. 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.	Awning is set at 3.23 metres height from ground level. It is 2.5 metres wide and is setback more than 600mm from the kerb edge.	Yes
c. Design awnings to protect pedestrians from sun and rain. Glazed awnings will not be permitted where awnings are required unless it can be demonstrated that: i. A cleaning and maintenance regime will be established; and ii. Solar protection (shade) can be achieved; and iii. Lighting will be installed to the underside of the awning that will light the footpath.	The awning is 2.5 metres wide and extends along the full frontage to Devlin Street. Therefore it will provide adequate cover for pedestrians.	Yes
d. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety and security for pedestrians at night.	Not shown on drawings. This would need to be enforced by a condition of consent. Refer to Condition No. 89 .	Conditioned to comply.
7.5 Buildings facing Devlin Street, Lane Cove Road, Blaxland Road and Victoria Road		
Objectives		
1. To ensure the impacts of noise on residential development will be mitigated through appropriate design and the use of insulation.	A range of mitigation measures are proposed for noise attenuation for residential units.	Yes
2. To ensure the operation of commercial and retail developments will protect the amenity of residential and public spaces.	The proposed commercial office space will not have fixed louvre screens to windows on their western façade, which will assist in limiting potential for noise transmission to residential units.	Yes
Controls		
a. Development is to comply with Australian Standard 3671-1989: Acoustics – Road Traffic Noise Intrusion,	The Acoustic report was prepared in accordance with: <ul style="list-style-type: none">NSW Department of Planning, <i>Development near Railway</i>	Conditioned to comply.

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
Building Siting and Construction.	<p><i>Corridors and Busy Roads – Interim Guideline; and</i></p> <ul style="list-style-type: none"> EPA (former), <i>Industrial Noise Policy.</i> <p>The DA will be conditioned to comply with the recommended noise measures in the Acoustic report. Refer to Condition No. 23.</p>	
b. Maximise the effect of the following noise attenuation strategies by using them in combination:	-	-
i. Use appropriate building materials.	The Acoustic report recommends sound-rated glazing to the Devlin Street facade. This will apply to windows and sliding doors, and will be enforced by condition of approval. Refer to Condition No. 23.	Conditioned to comply.
ii. Create a noise buffer between habitable rooms and working environments, facing Devlin Street and Victoria Road.	Those residential units sited at ground level and above at Devlin Street will include winter gardens to balconies, fixed glass to some windows, sound-rated glass to windows and sliding doors, and mechanical ventilation, as recommended by the Acoustic Report. Refer to Condition No. 23.	Conditioned to comply.
iii. Use service areas such as circulation, kitchens, laundries, storage and bathrooms to create a noise buffer.	These rooms have been sited against blank walls. Balconies, living rooms and bedrooms have been sited to eastern and western openings of the apartments where windows are required. These uses are proposed to front Devlin Street.	No – but unreasonable to achieve given location of blank walls, and achieving other targets such as solar access.
iv. Use enclosable balconies to moderate the impact of noise.	The balconies fronting Devlin Street will incorporate operable glass louvers so they can function as winter gardens.	Yes
v. Use glazed enclosable balconies where the noise source is northward of development.	Refer above.	Yes
vi. Protect the amenity of	Refer to response to 'ii' above.	Conditioned

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
bedrooms by not locating them on the same side as the noise source.		to comply.
vii. Use double glazing.	Refer to response to ii above.	Yes
c. Use design to achieve adequate noise attenuation while maintaining architectural address to busy roads.	There is architectural address to Devlin Street - the building footprint runs the length of the street frontage, thereby providing noise attenuation to the units and uses behind. Various mitigation measures will be used to limit noise impacts, referred to at response to ii above.	Yes
7.6 Housing Choice		
There is a need to provide a broad range of housing choice in the Ryde Civic, including a range of dwelling sizes. Objectives		-
1. To provide a broad range of housing choice in Ryde Civic, including a range of dwelling sizes.	The dwelling mix includes 1, 2 and 3 bedroom units that include some media rooms. The size of the units meets the minimum requirements of the RFDC.	Yes
2. To enrich the local character and accommodate a diverse population by requiring that development, include a variety of housing types and sizes.	Refer to response to 1 above.	Yes
3. To provide and retain housing with good access at reasonable rental cost for tenants with low to moderate incomes.	The development will provide 20 units in a mix of dwelling types/sizes in a location close to good public transport and the Ryde town centre.	Yes
4. To achieve a varied social and economic mix of residents in the Civic	As above	Yes
Controls a. This provision gives detailed guidance to the controls of SEPP 65. Development is to provide	The dwelling mix comprises: <ul style="list-style-type: none"> • 3 bedroom: 20% • 2 bedroom: 60% • 1 bedroom: 20% 	Yes

ITEM 2 (continued)		ATTACHMENT 2							
DCP Objective / Control		Response	Comply						
<p>a diverse mix of dwelling sizes generally within the following ranges.</p> <table border="1"> <tr> <td>3 bedroom</td> <td>5 – 35%</td> </tr> <tr> <td>2 bedroom</td> <td>40 – 80%</td> </tr> <tr> <td>1 bedroom + studio</td> <td>5 – 35%</td> </tr> </table>		3 bedroom	5 – 35%	2 bedroom	40 – 80%	1 bedroom + studio	5 – 35%	The development complies with the dwelling mix requirements.	
3 bedroom	5 – 35%								
2 bedroom	40 – 80%								
1 bedroom + studio	5 – 35%								
8.0 PRECINCTS									
<p>8.7 Precinct 7- Commercial Edge West</p> <p>The Commercial Edge West is located along Devlin Street terminating at the intersection of Victoria Road, Devlin Street and Church Street. Its location on the western side of Devlin Street adjoining the grade-separated intersection of Victoria Road and Devlin Street contributes to its dislocation from the Ryde Town Centre.</p> <p>The precinct runs along the ridgeline and has superb views to the south and west.</p>		-							
<p>Future Character</p> <p>The Commercial Edge West will be a major gateway to the Ryde Town Centre. Development in this precinct will signal a change from the predominantly residential surrounds to an urban town centre.</p>		The proposed development complies with this character statement.	Yes						
<p>Objectives</p> <p>1. To create a gateway to the Ryde Town Centre.</p>		The proposed building contributes to the gateway character by building to the Devlin Street frontage and embracing the maximum building height to this frontage.	Yes						
<p>2. To create an appropriate transition between the Ryde Town centre and adjoining residential areas.</p>		The building provides an appropriate transition by stepping the height of the building down the slope, breaking up the building mass into two towers with landscaping internally to the southern side boundary, and providing variation	Yes						

ITEM 2 (continued)

ATTACHMENT 2

DCP Objective / Control	Response	Comply
	in materials.	
3. To encourage appropriate development on Devlin Street.	The proposed development incorporates commercial offices at ground floor with residential use above and behind.	Yes

Car parking

DCP Objective / Control	Response	Comply
2.0 PARKING REQUIRED IN RESPECT OF SPECIFIC USES		
Residential Development - High Density (Residential Flat Buildings) <ul style="list-style-type: none"> • 0.6 to 1 space / one bedroom dwelling • 0.9 to 1.2 spaces / two bedroom dwelling • 1.4 to 1.6 spaces / three bedroom dwelling • 1 visitor space / 5 dwellings 	Based on the breakup of the proposed 20 residential units, a range of between 24 and 30 car spaces are required (includes 4 visitor parking spaces). 32 residential spaces are provided which complies with the requirement.	Yes
Office and Business Premises <ul style="list-style-type: none"> • 1 space / 40 m2 GFA 	5 car spaces required commercial office space. 5 car spaces provided.	Yes
2.4 Mixed-use Development a. Where a development comprises two or more different land-uses, parking provisions will be assessed as the sum of the requirements in s2.0 for each component of the mixed – use development. Calculations shall include an appropriate proportion of any common or administrative areas. b. Where the main usage periods for components of mixed-use development do not coincide, Council may consider a reduction in the required parking. In this case, the parking requirement will be based on whichever of the components generates the greatest parking requirement. The onus will be on the	Refer above.	Yes

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
proponent to satisfy Council that the uses will not be operated concurrently.		
2.7 Bicycle Parking a. In every new building, where the floor space exceeds 600m ² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.	Minimum of 24 car spaces required for uses on site. 8 bicycle parking spaces are proposed. Excess bicycle parking spaces are therefore provided.	Yes
b. Bicycle Parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities.	To be imposed as condition of consent. Refer to Condition No. 115 .	Conditioned to comply.
c. Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.	Bicycle parking is located on Level 3 in bike store. Access will be via lift and so bikes will need to be brought in through the lobby area from the street.	Yes
d. Bicycle parking is to be secure and located undercover with easy access from the street and building entries.	As above.	Bike parking is secure and undercover but not with easy access.
e. Bicycle parking is to be located in accordance with Safer by Design principles.	Refer above.	Yes

Waste Minimisation and Management

DCP Objective / Control	Response	Comply
2.9 Mixed Use Developments		
Controls a. Waste and recycling storage, handling and collection system/s for the residential area/s of the building or development are to be provided separate from the waste and recycling storage, handling and collection systems for the commercial area/s	The residential and commercial waste storage areas are separated.	Yes
b. The residential and commercial/retail waste management systems are to be	Refer above. These waste storage areas are located on level 1.	Yes

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
designed so that they can efficiently operate without conflict between these systems within the proposed development and with the surrounding land uses.		
c. The residential and commercial/retail waste management systems must be in locations which are easily accessible to their respective users and waste collection staff.	<p>The residential waste storage is located within the carpark next to Belmore Lane, and there is a shutter door to enable easy transfer of waste to the street for collection.</p> <p>The commercial bin store is located next to the lobby and lift at Level 1 for ease of transfer from the office spaces.</p>	Yes
d. The residential and commercial/retail waste management systems, including access thereto, are to be designed to comply with the relevant requirements for those developments under this Part.	The residential waste storage area is located close to vehicular entry/exit and not far from the lift.	Yes
e. Measures must be taken to ensure that noise from the operation of the commercial waste storage and handling system does not impact on residents. In this regard it should be noted that commercial activities most commonly require the daily collection of waste, which can contribute to noise impacts. Consideration must be given to appropriate siting of the waste commercial compaction equipment and waste collection area/a, and appropriate measures to mitigate potential daily noise impacts.	Waste bins are located within the internal carpark which would limit noise transmission to residences above.	Yes
f. Commercial tenants in a mixed development must be actively discouraged from using the residential waste facilities (e.g. via signage and through the use of separate keys and locking systems).	There are separate storage areas for commercial and residential uses. Commercial waste storage areas are located closer to the lift than the residential waste area.	Yes

ITEM 2 (continued)		ATTACHMENT 2
DCP Objective / Control	Response	Comply
g. Details about the separate storage areas, handling areas and collection points for the commercial and residential waste streams must be clearly identified in the site waste minimization and management plan, and in the plans submitted with the development application.	Refer above	Yes
Schedule 2 STANDARD WASTE AND RECYCLING BINS FOR RESIDENTIAL DEVELOPMENTS		
Residential flat buildings of 4 or more storeys (high-rise residential) Depending on proposed service frequency: <ul style="list-style-type: none"> 1 x 660 litre skip bin for garbage per 15 units OR 1 x 1100 litre skip bin for garbage per 25 units OR 1 x 240 litre bin for garbage per two units 1 x 240 litre bin for recyclables per two units 1 x 240 litre bin for green waste (or as required) 	Ryde City Council (Manager Waste) referred to need for 240 litre bins for the development. Based on 20 residential units this requires a minimum of 21x 240 litre bins. 21 bins have been provided. Refer to Condition No. 24.	Yes
Schedule 3 COMMERCIAL WASTE / RECYCLING GENERATION RATES		
Offices <ul style="list-style-type: none"> Waste generation: 10L/100m² floor area/day Recyclable material generation: 10L/100m² floor area/day 	Total 162.7 sqm nett commercial office space: 4 waste bins have been provided. The response from Council's waste management section in relation to the commercial waste storage area was <i>"The bins required for the commercial premises would depend on the type of business, however the space allocated seems of a suitable size."</i> Refer to Condition No. 24.	Yes

ITEM 2 (continued)

ATTACHMENT 3

CONDITIONS OF CONSENT (APL 2012/0001)

DEFERRED COMMENCEMENT CONDITIONS

Part 1

1. The Applicant is to seek new BASIX and ABSA Certificates. The BASIX and ABSA Certificates must satisfy the requirements of these Certificates and Council.
2. A Demolition Plan must be provided for the demolition of the existing building and structures on site to the satisfaction of Council in accordance with:
 - a. Australian Standard AS 2601 – 1991 – The Demolition of Structures; and
 - b. “*Demolition Report for an existing Two and Three-Storey building located at 29 Devlin Street, Ryde*” (prepared by Architex dated 15th August 2011) submitted as part of Development Application APL 2012/0001.

Part 2

2. A detailed site investigation report is prepared and submitted for Council’s consideration. The detailed site investigation report must comply with the Guidelines for Consultants reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation works.

If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the detailed site investigation report.

GENERAL CONDITIONS

1. Development is to be carried out in accordance with the following plans and support information submitted to Council:

Plan Number	Title	Drawn by	Issue	Date
DA000	Cover Sheet	Architex	D	27.06.12
DA02	Basement Levels 1 & 2	Architex	B	21/12/11
DA03	Levels 1 & 2	Architex	D	27/06/12
DA04	Levels 3 & 4	Architex	D	27/06/12
DA05	Level 5 & 6 & 7	Architex	D	27/06/12
DA06	Levels 8 & roof	Architex	D	27/06/12
DA07	Site Elevations	Architex	D	27/06/12
DA08	Site Sections	Architex	D	27/06/12
DA09	Site Details	Architex	D	27/06/12
DA10	Post Adaptable	Architex	D	27/06/12

ITEM 2 (continued)

ATTACHMENT 3

Plan Number	Title	Drawn by	Issue	Date
	Layouts			
DA11	FSR Diagrams & Site Calculations	Architex	B	21/12/11
DA12	Shadow Diagrams	Architex	B	21/12/11
DA13	Shadow Diagrams	Architex	B	21/12/11
DA14	Shadow Diagrams	Architex	B	21/12/11
DA15	Elevational Shadows	Architex	D	27/06/12
DA16	Elevational Shadows	Architex	D	27/06/12
DA17	Elevational Shadows	Architex	D	27/06/12
DA18	Solar Access Diagrams	Architex	D	27/06/12
6510-C DA01	Stormwater Layout Drawing Basement Level 2 and Pump Out Tank Details	HKMA Engineers	B	14/03/12
6510-C DA02	Stormwater Layout Drawing First Level	HKMA Engineers	B	14/03/12
6510-C DA03	Stormwater Layout Drawing First and Second floor	HKMA Engineers	B	14/03/12
6510-C DA04	Stormwater Layout Drawing Levels 6, 7 8 and Roof	HKMA Engineers	B	14/03/12
6510-C DA05	Onsite Stormwater Detention Tank and Section details	HKMA Engineers	B	14/03/12
11145DA 1/2	Landscape Concept Plan	Vision Dynamics	C	04/05/12
11145DA 2/2	Landscape Concept Plan	Vision Dynamics	C	04/05/12

2. **Building Code of Australia** - All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. **Building identification signage** – Building identification signage is to be located close to the building entries, be flush with the building wall and not be illuminated.
3. **Glazing reflectivity** – All external glazing is to have a maximum reflectivity of 20%.
4. **BASIX** – The development is to incorporate the requirements and commitments provided in the BASIX Certificate obtained in the first part of the deferred commencement referenced in Condition 1 above.

ITEM 2 (continued)

ATTACHMENT 3

5. **Car parking allocation** - A total of 38 car parking spaces must be provided on the site in accordance with DCP (2004 -Part 9.3). The parking spaces must be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. The distribution of car spaces as follows:

Use	Number of spaces
Residential	26
Commercial	5
Visitors	4
Disabled	2
Loading Bay	1

Note: One car parking space is to be allocated as a permanent loading bay.

6. **Sight lines** – The required sight lines to pedestrians and other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials.
7. **No cost to RMS** – All works associated with the development shall be at no cost to the RMS.
8. **Commercial/retail tenancy shop front** – No metal or roller shutter doors are to be installed to the shop front of the commercial/retail tenancy. The shop front may incorporate see-through security grills or translucent barriers to ensure maximum light is transmitted to footpath areas.
9. **Plumbing and drainage work** – All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
10. **Remediation of land** - If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.
- No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.
11. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
12. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
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.

ITEM 2 (continued)

ATTACHMENT 3

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

17. **Stratum Subdivision Plan** – A stratum subdivision plan in accordance with the approved architectural drawings is to be prepared and submitted to Council for approval prior to the issue of a **Construction Certificate**.
18. **Section 94 Contribution** – 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 the **Construction Certificate**.

A	B
Community and cultural Facilities	\$59,5180.26
Open Space and Recreation Facilities	\$131,932.58
Civic and Urban Improvements	\$54,296.27
Roads and Traffic Management Facilities	\$7,448.45
Cycleways	\$4,624.94
Stormwater Management Facilities	\$13,984.42
Plan Administration	\$1,247.51
The total contribution is	\$273,055.47

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the 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 adjustments for inflation on the basis of the contribution rates that are applicable at the time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

ITEM 2 (continued)

ATTACHMENT 3

19. **Damage Security** – The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management plan (category: other buildings with delivery of brinks or concrete or machine excavation).
20. **Payment of fees** – The following fees must be paid to Council in accordance with council's Management Plan:
- a. Infrastructure Restoration and Administration Fee
 - b. Enforcement Levy.
21. **Long Service Levy** – Documentary Evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Levy Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.
22. **Fees** – The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
23. **Road traffic noise** - The proposed development is to include materials that satisfy the requirements for habitable rooms under Clause 102, Subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007. The residential units must be designed and constructed so that the road traffic noise levels inside the buildings comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard *AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. The recommendations outlined in the report from consultant Sebastian Giglio (Acoustic consultant), dated 08 September 2011 are to be implemented.
- Details demonstrating compliance with the recommendations of this report are to be submitted on the Construction Certificate plans.
24. **Garbage and recycling storage** – The storage areas for garbage and recycling carts must be provided on the premises in accordance with Council's *Standard Requirements for the Construction of Garbage and Recycling Cart Storage Areas*.
- a. The residential waste storage area must accommodate a minimum of 24 bins.
 - b. The commercial waste storage area must contain a minimum of 4 bins.

All garbage rooms must be constructed in accordance with the following requirements:

- c. 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.
- d. The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.
- e. 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.
- f. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.

ITEM 2 (continued)

ATTACHMENT 3

- g. 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.
- h. 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.
- i. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
- j. The room must be provided with adequate artificial lighting.
- k. A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details confirming the size and construction details are to be submitted with the Construction Certificate.

25. **BASIX Commitments** – The **Construction Certificate** plans and specifications are to detail all of the ‘CC plan’ commitments of the BASIX Certificate.
26. **Detailed Landscape Plan** – A detailed Landscape Plan is to be submitted and approved by Council in accordance with the approved Landscape Concept Plan (Plan No 1145DA 1/2 Issue C and Plan No 1145DA 2/2 Issue C, prepared by Vision Dynamics dated 04/05/2012) prior to the issue of a **Construction Certificate**. The detailed Landscape Plan must also incorporate the following:
- a. **Street tree planting** – Trees planted along Devlin Street are to be in accordance with Council's Public Domain Manual.
 - b. **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.
 - c. **Outdoor furniture** – Outdoor furniture and fixtures such as bench seating, and tables (or the like) are to be incorporated into the common open terrace (communal open space areas) to allow passive recreational use of this space. Such furnishings should be shown on the detailed Landscape Plan.
27. **Ryde Town Centre public domain** –
- a. All hard landscaping, paving, soft landscaping including species selection, street furniture and the like within the public domain shall be in accordance with the Ryde Town Centre Public Domain Plan. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of any Construction Certificate. Street lighting plans are also to be submitted to the RTA for approval.
 - b. Where soft landscaping is proposed, including species selection, the applicant must ensure that species health is guaranteed for a minimum of two (2) years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within two (2) years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

ITEM 2 (continued)

ATTACHMENT 3

- c. The electrical circuit of the new street lighting on the multifunction pole (MFP) shall be metered through a box on the footway outside the property.
- d. The applicant shall remove the existing street light outside the frontage of the development and program works to maintain street lighting of the public road during the change in networks.

28. **Car park ventilation details** – The basement car park must be provided with an adequate system of permanent ventilation or an approved system of mechanical ventilation. Details of the proposed method of ventilating the basement car park must be submitted to Council or an accredited private certifier for approval with the application for the **Construction Certificate**. The car park exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.

29. **Mechanical ventilation details** – Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation. Details of all proposed mechanical ventilation systems must be submitted to Council or an accredited private certifier for approval with the application for the **Construction Certificate**. Such details must include:

- a. Certified plans of the proposed work, with an alterations coloured to distinguish between new and existing work;
- b. A site survey showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- c. A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
- d. Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

30. **Disabled access** – Prior to the issue of a **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities. The report is to be provided to the PCA and Council (if Council is not the PCA).

31. **Design verification** – Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

ITEM 2 (continued)

ATTACHMENT 3

- 32. 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**.
- 33. Drainage Security Deposit.** The applicant shall lodge with Council a security deposit of \$3,000 prior to the issue of the Construction Certificate to ensure the Positive Covenant has been prepared, lodged and registered and that the onsite stormwater detention system is constructed in accordance with the approval plans; this includes the correct sediment sump construction and fitting of the orifice plate and debris screen in the outlet control pit. Refund of this security deposit will be made on satisfactory completion of the works and notification to Council of lodgement of the Positive Covenant with the Land and Property Management Authority.
- 34. 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.
- 35. 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 \$135.00 shall be paid to Council prior to the issue of the Construction Certificate
- 36. Car Parking.** All internal driveways, vehicle turning areas, garage opening widths, parking space dimensions and headroom clearances etc shall comply with AS 2890.1-2004 and AS 2890.2-2002 where applicable to ensure all vehicles using the site can enter and leave in a forward direction. The commercial parking layout shall be designed as class 3(a) under AS 2890.1-2004.
- 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

ITEM 2 (continued)

ATTACHMENT 3

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. Excavation. The proposed development will result in substantial excavation that has the potential to affect the foundations of adjoining properties.

The applicant shall:-

- a) *seek independent advice from a Geotechnical Engineer on the impact of the proposed excavations on the adjoining properties*
- b) *detail what measures are to be taken to protect those properties from undermining during construction*
- c) *provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties.*

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.

39. Road Anchors. Where road anchors are determined necessary to support the proposed excavation, detailed structural plans indicating the required number of road anchors proposed shall be submitted to Council along with payment of anchors fee as per Council's Management plan.

40. On-Site Stormwater Detention. Stormwater runoff from all impervious areas of the site shall be collected and piped by gravity flow to an on-site detention system and discharged to Belmore Lane drainage system in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped and gutters drainage system shall be designed for a 100 year 5 minute duration storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded or blocked up to the 100 year average recurrence interval and direct all overflows to the public road drainage system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

Engineering plans together with certification from a chartered professional engineer with NPER registration with Engineers Australia shall be submitted with the construction certificate application.

41. Road Works. To facilitate the safe passage of vehicles and pedestrian movements along the site frontage to Belmore Lane, the following road works must be completed at no cost to Council prior to issue of ANY Occupation Certificate.

ITEM 2 (continued)

ATTACHMENT 3

a. The widening of Belmore Lane carriage width to allow for a minimum 5.5m carriage width measured between the invert of road gutters. Provision shall be made also for a full width pedestrian refuge/path. Accordingly, the effective widening width required, measured from the site western boundary shall be 2.5m

b. The road widening shall take place on the subject property, accordingly a R.O.W for public access shall be created over the full width of the affected land with the requirement for the proprietor of the land maintain this section of the R.O.W in operable conditions at all times. Terms regarding the creation of the R.O.W is to be submitted to and approved by Council prior lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council prior to issue of ANY Occupation Certificate .

c. The works shall incorporate all other necessary transition works that may be required to make the construction effective.

d. Engineering plans for the proposed road widening shall be submitted to and approved by Council prior to issue of Construction Certificate with all assessment and inspection fees being fully paid in accordance with Council's Management Plan.

42. Traffic Management Plan. To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted to and approved by Council prior to issue of Construction certificate where the works affect the public road reserve.

The TMP shall be prepared in accordance with Australian the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, hours of operation, access arrangements, handling and deliveries including construction traffic parking

Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

The TMP must also include the requirement that all demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Devlin Street. All works are to be undertaken from Belmore Lane.

43. Soil and Water Management Plan. A Soil and Water Management Plan (SWMP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate. These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

ITEM 2 (continued)

ATTACHMENT 3

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
- (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) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
- (l) Procedures for maintenance of erosion and sediment controls
- (m) Details for any staging of works
- (n) Details and procedures for dust control.

44. **Dilapidation Report** – Prior to the issue of any Construction Certificate on the site, the applicant is to provide the Principal Certifying Authority (and Council if Council is not the PCA) with a dilapidation report of the adjoining properties (19-21 and 31 Devlin Street, Ryde). This report is to address all structures on the site. The report should include photographic evidence of the existing building and structures prior to any work commencing.

PRIOR TO COMMENCEMENT

45. **Security deposit for demolition only** – A security deposit (Category: demolition) is to be paid to Council (Public Works and Services Group) **prior to the commencement** of any demolition works. Please refer to Council's Management Plan for the applicable fee amount.

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

47. **Site signage** – The following signage is to be installed on the subject site:

- a. A rigid, durable sign showing the demolition contractors name, address and telephone contact details must be displayed in a prominent position on the site so that they can be read by anyone in any public road or other public place adjacent to the site.
- b. Notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words '**DANGER! DEMOLITION WORK IN PROGRESS**' must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.

ITEM 2 (continued)

ATTACHMENT 3

- c. Where the work involves the demolition or removal of asbestos products and materials, including asbestos-cement sheeting (i.e. fibro), notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words 'WARNING! ASBESTOS REMOVAL IN PROGRESS' must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.
 - d. During the entire construction phase, signage shall be fixed to the site identifying the PCA and principle contractor (the coordinator of the building work), and providing phone numbers.
48. **Toilet facilities** – Toilet and hand washing facilities must be provided for workers in accordance with the Code of Practice: Amenities for Construction Work (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.
49. **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.
50. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities
51. **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.
52. **Changes to RMS Stormwater Drainage System** - Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of works. Details are to be forwarded to The Sydney Asset Management, RMS, PO Box 973 Parramatta, NSW 2124. A plan checking fee will be payable and a performance bond may be required before any RMS approval is issued. With regard to the Civil Works requirement please contact RMS' Project Engineer, External Works.

DURING DEMOLITION AND CONSTRUCTION

53. **Demolition works** – In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).
54. **Stormwater quality** – Only unpolluted water is to be discharged to Council's stormwater drainage system.

