

31 JANUARY 2013

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 5 FEBRUARY 2013.

Planning and Environment Committee Meeting No. 1/13

Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde - 4.00pm

Meeting Date: Tuesday 5 February 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

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1 CONFIRMATION OF MINUTES - Meeting held on 4 December 2012

Report prepared by: Acting Section Manager - Governance**File No.:** CLM/12/1/3/2 - BP12/1493

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 14/12, held on Tuesday 4 December 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 4 December 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 14/12

Meeting Date: Tuesday 4 December 2012

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

Time: 4.00pm

Councillors Present: Councillors Simon (Chairperson), Chung, Maggio, Pendleton and Yedelian OAM.

Councillor Maggio arrived at 5.22pm and did not attend inspections. He was not present for consideration of Item 1.

Apologies: Nil.

Leave of Absence: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment & Planning, Manager Assessment, Manager Environmental Health & Building, Manager – Governance, Team Leader – Major Development Team, Team Leader – Assessment, Team Leader – Fast Track Team, Assessment Officer, Executive Officer – Development and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 20 November 2012

Note: Councillor Maggio arrived at 5.22pm and was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 13/12, held on Tuesday 20 November 2012, be confirmed subject to an amendment being made to the note in Item 4 – 66A Pellisier Road, Putney LDA2012/0106 to now read as follows:

Note: Mr Don Bailey (objector on behalf of 14 residents of 66, 68, 70, 72 and 74 Pellisier Road and 4a and 8 McGowan Road), and Mr Peter Hall (applicant's architect) addressed the Committee in relation to this Item.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

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

Report: The Committee inspected the property at 5-11 Meriton Street, Gladesville.

Note: Aleks Jelacic (applicant) addressed the Committee in relation to this Item and gave a brief presentation.

Note: A document from Mr Jelacic dated 4 December 2012 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillor Maggio and Chung)

- (a) That Local Development Application No. 2012/0331 at 5-11 Meriton Street, Gladesville being LOT 1 DP 305000, LOT 1 DP650824, LOTS 1 and 2 DP591345 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

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

Report: The Committee inspected the property at 87 Elliott Avenue, East Ryde.

RESOLUTION: (Moved by Councillors Maggio and Pendleton)

- (a) That Local Development Application No. 2012/368 at 87 Elliott Avenue, East Ryde, being LOT 387 DP3157 be approved subject to the conditions in **Attachment 2**.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

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

Report: The Committee inspected the property at 30 Clanwilliam Street, Eastwood.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

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

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

Report: The Committee inspected the property at 30 Clanwilliam Street, Eastwood.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

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

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 5.35pm

CONFIRMED THIS 5TH DAY OF FEBRUARY 2013.

Chairperson

- 2 1106 VICTORIA ROAD, WEST RYDE. LOT C DP 389182. Local Development Application for the change of use from a single dwelling to an attached dual occupancy. LDA2012/0251.**

INSPECTION: 4.15pm

INTERVIEW: 5.00pm

Report prepared by: Assessment Officer

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

Report dated: 16/01/2013

File Number: grp/12/5/5/3 - BP13/41

1. Report Summary

Applicant: B D Woods.

Owner: B D Woods, J S Woods.

Date lodged: 20 July 2012

This report considers a development application (DA) for a change of use from a single dwelling to an attached dual occupancy (two separate dwellings) consisting of a three bedroom dwelling on the ground floor and a separate two bedroom dwelling on the first floor of the building.

The building works to create the dual occupancy have already been undertaken without the required development consent and therefore Council can only consider and approve this DA as a change of use.

There are two main issues of concern regarding this DA, both involving significant matters of occupant safety and amenity – namely compliance with the Building Code of Australia (BCA) in terms of fire separation, and health and amenity (sound transmission); and also flooding/overland flow.

Firstly, the works undertaken to create a dual occupancy arrangement do not comply with the BCA in terms of fire separation and acoustic privacy/sound transmission between the two sole occupancy units. Although the applicant has proposed an “alternative solution” for the fire safety requirements (which is allowed for under the BCA), this alternative solution does not demonstrate compliance with the BCA.

Secondly, in terms of flooding/overland flow, the site is located within a medium flood risk area. Although the applicant has submitted a flood evacuation plan to address how the building can be evacuated during a flood, this does not comply with the Eastwood and Terry’s Creek Floodplain Risk Management Study. In particular, during a flood event, there would be no safe means of egress from the ground floor unit because there is no internal access from the ground floor unit to the first floor. In this case, the applicant must provide internal access from the ground floor unit to a refuge above the PMF (probable maximum flood) level.

ITEM 2 (continued)

The DA has been assessed under Part 3.3 (Dwelling Houses and Dual Occupancy (Attached) of DCP 2010, and there are areas of non-compliance regarding acoustic privacy (noise attenuation between dwelling units) and also the amount of on-site parking provided (which exceeds the maximum prescribed for a dual occupancy). However this non-compliance relates to the existing situation of buildings on the site and so it is minor and does not warrant refusal of the application.

The DA has been notified to neighbours under Part 2.1 (Notification of Development Applications) of DCP 2010. No submissions were received.

The applicant has not provided sufficient information to satisfactorily address the issues of fire safety/BCA compliance and flooding/overland flow issues, despite requests from Council officers, and therefore Council officers cannot recommend approval of the proposal at this stage.

In order to enable Council to determine the application, it is recommended that the DA be approved subject to a "Deferred Commencement" consent which requires the applicant to submit additional information to the satisfaction of Council before the consent becomes fully operational.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and Councillor Pendleton.

Public Submissions: No submissions received.

Clause 4.6 RLEP 2010 objection not required.

Value of works? \$7,500.

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. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2).

ATTACHMENTS

- 1 Compliance Table
- 2 Proposed Conditions
- 3 Response to request for extra information including BCA report

ITEM 2 (continued)

- 4 Schedule 5 of Appendix D in the Main Report Eastwood & Terry's Creek Floodplain Risk Management Study and Plan October 2009 prepared by Bewsher Consultants
- 5 Map
- 6 A4 Plans
- 7 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Jane Tompsett
Assessment Officer

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)



Figure 1: Locality Map

Address	: 1106 Victoria Rd, West Ryde
Site Area	: 847.314m ² Frontage 12.2 metres Depth 54.5 metres
Topography and Vegetation	: The site is a hatchet shaped lot. The adjacent lot at No. 1104 Victoria Road is owned by Ausgrid. The site falls away from the street. There is a steep slope of 6.5:1 for the first half of the lot from the street. The existing dwelling is set back approximately 25m and is located where the site levels out to a gentle slope. The site has a drainage easement running diagonally from the front boundary of the No. 1104 Victoria Road through the front half of the subject site and continues through No. 1108 Victoria Road. There are several large trees on the site.
Existing Buildings	: Two storey dwelling, carport, garage and outbuilding.
Planning Controls	: Ryde Local Environment Plan 2010
Zoning	: R2 Low Density Residential
Other	: Ryde Development Control Plan 2010

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: Councillor Maggio

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

Date: 5 November 2012

Form of the representation via email.

On behalf of: Applicant/owner

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

Name of Councillor: Councillor Pendleton

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

Date: 7 December 2012

Form of the representation via email.

On behalf of: Applicant/owner

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

4. Political Donations or Gifts

None disclosed.

5. Proposal

The development proposes a change of use from a two storey single dwelling to a dual occupancy in the form of a 3 bedroom unit on the ground floor and a separate 2 bedroom unit on the first floor.

As discussed throughout this report, the internal works to the dwelling to create the two separate occupancy dwellings have already been undertaken without Council approval, and therefore this DA is for a change of use only.

ITEM 2 (continued)**6. Background**Subject Site

The site has contained a two storey dwelling for many years. It has become apparent (as a result of compliance action from Council's Environmental Health & Building Unit) that the respective floors of the building had been converted into separate dwellings to create a dual occupancy, through the following unauthorised building works:

- (i) The staircase at the rear of the dwelling has been altered and no longer connects the ground floor to first floor.
- (ii) Alterations to the ground floor layout compared to what was previously approved by Council in April 2004 (DA2004/79).
- (iii) Another door has been added to the ground floor on the eastern elevation.

Current Development Application – LDA2012/251

On 15 May 2012, the applicants booked a Pre-Lodgement Meeting to discuss a future DA for a dual occupancy development. A formal pre-lodgement meeting did not proceed, instead there were discussions with Council's Building and Development Advisory Services Staff regarding the documentation required for submission with the DA – which included a BCA report, and a Flood Impact Statement.

The DA was lodged on 20 July 2012, and shortly thereafter it underwent a preliminary assessment, allocation to an Assessment Officer and referrals to internal officers (as discussed throughout this report).

On 15 August 2012, a site inspection was undertaken to view inside the property and to discuss particular issues of concern – namely the submitted Alternative Solution (proposed by the applicant regarding matters of Fire Safety and egress under the BCA), and Overland Flow. In particular, it should be noted that there are issues to be resolved in terms of the BCA regarding the intensification of the use (change from one dwelling into two), and a change in Building classification as the dwellings would be one on top of another.

On 28 August 2012, following receipt of comments from Council's Drainage Engineer and Executive Building Surveyor, a letter was sent to the applicant requiring them to address the following issues:

ITEM 2 (continued)**1. CONCERNS FROM COUNCIL'S DEVELOPMENT ENGINEER**

The Flood Impact Statement submitted by the applicant does not address all the planning controls in Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants).

As the site is located in a medium flood risk area, consideration must be given to making available a safe evacuation route and/or implement appropriate strategies to evacuate people safely from the building.

2. CONCERNS FROM COUNCIL'S EXECUTIVE BUILDING SURVEYOR

The site inspection revealed that down lights are installed throughout the ground floor ceiling which, on review, has not been addressed in the alternative solution report; in fact the report states "some fire protection is offered by the existing 10mm thick plasterboard floor/ceiling system".

Therefore I have the following concerns with regard to fire separation;

- *The down lights compromise the fire separation and noise attenuation between the two units,*
- *The down lights are a potential source of fire as they become extremely hot (especially halogen lights) and can ignite adjacent combustible material,*
- *The location of the down lights in relation to building elements and installed insulation is unknown.*
- *It is unknown if the lights are fitted with fire resistant covers.*
- *Smoke alarms below the ceiling would be ineffective in early detection of a fire in the space above the ceiling.*

It is considered that the existing ground floor down lights could be a potential fire risk and further documents are required. You will need to provide the following:

- (i) A compliance certificate under Section 109C (1)(a) of the Environmental Planning and Assessment Act in respect to the submitted Alternative Solution Report by Rod Edwards,*
- (ii) Details to demonstrate compliance with Performance Clauses FP5.1 and FP52 of the Building Code of Australia relating to sound transmission and insulation.*
- (iii) Details of the fire hazard properties of linings, material and assemblies as set out in Clause C1.10 of the BCA.*

ITEM 2 (continued)

3. VISUAL PRIVACY

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

- *Terraces and balconies are not to overlook neighbours living areas and private open space.*
- *Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.*

Access to Unit A is via a stairway through Unit B's private open space. The first floor unit has a living area and balcony overlooking the ground floor's private open space.

The site plan and outdoor amenity plans do not reflect lot accurately. A large portion of the front private open space is not on your lot. Please indicate the clothes drying area and private open space for Unit B.

The ground floor unit has sliding doors to access the first floor unit's private open space. You need to demonstrate compliance with private open space and visual privacy for both units.

4. PLANS

Please provide the elevations for the rear of the building and the driveway side.

The applicant contacted Council officers and requested an extension of time to provide the additional information requested by Council, which was provided on 20 September 2012 and then referred to Council's Drainage Engineer and Executive Building Surveyor for further assessment.

On 4 October 2012, following assessment of the applicant's additional information, another letter was sent to the applicant requesting further information as follows:

1. *In relation to flooding/overland flow issues:*

The additional planning assessment information submitted to Council by the applicant on 21 September 2012 does not address the method of evacuation of people trapped in the building during the flooding event.

ITEM 2 (continued)

The applicant must provide a safer access to an area of refuge above Probable Maximum Flood (PMF) level. There is no internal access from the ground floor unit to the first floor. When the building is surrounded by flood waters it is not recommended anybody to walk out of the building into the flood waters to use the stairs at the front or rear of the dwelling to go to a refuge area. Therefore the applicant must provide internal access from the ground floor unit of this dwelling to a refuge above PMF level. In this case the rear balcony of the dwelling can be considered as the refuge area for the ground floor unit residents.

*The assessment of this application can not be carried out unless the applicant addresses the abovementioned issue. **A safer internal access to the rear deck and to a refuge area i.e. the rear balcony must be provided.***

2. In relation to BCA/fire safety issues:

Council has reviewed the additional information and is still of the opinion that a compliance certificate under Section 109C (1) (a) of the Environmental Planning and Assessment Act should be submitted.

It is noted that details of the fire hazard properties of linings, material and assembles, as set out in Clause C1.10 of the BCA, have not been provided.

The statement has advised “that sound transmission is not a fire safety issue and need not be considered at Development application stage.”

3. In relation to sound transmission between units:

The first floor living area is above the downstairs bedroom and does not comply with Council’s DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states:

2.13.3 Acoustic Privacy

Dual occupancies (attached) are to be designed to reduce noise transmission between dwellings. One way to achieve this is to locate noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms, kitchens with kitchens.

The applicant was requested to demonstrate compliance with this control.

A meeting was arranged between the relevant Council officers and the applicant to discuss the issues of concern regarding the DA on 24 October 2012. Then on 15 November 2012, a final letter was sent to the applicant requesting the additional information to be provided within a final 7 day period.

ITEM 2 (continued)

On 23 November 2012, Council received an email from the applicant advising “*I have considered my position and feel that I have provided Council with ample information to be able to assess my application. Accordingly I will not be submitting any further information and request that the assessment of my application is completed at the earliest time.*”

On 26 November 2012, further internal referrals were sent to Council’s Drainage Engineer, Development Engineer and Executive Building Surveyor, requesting final comments for assessment on the information submitted, to enable the assessment to be finalised as requested by the applicant.

These are discussed in the “Referrals” Section of this report.

7. Submissions

The proposal was notified to neighbours in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications, for a period from 25 July 2012 until 9 August 2012.

No submissions were received.

8. Is an objection under Clause 4.6 RLEP 2010 required?

Not required for this application.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environment 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 RequirementsClause 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:

ITEM 2 (continued)

... 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 change of use to attached dual occupancy does not change the existing building of height of approximately 7.5m.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable for the site is 0.5:1. There is no change to the existing floor space ratio which is 0.24:1.

(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) The provisions of any Development Control Plan applying to the land**Ryde Development Control Plan 2010**

A full assessment of the proposal under DCP 2010 is illustrated in the compliance table at **Attachment 1**. The non-compliances identified in the table are assessed below.

1. Acoustic Privacy

Council's DCP 2010 Part 3.3 Dwelling Houses and Dual Occupancy (attached) states: *Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.*

ITEM 2 (continued)
Comment:

The existing layout does not comply with Council's DCP 2010 and the applicant has not provided any information to address the acoustic privacy between the two dwellings. It was suggested to the applicant as a guide they could refer to the Building Code of Australia regarding Sound Transmission between dwellings. If the applicant could demonstrate compliance with the Building Code of Australia either by deemed to satisfy or an equivalent alternative solution. This would be a reasonable justification for the non-compliance with acoustic privacy. The applicant has not provided any information or documentation to address the non-compliance with Council's DCP 2010. In the interest of the future occupants' health and amenity Council officers cannot support the change of use without this being addressed.

(f) Section 94 Contributions Plan 2007

Council's current Section 94 Contributions Plan (adopted 19 December 2007 and as amended 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development density / floor area. The contribution is based on the number of additional dwellings there are in the development proposal.

The contributions that are payable with respect to the additional dwellings/increased floor areas (being for residential uses outside the Macquarie Park area) are as follows:

Contribution Plan	Contribution Payable
Community and Cultural Facilities	\$1,690.41
Open Space and Recreation Facilities	\$4,161.43
Civic and Urban Improvements	\$1,415.50
Roads and Traffic Management Facilities	\$193.19
Transport and Accessibility Facilities	\$0
Cycleways	\$120.60
Stormwater Management Facilities	\$383.69
Plan administration	\$32.51
Total:	\$7,997.32

NOTE:

The above calculation has been reviewed by the Team Leader Assessment. A copy of rates and calculation spreadsheet is on file.

ITEM 2 (continued)

It should be noted that these Section 94 figures were calculated using the most recent quarterly update of the CPI figures from the Australian Bureau of Statistics (ABS) at the time of preparing this report (September 2012 quarter). Updated figures for the December 2012 quarter are expected to be issued from the ABS around 27 January 2013, which will be after this report has been finalised. An updated Section 94 condition (to replace condition 10) will be distributed at the Planning & Environment Committee meeting on 5 February 2013 when this DA will be considered.

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

The proposed development involves the change of use from a dwelling to an attached dual occupancy. The proposal in its present form cannot be supported as it will compromise the safety and amenity of future occupants. Amended information and or plans to comply with the Building Code of Australia and Council's Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants) to achieve the safety and amenity of the future occupants 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 compliance with the Building Code of Australia, Council's DCP and Council's adopted Policy for flood management -Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants) it is considered compatible with the surrounding developments and satisfactory in terms of environmental impact. Therefore the proposed development is recommended for approval as a Deferred Commencement Consent which addresses the safety and amenity issues of future occupants.

11. Suitability of the site for the development

The site is subject to flooding and this natural constraint has not been addressed. As discussed previously the provision of a safe evacuation for the ground floor occupants to higher ground above the probable maximum flood level is necessary to comply with Council's adopted policy and provides the occupants with a safety plan for evacuation in the event of flood.

The proposed development as a Deferred Commencement Consent for the applicants to provide the safety plan of evacuation will satisfactorily address the issue of flooding.

ITEM 2 (continued)

The following is an extract of Council's Map of Environmentally Sensitive Areas showing the site's affectation by flooding/overland flow:



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. Requiring the conditions in Part 1 to be addressed before the consent becomes operational will ensure adequate safety and amenity for future occupants of this development.

13. Consultation – Internal and External

Internal Referrals

Development Engineer, 30 November 2012: Council's Development Engineer's comments:

The subject site has a gradient sloping away from Victoria Road. According to Council's mapping system, the property is noted as affected by flooding from a large upstream catchment. Council has not carried out a formal flood assessment for this area as for Eastwood or Macquarie Park catchments and therefore the extent of flooding within the property is unknown.

ITEM 2 (continued)

The existing dwelling currently has approval as a single occupancy. The proposal is to convert the existing building into a dual occupancy, comprising of two separate attached dwellings being one unit on the ground floor level and the second on the first floor. As part of the assessment, Council requested that the applicant provide a flood impact assessment report as per Schedule 5 of Council's Eastwood and Terrys Creek Floodplain Risk Management Study and Plan. As the building is existing the main issue is the flooding of the lower ground floor level and the safety of the occupants in this unit during a flood.

The flood impact assessment report prepared for the development by Secta Consulting Engineers was referred to Council's Public Works division for assessment Council's Public Works division has advised that the content of the report is not satisfactory, and accordingly cannot support the proposal due to:

- a. The flood impact assessment report has not been prepared in accordance with schedule 5 of Eastwood and Terrys Creek Floodplain Risk Management Study and Plan, in that a wrong flood risk precinct was assumed (Overland Flow precinct instead of a Medium Flood Risk precinct) and,*
- b. Proposed method to evacuate the ground floor occupants to a safe refuge area above the Probable Maximum Flood (PMF) on Victoria Road is considered dangerous and inappropriate as the occupants will have to wade through dangerous flood waters before reaching safe refuge ground.*

As a way forward and in assisting the applicant to satisfactorily address these non compliances without expanding further consultancy costs, Council's Public Works division engineer has suggested that the applicant provide amended the plans, incorporating an internal access or escape route for ground floor occupants of the building to evacuate to the second floor balcony in the event of a flood.

Despite further subsequent meetings and discussions with the applicant to facilitate a satisfactory outcome, to date Council has not received amended plans to address these non-compliances, accordingly it is recommended that application cannot be supported until satisfactory information has been provided and can demonstrate safety for the occupants in the event of a flood.

Drainage Engineer – 3 December 2012: Council's Drainage Engineer has commented that the proposed development cannot be supported as submitted. The development is recommended for approval as a Deferred Commencement Consent which addresses the following:

- a. Safe evacuation of the ground floor occupants in time of a flood event has not been satisfactorily addressed to comply with Council's Policy Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants).*

ITEM 2 (continued)**Executive Building Surveyor, 15 January 2013:****Environmental Planning and Assessment Regulation 2000****Division 8 Determination of development applications****Clause 93 Fire safety and other considerations**

- (1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.
- (2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.
- (3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.
- (4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).
- (5) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

Building Surveyor Comments.

When considering this application Council is required to determine, whether the fire protection "will be appropriate to the building's proposed use" – see (2) above.

The proposal is to convert the existing two storey dwelling into two units, one above the other; therefore it is essential that the occupants of the upper unit have sufficient time to evacuate the building if there is a fire in the unit below.

The floor between the units is of timber construction with a plasterboard ceiling to the underside. The ceiling is penetrated by numerous down lights in each of the ground floor rooms and an air conditioning grille in the living room. The wall enclosing the internal rear stairs from the first floor unit is constructed of timber framing clad with plasterboard both sides and contains a glazed panel.

Neither the existing stairway wall nor the dividing floor complies with the required "deemed to satisfy" requirements of the BCA i.e. they do not have a fire rating. The ceiling is further compromised by the numerous holes for the down lights and air conditioning grille.

ITEM 2 (continued)

As background, when fire safety upgrading of a building is carried out it is accepted practice that the Building Code of Australia (the BCA) is used as the technical standard. The BCA is drafted in a performance format and the user may choose to comply with the deem-to-satisfy provisions or use an alternative solution that satisfies the performance requirements.

It is up to Council to determine whether full or partial compliance should be required. In regard to fire safety, it is considered that full compliance should be required.

With this in mind, the applicant submitted an Alternative Solution Report (the Report), to install an **interconnected** smoke detection system in lieu of upgrading the fire separation between the units, as a means of complying with the relevant performance requirement of the BCA. Note: either a smoke alarm system or a smoke detection system must be provided in the building to comply with sub-clause 93 (3) above.

The submitted Report is considered deficient in that:

- a. it does not identify the penetrations in the existing ground floor ceiling and in fact states “some fire separation is offered by the existing 10mm thick plasterboard floor/ceiling system”.
- b. The report does not follow the format of the International Fire Engineering Guidelines which is normal practice for this type of Alternative Solution,
- c. It does not demonstrate the extent of detail required for a valid assessment that can stand up to independent engineering scrutiny in that it has no fire engineering content to justify the Alternative Solution, e.g.
 - (i) No egress calculations have been provided to predict the time it will take for occupants to escape,
 - (ii) No assessment of when structural failure of the floor and ceiling will occur so a proper “available safe evacuation time/required safe evacuation time” assessment can be demonstrated,
 - (iii) No mention or demonstration of factors of safety or redundancy in the assessment, etc,
 - (iv) No mention of fire brigade intervention by FRNSW,
 - (v) Performance requirement CP2 is the appropriate BCA requirement in this case, however there is no explanation of how the author proposes to demonstrate that the Alternative Solution addresses each of the 11 sub paragraphs of CP2 to avoid the spread of fire in a building, via;

CP2

A building must have elements which will, to the degree necessary, avoid the spread of fire -

- *To exits; and*
- *To sole occupancy units and public corridors; and*
- *Between buildings; and*
- *In a building.*

ITEM 2 (continued)

Avoidance of the spread of fire referred to in (a) must be appropriate to -

- *The function or use of the building; and*
 - *The fire load; and*
 - *The potential fire intensity; and*
 - *The fire hazard; and*
 - *The height of the building ;and*
 - *Its proximity to other property; and*
 - *Any active fire safety systems installed in the building; and*
 - *The size of the fire compartment; and*
 - *Fire brigade intervention; and*
 - *Other elements they support; and*
 - *Evacuation time*
- (i) The Acceptance Criteria is only a statement by the author,
- (ii) There are no references to literature to enable any independent verification of the author's opinion,
- (iii) Part of the Assessment Methodology is stated to be "expert judgement" however there is no evidence to support the claim that the author is an "expert".

It was determined that the submitted Report did not demonstrate compliance with the performance requirements of the BCA and as this opinion was disputed by both the Report's author and the applicant it was requested that a Compliance Certificate under Section 109C (1) of the Environmental Planning and Assessment Act be submitted to Council. The Compliance Certificate in this instance would certify that the proposal put forward in the Alternative Solution report complies with the BCA. The Certificate is required to be provided by an Accredited Fire Safety Engineer.

Note; the author of the Report is not an accredited fire engineer and specifically states in the report "This report does not provide a part 4A Compliance Certificate under the Environmental Planning and Assessment Act".

After meeting with the applicant and his BCA consultant (the author of the Alternative Solution Report) an addendum to the Report was submitted to Council which proposed with regard to separation between units;

Ground Floor Unit

- The glazed panel between the living area and the stair to the first floor unit will be replaced with fire rated glass blocks achieving an FRL of 60/60/60.
- The underside of the stair to the first floor and the dividing wall between the living area and the stair to the first floor unit will be replaced with lightweight construction achieving an FRL of 60/60/60.
- The storage cupboards below the stair to the first floor unit will be permanently sealed.

ITEM 2 (continued)

- The downlights on the ground floor unit will be fire protected with intumescent cones achieving an FRL of 60/60/60.
- Given the proposed abovementioned works it is further recommended that my initial recommendation to install an interconnected AS 1670.1 smoke detection system be replaced by the installation of an interconnected AS 3786 smoke alarm system”

The proposed changes to the rear internal stairway comply with the deem-to-satisfy provisions of the BCA and the proposed cones over the down lights would also comply if the ceiling had the required rating which it does not.

The addendum also proposes to install interconnected AS3786 smoke alarms in lieu of the AS1670.1 system.

The AS3786 is considered inappropriate in this instance as the ground floor has different level ceilings which would create smoke reservoirs dependant on where a fire started. Smoke alarms placed in accordance with this Standard may not detect the smoke until it overflowed out of the reservoir by which time the fire may be well developed.

When this concern was raised with the Report’s author he stated “*OK, we’ll go back to the 1670 system*”.

The addendum has only partly addressed the issue of fire separation between the units; therefore it still has not been demonstrated that the requirements of performance requirement CP2 of the BCA has/will be complied with.

As previously stated the applicant and the BCA consultant do not agree with the conclusion reached with regard to submitted Alternative Solution and have continually questioned Council’s authority in various areas.

Therefore the following legislative summary is provided to clarify Council’s authority to require fire safety upgrading at development application stage and to require the submission of a compliance certificate in respect to the submitted report:

1. Clause 93 Fire safety and other considerations of the Environmental Planning and Assessment Regulation 2000.

Where there is a change of building use, in this instance from a class 1 building to a class 2 building, Council is required to take into consideration the requirements of this Clause.

The applicable sub-clauses are;

ITEM 2 (continued)

- (a) (2) ***In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.***
and
- (b) (3) *Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.*

In this instance the applicable Category 1 fire safety provision is the requirement to install smoke alarms or smoke detectors.

2. Environmental Planning and Assessment Act 1979 -Section 109C Part 4A certificates

- (1) The following certificates (known collectively as **Part 4A certificates**) may be issued for the purposes of this Part:
- (v) any specified aspect of development (including design of development) complies with standards or requirements specified in the certificate with respect to the development,"

Therefore under Section 109C (1) (v) Council can require the submission of a compliance certificate at development application stage.

3. Building Professionals Regulation 2007 -

Category of accreditation	Authorities conferred by certificate
Category C10—Accredited certifier—fire safety engineering compliance	"Issue of compliance certificates for alternative solutions involving fire safety for designs of and constructed building works certifying compliance with the relevant performance requirements of the BCA."

Compliance certificates for fire safety alternative solutions are to be issued by accredited fire safety engineers.

The proposal as submitted cannot be supported. It is recommended that the application be approved as a Deferred Commencement Consent with the following condition:

- (a) With the submission of information demonstrating satisfactory fire separation between the two sole occupancy units either by;

ITEM 2 (continued)

- (i) complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - (ii) an alternative solution demonstrating compliance with performance requirement CP2 of the Building Code of Australia, or
 - (iii) a compliance certificate under Section 109C (1) of the Environmental Planning and Assessment Act in respect to the undated Alternative Solution Report and the Addendum dated September 2012, prepared by Building Regulations Consultancy Pty Ltd.
- (b) With the submission of information demonstrating satisfactory Health and Amenity (Sound Transmission) provision between the two sole occupancy units either by;
- (i) complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - (ii) an alternative solution demonstrating compliance with performance requirement FP5.1 of the Building Code of Australia.

Assessment Officer's Comment:

The recommendations of Council's Executive Building Surveyor are included in the Deferred Commencement Consent – Conditions No.1 and 2.

