

**Meeting Date:** Tuesday 7 February 2012  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.00pm

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

Councillor Butterworth arrived at 5.00pm and was not present for consideration of Item 1 or inspections.

**Apologies:** The Mayor, Councillor Etmekdjian and Councillor Salvestro-Martin.

**Staff Present:** Group Manager – Environment & Planning, Manager Assessment, Manager Environmental Health & Building, Business Support Coordinator – Environment & Planning, Consultant Town Planner, Senior Town Planner, Team Leader – Assessment, Senior Town Planner and Meeting Support Coordinator.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011**

Note: Councillor Butterworth was not present for consideration of this Item.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, 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.

Note: Item 1 was recommitted at the end of the meeting as detailed in these minutes.

**2 498 BLAXLAND ROAD, DENISTONE. LOT 39 DP 7997. Local Development Application for Affordable rental housing (under the Affordable Housing State Environmental Planning Policy) comprising 5x2 storey dwellings on one property. LDA2011/0257.**

Report: The Committee inspected the property at 498 Blaxland Road, Denistone.

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

(a) That Local Development Application No. 2011/257 at 498 Blaxland Road, Denistone being LOT 39 DP 7997 be refused for the following reasons;

1. The proposed development is inconsistent with the amended State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011, failing to satisfy clauses 15 and 16A of the SEPP.

Particulars:

- The proposal does not satisfy parts 1,2,3 & 4 of the Seniors Living Policy: Urban Design Guidelines for Infill Development as required by clause 15 (1) of the SEPP.
- The proposal is out of character of the local area due to the building being 2 storey for the whole length of the development, resulting in a much greater scale and massing than what is existing within the immediate area.

2. The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone as contained in Ryde Local Environmental Plan 2010.

Particulars:

- Due to the 2 storey nature for the whole length of the building, the proposal is not consistent with the low density residential environment of the locality.
- The bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area.
- The scale and bulk of the development will have an adverse impact in terms of amenity of the adjoining properties due to the bulk and scale, privacy and increased overshadowing.

3. The proposed development fails to comply with the parking requirements in Clause 14(2) of State Environmental Planning Policy (Affordable Rental Housing) 2011.
4. The proposed development fails to satisfy the height requirements in Clause 4.3 of Ryde Local Environmental Plan 2010 and no variation has been sought under Clause 4.6 of Ryde Local Environmental Plan 2010.

5. The proposed development is inconsistent with the requirements of Part 3.5 Multi Dwelling Housing (for Low Density Residential Zone) of Development Control Plan 2010 in regard to height, storeys, type of dwellings, front setbacks, side and rear setbacks, private open space, landscaping, insufficient car parking and driveway width.
6. The development is an overdevelopment of the site.
7. The development is not in the public interest.
8. The development will affect the amenity of the adjoining properties due to it not being consistent with the character of the area and insufficient car parking being provided to cater for the needs of the development.

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

**Record of Voting:**

For the Motion: Unanimous

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

**3 40 CLARKE STREET, WEST RYDE. LOT 7 DP 19560. Local Development Application for multi dwelling housing (attached) containing 1x4 bedroom two storey dwelling, 2x3 bedroom and 1x2 bedroom single storey dwellings. LDA2011/0248.**

Report: The Committee inspected the property at 40 Clarke Street, West Ryde.

Note: A letter from Mr Sean Kotthoff, Director of Devmax Property Development dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: A letter from Chris Gough, Senior Partner of Storey & Gough Lawyers dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Haris Sutanto and Mr Sean Kotthoff (on behalf of the applicant) addressed the Committee in relation to this Item.

**RECOMMENDATION:** (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That Local Development Application No. 2011/248 at 40 Clarke Street, West Ryde being LOT 7 DP 19560, be approved subject to the **ATTACHED** conditions (Attachment 1) as set out below:

## GENERAL

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

### Approved Plans

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

Document Description	Date	Plan No/Reference
Architectural drawings prepared by Moderinn Group Pty Ltd	August 2011	A-1000(C), A-1001(C), A-1002(C), A-1003(C) and A-1004(C)
Stormwater Concept Plans prepared by AKY Civil Engineering		06083(C)
Landscaping Plans prepared by Ray Fuggle Associates	13 April 2011	2953a L-01(A)

### Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 366849M, dated 31 March 2011.

### Protection of Adjoining and Public Land

4. Hours of work  
Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. 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. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

### Works on Public Road

8. 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.
9. 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.

### Stormwater

10. **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.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **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.
13. **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 \$140.00 shall be paid to Council prior to the issue of the Construction Certificate
14. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
15. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's

issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

16. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.