ITEM 2 (continued)

ATTACHMENT 3

55. **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.
56. **Recyclable wastes** – All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
57. **Asbestos work** – All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in accordance with the guidelines for asbestos works published by WorkCover New South Wales.
58. **Storage of asbestos wastes** – All asbestos wastes must be stored separately from other wastes in a secure area and be removed from the site as soon as practicable.
- Friable asbestos waste must be sealed in heavy-duty (200um) plastic bags marked with the words 'CAUTION ASBESTOS' in lettering at least 40mm high which complies with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment*.
- All bags of asbestos waste must be placed in a leak-proof contained marked with the words 'DANGER – ASBESTOS WASTE ONLY – AVOID CREATING DUST' in lettering at least 50mm high, which complies with Australian Standard AS 1319, and be covered with a close fitting list to prevent escape of the waste.
- Bonded asbestos waste must be wetted with a fine water sprat and wrapped in heavy-duty (200um) plastic sheeting to prevent the emission of dust.
59. **Demolition waste** – Demolition wastes must not be placed on public roads, footpaths or reserves, or be allowed to enter any street gutter, stormwater drain, or waterway. The burning of demolition waste is prohibited under the *Protection of the Environment Operations (Clean Air) Regulations 2002*. All demolition waste must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.
60. **Transportation of wastes** – All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility in for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
61. **Disposal of asbestos wastes** – All asbestos wastes, including uses asbestos-cement sheeting (i.e. fibro) must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive asbestos waste.
62. **Demolition and construction vehicles** – All demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping. A works zone on Devlin Street or Lane Cove Road or Blaxland Road is not permitted.
63. **Hoardings** – Where the site adjoins a public thoroughfare, the common boundary must be fenced with a hoarding, unless the horizontal distance between the boundary and the structure being demolished is more than twice the height of the structure. All hoardings must be constructed of solid materials and be at least 1.8 metres high. Hoarding should also comply with the requirements of Part 4.4, provision 3.10 – Hoardings of the Ryde DCP 2010.

ITEM 2 (continued)

ATTACHMENT 3

64. **Protection of underground services** – Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
65. **Licences contractor to carry out work** – All demolition work must be carried out by an appropriately licensed contractor.
66. **Building and demolition material** – No building or demolition material is to be placed on any public road, footpath, park or any Council owned land.
67. **Dust control** – Appropriate measures must be undertaken to control the generation of dust during demolition work:
- a. Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
 - b. Any materials that are likely to generate dust during demolition or removal must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - c. All stockpiles of materials that are likely to generate dust must be kept dam or covered.
 - d. Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
68. **Hours of work** – All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
69. **Contaminated soil** – All potentially contaminated soil excavation soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
70. **Surplus excavated material** – All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site. No fill is to be placed above the natural ground level, unless approved by this consent.
71. **Covering of loads** – All vehicles transport demolition materials from the site must have their loads covered.
72. **Mud and debris from vehicles** – All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.
73. **Removal of mud and debris from roadway** – Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming).
74. **Concrete waste** – Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

ITEM 2 (continued)

ATTACHMENT 3

75. **Discovery of additional information** – Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
76. **Further contamination requirements** – If any additional information is discovered above site contamination, the proposed must comply with any reasonable requirements of Council.
77. **Work within a 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 AS 1742.3-1996 “Traffic Control Devices for Work on Roads”.
78. **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*.
79. **Surveyor Check of the Building** – Council recommends that a Registered Surveyor check survey certificate be submitted to the Principle Certifying Authority (*and Council if Council is not the PCA*) detailing compliance with Council’s approval at the following stages:
- a. Prior to the construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - b. Prior to construction of each floor showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
80. **Landscaping not to restrict views** - Any proposed landscaping and/or fencing must not restrict sight distances to pedestrians and cyclists travelling along Belmore Lane.

PRIOR TO OCCUPATION CERTIFICATE

81. **Occupation Certificate required** – An **Occupation Certificate** must be obtained from the Principle Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the *Environmental Planning and Assessment Regulation 2000* prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
82. **Section 73 Certificate** – A Section 73 Compliance Certificate under Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

ITEM 2 (continued)

ATTACHMENT 3

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be building and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to occupation** of the development.

83. **Fire Safety Certificate** – A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council in this instance) for all items listed in the Fire Safety Schedule forming part of this approval for prior to any consent for occupancy/partial occupancy being granted.
84. **BASIX Commitments** – Prior to the issue of the **Occupation Certificate**, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
85. **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*.
86. **Certification of mechanical ventilation work** – A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an **Occupation Certificate**.
87. **Lot consolidation** – All land titles within the site must be consolidated into one allotment. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to the issue of an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
88. **Landscape Maintenance Plan** – A Landscape Maintenance Plan is required is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
 - a. Regular maintenance and trimming of shrubs and plantings.
 - b. Shrubs and plantings be appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas.

ITEM 2 (continued)

ATTACHMENT 3

- c. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.

89. Lighting – All 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. Basement lighting is to comply with Australian Standard AS1680.2 and 28890.1:2004. Lighting is also to be provided on the underside of the building entry awning.
- 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, the public outdoor court and communal gardens.
- e. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

90. Safety and warning signage – The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:

- a. *'Warning: These premises are under constant surveillance'* and *'Warning: Trespassers will be prosecuted'* signs are to be displayed the building entrances.
- b. Signage (if required) outlining any applicable restrictions in private communal or semi-private communal spaces.
- c. Way finding signage in basement car parking levels to locations including residential parking, residential visitor's parking, commercial parking, lifts and exits.
- d. *'These doors are to be used for emergency purposes only'* on fire exit doors.

91. Site Maintenance Plan – A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including security communications devices, card readers) and lighting, lighting and signage.

92. 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.

93. 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.

94. 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.

ITEM 2 (continued)

ATTACHMENT 3

95. **Video intercom** – A video intercom system providing remote door operation is to be installed at the residential building entrances including the Pope Street entrance, the Pope Street foyer entrance into the circulation gallery and the Blaxland Road entrance. The video 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.
96. **Lift access and security** – Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
97. **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.
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. **Certification of mechanical ventilation work** – A Mechanical Services Completion and Performance Certificate from a suitable qualified practising mechanical engineer certifying that all new mechanical ventilation systems have been installed in accordance with the approved plans and specifications and comply with the *Building Code of Australia*, the *Public Health Act 1991* and any relevant conditions of consent must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
100. **Compliance Certificates – Engineering.** To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Principal Certifying Authority shall ensure the following will be met.
- Compliance Certificate should be obtained from an accredited certifier Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

ITEM 2 (continued)

ATTACHMENT 3

- Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
- Compliance Certificate shall be obtained from Council confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council's satisfaction

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

101. **Registration of R.O.W.** Documentary evidence shall be provided from the Lands and Property Information Office, confirming that the right of way for public access over the affected rear section of the site has been registered.
102. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, a Certificate from a Registered Surveyor is to be submitted to the PCA certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
103. **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 the City of Ryde, Development Control Plan 2006: - 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.
104. **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.
105. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the construction certificate version of concept stormwater plan No. 6510-C issue B sheet 1 to 5 prepared by hkma dated 14/3/12 as amended in red .

ITEM 2 (continued)

ATTACHMENT 3

OPERATIONAL REQUIREMENTS

106. **Noise and vibration from plant** – Unless otherwise required by any other condition of this consent, the operation of any plant or equipment installed on the premises must not cause:
- a. The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - 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.
107. **Storage and disposal of wastes** – All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
108. **Cleanliness of garbage containers** – The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).
109. **Maintenance of waste storage areas** – All waste storage areas must be maintained in a clean and tidy condition at all times.
110. **Vehicular entry and exit** – All vehicles shall enter and leave the site in a forward direction.
111. **Vehicular entry** – All vehicles should be wholly contained on site before being required to stop.
112. **Use of study rooms** – No areas identified on the approved architectural drawings as ‘study rooms’ or ‘media rooms’ are to be used as bedrooms.
113. **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*.
114. **Lighting** – The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
115. **Bicycle parking** – A minimum 8 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS 2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site.
116. **Motorcycle bays** – a minimum of 2 motorbike parking bays must be provided in a suitable location for the convenience of employees and visitors to the site.
117. **Loading and unloading** – All loading and unloading in relation to the premises is to take place wholly within the property.

ITEM 2 (continued)

ATTACHMENT 3

118. **Residential bins** - All residential bins will be required to be brought out to the laneway for servicing by either a cleaner or caretaker. The bins are to be provided in the laneway so that they do not impede pedestrian access or vehicular access in the laneway.
119. **Fire Safety Statement** – A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.

ITEM 2 (continued)

ATTACHMENT 3

ATTACHMENT M1

MECHANICAL SERVICES DESIGN CERTIFICATE

Mechanical Ventilation, Fire Precautions, Smoke Hazard Management, Microbial Control

Address:

Development Application No.:

Construction Certificate No.:

Pursuant to the Provisions of Section 93 of the Local Government Act 1993⁽ⁱ⁾, I hereby certify that the design of the new/altered mechanical services complies with the current requirements of the Building Code of Australia ⁽ⁱⁱ⁾ and the Public Health Act 1991 and in particular are design in accordance with the following:

- (a) The approved architectural plans (see attached drawing list)
- (b) AS 1668.1, AS 1168.2 and the NSW Code of Practice for the Control of Legionnaires' Disease
- (c) Any recommendations of the NSW Fire Brigade

I am an appropriately qualified and competent person to certify that the design and performance of mechanical services complies with the requirements of the Building Code of Australia and Public Health Act 1991.

I possess the indemnity insurance to the satisfaction of the building owner or my principal.

Full name of Certifier:

Qualifications and Experience ⁽ⁱⁱⁱ⁾:

Address of Certifier:

Phone numbers: Business:

Mobile:

Fax:

Signature:

Name of employer (Self or Company):

Certified Mechanical Drawing numbers and revision list (attach a separate list if necessary):

Notes:

- (i) The Local Government Act 1993 exempts Council from liability by relying on this certificate.
- (ii) Departures from the deemed-to-satisfy provision must be justified in writing and validated when the Completion and Performance Certificate (Attachment M2) is submitted.
- (iii) Please attach Curriculum Vitae.

ITEM 2 (continued)
ATTACHMENT M2

ATTACHMENT 3

MECHANICAL SERVICES COMPLETION AND PERFORMANCE CERTIFICATE
Mechanical Ventilation, Fire Precautions, Smoke Hazard Management, Microbial Control

Address:

Development Application No.:

Construction Certificate No.:

Pursuant to the Provisions of Section 94 of the Local Government Act 1993 (i), I hereby certify that the mechanical services at the above premises have been inspected, commissioned and tested and have been installed/altered and perform in accordance with the Certified Mechanical Drawings and Documentation specified in Attachment M1 dated _____ and approved for construction on _____

Details of the performance tests carried out are submitted in the documentation listed below:

Proof of registration under Public Health Act 1991:

Is there a cooling tower or other system on the premises requiring registration under the Public Health Act 1991?

Yes

No

If yes, please attach a copy of the registration certificate.

I am an appropriately qualified and competent person to certify that the installation and performance of mechanical services complies with the requirements of the Building Code of Australia and the Public Health Act 1991 (ii).

I possess the indemnity insurance to the satisfaction of the building owner or my principal.

Full name of Certifier:

Qualifications and Experience (iii):

Address of Certifier:

Phone numbers: Business:

Mobile:

Fax:

Signature:

Name of employer (Self or Company):

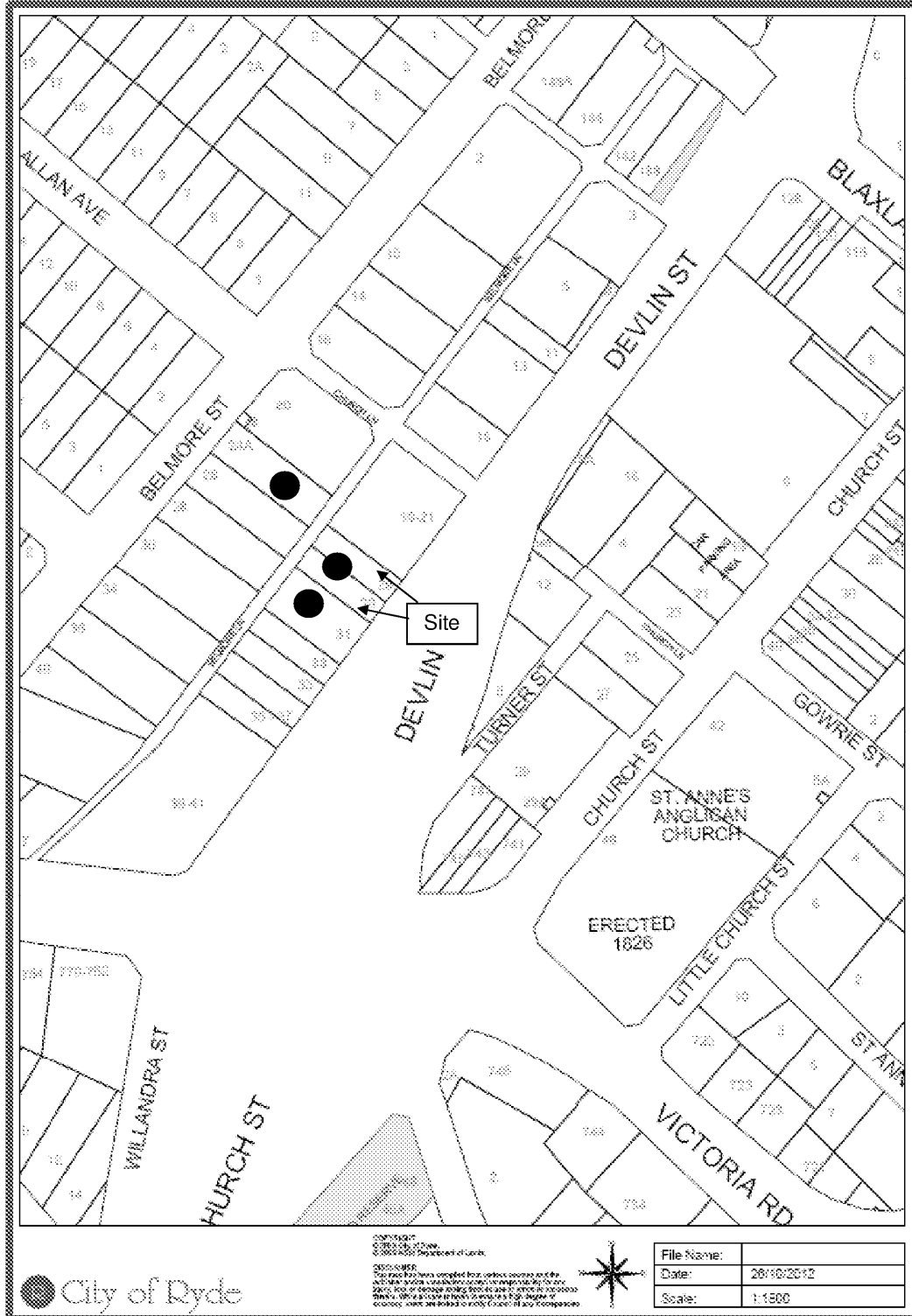
Notes:

- (i) The Local Government Act 1993 exempts Council from liability by relying on this certificate.
- (ii) Departures from the deemed-to-satisfy provision must be justified in writing and validated when the Completion and Performance Certificate (Attachment M2) is submitted.
- (iii) Please attach Curriculum Vitae.

ITEM 2 (continued)

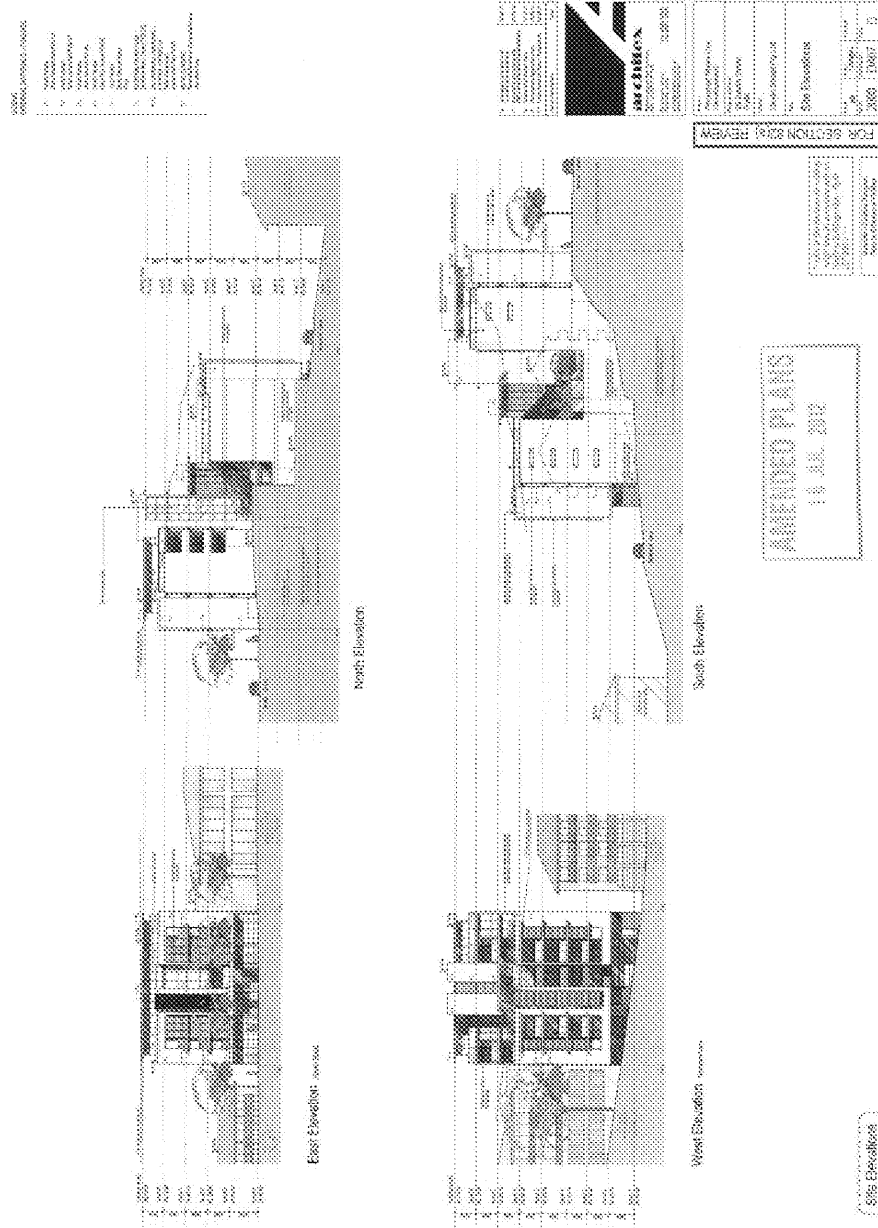
ATTACHMENT 4

 Indicates submissions received (note: multiple received from units at 31 Devlin Street)



ITEM 2 (continued)

ATTACHMENT 5



- 3 16 PUNT ROAD, GLADESVILLE. Lot 502 DP 732745. Local Development Application for alterations and additions to seniors housing (residential care facility): additional facilities including new office, meeting room, change room, and laundry. LDA2012/0015.**

INSPECTION: 4.40pm

INTERVIEW: 5.40pm

Report prepared by: Senior Town Planner; Team Leader - Major Development Team

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

Report dated: 23 October 2012 **File Number:** grp/12/5/5/3 - BP12/1235

1. Report Summary

Applicant: Thomson Adsett.

Owner: Twilight House.

Date lodged: 19 January 2012.

This report considers a proposal for alterations and additions to an existing seniors housing facility located at 16 Punt Road. Currently the facility is used for the accommodation of seniors and persons with a disability.

The application proposes additional office space, administration area, common lounge area and amenities such as washing room, hair dressing room, laundry and change room at ground floor and first floor level adjacent to the southern side boundary. No change is proposed to the quantum of aged care residents (41) or the number of employees.

The development on the site is defined as a *residential care facility* and is permitted on the site under Ryde Local Environmental Plan 2010 (LEP 2010) and the State Environment Planning Policy (Seniors Living) 2004 (the Seniors Living SEPP). The proposed alterations and additions are subject to the planning controls prescribed under the Seniors Living SEPP. The proposal generally complies with the controls under the SEPP.

The Development Application (DA) was publicly exhibited between 8 February 2012 and 29 February 2012. During this time, eight submissions were received from the local residents objecting to the development, mainly in relation to the impact on their privacy.

As part of the assessment process the applicant was requested to address the issues raised by Council officers and the concerns raised in the submissions. The applicant submitted amended plans and supporting information on 30 May 2012. The amended plans were notified again from 1 June 2012 to 25 June 2012. During this time a total of six submissions were received.

ITEM 3 (continued)

A review of the amended details indicated that the development generally complies with the planning requirements and that the issues raised in the submissions have been reasonably addressed as detailed later in the report.

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

Reason for Referral to Planning and Environment Committee: Called-up by (former) Councillor O'Donnell.

Public Submissions: Eight submissions received to the original application.
Six submissions received to the amended proposal.

Clause 4.6 RLEP 2010 submission required? No

Value of works? \$1.1Million

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. 2012/0015 for 16 Punt Road 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 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 3 (continued)

Report Prepared By:

Sanju Reddy
Senior Town Planner

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)



Address	: 16 Punt Rd Gladesville
Site Area	: 3,431m ² Frontage: 42.72 metres Depth: 88.54 metres
Topography and Vegetation	: The site falls from Punt Road to its rear boundary by approximately 9 metres. The site also has a cross fall of over 3m from north to southern boundary towards the front of the site.
Existing Buildings	: The site contains a 2 storey brick buildings with a street setback of 22m – 40m.
Planning Controls	: Low Density Residential
Zoning	: State Environmental Planning Policy (Seniors Housing) 2004
Other	: Local Environmental Plan 2010. Seniors Living Policy: Urban Design Guidelines for Infill Development.

ITEM 3 (continued)

Development Control Plan 2010

- Part 2.1 Notification of Development Applications
- Draft Local Environmental Plan 2011

3. Councillor Representations

Name of Councillor: (former) Councillor O'Donnell

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

Date: 23 March 2012.

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

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

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

4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

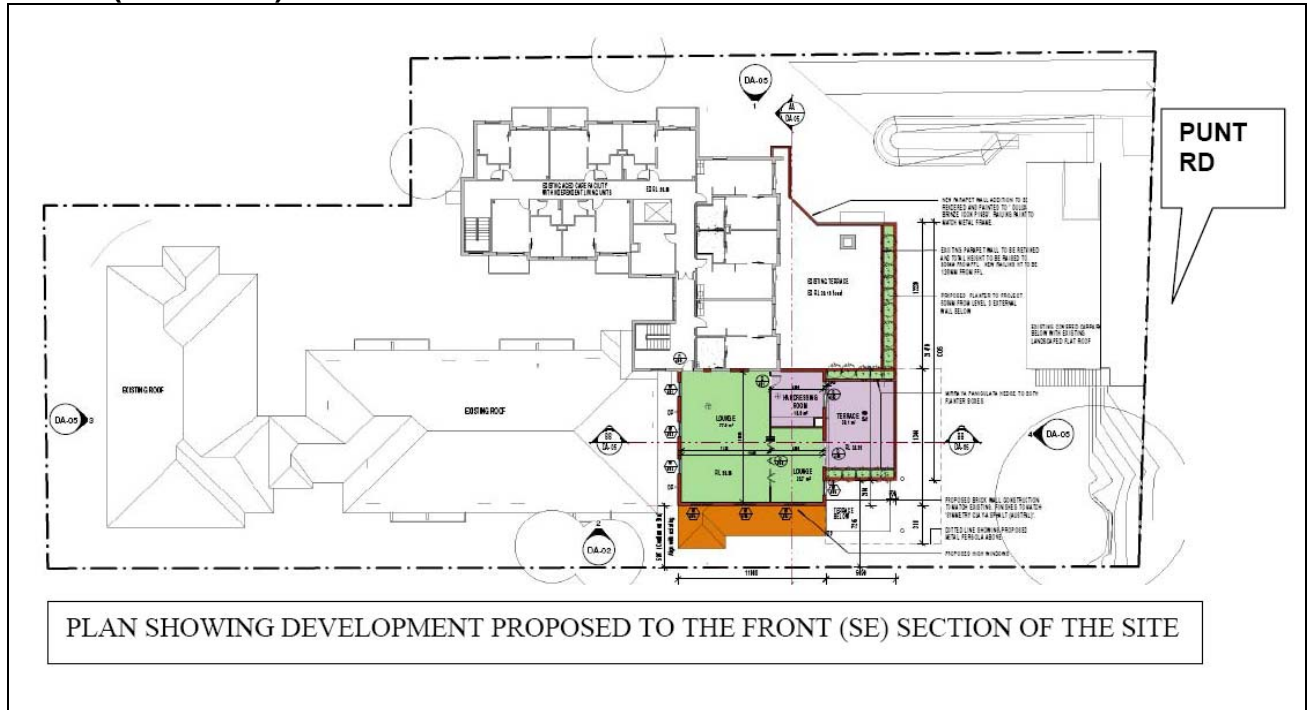
5. Proposal

Development Consent is sought for alterations and additions to the existing seniors housing (residential care facility). The works comprises of the following:

- Partial demolition of existing building;
- Extension of existing ground floor level to accommodate office space, extended dining room, staff meeting room, change room, washing/drying room, new glazing to entry and storage room.
- Addition of first floor level to accommodate common lounge room, hair dressing room and terrace.
- Landscaping, paving and site works –

The work is generally located at the front of the site within the south eastern side.

ITEM 3 (continued)



6. Background

- Prior to lodgement of the current application, the applicant undertook a pre-lodgement meeting with Council officer on 15 December 2011.
- 19 January 2012 - DA was lodged.
- 8 February 2012: The application was publicly exhibited until 29 February 2012. Eight submissions were received to the original application.
- 24 April 2012: A site meeting was held with an objector.
- 1 May 2012: The applicant was requested to address the concerns raised in the submissions.
- 30 May 2012: Meeting held with the applicants to discuss the proposal and concerns of the residents.
- 30 May 2012: Amended plans were received by Council incorporating the following changes:
 - The setback of the façade facing the side/ southern boundary increased to 2m – 3m.
 - Large window removed on the southern wall of the staff meeting room and replaced with 450mm high windows placed at a sill level of 1650mm, to alleviate any potential overlooking.
 - Windows from the single storey part of the building which is setback 2m from the side boundary have been deleted. Laundry size and areas of internal rooms reduced to achieve the above.
 - The terrace on the southern elevation removed.
 - Lounge extended to align with the wall below (to allow for better structural stability).

ITEM 3 (continued)

- Window opening reduced in size and sill height changed to 1650mm (to alleviate any possible overlooking and allow light).
 - Terrace moved from the southern side to front of building.
 - Proposed to keep existing hedge along side boundary.
-
- 01 June 2012: The amended details were re-notified until 25 June 2012. Six submissions were received to the amended proposal.
 - 26 June 2012: The new submissions were forwarded to the applicant as requested.
 - 06 July 2012: Meeting with the Architect for the proposal to further discuss submissions.
 - 11 July 2012: Additional amended plans were received incorporating the following changes:
 - Increased first floor side setback to 5.1m – 7.2m to align with existing building façade and address concerns of neighbour.
 - New survey levels obtained with respect to adjoining property. Using the new survey levels shadow lengths recalculated.