14. Critical Dates

There are no specific deadlines required for Council in relation to assessment or determination of this DA.

15. Financial Impact

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

16. Other Options

It is generally considered that the proposal for conversion of the existing single dwelling into a dual occupancy is suitable for approval, subject to the applicant addressing particular critical requirements as discussed throughout this report (ie fire safety and flooding issues). It is recommended that a Deferred Commencement consent be issued, to enable these matters to be addressed prior to the consent becoming operational.

The only alternative is for the DA to be refused, because the information submitted with the application to date does not satisfactorily address concerns regarding safety and amenity for the future occupants as discussed throughout this report.

ITEM 2 (continued)**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 approved as a “Deferred Commencement” consent subject to conditions to ensure the risk of flood, fire safety, health and amenity comply with Council’s requirements and the Building Code of Australia.

Generally there are no specific issues preventing Council from approving the DA for a dual occupancy development as proposed at this site, however the information submitted with the DA to date does not satisfactorily address concerns regarding safety and amenity for the future occupants as discussed throughout this report.

ITEM 2 (continued)

ATTACHMENT 1

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

LDA No: LDA2012/0251	Date Plans Received: 20 July 2012
Address: 1106 Victoria Rd West Ryde	
Proposal: Change of use to an attached dual occupancy.	
Constraints Identified: Flood Prone	

COMPLIANCE CHECK

Ryde LEP 2010	Proposal	Compliance
4.3(2) Height		
9.5m	Existing unchanged Approximately 7.5m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	Existing unchanged Approximately 0.24:1	Yes
4.5A(2)(a) Allotment Size- Dual Occupancy (attached) in Zone R2		
Min size - 580m ²	847.6m ²	Yes

DCP 2010	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dual Occupancy – Linear Separation		
- Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site?	Frontage 12.49m There are no dual occupancies within 25m of the frontage.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Public Domain Amenity		
<p>Streetscape</p> <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>Existing unchanged – First floor living room windows and ground floor windows faces street, also entrance to ground floor unit is apparent via driveway.</p> <p>Existing unchanged</p> <p>Existing unchanged</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Public Views and Vistas</p> <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm. 	<p>Existing unchanged – no significant views in this area</p>	<p>Yes</p>
<p>Pedestrian & Vehicle Safety</p> <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	<p>Existing picket fencing on front boundary has a splay to provide sight lines</p>	<p>Yes</p>
Site Configuration		
<p>Deep Soil Areas</p> <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden 	<p>Existing unchanged (deep soil area approx 50% of site, rear yard can provide an 8m x 8m square)</p> <p>Existing unchanged – front yard only contains driveway and existing carport.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
walls). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).	Existing unchanged – 8m x 8m deep soil area available in rear yard.	Yes
<p>Topography & Excavation</p> Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	Existing unchanged – proposal involves no cut or fill.	Yes
<p>Floor Space Ratio Existing unchanged – proposal involves no additional floor space. Existing FSR is approx 0.24:1 which complies with maximum 0.5:1.</p>		
<p>Height</p>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Existing unchanged Approximately 7.5m	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level</i>	Existing unchanged – Approximately 5.5m max	Yes
9.5m Overall Height <i>NB: EGL = Existing Ground Level</i>	Existing unchanged – Approximately 7.5m max	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.4m min room height.	Yes

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Setbacks		
<ul style="list-style-type: none"> • Side 		
<ul style="list-style-type: none"> ○ Two storey dwelling 		
<ul style="list-style-type: none"> - 1.5m to wall, includes balconies etc. 	Existing unchanged – minimum 3m to eastern boundary and 3m to western boundary	Yes
<ul style="list-style-type: none"> • Front 		
<ul style="list-style-type: none"> - 6m to façade (generally) 	Existing unchanged 21m to front of dwelling (13.2m to existing carport)	Yes
<ul style="list-style-type: none"> - Garage set back 1m from the dwelling facade 	Detached garage	Yes
<ul style="list-style-type: none"> - Wall above is to align with outside face of garage below. 	Detached garage	Yes
<ul style="list-style-type: none"> - Front setback free of ancillary elements e.g. RWT,A/C 	Existing unchanged Carport within front setback but well setback from building line at 13.2m	Yes
<ul style="list-style-type: none"> • Rear 		
<ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. 	Existing unchanged. Rear of dwelling is 16.8m from rear boundary. Detached garage is approx 1.2m from rear boundary, which complies with outbuilding requirements	Yes
Outbuildings Existing unchanged – no new outbuildings proposed		
Car Parking & Access		
General		
<ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. 	Existing unchanged – double width carport at front of site + double garage at rear	No (amount of parking exceeds maximum = acceptable as existing situation)
Landscaping		
Existing unchanged – Established landscaping provides a mix of turfed areas and planting of shrubs and small trees along side boundaries.		

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>Living areas of both units face north</p> <p>Living areas don't face side boundaries, 21m setback provided to northern (front) boundary</p> <p>Existing unchanged - Both the north-facing windows and private open space receive the required amount of solar access</p> <p>Existing unchanged – this development allows all neighbouring properties receive required amount of sunlight to their north-facing living rooms and private open space.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. 	<p>Amended plans have provided a privacy screen on first floor balcony. To prevent overlooking to the ground floor units private open space</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 		
<p>Acoustic Privacy Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.</p>	Existing layout does not comply regarding noise attenuation between separate occupancy units, and the applicant has not provided any information to address the acoustic privacy	No(1)
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	Existing unchanged – this area has no significant views.	Yes
<p>Cross Ventilation</p> <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	Existing unchanged – existing floor layout of both units allows sufficient cross-ventilation	Yes
External Building Elements		
<p>Roof</p> <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	Existing unchanged – existing roof complies with these requirements	Yes
<p>Fencing Existing unchanged.</p>		

ITEM 2 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>Part 7.1 - Energy Smart, Water Wise Existing unchanged</p>		
<p>Part 8.2 - Stormwater Management</p>		
<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p> <p>Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants).</p>	<p>No - does not comply with Schedule 5 provide a safe refuge in times of flood inundation, refer to Development Engineer's comments in the Referrals Section of this report.</p>	<p>No</p>
<p>Part 9.4 – Fencing Existing unchanged – proposal has no impact in terms of existing fencing.</p>		
<p>Part 9.6 – Tree Preservation Existing unchanged – proposal involves no impacts on existing vegetation.</p>		

ITEM 2 (continued)

ATTACHMENT 2

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. The submission of satisfactory documentation (written statement and/or amended plans) with regard to fire separation between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. an alternative solution demonstrating compliance with performance requirement CP2 of the Building Code of Australia, or
 - c. a compliance certificate under Section 109C (1) of the Environmental Planning and Assessment Act in respect to the undated Alternative Solution Report and the Addendum dated September 2012, prepared by Building Regulations Consultancy Pty Ltd.

2. The submission of satisfactory documentation (written statement and/or amended plans) with regard to health and amenity (Sound Transmission) between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. An alternative solution demonstrating compliance with performance requirement FP5.1 of the Building Code of Australia.

3. The submission of satisfactory documentation (written statement and/or amended plans) with regard to the site's affectation by flooding/overland flow, which addresses the following requirements:
 - a. An amended flood impact assessment report by a suitably qualified person in accordance with Council's Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants).
<http://www.ryde.nsw.gov.au/Documents/DevFloodStudies/Main+Report.pdf>
 - b. Details of the proposed method of evacuation of occupants of the ground floor unit to a safe refuge above the Probable Maximum Flood (PMF) identified for this site.

PART 2 - 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)

ITEM 2 (continued)

ATTACHMENT 2

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. **Fire Safety Matters/Changes in building use**
 - (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.
 - (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
 - (c) In this case clause, "Category 1 fire safety provision" has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
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. **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.
6. **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.
7. **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.
8. **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.
9. **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".

ITEM 2 (continued)

ATTACHMENT 2

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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,690.41
Open Space & Recreation Facilities	\$4,161.43
Civic & Urban Improvements	\$1,415.50
Roads & Traffic Management Facilities	\$193.19
Cycleways	\$120.60
Stormwater Management Facilities	\$383.69
Plan Administration	\$32.51
The total contribution is	\$7,997.32

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

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

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

ITEM 2 (continued)

ATTACHMENT 2

11. **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**.
12. **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**.
13. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with no delivery of bricks or concrete or machine excavation)
14. **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

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.
 - (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.
(For any dwellings over \$20,000)

ITEM 2 (continued)

ATTACHMENT 2

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. **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.
20. **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.

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21. **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.

22. **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.

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

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

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

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

ITEM 2 (continued)

ATTACHMENT 3

19 September 2012

Ms Jane Tompsett
Assessment Officer – Building Surveyor
City Of Ryde
Civic Centre
1 Devlin St
RYDE NSW 2112

Dear Jane,

1106 Victoria Rd West Ryde – Local Development Application No. LDA12/0251

Thank you for your letter dated 28 August 2012 requesting additional information regarding the Local Development Application No. 12/0251.

As requested the following additional information is provided to assist with assessment of the abovementioned application.

1. Concerns from Council's Development Engineer

As requested consideration has been given to provide a safe evacuation route for occupants to evacuate the premises. Accordingly an Emergency Evacuation Plan has been developed to provide occupants with an easily identified path of evacuation should the need to evacuate the premises arise (see attached).

2. Concerns from Council's Executive Building Surveyor

Please find attached an amended response from Building Regulation Consultancy Pty Ltd.

3. Visual Privacy

Please find attached an additional response from Karm Plan.

4. Plans

Please find attached additional elevation plans, amended elevation and outdoor amenity plans.

Please do not hesitate to contact me should you require any further information or wish to discuss any matters further

Yours sincerely,



Ben Woods

ITEM 2 (continued)

ATTACHMENT 3

KARM PLAN
Planning and Development Solutions



Jane Tompsett
Assessment Officer – Building Surveyor
Ryde City Council
Devlin Street
RYDE NSW 2112

Ref: WOODS 01.1/2012

Dear Ms Tompsett,

RE: Additional Planning Assessment Information LDA2012/0251

I write to provide further information that is requested by Ryde Council about the proposed dual occupancy at 1106 Victoria Road, West Ryde.

I trust this additional information assists in your assessment and recommendations on the application.

1. Concerns from Council's Flood Engineer

I understand that the additional flooding information request is based on draft Flood Management Development Control Plan provisions, which are not yet adopted in the Ryde's existing Development Control Plan. For this reason it was not included in the Statement of Environmental Effects.

I add the following assessment in support of the application in the context of potential flooding:

- The proposed development does not alter or change any stormwater or drainage infrastructure previously approved by Road Council and currently operating.
- Existing stormwater and drainage infrastructure is suitable for the purpose of using the land for residential purposes.
- The proposed development will not alter or change any existing neighbourhood flood ways or flood movements that may potentially affect the property or surrounds.
- The property has been historically used as a residence without significant flooding issues affecting the building, occupants or other assets.
- Occupants of the property will have appropriate evacuation egress to Victoria Road in the event of flood emergency.

A flood evacuation plan is being developed and will be submitted under separate cover. This plan can be incorporated into the proposed development and conditioned.

Karm Plan, PO Box 314, Balmain NSW 2041

M: 0402 841101 | E: martin@karmplan.com.au | W: www.karmplan.com.au | ABN: 90 377 328 232

ITEM 2 (continued)

ATTACHMENT 3



2. Visual Privacy

The property has been designed and operated to facilitate separate living and it is our understanding that Ryde Council approved this design in 2004 (ref DA 79/2004).

The property has been operated before as a separated premises (refer to SEE – Background) and no significant privacy issues were experienced during this period.

To further mitigate potential privacy impacts, the following design solutions are proposed:

- Additional privacy screens in the form of lattices can be incorporated into the upper floor's balcony. These additional privacy measures can be conditioned in the DA.
- Revised plans showing lot accuracy and Unit B's Clothes Drying Area and Private Open Space (submitted under separate cover).
- The ground floor's sliding doors to the other unit's private open space are not operable and have had the glass frosted to ensure the appropriate level of privacy is maintained.

3. Concerns from Council's Executive Building Surveyor

It is understood that the applicant has engaged a consulting Building Surveyor to provide additional information under separate cover.

4. Plans

The additional requested elevations for the rear of the building and driveway side will be provided under separate cover.

Yours sincerely

Martin Karm 31 August 2012.

ITEM 2 (continued)

ATTACHMENT 3

ABN: 27 151 461 344
Tel: 0414 137 411
Email: rodedwards@brconsultancy.com.au
Address: P O Box 7521 BAULKHAM HILLS NSW 2153

NCC (BCA) Compliance Reports / Fire Safety Audits /
Disability Access Reports/ Expert Witness Reports



BCA COMPLIANCE REPORT



1106 Victoria Road WEST RYDE NSW

APRIL 2012

 REPORT NO. 09/2012

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EXECUTIVE SUMMARY

The following report has been prepared at the request of Benjamin and Jacqueline Woods (the Owners) for the purpose of assessing the existing two storey dwelling for a proposed change in BCA classification to a Class 2 Residential Flat building containing two units (one above another).

This report has been prepared to form part of the supporting documentation for a Development Application (DA) to be submitted to Ryde City Council, in particular reference to Clause 93 of the Environmental Planning and Assessment Regulations (2000) - "Fire Safety and Other Considerations".

The report is to identify the extent to which compliance is achieved with the current prescriptive "fire & life safety" provisions of the Building Code of Australia 2011, in particular Sections C, D and E.

A BCA Compliance Report, identifying specific prescriptive non-compliances and providing suitable recommendations through which it is considered that the circumstances may be upgraded, as required, to achieve compliance with the intent and objectives of the Code.

Given the limitations associated with the existing status of the building, it has been recognised that upgrade to comply with the prescriptive provisions may not be practical in parts, such that Performance based recommendations have been included.

However, through the undertaking of the recommendations contained within this report, it is considered that an acceptable standard of fire and occupant life safety, for the regulatory authorities, shall be achieved.

In reviewing the following report, it is conveyed that –

- (i) **Part 4** (of this report) provides a detail assessment of the prescriptive non-compliances identified during the inspection and assessment of architectural plans provided by the Owners; and
- (ii) **Part 5** provides recommendations through which it is considered that compliance may be achieved.

1.0 BASIS OF ASSESSMENT

1.1 General

The following report has been prepared at the request of the Benjamin and Jacqueline Woods (the Owners) for the purpose of assessing the existing two storey dwelling for a proposed change in BCA classification to a Class 2 Residential Flat building containing two units (one above another). The report is to identify the extent to which compliance is achieved with the current prescriptive "fire & life safety" provisions of the Building Code of Australia 2011, in particular Sections C, D and E.

1.2 Report Basis

The content of this report reflects –

- (a) Architectural documentation drawing no: DA 1.01, DA 1.02, DA 1.03, DA 1.04 and DA 1.05;
- (b) The principles and provisions of the Building Code of Australia 2011 including the New South Wales variations;
- (c) Visual inspection of available areas of the premises on 4th April 2012 (no inspection of concealed areas was permitted – i.e. Cavities, voids and the like).

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1.3 Exclusions

It is conveyed that this report should not be construed to infer that an assessment for compliance, with the following, has been undertaken –

- (i) Structural adequacy and fire ratings;
- (ii) Mechanical, Hydraulic and Electrical services;
- (iii) The individual requirements of WorkCover and service providers (i.e. Telstra, Sydney Water and the like); and
- (iv) Those areas of the building inaccessible for inspection.

1.4 Report Purpose

This report has been prepared as a BCA Compliance Report identifying those areas of non-compliance within, and provides suitable recommendations through which it is considered that the building may be upgraded to satisfy the intent and objectives of the BCA.

In providing suitable recommendations through which it is considered that areas of non-compliance may be upgraded, recognition has been given to the prescriptive provisions in the first instance.

Where it has been considered that prescriptive compliance is impractical given the existing status and use of the premises, application of the performance provisions and intent and objective of the BCA has occurred.

2.0 BUILDING DESCRIPTION

For the purposes of the Building Code of Australia (BCA) the building may be described as follows.

2.1 Rise in Storeys (Clause C1.2)

The rise in storeys is the greatest number of storeys at any part of the external walls of the building.

- Having a rise in storeys of two.

2.2 Building Classification (Clause A3.2)

The building is considered to be of mixed classification, namely –

- Class 2 Residential Flat Building

2.3 Effective Height (Clause A1.1)

- The effective height of the existing building is less than 25m.
- There are no increases to the effective height with the proposed new works.

2.4 Type of Construction (Table C1.1)

The building is to be of Type C Construction.

Provision C1.5 of the BCA permits a two storey Class 2 building may be of Type C construction if each sole occupancy unit has –

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- (i) Access to at least two exits; or
- (ii) Its own direct access to a road or open space.

Each sole occupancy unit has two exits which all lead to open space.

Therefore under this provision the building may be of Type C construction.

2.5 General Floor Area Limitations (Table C2.2)

Not applicable to Class 2 buildings

3.0 BCA (2011) COMPLIANCE REPORT SUMMARY

The tables below summarise the compliance in terms of each prescriptive provision of the Building Code of Australia.

For those instances of either “prescriptive non-compliance” or “insufficient detail”, a detailed analysis and commentary is provided within Part 4.

Section B – Structure

BCA reference	Complies	Does not comply	Detail required	Not relevant
B1.1 – resistance to actions			✓	
B1.2 – determination of individual actions			✓	
B1.3 – loads			✓	
B1.4 – materials and form of construction			✓	

Section C – Fire resistance

BCA reference	Complies	Does not comply	Detail required	Not relevant
Spec. C1.1 – fire resisting construction			✓	
C1.3 – buildings of multiple classification				✓
C1.4 – mixed types of construction				✓
C1.5 – two storey Class 2 or 3 buildings	✓			
C1.6 – Class 4 parts of a building				✓
C1.7 – open spectator stands & indoor sports stadiums				✓
C1.8 – lightweight construction			✓	
C1.10 – fire hazard properties			✓	
C1.11 – performance of external walls				✓
C1.12 – non-combustible materials				✓
C2.2 – general floor area & volume limits				✓
C2.3 – large isolated buildings				✓
C2.4 – requirements for open spaces & vehicular access				✓
C2.5 – Class 9a and 9c buildings				✓
C2.6 – vertical separation of openings in external walls				✓
C2.7 – separation of firewalls				✓
C2.8 – separation of classifications in same storey				✓
C2.9 – separation of classifications in different storeys				✓
C2.10 – separation of lift shafts				✓
C2.11 – stairways and lifts in one shaft				✓
C2.12 – separation of equipment				✓
C2.13 – electricity supply system				✓
C2.14 – public corridors in Class 2 and 3 buildings				✓
C3.2 – openings in external walls				✓
C3.3 – separation of external walls & associated openings				✓

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BCA reference	Complies	Does not comply	Detail required	Not relevant
C3.4 – acceptable methods of protection				✓
C3.5 – doorways in firewalls				✓
C3.6 – sliding fire doors				✓
C3.7 – doorways in horizontal exits				✓
C3.8 – openings in fire-isolated exits				✓
C3.9 – service penetrations in fire-isolated exits				✓
C3.10 – openings in fire-isolated lift shafts				✓
C3.11 – bounding construction: Class 2, 3, 4 and 9 buildings				✓
C3.12 – openings in floors & ceilings for services			✓	
C3.13 – openings in shafts			✓	
C3.15 – openings for service installations			✓	
C3.16 – construction joints			✓	
C3.17 – columns protected with f/r lightweight construction				✓

Section D – Access and Egress

BCA reference	Complies	Does not comply	Detail required	Not relevant
D1.2 – number of exits required	✓			
D1.3 – when fire-isolated exits are required				✓
D1.4 – exit travel distances	✓			
D1.5 – distance between alternative exits	✓			
D1.6 – dimensions of exits and paths of travel to exits	✓			
D1.7 – travel via fire-isolated exits				✓
D1.8 – external stairways or ramps in lieu of fire- isolated exits				✓
D1.9 – travel via non-fire isolated stairways or ramps	✓			
D1.10 – discharge from exits	✓			
D1.11 – horizontal exits				✓
D1.12 – non-required stairways or ramps				✓
D1.13 – number of persons accommodated				✓
D1.16 – plant rooms and lift motor rooms: concession				✓
D1.17 – access to lift pits				✓
D2.2 – fire-isolated stairways and ramps				✓
D2.3 – non-fire isolated stairways and ramps				✓
D2.4 – separation of rising and descending stair flights				✓
D2.5 – open access ramps and balconies				✓
D2.6 – smoke lobbies				✓
D2.7 – installations in exits and paths of travel				✓
D2.8 – enclosure of space under stairs and ramps				✓
D2.9 – width of stairways	✓			
D2.10 – pedestrian ramps				✓
D2.11 – fire-isolated passageways				✓
D2.12 – roof as open space				✓
D2.13 – goings and risers			✓	
D2.14 – landings			✓	
D2.15 – thresholds			✓	
D2.16 – balustrades		✓		
D2.17 – handrails			✓	
D2.18 – fixed platforms, walkways, stairways and ladders				✓
D2.19 – doorways and doors				✓
D2.20 – swinging doors				✓
D2.21 – operation of latch				✓
D2.22 – re-entry from fire-isolated exits				✓
D2.23 – signs on doors				✓
D2.101 – doors in path of travel in a POPE				✓
D3.2 – general building access requirements				✓
D3.3 – parts of buildings to be accessible				✓
D3.4 – concessions				✓
D3.5 – car parking				✓
D3.6 – identification of accessible facilities				✓
D3.7 – hearing augmentation services and features				✓

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BCA reference	Complies	Does not comply	Detail required	Not relevant
D3.8 – tactile indicators				✓

Section E – Services and Equipment

BCA reference	Complies	Does not comply	Detail required	Not relevant
E1.3 – fire hydrants				✓
E1.4 – fire hose reels				✓
E1.5 – sprinklers				✓
E1.6 – portable fire extinguishers				✓
E1.8 – fire control centres				✓
E1.9 – fire precautions during construction				✓
E1.10 – provision for special hazards				✓
E2.2a – general provisions			✓	
E2.2b – specific provisions				✓
E2.3 – provision for special hazards				✓
E3.2 – stretcher facility in lifts				✓
E3.3 – warning against use of lifts in fire				✓
E3.4 – emergency lifts				✓
E3.5 – landings				✓
E3.6 – facilities for people with disabilities				✓
E3.7 – fire service controls				✓
E3.8 – aged care buildings				✓
E4.2 – emergency lighting				✓
E4.4 – design and operation of emergency lighting				✓
E4.5 – exit signs				✓
E4.6 – direction signs				✓
E4.7 – Class 2 and 3 buildings and Class 4 parts: exemptions	✓			
E4.8 – design and operation of exit signs				✓
E4.9 – sound systems and intercom systems for emergency purposes				✓

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4.0 BCA COMPLIANCE REPORT

BCA Provision	DTS Provision	Compliance Requirement	Comments
BCA PART A0 - APPLICATION			
Application	A0.1 - 0.9	BCA Introductory Clauses.	Noted
BCA PART A1 - INTERPRETATION			
Interpretation	A1.1 - 1.7	BCA Interpretation Clauses.	Noted
BCA PART A2 - ACCEPTANCE OF DESIGN & CONSTRUCTION			
Acceptance of Design & Construction	A2.1 - 2.5	BCA Suitability Requirements.	Noted
BCA PART A3 - CLASSIFICATIONS OF BUILDINGS & STRUCTURES			
Principles of Classification N/A	A3.1	---	Noted
Classifications	A3.2	BCA Building Classifications.	The building is classified as :- Class 2 – Residential Flat Building
Multiple Classification	A3.3	Parts of Building to be classified separately.	Not Applicable
Parts with more than one Classification	A3.4	Each Classification to comply with relevant provisions of the BCA.	Not Applicable
BCA PART A4 - UNITED BUILDINGS			
When Buildings are United	A4.1	Definitions of United Buildings.	Not Applicable
Alterations in a United Building	A4.2	Compliance when no longer united.	Not Applicable
BCA PART A - SPECIFICATIONS			
Standards Adopted by Reference	Spec A1.3	This Specification calls up Australian Standards adopted by the BCA.	Noted
Fire Resistance of Building Elements	Spec A2.3	This Specification sets out the Procedures for determining the FRL of various building elements including providing some DTS solutions.	Noted
Fire Hazard Properties	Spec A2.4	This Specification sets out the Procedures for determining the Fire Hazard Properties of components and assemblies.	Noted
BCA PART B1 - STRUCTURAL PROVISIONS			
Deem to Satisfy Provisions	B1.0	Specifies DTS means to satisfy Performance Requirements BP1.1 and BP1.2.	Noted
Resistance to Actions	B1.1	Structural resistance to external actions.	Noted
Determination of Individual Actions	B1.2	Various actions and methods of determination.	Noted
Loads	B1.3	Resistance requirements for imposed loads.	Noted

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BCA Provision	DTS Provision	Compliance Requirement	Comments
Determination of Structural Resistance	B1.4	Determination structural resistance.	Noted
BCA PART C1 - FIRE RESISTANCE & STABILITY			
Deemed to Satisfy Provisions	C1.0	Specifies DTS means to satisfy Performance Requirements CP1 to CP9.	Noted.
Type of Construction Required	C1.1 Table C1.1	"Type of Construction" required based on a building's "Rise in Storeys". Also see C2.2.	Noted
Calculation of Rise in Storeys	C1.2	Building's "Rise in Storeys".	The building has a "Rise in Storeys" of two The building has an "Effective Height" of less than 25m
Buildings of Multiple Classification	C1.3	The type of construction required for building of multiple classifications.	Type C construction is required. See provision C1.5.
Mixed Types of Construction	C1.4	Allows mixed types of construction if parts are fire separated.	Not Applicable
Two Storey Class 2 or 3 Buildings	C1.5	Gives concessions for construction of certain residential buildings.	See comments below
<p>Provision C1.5 of the BCA permits a two storey Class 2 building may be of Type C construction if each sole occupancy unit has</p> <ul style="list-style-type: none"> (i) Access to at least two exits; or (ii) Its own direct access to a road or open space. <p>Each sole occupancy unit has two exits which all lead to open space.</p> <p>Therefore under this provision the building may be of Type C construction.</p>			
Class 4 Parts of Building	C1.6	Specified FRLs and separation for Class 4 parts.	Not Applicable
Open Spectator Stands and Indoor Sports Stadiums	C1.7	Requirements for construction of stands / stadiums.	Not Applicable
Lightweight Construction	C1.8	Lightweight construction must comply with Specification C1.8 if it is used in a fire rated wall system or as a fire resisting covering to structural elements.	Details are required
	C1.9	Clause deliberately left blank by the BCA.	
Fire Hazard Properties	C1.10	Materials and assemblies to comply with Fire Hazard Properties as outlined in Specification C1.10 or C1.10a as applicable.	Details are required
Performance of External Walls in Fire	C1.11	Requirements for tilt-up walls and fixings.	Not Applicable
Non-Combustible Materials	C1.12	Materials that may still be used where "non-combustible" finishes are specified.	Details are required
BCA PART C2 - COMPARTMENTATION & SEPARATION			
Deemed to Satisfy Provisions	C2.0	Specifies DTS means to satisfy Performance Requirements CP1 to CP9.	Noted
Application of Part	C2.1	Fire compartmentation sizes and volumes do not apply to either a carpark provided with a sprinkler system or an open deck carpark or a	Not Applicable

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BCA Provision	DTS Provision	Compliance Requirement	Comments
		spectator stand.	
General Floor Area & Volume Limitations	C2.2	Maximum floor areas and volumes for all classes of buildings and for each type of construction.	Not Applicable
Large Isolated Buildings	C2.3	Fire compartments can exceed specified areas / volumes under certain open space, fire protection and vehicular access conditions.	Not Applicable
Requirements for Open Spaces & Vehicular Access	C2.4	Conditions applying to vehicular access required by Clause C2.3.	Not Applicable
Class 9a & Class 9c Buildings	C2.5	Additional fire and smoke compartmentation that is required for Class 9a Healthcare and 9c Aged Care buildings.	Not Applicable
Vertical Separation of Openings in External Walls	C2.6	Vertical separation for buildings of unsprinklered Type A Construction to reduce risk of fire spread between floors via external windows.	Not Applicable
Separation by Fire Walls	C2.7	Design & construction of firewalls.	Not Applicable
Separation of Classifications in the Same Storey	C2.8	Fire separation requirements within the same storey.	Not Applicable
Separation of Classifications in Different Storeys	C2.9	When to / how to fire separate classifications in different storeys.	Not Applicable
Separation of Lift Shafts	C2.10	Requirements for fire separation of lift shafts in various building types.	Not Applicable
Stairways & Lifts in One Shaft	C2.11	Prevents lift and stairs being in the one shaft if the lift and/or stair shaft is required to achieve an FRL.	Not Applicable
Separation of Equipment	C2.12	Certain equipment (lift motors, lift control panels, emergency generators, central smoke control plant, boilers, batteries, and certain pumps) must be separated from the remainder of the building with construction achieving an FRL of not less than 120/120/120.	Not Applicable
Electricity Supply System	C2.13	Certain electricity supply equipment must be protected with construction of not less than 120/120/120 FRL. Equipment includes: Electricity substations; Main switchboards "which sustain emergency equipment operating in emergency mode"; and Electricity conductors that supply main switchboard.	Not Applicable
Public Corridors in Class 2 & 3 Buildings	C2.14	Public corridors in Class 2 and Class 3 buildings to be divided into smoke compartments if length is more than 40 metres.	Not Applicable
BCA PART C3 - PROTECTION OF OPENINGS			
Deemed to Satisfy Provisions	C3.0	Specifies DTS means to satisfy Performance Requirements CP1 to CP9.	Noted
Application of Part	C3.1	Exempts openings such as control joints, weep holes, non-combustible ventilators for sub floor or cavity ventilation, etc, from protection requirements.	Noted
Protection of Openings in	C3.2	Openings less than 3m from a side or rear boundary or 6m from the far boundary of a road or 6m from	There are no openings within required fire rated walls located within 3m to a fire