**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.

17. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$ 8,803.66
Open Space & Recreation Facilities	\$21,672.77
Civic & Urban Improvements	\$ 7,371.35
Roads & Traffic Management Facilities	\$ 1,005.51
Cycleways	\$ 628.06
Stormwater Management Facilities	\$ 1,996.34
Plan Administration	\$ 169.34
<b>The total contribution is</b>	<b>\$41,647.04</b>

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

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

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

18. 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.
19. 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 (dwelling houses with delivery of bricks or concrete or machine excavation).
20. 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. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

#### **Road Opening Permit**

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

### **Fencing**

24. 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**.

25. The front fence shall be redesigned so as to not exceed 1.0m in height and provide for being a minimum of 70% permeable. Details are to be submitted with the Construction Certificate to verify that the fencing achieves these requirements.

### **Lighting of Common Areas (driveways etc)**

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

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

A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.

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

28. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.

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

30. **Construction near Pipeline in Drainage Easement.** All footings for buildings and other structures shall be taken a minimum of 100 mm below the invert of the existing pipeline. **The location and depth of the pipeline, along with the design of the footings, are to be shown on the plans submitted to and approved by the Consent Authority.**

31. **Overland Flow Channel.** An overland flow channel shall be created above the pipeline within the drainage easement. The channel should be sufficient to transfer runoff exceeding the pipe capacity during storms up to 100 year ARI. **A design of the channel along with the necessary calculations shall be submitted to and approved by the Consent Authority.**



32. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
33. **Fencing within Floodways.** All fencing within the overland flow path shall have a permeable section at least 300 mm above the calculated top water surface level.
34. **Minimum Floor Level.** The villa habitable floor level is to be set to not less than RL 44.85 as recommended in the hydraulic report by AKY Civil Engineering
35. **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.

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.
36. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

37. Landscaping is to be in accordance with the landscape plan, prepared by Ray Fuggle of RFA, Issue A, dated 15<sup>th</sup> April, 2011, which is to be amended to show an additional two 100 litre size trees to be planted in the rear open space. Replacement trees should be native endemic trees equivalent to Turpentine (*Syncarpia glomulifera*)
38. The property owner shall enter into a Deed of Charge indemnifying Council against any claims for damage and cost incurred for removing and replacing the pergola, if deemed necessary, at any time for the purpose of accessing Council's pipeline. The costs of preparing the Deed of Charge are to be borne by the applicant.
39. To protect the overland flow paths against blockage and allow free passage of overland flows through the property the flow paths along both sides of the dwelling 4 are to be protected by the creation of a "Restriction As To Use". The overland flowpath is located in the rear yard along the side boundaries and rear yard of the property between the rear property boundary and the proposed dwelling 4.  
  
The restriction shall be created under Section 88B of the Conveyancing Act 1919 and all associated costs shall be borne by the applicant.
40. The modification of ground levels shall be carried out in accordance with the Flood Assessment Report dated 25 August 2011 and Drawing C-03 Revision F prepared by AKY Civil Engineering.
41. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to and including a 100 year flood plus freeboard.
42. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all new building components below the 100 year ARI flood plus 0.5m freeboard have been designed to be flood compatible.
43. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all footings in close proximity to the drainage easement have been designed to be founded at a depth below the zone of influence for the stormwater line.
44. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. A certificate to this effect shall be provided to the PCA from a suitably qualified engineer prior to the issue of the Occupation Certificate.

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

## **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

### **Prescribed Conditions**

#### **46. Site Sign**

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

47. 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.

48. 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).

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 2010: - Part 8.1; Construction Activities.
51. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
- the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - the date the work is due to commence and the expected completion date.
52. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the construction period.
53. The schedule of tree removal/retention and the construction management of all trees to be retained is to be in accordance with the arborist's report prepared by Neville Shields of Redgum Horticultural, dated 12 April 2011, with particular reference to the installation of Tree Protection Zones as per Appendix F, which are to be installed prior to the commencement of demolition, and maintained for the duration of the construction period.

## **DURING CONSTRUCTION**

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

### **Critical stage inspections**

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

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

### **Noise and vibration**

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

56. 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.

### **Survey of footings and walls**

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

58. No sediment, dust, soil or similar material shall leave the site during construction work.

59. 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.

60. All materials associated with construction must be retained within the site.

### **61. 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.

## **62. Site maintenance**

The applicant must ensure that:

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

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

## **Tree Protection**

64. 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.

65. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

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

67. 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.

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

## **Drop-edge Beams**

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

## **PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

### **Prescribed Condition**

70. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 366849M, dated 31 March 2011.

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

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

### **Sydney Water**

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

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

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

### **Letterboxes and street/house numbering**

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

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

**76. Creation of Easements in Favour of Council.** The applicant shall create a new drainage easement 2.5 metres wide in Council's favour over the existing pipeline in which Council has an interest at no cost to Council. The alignment of such easements shall be in accordance with detailed engineering plans prepared or approved by Council. It is noted that the pipeline will in this case not be located centrally within the easement due to the proposed location of the adjacent building relative to the existing pipeline.