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 8 February 2012. Notification of the proposal was from 8 February 2012 until 29 February 2012.

During this time, eight submissions were received from the local residents objecting to the development, mainly in relation to the impact on their privacy.

The proposal was subsequently amended by the applicant. The amended plans were notified from 1 June 2012 to 25 June 2012. During this time a total of six submissions were received.

The issues raised in the submissions are discussed below:

- a) *32 Punt Road & 22A Punt Road: There seems to be an absence of additional vehicle parking as part of the proposal.*

Assessment Officer's Comments:

Car parking for such development is required based on number of beds and employees. No changes are being made to the number of rooms or the quantum of residents staying at the facility that would trigger the need for additional parking. The existing car parking facilities on the site will remain as approved and is considered satisfactory as demonstrated later in this report.

ITEM 3 (continued)

b) *18 Punt Road -The following issues were raised:*

- (i) *The proposal will overshadow the backyard at No. 18 Punt Road. The attached shadow diagrams and reports by M Korecky M.Eng Sc MIE shows that the proposed development does not provide 2 hours of sunshine to at least 50% of the principal area of ground level private open space at any time of the day.*

Assessment Officer's Comments:

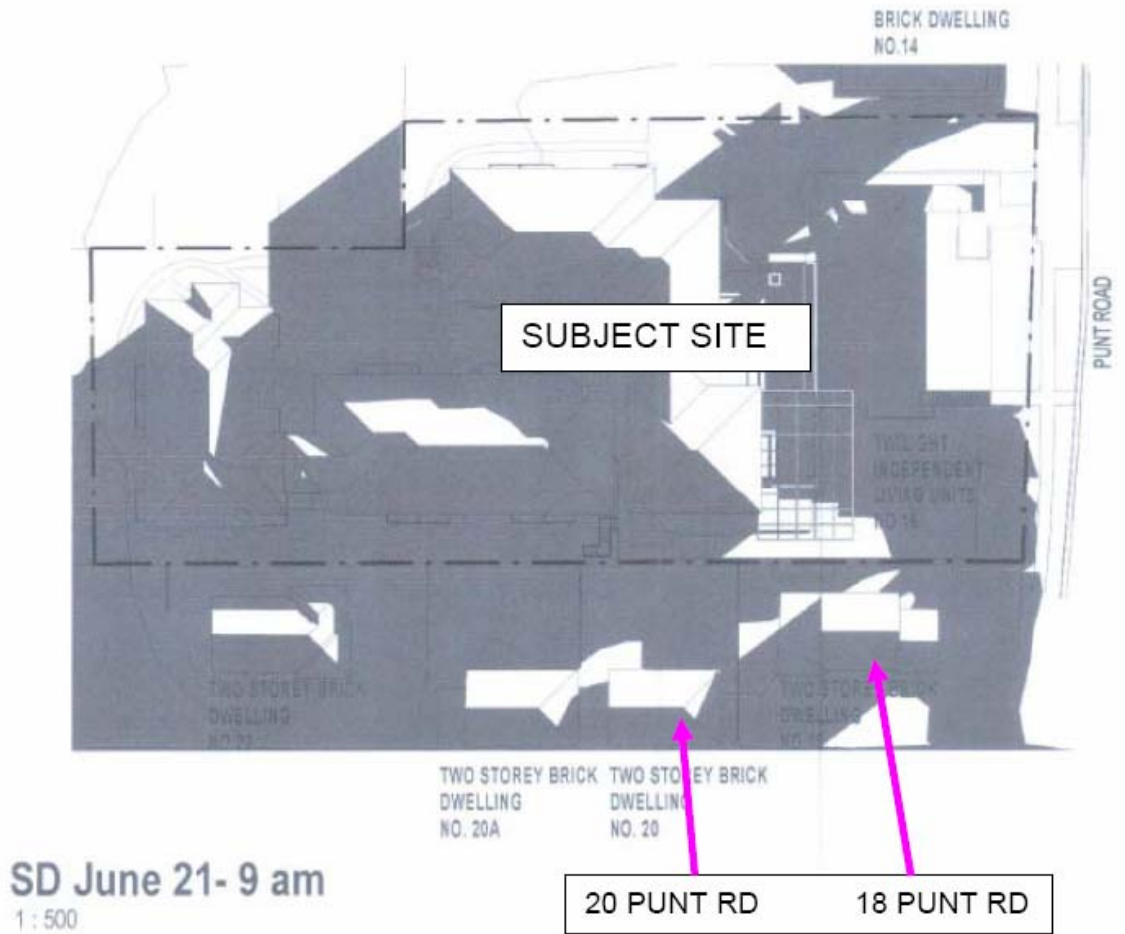
In order to minimise impact on solar access the proposal has been revised to increase the side setback and bulk and scale of the southern elevation.

The shadow diagrams have been revised based on the new survey levels for the affected properties provided by the surveyor. The amended shadow diagrams are on file and have been replicated below.

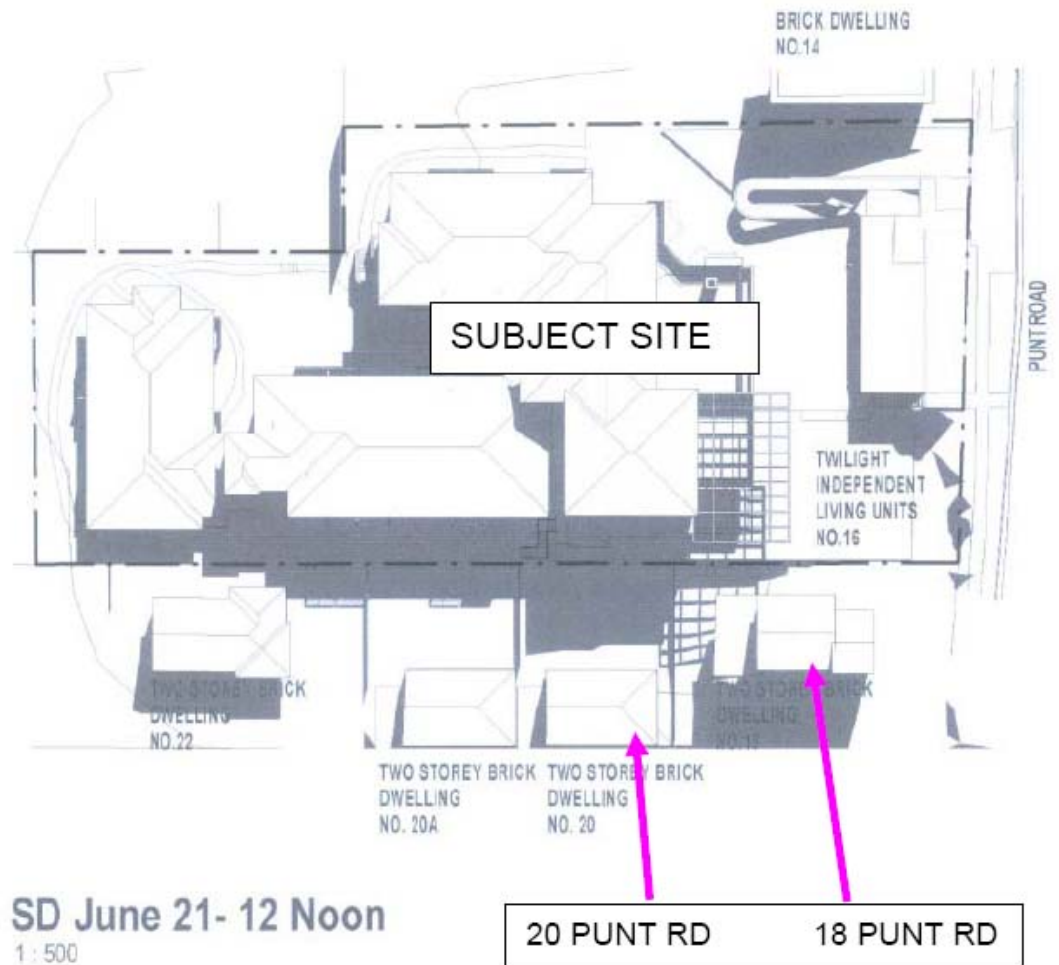
The shadow diagrams demonstrate that the sunlight access to adjoining dwelling located at No. 18 Punt Road will not be reduced to an unacceptable level and that sunlight access would be maintained as follows:

- The development will not impact on daylight access to the neighbours' main living area (at 18 Punt Road) between 11:00am – 2:15pm (3 hours) on 21 June.
- The development will not affect sunlight access to substantial areas of private open space of the adjoining residential properties between the hours of 12:00pm to 3pm on 21 June.

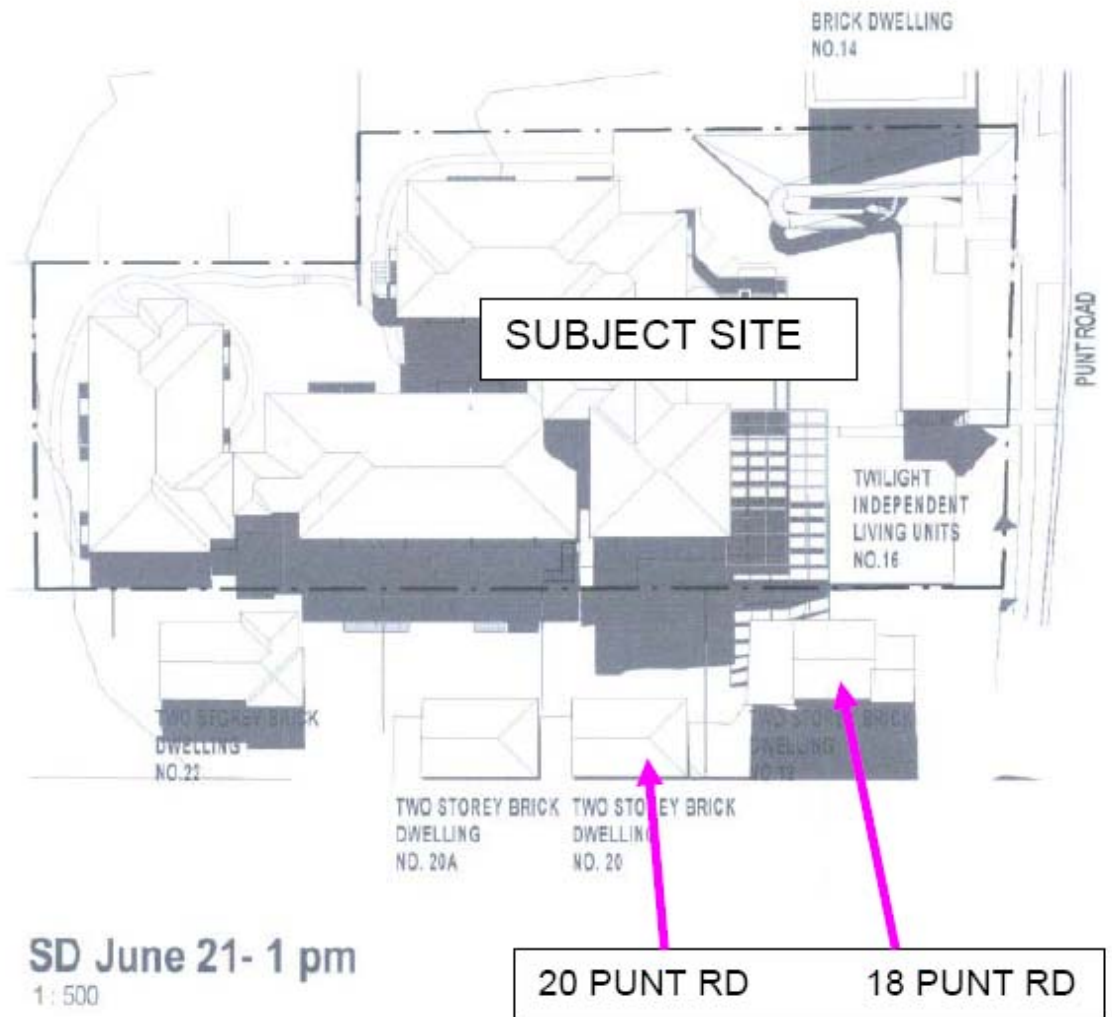
ITEM 3 (continued)



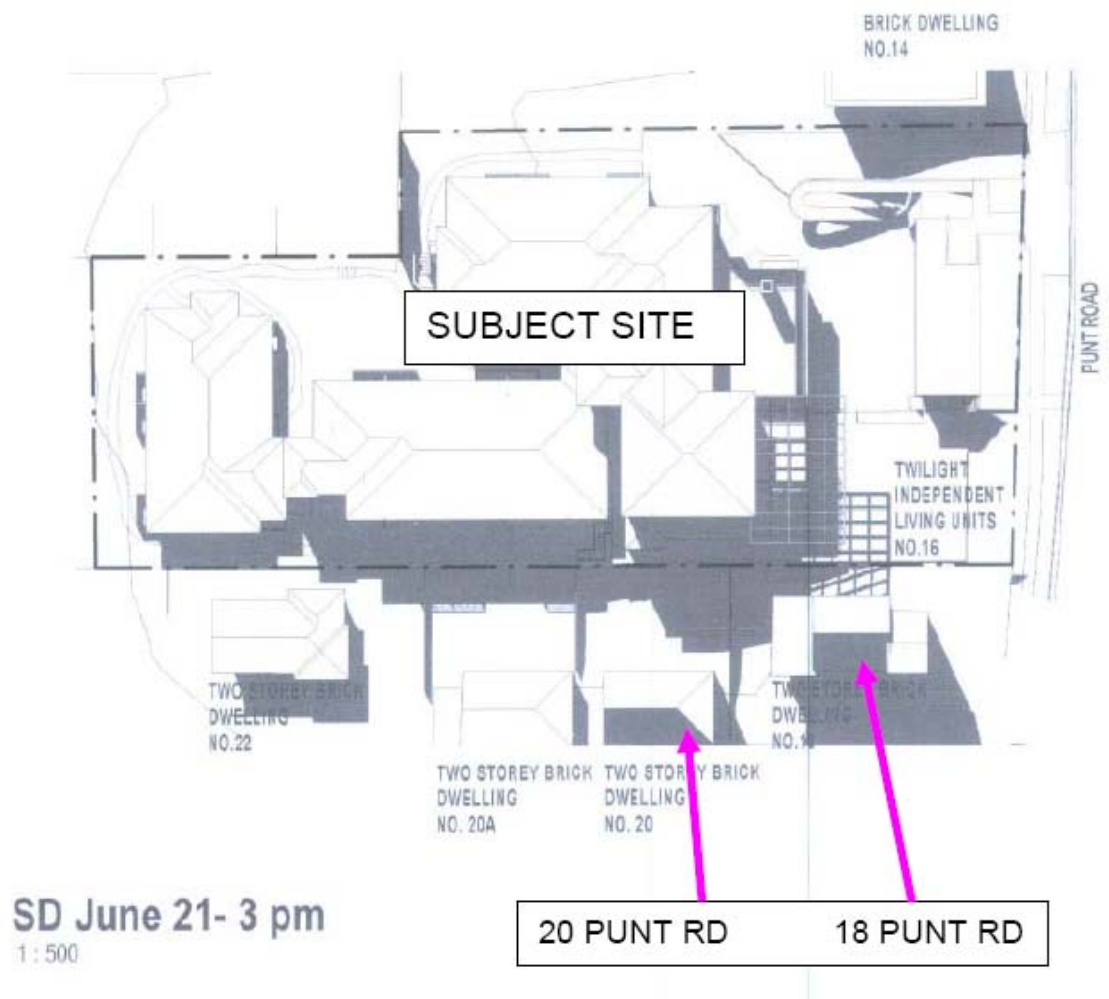
ITEM 3 (continued)



ITEM 3 (continued)



ITEM 3 (continued)



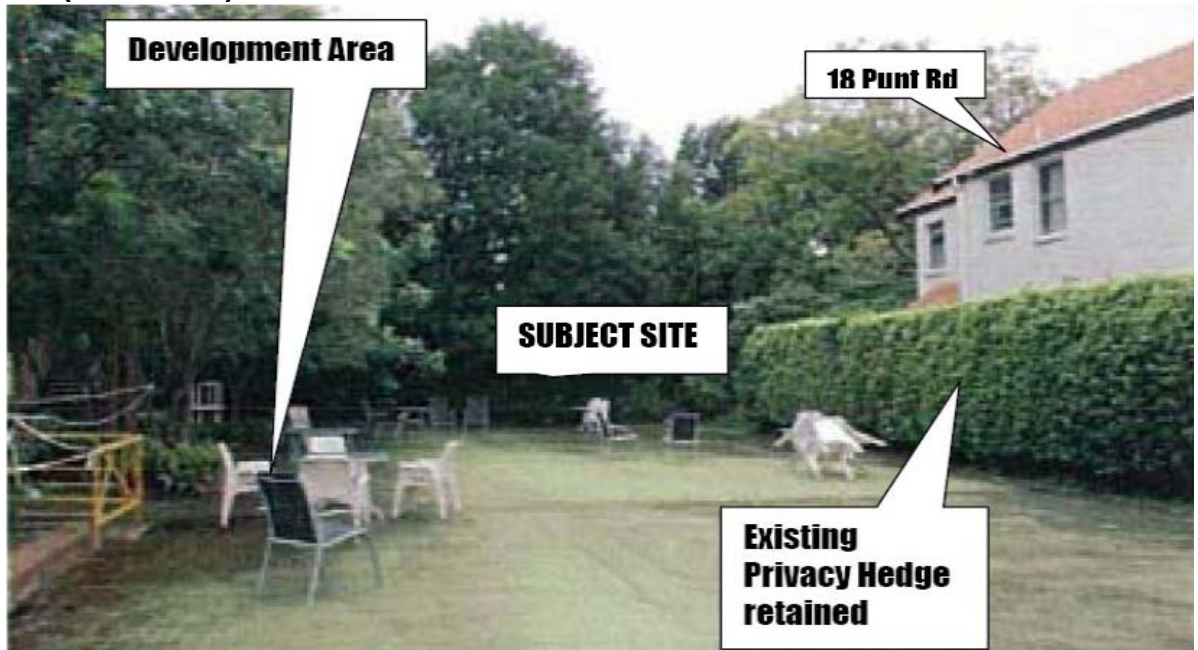
In addition to complying with the solar access requirements under Clause 35 of the Seniors Housing SEPP, the proposal also complies with the solar access requirement under Council's DCP2010 with respect to the amount of solar access to No. 18 Punt Road.

(ii) *Ground floor terrace will impact on privacy.*

Assessment Officer's Comments:

The terrace is located at ground level and is setback 3m from the southern side boundary. No change in ground level is proposed in this area. The terrace is located in front of the meeting room and will be screened with existing dense hedge as shown in the picture below. The setback is considered reasonable.

ITEM 3 (continued)



(iii) The proposal will impact on the loss of parking available on Punt Road.

Assessment Officer's Comments:

The development proposes to add additional amenities such as office, meeting room and laundry to an existing residential care facility which will not generate any additional traffic. Sufficient parking spaces have already been provided.

(iv) This residential street should not be subjected to overdevelopment.

Assessment Officer's Comments:

The proposal complies with the floor space ratio permitted under the Seniors Living SEPP and the setbacks are considered reasonable and therefore are not considered an overdevelopment of the site.

(v) The development will not increase the supply of new housing for seniors or people with a disability and therefore Council is entitled to apply any controls it sees fit in order to optimize internal amenity for 16 Punt Rd and minimise impacts on neighbours.

Assessment Officer's Comments:

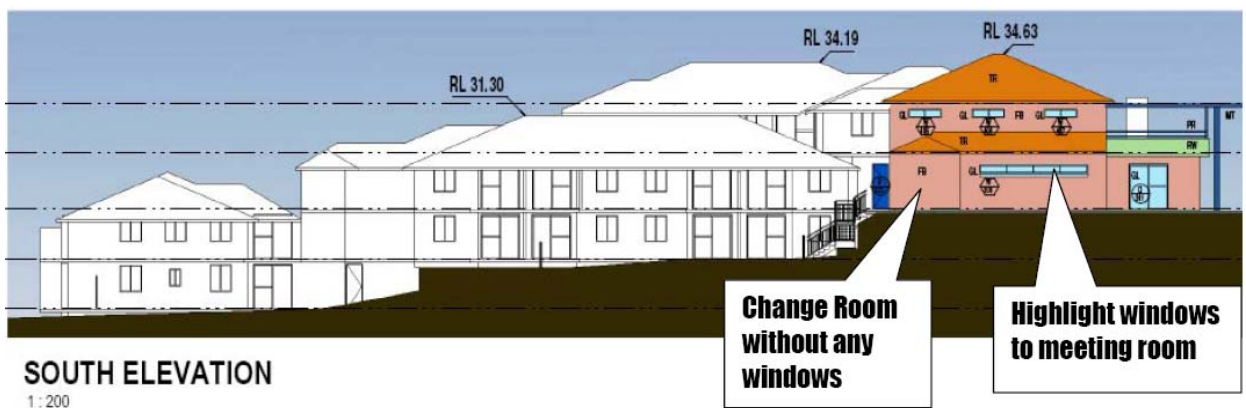
The objector's assertion that Council could apply any controls it sees fit is not correct as the proposed development is subject to the State Environmental Planning Policy (Seniors Living) 2004. The privacy matters have been dealt with under the provisions of this SEPP.

ITEM 3 (continued)

- (vi) *A 2.0 metre setback to the changing room could be considered as part of any revision but the owners of 18 & 20 Punt Rd should be consulted on the details of such a proposal.*

Assessment Officer's Comments:

The change room is setback 2m from the common boundary and has no windows on the southern side. No overlooking is possible from the change room which is at ground floor level. In terms of consultation, the application has been notified twice.



- (vii) *The southernmost tree in the group T9 to T12 provides the main screening between 16 & 20 Punt Rd and could be retained if the southern setback was increased to 4.5 metres.*

Assessment Officer's Comments:

The development intends to remove trees numbered T9 to T12. The applicant has submitted an Arborist Report in support of the removal of the above trees.

The southern most tree is T10 which has been identified as Chinese Pistachio. The tree is located within the proposed development area and within close proximity of existing structure (pergola). The Arborist Report indicates that the tree depicts signs of poor branch attachment with epicormic growth from previous lopping. The canopy is also affected by climbing vines. Advice was also sought from Council's Consultant Landscape Architect in relation to this matter. The advice indicates that the tree is exotic to the location and its removal will not result in any significant loss of amenity on the site subject to replacement tree as per the landscaping plan.

ITEM 3 (continued)

The increased setback, provision of only highlight windows on the southern elevation of first floor level, new boundary fence and existing hedge has reasonably addressed the issue of privacy and will prevent any overlooking. No issues are raised for the removal of T10.

Tree No. 9 (Jacaranda) has been identified as having poor health, vigour and form. This tree is also very suppressed by other trees and located very close to other built structures on the site.

Tree No. 11 & 12 (Cypress) are identified as poorly located species, extremely restricted by surrounding concrete paving as shown in the picture below. The tree has a radius of 3m and is semi mature. It is located directly behind a retaining wall and planted in concrete pavement which is greatly restricting its growth and future retention value.



Removal of the above trees is supported.

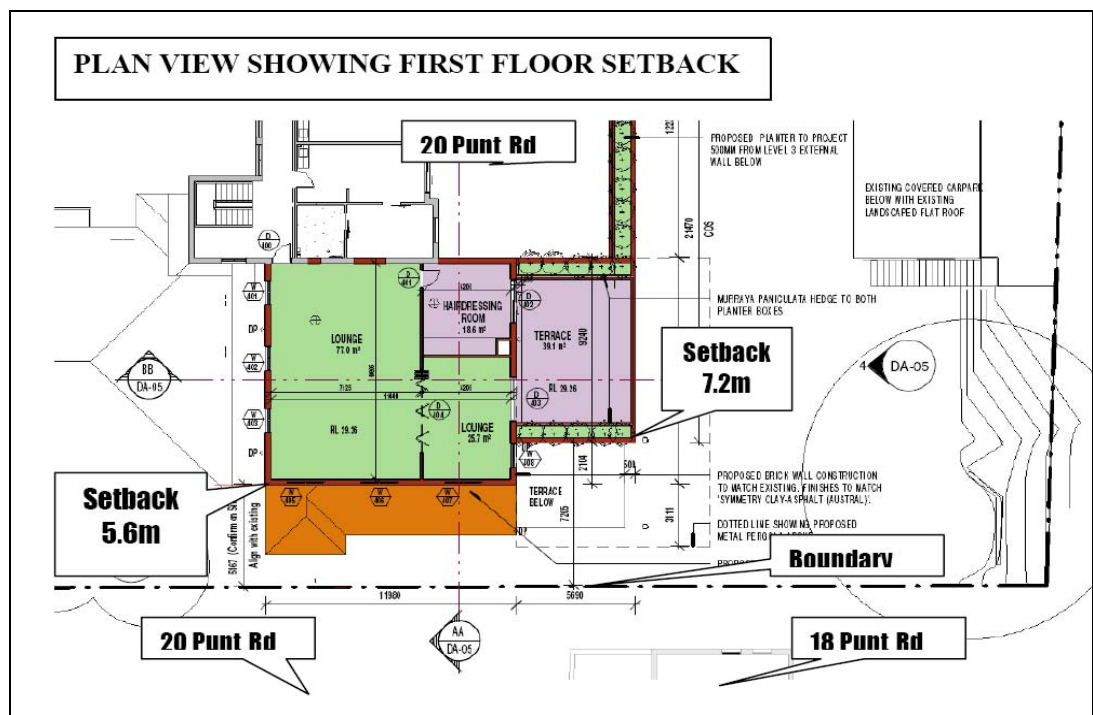
(viii) The level 4 (first floor) lounge on the previous plan was 6.29 metres from the boundary and in the current plan it is 3.0 metres from the boundary. This is the cause of the overshadowing in the current plan.