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BCA Provision	DTS Provision	Compliance Requirement	Comments
External Walls		another building on the site must be protected, and such openings must not exceed 1/3 of wall area.	source feature. Therefore openings are not required to be protected.
Separation of External Walls and Associated Openings in Different Fire Compartments	C3.3	Separation required between external openings in different fire compartments.	Not Applicable
Acceptable Methods of Protection	C3.4	Acceptable methods of protecting openings in external walls.	Not Applicable
Doorways in Fire Walls	C3.5	Construction of non-required doorways in firewalls.	Not Applicable
Sliding Fire Doors	C3.6	Installation requirements for sliding fire doors.	Not Applicable
Protection of Doorways in Horizontal Exits	C3.7	Construction of horizontal exits in firewalls.	Not Applicable
Openings in Fire Isolated Exits	C3.8	Construction details of doorways and windows to fire isolated exits.	Not Applicable
Service Penetrations in Fire Isolated Exits	C3.9	Services shall not be installed in fire-isolated exits, except as permitted in this Clause.	Not Applicable
Openings in Fire Isolated Lift Shafts	C3.10	Construction details of doorways to fire isolated lift shafts and construction of lift indicator panels.	Not Applicable
Bounding Construction Class 2, 3, & 4 Buildings	C3.11	Stipulates how to protect openings in bounding construction (residential building / parts).	Not Applicable
Openings in Floors & Ceilings for Services	C3.12	Services passing through fire rated floors or ceilings shall be suitably protected to maintain the FRL of the building element(s). See also C3.15.	Details required
Openings in Shafts	C3.13	Any openings into fire rated shafts shall be protected in accordance with this Clause.	Not Applicable
---	C3.14	Clause deliberately left blank.	---
Openings for Service Installations	C3.15	Systems where passing through fire rated floor or walls shall be suitably protected to maintain the FRL of the building element(s), either using approved AS 1530.4 / AS 4072.1 systems, or limited alternative systems to Spec C3.15.	Details required
Construction Joints	C3.16	Construction joints shall achieve the same FRL as the building component in which it is installed.	Details required
Columns Protected with Lightweight Construction to achieve an FRL	C3.17	Any column protected with lightweight construction should maintain the fire integrity of a building element through which it passes.	Noted
PART C – SPECIFICATION C1.1 – FIRE RESISTING CONSTRUCTION			
Exposure to Fire Source Features	Spec C1.1 Clause 2.1	This Clause stipulates when a building element is exposed to a fire source feature.	Noted

ITEM 2 (continued)

ATTACHMENT 3

BCA Provision	DTS Provision	Compliance Requirement	Comments
Fire Protection for a Support of Another Part	Spec C1.1 Clause 2.2	The structural integrity of any part of a building required to have a particular FRL shall not be reduced by reason of it being supported by a part of the building that does not have at least the same FRL.	Noted
Lintels	Spec C1.1 Clause 2.3	Details where lintels over doorways or openings require an FRL.	Noted. Details required
Attachments not to impair fire resistance	Spec C1.1 Clause 2.4	Details use of combustible materials if they form an attachment to a building element which has an FRL.	Noted. Details required
General Concessions	Spec C1.1 Clause 2.5	Outlines general FRL concessions that can be applied for various building components.	Concessions are not applicable to this building.
Mezzanine Floors Concession	Spec C1.1 Clause 2.6	Stipulates that a mezzanine and its supports do not need to achieve a fire rating provided other measures are adopted.	Not Applicable
Enclosure of Shafts	Spec C1.1 Clause 2.7	Requires enclosure of various shafts both at the top and the bottom.	Not Applicable
Car parks in Class 2 & 3 Buildings	Spec C1.1 Clause 2.8	This Clause allows for a concession to fire rating to carparks in Class 2 and 3 buildings.	Not Applicable
Residential Aged Care Building: Concession	Spec C1.1 Clause 2.9	Allows FRL concessions to sprinklered residential aged care buildings.	Not Applicable
Type A Fire Resisting Construction	Spec C1.1 Clause 3.1 & Table 3	This Clause & Table outline the Fire Resistance Levels of various building elements for Type A Construction.	Not Applicable
Concessions for Floors	Spec C1.1 Clause 3.2	Outlines general FRL concessions to floors where they satisfy the provisions as outlined in this Clause.	Not Applicable
Floor Loading of Class 5 & 9b Buildings: Concession	Spec C1.1 Clause 3.3	Outlines general FRL concessions for Class 5 / 9b if the floor live load does not exceed 3kPa.	Not Applicable
Roof Superimposed on a Concrete Slab: Concession	Spec C1.1 Clause 3.4	A roof superimposed on a concrete slab roof does not require an FRL if it is of non-combustible construction.	Not Applicable
Roof: Concession	Spec C1.1 Clause 3.5	Outlines general FRL concessions to roofs where they satisfy the provisions as outlined in this Clause.	Not Applicable
Roof Lights	Spec C1.1 Clause 3.6	Stipulates requirements for roof lights in fire rated / non-combustible roofs.	Not Applicable
Internal Columns & Walls: Concession	Spec C1.1 Clause 3.7	Walls & columns in the storey under the roof can have a reduced FRL.	Not Applicable
Open Spectator Stands & Indoor Sports Stadiums: Concession	Spec C1.1 Clause 3.8	Concessions to FRL for open spectator stands and indoor sport stadiums.	Not Applicable
Carparks (Type A)	Spec C1.1 Clause 3.9 Table 3.9	Outlines construction of open deck carpark portions or sprinklered carparks in Type A construction.	Not Applicable
Class 2 Buildings: Concession (Type A)	Spec C1.1 Clause 3.10	Concessions for low rise residential buildings of Type A construction.	Not Applicable
Type B Fire Resisting Construction	Spec C1.1 Clause 4.1 & Table 4	This Clause and Table outline the FRLs of various buildings elements for Type B Construction.	Not Applicable

ITEM 2 (continued)

ATTACHMENT 3

BCA Provision	DTS Provision	Compliance Requirement	Comments
Carparks (Type B)	Spec C1.1 Clause 4.2 & Table 4.2	Outlines construction of open-deck carparks in Type B construction.	Not Applicable
Class 2 Buildings: Concession (Type B)	Spec C1.1 Clause 4.3	Offers concessions for low-rise residential buildings from Type B construction.	Not Applicable
Type C Fire Resisting Construction	Spec C1.1 Clauses 5.1 & Table 5	This Clause and Table outline the FRLs of various building elements for Type C Construction.	See comments below
<p>Table 5 of Specification C1.1 requires that an internal wall between or bounding sole occupancy units requires a minimum FRL of 60/60/60.</p> <p>The wall of the Ground Floor sole occupancy unit adjacent to the rear stair of the sole occupancy unit of Level 1 is constructed of timber framing with a glazed panel and therefore does not achieve the required FRL.</p> <p>Provision C5.1 requires that in a Class 2 building an internal wall which is required to have an FRL must extend –</p> <p>(i) To the underside of the floor next above if that floor has an FRL of at least 30/30/30 or a fire protective covering on the underside of the floor; or</p> <p>(ii) To the underside of a ceiling having a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes.</p> <p>The floor above the Ground Floor sole occupancy unit is of timber construction and the ceiling of the Ground Floor is plasterboard and does not achieve the required fire resistance.</p> <p>These non-compliances will be addressed by an alternative solutions report found in Appendix A.</p>			
Carparks (Type C)	Spec C1.1 Clause 5.2 & Table 5.2	Outlines construction of open-deck carparks in Type C construction.	Not Applicable
PART C – SPECIFICATION C1.8 – STRUCTURE TESTS FOR LIGHTWEIGHT CONSTRUCTION			
Structural Tests for Lightweight Construction	Spec C1.8	This Specification describes the tests to be applied to & criteria to be satisfied by a wall system of lightweight construction that has an FRL.	Noted
PART C – SPECIFICATION C1.10 – FIRE HAZARD PROPERTIES – GENERAL			
Fire Hazard Properties	Spec C1.10	This Specification sets out requirements in relation to the fire hazard properties of materials in buildings.	Compliance required
PART C – SPECIFICATION C1.10a – FIRE HAZARD PROPERTIES – WALLS, FLOORS, CEILINGS			
Fire Hazard Properties – Floors, Walls & Ceilings	Spec C1.10a	This Specification sets out requirements in relation to Fire Hazard Properties of wall, floor and ceiling finishes.	Compliance required
PART C – SPECIFICATION C1.11 – PERFORMANCE OF EXTERNAL WALLS IN FIRE			
Performance of External Walls in Fire	Spec C1.11	Design considerations for tilt up construction.	Not Applicable
PART C – SPECIFICATION C2.5 – SMOKE-PROOF WALLS IN HEALTH CARE & AGED CARE			
Smoke-Proof Walls in Health Care / Aged Care	Spec C2.5	Requirements for smoke-proof walls in Class 9a and 9c buildings.	Not Applicable
PART C – SPECIFICATION C3.4 – FIRE DOORS, SMOKE DOORS, FIRE WINDOWS, & SHUTTERS			
Fire Doors, Smoke Doors, Fire Windows, & Shutters	Spec C3.4	Requirements for the construction of fire doors, smoke doors, fire windows, and fire shutters.	Not Applicable
PART C – SPECIFICATION C3.15 – PENETRATION OF WALLS, FLOORS, & CEILINGS BY SERVICES			
Penetration of Walls, Floors, &	Spec C3.15	Describes some service penetration treatments that are a traditional	Compliance required

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BCA Provision	DTS Provision	Compliance Requirement	Comments
Ceilings by Services		alternative to tested fire stopping systems, for use only in prescribed conditions.	
BCA PART D1 – PROVISION FOR ESCAPE			
Deem to Satisfy Provisions	D1.0	Specifies DTS means to satisfy Performance Requirements DP1 to DP9.	Noted.
Application of Part	D1.1	Part D of the BCA does not apply to the internal parts of a sole occupancy unit in a Class 2, 3, or 4 part building.	Noted
Number of Exits Required	D1.2	Number of exits required from each part of the building.	A minimum of 2 exits are required. Complies. See comments in C1.5.
When Fire Isolated Exits are Required	D1.3	When fire isolated exits are required in buildings.	Not Applicable
Exit Travel Distances	D1.4	Travel distances to exits in various building types.	Complies
Distances between Alternative Exits	D1.5	Distribution and distances between exits.	Not Applicable
Dimensions of Exits and Paths of Travel to Exits	D1.6 and NSW D1.6(f) & (h)	Unobstructed dimensions and widths of exits.	Complies.
Travel via Fire Isolated Exits	D1.7	Connection into and discharge from fire isolated stairs / passageways.	Not Applicable
External Stairways or Ramps in Lieu of Fire Isolated Exits	D1.8	Use of an external stair or ramp instead of a fire isolated stair.	Not Applicable
Travel by Non Fire Isolated Stairways or Ramps	D1.9	Utilisation of an open stair for egress (distances, discharge, etc).	Not Applicable
Discharge from Exits	D1.10	Clear width and disposition of exit discharges.	Compliance required
Horizontal Exits	D1.11	Use and construction of horizontal exits.	Not Applicable
Non-Required Stairways, Ramps or Escalators	D1.12	Non-required stairways, ramps, and escalators – use and permissible storeys connected.	Not Applicable
Number of Persons Accommodated	D1.13 & Table D1.13	Calculation of the nominal number of occupants in each part of a building based on floor area. (Note: actual populations may vary from nominal BCA population densities).	Not Applicable
Measurement of Distances	D1.14	Details where distances are measured in relation to egress design.	Noted
Method of Measurement	D1.15	Details how distances are measured in relation to egress design.	Noted
Plant Rooms and Lift Motor Rooms: Concession	D1.16	Egress dispensations in relation to Plant Rooms and Lift Motor Rooms.	Not Applicable
Access to Lift Pits	D1.17	Advises how access to Lift Pits is to be provided.	Not Applicable
BCA PART D2 – CONSTRUCTION OF EXITS			
Deem to Satisfy Provisions	D2.0	Specifies DTS means to satisfy Performance Requirements DP1 to DP9.	Noted

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ATTACHMENT 3

BCA Provision	DTS Provision	Compliance Requirement	Comments
Application of Part	D2.1	Relieves the interior of SOUs in Class 2 and 3 buildings from stair, landing and balustrade requirements.	Noted
Fire Isolated Stairways & Ramps	D2.2	Structural design of fire isolated stair shafts.	Not Applicable
Non Fire Isolated Stairways & Ramps	D2.3	Construction of required open stairs where the rise in storeys of the building exceeds 2.	Not Applicable
Separation of Rising & Descending Stair Flights	D2.4	Fire isolated stairways must not connect storeys both above and below street level.	Not Applicable
Open Access Ramps & Balconies	D2.5	Construction of open access ramps and balconies in lieu of pressurised stairs.	Not Applicable
Smoke Lobbies	D2.6	Construction of smoke lobbies required by D1.7.	Not Applicable
Installations In Exits & Paths of Travel	D2.7	Service installations located in exit paths, suitable separation / enclosure to be provided.	Details required
Enclosure of Space Under Stairs & Ramps	D2.8	Specifies the design of storerooms under an open stair. Also storage under fire-isolated stairs is not permissible if the room opens into the stair shaft.	Not Applicable
Width of Stairways	D2.9	Stipulates how stair widths and heights are measured.	Details required
Pedestrian Ramps	D2.10	Stipulates how a pedestrian ramp can serve as a required exit.	Noted
Fire Isolated Passageways	D2.11	Fire isolated passageways to have an FRL of 60/60/60 or that of the fire-isolated stair from which it extends. 2-way FRL is required.	Not Applicable
Roof as Open Space	D2.12	If the roof is considered "open space" then the slab must have an FRL of 120/120/120, and rooflights and the like must be located not less than 3m from path of travel.	Not Applicable
Goings & Risers	D2.13 & NSW D2.13	Construction of stairs.	Details required
Landings	D2.14	Construction of landings.	Details required
Thresholds	D2.15 & NSW D2.15	Construction of thresholds at doorways.	Details required
Balustrades or Other Barriers	D2.16 & NSW D2.16	Height and construction of balustrades to voids, stairs, balconies, etc.	See comments below
Balustrades to the stair leading from the Level 1 balcony are required to be a minimum height of 1m. The existing balustrade is of a height less than 1m. See Part 5 of this report for recommendations.			
Handrails	D2.17	Where handrails need to be incorporated along stairways.	Details required
Fixed Platforms, Walkways, Stairways, & Ladders	D2.18	Details compliance with AS1657 in respect to walkways, stairways and ladders serving machinery rooms, boiler houses, lift motor rooms, plant rooms, and the like.	Not Applicable
Doorways & Doors	D2.19 & NSW D2.19	Type, design and operation of doors serving as required exits	Not Applicable
Swinging Doors	D2.20	Specifies door swing requirements	Not Applicable

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BCA Provision	DTS Provision	Compliance Requirement	Comments
		and encroachments for "required exit" doors.	
Operation of Latch	D2.21	Lock or latch hardware / operating requirements for doors in a required exit, forming part of a required exit or in the path of travel to a required exit.	Not Applicable
Re-entry from Fire Isolated Exits	D2.22	Stipulates whether you can lock a fire stair entry door from the inside.	Not Applicable
Signs on Doors	D2.23	"Fire Door, Do Not Obstruct, Do Not Keep Open" and similar signage required to exit doors opening to and from fire isolated passageways, and stairways.	Not Applicable
BCA PART D3 – ACCESS FOR PEOPLE WITH DISABILITIES			
Deemed to Satisfy Provisions	D3.0	Specified DTS means to satisfy Performance Requirements DP1 to DP9.	Noted
Application of Part	D3.1	Specifies that this part does not apply to Class 2 buildings.	Not Applicable
General Building Access Requirements	D3.2 & Table D3.2	Specifies types of buildings that must be accessible.	Not Applicable
Parts of Building to be Accessible	D3.3	Specifies parts of buildings that must be accessible.	Not Applicable
Concessions	D3.4	Offers concessions for Disabled Access.	Not Applicable
Car Parking	D3.5 & Table D3.5	Disabled car parking requirements.	Not Applicable
Identification of Accessible Facilities, Services, Features	D3.6	Braille and Tactile signage requirements.	Not Applicable
Hearing Augmentation	D3.7	Specifies hearing augmentation in conference rooms, auditoriums, ticket offices.	Not Applicable
Tactile Indicators	D3.8	Specifies where Tactile Indicators must be installed.	Not Applicable
BCA PART D – SPECIFICATIONS			
Non-Required Stairways, Ramps, & Escalators	Spec D1.12	This Specification outlines the construction of non required, non fire isolated stairs.	Noted
Braille & Tactile Signs	Spec D3.6	This Specification details location, type & design of Braille & tactile signs.	Not Applicable
BCA PART E1 – FIRE FIGHTING EQUIPMENT			
Deemed to Satisfy Provisions	E1.0	Specifies DTS means to satisfy Performance Requirements EP1 to EP10.	Noted
---	E1.1	This Clause deliberately left blank.	
---	E1.2	This Clause deliberately left blank.	
Hydrants	E1.3	This Clause stipulates when fire hydrants are required.	Not Applicable
Fire Hose Reels	E1.4	This Clause stipulates when fire hose reels are required.	Not Applicable

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ATTACHMENT 3

BCA Provision	DTS Provision	Compliance Requirement	Comments
Sprinklers	E1.5 & Table E1.5	This Clause stipulates when sprinklers are required.	Not Applicable
Portable Fire Extinguishers	E1.6 & Table E1.6	This Clause stipulates where extinguishers need to be installed.	Not Applicable
---	E1.7	This Clause deliberately left blank.	
Fire Control Centres	E1.8	This Clause stipulates when a fire control centre is required.	Not Applicable
Fire Precautions during Construction	E1.9	Fire services must be provided and be operational during the construction phase in accordance with Clause E1.9.	Noted
Provision for Special Hazards	E1.10	Suitable additional provisions must be made if there are specific fire risks.	Noted
BCA PART E1 – SPECIFICATIONS			
Fire Sprinkler Systems	Spec E1.5	This Specification sets out requirements for the design and installation of fire sprinkler systems.	Not Applicable
Fire Control Centres	Spec E1.8	This Specification describes the construction & content of required Fire Control Centres or Rooms.	Not Applicable
BCA PART E2 – SMOKE HAZARD MANAGEMENT			
Deemed to Satisfy Provisions	E2.0	Specifies DTS means to satisfy Performance Requirements EP2.1 and EP2.2	Noted
Application of Part	E2.1	Stipulates where Smoke Hazard Management provisions do not apply.	
General Requirements	E2.2, Table E2.2a & E2.2b & NSW E2.2	How compliance is achieved with both Smoke Hazard Management Provisions including treatment of systems that may not be part of the overall Smoke Hazard Management System.	See comments below
This building is required to be provided with either: <ul style="list-style-type: none"> ▪ A smoke alarm system complying with Clause 3 of Specification E2.2a; or ▪ A smoke detection system complying with Clause 4 of Specification E2.2a See recommendations in Part 5 of this report and an Alternative Solutions Report found in Annexure A.			
BCA PART E2 – SPECIFICATIONS			
Smoke Detection & Alarm Systems	Spec E2.2a	This Specification outlines the design of various smoke detection and alarm systems, OWS and monitoring connections.	See comments above
Smoke Exhaust Systems	Spec E2.2b	This Specification highlights the DTS requirements for mechanical smoke exhaust systems.	Not Applicable
Smoke & Heat Vents	Spec E2.2c	Details use and construction of smoke & heat vents.	Not Applicable
BCA PART E3 – LIFT INSTALLATIONS			
Deemed to Satisfy Provisions	E3.0	Specifies DTS means to satisfy Performance Requirements E3.1 to E3.8.	Noted
---	E3.1	Clause E3.1 deliberately left blank in the BCA.	

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ATTACHMENT 3

BCA Provision	DTS Provision	Compliance Requirement	Comments
Stretcher Facilities in Lifts	E3.2	Requirements for Stretcher Facilities in buildings over 12m and in emergency lifts.	Not Applicable
Warning Against Use of Lifts in Fire	E3.3	Requirements for "Do Not Use Lifts" signs.	Not Applicable
Emergency Lifts	E3.4	Emergency lifts in buildings over 25m, also 9a.	Not Applicable
Landings	E3.5	Lift landing requirements.	Not Applicable
Facilities for People with Disabilities	E3.6	Disabled access requirements for lifts.	Not Applicable
Fire Service Controls	E3.7	Fire Service Controls in all lifts.	Not Applicable
Aged Care Buildings	E3.8	Lifts or ramps in multi storey aged care.	Not Applicable
BCA PART E4 – EMERGENCY LIGHTING, EXIT SIGNS, & WARNING SYSTEMS			
Deemed to Satisfy Provisions	E4.0	Specifies DTS means to satisfy performance requirements E4.1 to E4.9.	Noted
Emergency Lighting	E4.2 - E4.4	Design and installation requirements for emergency lighting.	Not Applicable
Exit Lighting	E4.5 – E4.8	Design and installation requirements for exit lighting.	Not Applicable
Emergency Warning & Intercommunication System (EWIS)	E4.9	Where an EWIS system is required.	Not Applicable.

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ATTACHMENT 3

5.0 RECOMMENDATIONS

5.1 General

The following table has been compiled to summarise the non-compliances contained within the building and provide suitable recommendations through which it is considered that compliance may be achieved.

5.2 Upgrade Recommendations

BCA DEFICIENCY / NON COMPLIANCE	DESIGN SOLUTION	UPGRADE RECOMMENDATIONS
Table 5 of Specification C1.1 Provision C1.5 FIRE RATINGS (FRLs)	Alternative Solutions Report	Refer to Alternative Solutions Report found in Annexure A
Provision D2.16 BALUSTRADES	DTS	Increase the height of the balustrade to the stair leading from the Level 1 balcony to a minimum 1m in height measured from the stair nosings and ensures any opening does not permit a 125mm sphere to pass through it and the stair.
Provision E2.2a Specification E2.2a SMOKE DETECTION SYSTEM	Alternative Solutions Report	Refer to Alternative Solutions Report found in Annexure A

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6.0 FIRE SAFETY SCHEDULE

FIRE SAFETY SYSTEM	INSTALLED	PERFORMANCE STANDARD
Fire rated access panels & doors	NO	BCA C3.13 – 2011
Automatic fall safe devices	NO	BCA D2.21 – 2011
Automatic fire detection & alarm	YES	BCA E2.2a AS1670.1 – 2004
Automatic fire suppression systems	NO	BCA E1.5 AS 2118.1 – 2000
Emergency lifts	NO	BCA E3.4 – 2011
Emergency lighting	NO	BCA E4.2, E4.4 AS 2293.1 – 2005
EWIS	NO	BCA E4.9 AS 1670.4 – 2004 AS 4428.4 – 2004
Exit signs	NO	BCA E4.5, E4.6 AS 2293.1 – 2005
Fire control centres & rooms	NO	BCA E1.8 – 2011
Fire dampers	NO	BCA C3.15 AS 1668.1 – 1998
Fire doors	NO	BCA C2.12, C2.13, C3.5, C3.6, C3.7, C3.8, C3.11, D2.8, E1.3 AS 1905.1 – 2005
Fire hydrant systems	NO	BCA E1.3, AS 2419.1 – 2005
Fire seals	NO	BCA C3.15, C3.16 – 2011
Fire shutters	NO	BCA Spec. C3.4 – 2011
Fire windows	NO	BCA Spec. C3.4 – 2011
Hose reel systems	NO	BCA E1.4, AS 2441 – 2005
Lightweight construction	NO	BCA C1.8 – 2011
Mechanical air handling systems	NO	BCA E2.2a, E2.2b, NSW E2.2b – 2011 AS/NZS 1668.1 – 1998
Perimeter emergency vehicle access	NO	BCA C2.4 – 2011
Portable fire extinguishers	NO	BCA E1.6 AS 2444 – 2001
Safety curtain in proscenium opening	NO	BCA NSW H101.10 – 2011
Smoke & heat vents	NO	BCA Spec. E2.2c, G3.8, AS2665 – 2001
Smoke dampers	NO	BCA C2.5 AS/NZS 1668.1 – 1998
Smoke detectors & heat detectors	NO	BCA Spec E2.2a AS1668.1 – 1998
Smoke doors	NO	BCA Spec. C3.4 – 2011
Solid core doors	NO	BCA Spec. C3.4, C3.11 – 2011
Standby power systems	NO	BCA Spec G3.8 – 2011
Wall-wetting sprinkler / drenchers	NO	BCA C3.4 AS 2118.2 – 2000
Warning & operational signs	NO	BCA C3.6, D2.23, E3.3, NSW H101.8, EPA Regs 2000, Clause 183
OTHER	YES	Alternative Solutions Report prepared by BRC Pty Ltd dated April 2012.

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APPENDIX A

ALTERNATIVE SOLUTIONS REPORT

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ATTACHMENT 3

EXECUTIVE SUMMARY

This Alternative Solutions Report relates to a conversion of an existing two storey dwelling to a two storey Class 2 Residential Flat Building located at 1106 Victoria Road West Ryde NSW.

Building Regulations Consultancy Pty Ltd (BRC) has been appointed to undertake an assessment of fire separation between the proposed sole occupancy units at the abovementioned site.

Specifically the report considers:

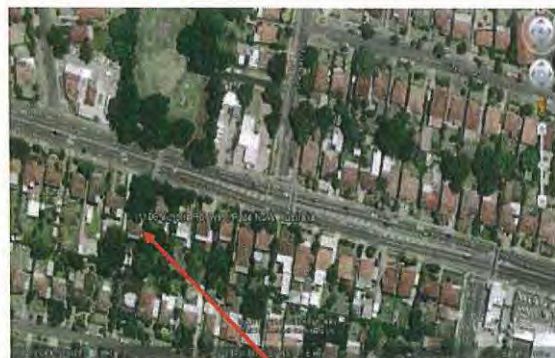
- The fire separation of internal floor and walls between sole occupancy units which does not comply with the DTS provisions (Table 5 of Specification C1.1 and C5.1) of the BCA.

This report will address the performance requirements of CP1, CP2 and EP2.1 of the Building Code of Australia (2011).

1.0 INTRODUCTION

1.1 PROJECT

This Alternative Solutions Report relates to a proposed Development Application to be submitted to Ryde City Council.



Subject Site
1106 Victoria Road West Ryde.

1.2 CLIENT

Building Regulations Consultancy Pty Ltd (BRC) has been appointed to undertake this assessment by Benjamin and Jacqueline Woods.

1.3 SCOPE AND LIMITATIONS OF REPORT

This alternative solution report is to assess:-

- The non-compliant fire separation between sole occupancy units.

Benjamin and Jacqueline Woods have requested BRC to develop a solution to address these non-compliances.

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The author of this report has not carried out:

- A review of the design for structural elements.

This report does not:

- Provide a part 4A compliance certificate under the Environmental Planning and Assessment Act.
- Provide concessions for any Alternative Solutions or exemptions from the requirements of the BCA, other than that identified in the executive summary.

If there are any building additions or alterations, a change in plan layouts, or use in the future, a re-assessment will be needed to verify consistency with the assessment in this report.

2.0 ASSESSMENT

In terms of the BCA the existing building is described as:

Building Classification:	Class 2
Rise in Storeys:	2
Type of Construction Required:	Type C

2.1 Summary

It is proposed to allow the installation of an AS 1670.1-2004 smoke detection system in lieu of an AS 3786 smoke alarm system to not require the upgrading of the fire separation between sole occupancy units.

2.2 BCA DTS Requirement

Table 5 of Specification C1.1 requires that an internal wall between or bounding sole occupancy units requires a minimum FRL of 60/60/60.