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

- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4.*
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that the on-site detention system will function hydraulically in accordance with the approved design.
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the 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).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management

**78. Compliance Certificate – Surveyor.** A compliance certificate must be submitted from a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

**79. Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.



80. **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.
81. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed 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.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **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.
84. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council.
85. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the Construction Certificate version of Plan No 06083 prepared by AKY Civil Engineering

## POST OCCUPATION CERTIFICATE

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

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

### Record of Voting:

For the Motion: Councillors Pickering, Butterworth and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

### **4 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for Alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. LDA2011/493.**

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

Note: A document from Mark and Elizabeth Grodzicky, Rocky and Belinda Pirrottina, Brendan and Tammy Tam and Marion Wakeham (objectors) was tabled in relation to this Item and a copy is ON FILE.

Note: A letter dated 7 February 2012, photographs and plans from Mr James Balestriere (applicant) was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Mark Grodzicky (objector - also representing the residents at 62, 62A and 64A Pellisier Road) and Mr James Balestriere, Ms Janette Little and Ms Maria Diep (on behalf of the applicant) addressed the Committee in relation to this Item.

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

(a) That Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney, be refused for the following reasons:

1. The proposal does not comply with clauses 17, 25 and 26 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* for the following reasons:

- (a) Clause 17 (Zoning Objectives). The scale and size of the development is inappropriate to the locality when viewed from the waters in the W8 zone.
  - (b) Clause 25 (Foreshore and Waterways Scenic Quality). The proposal represents an overdevelopment of the land in terms of scale and bulk and will have numerous adverse effects upon adjoining land including overlooking and loss of water views.
  - (c) Clause 26 (Maintenance Protection and Enhancement of Views). The proposal will adversely affect views and vistas from the existing heritage item (60 Pellisier Road) and will have a detrimental cumulative impact upon views enjoyed by adjoining properties.
2. The proposal does not comply with clause 5.4 (Built Form) of *Sydney Harbour Foreshore & Waterways Development Control Plan* because: the development does not enhance the existing setting; the shape of the upper floor being 'boxy' does not harmonise with the surroundings; the cumulative visual impact and limited articulation of walls does not reduce its overall bulk; and will adversely affect adjoining views and the existing heritage item.
3. The development proposal generally does not fulfil the aims and objectives of R2 Low Density Residential requirements of the Ryde LEP 2010 for the following reasons:
  - (a) The additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse affect upon the amenity of the surrounding properties by overlooking and impact upon views.
  - (b) Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is predominantly a 3-storey dwelling with 4-storeys facing the water.
4. The development is inconsistent with the objectives of clause 4.3 and 4.4 of Ryde LEP 2010 by the following:
  - (a) Clause 4.3 (Height of buildings). The development is overbearing in its height and design and does not respond well to the topography of the site.
  - (b) Clause 4.4 (Floor space ratio). The location of the additional floor space and its significant adverse affect upon the amenity of the surrounding properties (including view loss).

5. The proposal will have an adverse affect upon the conservation of views to and from the existing heritage item and upon the heritage significance of the adjoining heritage item (No. 60 Pellisier Road), which is contrary to the controls and objectives of clause 5.10 (Heritage conservation) of the Ryde LEP 2010.
6. The development does not comply with Part 3.3 of the Ryde DCP 2010, in particular the objectives or controls of: 2.1 – Desired Future Character; 2.2.2 – Alterations and Additions to Dwelling Houses; 2.4 – Public Domain Amenity; 2.4.1 – Streetscape; 2.4.2 – Public Views and Vistas; 2.5 – Site Configuration; 2.5.1 – Deep Soil Areas; 2.5.2 – Topography and Excavation; 2.7 – Height; 2.7.1 – Building Height; 2.9 – Outbuildings; 2.13 – Dwelling Amenity; 2.13.2 – Visual Privacy; and 2.13.4 – View Sharing.
7. Due to non-compliance with the height and number of storeys development standards of the Ryde DCP 2010, the following adverse residential amenity impacts that the proposal would impact upon adjoining properties are considered to be unreasonable:
  - (a) Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Road; and
  - (b) Adverse visual impact upon the adjoining property to the south (No. 64A Pellisier Road)

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

**Record of Voting:**

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillors Pickering and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded

**RECOMMITAL OF ITEM 1 – CONFIRMATION OF MINUTES – Meeting held on 6 December 2011**

**1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011**

**RESOLUTION:** (Moved by Councillors Butterworth and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, 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.

The meeting closed at 6.30pm.

CONFIRMED THIS 21<sup>st</sup> DAY OF FEBRUARY 2012.

Chairperson