ITEM 3 (continued)

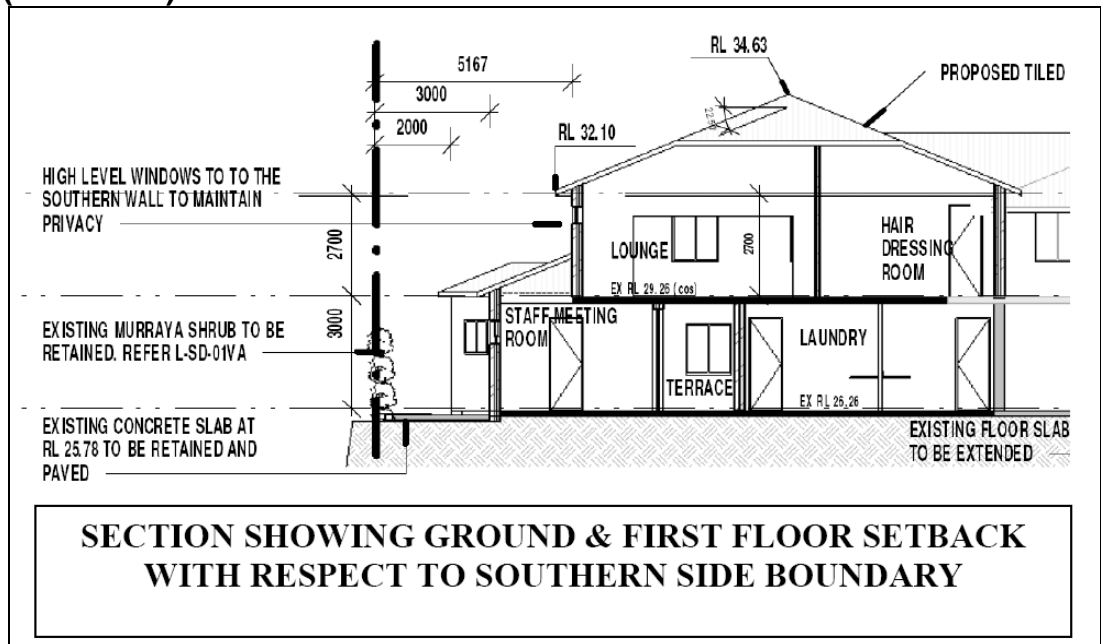
Assessment Officer's Comments:

The original design incorporated an open terrace which was attached to the first floor lounge. The terrace was set back only 1.4m from the boundary. Adjacent to 18 Punt Road, the terrace proposed a 800mm high planter box and 1.2m high privacy screen. These features contributed to overshadowing to the adjoining properties.

The terrace, screening and the planter box have been deleted in the amended plan, providing a clear first floor setback of 5.67m to 7.2m. The western wall of the lounge room has been re-adjusted to match with the alignment of wall of the existing building on the site as shown in the plan below.



ITEM 3 (continued)



As discussed earlier, the proposed setback is quite generous and the proposal does not cause an unacceptable level of overshadowing. The application could not be refused on this basis.

- (ix) *A survey by Michael Shannon and Associates indicates a number of errors in the DA survey by GJ Atkins.*

Assessment Officer's Comments:

The survey report from Michael Shannon and Associates (that was commissioned by an objector) indicates that the survey levels on the affected residential property (to the south) should be lower by 710mm. The report further indicates that this error was probably caused by the applicant's surveyor only taking 4 spot levels taken in pairs on the adjoining property adjacent to the terrace.

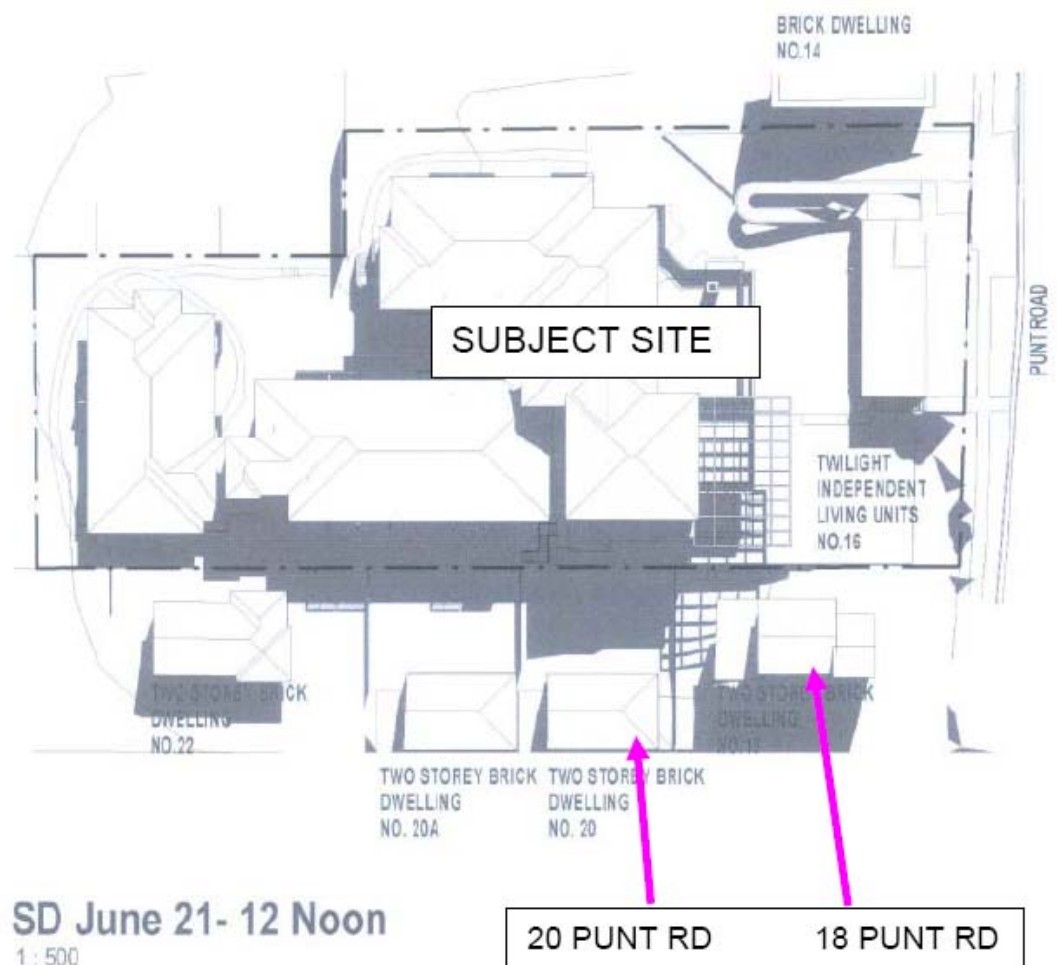
The applicant has subsequently amended the survey based on the above information and has recalculated the shadow impact. The extent of overshadowing still complies with the requirements under the Seniors Housing SEPP and will not be at unacceptable levels. The application could not be refused on the grounds of overshadowing.

ITEM 3 (continued)

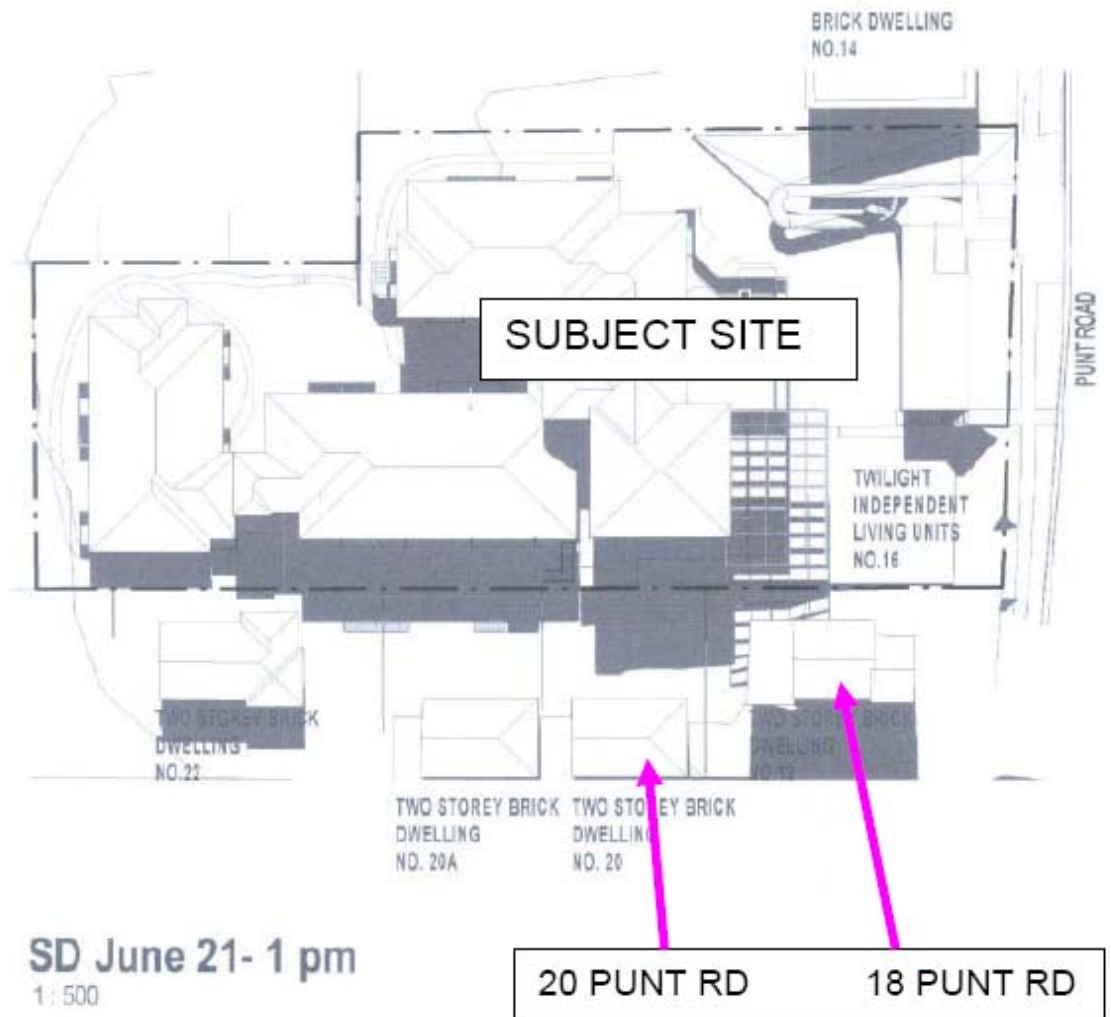
- (x) *Shadow diagrams and calculations by M Korecky MEngSc MIE Aust. and B Hurley BE MBA show errors in the applicant's shadow diagrams and demonstrate that the proposed development does not satisfy Council's criteria on the provision of sunlight to principal private living space to 20 Punt Rd.*

Assessment Officer's Comments:

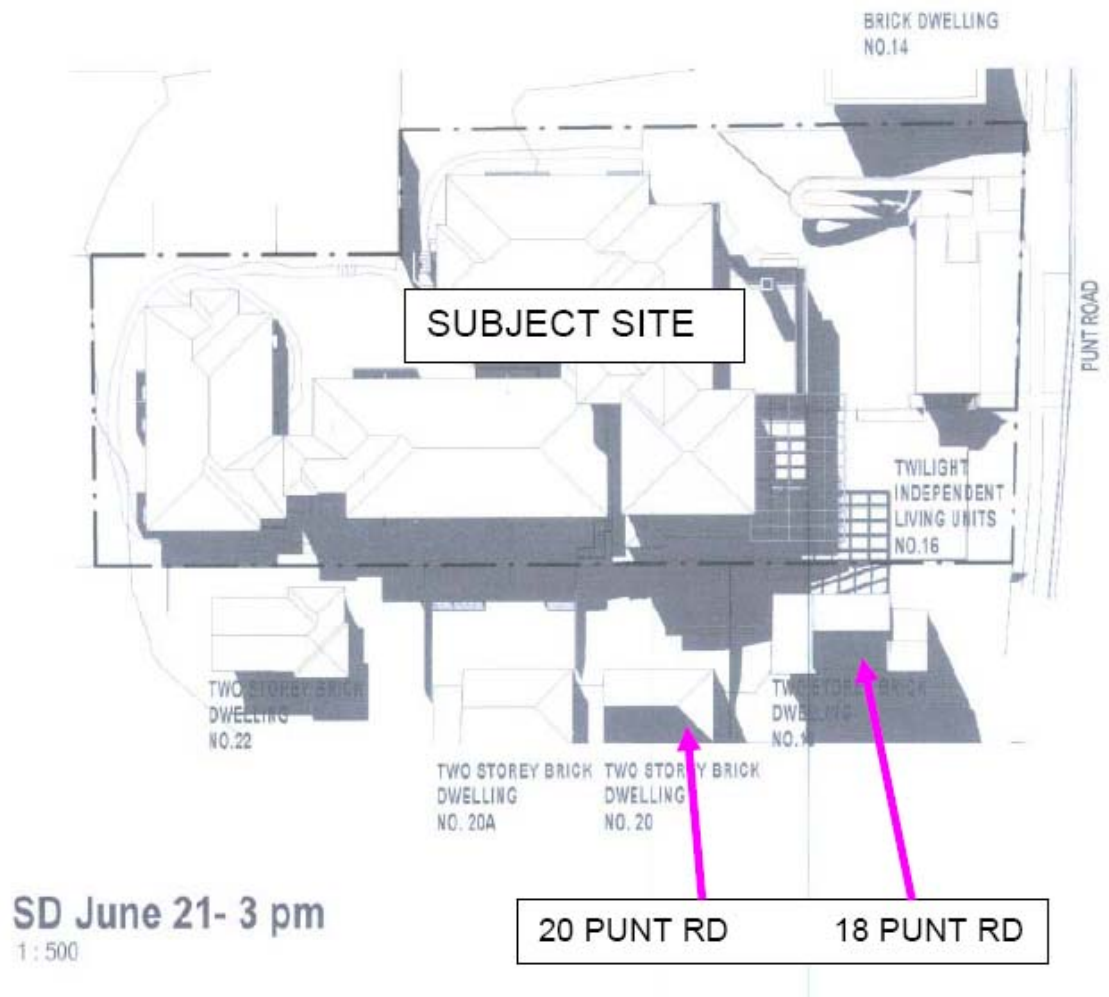
The proposal has been amended to increase the southern side setback. Accordingly, the shadow diagrams have been amended incorporating new setbacks and the revised spot levels on the adjoining residential properties. The new shadow diagrams were received by Council on 11 July 2012. These plans were forwarded to the objector on 20th July 2012. The objector still raised concerns that the principal private living area to 20 Punt Road will not comply with Council's requirements that 50% of this area is to receive solar access for 2 hours in mid winter.



ITEM 3 (continued)



ITEM 3 (continued)



The plans show that the building at 20 Punt Road will not be affected by overshadowing at any time even though the rear yard will be affected. Therefore, solar access into the internal living area of the dwelling will not be blocked by the proposed development. This is considered satisfactory.

Solar access to the private open space will be affected by the proposed development. The amended shadow diagram (included in the figure below), indicates that the rear yard will be partially affected by overshadowing but portions of the private open space would receive sunlight between 12:00noon to 3:00pm. The required 2 hours of sunlight (under Council's DCP) will only be received over approximately 40% of the rear yard. It should be noted though that the SEPP (which supersedes the DCP) does not prescribe a numerical requirement for sunlight access.

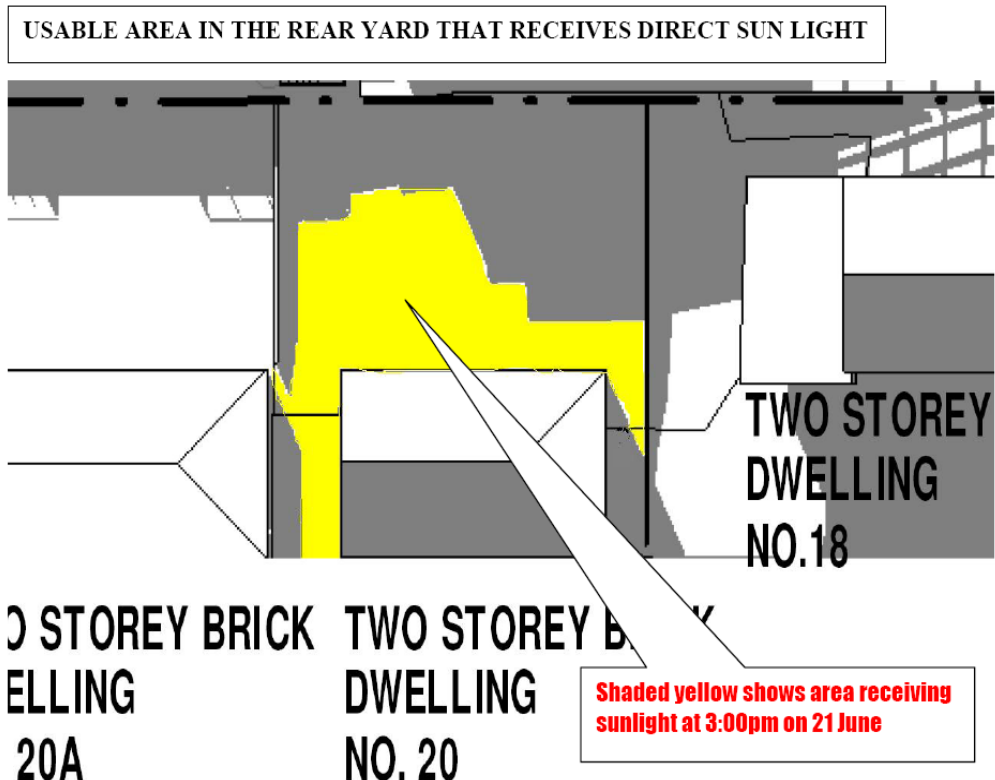
Notwithstanding the above, an assessment has been made on whether the available sunlight will be reasonable given the orientation of the site, reasonableness of the proposed development and the degree of affectation.

ITEM 3 (continued)

The Land and Environment Court has consistently ruled (Court Appeal No. 10128 at 6 Bayview Street, Tennyson Point) that a development on a block could not be precluded to retain the sunlight required by the DCP. Also in *Parsonage v Ku-ring-gai* [2004] NSWLEC 347, (2004) 139 LGERA 354 the Court had ruled that for private open space to be assessed as being in sunlight, either half its area or a useable strip adjoining the living area should be in sunlight.

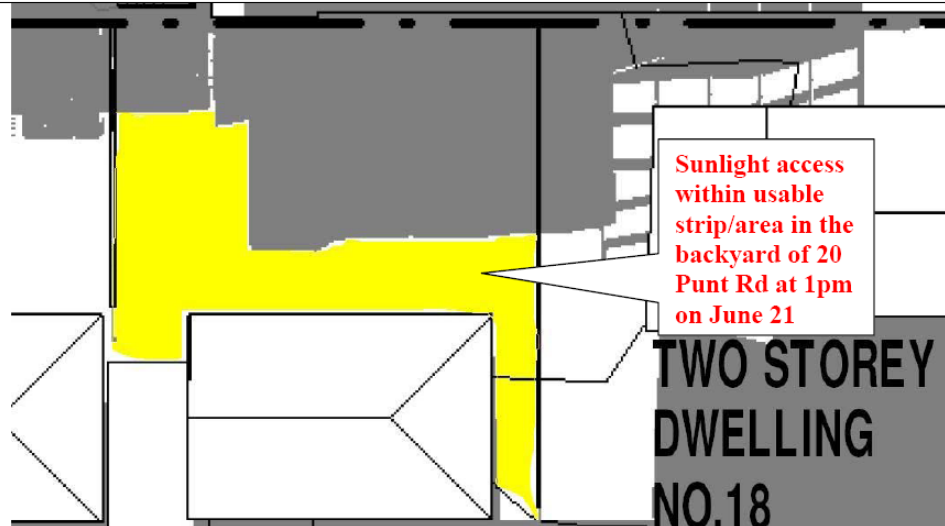
The overshadowing is generally attributed to the east west orientation of the subject site which results in the side boundary of the subject lot to face the rear boundary of No. 20 Punt Road. It is noted that the proposed development is generally consistent in height with other residential developments in the area. A dwelling house development would have required 1500mm side setback adjacent to the affected site and a multi-dwelling housing would have required 3m – 4.5m.

Despite the above, the applicant has amended the plans to increase the setback to 5.6m – 7.2m) to reduce the overshadowing affectation which is significantly more than required for any other type of residential development. It is further noted that No. 20 Punt Road has additional open space area to the front of the site. The internal living area is unaffected by overshadowing resulting from the proposed development. The area in the rear yard that receives the sunlight between 12:00pm to 3:00pm is a usable area that adjoins the rear of the dwelling within the rear yard.



ITEM 3 (continued)

SUNLIGHT AVAILABLE TO AREA IN THE BACKYARD OF 20 PUNT RD AT 1PM ON JUNE 21



**BRICK TWO STOREY BRICK
DWELLING
NO. 20**

The proposal has merits and is supported. As mentioned earlier, the shadow diagrams demonstrate that the sunlight access to adjoining dwellings will not be significantly reduced and complies with the Seniors Housing SEPP. The application could not be refused based on the reasons of overshadowing.

- (xi) *Increased runoff from the pavers will cause a problem in the private outdoor living areas of 18 and 20 Punt Rd.*

Assessment Officer's Comments:

The pavers will be installed over existing synthetic grassed area which occurs over an existing concrete base. The run off will not increase from the paved landscaped area as additional trees and gardens are being introduced within this hard stand area. The roof guttering will be appropriately connected to the existing drainage system as indicated in the drainage plan. The stormwater management on the site has been reviewed by Council's Drainage Engineer and no issues have been raised in relation this matter. Appropriate conditions have been recommended by Council's Development Engineer (see conditions 7 & 8).

ITEM 3 (continued)

c) *18A Punt Road: The following issues have been raised from the occupiers of 18A Punt Road.*

(i) *The proposal does not provide sufficient side boundary setback.*

Assessment Officer's Comments:

As requested in the submission by the adjoining resident, the setback has been increased significantly by the applicant in the revised proposal as indicated in the table below:

	Original Proposal	Amended Proposal
Ground floor setback	1.0m (with windows)	2m (to WC - small area with solid wall) 3m (rest of the façade and staff room with highlight windows)
First Floor Setback	1.4m (with planter box & privacy screen)	5.16m (with high sill height highlight windows) 7.20m (to terrace with planter box screening)

Given that the applicant has increased the setback significantly and that no overlooking is now possible with high sill / highlight window and screening, no further issues remain to be addressed in relation to building setback.

(ii) *Acoustic privacy concern as a result of first floor terrace on the eastern side of the site.*

Assessment Officer's Comments:

The first floor terrace addresses the street and has been set back 7.2m from the common side boundary. A wide planter box has been provided along its side to provide screening. No significant overlooking is possible.

d) *From 20 Punt Road:*

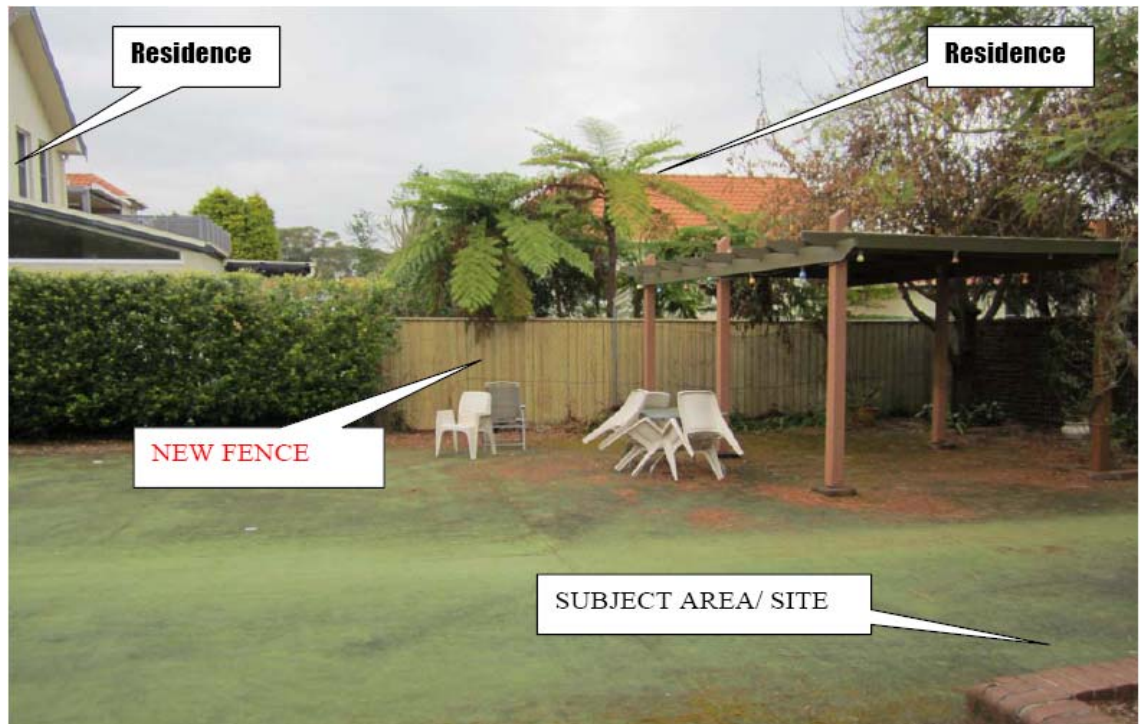
a) *Currently the existing wire fence along the southern boundary of the development site is inside the applicant's boundary. It is requested that applicant provide a 1.8m high paling fence on the boundary for privacy.*

Assessment Officer's Comments:

There is over 2m high thick hedge along the majority of the common boundary which provides more than sufficient screening along the boundary as shown in the picture below from the proposed development. However, the applicant has also agreed to the request from the adjoining resident after consulting with the

ITEM 3 (continued)

neighbour and has already erected a new timber lapped fence as shown in the picture taken in September 2012.



b) Council is requested to impose the following conditions:

- (i) *Require the applicant to correct mistakes or anomalies in G J Atkins survey and update the shadow diagrams to safeguard its own and neighbours' interests. Corrected shadow diagrams should be supported with details of the location and value of reduced levels to ground at the end of the shadows, and the azimuth used.*

Assessment Officer's Comments:

The issues relating to the errors have been rectified and shadow diagram amended as per Plan No. DA-06 Issue C.

- (ii) *Restore the southern setback to the first floor lounge to 6.29 metres as it was in the applicant's original development application, to reduce overshadowing of 20 Punt Road.*

Assessment Officer's Comments:

Adequate setback (5.1m – 7.2m) has been provided for the first floor level and the overshadowing does not occur at an unacceptable level. This request is considered unreasonable given that the amended plans do

ITEM 3 (continued)

show an increased setback to more than that required for such development.

- (iii) *Restrict the height of the proposed metal pergola to a maximum of 3 metres and ensure a setback of at least 6 metres from the southern boundary to reduce overshadowing of 20 Punt Road.*

Assessment Officer's Comments:

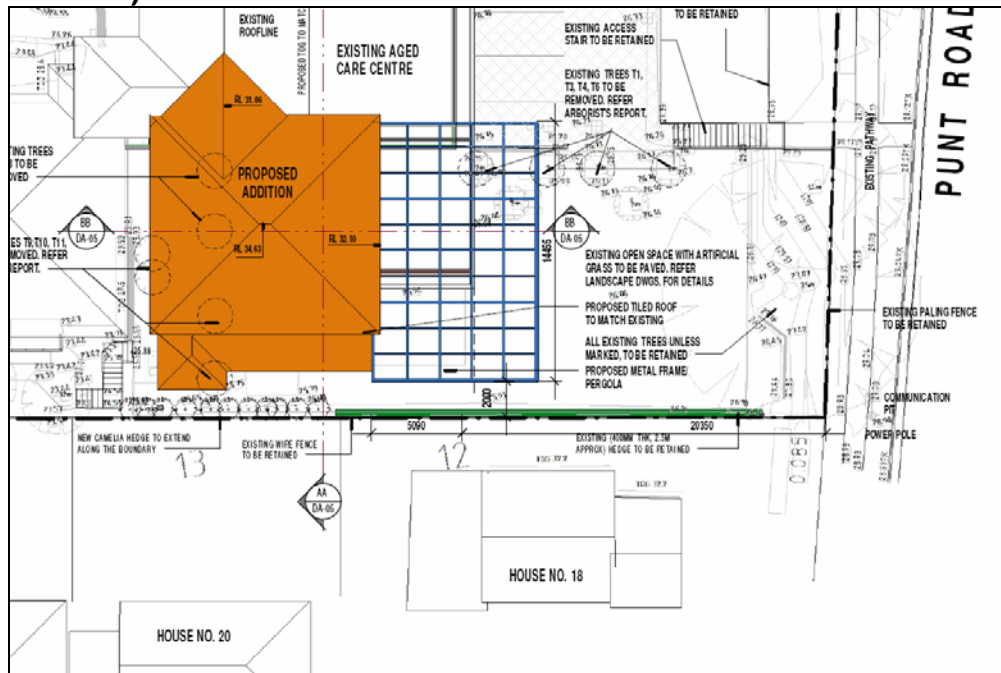
The pergola is in the form of a metal frame (architectural feature) proposed over the ground level and first floor terrace located to the front of the proposed building. The height of the pergola is lower than the roof level of the proposed addition. The pergola provides an architectural feature over the ground and the first floor terrace and does not result in any significant overshadowing because it is unroofed and the frames are spaced at 2m apart as shown in the plan below.