Provision C5.1 requires that in a Class 2 building an internal wall which is required to have an FRL must extend –

- To the underside of the floor next above if that floor has an FRL of at least 30/30/30 or a fire protective covering on the underside of the floor; or
- To the underside of a ceiling having a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes.

2.3 Non-Compliance with BCA DTS Provision

The wall of the proposed Ground Floor sole occupancy unit adjacent to the rear stair of the sole occupancy unit of Level 1 is constructed of timber framing clad with plasterboard both sides and contains a glazed panel and therefore does not achieve the required FRL.

Additionally the existing ceiling is 10mm thick plasterboard with timber floors separating sole occupancy units (one above another).

2.4 Relevant Performance Requirements

The following performance requirements are identified as being the only relevant performance requirements:

CP1

A building must have elements which will, to the degree necessary, maintain structural stability during a fire appropriate to-

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ATTACHMENT 3

- *The function or use of the building; and*
- *The fire load; and*
- *The potential fire intensity; and*
- *The fire hazard; and*
- *The height of the building ;and*
- *Its proximity to other property; and*
- *Any active fire safety systems installed in the building; and*
- *The size of the fire compartment; and*
- *Fire brigade intervention; and*
- *Other elements they support; and*
- *Evacuation time.*

CP2

A building must have elements which will, to the degree necessary, avoid the spread of fire –

- *To exits; and*
- *To sole occupancy units and public corridors; and*
- *Between buildings; and*
- *In a building.*

Avoidance of the spread of fire referred to in (a) must be appropriate to –

- *The function or use of the building; and*
- *The fire load; and*
- *The potential fire intensity; and*
- *The fire hazard; and*
- *The height of the building ;and*
- *Its proximity to other property; and*
- *Any active fire safety systems installed in the building; and*
- *The size of the fire compartment; and*
- *Fire brigade intervention; and*
- *Other elements they support; and*
- *Evacuation time.*

EP2.1

In a building providing sleeping accommodation, occupants must be provided with automatic warning on the detection of smoke so they may evacuate in the event of a fire to a safe place.

2.5 Assessment Methodology

The proposed alternative solution is proposed to be qualitatively and comparatively assessed under A0.5(c) and A0.9(d), i.e. being assessed against the performance provisions of the BCA using 'comparison to the deemed-to-satisfy provisions' and 'expert judgement'.

2.6 Acceptance Criteria

The primary reason the BCA requires a fire rated separation between sole occupancy units is to prevent or limit the spread of fire and smoke from one sole occupancy to another and to provide sufficient time to allow occupants to evacuate safely.

As the intention of providing smoke detection/alarm systems and occupant warning systems is to ensure that "[Sleeping] occupants may be alerted to a fire" and that "Occupants [are] given time to evacuate before the onset of untenable conditions", if it can be demonstrated that the provision of an AS1670.1-2004 system in the subject building is equivalent to the provision of fire separation between sole occupancy units and the installation of an AS 3786 smoke alarm system in a similar (DTS) building, then the acceptance criteria is considered to have been met. Subsequently compliance with performance requirement CP1, CP2 and EP2.1 is also maintained.

ITEM 2 (continued)

ATTACHMENT 3

2.7 Assessment & Analysis

As stated in 2.2 earlier, the BCA contains certain restrictions for fire separation between sole occupancy units to ensure the safety of occupants is not compromised.

The primary reason the BCA requires a fire rated separation between sole occupancy units is to prevent or limit the spread of fire and smoke from one occupancy to another and to provide sufficient time to allow occupants to evacuate safely.

Fire loads within each sole occupancy unit would be comparable to that of a two storey Class 1a dwelling and while the existing floor/ceiling system does not achieve a resistance to the incipient spread of fire of 60 minutes nor an FRL 30/30/30 fire protective covering on the underside of the floor as required by the DTS provisions of the BCA, some fire separation is offered by the existing 10mm thick plasterboard floor/ceiling system.

It is considered that the proposed installation of an AS 1670.1-2004 (interconnected) smoke detection system will provide occupants with very early warning of smoke in the event of fire as compared to a DTS fire rated separation between sole occupancy units together with an AS 3786 smoke alarm system. The AS 1670.1-2004 smoke alarm system is therefore considered to afford occupants of the building an acceptable level of fire and life safety.

Additionally, given that each sole occupancy unit also has the benefit of two exits evacuation time of occupants would not be compromised, in fact enhanced.

It is also recommended that the proposed AS1670.1-2004 system include an alarm acknowledgement facility within each unit that will provide a delay to allow an occupant to clear unwanted spurious detector activation before the activation is processed as a fire alarm.

2.8 Assessment Conclusion

Based on the above assessment, and recommendations it has been demonstrated that the provision of an AS 1670.1-2004 (interconnected) smoke detection system in the subject building is comparable and therefore equivalent to the provision of fire rated separation between sole occupancy units together with an AS 3786 smoke alarm system in a similar (DTS) building. Accordingly, the acceptance criteria are considered to have been met. Subsequently compliance with performance requirements CP1, CP2 and EP2.1 is also maintained.




ROD EDWARDS
Director of BRC

A1 Accredited Certifier
Fire Engineer
Accredited Access Consultant

ITEM 2 (continued)

ATTACHMENT 3



BRC
Building Regulations Consultancy
pty Ltd
www.brconsultancy.com.au

ABN: 27 151 461 344
Tel: 0414 137 411
Email: rodedwards@brconsultancy.com.au

NCC (BCA) Compliance Reports / Fire Safety Audits / Disability Access Reports/ Expert Witness Reports

11 September 2012

Mr Ben Woods
21 Watson Street
PUTNEY NSW 2112

Dear Ben,

**RE: ALTERNATIVE SOLUTION ADDENDUM
1106 Victoria Road WEST RYDE NSW**

I refer to the City of Ryde letter dated 28 August 2012 regarding your Development Application for the conversion of an existing two storey dwelling to two Class 2 residential units at the abovementioned address.

Council in their letter has raised some concerns regarding fire separation between the proposed units.

Despite my alternative solutions report additional fire separation will be provided to satisfy Council's concerns as listed below:-

Fire Separation Between Units

Ground Floor Unit

- The glazed panel between the living area and the stair to the first floor unit will be replaced with fire rated glass blocks achieving an FRL of 60/60/60.
- The underside of the stair to the first floor and the dividing wall between the living area and the stair to the first floor unit will be replaced with lightweight construction achieving an FRL of 60/60/60.
- The storage cupboards below the stair to the first floor unit will be permanently sealed.
- The downlights on the ground floor unit will be fire protected with intumescent cones achieving an FRL of 60/60/60.
- Given the proposed abovementioned works it is further recommended that my initial recommendation to install an interconnected AS 1670.1 smoke detection system be replaced by the installation of an interconnected AS 3786 smoke alarm system.

Sound Transmission Between Units

Council has raised concerns regarding the sound transmission between units.

It is my opinion that Council must assess a Development Application in accordance with the requirements of Section 79C (1) of the Environmental Planning and Assessment Act 1979 and with regard to fire safety, Section 79C(1)(iv).

1

ITEM 2 (continued)

ATTACHMENT 3

"Evaluation

79C Evaluation

(1) Matters for consideration-general In determining a [development application](#), a [consent authority](#) is to take into consideration such of the following matters as are of relevance to the [development](#) the subject of the [development application](#):

(a) the provisions of:

(i) any [environmental planning instrument](#), and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the [consent authority](#) (unless the [Director-General](#) has notified the [consent authority](#) that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any [development control plan](#), and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the [regulations](#) (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the [land](#) to which the [development application](#) relates,

(b) the likely impacts of that [development](#), including [environmental](#) impacts on both the natural and built [environments](#), and social and economic impacts in the locality,

(c) the suitability of the site for the [development](#),

(d) any submissions made in accordance with this Act or the [regulations](#),

(e) the public interest. "

Clause 93 of the Environmental Planning and Assessment Regulations 2000 the applicable clause relating to Section 79C(1)(iv) is as follows:

"ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 - REG 93

Fire safety and other considerations

93 Fire safety and other considerations

(cf [clause](#) 66A of EP&A Regulation 1994)

(1) This [clause](#) applies to a [development application](#) for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

(2) In determining the [development application](#), the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.

(3) Consent to the change of building use sought by a [development application](#) to which this [clause](#) applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

(4) Subclause (3) does not apply to the extent to which an exemption is in force under [clause](#) 187 or 188, subject to the terms of any condition or requirement referred to in [clause](#) 187 (6) or 188 (4).

(5) The matters prescribed by this [clause](#) are prescribed for the purposes of [section 79C](#) (1) (a) (iv) of [the Act](#). "

This regulation states that Council must satisfy itself that the development must comply with Category 1 fire safety provisions.

ITEM 2 (continued)


ATTACHMENT 3

It is my opinion that Sound Transmission is not a fire safety issue and need not be considered at a Development Application stage. This issue while important need only be considered by the Accredited Certifier of Principal Certifying Authority prior to the issue of an Occupation Certificate.

I trust this response will satisfy Council's concern.

Please do not hesitate to contact me should you require further information.

Yours faithfully,

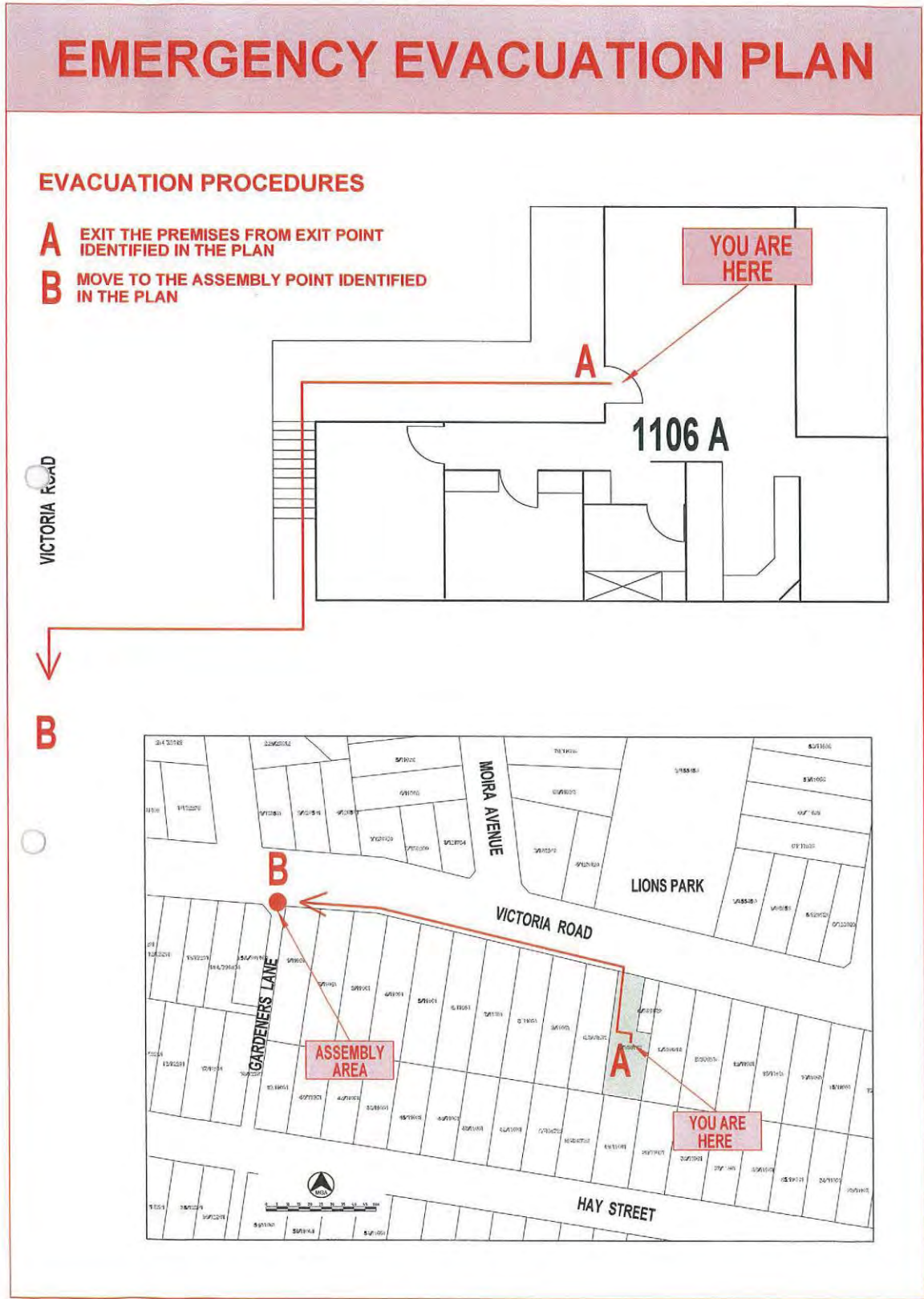


ROD EDWARDS
Director of BRC

A1 Accredited Certifier
Fire Engineer
Accredited Access Consultant

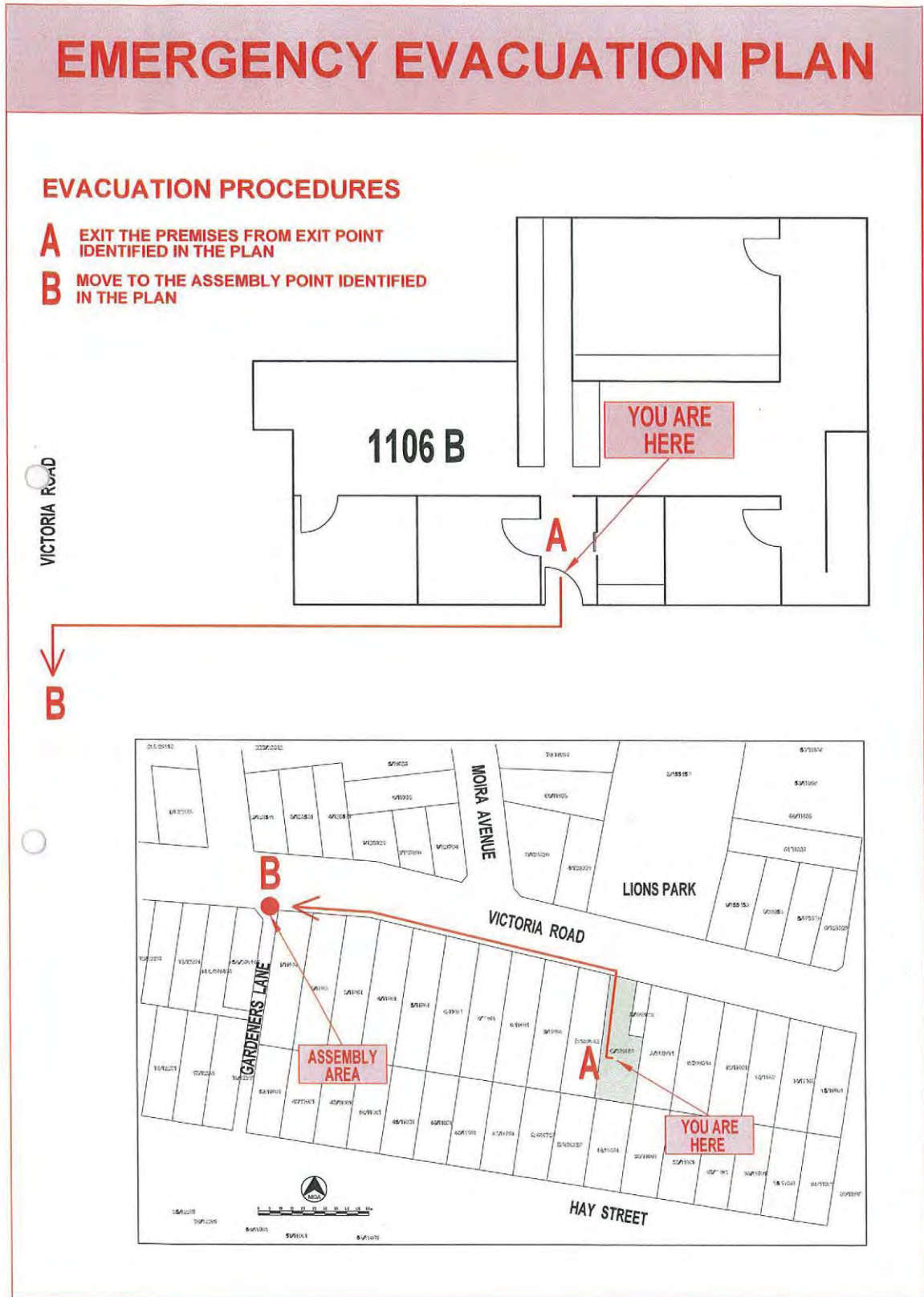
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 4

Schedule 5

Other Floodplains
Planning & Development Controls

Planning Consideration	Low Flood Risk					Medium Flood Risk					High Flood Risk					Overland Flow				
	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Cross-sectional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Cross-sectional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Cross-sectional Development		
Floor Level	3	2,6,7	5,6,7	1,6	4,7			2,6,7	5,6,7	1	4,7			3	3	208, 609, 7	508, 609, 7	108, 609	4,7	
Building Components	2	1	1	1	1			1	1	1	1			2	2	1 or 3	1 or 3	1 or 3	1 or 3	
Structural Soundness	1	2	2	2	2			2	2	2	2			1	1					
Flood Effects	2	2	2	2	2			2	2	2	2			1	1	2	2	2	2	
Car Parking & Driveway Access	1,3,5,6,7	1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8			1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8			2,3,4,6,7	6,7,8	109, 3,6	109, 3,6	109, 3,6	2,3,6, 6,8	
Evacuation	2	2	1 or 2	3	2			2	1 or 2	3	2			3	2	2	2	2		
Management & Design	1,4,5	1	1,2,3,5	1,2,3,5	1,2,3,5			1	1,2,3,5	1,2,3,5	1,2,3,5			1,2,3,5	1,4,5	1,4,5	1	1,2, 306, 5, 306, 5, 306, 5		

General Notes:

- a Freeboard equals an additional height of 500mm. In Overland Flow precincts, the freeboard is 300mm.
- b The relevant environmental planning instruments (generally the Local Environmental Plan) identify development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site.
- c Filling of the site, where acceptable to Council, may change the FRP considered to determine the controls applied in the circumstances of individual applications.
- d Refer to Section 2.3 of the DCP for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and structural soundness planning considerations of the applicable landuse category.
- e Refer to Section 2.2 of the DCP for special considerations such as for house raising proposals and development of properties identified for voluntary acquisition.
- f Terms in italics are defined in the glossary of this plan and Schedule 2 specifies development types included in each land use category. These development types are generally as defined within Environmental Planning Instruments applying to the LGA.

- Floor Level**
- All floor levels to be no lower than the 20 year flood level plus freeboard unless justified by site specific assessment
 - Habitable floor levels to be no lower than the 100 year flood level plus freeboard
 - Habitable floor levels to be no lower than the PMF level. Non-habitable floor levels to be no lower than the PMF level unless justified by a site specific assessment
 - Floor levels to be no lower than the design floor level. Where this is not practical due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as practical, and when undertaking alterations or additions, no lower than the existing floor level.
 - The level of habitable floor areas to be equal to or greater than the 100 year flood level plus freeboard. If this level is not practical for a development in a Business zone, the floor level should be as high as
 - Non-habitable floor levels to be equal to or greater than the 100 year flood level plus freeboard where possible, or otherwise no lower than the 20 year flood level plus freeboard unless justified by site specific assessment.
 - A restriction is to be placed on the title of the land, pursuant to S.88B of the Conveyancing Act, where the lowest habitable floor area is elevated above finished ground level, confirming that the undercroft area is not to be enclosed, where Council considers this may potentially occur.
 - Habitable floor levels to be minimum 500mm above adjacent ground levels
 - Non-habitable floor levels to be minimum 300mm above adjacent ground levels
- Building Components & Method**
- All structures to have flood compatible building components below the 100 year flood level plus freeboard.
 - All structures to have flood compatible building components below the PMF level.
 - All structures to have flood compatible building components: up to 500mm above adjacent ground levels
- Structural Soundness**
- Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus freeboard, or a PMF if required to satisfy evacuation criteria (see below). In the case of alterations or additions to an existing development, the structure to be certified is that which is proposed to be newly constructed or otherwise required to be of a specified standard to satisfy other controls.
 - Applicant to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus freeboard, or a PMF if required to satisfy evacuation criteria (see below). An engineer's report may be required.
 - Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a PMF. An engineer's report may be required.
- Flood Effects**
- Engineer's report required to certify that the development will not increase effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to flood conveyance of flood or overland flow waters; and (iii) the cumulative impact of multiple potential developments in the floodplain.
 - The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood conveyance; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.
- Car Parking and Driveway Access**
- The minimum surface level of open car parking spaces or carports shall be as high as practical, and not below: (i) the 20 year flood level plus freeboard, or (ii) the level of the crest of the road at the location where the site has access, (whichever is the lower). In the case of garages, the minimum surface level shall be as high as practical, but no lower than the 20 year flood level plus freeboard
 - The minimum surface level of open car parking spaces, carports or garages, shall be as high as practical
 - Garages capable of accommodating more than 3 motor vehicles on land zoned for urban purposes, enclosed car parking, must be protected from inundation by floods equal to or greater than the 100 year flood.
 - The driveway providing access between the road and parking space shall be as high as practical and generally rising in the egress direction
 - Where the level of the driveway providing access between the road and parking space is lower than 0.3m below the 100 year flood, the following condition must be satisfied - the depth of inundation on the driveway during a 100 year flood shall not exceed: (i) the depth at the road; or (ii) the depth at the car parking space. (Refer to Schedule 3). A lesser standard may be accepted for single detached dwelling houses where it can be demonstrated that risk to human life would not be compromised.
 - Enclosed car parking and car parking areas accommodating more than 3 vehicles with a floor level below the 20 year flood level plus freeboard or more than 0.8m below the 100 year flood level, shall have adequate warning systems, signage and exits
 - Restraints or vehicle barriers to be provided to prevent floating vehicles leaving a site during a 100 year flood
 - Driveway and parking space levels to be no lower than the design ground/floor levels. Where this is not practical, a lower level may be considered. In these circumstances, the level is to be as high as practical, and when undertaking alterations or additions, no lower than the existing level.
 - The minimum surface level of open car parking spaces or carports shall be as high as practical, and not below: (i) the 20 year flood level plus freeboard, or (ii) the level of the crest of the road at the location where the site has access; or (iii) 300mm above adjacent ground level; (whichever is the lower). In the case of garages, the minimum surface level shall be as high as practical, but no lower than the 20 year flood level plus freeboard or 300mm above adjacent ground level.
- Note:** a. A flood depth of 0.3m is sufficient to cause a small vehicle to float.
b. Enclosed car parking is defined in the glossary and typically refers to carports in basements.
- Evacuation**
- Reliable access for pedestrians or vehicles required during a 100 year flood
 - Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level, or a minimum of 20% of the gross floor area of the dwelling to be above the PMF level. In the case of alterations or additions to an existing development, this may require retro-fitting the existing structure if required to support a refuge above the PMF.
 - The evacuation requirements of the development are to be considered. An engineer's report will be required if in the opinion of Council the evacuation of persons might not be achieved within the effective warning time.
- Management and Design**
- If the application involves subdivision, the applicant is to demonstrate that potential development as a consequence of the subdivision, can be undertaken in accordance with this DC
 - Site Emergency Response Flood Plan required where floor levels are below the design floor level (except for single dwelling houses)
 - Applicant to demonstrate that an area is available to store goods above the 100 year flood level plus freeboard
 - Applicant to demonstrate that an area is available to store goods above the PMF level
 - No storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood
 - Applicant to demonstrate that an area is available to store goods at least 500mm above adjacent ground level

ITEM 2 (continued)

ATTACHMENT 5

No submissions received.



ITEM 2 (continued)

ATTACHMENT 6

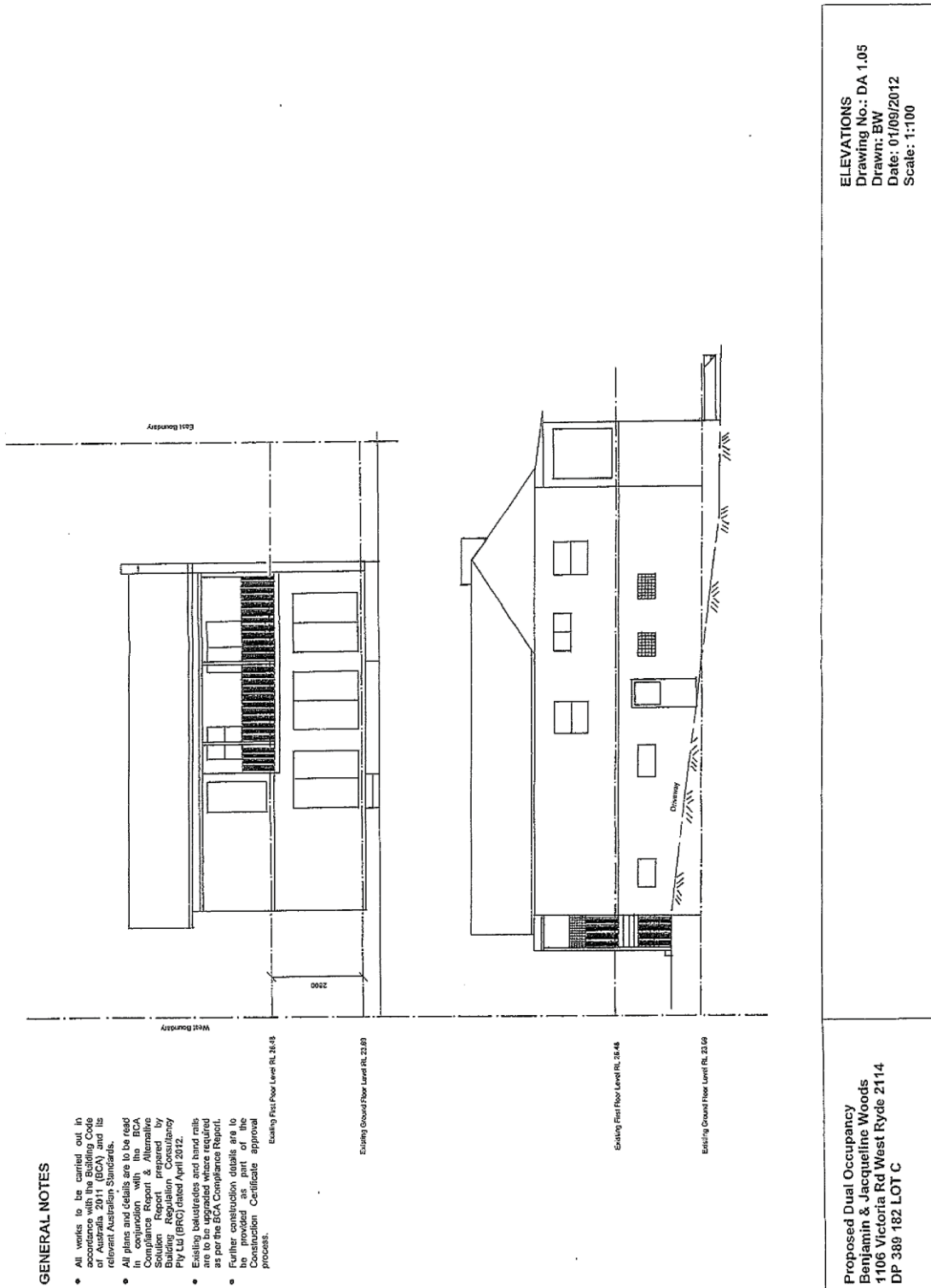


PARKING AREA & OUTDOOR AMENITY PLAN
 Drawing No.: DA 1.06
 Drawn: BW
 Date: 01/09/2012
 Scale: 1:200

Proposed Dual Occupancy
 Benjamin & Jacqueline Woods
 1106 Victoria Rd West Ryde 2114
 DP 389 182 LOT C

ITEM 2 (continued)

ATTACHMENT 6



GENERAL NOTES

- All works to be carried out in accordance with the Building Code of Australia 2011 (BCA) and its relevant Australian Standards.
- All plans and details are to be read in conjunction with the BCA Compliance Report & Alternative Construction Methodology Report/Builder Regulation Consultancy Pty Ltd (BRC) dated April 2012.
- Existing balconies and hand rails are to be upgraded where required as per the BCA Compliance Report.
- Further construction details are to be provided as part of the Construction Certificate approval process.

Existing First Floor Level RL 26.46

Existing Ground Floor Level RL 26.09

Existing First Floor Level RL 26.46

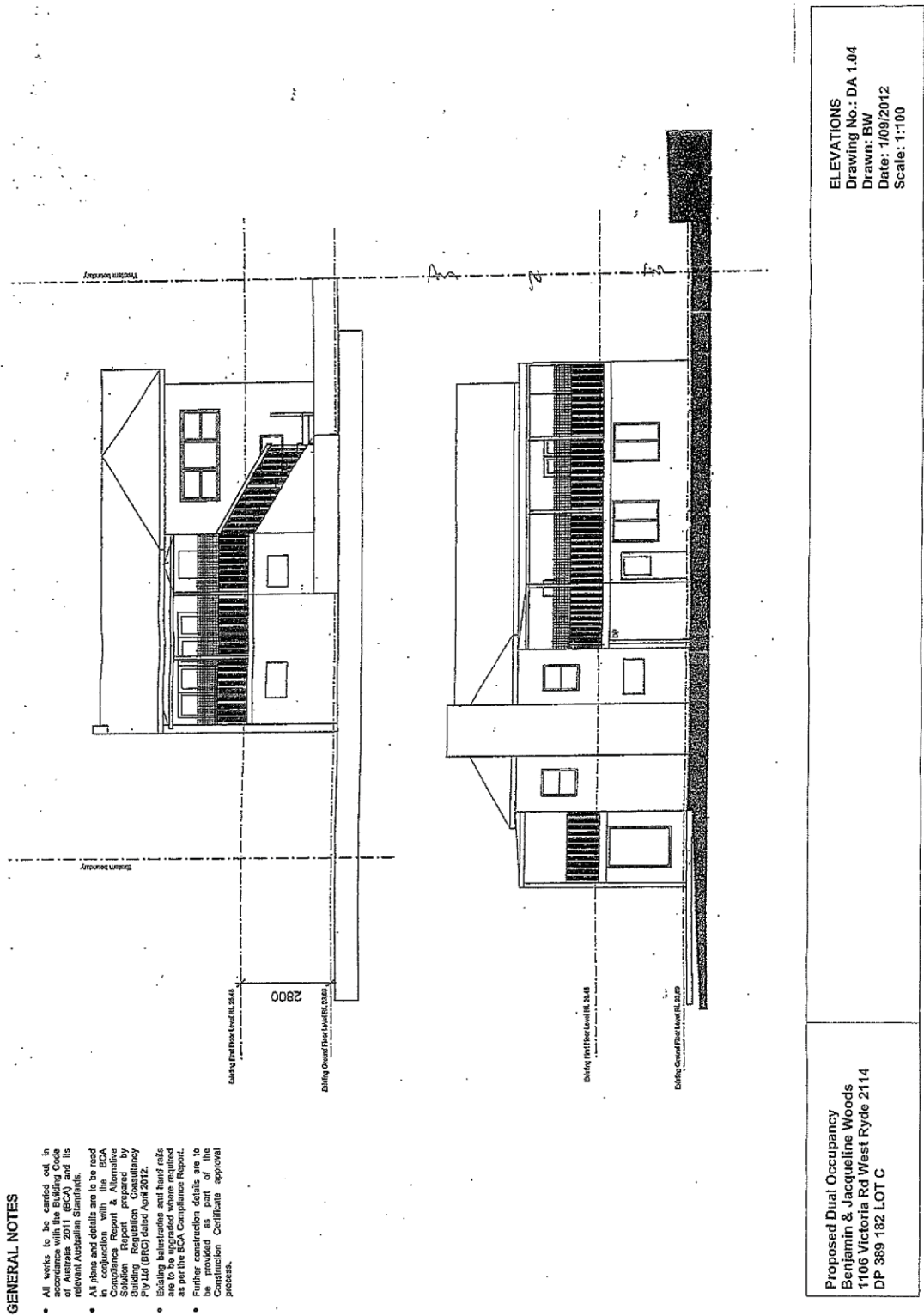
Existing Ground Floor Level RL 26.09

Proposed Dual Occupancy
Benjamin & Jacqueline Woods
1106 Victoria Rd West Ryde 2114
DP 389 182 LOT C

ELEVATIONS
Drawing No.: DA 1.05
Drawn: EW
Date: 01/09/2012
Scale: 1:100

ITEM 2 (continued)

ATTACHMENT 6



- 3 13 SMITH STREET RYDE. LOT 13 DP 5558. Local Development Application for demolition, construction of a part 4/part 5 storey residential flat building with 16 apartments and basement car parking for 18 vehicles, and strata subdivision. LDA2012/0185.**

INSPECTION: 4.30pm

INTERVIEW: 5.05pm

Report prepared by: Senior Town Planner

Report approved by: Team Leader - Major Development Team; Manager Assessment; Group Manager - Environment & Planning

Report dated: 16/01/2013

File Number: grp/12/5/5/3 - BP13/42

1. Report Summary

Applicant: Marscon Pty Ltd.

Owner: R Vikneson.

Date lodged: 12 June 2012.

This report considers a proposal for the demolition of an existing building and construction of a part four and part five storey residential flat building with basement car parking for eighteen vehicles. Sixteen (16) apartments are proposed comprising four x one bedroom, eleven x two bedroom and one x three bedroom apartments. Unit No. 1 includes a room to be used as a home business (home office). Strata subdivision of the proposed development is also proposed.

The Local Development Application (DA) was publicly exhibited for fourteen days ending on 25 July 2012. A total of six (6) submissions were received.

As part of the assessment a number of issues were raised with the applicant. The applicant submitted a revised proposal on 13 September 2012 indicating general compliance with Council's requirements. These plans were not required to be re-advertised.

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

Reason for Referral to Planning and Environment Committee: More than 5 submissions received.

Public Submissions: Six (6) submissions were received.

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

Value of works? \$2.4M

ITEM 3 (continued)

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

RECOMMENDATION:

- (a) That Local Development Application No. LDA2012/0185 at 13 Smith Street Ryde being LOT 13 DP 5558 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**

Report Prepared By:

Sanju Reddy
Senior Town Planner

Report Approved By:

Sandra Bailey
Team Leader - Major Development Team

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)



Address : 13 Smith St Ryde

Site Area : 836m²
Frontage 18.29 metres
Depth 45.7 metres

Topography and Vegetation : The site is generally flat with no significant vegetation.

Existing Buildings : The site has a single storey dwelling

Planning Controls

Zoning : B4 – Mixed use

Other :

- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65).
- Local Environmental Plan 2010.
- Ryde Development Control Plan 2010.
- Draft Ryde Local Environmental Plan 2011
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No. 55 – Remediation of Land.
- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

ITEM 3 (continued)

3. Councillor Representations

Nil.

4. Political Donations or Gifts

None disclosed

5. Proposal

Development Consent is sought for the following:

- Demolition of the existing dwelling house;
- Construction of a part four and part five storey residential flat building with basement car parking for eighteen vehicles;
- 16 apartments are proposed comprising four (4) X one bedroom, eleven (11) X two bedroom & one (1) X three bedroom apartments. Unit No.1 includes a room to be used as a home business (home office).
- Strata subdivision of the approved development.



WATT AVENUE ELEVATION

ITEM 3 (continued)



SMITH STREET ELEVATION

6. Background

- Prior to lodgement of the current application, the applicant had two pre-lodgement meetings with Council officers on 23 March 2012 and 24 May 2012.
- The proposal was also reviewed by Council's Urban Design Review Panel on 23 March 2012.
- The development application was submitted to Council on 14 June 2012.
- The application was notified and advertised for fourteen days ending on 25 July 2012. A total of 6 submissions were received.
- On 23 August 2012 a letter was sent to the applicant outlining various issues with the proposal. Copies of all the submissions were also forwarded to the applicant for further consideration.
- Revised proposal was received on 13 September 2012 with minor changes to the design as requested by Council Officers. Additional information was also received in relation to overshadowing on adjoining properties. Re-notification of the amended proposal was not warranted as the amendments did not alter the proposal significantly in terms of its footprint, height or floor space.

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 in the Ryde City View insert in the Northern District Times dated 11 July 2012 and owners of surrounding properties were given notice of the application and provided with an opportunity to make submissions until 25 July 2012. A total of six (6) submissions were received.

ITEM 3 (continued)

The applicant submitted amended proposal in response to Council's request which were received on 13 September 2012. The nature of amendments (façade changes) and minor modification to comply with Council's controls did not warrant a re-notification of the proposal.

The issues raised in the submissions are discussed below:

- i) *The proposal does not comply with the setback along Watt Avenue and Smith Street.*

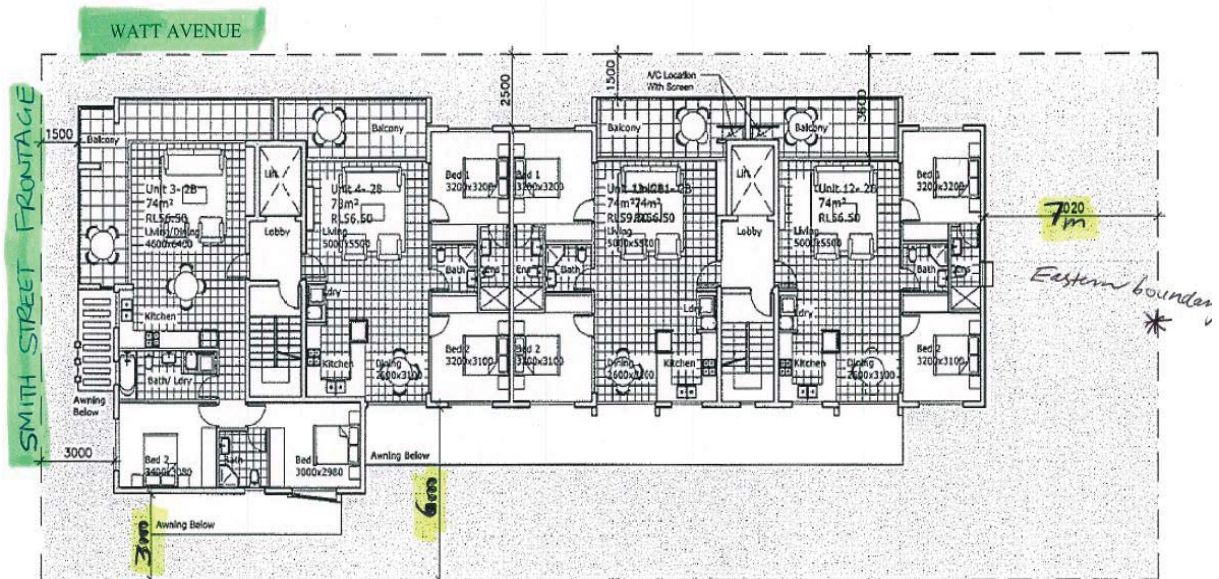
Assessment Officer's Comments:

The DCP specifies a "7m rear setback" along the Watt Avenue frontage. It should be noted that the Watt Street frontage is not the rear of the site. The setback of 7m is applicable to the rear of the site (south eastern boundary) rather than Watt Avenue. The setback treatment along Watt Avenue has been reviewed by Council's Strategic Planner and the Urban Design Review Panel. The following advice was received from the Urban Design Review Panel:

On balance the panel is concerned that the setbacks required in the DCP may not deliver the best outcome for this particular site and therefore recommend some leniency in the application of the controls to this proposal. The panel consider that the south eastern boundary should be viewed as the rear boundary and that the 7m setback required be applied to this location to assist in creating transition and space at the zone boundary between the medium density and lower density areas.

In this instance, a 7m rear setback has been provided on the south eastern boundary. A 3m setback has been provided along Smith Street and a 2.5m to 3m along Watt. The majority of the building wall along the Watt Avenue is setback 3m except for a small section in the middle part of the façade which would be less dominant than the balconies. This variation in setback along the longer frontage provided building articulation and also enables provision of a clear 6m setback on the south eastern side for building separation from the adjoining residential site. A 3m – 6m setback is also provided along its south western side boundary to achieve visual separation requirement.

ITEM 3 (continued)



PLAN SHOWING BUILDING & BALCONY SETBACKS FROM THE BOUNDARIES

The building has been designed to address both frontages to improve the design on this corner lot. The final design and setbacks are considered satisfactory for the site and will deliver a better outcome for the site and the street block.

- ii) *Increase traffic impact and the proposal will result in parking congestion on nearby streets.*

Assessment Officer's Comments:

The proposal provides eighteen car parking spaces within the site. A single vehicular entry is proposed to the eastern most part of the Watt Avenue frontage to minimise impact on the street intersection and Smith Street. The development complies with the density envisaged for the site and the streets are able to absorb additional traffic generated from the development.

The proposal has been reviewed by Council's Traffic Engineer in light of the submission. The following advice was received from Council's Traffic Engineer:

The proposed development is to have 18 car parking spaces, comprising 13 spaces for the units directly, 2 spaces for disabled parking and 3 visitor parking spaces, which satisfies the parking requirements of DCP2010 Part 9.3. Our assessment affirms a peak hour trip generation of approximately 7.8 which is not considered significant. No issues are raised subject to recommended condition (see conditions 12, 46 & 48).

ITEM 3 (continued)

It is further noted that on site turning area is also proposed allowing vehicles to enter and leave in a forward direction. The application complies with Council's requirements.

- iii) Neither the LEP nor the DCP have provision for lot amalgamation. The existing lots are only suitable for single dwelling houses.*

Assessment Officer's Comments:

The planning controls do encourage amalgamation. This could not lawfully be enforced on the developers in respect of this site as the proposal under consideration demonstrates that a residential flat building can be accommodated on the site.

- iv) Compromised pedestrian safety.*

Assessment Officer's Comments:

The pedestrian safety has been addressed by providing clear sightlines along the street footpath. The fence along Smith Street has been lowered to a maximum of 900mm. The open style fence will encourage street surveillance. A new footpath will be provided as part of the development. A splay will be provided at the entrance to the basement ramp. These arrangements are considered adequate to address pedestrian safety.

- v) Five storey building is not part of the streetscape character.*

Assessment Officer's Comments:

Council's Local Environmental Plan 2010 and the DCP2010 provides for up to 15.5m high building on the site. The proposal has been designed in accordance with the height provisions of the DCP and accords with the desired future character of Ryde Town Centre.

- vi) Inadequate transition provided between the adjacent low density developments.*

Assessment Officer's Comments:

The site is adjacent to Precinct 6 which forms the gateway to the high rise shopping centre. The maximum height limit applicable to the site allows for the transition between the shopping centre and the low density single dwellings. The proposal complies with the maximum height restriction applicable to the site. The proposed will blend in with the existing RFBs and the development recently constructed at 14 Smith Street.

ITEM 3 (continued)

In addition, the proposal has been designed to concentrate the bulk of the building towards the north-western portion of the site to maximise separation to the lower density land to the east of the site and to provide the gateway feel to the precinct.

vii) Overshadowing impact.

Assessment Officer's Comments:

The applicant was requested to submit additional information in relation to overshadowing impact on the adjoining properties on 21 June.

The applicant submitted additional shadow diagrams representing shadowing impact at one hour intervals. The closest affected properties are No.11 Smith Street (located to the south west) and No.1 Watt Avenue (located to the east). No. 11 Smith Street is being used as a surgery. A driveway and garage is located along northern side boundary of 11 Smith Street representing a non-habitable area as shown in the aerial photo below:

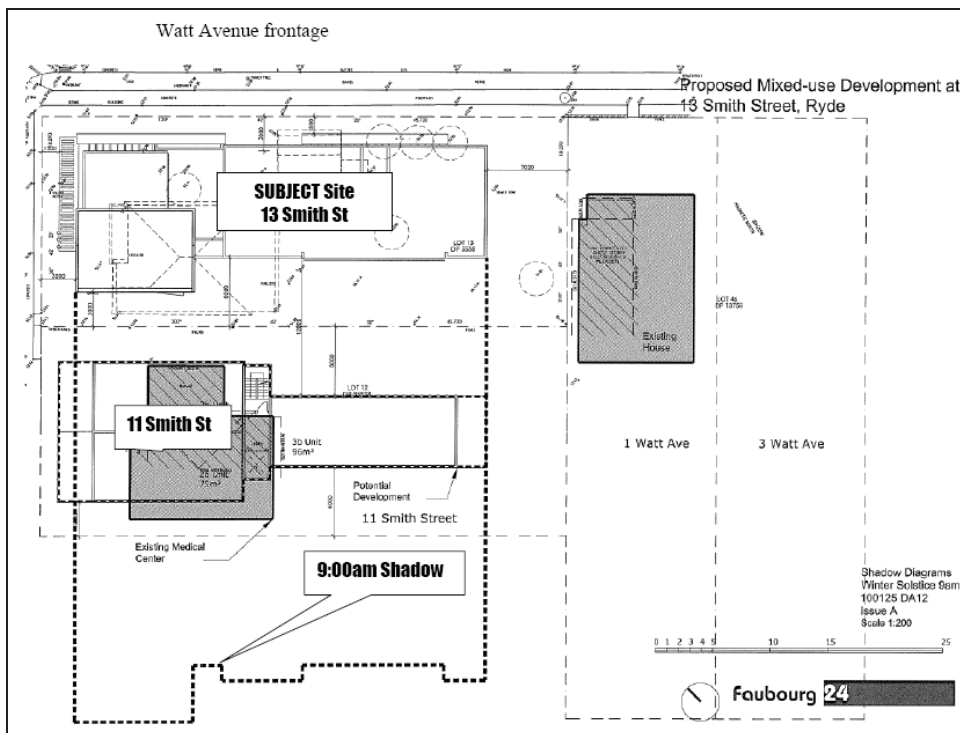


A detailed shadow analysis indicates that the adjoining properties will have some minor impact given the orientation and the type of development that is permitted on the site; however, the impact will not be unreasonable.

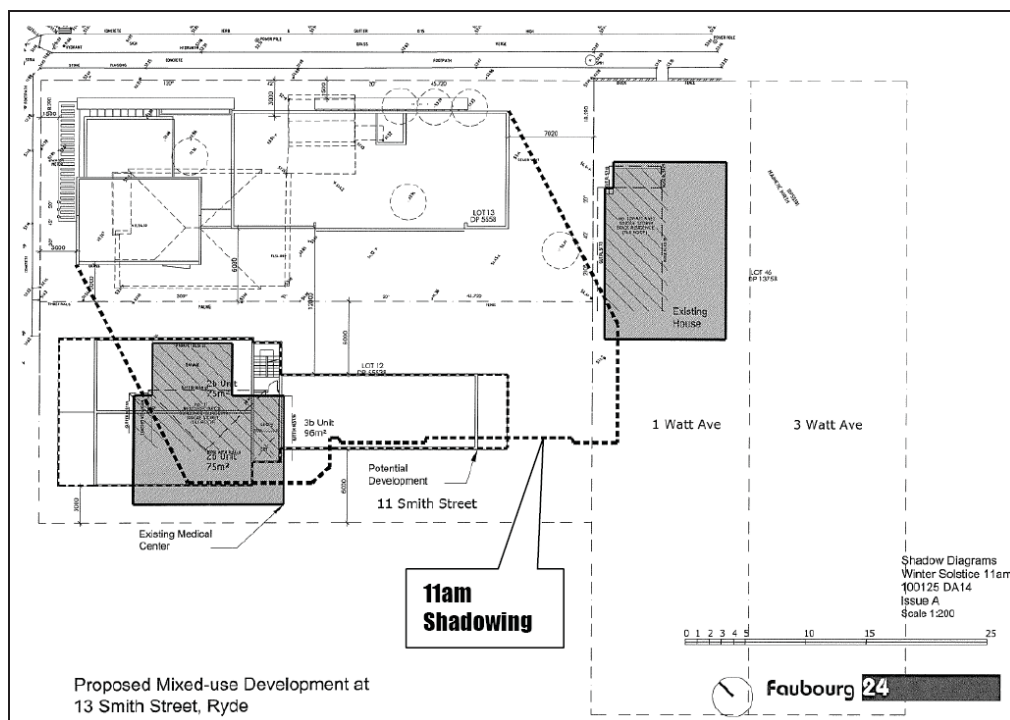
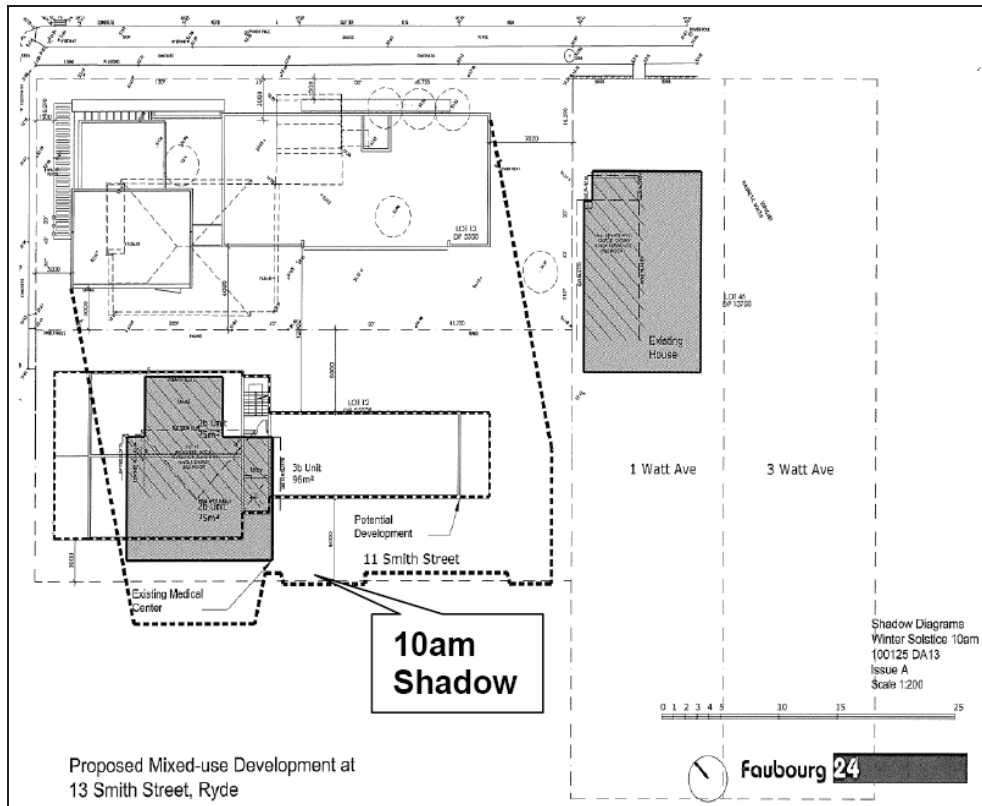
ITEM 3 (continued)

No. 11 Smith Street will be affected during the morning but will receive direct sunlight access from 12noon to 3pm and beyond. This equates to more than 2 hours of sunlight to at least 50% of the private yard on 11 Smith Street. No. 1 Watt Avenue will be affected during the afternoon but will receive direct sunlight from 9:00am to 11:00am to at least 50% of the private court yard. Additional sunlight will also be achieved within the front and rear yard up to 1:30pm. This is consistent with the level of solar amenity required for dwelling houses on 21 June.

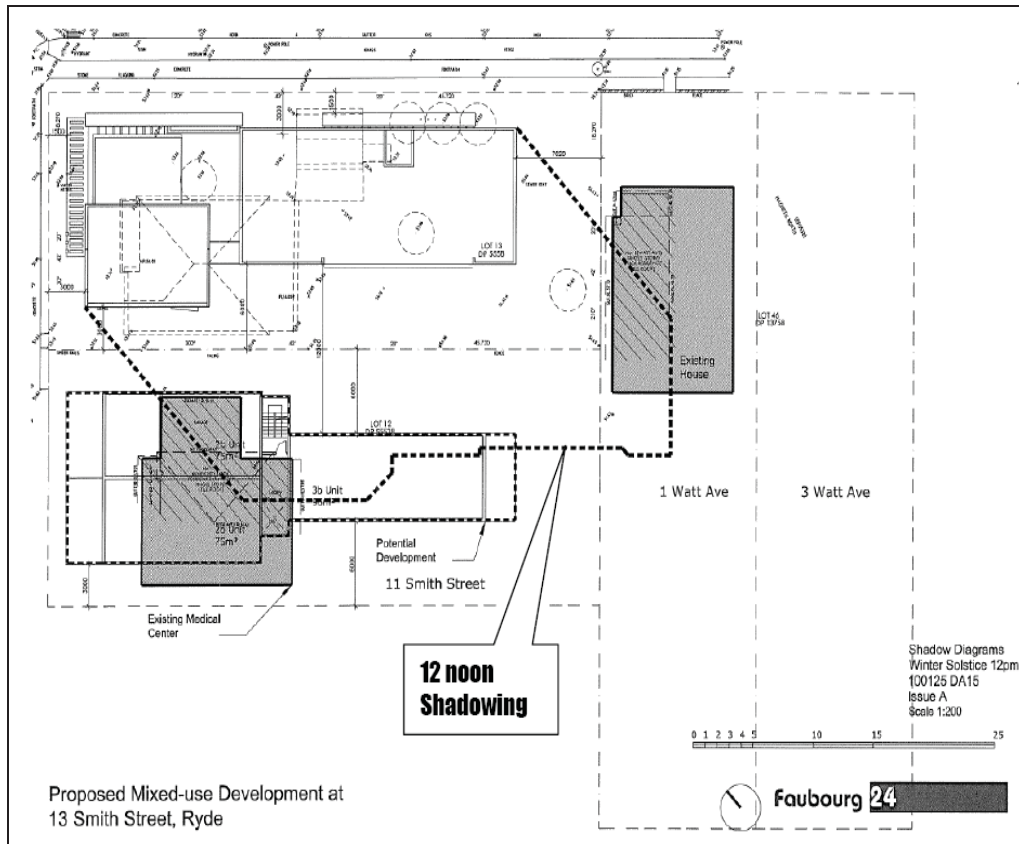
Impact on No. 3 Watt Avenue will be negligible. Shadow diagrams have been included below to demonstrate the nature of impact.