The section of the terrace that is located closer to the southern boundary is set back 3m from the side boundary and is located at ground level. The pergola is not roofed and is not trafficable; it is unlikely to result in any impact on the privacy of the adjoining residents.

The existing ground level of the land where the pergola is proposed is significantly lower than the street level. In addition the pergola is set back 2m from the side boundary and 16m from the front boundary. The height of the pergola is 2.7m lower than the ridge height of the proposed building on the site.

Additionally, the front of the site has large trees which provide sufficient screening. Therefore the height of the pergola is unlikely to adversely impact on the streetscape.

ITEM 3 (continued)



- (iv) *Ensure that no shade cloth or other screening, including planting, should be added to the proposed pergola without a separate DA.*

Assessment Officer's Comments:

A condition has been recommended restricting any shade cloth or planting on the pergola (refer to condition 1d).

- (v) *Restrict use of the Lounge on Level 4 to daytime hours between 9.00 am and 5.00 pm only.*

Assessment Officer's Comments:

The restriction of the use of the lounge room would unreasonable affect the proper operation / function of the Residential Care Facility.

The building has been re-designed to increase the setback, delete the south facing terrace, delete large windows and replace with highlight / high sill height windows to address the concern of the adjoining resident. The above request is considered unreasonable.

- c) *Wish to thank the applicant Thomson Adsett for the changes they have made to reduce overlooking from the staff meeting room and the (first floor) terrace.*

Assessment Officer's Comments:

This comment is noted.

ITEM 3 (continued)**8. SEPP1 (or clause 4.6 RLEP 2010) objection required?**

Not required.

9. Relevant Provisions of Environmental Planning Instruments etc:**(a) Relevant State Environmental Planning Policies****State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004** (*Seniors Housing SEPP*)**Part 1 General Requirements**Clause 4 Land to which Policy applies:

Seniors Housing SEPP applies to land in NSW that is zoned primarily for urban purposes and which permits

- (i) *dwelling-houses,*
- (ii) *residential flat buildings,*
- (iii) *hospitals,*
- (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*
- (b) *the land is being used for the purposes of an existing registered club*

The subject site is zoned R2 – Low Density Residential which permits dwelling houses, as such the proposed form of housing is permissible under Seniors Housing SEPP.

Clause 18 Restrictions on occupation of seniors housing:

This clause states that development allowed by the Seniors Housing SEPP may be carried out only for *seniors or people who have a disability, people who live within the same household with seniors or people who have a disability, or staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

The centre is currently operating as per the original approval. No new residential care units are proposed. A restriction as to user has already been placed on the title of the property limiting the use of the dwellings to the above people. This will not be altered as part of this development application.

ITEM 3 (continued)
Clause 24 Site compatibility certificates required for certain development applications:

A Site Compatibility Certificate is not required as the site is not being used as a registered club or zoned for special uses or urban purposes and the proposed development is permissible with consent under the zoning of the site.

Part 3 Design requirements

SEPP Provisions	Assessment	Comply?
Cl. 30 - Site Analysis: A Site Analysis Diagram is required.	The submitted architectural drawings include a Site Analysis drawing.	Yes
Cl. 33 Neighbourhood amenity & Streetscape: (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, & (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, & (iv) considering, where	Punt Rd includes a range of building forms such as residential, church, childcare and special use buildings. The proposed addition has been designed to be compatible with the general character of the surrounding developments.	Yes
	The site is not within any conservation area.	N/A
	Overshadowing, overlooking, privacy and noise impact has been reasonably addressed via amended plans.	Yes
	Setbacks: GF= 2m – 3m FF = 5.16m – 7.2m Front = 21m The front and side setbacks are considered reasonable.	Yes

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply?
buildings are located on the boundary, the impact of the boundary walls on neighbours, & (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, & (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, & (f) retain, wherever reasonable, major existing trees, & (g) be designed so that no building is constructed in a riparian zone.	There are no walls on the boundary. The addition to the front generally aligns with the existing front setback. Numerically the front setback is over 20m. Landscaping to the front of the site will not be affected. Where possible the major trees will be retained. The trees proposed for removal have been supported by an Arborist's Report and compensated for by replacement planting.	Yes Yes Yes Yes
<p>CI 34 Visual and acoustic privacy</p> <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, &</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from</p>	<p>The development provides adequate setback, high sill windows, privacy screens and landscaping to address any potential acoustic or visual privacy impact.</p> <p>New bedrooms are not proposed.</p>	<p>Yes</p> <p>N/A</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply?
driveways, parking areas and paths.		
<p>Cl. 35 Solar access and design for climate</p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, &</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>There is some overshadowing to the adjoining property at 20 Punt Rd, however, the following is achieved:</p> <p>Daylight to neighbours main living areas: = 11:00am – 2:15pm Sunlight to substantial areas of private open space: = 12:00pm – 3:00pm (plan provided earlier in the report)</p> <p>The above is compliant with the SEPP (also generally accords with the Council's DCP) and is considered reasonable.</p> <p>The addition is proposed generally in the southern side of the allotment. However, majority of the overall existing windows are north facing.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Cl.36 Stormwater:</p> <p>Stormwater management on the site.</p>	<p>The proposal was referred to Council's Development Engineer who has no objections to the proposal.</p>	<p>Yes</p>
<p>Cl.37 Crime Prevention</p> <p>Provide security for residents and visitors</p>	<p>The entry areas will not be altered and existing security arrangement will be maintained.</p>	<p>N/A</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply?
<p>CI 38 Accessibility:</p> <p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>An Access Assessment Report prepared by Morris Golding Accessibility Consulting has been submitted confirming compliance with accessibility requirements. A condition has been recommended to ensure that the recommendations of the report are complied with (condition 21).</p>	<p>Yes</p>
<p>CI.39 Waste</p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities</p>	<p>Conditions 43 & 44 has been imposed to ensure continued satisfactory waste management on the site.</p>	<p>Yes.</p>

Part 4 – Development Standards to be complied with.

<p>Clause 40 Development Standards – minimum sizes & building height</p> <p>(1) General Must comply with standards</p>		
<p>(2) Site size: Min 1,000m²</p>	<p>Subject site area = 3,431m²</p>	<p>Yes</p>
<p>(3) Site frontage: Min 20m</p>	<p>Subject site has frontage of 42.72m to Punt Road.</p>	<p>Yes</p>
<p>(4) Height: 8m or less</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the</p>	<p>RL31.96 - 26.16 = 5.8m</p> <p>The proposal complies with the maximum height as defined under the SEPP.</p>	<p>Yes</p>

ITEM 3 (continued)

<p>proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p>		
<p>(4)(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. (c) a building located in the rear 25% area of the site must not exceed 1 storey in height</p>	<p>2 storeys</p> <p>The rear section of the site is already built up and is not relevant to the assessment of the proposed addition.</p>	<p>Yes</p> <p>N/A</p>
<p>CI 48: Standards that cannot be used to refuse development consent for Residential Care Facility</p> <p>(a) Building height 8m</p> <p>(b) Density at 1:1</p> <p>(c) Landscaped area at 25m²/bed. 25X41 = 1025m²</p> <p>(d) Parking: 1 space/10 bed 1 space/2 employees 1 for ambulance</p>	<p>Proposed at 5.8m</p> <p>FSR = 0.69:1</p> <p>Landscape = 1414m²/41 = 34.4m² per bed</p> <p>No changes are proposed to the number of employees or the number of residential care facility beds. 9 parking space and 1 space for ambulance already exist on the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The residential care facility is not defined as a “residential development’ and is thus excluded from BASIX requirements. However, the proposal will comply with Section J1 and J2 of the BCA with respect to glazing and insulation. A detailed report prepared by Cundall has been submitted with the DA.

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 stormwater requirement under the SEPP. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(b) Local Environmental Plan 2010**Zoning**

The site is zoned R2 Low Density Residential under the provisions of the RLEP 2010.

The existing seniors housing on the site is defined as ‘residential care facility’ which is a permitted form of development in this zoning with the consent of the consent authority.

Height of Building

Council’s LEP permits 9.5m buildings on the site. The maximum ridge height of the proposed addition is 8.4m which is well under the maximum permissible height. No issues are raised in this regard.

(d) Any draft Local Environmental Plan

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 publicly exhibited between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property remains unchanged. The proposed

ITEM 3 (continued)

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 Development Control Plan

Under the provisions of Clause 5(3) of the Seniors Housing SEPP, the provisions of the DCP2010 and LEP2010 would not be applicable if they are inconsistent with the SEPP. The SEPP provides standards for the proposed development and therefore Council's DCP would not be applicable in relation to parking, landscaping, height, solar access, privacy and setbacks. In these matters the requirements of the SEPP prevails.

Section 94 Contribution Plan:

Section 94 contribution is not applicable as the proposal does not constitute commercial/retail development and does not result in any increase in the number of dwellings on the site.

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

The proposed addition is consistent with the design and character of the existing aged / disability care facility currently operating on the site. The extension involves a two storey addition to improve amenities on the site. The height and finishing will be compatible with the adjoining residential building on the southern side.

The proposal complies with the built form objectives under the State Environmental Planning Policy (Seniors Housing) and applicable Council's planning controls. The proposed 2 storey building will not have any significant adverse impact on the existing built environment or the amenity of the surrounding area.

(b) Access, Traffic & Parking

The development would not generate the need for any additional parking on the site.

(c) Overshadowing and Solar Access

The adjoining residential developments will receive reasonable level of sunlight as discussed earlier in the report.

ITEM 3 (continued)**(d) Natural Environment**

The application proposed removal of a number of trees which is supported by an Arborist's Report. The trees are of relatively minor specimens with very little loss in terms of amenity. The maintenance of significant trees along the street frontage means that there will be no discernable loss of amenity when viewed from the street. The landscape plan is considered satisfactory and includes compensatory planting of 2 Honey Locusts as part of the redevelopment of the site. The development area on the site will be landscaped as the Landscape Plan.

11. Suitability of the site for the development

The site is not affected by any natural constraints such as flooding or subsidence. In this regard, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

12. The Public Interest

The proposed development is considered to be in the public interest as it provides an opportunity for improvement to the built form and important amenity for the aged care residents and employees.

A common boundary fence has also been erected where necessary to improve screening and privacy between the subject site and the residence located on the southern side.

The proposal has taken into account the applicable planning controls and any potential impact on the locality. The issues raised in the submissions have been adequately addressed or will be mitigated as prescribed by the conditions of consent. Accordingly, the proposed development is considered to be in the public interest.

13. Consultation – Internal and ExternalInternal Referrals**Development Engineer, 20 February 2012:**

The proposal is to provide an extension to the existing aged care centre. The drainage plan provided shows an existing outlet to the reserve at the back. The engineer has forwarded the photograph of the stormwater outlet details to the creek at the back. A 10000 litre water tank has been provided for recycling of water. Property is located within an area where OSD is exempted.

ITEM 3 (continued)

The drainage details provided are satisfactory and no objections are raised to the approval of the application subject to the conditions (see conditions 7 & 8).

Landscape Architect, 1 March 2012: The following detailed comments were provided:

Comments

The site was accessed and inspected on the 1st March, 2012. In addition I have reviewed an arborist's report and landscape concept plan both prepared by Arterra Landscape Architects, Revision A dated 14th December, 2011.

The report has identified 12 trees of which only three are to be retained. Ten of the 12 trees are exotic including:

<i>2 Honey Locusts (Gleditsia triacanthos)</i>	<i>2 Removed</i>
<i>4 Chinese Pistachios (Pistachia chinensis)</i>	<i>3 Removed</i>
<i>2 Jacarandas (Jacaranda mimosifolia)</i>	<i>2 Removed</i>
<i>2 Cypresses (Cupressus sempervirens)</i>	<i>2 Retained</i>

Only 2 Native trees/shrubs are to be removed:

*2 Bottlebrush (**Callistemon viminalis**)*

The application involves the removal of relatively minor specimens with very little loss in terms of amenity. The maintenance of significant trees along the street frontage means that there will be no discernable loss of amenity when viewed from the street. The landscape plan is considered satisfactory and includes compensatory planting of 2 Honey Locusts as part of the redevelopment of the site.

Conclusion

No objection to the development subject to the following conditions

Conditions

The schedule of trees to be removed, and the construction management of trees to be retained is to be in accordance with the arborist's report prepared by Arterra Landscape Architects, Revision A dated 14th December, 2011. Replacement planting of trees to be removed is to be in accordance with the landscape concept plan prepared by Arterra Landscape Architects, Revision A dated 14th December, 2011 (see condition 1(c)).

Environmental Health Officer, 13 February 2012:

Raised no objections subject to standard environmental health conditions (conditions 42- 52).

ITEM 3 (continued)**14. Critical Dates**

There are no critical dates or deadlines to be met.

15. Financial Impact

N/A

16. Other Options

N/A

17. Conclusion

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site. The issues raised in the submissions have been reasonably addressed by the applicant by altering the design on two occasions as a result of submissions received during the assessment process. Therefore, it is recommended that the application now be approved.

ITEM 3 (continued)

ATTACHMENT 1

Recommended Conditions of Consent for 16 Punt Road LDA2012/0015

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	Issue
Project:10745.05		
DA-02 Site Plan	9 July 2012	C
DA -04 Floor Plans	9 July 2012	C
DA-05 Elevations & Sections	9 July 2012	C
C3467-1043505 Stormwater Sheets 1 and2	23 – 12- 11	1
L-SD-01 & L-SD-02 Landscape Plan (to be amended as per 1(a))	21/12/2011	-
AIAR-01 Arboricultural Impact Assessment Report by Arterra	14/12/ 2011	

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

- (a) The Landscaping Concept Plan is to be amended to reflect the amended design as per the approve site plan and submitted to the PCA prior to the issue of any Construction Certificate.
- (b) Approval is granted for the removal of the following trees from the site in accordance with the recommendations contained in the Arboricultural Impact Assessment Report prepared by Arterra reference No. AIAR-01:
- i. 2 X Honey Locusts (**Gleditsia triacanthos**)
 - ii.3 Chinese Pistachios (**Pistachia chinensis**)
 - iii. 2 Jacarandas (**Jacaranda mimosifolia**)
 - iv. 1 Cypresses (**Cupressus sempervirens**)
 - v. 2 Bottlebrush (**Callistemon viminalis**)

ITEM 3 (continued)

ATTACHMENT 1

- (c) The schedule of trees to be removed, and the construction management of trees to be retained is to be in accordance with the arborist's report prepared by Arterra Landscape Architects, Revision A dated 14th December, 2011. Replacement planting of trees to be removed is to be in accordance with the landscape concept plan prepared by Arterra Landscape Architects, Revision A dated 14th December, 2011.
- (d) Installation of any screening or shade cloth on the metal pergola is not to be carried out at any time.

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. **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.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) 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.

ITEM 3 (continued)

ATTACHMENT 1

6. **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.
7. **Stormwater disposal. Stormwater Disposal.** Impervious areas runoff from the site shall be collected and piped to an underground stormwater system via a 10000 litre water tank in accordance with DCP 2010 Part 8.2. Accordingly, a detailed site investigation shall be carried out by a qualified plumber and an engineer to assess the location and nature of the existing stormwater drainage system including its capacity to accept the impervious area flows from the site being piped to it and that it is in operable condition and is flowing freely. Should the system is determined to be flowing freely and has capacity to accept the flows being piped to it all site impervious areas runoff shall be collected and piped to the existing drainage system. Should the existing system is determined to be deficient in any aspect a new and/or upgraded drainage system shall be designed and installed in accordance with DCP 2010 part 8.2.

Detailed engineering plans where required including certification from a qualified engineer indicating compliance with this condition are to be submitted with the Construction Certificate application.

8. **Existing Drainage Outlet.** The existing outlet pipe to the creek shall be cleaned and any damaged pipe sections replaced if required.

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.

9. **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

ITEM 3 (continued)

ATTACHMENT 1

- (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.
10. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
11. **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.
12. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
13. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
14. **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.

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 1

15. **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**.
16. **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**.
17. **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)
18. **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
19. **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**.
20. **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.

ITEM 3 (continued)

ATTACHMENT 1

21. **Disabled Access:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Morris Golding Accessibility Consulting dated 5 January 2012. Details indicating compliance with the AS1428, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued.
22. **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**.
23. **Food Premises.** The commercial kitchen must comply with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*. Details of the proposed alterations and additions to the kitchen must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.
24. **Hairdressing, Beauty and Skin Penetration Premises.** The hairdressing room must comply with any relevant standards set out in the *Local Government (General) Regulation 2005*. Details of the proposed fit-out must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.
25. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
 - (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications

ITEM 3 (continued)

ATTACHMENT 1

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.

26. 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.

- 27. Safety fencing.** The site area 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.

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.

- 28. 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*.
- 29. Construction noise.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

ITEM 3 (continued)

ATTACHMENT 1

30. 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.

31. 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.

32. 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".

33. 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.

34. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

35. Tree works – Australian Standards. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

36. Tree works – arborist supervision. A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

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

ITEM 3 (continued)

ATTACHMENT 1

38. **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.

39. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
40. **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.
41. Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

ITEM 3 (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.

42. **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*.
43. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
44. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
45. **Notify Business.** The operator must notify their business details to the NSW Food Authority before trading commences. Notifications may be lodged on-line at www.foodnotify.nsw.gov.au.
46. **Premises Register:** The operator of the business must register the premises with Council before trading commences.
47. **Regulated Systems:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
48. **Warming & Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
49. **Plumbing and Drainage Work:** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
50. **Waste Management:** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

ITEM 3 (continued)

ATTACHMENT 1

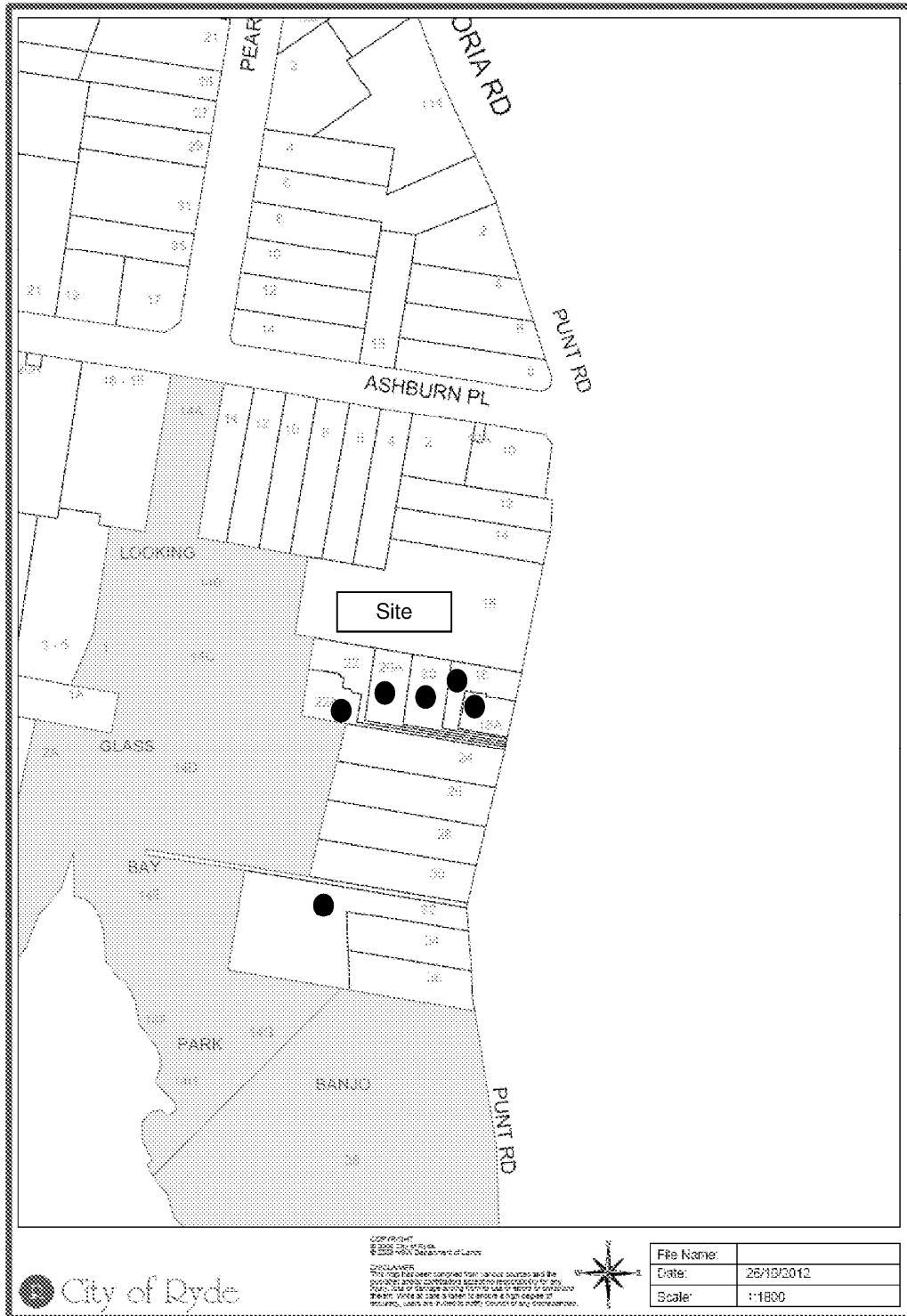
51. **Sharps:** Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 *'Non-reusable containers for the collection of sharp medical items used in health care areas'* or AS 4261-1994 *'Reusable containers for the collection of sharp medical items used in health care areas'* and be securely sealed with a lid before disposal.

52. **Clinical Waste:** All clinical wastes must be stored in a cool dry secure place until collected by a licensed waste transporter.

ITEM 3 (continued)

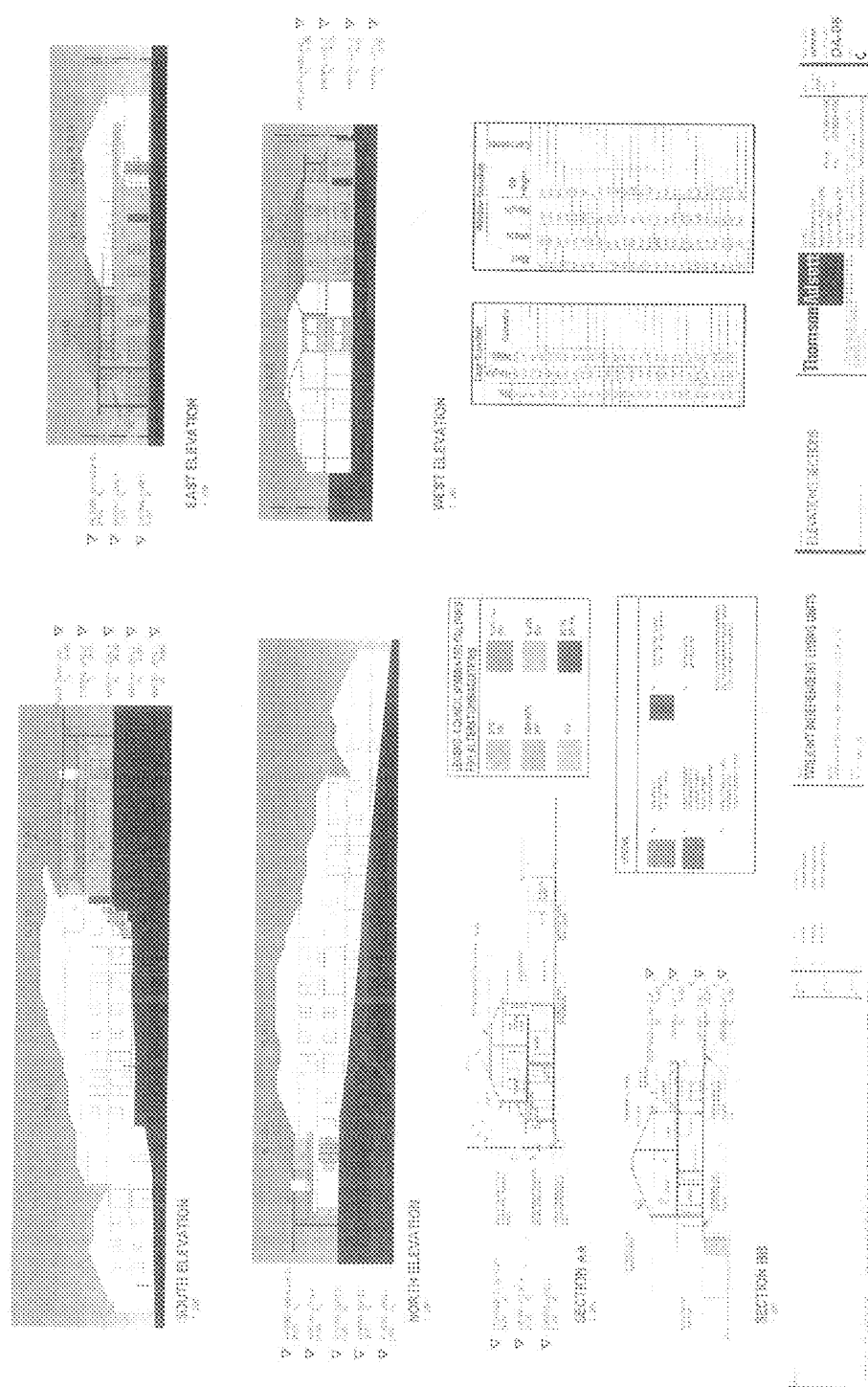
ATTACHMENT 2

● Indicates submissions received to amended plans



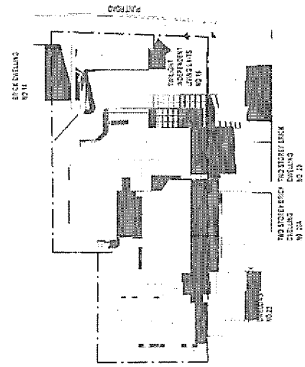
ITEM 3 (continued)

ATTACHMENT 3

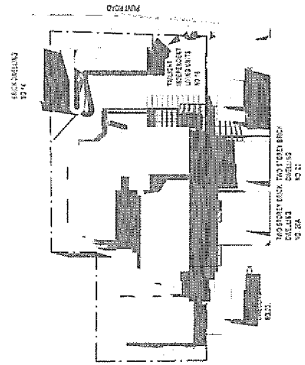


ITEM 3 (continued)

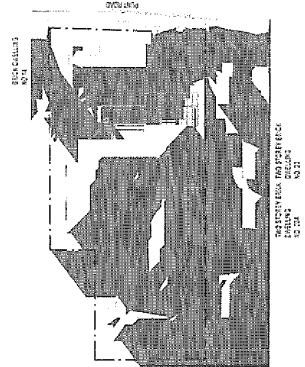
ATTACHMENT 3



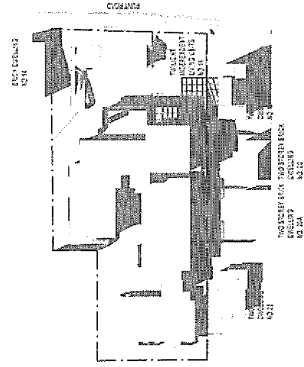
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4 2 OXFORD STREET GLADESVILLE. Lot B DP 359817. Local Development Application for construction of a carport / storeroom at the rear of the property. LDA2012/0200.