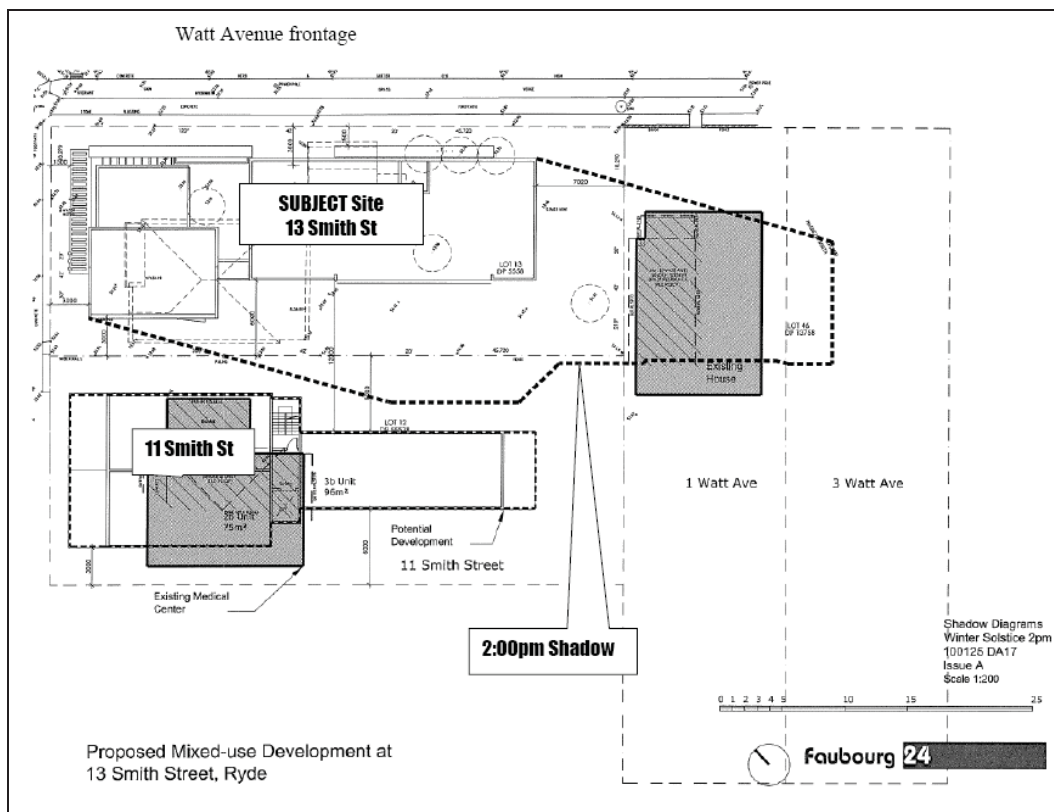
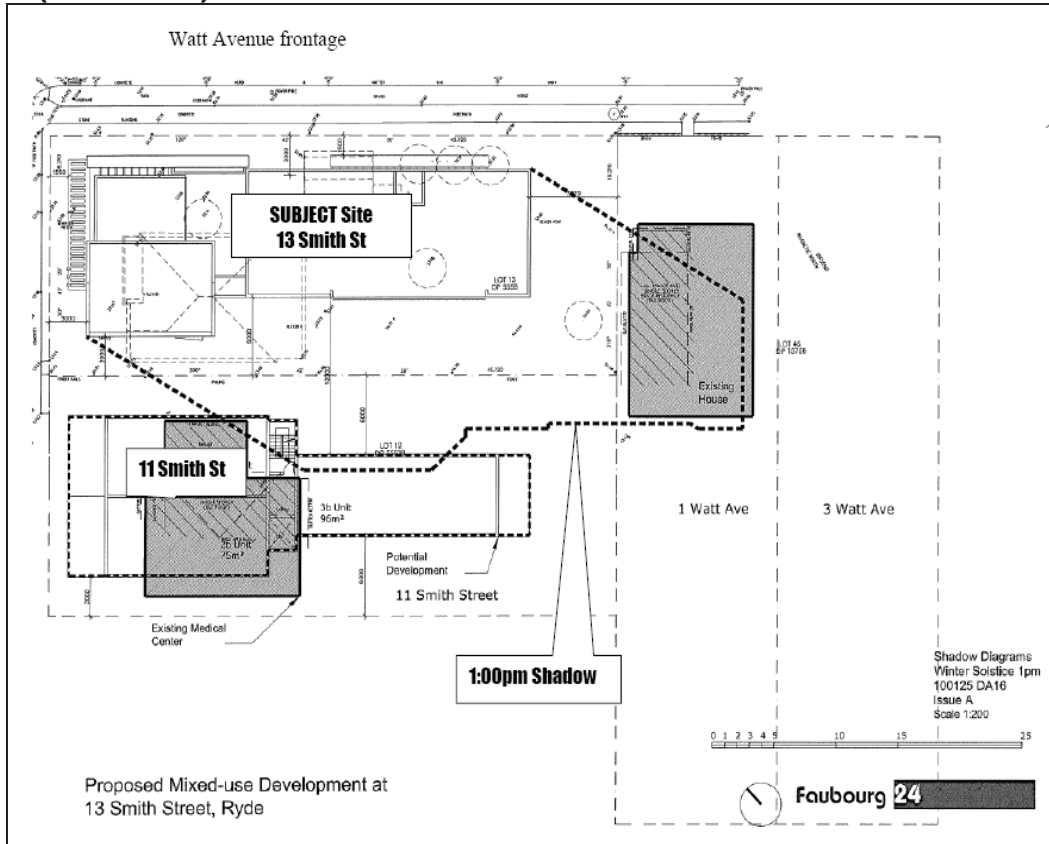
ITEM 3 (continued)



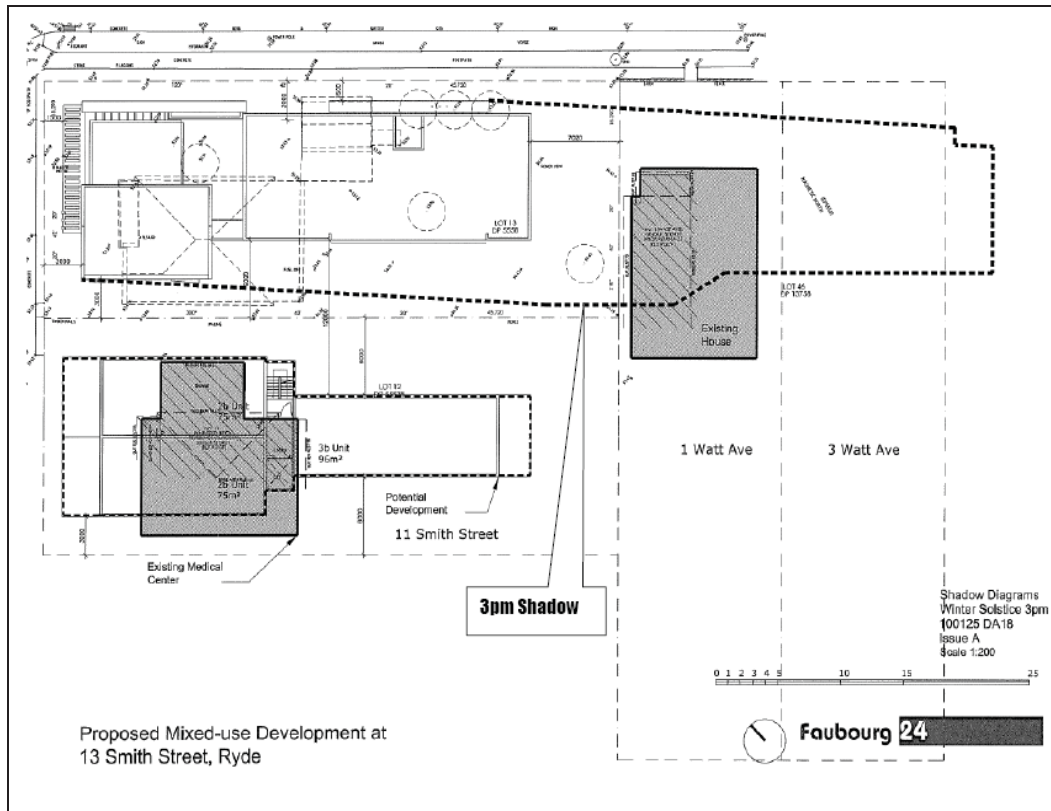
ITEM 3 (continued)



ITEM 3 (continued)



ITEM 3 (continued)



viii) *The proposal will overlook into No. 7 Watt Avenue.*

Assessment Officer's Comments:

No. 7 Watt Avenue is located on the eastern side of the subject site and is separated by three other residential sites located between it and the development site. The proposal indicates that there will be only a small ensuite window on first floor, second floor and third floor level on the eastern façade of the proposed building. This window will have frosted glazing (refer to condition 98). No significant overlooking is possible from living areas.

The windows on the southern side which is closer than 6m from the boundary will be provided with adequate privacy screens.

Due to the separation distances and the design of the building there will be no loss of amenity to No. 7 Watt Avenue.

ITEM 3 (continued)

- ix) *Parking proposed in the basement is inadequate. No visitor parking is proposed.*

Assessment Officer's Comments:

A minimum of eighteen parking spaces are required for the residents and visitors. A total of eighteen parking spaces have been provided in the basement which includes four spaces for visitors. The proposal complies with the parking requirement.

- x) *The proposed double driveway from Watt Avenue will cause traffic congestion and queuing.*

Assessment Officer's Comments:

The development proposes a single driveway entrance to the basement garage at a location which is the furthest point from the intersection of Watt Avenue/ Smith Street. The driveway is wide enough to allow vehicles to pass avoiding the need for queuing and reversing on the street. Council's Traffic Engineer has reviewed the proposal and have raised no issues with the location and width of the driveway.

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

No

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

SECTION 79C HEADS OF CONSIDERATION

(a) The provisions of

(i) Any environmental planning instrument:

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

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

ITEM 3 (continued)

The existing structures are to be demolished and site excavated for basement car parking.

The land is currently used as a residential site and has a long history of being used as a dwelling house. An investigation of Council records indicate that the site has not been previously used for an activity that would have resulted in contamination of land. The site was not zoned for industrial, agricultural or defence facility or for any of the Table 1 activity identified under the *Managing Land Contamination – Planning Guidelines*.

The proposal has been reviewed by Council's Environmental Health Officer, and no objection has been raised subject to standard environmental health conditions.

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 Assessor Certificates and BASIX Certificate:

- BASIX No. 431765M dated 4 June 2012.

The Certificate indicates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency.

A condition has been recommended in accordance with the *Environmental Planning & Assessment Regulation, 2000* requiring compliance with the *Schedule of BASIX Commitments* made in the Certificates (See Condition No. 1 & 71).

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

ITEM 3 (continued)***State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65.)***

SEPP 65 came into force on 26 July 2002 and applies to the proposed development.

The Policy aims to improve the design quality of residential flat development in New South Wales. This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposal has been assessed against the following matters for consideration:

- a) the advice of Council's Design Review Panel,
- b) the 10 design quality principles outlined in SEPP 65, and
- c) the Residential Flat Design Code published by Department of Planning and the NSW Government Architect (September 2002).

Design Review Panel Comments:

Prior to lodgment of the Application, the development application was considered by the Council's Design Review Panel on 23 March 2012. *On balance the Panel was concerned that the setbacks required in the DCP may not deliver the best outcome for this particular site and therefore recommended some leniency in the application of the controls to this proposal (especially the 7m setback along its secondary frontage).*

The Panel generally made the following comments:

- *The panel consider that the south eastern boundary should be viewed as the rear boundary and that the 7m setback requirement be applied to this location to assist in creating transition and space at the zone boundary between the medium density and lower density areas.*

Assessment Officer's Comments:

The 7m setback has been provided along the rear (south eastern) boundary.

- *The panel also consider that the proposal would be acceptable if it sought a nil setback to Smith Street and a nil setback to the south western boundary. This will allow a strong and continuous street wall to Smith Street which given its location and mixed use character will deliver a better outcome.*

ITEM 3 (continued)Assessment Officer's Comments:

The front setback provides the relationship of the building to the street. The setback defined in this locality will reflect and reinforce the character of the precinct and establish points-of-difference with the adjoining town centre. The nil setback to Smith Street would significantly alter the streetscape and the intent of the Council's DCP. This will also contradict the setbacks of other recently approved development along Smith Street. For the above reason, the comment from the Urban Design Review Panel is not supported by Council staff in relation to this matter. A minimum 3m setback is being provided along the Smith Street frontage. Balconies have been allowed to encroach within the setback area by 1.5m to enable improved articulation. The balcony encroachment is consistent with other similar residential flat buildings approved in Smith Street.

- *The Soho uses proposed to Watt Street should be relocated to the Smith Street frontage and should be true Soho commercial space not an apartment called a Soho.*

Assessment Officer's Comments:

The home business office has been relocated to the Smith Street frontage and is restricted to a room in a single apartment (Unit No. 1). The allocated area has been appropriately labelled on the layout plan.

- *The space (home office) commercial space with a small kitchenette and bathroom and can either be a separate space or connected via stairs to an upper unit but it should not include bedrooms or be a normal unit layout in its configuration.*

Assessment Officer's Comments:

It was noted that the commercial or retail floor space would require parking and loading bay on the site (with sufficient head clearance). The loading area could not be provided in the basement or at the rear of the site. The site is located in a transition precinct which adjoins the Ryde Shopping Centre. The zone objective is to provide mixed used development. However, the site is narrow and without any service lane to service more intensive commercial /retail uses. The size and location of the site makes it unsuitable for retail use.

ITEM 3 (continued)

A home office type of arrangement has been proposed. This type of use is more appropriately described as ‘home business’ under the LEP2010. This will give the development the opportunity to incorporate a different use while still ensuring that the use is compatible with the residential use of the building.

In light of the above, it is considered that the proposed arrangement with respect to the nature and size of home office is considered satisfactory.

- *To Watt Ave the proposal could provide ground floor units with direct connection to the street. Units facing Watt Street should have a 3m setback to the street with individual ground floor terraces and entries. Units facing Smith Street could have a reduced setback between to Watt Street marking the corner and giving greater hierarchy to the Smith Street frontage.*

Assessment Officer’s Comments:

Reasonable setbacks have been provided in the amended plans. The setbacks are discussed in detail later in the report.

- *Garbage storage should be located in the basement.*

Assessment Officer’s Comments:

Garbage storage has been relocated to the basement.

- *Overall the layout of the units is supported by the panel as is the principle of 2 units per core. This is delivering dual aspect units with excellent opportunities for solar access, outlook and cross ventilation.*

Assessment Officer’s Comments:

Noted.

- *The panel considers that the setback of the development to the long south western boundary could be reduced to 6m to compensate for the reduction in available envelope to the south east.*

Assessment Officer’s Comments:

A 6m setback has been provided along the southern side boundary. Where the Panel encouraged a zero setback, a 3m setback has been provided with adequate privacy screens.

ITEM 3 (continued)

- *The panel notes that as yet the layouts are not indicating adequate storage for the units (RFDC requirement) and lacks light and ventilation to the cores.*

Assessment Officer's Comments:

Adequate storage areas have been provided in the basement level as per the revised proposal.

- *The elevation as presented lacks refinement and is not particularly appealing.*

Assessment Officer's Comments:

The amended design has been reviewed by Council's Urban Design Planner, who raised no further objections in relation to this issue.

Design Quality Principles under SEPP 65.

The proposal has been assessed against the 10 design quality principles identified under SEPP 65. Comments in relation each principle is provided below:

Design Quality Principle 1: Context

Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a locations 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.

Assessment Officer's Comment:

The surrounding area consists of home occupations, professional consulting businesses, commercial uses, dwellings and residential flat buildings of up to 4 storeys in height. The site is within close proximity of the Ryde Shopping Centre, employment areas, bus stops and other commercial and civic facilities. The site is zoned for higher density residential development. The redevelopment will provide additional housing needed in the area to make the city centre more vibrant. The proposed development will contribute positively to the development of the Precinct within the regional context.

ITEM 3 (continued)*Design Quality Principle 2: Scale*

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. 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 character of the area.

Assessment Officer's Comment:

The proposed design is considered suitable for the site. The proposal complies with the desired future character of the locality and the density and height provisions applicable to the site.

Design Quality Principle 3: Built Form

Good design achieves an appropriate form for a site and the building's purpose, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Assessment Officer's Comment:

The design is acceptable in terms of its built form and function. The level of articulation provides satisfactory visual relief. The building form is contemporary and respects the types of building currently in the locality. Solar amenity is maximised due to the east-west orientation of the lot. The design reflects the geometry of the site and Council's planning controls and addresses the street through appropriate design elements. The building is setback generally in accordance with the advice provided by Council's Urban Design Review Panel. Paving and landscaping is also proposed along the street frontage to enhance the built form. The building height complies with the maximum permitted under the planning controls. The development will result in a high quality built form.

Design Quality Principle 4: Density

Good design has a density appropriate for a site and its context; in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area, or in precincts undergoing a transition, and are consistent with the stated desired future character. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

ITEM 3 (continued)**Assessment Officer's Comment:**

The planning control applicable to the site does not specify a floor space ratio for the site. The density is therefore controlled through a restriction on height and the imposition of street setbacks. The proposal generally complies with the street setback requirement to Smith Street and the maximum height limit provided under the LEP2010. A minor variation is proposed to the DCP requirement for the setback on Watt Avenue; however this is discussed in detail later in the report. The density is appropriate for the site and is consistent with the desired future character of the locality.

Design Quality Principle 5: Resource, Energy & Water Efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. The proposed architectural details and external finishes are consistent and comparable with that of the already approved development.

Assessment Officer's Comment:

The development is able to achieve cross ventilation through out the development. All units will achieve natural light during winter months. All fixtures will be in accordance with BASIX to achieve energy efficiency. The proposal is considered reasonable in this regard.

Design Quality Principle 6: Landscape

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.

Assessment Officer's Comment:

The development is considered to be appropriate in terms of on site amenity for the future occupants. In addition, the building separation is adequate in that sufficient distance is provided to permit visual and acoustic privacy. Where minor variation occurs, appropriate privacy screens have been incorporated. The site will be landscaped to provide an acceptable aesthetic quality for both the residents and the public.

Design Quality Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

ITEM 3 (continued)**Assessment Officer's Comment:**

The development will provide a satisfactory level of amenity for the future occupants. The development ensures a reasonable level of sunlight access within each apartment. The design also ensures internal privacy. The following are also noted which are consistent with the above principle:

- Reasonable size rooms are proposed for all units.
- Majority of the living rooms face the north to maximise solar amenity.
- Openings provided for cross ventilation.
- Acoustic privacy considered and incorporated in design.
- Courtyards provided for the ground floor units where possible.
- On site parking and storage areas
- Comprehensive landscaping and public domain improvement proposed.
- Provision of a centralised lift & accessibility.

Design Quality Principle 8: Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate for the location and desired activities, and clear definition between public and private spaces.

Assessment Officer's Comment:

The design ensures that the internal space, access to the basement, storage areas and parking is secure and safe. The proposal also maximises casual surveillance by locating the balconies and lobbies facing the street. Public and private space is clearly defined by design elements. Lights in the common areas within the development will be automatically controlled. Various conditions have been recommended to further improve and ensure safety and security (Condition 8, 13 & 41).

Design Quality Principle 9: Social Dimensions

Good design responds to the social context and needs of the community in terms of lifestyles, affordability, and access to social facilities. 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.

ITEM 3 (continued)
Assessment Officer's Comment:

A mix of housing types has been provided. This mix should attract single, couples & family occupants alike into an area which is highly accessible to the public transport and the regional shopping centre. The NSW Centre for Affordable Housing suggests that 1 and 2 bedroom apartments contribute towards achieving housing affordability. The development is consistent with this principle.

Design Quality Principle 10: Aesthetics

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.

Assessment Officer's Comment:

The development proposes use of architectural elements, textures and colours to produce a built form that would be aesthetically pleasing and produce a high quality residential accommodation. The landscaping elements will further enhance the character of the precinct.

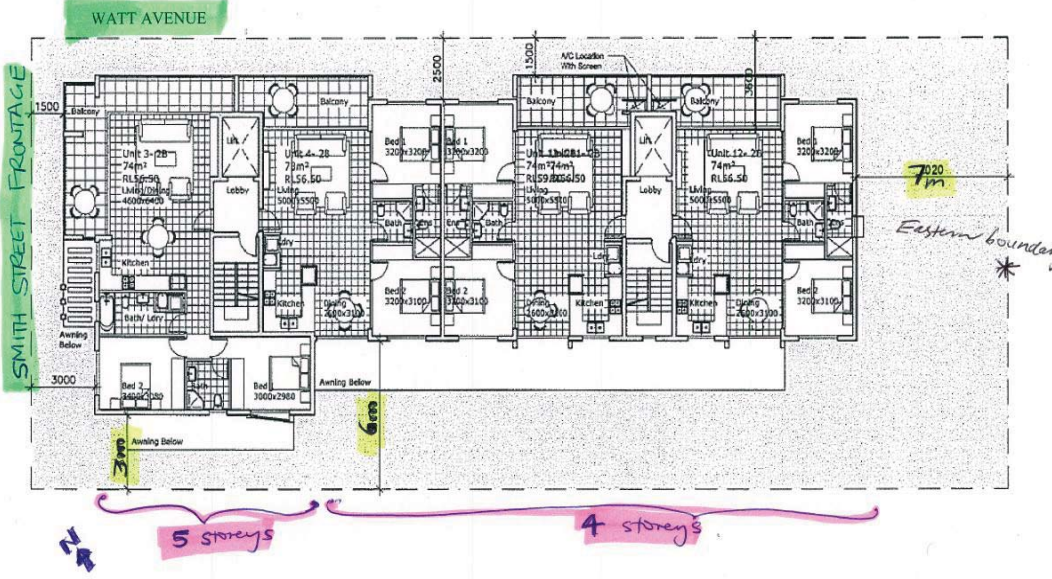
Residential Flat Design Code (RFDC)

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code. The development generally complies with the rule of thumb specified under this document with the exception of the building depth and solar access. Notwithstanding, the application demonstrates that an acceptable level of amenity will still be achieved and depicts an improvement in the amenity for the overall number of individual apartments compared to the other buildings previously approved on the site

As demonstrated below, the development comply with the general intent of these controls and are considered satisfactory

Primary Guidelines	Comments	Comply
Part 01 – Local Context		
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	FSR does not apply to this site. The development complies with the maximum height restrictions for the site.	N/A

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
<p>Building Depth In general, an apartment building depth of 10-18 metres is appropriate.</p>	<p>Building depth is around 9m-12.5m</p>	<p>Yes</p>
<p>Building Separation</p> <p>Building separation for buildings up to four storeys/ 12m height: -12m between habitable rooms/ balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms.</p> <p>Building separation for buildings up to Five to eight storeys: -18m between habitable rooms/ balconies -13m between habitable / balconies and non-habitable rooms -9m between non-habitable rooms.</p> <p>Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p>	 <p>The building's setback from the side and rear boundaries have been indicated in the above diagram.</p> <p><u>Part four storey</u> Part of the building is four storeys requiring a separation distance of 12m between buildings where it faces eastern and part of southern boundary. On the eastern elevation no balconies and no windows (other than a frosted ensuite window) is proposed. A 7.02m setback from the boundary is proposed which is considered satisfactory. On part of the southern elevation where the building is four storeys in height, a clear 6m setback is proposed. This will result in a combined separation distance of 12m should the adjoining lot be developed in</p>	<p>Yes</p>

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
	<p>the future. The proposal complies with the separation distance required for a four storey part of the building.</p> <p><u>Part five storey:</u> Unit number 7 has a loft level above the four storey development making that part of the development five storeys. The fifth storey occurs adjacent to Smith Street only (faces Smith Street and also part of southern boundary). Where development is five storeys in height, 18m setback would be required between buildings. In which case the development should be setback 9m from the property boundary. However, the Urban Design Review Panel has recommended that the side setback area on this part of the development be reduced to nil setback to enable a better built form outcome for future developments in the street block.</p> <p>Despite the above, this part of the building is set back 3m from the side boundary and proposes privacy screens where necessary. No balconies are proposed along the southern side boundary and the adjoining lot contains a surgery. A garage/driveway is also located adjacent to the common boundary. The main area of the surgery is set back 8m from the boundary and 11m from the proposed building. Combining the above setback with the setback distance of the surgery on the adjoining lot, will ensure adequate building separation/privacy.</p>	<p>No (support variation)</p>

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
Street Setbacks Identify the desired streetscape character. Comply with setback control drawing.	Council's DCP require: 3m along Smith Street – provided. Balconies are allowed to encroach as it provides articulation.	Yes
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls	Three metre setback provided to the secondary street. This relates to other building setbacks on corner lots in the locality and is supported by the Urban Design Review Panel. 7m rear setback required and provided.	Yes
Part 02 – Site Design		
Deep Soil Zones (DSZ) A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the RFB.	Landscaped Area: 237.4m ² DSZ: 93.72 93.72/237.4 = 39% The site is narrow and a corner block and as a result the basement extends right to the front and side boundaries of the site. However, DSZ is proposed in the south eastern corner of the lot and equates to 93.7m ² which is 39% of the site area.	Yes
Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	The fence along Watt Avenue will be a maximum of 1.2m in height. The solid fence along Smith Street will be a maximum of 900mm. Design ensures adequate safety and security	Yes
Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	Public domain improvement works including tree planting which will contribute to the streetscape is proposed.	Yes

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
<p>Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.</p>	<p>Landscaped Area: 237.4m²</p> <p>Large areas of private open space are provided for all ground floor tenancies. The combined individual open space on the ground level equates to 184m² or 22% of the site.</p> <p>For units above ground level, large balconies are proposed. The variation to communal open space can be supported in this instance as the development provides acceptable amenity for the individual units.</p>	<p>No (support variation)</p>
<p>Orientation Optimise solar access to living areas and associated private open spaces by orientating them to the north.</p>	<p>Where possible the development has incorporated the living areas to the north</p>	<p>Yes</p>
<p>Planting on Structures In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. Suitable plant species should be incorporated.</p>	<p>Comprehensive landscaping and public domain improvements are proposed.</p>	<p>Yes</p>
<p>Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p>	<p>Satisfactory subject to conditions</p>	<p>Yes</p>
<p>Safety Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.</p>	<p>Residential entries from both street frontages are highly defined. These entries are visible, functional and will provide acceptable safety.</p>	<p>Yes</p>
<p>Visual Privacy The building separation requirements should be adopted.</p>	<p>The development complies with the building separation requirements (subject to attenuation measures). Accordingly, visual privacy is considered acceptable.</p>	<p>Yes</p>

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.	The design ensures that entries from both frontages are clear and visible. Disabled access is provided. The development will ensure clear lines of transition from the public space to the private shared space.	Yes
Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	The development provides adequate on site car parking.	Yes
Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, and adaptable apartments in the building.	The building entries are clearly identified as well as providing a safe access point. The development will be accessible.	Yes
Vehicle Access To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.	Conflict will be minimised with a separate pedestrian path from the car park entry.	Yes
Part 03 – Building Design		
Apartment Layout Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following; 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 95m ²	All apartments have 8m – 11m building depth. 1 bed = 51m ² 2 bed = 73m ² 3 bed = 142m ²	Yes Yes
Apartment Mix The development should provide a variety of types.	Mix of 2 bed, 3bed & 4 bedroom units are proposed.	Yes

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	Balconies have been provided which achieves the 2m width.	Yes
Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL).	The proposed floor to ceiling height for the residential apartments is 2.7m with 2.4m for loft level which is considered satisfactory.	Yes
Ground Floor Apartments Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	Unit No. 2 and Unit 9 and nominated as adaptable units. Unit No. 2 is located at ground level and can also be accessed via street level entry.	Yes
Mixed Use The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems.	Home Office type arrangement proposed in light of the location of the site. The development also includes a mix of apartment types.	Yes
Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.	The development will be required to comply with the acoustic provisions of the BCA & Australian Standards.	Yes
Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable. Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.	All units can achieve at least 3 hours of sunlight. The proposal complies with the solar access provisions under Council's DCP All units are dual aspect.	Yes Yes

ITEM 3 (continued)

Primary Guidelines	Comments	Comply
Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	The design ensures sufficient cross natural ventilation.	Yes
Awning Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.	Not required.	N/A
Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.	The development has incorporated a flat roof. The planning controls do not specify a particular form of the roof. Many RFB in Ryde have a flat roof.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	The development can comply with this requirement.	Yes
Waste Management A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the development application and is considered satisfactory by Council's Environmental Health Officer.	Yes

Ryde Local Environmental Plan 2010:
Clause 2.1: Zoning and Zone Objectives

The subject site is zoned B4 – Mixed Use under the provisions of the LEP2010. The proposed residential apartments with a home business are permitted form of development subject to Council's consent.

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

- *To provide a mixture of compatible land uses.*
- *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.*
- *To create vibrant, active and safe communities and economically sound employment centres.*

ITEM 3 (continued)

- *To create safe and attractive environments for pedestrians.*
- *To recognise topography, landscape setting and unique location in design and land-use.*

The locality is generally comprised of low and medium density residential development with various home occupations, professional consulting rooms and office uses located in the area. The site is located on the north eastern side of the shopping centre and provides a transition precinct. The proposed development for the RFB with small scale home office is considered appropriate and consistent with the objectives of the zone.

Clause 4.3: Height of Buildings

(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.

The maximum permitted height on the site is 15.5m.

The proposed development complies with the maximum height restriction for this site.

Clause 4.4(2) – Floor Space ratio

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The site has no FSR restriction on this site.

(c) Relevant Regional Environmental Planning Policy (Deemed State Environmental Planning Policies)

N/A

(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 has been placed on public exhibition between 30 May 2012 and 13 July 2012. 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.

ITEM 3 (continued)
(e) Development Control Plan 2010.