INSPECTION: 4.55pm

INTERVIEW: 5.50pm

Report prepared by: Team Leader - Fast Track Team

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

Report dated: 22/10/2012

File Number: grp/12/5/5/3 - BP12/1226

1. Report Summary

Applicant: J Russell.

Owner: J Russell.

Date lodged: 18 June 2012.

This report considers a DA for the construction of a carport / storeroom at the rear of the property, located at the corner of Oxford Street and Cambridge Street. The existing vehicular access is from Cambridge Street as the street frontage in Oxford Street has limited vehicular access.

The main issue of concern with this DA as submitted, is the possible danger to pedestrians and vehicles due to the lack of sight distances from the carport.

The proposal has been assessed against the controls in Development Control Plan 2010 and there are areas of non-compliance with the front setback, pedestrian and vehicle safety, and sight distances for traffic and pedestrians.

The proposed carport / storeroom is to be located off Cambridge Street and accessed via the existing gutter crossing. Although the existing driveway is still in use, the proposal cannot be supported as it will compromise the safety of pedestrians. A relocation to achieve the required sight lines is recommended as a Deferred Commencement Consent.

The proposal was notified to neighbours in accordance with Part 2.1 of Council's Development Control Plan 2010 (Notification of Development Applications). No submissions were received.

The applicant was requested to address issues of concern in relation to safety during the processing of the DA, however this was not satisfactorily resolved. The DA is referred to the Planning & Environment Committee to enable it to be determined.

The proposal is recommended for approval as a Deferred Development Consent. By moving the carport / storeroom to be 5m from the rear boundary at the north-western corner, a front setback ranging from 1.6m to 2m can be achieved along the

ITEM 4 (continued)

secondary street (Cambridge Street). The rear setback being reduced to 200mm.
(see **Figure 4**)

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

Public Submissions: No submissions were received.

Clause 4.6 - RLEP 2010 objection: Not required.

Value of works: \$24,000

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

RECOMMENDATION:

That Local Development Application No. LDA2012/0200 at 2 Oxford Street, Gladesville be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2).

ATTACHMENTS

- 1 Compliance table
- 2 Proposed conditions
- 3 AS2890.1-2004 (Clause 3.2.4)
- 4 Map
- 5 A4 plans
- 6 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

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 : 2 Oxford Street Gladesville

Site Area : Land Size: 576.1m²
Frontage to Oxford Street: 16.84 metres
Frontage to Cambridge Street: 48.235 metres

Topography and Vegetation : The topography of the site is moderate with a slope of approximately 4m from the rear of the site to the Oxford Street frontage.

No significant trees are proposed to be removed as part of the development.

Existing Buildings : Dwelling house

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)



Proposed location of carport / storeroom

Figure 1: Locality Map



Location of Existing Driveway Crossing (off Cambridge Street)

ITEM 4 (continued)

3. Councillor Representations

Name of Councillor: The Mayor - Councillor Petch

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

Date: 9 August 2012

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

On behalf of applicant or objectors: Applicant

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

4. Political Donations or Gifts

Any political donations or gifts disclosed: No

5. Proposal

The application proposes the construction of a carport / storeroom at the rear of the property via the existing driveway crossing from Cambridge Street. The property is on the corner of Oxford Street and Cambridge Street. Access from Oxford Street is not proposed as there is limited area for vehicular access.

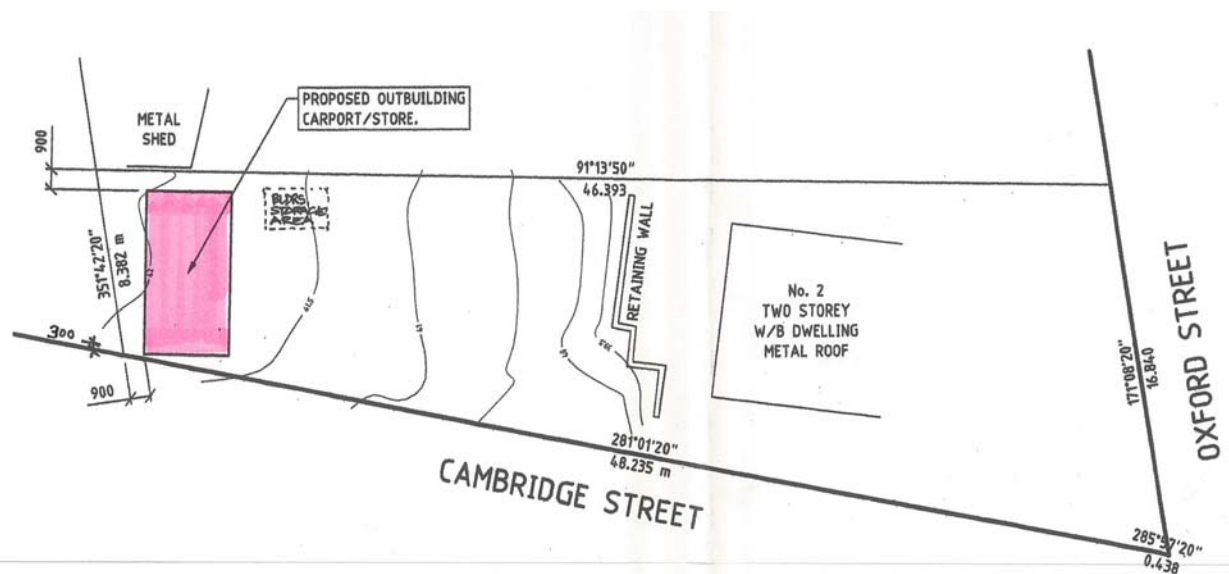


Figure 2: Site Plan (Proposed location)

ITEM 4 (continued)

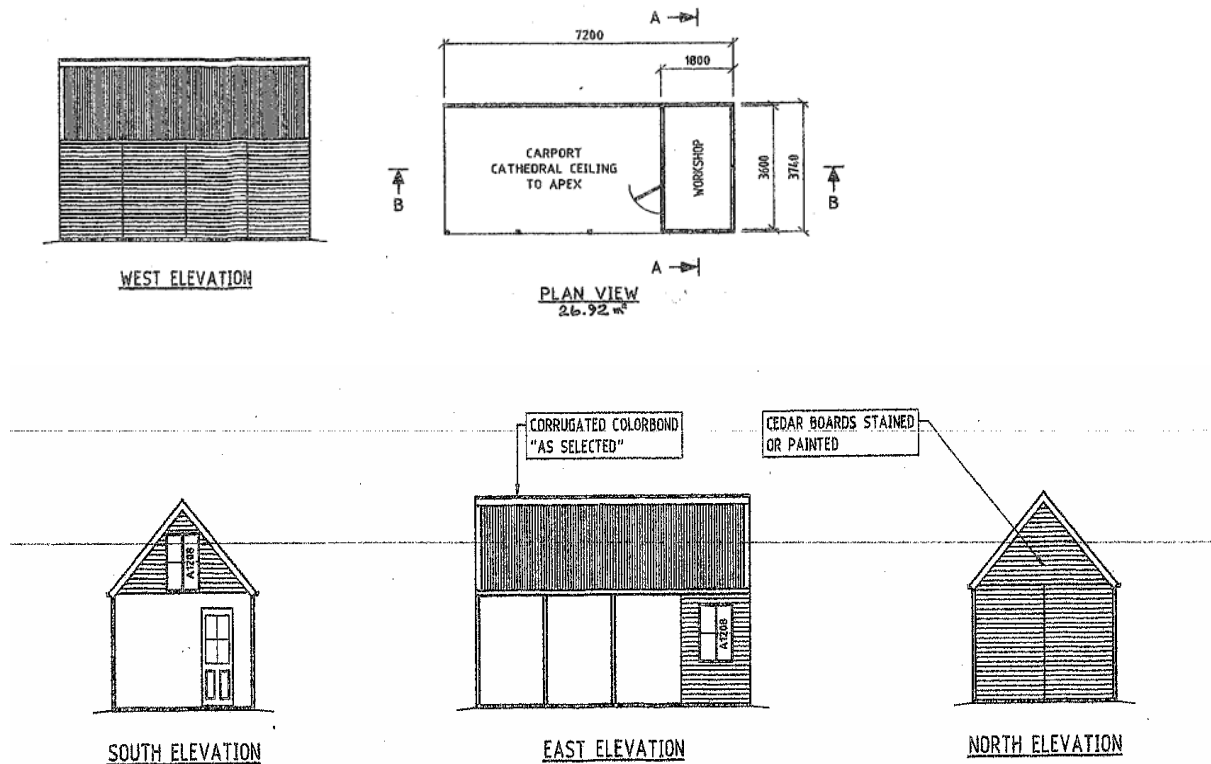


Figure 3: Elevations and Floor Plan

6. Background

- On 18 June 2012 the application was submitted to Council.
- On 22 June 2012, neighbour notification commenced (closing date for submissions 9 July 2012).
- On 22 June 2012 a site inspection was carried out and photographs were taken.
- On 4 July 2012, Council's Development Engineer completed the referral and raised concerns regarding sightlines.
- On 5 July 2012 a Stop-The-Clock letter was forwarded to the applicant with concerns regarding sight lines, finished floor level and stormwater drainage. (Note: The applicant did not address these issues)
- On 16 July 2012 the applicant requested Council officers reconsider the application and requested Council officers to arrange a meeting with the owner.

ITEM 4 (continued)

- On 3 August 2012 a meeting was held at the Ryde Planning & Business Centre to discuss the concerns raised in Council's letter dated 16 July 2012. Those present being: Team Leader – Assessment, Team Leader - Development Engineer and owner of the subject property.
- On 3 August 2012 a final 7 day letter was forwarded to the applicant as an extension of time to provide the required details requested in Council's letter dated 5 July 2012.
- On 9 August 2012 the application was called up to the Planning and Environment Committee by The Mayor - Councillor Petch.

7. Submissions

The application was notified to the surrounding neighbours in accordance with Council's DCP 2010: Part 2.1 - Notification of Development Applications. No submissions were received.

8. Clause 4.6 - RLEP 2010 objection required?

Not required.

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

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010. The proposal is permissible with the consent of Council.

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.

ITEM 4 (continued)

The proposed carport / storeroom has a maximum building height of 4.355m.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable for the site is 0.5:1. The proposed 6.48m² enclosed storeroom and floor area of the existing dwelling give a total space ratio of 0.21:1 which is well below the allowable.

(b) Relevant SEPPs

There are no SEPPs applicable to this proposal.

(c) Relevant REPs

There are no REPs applicable to this proposal.

(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)Ryde DCP 2010:

- 1) The applicant is requesting a variation to DCP 2010: Part 3.3 - Section 2.8.1 - Control "b" because of the unusual configuration of the site.

Control "b" states: *On corner sites, the setback along a secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m.*

Assessment Officer's Comment: There is sufficient space at the rear of the site to relocate the proposed carport / storeroom to achieve the required setback. The greater setback would also reduce the impact of the structure on the streetscape.

- 2) The applicant is requesting a variation to DCP 2010: Part 8.3 'Driveways' – Section 2.5 'Sight Distances for Traffic & Pedestrians' because of the unusual configuration of the site.
and the existence of a concrete block wall on the boundary between Seymour Building

ITEM 4 (continued)

Supplies and the subject site.

Section 2.5 states: The sight distance to pedestrians shall be met by providing clear sight lines. The minimum sight lines for pedestrian safety is a clear splayed area measuring 2.5m x 2.0m either side of the driveway (recessed in from the boundary line).

Assessment Officer's Comment: The existing fence with gates is in a straight line and does not give a clear indication to pedestrians that the driveway is in operation (see photo earlier in report). A splayed area measuring 2.5m x 2.0m either side of the driveway would provide adequate sight lines and create a much better awareness to pedestrians that a driveway exists. (see **Figure 4**)

- 3) The applicant has stated that the proposal meets the objectives of Part 8 Section 1.1 with the exception of Objective No. 5. To remedy the non-compliance, it is proposed to install an approved convex traffic mirror to better monitor traffic and pedestrians coming down Cambridge Street. This will ensure that offstreet parking facilities do not interfere with traffic flow and safety in adjacent streets or endanger pedestrian traffic on or off the site.

Assessment Officer's Comment: The applicant's request for a variation has been considered in terms of pedestrian/vehicle safety issues (sight distances etc), as well as Council's DCP requirements.

It is considered that the location of the adjoining building (Seymour Building Supplies) which is built to the boundary on the adjoining property, the sight distances at this property are extremely limited for vehicles reversing out from the proposed carport.

ITEM 4 (continued)



Location of Existing Driveway Crossing (looking upwards towards Victoria Rd)

In addition, the proposal does not comply with the following requirements of DCP 2010:

- Section 2.8.1(b) – which requires a 2m setback to a secondary street frontage.
- Section 2.4.3 – which requires vehicles entering a street from private driveways to provide adequate visibility of the adjacent footpath in order to ensure pedestrian safety.
- Section 2.5 – which also requires sight distances to pedestrians by providing clear sight lines.

The applicant's proposed use of a convex mirror is not supported, as this is unreliable especially at night or during rainfall when vision can be obscured or limited.

Council's Development Engineer and Traffic Engineer has also considered this proposal and raised concerns regarding pedestrian safety, as discussed in the "Referrals" section of this report.

It is considered that these matters could be resolved via a re-location of the carport away from the property boundary (see **Figure 4**).

COMPLIANCE TABLE

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.

ITEM 4 (continued)

NON-COMPLIANCES

(1) Pedestrian & Vehicle Safety –

- Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.4.3 'Pedestrian & Vehicle Safety' states: Vehicles entering the street from private driveways need adequate visibility of the adjacent footpath in order to ensure pedestrian safety.

Comment: The pedestrian footpath in Cambridge Street leads directly to Victoria Road and the adjacent hardware store. Given that the proposal is to be situated in a busy location, it is imperative adequate visibility is provided to ensure pedestrian safety.

- Council's Development Control Plan 2010: Part 8.3 'Driveways' – Section 2.5 'Sight Distances for Traffic & Pedestrians' which states: The sight distance to pedestrians shall be met by providing clear sight lines. The minimum sight lines for pedestrian safety is a clear splayed area measuring 2.5m x 2.0m either side of the driveway (recessed in from the boundary line).

Comment: The existing fence with gates is in a straight line and does not give a clear indication to pedestrians that the driveway is in operation. A splayed area measuring as close as possible to 2.5m x 2.0m either side of the driveway would provide adequate sight lines and create a much better awareness to pedestrians that a driveway exists. (See **Figure 4** below which is a recommended location)

ITEM 4 (continued)

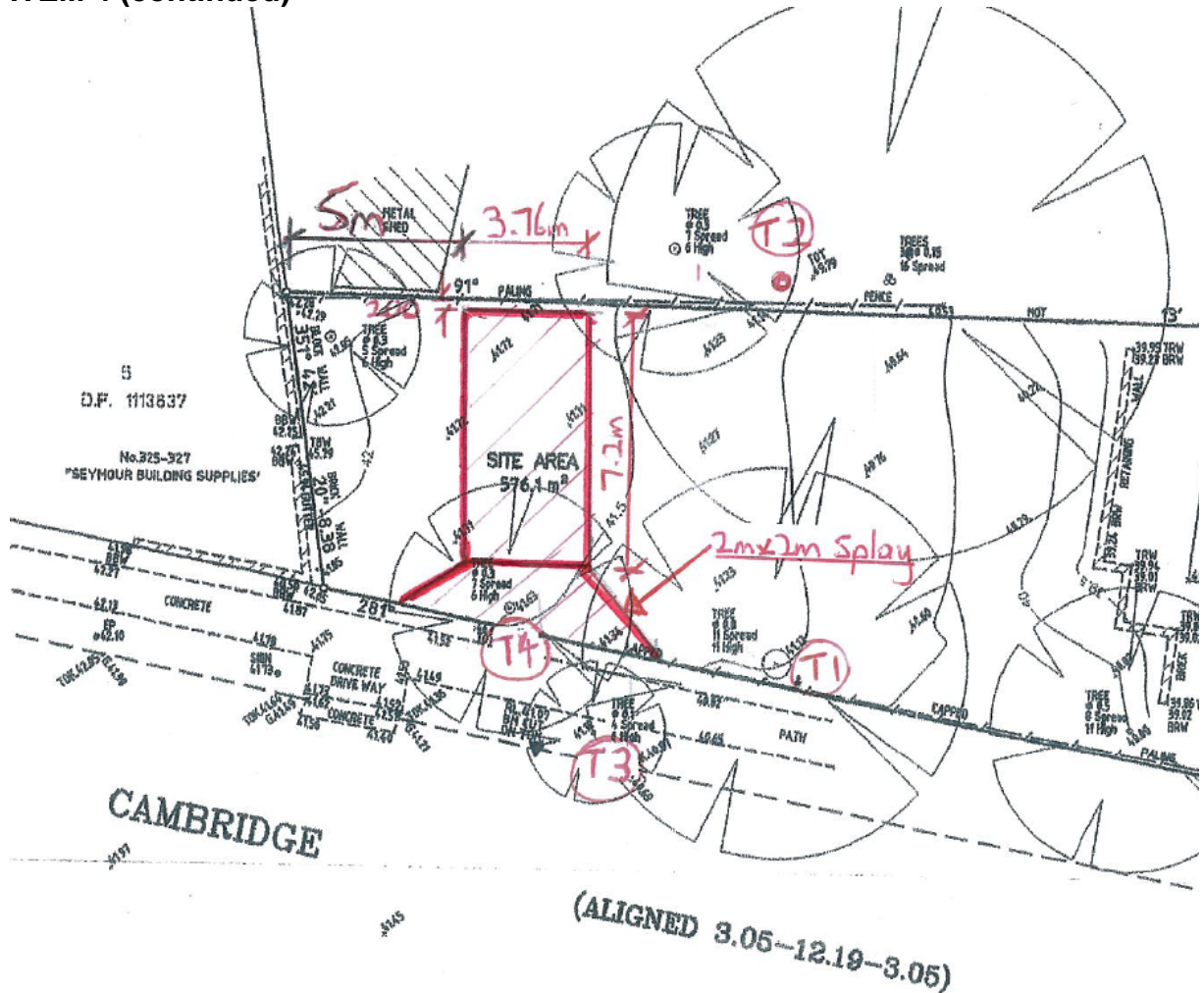


Figure 4: Site Plan (Recommended location)

(2) Levels (Cut & Fill) –

- Council’s Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.5.2 (a) ‘Topography & Excavation’ states: Building form and siting are to relate to the original topography of the land and of the streetscape.

Comment: A survey plan has been submitted with the application, however no floor levels have been provided with the architectural plans to determine the height of the finished floor level above the natural ground level. The true building form cannot be accurately determined without the proposed finished floor level that relates to the survey plan levels. This can be dealt with by a condition of consent (see Condition No.1 iv) – Deferred Commencement)

ITEM 4 (continued)**(3) Setbacks (side setbacks to secondary frontage) –**

- Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.8.1 (b) 'Front Setbacks' which states: On corner sites, the setback along a secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m.

Comment: By moving the carport / storeroom to be 5m from the rear boundary at the north-western corner, a setback ranging from 1.6m to 2m can be achieved along the secondary street (Cambridge Street). The rear setback being reduced to 200mm. This setback will not impact on the root zone of the significant trees. The greater setback would also reduce the impact of the structure on the streetscape (see **Figure 4**).

(4) Stormwater drainage –

- Council's Development Control Plan 2010: Part 8.2 - Stormwater Management requires new developments to be provided with a stormwater drainage system that complies with Council's requirements.

Comment: A concept drainage plan has not been submitted with the application. As the roof water needs to be connected to a drainage system, a stormwater drainage concept plan that complies with the requirements of Council's DCP will need to be provided. This can be dealt with by Condition of Consent (see Condition No.13 – General Conditions)

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 can be modified to comply with Council's requirements as a Deferred Commencement Approval.

(a) Built Environment

The proposed development involves the construction of a carport / storeroom at the rear of the property with access via the existing driveway in Cambridge Street. The proposal in its present form cannot be supported as it will compromise the safety of pedestrians. A redesign to achieve the required sight lines is recommended as a Deferred Commencement Consent.

(b) Natural Environment

The proposed development in general will have no significant impacts on the natural environment. The proposed use is permitted in the zone, and with improved

ITEM 4 (continued)

sightlines is considered compatible with the surrounding developments. Therefore the proposed development as a Deferred Commencement Consent which modifies the design is considered satisfactory in terms of environmental impacts.

11. Suitability of the site for the development

The site is not classified as a heritage item or subject to any natural constraints such as urban bushland or flooding. The proposed development as a Deferred Commencement Consent is therefore considered to be suitable for the site in terms of impact on existing natural and built form environments.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that a Deferred Commencement approval of the application is in the public interest.

13. Consultation – Internal and External

Development Engineer – 26 September 2012: Council's Development Engineer has commented that the proposed development cannot be supported due to:

- a. Safe sightline to pedestrian movement on the footpath is not available in accordance with AS 2890.1-2004 {CI 3.2.4 (b)} & DCP 2010 - Part 8.3. The sight line is obstructed by the existing building located adjacent to the western boundary of the site. (see attachment No.3 - AS 2890.1-2004 {CI 3.2.4 (b)}).
- b. The use of convex mirrors as suggested by the applicant to resolve the sightline issue is considered unreliable especially at night and during rainfall when vision through the mirror is obscured or limited. Additionally, it is not one of the recommended options to adopt under AS 2890.1-2004 and Roads & Maritime Services (RMS) would normally not recommend its use when an alternative engineering solution is available that does not require the use of mirrors.

Assessment Officer's Comment:

In view of the above it is recommended that the applicant amends the plan to that as suggested by the Deferred Commencement Consent - Condition No.1.

Traffic Engineer – 28 September 2012: Council's Consulting Traffic Engineer has commented the following:

The proposed plans and site inspection reveals that existing fence height varies between 1.9 metres to 1.8 metres and the proposed location of the carport / storeroom with the existing fence arrangement does not satisfy the sightline visibility for pedestrian safety.

ITEM 4 (continued)

The non-compliance to Ryde DCP 2010, Part 8.3, Driveways are as follows:

Sightline

Council's DCP 2010, Part 8.3, Driveways (Schedule: Driveways and Car parking Technical Material) states that driveways are to have a minimum setback of 2.5m from the property boundary and that there be no obstructions to visibility as splayed in the following diagram.

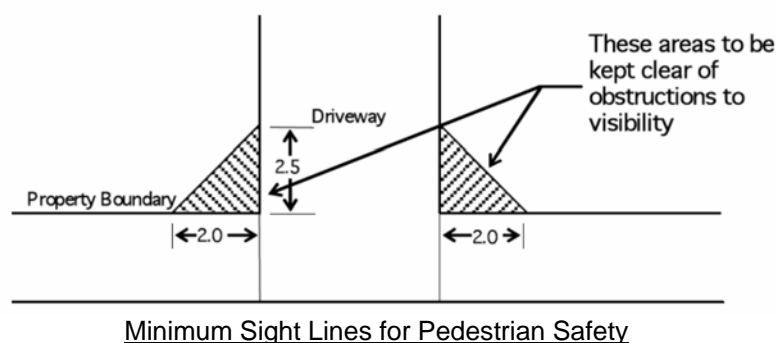


Figure 5: Sight Lines Diagram

The proposed development at 2 Oxford Street, Gladesville does not meet the requirements of Council's DCP 2010, Part 8.3 for minimum sightline distance and creates a safety hazard for pedestrians using the public footpath.

Proposed Alternative Solution – Convex Safety Mirrors:

The proposed development does not meet the Roads & Maritime Services (RMS) requirements for Convex Safety Mirrors because alternative engineering solutions can be achieved with the relocation of driveways.

Recommendation:

That the proposed location of the carport / storeroom with the existing fence arrangement is considered unsatisfactory and will need to be redesigned to achieve the required sight line distances in compliance with Council's DCP 2010, Part 8.3.

Assessment Officer's Comment:

In view of the above it is recommended that the applicant amends the plan to that as suggested by the Deferred Commencement Consent - Condition No.1.

ITEM 4 (continued)

Tree Management Officer – 10 October 2012: Council's Senior Tree Management Officer has commented as follows:

Using AS4970-2009 Protection of Trees on Development sites and allowing for the maximum encroachment prior to further investigation required, the following calculated setbacks are to be applied.

- **Tree 1:** *Erythrina crista-galli* (Cocks Comb Coral Tree) This tree is exempt from Councils DCP Part 9.6, Tree Preservation. The TPZ for this tree including the 10% encroachment bring the minimum setback is approximately 6m radius from the base of the tree.
- **Tree 2:** Unknown species (Magnolia) located on the neighbouring property. The TPZ for this tree including the 10% encroachment bring the minimum setback is approximately 2m radius from the base of the tree.
- **Tree 3:** *Fraxinus griffithii* (Ever Green Ash) located on Councils nature strip will need to be removed either way.
- **Tree 4:** *Murraya paniculata* (Orange Jasmine) This tree is less than 5m in height and is exempt from Councils DCP, it will also need to be removed either way.

(Note: Tree locations are shown in **Figure 4**)

Recommendation:

1. Trees 3 & 4 are approved for removal to allow for the development to proceed, no replanting of either of these trees are required.
2. The radius as specified for Trees 1 & 2 is to be used as a guiding principle for the location of the proposed development.
3. Given the sight line issues for the line of sight for the proposed drive, the angle height direction and type of the fence, the relative location to the brick wall on the neighbouring property I would recommend that the proposed development be altered to ensure safety requirements are met whilst maintaining the minimum setbacks as specified in Recommendation No. 2.

Assessment Officer's Comments

The recommendations above by the Tree Management Officer are supported as this will allow the carport / storeroom to be relocated to achieve adequate sightlines and having minimal impact on the surrounding trees. Tree management is dealt with by conditions of consent. (see Conditions No.24, 25 & 27 – General Conditions).

ITEM 4 (continued)**14. Critical Dates**

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None applicable.

17. Conclusion

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, it is recommended that the development be modified to ensure adequate vehicle / pedestrian safety (i.e. sight distances for vehicles reversing out of the carport to ensure pedestrian safety) and also to comply with Councils requirements for secondary building setbacks and pedestrian safety. It is recommended that amended plans regarding these matters be required as a Deferred Commencement Approval. This will mean that when an amended plan is submitted and approved by the Group Manager – Environment & Planning that meets the requirements of Deferred Commencement Condition No.1, the consent becomes operative. No further reports are required to Planning & Environment Committee.

ITEM 4 (continued)

ATTACHMENT 1

COMPLIANCE TABLE

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 (as a Deferred Commencement) will be consistent with the desired future character of the low density residential area	Yes
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Car parking has not been located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	No (1)
- Fencing that blocks sight lines is to be splayed.	The existing fencing blocks sight lines and is not splayed.	No (1)
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	Greater than 35% DSA	Yes
- Min 8x8m deep soil area in backyard.	Rear DSA is greater than 8m x 8m	Yes
Topography & Excavation		
Within building footprint:	Within BF	
- Max cut: 1.2m	Max cut: No levels provided	No (2)
- Max fill: 900mm	Max fill: No levels provided	No (2)
Floor Space Ratio		
Existing dwelling	117.92m ²	
Storeroom	<u>6.48m²</u>	
Total (Gross Floor Area)	<u>124.40m²</u>	
Maximum FSR = 0.5:1	FSR = 0.21:1	Yes
Setbacks		
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	Side setback is less than 2m	No (3)

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Car Parking & Access		
Driveways - Extent of driveways are to be minimised	Extent of driveway has been minimised.	Yes
Landscaping		
Trees & Landscaping - Major trees retained where practicable	No significant trees are proposed for removal	Yes
Outbuildings		
Not within front setback.	In rear yard	Yes
Max wall plate (ceiling) height 2.7m	2.4m	Yes
Max O/A height 4.5m (Ridge to existing ground level)	4.355m	Yes
Max area – 20m ² (Detached garage - 36m ²)	Storeroom – 6.48m ² Carport - 19.44m ²	Yes
To be single storey.	Single storey	Yes
Design to complement new dwelling.	Materials: Timber framed structure Roof Design: Metal /pitched roof	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Yes
Part 8.2 - Stormwater Management		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	No drainage details have been provided	No (4)
Part 8.3 - Driveways		
Sight distances for traffic & pedestrians shall be met by providing clear sight lines (Section 2.5)	Clear sight distances have not provided	No (1)

ITEM 4 (continued)

ATTACHMENT 2

DEFERRED COMMENCEMENT CONDITIONS

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

1. **Plan amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
 - i) The carport / storeroom being relocated to be 5m from the rear boundary at the north-western corner.
 - ii) The rear setback being 200mm.
 - iii) A clear splayed area (recessed in from the boundary line as shown in red on the recommended plan) either side of the driveway.
 - iv) The proposed finished floor level of the carport / storeroom that relates to the survey plan levels will need to be provided.

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:
 - Architectural Plans approved under Part 1 (Deferred Commencement)
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. **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.
4. **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.

ITEM 4 (continued)

ATTACHMENT 2

5. **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.
6. **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.
7. **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.

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.

8. **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**.
9. **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**.
10. **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)

ITEM 4 (continued)

ATTACHMENT 2

11. **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
12. **Driveway Crossing / Alignment Levels.** The removal of the existing gutter crossing and its replacement with the construction of a new driveway crossing and layback is to be to Council's standard specification prior to occupation of the new structure. Accordingly, an application is to be submitted to Council for the necessary site specific alignment levels prior to the issue of the **Construction Certificate**.
13. **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". Details showing compliance are to be submitted prior to the release of the **Construction Certificate**.
14. **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.

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.

15. **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

ITEM 4 (continued)

ATTACHMENT 2

(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.

16. **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.

17. **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).

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.

18. **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*.

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

ITEM 4 (continued)

ATTACHMENT 2

20. **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.
21. **Construction materials.** All materials associated with construction must be retained within the site.
22. **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.
23. **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".
24. **Tree removal.** Trees marked T3 (street tree) & T4 (Orange Jasmine tree) as noted on the relocation survey plan are approved for removal to allow for the development to proceed, no replanting of either of these trees is required. Note: The entire root system of the street tree is to be removed and the nature strip is to be reinstated to Council's satisfaction prior occupation of the new structure.
25. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

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 4 (continued)

ATTACHMENT 2

26. **Driveway Crossing.** The removal of the existing gutter crossing and its replacement with the construction of a new driveway crossing and layback is to be to Council's standard specification prior to occupation of the new structure.
27. **Street Tree.** The entire root system of the street tree (marked T3 on the relocation survey plan) is to be removed and the nature strip is to be reinstated to Council's satisfaction prior occupation of the new structure.

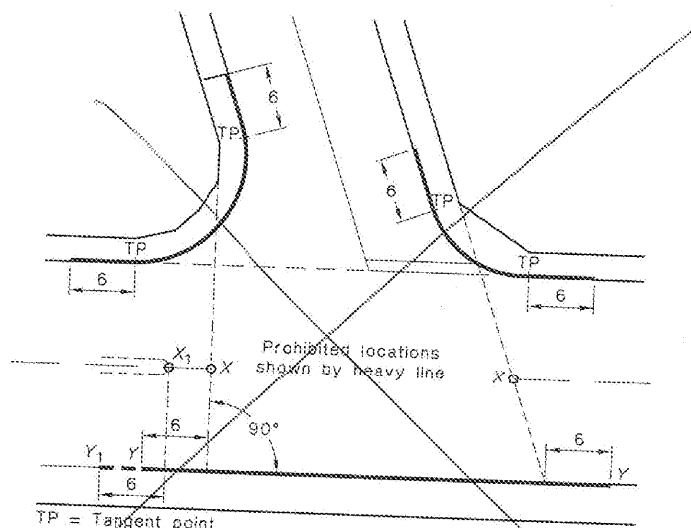
ITEM 4 (continued)

ATTACHMENT 3

ATTACHMENT 3 - AS 2890.1-2004 (Clause 3.2.4)

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AS/NZS 2890.1:2004



NOTES:

1. Accesses to domestic driveways are excluded from the prohibition in respect of the kerb section marked Y-Y (see Clause 3.2.3(a)).
2. The points marked X₁ and X are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y extends to Point Y₁.

DIMENSIONS IN METRES

FIGURE 3.1 PROHIBITED LOCATIONS OF ACCESS DRIVEWAYS

* 3.2.4 Sight distance at access driveway exits

Access driveways need to be located and constructed so that there is adequate entering sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footpath for traffic entering the frontage road, as follows:

- (a) *Entering sight distance* Unsignalized access driveways shall be located so that the intersection sight distance along the frontage road available to drivers leaving the car park or domestic driveway is at least that shown in Figure 3.2.
- (b) *Sight distance to pedestrians* Clear sight lines as shown in Figure 3.3 shall be provided at the property line to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath.

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ITEM 4 (continued)

ATTACHMENT 3

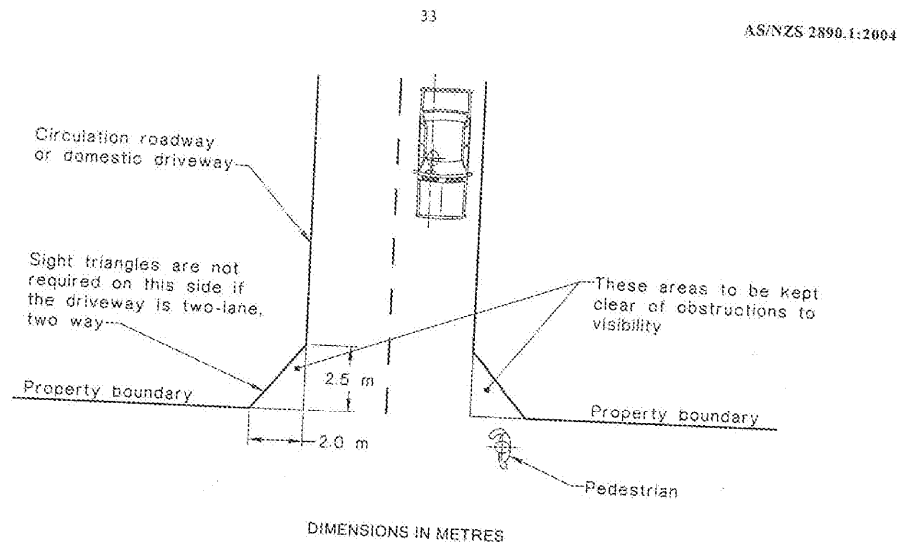


FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY

3.3. GRADIENTS OF ACCESS DRIVEWAYS

At entry and exit points, the access driveway should be graded to minimize problems associated with crossing the footpath and entering the traffic in the frontage road.

Maximum gradients on and near access driveways, other than at domestic properties (see Clause 2.6), shall be as follows:

- (a) *Property line/building alignment/pedestrian path*—max. 1 in 20 (5%) between edge of frontage road and the property line, building alignment or pedestrian path (except as provided in Item (d)), and for at least the first 6 m into the car park (except as provided below).

The grade of the first 6 m into the car park may be increased to 1 in 8 (12.5%) under the following conditions:

- (i) The grade is a downgrade for traffic leaving the property and entering the frontage road.
- (ii) The user class is Class 1, 1A or 2 only
- (iii) The maximum car park size is—
 - (1) for entry into an arterial road—25 car spaces, or
 - (2) for entry onto a local road—100 car spaces.

The maximum grade across the property line shall remain at 1 in 20 (5%).

- (b) *Vehicular control points*—max. 1 in 20 (5%) for at least 6 m prior to the control point.
- (c) *Queuing area*—max. 1 in 10 (10%) for not less than 0.8 of the queue length determined in Table 3.3.
- (d) *Across footpaths*—where the driveway crosses a footpath, the driveway grade shall be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0 m.

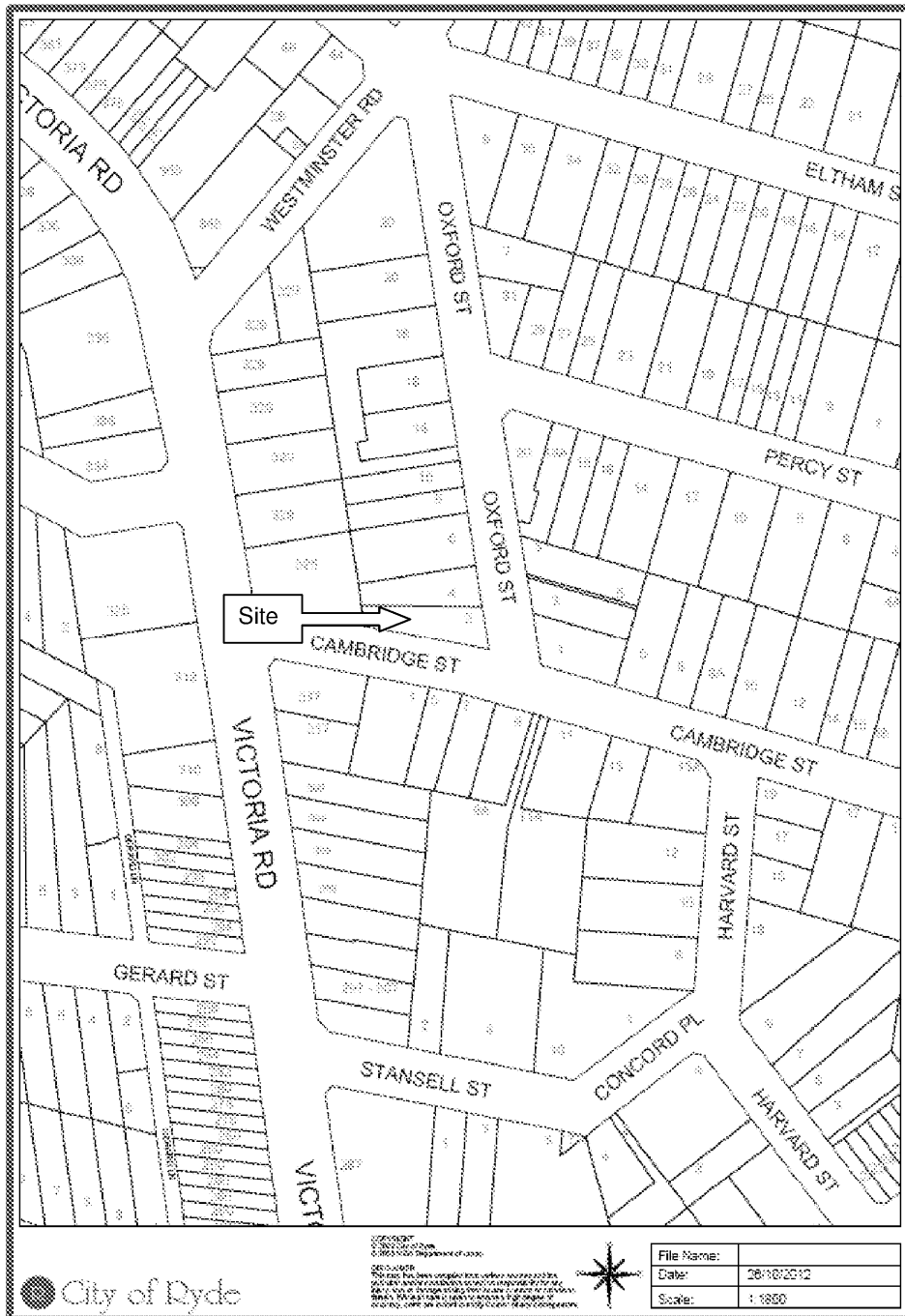
NOTE: The advice of the relevant regulatory authority should be sought to obtain grade requirements for footpaths.

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ITEM 4 (continued)

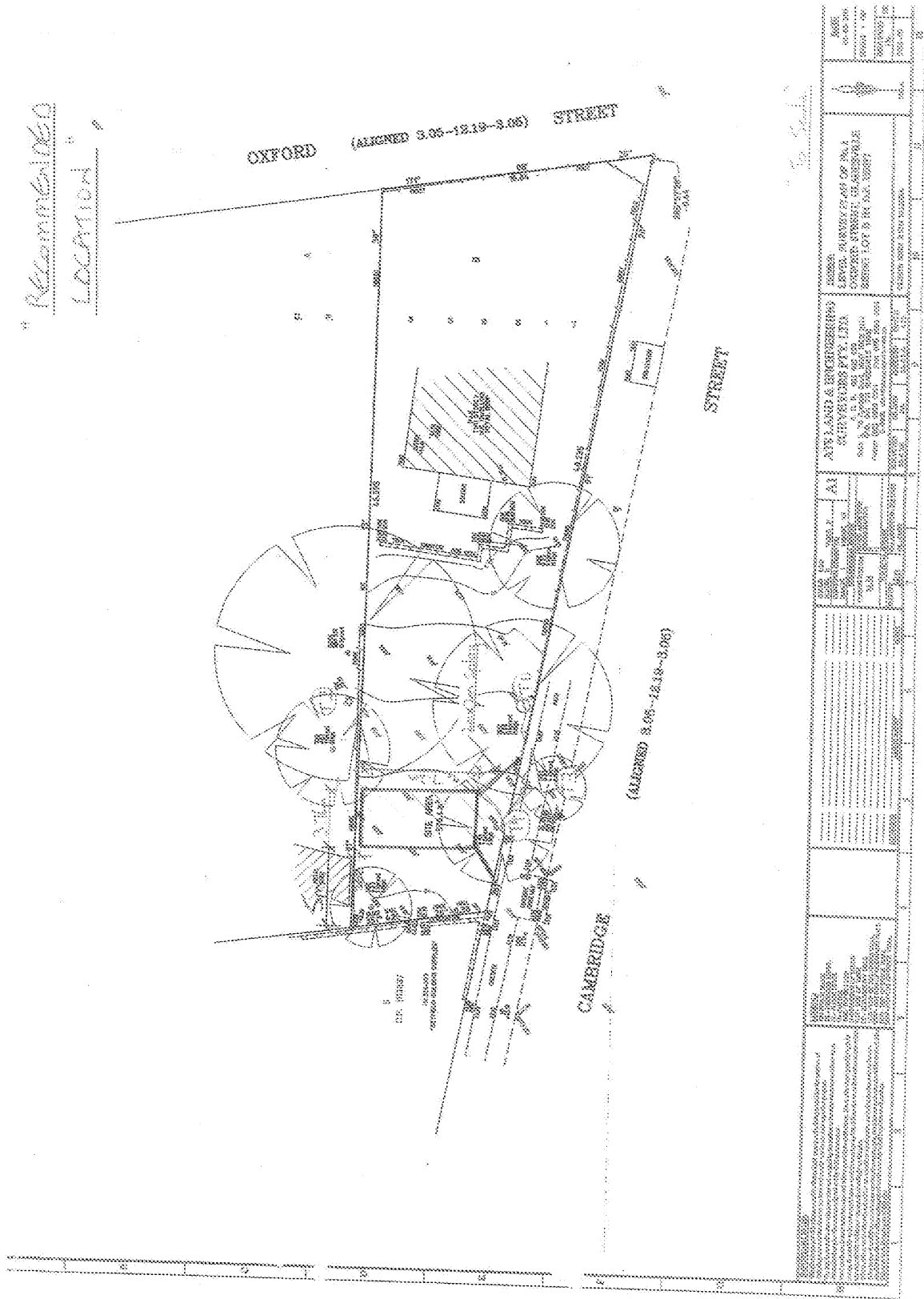
ATTACHMENT 4

No submissions received



ITEM 4 (continued)

ATTACHMENT 5



ITEM 4 (continued)

ATTACHMENT 5

DIMENSIONS IN MILLIMETRES U.N.O. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALING - IF IN DOUBT ASK

FOR CEDARSPAN APPROVAL ONLY

DRAWING BY WAI ENGINEERING 294 mm

A3 303 mm

DRAWING: © 2010

WAI Engineering

GENERAL NOTES

All work to conform to current Building Code of Australia and NSW Supplement and all current Australian Standards.

Builder to verify all dimensions on site and proceed if any discrepancies are found.

Smoke alarms are to be installed in accordance with BCA and local fire regulations.

Light and ventilation to comply with the requirements of the Building Code of Australia and any applicable BASIX Certificate.

All wall framing timbers to comply with current AS 1841 light timber framing code and relevant supplements.

All new framing timbers are to be free of preservative and size to meet the requirements of the code and protect from plantation stock.

All new rooflines, skillets and trims are to be sourced from plantation stock.

All decking and deck framing to be treated with preservative.

All downpipes and stormwater collection systems to be installed in accordance with preservative treat or radiator tank Certificates - BY OTHERS.

Roofing to be installed over supplied waterproofing membrane.

Where required by a BASIX Certificate, R2.0 insulation to be installed in ceiling.

R1.0 full lined insulation to be provided to external walls except where a BASIX Certificate allows for R1.0 or R2.4 insulation for all external walls.

CGS - Centre on Site

REV	DATE	DESCRIPTION
1	14-10-10	ORIGINAL ISSUE

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CEDARSPAN
CORROGATED COLORBOND SHEETSTEEL
38 Anax Ave, Groveside, NSW, 2145
Phone: (02) 9635 8444
CLUB / PROJECT

PROPOSED OUTBUILDING
CARPORT/STORE
FOR JOHN & KIM RUSSELL
2 OXFORD STREET,
GLADESVILLE, NSW

TITLE: GENERAL ARRANGEMENT
SCALE: 1:100
DRAWN: JWB
DATE: 14-10-10
CHECKED: JWB
DRAWING NO.: 3976-10
REVISED: -
REVISED NO.: 3976-01
DATE: OCT 21, 2010, 12:41 PM

SECTION A-A
PIERS ALONG EAST WALL SHOWN

SECTION B-B
PIERS ALONG EAST WALL SHOWN

WEST ELEVATION

PLAN VIEW
26.92 m²

TYPICAL SLAB DETAIL

SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

CEDAR BOARDS STAINED OR PAINTED

CORROGATED COLORBOND "AS SELECTED"

INSTALLATION BY CEDARSPAN B.L. 46567C

- 5 33 DICKSON AVENUE WEST RYDE. Lot 215 DP 13292. Local Development Application for construction of a double garage at the rear of the site. LDA2012/0235.**

INSPECTION: 5.15pm

INTERVIEW: 6.00pm

Report prepared by: Team Leader - Fast Track Team

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

Report dated: 23/10/2012

File Number: grp/12/5/5/3 - BP12/1233

1. Report Summary

Applicant: G Young.

Owner: G Young.

Date lodged: 4 July 2012.

This report considers a DA for the construction of a double garage at the rear of the property which is located at corner of Dickson Avenue and Bellevue Avenue. The existing vehicular access is from Bellevue Avenue as the street frontage in Dickson Avenue has limited vehicular access.

The main issue of concern with this DA as submitted is the possible danger to pedestrians and vehicles due to the lack of sight distances from the front of the double garage.

The proposal has been assessed against the controls in Development Control Plan 2010 and there are areas of non-compliance with the front setback, pedestrian and vehicle safety, and sight distances for traffic and pedestrians.

The proposed double garage is to be located off Bellevue Avenue with access via the existing gutter crossing. Although there is no hard paved footpath crossing between the street kerb and side boundary, there is vehicular access to the existing garage / workshop in the north-eastern corner of the site. The proposal cannot be supported as it will compromise the safety of pedestrians. A relocation to achieve the required sight lines is recommended as a Deferred Commencement Consent.

The proposal was notified to neighbours in accordance with Part 2.1 of Council's Development Control Plan 2010 (Notification of Development Applications). No submissions were received.

The applicant was requested to address issues of concern in relation to safety during the processing of the DA; however this was not satisfactorily resolved. The DA is referred to the Planning & Environment Committee to enable it to be determined.

The proposal is recommended for approval as a Deferred Development Consent.

ITEM 5 (continued)

Reason for Referral to Planning and Environment Committee: Requested by (former) Councillor Tagg.

Public Submissions: No submissions were received.

Clause 4.6 - RLEP 2010 objection: Not required.

Value of works: \$19,000

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

RECOMMENDATION:

That Local Development Application No. LDA2012/0235 at 33 Dickson Avenue West Ryde be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2).

ATTACHMENTS

- 1 Compliance table
- 2 Proposed conditions
- 3 AS2890.1-2004 (Clause 3.2.4)
- 4 Map
- 5 A4 plans
- 6 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**.

Report Prepared By:

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	:	33 Dickson Avenue West Ryde
Site Area	:	Land Size: 698m ² Frontage to Dickson Avenue: 10.825m / 4.03m Frontage to Bellevue Avenue: 41.07m
Topography and Vegetation	:	The topography of the site is moderate with a cross-fall from the western to the eastern side of the property No significant trees are proposed to be removed as part of the development.
Existing Buildings	:	Dwelling house and garage / workshop
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)



Proposed location of garage

Figure 1: Locality Map

ITEM 5 (continued)



3. Councillor Representations

Name of Councillor: (former) Councillor Tagg

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

Date: 28 August 2012

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

On behalf of applicant or objectors: Applicant

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

4. Political Donations or Gifts

Any political donations or gifts disclosed: No

5. Proposal

The application proposes the construction of a garage at the rear of the property via the existing driveway from Bellevue Avenue. The property is on the corner of Dickson Avenue and Bellevue Avenue. Access from Dickson Avenue is not proposed as there is limited area for vehicular access.

ITEM 5 (continued)

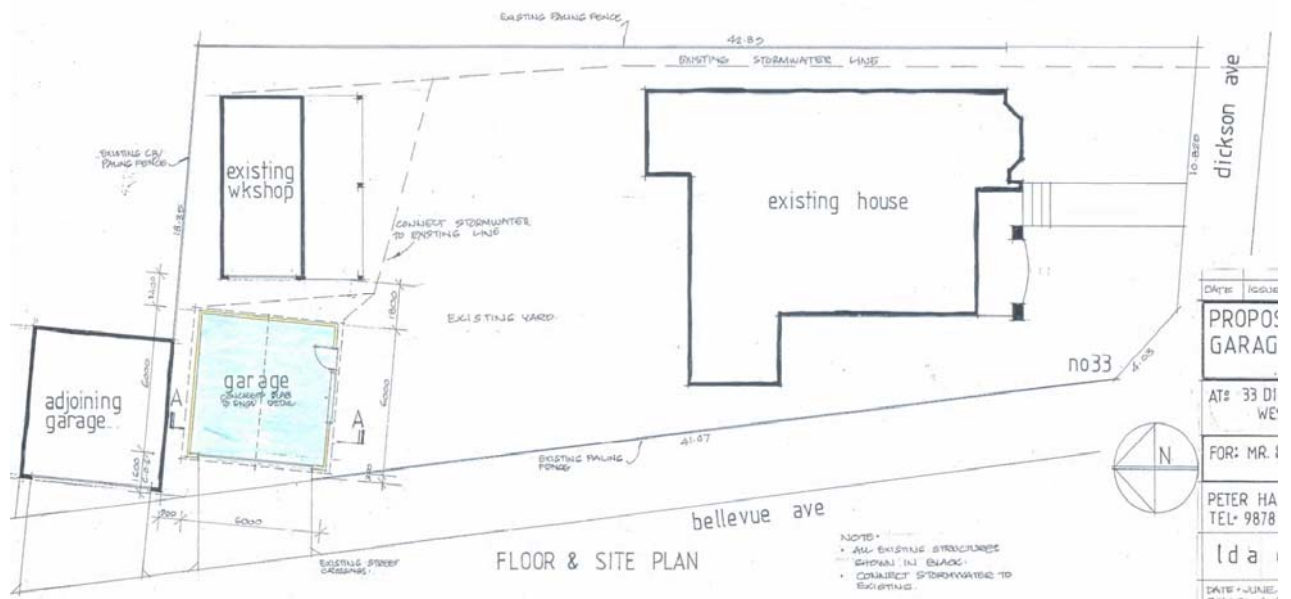


Figure 2: Site Plan (Proposed location)

ITEM 5 (continued)

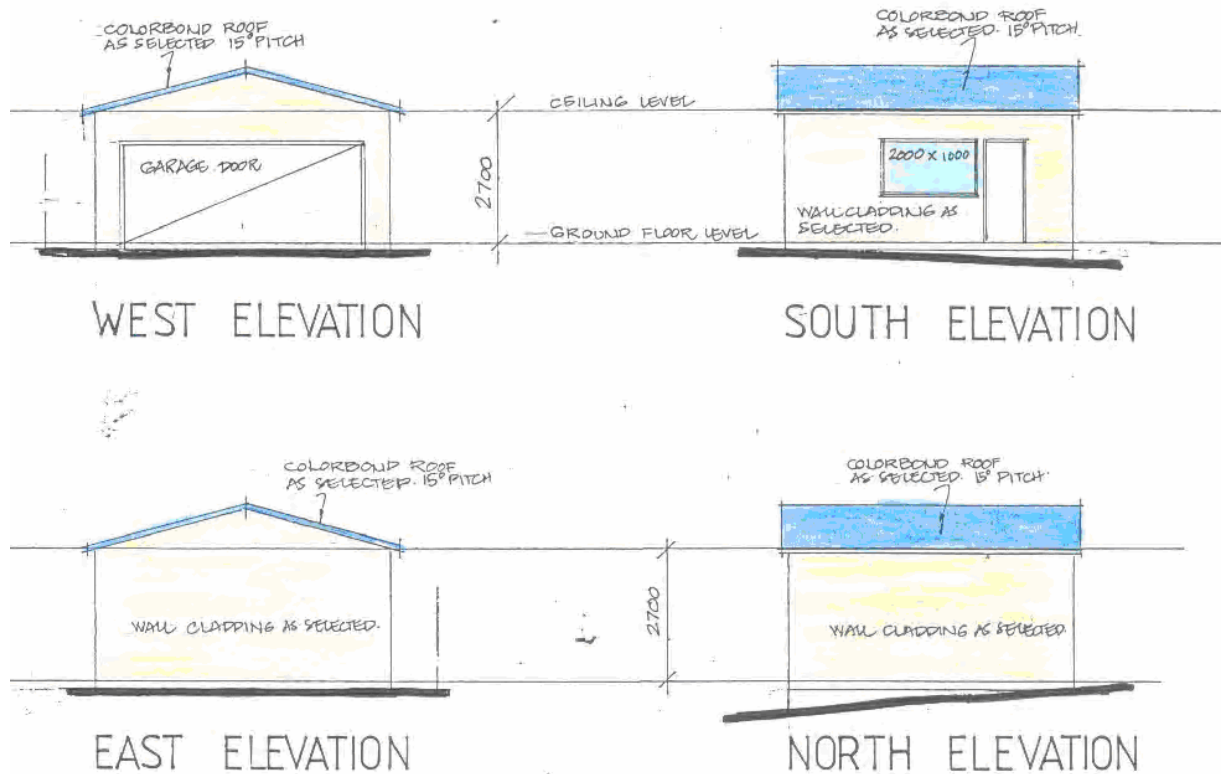


Figure 3: Elevations of proposed garage

6. Background

- On 5 July 2012 the application was submitted to Council.
- On 6 July 2012, neighbour notification commenced (closing date for submissions 23 July 2012).
- On 8 August 2012 a site inspection was carried out and photographs were taken.
- On 8 August 2012, Council's Development Engineer completed the referral and raised concerns regarding sightlines.
- On 8 August 2012 a Stop-The-Clock letter was forwarded to the applicant with concerns regarding sight lines.
- On 28 August 2012 the application was called up to the Planning and Environment Committee by former Councillor Tagg.