The development is subject to the following provisions of the DCP:

- Part 4.4 – Ryde Town Centre
- Part 7.2 – Waste Minimisation and Management
- Part 8.2 – Stormwater Management
- Part 9.2 – Access for People with Disabilities
- Part 9.4 – Fencing

The following table provides an assessment of the development against the above parts:

Required	Proposed	Compliance
PART 4.4 – Ryde Town Centre		
Public Domain		
Provide Pedestrian through-site routes and public domain areas without concealment or barriers in accordance with the <i>Public Domain Control Plan</i>	Direct access though the site is not required on the subject site.	N/A
Provide solar access to the plazas and playgrounds as well as minimising adverse wind effects on the public open spaces.	No public open space such as school playgrounds, public parks or public domain areas would be affected. It is unlikely that the building would have wind effect on any public open space.	N/A
Active ground floor uses are to be provided on the street frontages for a depth of 10 metres as per <i>Active Frontage Control Drawing</i>	The proposal is predominantly a residential development as envisaged for the Precinct. A home business office has been incorporated in the apartment fronting Smith Street. This is consistent with other approved uses in the street.	Yes
Awnings and Entry Canopies as per <i>Awnings Control Drawing</i> . To provide continuous awnings to a minimum height of 3 metres from the pavement and setback 600mm from the kerb edge.	A continuous awning is not required in this Precinct.	N/A

ITEM 3 (continued)

Required	Proposed	Compliance
<p>Access and the Public Domain. All development must provide suitable disabled access. Vehicular access ramps and loading facilities are to be satisfactorily designed.</p> <p>Footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented.</p>	<p>The application provides a suitable accessible path of travel from the street and from the basement. The vehicular access ramp is provided from Watt Avenue. No loading bay is required.</p> <p>An Access Report has been provided by the applicant from Certified Building Specialists. The report confirms that the proposal can be made to comply with the accessibility requirements. Details of compliance will be submitted prior to Construction Certificate and Occupation Certificate. This can be addressed via conditions of consent (see Conditions 43 & 85).</p> <p>Public domain areas & footpath will be improved as per Condition 40.</p>	Yes
<p>Advertising signage is to be consistent with Part 9.1 of the DCP.</p>	<p>No advertising signs are proposed as part of current application. A condition will be imposed confirming that no signs have been approved as part of this application (see Condition No. 5).</p>	N/A
<p>Public domain embellishment to be provided in accordance with Council's requirements.</p>	<p>Council's Public Works Section has reviewed the application and have raised no objections subject to a condition of consent which will require the public domain to be upgraded. Appropriate condition will ensure compliance with this requirement (Condition No. 40).</p>	Yes
<p>Landscaping & Street trees to be provided in accordance with the Ryde Town Centre Public Domain Plan.</p>	<p>Appropriate sizes and species will be planted on the site and along the road reserve in accordance with Council's requirements (Condition 40).</p>	Yes
<p>Public art is to be provided in all new development in 1, 2, 3, 6, 7 and 8.</p>	<p>The site is not included in any of the Precincts. This requirement does not apply.</p>	N/A

ITEM 3 (continued)

Required	Proposed	Compliance
Appropriate hoardings are to be provided and a traffic and pedestrian plan to be submitted for the hoarding construction and demolition phase.	Appropriate conditions have been recommended for compliance with these requirements (see Condition No. 7).	Yes
Architecture and Urban Form		
Building Height as per LEP: max of 15.5m.	The maximum height proposed is 15.5m. The proposed height complies with the requirements under the LEP2010.	Yes
Floor to ceiling heights must be 2.7 metres for residential uses.	The proposed development provides a minimum 2.7m floor to ceiling height on all habitable levels.	Yes
Ground floor must have a floor to ceiling height of 3.5 metres except for Precinct 4.	The site is not located in any special precinct. However, the front section of the building has a ground floor to ceiling height of 3.5m. The proposal is acceptable.	Yes
Height Plane in Precinct 2	N/A in Precinct 6	N/A
<p>Setbacks (Setback Control Drawg): 3m setback is required for the ground floor along Smith Street</p> <p>Setback on Secondary frontage (Watt Avenue) <u>Note</u>: setback diagram control indicates 7m along Watt Avenue.</p>	<p>A 3m setback has been provided for the ground floor along Smith Street. The balconies encroach into the setback area to provide additional articulation above the ground floor level. This variation is consistent with the other RFB approved in Smith Street.</p> <p>A 3m setback along the secondary frontage has been provided in accordance with advice provided by the Urban Design Review Panel. This setback is consistent with the setback on secondary frontage that was recently approved for the corner lot located at 14 Smith Street. A 7m setback should not apply along the secondary frontage for reasons discussed in detail under submissions section of this report.</p>	<p>Yes</p> <p>No (Variation supported)</p>

ITEM 3 (continued)

Required	Proposed	Compliance
Max depth of Res building = 18m unless design excellence can be demonstrated and natural ventilation is achieved.	Maximum depth proposed is 12.5m	Yes
Maximise natural ventilation in retail & commercial uses by incorporating where possible stack ventilation, openable windows, open air circulation spaces and courtyards.	No commercial use is proposed. The home office is not considered commercial for the purposes of this control. The apartments will be adequately cross ventilated.	N/A
Architectural/ Design Quality		
Development is to address all street frontages with appropriate building articulation provided. Elements such as windows, balconies and parapets are to contribute to a building's character.	The facades are sufficiently articulated. The design has also been reviewed by the Urban Design Review Panel and a number of changes made to improve the building. Both street façades have been articulated and incorporated balconies and the top of the building has been defined. This is consistent with the recommendations of the Urban Design Review Panel.	Yes
Development is to protect the existing level of amenity of adjacent development as well as for all users of the site.	The development reasonably protects the amenity of the adjoining properties. The overshadowing of living areas on adjoining properties will not significantly increase as the subject adjoining site is used for a doctor's surgery. Majority of the winter shadows will fall on the car parking area on the adjoining site. On balanced consideration the impacts are acceptable.	No
Provide building articulation elements including awnings, verandahs, decks, pergolas, bay windows etc.	As mentioned before adequate building articulation has been incorporated in the design.	Yes
Windows and entries placed to overlook public spaces and streets to provide surveillance opportunities	Balconies will overlook the streets and front courtyards.	Yes

ITEM 3 (continued)

Required	Proposed	Compliance
Balconies not to be continuous along whole façade	Balconies are varied in size and not continuous along the overall building façade.	Yes
Provide solar protection devices.	Adequately provided where necessary and internal venetian blinds will be used.	Yes
Where lot being amalgamated, width of shop front to reflect the lot structure prior to amalgamation	No shop front proposed.	N/A
Building materials to incorporate energy efficient , durable etc.	Glazing and insulation etc will comply with BASIX legislation.	Yes
Materials shall not cause glare (Reflectivity report may be required)	Condition has been recommended regarding use of non-reflective materials (see Condition No. 37)	Yes
If Flat Buildings included then a design statement would be required.	A Design Statement has been submitted. Also the design has been reviewed by the Urban Design Review Panel, details of which are discussed elsewhere in this report.	Yes
Identified streetscape buildings and elements are to be retained	The site does not contain any identified streetscape buildings or elements.	N/A
Heritage – Heritage Impact to be assessed.	The site is not listed as a heritage item.	Yes
Sustainable Development		
The development is to comply with Part 7.1- Energy Smart, Water Wise	The proposal is deemed to comply with this part as it complies with BASIX.	N/A
A waste management plan is required to be submitted.	This has been submitted and no objection has been raised to the waste management plan. Adequate bin storage space have been provided basement.	Yes
Development is to comply with Part 8.2 – Stormwater Management.	Stormwater management concept for the site is considered acceptable subject to conditions.	Yes
Bicycle parking is to be provided equal in area to 1 car	Bicycle parking racks has been provided in the basement level.	Yes

ITEM 3 (continued)

Required	Proposed	Compliance
parking space for every 100 car spaces or part thereof.	The racks will accommodate 5 bicycles.	
Residential Amenity		
Residential Private Open space		
Provide front & private gardens and above ground open space as per DCP requirements.	Courtyards, gardens and landscaping conform to the requirements set out under this part of the DCP. Ground floor units have private yards. The floors above have individual balconies.	Yes
Front Fence to be no more than 1m in height and must be integrated with building design.	Front fences will comply with Council's requirement. The solid fence along Smith Street will be no higher than 900mm. The fence along secondary frontage will be 1.2m high. This is considered satisfactory.	Yes
Solar Access & Sun Shading		
Maximise the number of dwellings with a northern aspect. In addition solar access to living room windows is to be optimised.	Solar access maximised by placing living areas and balconies to the northern side.	Yes
Visual Privacy		
Direct overlooking on-site and neighbouring residents be minimised through building layout and location/design of windows and balconies.	Adequate design features have been incorporated to minimise overlooking. In circumstances where the numerical requirements are not achieved, other measures are proposed including provision of blank walls, highlight windows, and frosted glazing. Units 1, 3, 5 & 7 which is setback 3m from the side boundary will have sufficient fixed privacy screens. The roof terrace will be adequately screened with 900mm high solid planter box with screen planting to ensure no significant overlooking into adjoining private living areas (see Condition 44).	Yes

ITEM 3 (continued)

Required	Proposed	Compliance
	During notification, none of the submissions raised any issues in relation to the roof terrace or overlooking.	
<p>Where direct view between living room windows are not restricted by screening or planting then it is preferred that the following separation distance be provided:</p> <ul style="list-style-type: none"> • 6m between windows of service rooms and edges of secondary balconies. • 9m between windows of service rooms and edges of primary balconies. • 9m between windows of service rooms and windows of commercial uses. • 12m between windows of “living” rooms and/or edges of primary balconies. • 12m between windows of “living” rooms to windows of commercial uses. 	<p>The required numerical setback for visual separation has not been provided on the southern side. The building separation is as follows:</p> <p>6m separation provided.</p> <p>9m provided</p> <p>N/A</p> <p>The adjoining building on the south is being used as a surgery and a garage and car parking on that site is located between the proposed building and the surgery. The main area of the surgery is setback 8m from the boundary and 11m from the proposed building. There are privacy screens of the windows of apartments facing the surgery. No privacy issues are likely to arise.</p> <ul style="list-style-type: none"> • N/A 	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>No (supported)</p> <p>N/A</p>
Acoustic Privacy		
Development to comply with noise/sound sound insulation requirements under BCA & AS3671- 1989: Road Traffic Noise Intrusion,	The site is not located on Devlin Street, Lane Cove Road, Blaxland Road or Victoria Road. This clause of the DCP does not apply. However, the application will	Yes

ITEM 3 (continued)

Required	Proposed	Compliance
Building Siting and Construction. Design features may be used to achieve primary acoustic privacy.	comply with the noise transmission requirement under the BCA. Compliance details will be required at the Construction Certificate stage.	
Housing Choice		
A mix of dwellings is to be provided in accordance with the following range: 3 bedroom – 5-35% 2 bedroom – 40-80% 1 bedroom/studio 5-35%. <u>Exemption</u> Less than 5 units are exempt. Less than 10 units a mix of dwellings allowed.	Sixteen apartments are proposed. A mix of housing type, that is, four x one bedroom, eleven x two bedroom, one x three bedroom apartments) has been provided at the following percentage: 1 bedroom = 25% 2 bedrooms = 69% 3 bedrooms = 6% The proposal complies with the requirement.	Yes
PRECINCT CONTROLS		
Precinct 6 – Commercial Edge North	The site is not included in Precinct 6.	N/A
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2006.	The applicant has submitted a satisfactory Waste Management Plan in accordance with Part 7.2 of DCP 2006. Council's Waste Management Coordinator and the Environmental Health Officer has reviewed the plan. No objections are raised subject to recommended conditions (refer to conditions 55).	Yes
Part 8.2 - Stormwater Management		
Stormwater is s to be piped in accordance with Part 8.2 - Stormwater Management.	On site detention system will be provided on site. Council's Development Engineer has reviewed the proposal and raised no objections subject to conditions.	Yes
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land	The development is accessible. An accessible path of travel from the street and from the basement is	Yes

ITEM 3 (continued)

Required	Proposed	Compliance
permits.	provided. Two separate lifts have also been provided. The applicant has submitted an Accessibility Report which indicates that the development will comply with the relevant accessibility requirements. Apartment 2 & 9 are proposed to be adaptable. Two accessible parking spaces are proposed. This is consistent with the DCP. To ensure compliance with this requirement, a condition is recommended requiring certification by a qualified Access Consultant prior to Occupation Certificate. See Condition No. 43 & 85)	
Part 9.3 – Car Parking		
DCP Requirement: 1 bed unit = 0.6 – 1.0/dwelling 2 bed unit = 0.9 - 1.2/dwelling 3 bed unit = 1.4 – 1.6/dwelling Visitors = 1 space/5 dwelling	Proposal: 4X1bed @ 2.4- 4 space required 11X2bed@ 9.9-13.2 spaces 1X3bed @1.4 -1.6 spaces required Resident: = 13.7 – 18.8 spaces Visitor: = 3.2 spaces (4) Total min required: 18 spaces Total proposed: = 18 spaces	Yes

Section 94 Development Contributions Plan 2007 (2010 Amendment)

The contributions that are payable with respect to the increased housing density on the subject site (being for residential development outside Macquarie Park area) are calculated as follows:

CONTRIBUTION PLAN	Contributions
Community & Cultural Facilities	\$35,921.13
Open Space & Recreation Facilities	\$88,430.32
Civic & Urban Improvements	\$30,077.05
Roads and Traffic Management Facilities	\$4,102.86
Cycleways	\$2,562.65
Stormwater Management	\$8,146.00
Plan Administration	\$691.01
GRAND TOTAL	\$169,931.02

ITEM 3 (continued)**NOTE:**

1. The above calculation has been reviewed by the Team Leader – Major Development Team. A copy of rates & calculation spreadsheet is on file and will be saved in TRIM upon determination.
2. It should be noted that these Section 94 figures were calculated using the most recent quarterly updated (September 2012 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the December 2012 quarter are expected to be issued from the ABS around 27 January 2013, however the timeframes for preparing this report prevents these figures from being used in this report. An updated Section 94 condition will be distributed at the Planning & Environment Committee meeting on 5 February 2013 if it is available at that time.

Condition 28 requiring the payment of a Section 94 contribution has been included in the recommended conditions.

10. Likely impacts of the Development

The site is located within the Ryde Town Centre within close proximity to the Ryde Shopping Centre.

The proposed development involving the redevelopment of the site into a part 4 part 5 storey residential flat building with basement parking will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed development generally complies with the objectives of the planning controls applicable to Ryde Town Centre.

The facades are articulated on both frontages with significant architectural elements and a variety of materials and colours. The elevations have incorporated balconies and frames which further articulate the facades. The public domain along both frontages will be improved.

The proposal is unlikely to cause any adverse social or economic impact to the locality.

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 major flooding or subsidence. The site is zoned for the proposed development with suitable access available. In this regard, despite the small size of the lot, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

ITEM 3 (continued)

12. The Public Interest

The proposal is considered to be in the public interest providing redevelopment of a precinct within the Ryde Town Centre. This will assist in the supply of housing in the City of Ryde.

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

13. Consultation – Internal and External

Development Engineer, 17 October 2012: Council's Development Engineer has raised no objection to the application subject to conditions of consent. The following comments were received:

The drainage details submitted for the development are satisfactory. However, the layout of the building on the drainage plan has not been amended to accommodate the new layout on the architectural plans. As these are minor I do not have an objection to approve the drainage plan subject to applicant amend the plans at CC stage. Access to the OSD tank is provided via grates proposed near the home office. A pump out system is proposed for the basement car park.

*There is an error in finished floor level of the terrace behind unit 2. The architect Danny Koury confirmed this **level to should be RL 52.775. I have marked this in red on the attached architectural plan DA02 Issue B.***

The Width of the driveway should be 5.5 at the boundary and a condition is provided in this regard. Though the levels issue by Council indicate the maximum driveway width should be 4.5, the condition of the consent should supersede this.

The driveway gradients of the ramp to the basement car park are satisfactory and comply with AS 2890.1. The ramp to the basement should be widened as amended in red on the architectural plan(basement plan) 100125 DA02 Issue B.

Note: Conditions have been included in Attachment 1.

Environmental Health Officer, 16 August 2012: No objection was raised to the proposed development. The following comments were received:

As the site is currently used for residential purposes, land contamination is not considered be an issue.

The basement carpark and bin storage area are below ground level and will need to be mechanically ventilated. Also, most of the bathrooms and ensuites in the residential units are internal and will require mechanical ventilation.

ITEM 3 (continued)

According to the waste management plan, the tenants will be responsible for transferring their waste (via the lifts) to the bin storage area in the basement carpark. As the bin storage area is situated in the basement carpark, staff or contractors will need to be employed to transfer the bins to the kerbside for servicing and to return the bins to the storage area after servicing.

Where possible a separate room or area should also be provided for the storage of bulky wastes such as disused furniture and white goods. The application be approved subject to the recommended conditions (refer to conditions 55, 56 & 94-97).

Note: The discarded bulky items storage area requirement applies only if the development comprises a minimum of 30 apartments. Therefore that requirement does not apply to the proposed development.

Urban Design Planner, 15 October 2012: Raised no issue upon review of the amended plans received by Council on 13 September 2012. The following comments were received:

The amended plans address the comments raised by the Urban Design Review Panel and meet the objectives of the DCP in terms of the urban design.

Traffic Engineer, 9 August 2012: Raised no issues with the proposed development. The following comments were received.

The proposed development is to have 18 car parking spaces, comprising 13 spaces for the units directly, 2 spaces for disabled parking and 3 visitor parking spaces, which satisfies the parking requirements of DCP2010 Part 9.3.

The applicant has not provided the statement regarding the traffic impact assessment as it was not requested in the pre-lodgement meeting (however our assessment affirms a peak hour trip generation of approximately 7.8 which is not considered significant to warrant further investigation).

From a traffic perspective there are no objections to approval of this application subject to the following conditions:

1. *Proposed vehicle access and parking layout arrangements should be in accordance with AS2890.1-2004 with regard to:*
 - a. *Ramp gradients including transitions and the base of the ramp to avoid vehicle scraping.*
 - b. *Vehicle headroom clearances along the car park ramps, circulating aisles and parking spaces (including disabled parking spaces).*

ITEM 3 (continued)

- c. *Implementation of measures to address sight line constraints at driveways.*
 - d. *Car parking dimensions and access.*
2. *Access to basement parking should be restricted to residents and their visitors only with signage installed at the driveway interface stipulating "resident/visitor access only beyond this point".*
3. *All parking spaces are to be numbered via pavement markings which are visible at the front/entry point to the parking space.*
4. *All disabled parking spaces are to be line marked with appropriate stencilling in accordance with AS2890.6*

These conditions have been imposed (see conditions 12, 12, 14 and 15).

Waste Management Coordinator, 9 August 2012: Has raised no objection to the application. The following comments were received:

The block contains 16 residential units. The bin storage area has been located in the basement and allows for 16 x 240L waste bins (8 waste & 8 recycle). From a waste perspective there are no objections to approval of this application subject to the following conditions:

1. *Room be allocated for at least one green waste bin in the storage room, this makes 17 x 240L bins*
2. *That the residents are aware that the contractor will not service the bins from the basement storage room and that the bins will be required to be presented at the kerbside on Watt Ave for collection with no obstruction by parked vehicles.*

The above conditions have been included in the draft consent (conditions 55 & 94-97).

Public Works, 9 August 2012: No objection was raised. The following comments have been provided:

The property is on the boundary of the area shown in the Ryde Public Domain Plan. Improvement works will be required in Smith Street, but not in Watt Avenue.

From a public domain perspective there are no objections to approval of this application subject to the following conditions:

1. *Full width granite foot paving shall be constructed in Smith Street in accordance with the Ryde Public Domain Plan.*

ITEM 3 (continued)

Condition 40 has been included to ensure compliance with the public domain improvements required for this site.

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 and is in the public interest. The application generally complies with the planning provisions. The issues raised in the submissions have been considered and have been adequately addressed through the assessment process. Therefore, it is recommended that the application be approved.

ITEM 3 (continued)

ATTACHMENT 1

13 Smith Street - LDA2012/0185
DRAFT CONDITIONS OF CONSENT

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:

Plan Title and Number	Description	Date	Issue
100125 –DA01	Cover page	12.09.2012	B
100125 –DA02	Floor Plans 1	12.09.2012	B
100125 –DA03	Floor Plans 2	12.09.2012	B
100125 –DA04	Floor Plans 3	12.09.2012	B
100125 –DA05	Elevations	12.09.2012	B
100125 –DA06	Sections	12.09.2012	B
100125 –DA07	Streetscape/Façade	12.09.2012	B
SW12123 – S1	Stormwater Management	01/06/2012	A
431765M	BASIX Certificate	04.06.2012	-
12082DA 1	Landscape Plan	03.12.2012	B

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

- (a) The Stormwater Management Plan must be amended to reflect the amended architectural plans;
- (b) Depth and width of the OSD tank is to be modified to that shown in red on the approved Stormwater plan.

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. **Home Occupation:** Approval is granted for use of a room in Apartment 1 (as indicated in the approved plan) to be used as a home office (home occupation).
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 3 (continued)

ATTACHMENT 1

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates if installed must not open onto any footpath or public place.
10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
12. **Parking Layout:** Proposed vehicle access and parking layout arrangements must be in accordance with AS2890.1-2004 with regard to:

ITEM 3 (continued)**ATTACHMENT 1**

- (a) Ramp gradients including transitions and the base of the ramp to avoid vehicle scraping.
 - (b) Vehicle headroom clearances along the car park ramps, circulating aisles and parking spaces (including disabled parking spaces).
 - (c) Implementation of measures to address sight line constraints at driveways.
 - (d) Car parking dimensions and access thereto.
13. **Parking Restriction:** Access to basement parking should be restricted to residents and their visitors only with signage installed at the driveway interface stipulating “resident/visitor access only beyond this point”.
14. **Line Parking:** All parking spaces are to be numbered via pavement markings which are visible at the front/entry point to the parking space.
15. **Disabled Parking:** All disabled parking spaces are to be line marked with appropriate stencilling in accordance with AS2890.6
16. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.
17. **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.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
19. **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.
20. **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.

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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.

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

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27. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan in relation to the demolition work:

- (a) Infrastructure Restoration and Administration Fee.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$35,921.13
Open Space & Recreation Facilities	\$88,430.32
Civic & Urban Improvements	\$30,077.05
Roads & Traffic Management Facilities	\$4,102.86
Cycleways	\$2,562.65
Stormwater Management Facilities	\$8,146.00
Plan Administration	\$691.01
The total contribution is	\$169,931.02

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.

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

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

29. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
30. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
31. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
32. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
33. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

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35. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

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

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

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

Or telephone 13 20 92.

37. **Reflectivity.** Roofing and other external materials/ glazing must be of low glare and reflectivity. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority. The roof material is to be finished in a non reflective surface.

38. **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**.

39. **Storage Facility:** All residential units must be provided with sufficient secure storage facility at the following rates:

- At least 6m³ for one-bedroom apartments
- At least 8m³ for two-bedroom apartments

Storage facility must be lockable and allocated to individual units.

40. **Public Domain Works & Landscaping**– Public domain improvement works including but not limited to) footpath paving, retention of verge, street tree planting with suitable plant species fronting the subject site shall be carried out by the applicant (at applicant's/developer's cost). All works must be carried out in accordance with the Ryde Town Centre Public Domain Plan prior to the issue of any Occupation Certificate. Full details, including plans, specifications (details can be obtaining from Council's Public Works Section), sections, finished levels and

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material schedules shall be submitted to Council for approval prior to the issue of any Construction Certificate. These plans shall incorporate the following:

- (a) A 1500mm wide footpath paving shall be constructed along Smith Street and Watt Avenue road reserve fronting the site.
 - (b) Granite banding to be "Rosa" colour.
 - (c) Street tree should be *Flindersia australis* (Australian teak)
 - (d) A grass verge must also be created and works carried out in accordance with the Ryde Public Domain Plan.
41. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
42. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development.
43. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Compliance Assessment Report prepared by Certified Building Specialists dated 7 August 2012. Details indicating compliance with the AS1428 & AS4299, 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 relevant Construction Certificate being issued. A minimum of 2 adaptable apartments must be provided on the site.
44. **Screening.** Planter boxes of permanent construction as indicated on the approved plan shall be provided around the roof terrace with a minimum height of 1.0m. Suitable screen planting is to be provided with a minimum height of at least 900mm at the time of planting. The screen planting is to be maintained at all times. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
45. **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.
46. **Driveway Width & Car Parking.** All internal ramps. Driveway gradients, vehicle turning areas, grades, parking space dimensions, headroom clearance, safe sight distance etc shall be designed to comply with relevant sections of Australian Standards AS 2890.1 where applicable to ensure all vehicles to the basement car

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park can enter and leave in a forward direction. Accordingly, the drawings shall be amended to incorporate but not be limited to following:

- a. The driveway width across the footpath shall and at the entrance shall be widened to 6.0m and extended 6.0m into the property. The ramp to the basement shall be widened to provide a curved ramp as amended in red on architectural plan Drawing100125 DA02 Issue B prepared by Faubourg and as amended in red by Council.
- b. A convex mirror shall be located on the sharp bend of the ramp to warn exiting drivers of approaching in bound vehicles down the ramp and vice versa.

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

47. **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.
48. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

49. **Hoarding Fees.** Where erection of protective hoarding along the street frontage of the property is proposed applicable fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works.

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50. **Road Anchors.** Where road anchors are proposed, fees are payable to Council in accordance with Council Management Plan prior to the issue of Construction Certificate.
51. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.
52. **Pump System.** The wet well shall be designed and constructed in accordance with section 7.3 of AS 3500.3. The pumps shall be dual submersible and shall be sized and constructed in accordance with section 7.3 of AS 3500.3.

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

In the event of pump failure, all runoff that otherwise would have been pumped from the property is to be stored on the site for up to the 100 year Average Recurrence Interval 3 hour storm event. A detailed drainage design by a qualified Civil Engineer is to be submitted with the **Construction Certificate application**. The tank volume is to be determined using the ILSAX drainage program or its equivalent. The rational method is not permitted.

53. **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.
54. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill

ITEM 3 (continued)

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

55. **Waste Storage and Handling Facilities:** Waste Storage and Handling Facilities must be provided as follows:

- (a) A waste and recycling storage room must be provided in the location as shown on the basement layout plan.
- (b) The waste and recycling storage room must be designed to accommodate the number of bins specified in the following Table and comply with Schedule 4.2 of Part 7.2 of Council's Development Control Plan 2010.

Minimum Number of Bins Required
8 x 240 litre bins for garbage
8 x 240 litre bins for recyclables
1 x 240 litre bin for green waste

- (c) The paving from the waste and recycling storage room must be moderately graded so that the bins can be safely and easily manoeuvred to the collection point.
- (d) Where possible a separate room or area should be provided in the basement carpark for the storage of bulky wastes such as disused furniture and white goods.

Full details of the proposed waste storage and handling facilities must be submitted for approval with the plans and specifications for the **Construction Certificate**.

56. **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;

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- (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

57. **Design Verification in respect of SEPP 65.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications 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 143A of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

58. Site Sign

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

59. **Residential building work – 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:

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- (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).

60. Excavation adjacent to adjoining land

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

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

62. 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.

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63. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
64. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

DURING CONSTRUCTION

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

65. **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*.
66. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
67. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
68. **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.

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69. 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.

70. 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.

- 71. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 431765M dated 4/6/12.
- 72. Landscaping.** All landscaping works approved by condition 1 & 40 are to be completed prior to the issue of the final **Occupation Certificate**.
- 73. Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
- 74. Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

75. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.
76. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
77. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
78. **Footpath Works.** The applicant shall, at no cost to Council, regrade the footpath adjacent to the subject property in Watt Avenue so the levels of the footpath comply with the levels specified by Council’s Public Works. This is to ensure vehicular access to the property can be satisfactorily achieved whilst maintaining safe passage for pedestrian traffic. All work which is necessary to join the new footpath levels with the levels in front of the adjoining properties in a satisfactory manner shall be carried out by the applicant. The cost of reconstructing footpath paving or adjusting any services that may be affected shall be borne by the applicant.
79. **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

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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.

80. **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.
81. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No SW12123 issue A S1 dated 1/6/12 prepared by ALW Design and as amended in red by Council.
82. **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.
 - Confirmation from Council that all footpath paving works in Smith Street and Watt Avenue have been completed and satisfactory.
 - Confirming that the constructed internal car park, ramp and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and Development Control Plan 2010: - Part 8.2; Stormwater Management*
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

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- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*.
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. **Positive Covenant, Pumps.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the pump system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Pump-out Systems and to the satisfaction of Council.
85. **Disabled access.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence and certification is to be obtained from a suitable qualified person confirming that the development meets these requirements in accordance with this consent, is to be provided to the PCA prior to the issue of any Occupation Certificate.
86. **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 design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of the relevant Construction Certificate issued, 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 154A of the Environmental Planning and Assessment Regulation 2000.
87. **Mechanical Ventilation:** 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**.