ITEM 5 (continued)

7. Submissions

The application was notified to the surrounding neighbours in accordance with Council's DCP 2010: Part 2.1 - Notification of Development Applications. No submissions were received.

8. Clause 4.6 - RLEP 2010) objection required.

Not required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

The subject site is zoned R2 – Low Density Residential and the proposal is permissible with the consent of Council.

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.

The proposed garage has a maximum building height of 4m.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable for the site is 0.5:1. The existing dwelling and garage / workshop give a total space ratio of 0.23:1 which is well below the allowable. A concession is given for 36m² of garaging which is equivalent to the proposed garage.

(b) Relevant SEPPs

There are no SEPPs applicable to this proposal.

ITEM 5 (continued)

(c) Relevant REPs

There are no REPs applicable to this proposal.

(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)

Ryde DCP 2010;

The applicant is requesting a variation to the standards of DCP 2010. The applicant has requested a variation to the street setback as follows:-

The garage setback to Bellevue Avenue ranges from 1.6m to 0.3m and is similar to the existing adjoining garage.

"We ask for the variation to the 2 metre setback required under the Council Codes. There is no adverse effect on the adjoining properties and this is the same as the adjacent garage.

We believe the proposal meets the intent of the Code."



Adjoining Garage

Proposed Garage Location

ITEM 5 (continued)

Assessment Officer's Comment: Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.8.1 (b) 'Front Setbacks' states: *On corner sites, the setback along a secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m.*

By moving the garage back so that the rear wall of the proposed garage adjoins the front of the existing garage / workshop, a setback ranging from 1.5m to 3m can be achieved along the secondary street (Bellevue Avenue). The northern side setback being 2m. The greater setback would also reduce the impact of the structure on the streetscape.

Council's Development Engineer and Traffic Engineer have also considered this proposal and raised concerns regarding pedestrian safety, as discussed in the "Referrals" section of this report.

It is considered that these matters could be resolved via a re-location of the double garage away from the property boundary (see **Figure 4**).

COMPLIANCE TABLE

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) Pedestrian & Vehicle Safety –**

- Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.4.3 'Pedestrian & Vehicle Safety' states: Vehicles entering the street from private driveways need adequate visibility of the adjacent footpath in order to ensure pedestrian safety.

Comment: Although there is no footpath in Bellevue Avenue, pedestrians are able to walk near the side boundary fence as the nature strip has a slope. It is considered imperative that adequate visibility is provided to ensure pedestrian safety.

- Council's Development Control Plan 2010: Part 8.3 'Driveways' – Section 2.5 'Sight Distances for Traffic & Pedestrians' which states: The sight distance to pedestrians shall be met by providing clear sight lines. The minimum sight lines for pedestrian safety is a clear splayed area measuring 2.5m x 2.0m either side of the driveway (recessed in from the boundary line).

ITEM 5 (continued)

Comment: The existing fence with a horizontal colorbond panel at the driveway entrance is in a straight line and does not give a clear indication to pedestrians that the driveway is in operation (see photos earlier in report). A splayed area measuring 2.5m x 2.0m either side of the driveway would provide adequate sight lines and create a much better awareness to pedestrians that a driveway exists.

(2) Levels (Cut & Fill) –

- Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.5.2 (a) 'Topography & Excavation' states: Building form and siting are to relate to the original topography of the land and of the streetscape.

Comment: A survey plan has not been submitted with the application and no floor levels have been provided with the architectural plans to determine the height of the finished floor level above the natural ground level. The true building form cannot be accurately determined without the proposed finished floor level that relates to the survey plan levels. This can be dealt with by a condition of consent (see Condition No.1 iv) – Deferred Commencement)

(3) Setbacks (side setbacks to secondary frontage) –

- Council's Development Control Plan 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.8.1 (b) 'Front Setbacks' which states: On corner sites, the setback along a secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m.

Comment: By moving the garage back so that the rear wall of the proposed garage adjoins the front of the existing garage / workshop, a setback ranging from 1.5m to 3m can be achieved along the secondary street (Bellevue Avenue). The northern side setback being 2m. The greater setback would also reduce the impact of the structure on the streetscape.

ITEM 5 (continued)

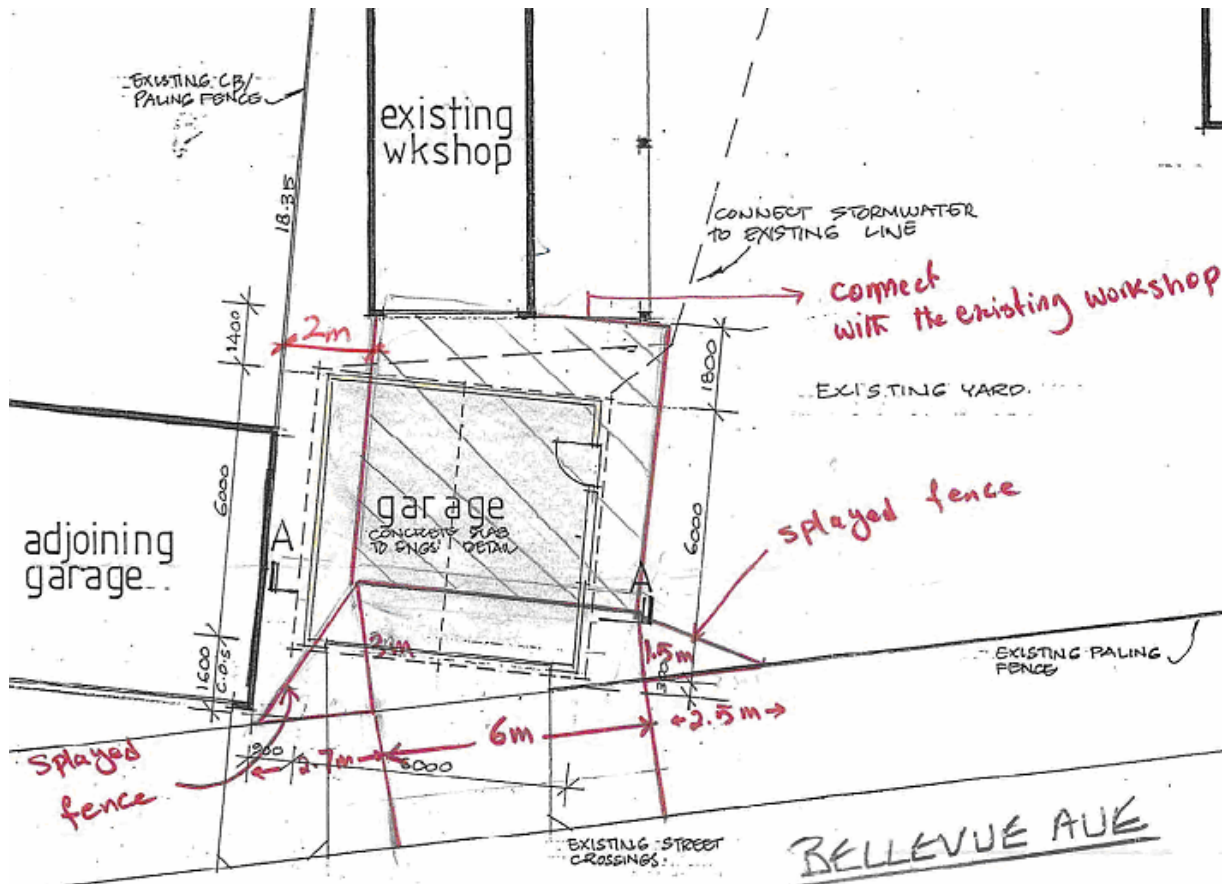


Figure 4: Site Plan (Recommended location).

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 be modified to comply with Councils requirements as a Deferred Commencement Consent.

(a) Built Environment

The proposed development involves the construction of a garage at the rear of the property with access via the existing driveway in Bellevue Avenue. The proposal in its present form cannot be supported as it will compromise the safety of pedestrians. A redesign to achieve the required sight lines is recommended as a Deferred Commencement Consent.

ITEM 5 (continued)**(b) Natural Environment**

The proposed development in general will have no significant impacts on the natural environment. The proposed use is permitted in the zoning and with improved sightlines is considered compatible with the other surrounding developments. Therefore the proposed development as a Deferred Commencement Consent which modifies the design is considered satisfactory in terms of environmental impacts.

11. Suitability of the site for the development

The site is not classified as a heritage item or subject to any natural constraints such as urban bushland or flooding. The proposed development as a Deferred Commencement Consent is therefore considered to be suitable for the site in terms of impact on existing natural and built form environments.

12. The Public Interest

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

13. Consultation – Internal and External

Development Engineer – 26 September 2012: Council's Development Engineer has commented that the proposed development cannot be supported due to:

a. Safe sightline to pedestrian movement on the footpath is not available in accordance with

CI 3.2.4 (b) AS 2890.1-2004 & DCP 2010, Part 8.3. The sight line is obstructed by the existing garage located adjacent to the northern boundary of the site.

Additionally, the garage is located in very close proximity to the western boundary, near the footpath, thus leaving no driver/pedestrian reaction time to avoid conflict. (see attachment No.3 - AS 2890.1-2004 {CI 3.2.4 (b)}).

Assessment Officer's Comment:

In view of the above it is recommended that the applicant amends the plan to that as suggested by the Deferred Commencement Consent - Condition No.1.

Traffic Engineer – 28 September 2012: Council's Consulting Traffic Engineer has commented the following:

The proposed plans and site inspection reveals that existing fence height is 1.8 metres. The proposed location of the garage with the existing fence arrangement does not satisfy the sightline visibility for pedestrian safety.

ITEM 5 (continued)

The non-compliances to Council's DCP 2010, Part 8.3, Driveways are as follows:

Sightline

Council's DCP 2010, Part 8.3, Driveways (Schedule: Driveways and Car parking Technical Material) states that driveways are to have a minimum setback of 2.5m from the property boundary and that there be no obstructions to visibility as splayed in the following diagram.

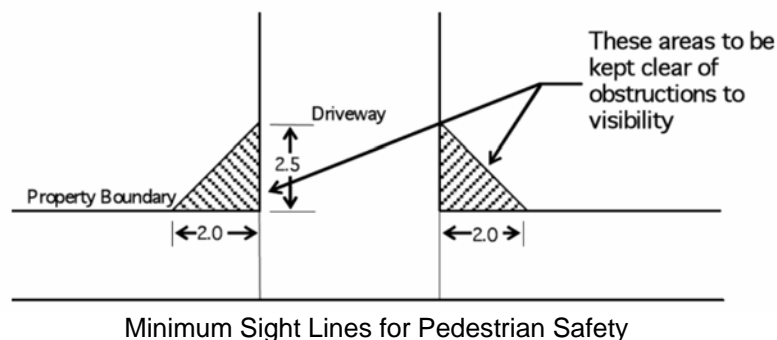


Figure 5: Sight Lines Diagram

The proposed location of the garage at 33 Dickson Avenue, West Ryde does not meet Council's DCP 2010, Part 8.3 for minimum sightline distance and creates a safety hazard for pedestrians.

Recommendation:

That the proposed location of the garage is considered unsatisfactory and will need to be redesigned to achieve the required sight line distances in compliance with Council's DCP 2010, Part 8.3.

Assessment Officer's Comment:

In view of the above it is recommended that the applicant amends the plan to that as suggested by the Deferred Commencement Consent - Condition No.1.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

ITEM 5 (continued)**16. Other Options**

None applicable.

17. Conclusion

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, it is recommended that the development be modified to ensure adequate vehicle / pedestrian safety (i.e. sight distances for vehicles reversing out of the double garage to ensure pedestrian safety) and also to comply with Councils requirements for secondary building setbacks and pedestrian safety. It is recommended that amended plans regarding these matters be required as part of a Deferred Commencement Approval. This will mean that when an amended plan is submitted and approved by the Group Manager – Environment & Planning that meets the requirements of Deferred Commencement Condition No.1, the consent becomes operative. No further reports are required to Planning & Environment Committee.

ITEM 5 (continued)

ATTACHMENT 1

COMPLIANCE TABLE

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 (as a Deferred Commencement) will be consistent with the desired future character of the low density residential area	Yes
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Car parking has not been located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	No (1)
- Fencing that blocks sight lines is to be splayed.	The existing fencing blocks sight lines and is not splayed.	No (1)
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	Greater than 35% DSA	Yes
- Min 8x8m deep soil area in backyard.	Rear DSA is greater than 8m x 8m	Yes
Topography & Excavation		
Within building footprint:	Within BF	
- Max cut: 1.2m	Max cut: No levels provided	No (2)
- Max fill: 900mm	Max fill: No levels provided	No (2)
Floor Space Ratio		
Existing dwelling	138.5m ²	
Garage / Workshop	<u>26.3m²</u>	
Total (Gross Floor Area)	<u>164.80m²</u>	
Maximum FSR = 0.5:1	FSR = 0.23:1	Yes
Setbacks		
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	Side setback is less than 2m	No (3)

ITEM 5 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Car Parking & Access		
Driveways - Extent of driveways are to be minimised	Extent of driveway has been minimised.	Yes
Landscaping		
Trees & Landscaping - Major trees retained where practicable	No significant trees are proposed for removal	Yes
Outbuildings		
Not within front setback.	In rear yard	Yes
Max wall plate (ceiling) height 2.7m	2.7m	Yes
Max O/A height 4.5m (Ridge to existing ground level)	4m	Yes
Max area – 20m ² (Detached garage - 36m ²)	Garage - 36m ²	Yes
To be single storey.	Single storey	Yes
Design to complement new dwelling.	Materials: Timber framed structure Roof Design: Metal /pitched roof	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Yes
Part 8.2 - Stormwater Management		
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 8.3 - Driveways		
Sight distances for traffic & pedestrians shall be met by providing clear sight lines (Section 2.5)	Clear sight distances have not provided	No (1)

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. **Plan amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
 - i) The garage is to be relocated so that the rear wall of the proposed garage adjoins the front of the existing garage / workshop.
 - ii) The northern side setback being 2m.
 - iii) A clear splayed area (recessed in from the boundary line as shown in red on the recommended plan) either side of the driveway.
 - iv) The proposed finished floor level of the double garage that relates to AHD survey levels will need to be provided.

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:
 - Architectural Plans approved under Part 1 (Deferred Commencement)
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. **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.
4. **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.

ITEM 5 (continued)

ATTACHMENT 2

5. **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.
6. **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.
7. **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.

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.

8. **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**.
9. **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**.
10. **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)

ITEM 5 (continued)

ATTACHMENT 2

11. **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
12. **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**.
13. **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". Details showing compliance are to be submitted prior to the release of the **Construction Certificate**.
14. **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.

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.

15. **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.

16. **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.
17. **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).

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.

18. **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*.
19. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
20. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;

ITEM 5 (continued)

ATTACHMENT 2

- (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.
21. **Construction materials.** All materials associated with construction must be retained within the site.
22. **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.
23. **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".

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.

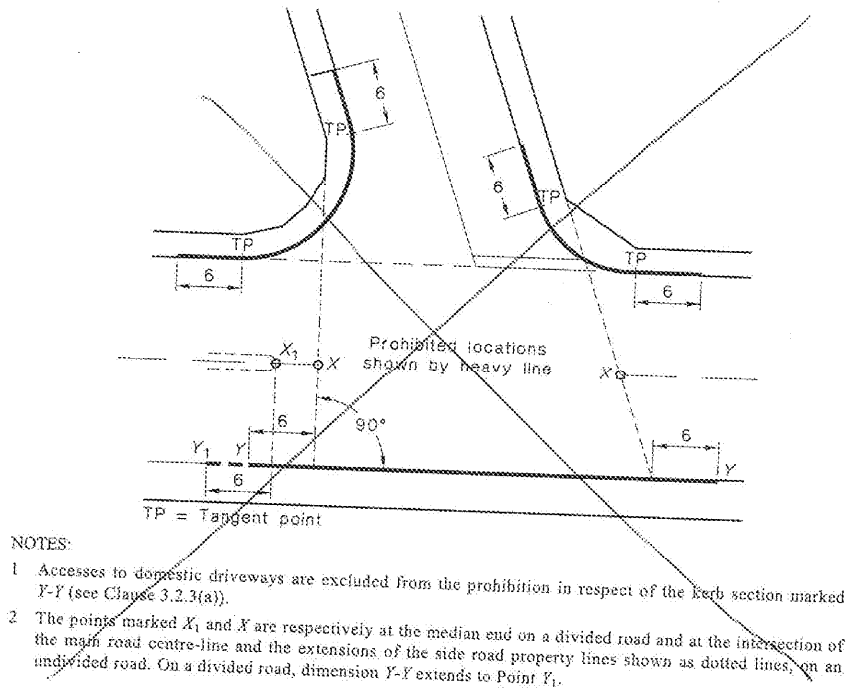
ITEM 5 (continued)

ATTACHMENT 3

ATTACHMENT 3 - AS 2890.1-2004 (Clause 3.2.4)

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AS/NZS 2890.1:2004



DIMENSIONS IN METRES

FIGURE 3.1 PROHIBITED LOCATIONS OF ACCESS DRIVEWAYS

* 3.2.4 Sight distance at access driveway exits

Access driveways need to be located and constructed so that there is adequate entering sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footpath for traffic entering the frontage road, as follows:

- (a) *Entering sight distance* Unsignalized access driveways shall be located so that the intersection sight distance along the frontage road available to drivers leaving the car park or domestic driveway is at least that shown in Figure 3.2.
- (b) *Sight distance to pedestrians* Clear sight lines as shown in Figure 3.3 shall be provided at the property line to ensure adequate visibility between vehicles leaving the car park and pedestrians on the frontage road footpath.

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ITEM 5 (continued)

ATTACHMENT 3

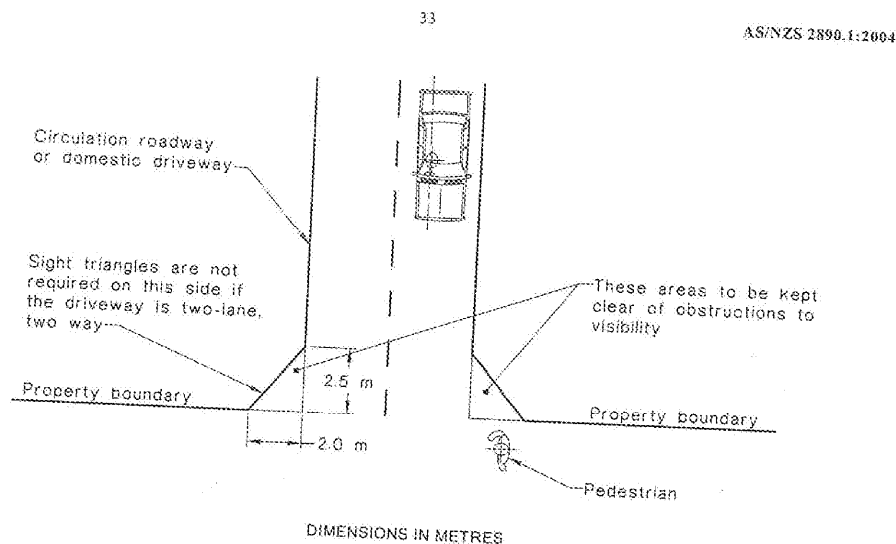


FIGURE 3.3 MINIMUM SIGHT LINES FOR PEDESTRIAN SAFETY

3.3. GRADIENTS OF ACCESS DRIVEWAYS

At entry and exit points, the access driveway should be graded to minimize problems associated with crossing the footpath and entering the traffic in the frontage road.

Maximum gradients on and near access driveways, other than at domestic properties (see Clause 2.6), shall be as follows:

- (a) *Property line/building alignment/pedestrian path*—max. 1 in 20 (5%) between edge of frontage road and the property line, building alignment or pedestrian path (except as provided in Item (d)), and for at least the first 6 m into the car park (except as provided below).

The grade of the first 6 m into the car park may be increased to 1 in 8 (12.5%) under the following conditions:

- (i) The grade is a downgrade for traffic leaving the property and entering the frontage road.
- (ii) The user class is Class 1, 1A or 2 only
- (iii) The maximum car park size is—
 - (1) for entry into an arterial road—25 car spaces, or
 - (2) for entry onto a local road—100 car spaces.

The maximum grade across the property line shall remain at 1 in 20 (5%).

- (b) *Vehicular control points*—max. 1 in 20 (5%) for at least 6 m prior to the control point.
- (c) *Queuing area*—max. 1 in 10 (10%) for not less than 0.8 of the queue length determined in Table 3.3.
- (d) *Across footpaths*—where the driveway crosses a footpath, the driveway grade shall be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0 m.

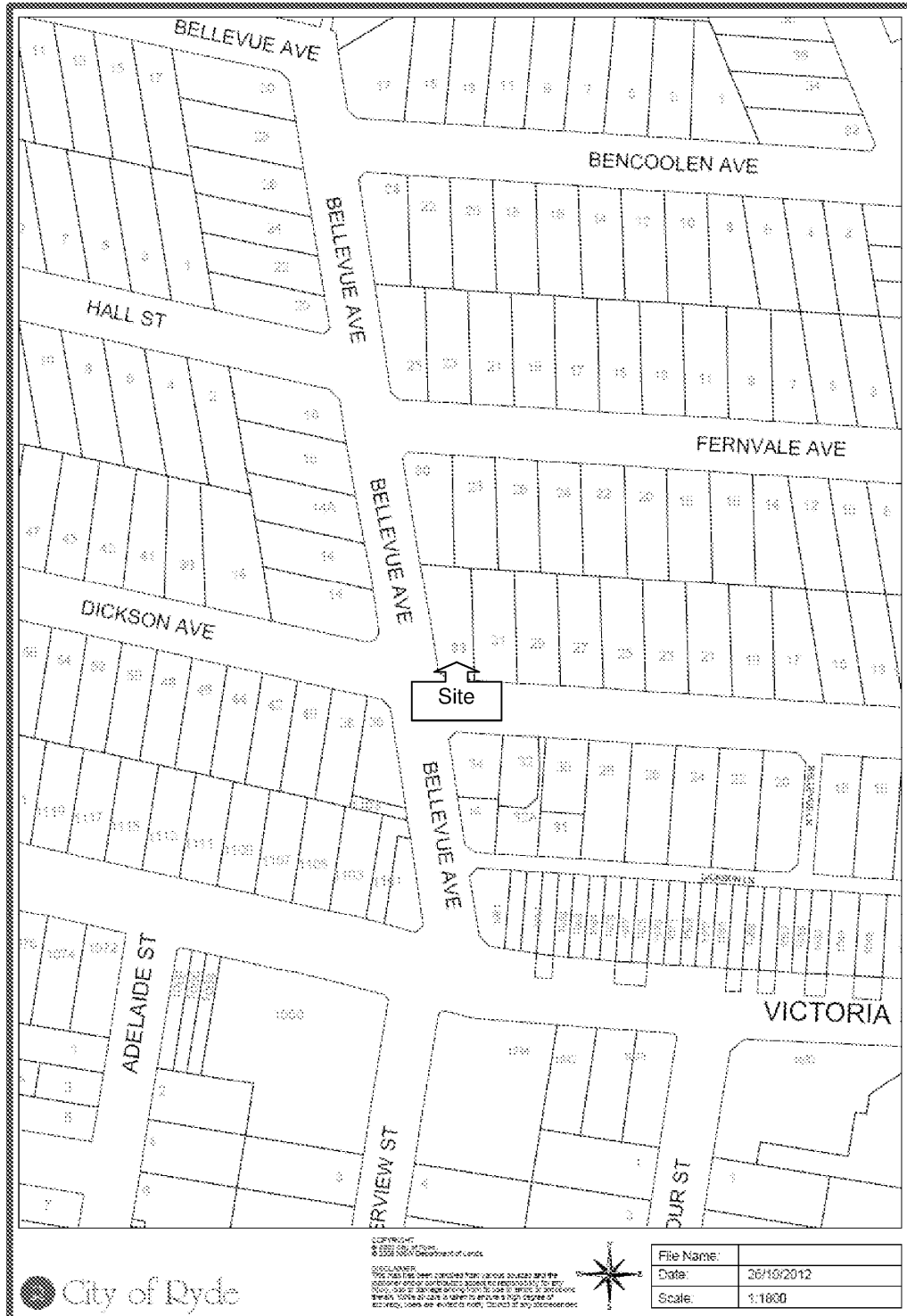
NOTE: The advice of the relevant regulatory authority should be sought to obtain grade requirements for footpaths.

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ITEM 5 (continued)

ATTACHMENT 4

No submissions received



ITEM 5 (continued)

ATTACHMENT 5