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PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

88. **Final plan of subdivision.** The submission of a final plan of subdivision plus 5 copies suitable for endorsement by the Authorised Officer of Council.
89. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
90. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
91. **Occupation Certificate.** A final occupation certificate in relation to Development must be in force.
92. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

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

ITEM 3 (continued)

ATTACHMENT 1

OPERATIONAL CONDITIONS

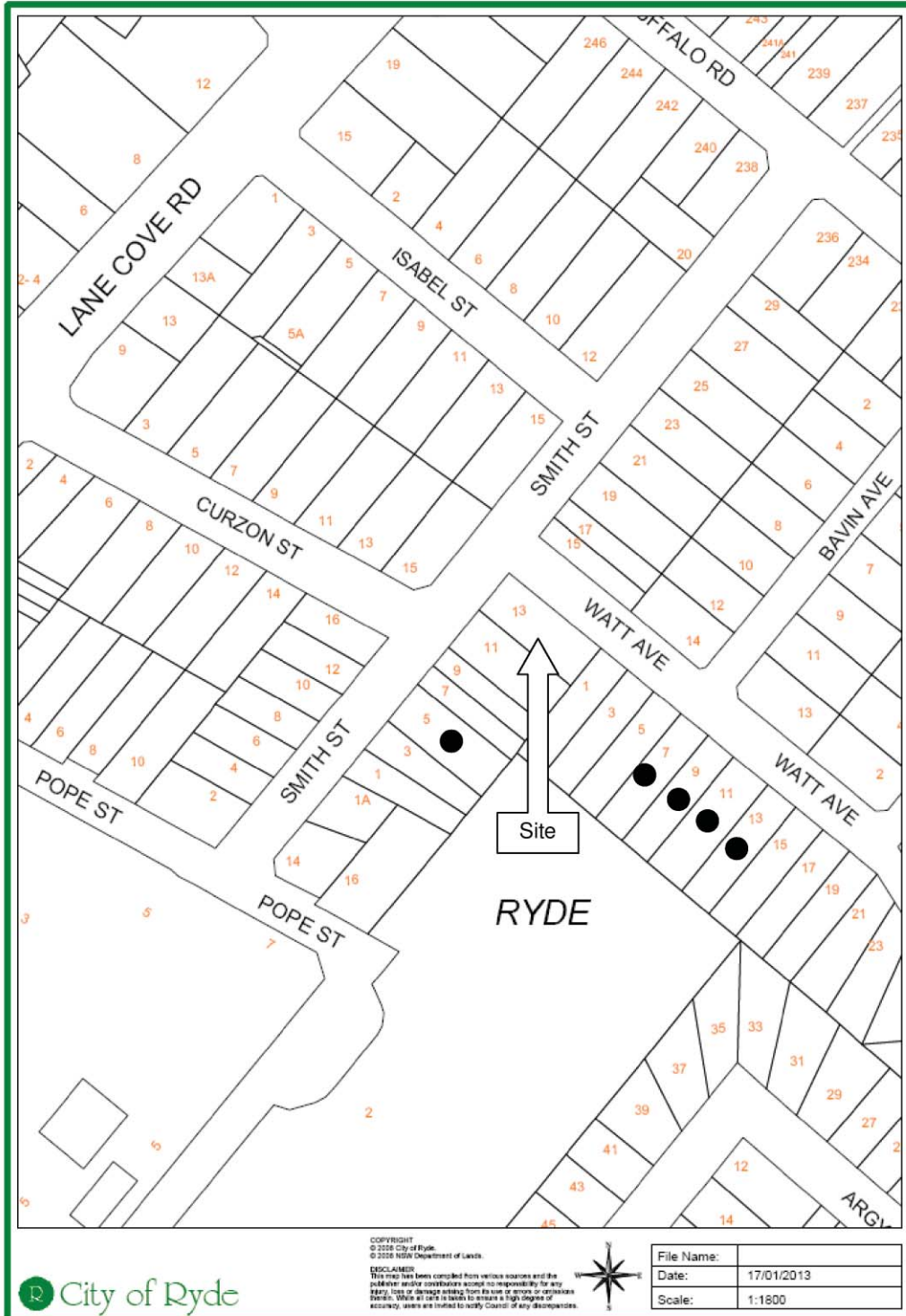
The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

94. **Garbage collection:** Arrangements must be made with Council for the provision of garbage services to the premises before **occupation commences**. Staff or contractors must be employed to take the bins from waste and recycling storage room to the kerbside for servicing and to return the bins to the waste storage and recycling room as soon as practicable after servicing.
95. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
96. **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.
97. **Noise Pollution:** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*. The operation of any plant or machinery installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
98. The bathroom windows on the eastern façade must have frosted glazing.

ITEM 3 (continued)

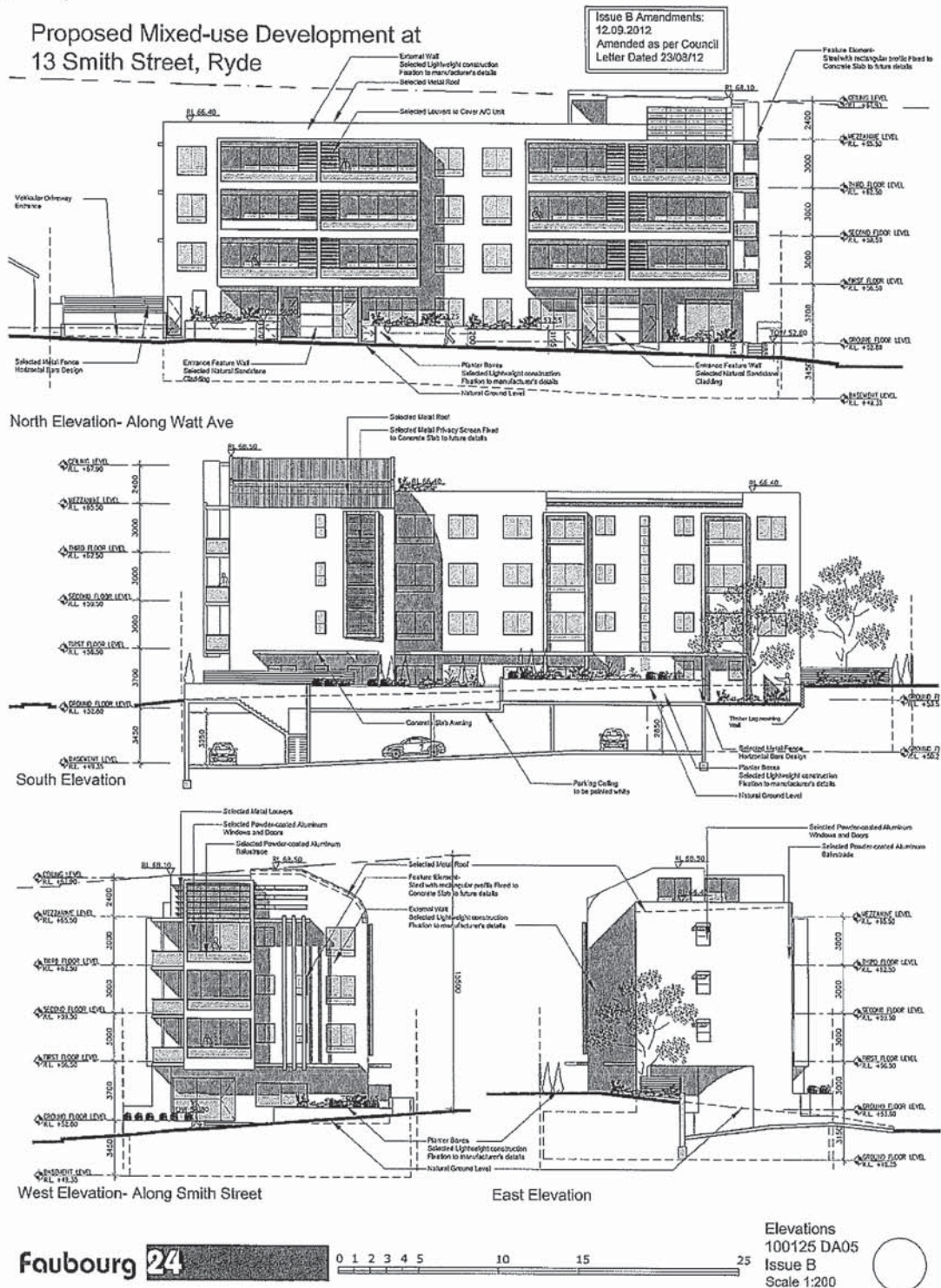
ATTACHMENT 2

● Indicates submissions received (1 outside map area, 1 anonymous)



ITEM 3 (continued)

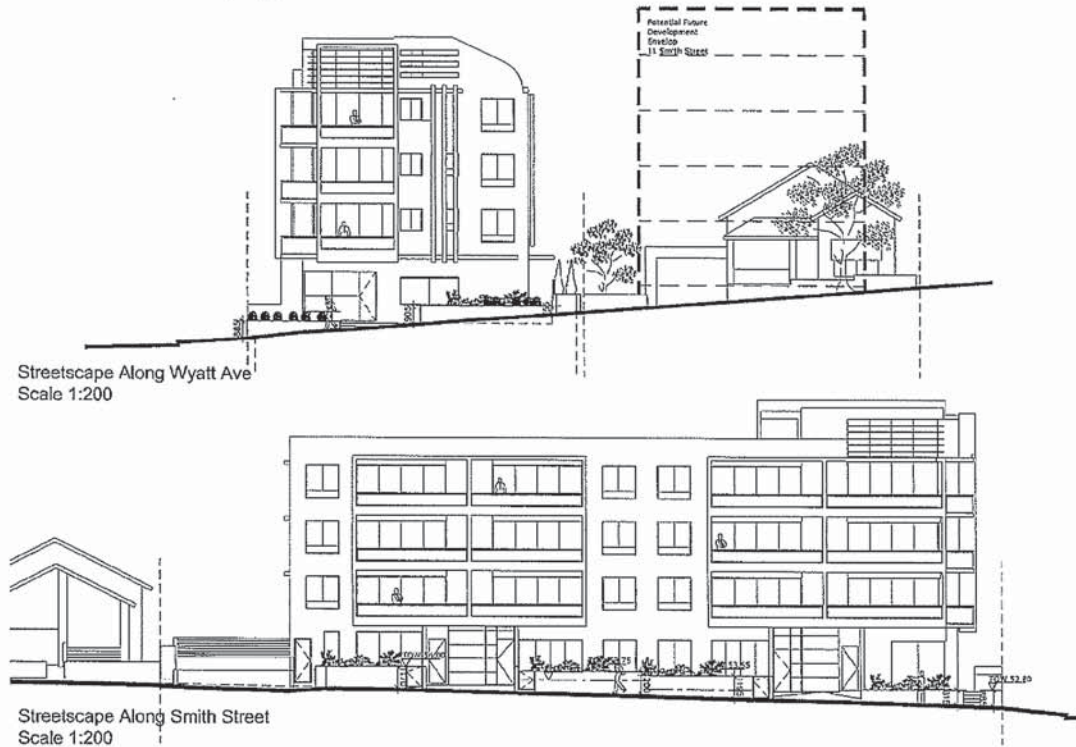
ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3

Proposed Mixed-use Development at
13 Smith Street, Ryde



Issue B Amendments:
12.09.2012
Amended as per Council Letter
Dated 23/08/12

Faubourg 24

Streetscapes
100125 DA07
Issue B
Scale As Shown

4 10 RIVER AVENUE, CHATSWOOD WEST. LOT 53 DP 16042. Local Development Application for the erection of an outbuilding at the rear. LDA2012/0269.

INSPECTION: 4.45pm
INTERVIEW: 5.10pm

Report prepared by: Assessment Officer - Town Planner

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

Report dated: 17/01/2013

File Number: grp/12/5/5/3 - BP13/46

1. Report Summary

Applicant: A Chhoeu

Owner: B C Chhoeu

Date lodged: 6 August 2012.

This report considers a development application (DA) for the erection of an outbuilding to the rear of the subject site.

The subject site is affected by a number of constraints, particularly bushfire risk. Originally, the application was lodged for a secondary dwelling however, Council's Bushfire Consultant advised that a secondary dwelling could not be supported as the proposed works would be undertaken on Bushfire Prone Land categorised as a Flame Zone under the document titled "*Planning for Bushfire Protection 2006*". The proposal was amended to form a non-habitable cabana outbuilding, which is able to be supported.

The proposal has been assessed against the controls in Ryde Development Control Plan (DCP) 2010, and there are two (2) non-compliances which relate wall plate height and roof form. As discussed in the body of the report, these issues are considered to be relatively minor and would not justify refusal or further design amendments.

The DA has undergone two (2) notification periods due to the significant change from a secondary dwelling to a non-habitable outbuilding. No submissions were received during each of these periods.

The assessment of this application has revealed that there has been unauthorised tree works (ie removal of at least one (1) large tree and significant crown lifting of a Smooth Bark Apple tree to be retained). Whilst these unauthorised tree works do not hinder Council's ability to determine this application, they raise issues of concern to be resolved as part of the assessment. In particular, in the opinion of Council's Consultant Landscape Architect, the crown lifting of the Smooth Bark Apple tree has increased the risk of its failure which could have significant impacts for buildings (and their occupants) on this site and neighbouring properties.

ITEM 4 (continued)

Therefore, it is recommended that a condition be imposed on any consent for this development requiring removal of the Smooth Bark Apple Tree and replacement with a suitable replacement species. Council will also undertake enforcement action against the owner (including issuing of fines) regarding the unauthorised tree removal.

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

Public Submissions: No submissions received.

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

Value of works? \$49,840

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. 2012/0269 at 10 River Road, Chatswood West, being LOT 53 DP 16042 be approved subject to the conditions in **Attachment 2**.

ATTACHMENTS

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

Report Prepared By:

Lauren Franks
Assessment Officer - Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

2. Site (Refer to attached map)

Address	: 10 River Avenue, Chatswood West
Site Area	: 583.4m ² Frontage: 12.245m Depth: 47.55m northern side boundary and 48.005m southern side boundary.
Topography and Vegetation	: Steep slope of 15.94m from rear south-western corner to front north-eastern corner. Dense bushland abuts the rear boundary. A substantial rock outcrop is located in the centre of the site and has steps cut into it, to allow access to the rear portion of the site.
Existing Buildings	: Dwelling house with semi-basement garage.
Planning Controls	: Ryde LEP 2010
Zoning	: R2 Low Density Residential
Other	: Ryde DCP 2010



Aerial photo of subject site and surrounds

ITEM 4 (continued)



Photo of subject site's rear yard where cabana outbuilding is proposed

3. Councillor Representations

Name of Councillor: The Mayor, Councillor Petch

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

Date: 9 August 2012

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

On behalf of applicant or objectors? Applicant

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

4. Political Donations or Gifts

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

ITEM 4 (continued)**5. Proposal**

The proposal is for the construction of a new cabana outbuilding at the rear of the site, comprising 20m² of floor area with an adjoining deck.

6. Background

The DA was lodged on 6 August 2012 and placed on public notification for fourteen (14) days from 9 August 2012 to 23 August 2012. The DA originally proposed the construction of a new single storey secondary dwelling ('granny flat') comprising two (2) main rooms plus a kitchenette, bathroom and store room.

Following advice received from Council's Bush Fire Consultant, Council wrote to the applicant on 20 August 2012 to advise that the DA would require referral to the Rural Fire Service (RFS), and that a secondary dwelling was unlikely to be supported by the RFS on the basis that a minimum setback of 20m from the rear boundary was required as the site is located within a Bush Fire Flame Zone. The applicant was advised that an alternative solution would be to convert the proposed secondary dwelling to a non-habitable structure.

A meeting was held on 11 September 2012 at which time the applicant agreed to convert the outbuilding to a non-habitable structure.

Amended plans were submitted by the applicant on 13 September 2012 for a cabana. These amended plans were re-notified from 18 September 2012 to 26 September 2012.

7. Submissions

As aforementioned, the proposal has been notified twice in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications.

No submissions were received during either the notification or re-notification period of the amended plans.

8. SEPP 1 (or clause 4.6 RLEP 2010) objection required?

None required.

ITEM 4 (continued)
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. Cabanas (a form of outbuilding), ancillary to dwelling houses are permitted within the R2 Low Density Residential zone with development consent.

Mandatory Requirements

The following table demonstrates the proposals compliance with mandatory provisions under Ryde LEP 2010 which apply to the development.

Ryde LEP 2010	Proposal	Compliance
Clause 4.3(2) – Maximum Building Height		
9.5m above existing ground level	5.04m max. proposed. Note: DCP stipulates 4.5m max. for outbuildings.	Yes Note: Condition of consent to be imposed for DCP non-compliance
Clauses 4.4(2) & 4.4A(1) – Maximum Floor Space Ratio (FSR)		
0.5:1	Proposed FSR: 0.46:1	Yes
Clause 6.1 – Acid Sulphate Soils		
Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	Site is classified as Class 5 Acid Sulphate Soils.	Yes

(b) Relevant State Environmental Planning Policies (SEPPs)
SEPP BASIX:

Submission of a BASIX Certificate is not required or considered necessary as the value of works does not exceed \$50,000.

ITEM 4 (continued)SEPP No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the likelihood for a site to be contaminated. The subject site has a history of ongoing residential use and therefore it is unlikely that the site is contaminated. Further investigation is not warranted in this case.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of section 8.1 (Construction Activities) of DCP 2010 and related conditions of consent. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPs

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

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

The proposal has been assessed using the development controls contained in Ryde DCP 2010. The DCP compliance table is held at **Attachment 1**.

A summary of the non-compliances identified in the Compliance Table is discussed below:

1. Height of outbuilding is not to exceed 4.5m from existing ground level to ridge

Proposed: The proposed cabana outbuilding has a maximum height 5.04m along the front edge of the roofline, due to the 6 degree pitch of the skillion roof.

ITEM 4 (continued)

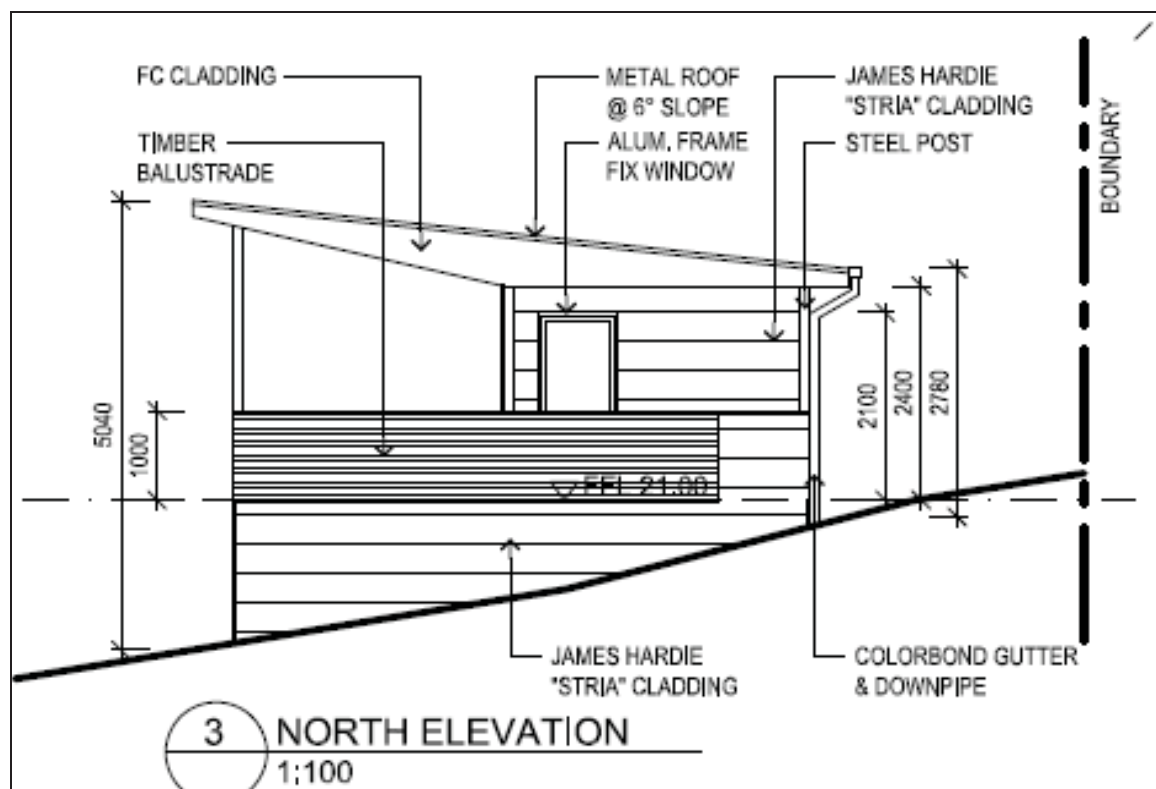
Comment: As the building will be visible from neighbouring properties from below (due to the topography of the site and adjoining sites), it is considered unreasonable to vary the control given that compliance can readily be achieved by reducing the pitch of the roof. Therefore, a condition of consent is recommended requiring that the pitch of the skillion roof be reduced to 2 degrees, which will bring the maximum height of the building to 4.5m. This will also have the effect of affording additional weather protection to the deck area as it will be less exposed.

2. Maximum wall plate height: 2.7m

Proposed: The proposed cabana has a maximum wall plate height of 3.4m measured at the easternmost point of the external walls.

Comment: The non-compliance is supported because the topography of the site is steep, and strict compliance with the control would require up to 700mm of excavation at the rear of the outbuilding. The internal ceiling height of the cabana is not excessive at 2.4m and cannot be reduced without adversely impacting the internal amenity of what is already a small outbuilding. As the location of the outbuilding is contained to the back of the site which backs onto bushland, it is considered that the non-compliance will have a negligible impact on the residential amenity of any other properties.

The following drawing (northern elevation) shows the extent of the non-compliances.



ITEM 4 (continued)**10. Likely impacts of the Development****(a) Built Environment**

Issues regarding impacts on the built environment are discussed throughout this report (in particular DCP compliance). The proposal is considered satisfactory for approval in terms of its impacts on the built environment.

(b) Natural Environment

The proposed development will have acceptable impacts on the natural environment subject to the imposition of appropriate conditions of consent as outlined within this report.

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas indicates that there are a number of constraints affecting this property, which are discussed as follows:

Bushfire: Refer to the comments from Council's Bushfire Consultant and the NSW Rural Fires Service in the Referrals section of this report (below).

Inadequately Conserved Bushland: See comments from Council's Consultant Landscape Architect in the Referrals section (below).

Overland Flow: This constraint affects the front portion of the site. As the proposed outbuilding is to be constructed at the rear of the site which at a significantly higher level than the front, there is no risk of flooding or overland flow affectation regarding the proposal, and no specific assessment was required.

Slope Instability: See comments from Council's Consultant Structural Engineer in the Referrals section (below).

12. The Public Interest

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

13. Consultation – Internal and ExternalInternal Referrals

Bushfire Consultant: The original proposal for a secondary dwelling was referred to Council's Bushfire Consultant, who provided the following comments:

ITEM 4 (continued)

To accord with Councils request for a review of bushfire compliance or otherwise with Planning for Bush Fire Protection 2006 for the subject development application, the following information is provided having regard to Section 79BA of the Environmental Planning and Assessment Act 1979.

We have inspected the subject property and the surrounding lands for the purposes of determining the potential bushfire impact to the subject property. We have also reviewed the documentation provided by Council relevant to the subject development application.

The subject development relates to the construction of a granny flat within an existing residential allotment that contains a sole occupancy dwelling. This application will therefore effectively result in the construction of a detached dual-occupancy on the subject site.

Although this type of development is considered infill under section 79BA of the Environmental Planning and Assessment Act 1979, to accord with PBP and advice from the Rural Fire Service the development must be assessed as if submitted under section 100B of the Rural Fires Act 1997 as a residential subdivision.

Asset Protection Zones for residential development (including granny flats) are determined from Table A2.4 of Planning for Bush Fire Protection 2006 (PBP) or bushfire design modelling achieving a radiant heat impact of no more than 29kW/m² at the closest point of the available building footprint.

With an up slope from Forest vegetation a minimum required Asset Protection Zone (APZ) of 20 metres, consisting of a 10 metre Inner Protection Area (IPA) and 10 metre Outer Protection Area is required from the hazard to the west. This minimum required APZ may be slightly reduced through bushfire design modelling.

It is noted that the proposal is reported to be within the designated Flame Zone with the provision of a 3 metre Asset Protection Zone to the west. It is also noted that access to the proposed granny flat is severely restricted with no pedestrian access available to the rear of the subject property from either side of the dwelling.

The NSW Rural Fire Service Fast Fact 2/05 'Dual Occupancy Developments' states:

If the effect of the proposal is that asset protection zones, access and water will be less than that required by PBP then a second (or subsequent) dwelling should be recommended for refusal.

ITEM 4 (continued)

In consideration of the NSW Rural Fire Service position on dual occupancy development within bushfire prone areas and the development proposal as presented we are of the opinion that the application does not satisfactorily address the relevant specifications and requirements of Planning for Bush Fire Protection 2006 and should therefore be refused.

When the proposal was amended to a non-habitable outbuilding only, the application was referred to Council's Bushfire Consultant, who provided the following comments regarding the amended proposal:

It is understood that the development now relates to the construction of a cabana within an existing residential allotment that contains a sole occupancy dwelling.

In our opinion the revised development application is approvable. We note that the detached Class 10A building (i.e. cabana) is located within the flame zone however it is greater than 10 metres from the main part of any habitable building.

The existing dwellings do not appear to comply with AS3959 – 2009 and therefore construction provisions to BAL FZ under section 9 of the AS3959 – 2009 may be applicable at the discretion of the NSW Rural Fire Service.

It is our opinion that as the building footprint is within BAL FZ then the application should be referred to the RFS under section 79BA of the Environmental Planning and Assessment Act 1979.

Consultant Landscape Architect: The original proposal was referred to Council's Consultant Landscape Architect. The amended proposal was not referred again, because the change in proposal from a secondary dwelling to a non-habitable outbuilding would have no effect on the Consultant Landscape Architect's comments.

The following comments were provided:

THE PROPOSAL

The proposed Granny Flat is located on the western end of a steeply sloping block which falls from approximately 21.5m AHD in the west to approximately 6m AHD at the eastern boundary. An existing split level residence is located on the eastern half of the site. A large rock outcrop is situated close to the western extents of the existing house. Access to the upper level (proposed development site) is via an informal staircase.

ITEM 4 (continued)**EXISTING TREES**

*An existing mature Smooth Barked Apple (*Angophora costata*) is located at the top of the rock outcrop, close to the top of the existing stairs and in close proximity to the proposed dwelling. An insignificant Native Daphne (*Pittosporum* sp.) is located on the edge of the rock outcrop. An exotic pine is located on the neighbour's property to the north and in close proximity to the proposed building.*

OBSERVATIONS

It appears that at least one tree of a substantial size has recently been removed from the site. This evidenced by a remaining stump and large stockpile of wood.

The existing Smooth Barked Apple has developed in a forest stand competing with understorey vegetation and adjoining trees. As a result its form is tall and narrow. Additionally the tree has been excessively crown lifted (ie removal of lower scaffold limbs). This is evidenced by multiple pruning wounds. This results in increased exposure of the tree to prevailing winds. The removal of lower limbs which provide a damping effect (ie dissipation of wind energy) and large pruning wounds on the trunk of the tree which are subject to decay, results in an increased risk of failure.

Given the shallow soils in this part of the site the tree has developed a number of stabilising buttress roots in close proximity to the existing path access to the top terrace. There is existing mechanical damage visible and it is likely that, unless suitable tree protection measures are provided during the construction phase, further damage will occur.

RECOMMENDATIONS**Arborist**

For the reasons listed above it is recommended that an Arborist be engaged to provide an assessment of the tree and either provide recommendations for retention or removal. If the tree is to be retained a Tree Protection Plan (TPP) is to be provided as part of the report. The Arborist is also to provide recommendations to ensure successful retention of the neighbours pine tree. Refer to Part 9.6 Tree Preservation of the City of Ryde Development Control Plan (DCP) 2010 for guidelines.

ITEM 4 (continued)

Unauthorised Tree Removal

If the tree that has been removed from the rear of the site was taken out without Council consent consideration should be given to penalising the owner for unauthorised removal of a mature, native tree. The following is an extract from Part 9.6 of DCP 2010, Section 1.5 Penalties.

Under Section 125 and 126 of the Environmental Planning and Assessment Act (1979), on the spot fines or court proceedings may apply to the injury, unnecessary disturbance or removal of trees and native vegetation on private land.

Assessment Officer's Comments: The unauthorised tree works and associated enforcement action do not impede/prevent Council from determining this DA, and it is noted that these unauthorised works have been referred to Council's Section Manager – Natural Areas and Urban Forest for appropriate enforcement action.

In relation to the Smooth Bark Apple tree, it is recommended that a condition of consent be imposed requiring removal of this tree and its replacement with a suitable species (see condition 4 in the Draft Conditions). Although under normal circumstances, every effort should be made to preserve and retain trees of such significant size, as noted in the Consultant Landscape Architect's comments, the works done to the tree have placed it at increased risk of failure. If the tree is required to be retained, there are significant risks to persons and property, given its position close to both the proposed outbuilding and also existing neighbouring properties. The current state of this Smooth Bark Apple tree is shown in the following photo:



ITEM 4 (continued)

In relation to the unauthorised tree removal, it is noted that at least one (possibly two) trees have been removed, and Council's records show no record of approval (either via a Tree Management Application or the DA process). In order to provide a deterrent to the community regarding unauthorised tree removal across the City area, it is recommended that Council resolves to take suitable enforcement action against the owner of the property regarding the unauthorised tree removal. This could include issuing of a fine (which is \$1,500 for an individual or \$3,000 for a corporation) and requiring replacement planting.

Council's Consultant Landscape Architect has recommended the provision of two semi-advanced (100 litre) *Angophora costata* (Sydney Red Gum) trees. However, this raises issues regarding the site's affectation by bushfire, and in this regard Council's Bushfire Consultant has advised that they be located such that when they reach maturity they do not provide foliage within 2-5m of the existing dwelling within the subject site or any existing neighbouring dwelling. Furthermore, tree crowns should be maintained such that they do not connect with the adjacent bushland and do not exceed a canopy foliage cover of 15% (as required for an Inner Protection Area). See condition 4 and 31.

Consultant Structural Engineer: The site is affected by Slope Instability, and so this DA was referred to Council's Consultant Structural Engineer, who has provided the following comments:

Given the small size of the proposed development, and given the low risk of slope instability posed by the works, Cardno recommend that Council do not require a geotechnical risk assessment in this instance. However we recommend that any approval of this application be conditioned on all foundation loads being either supported directly on rock or being piered to rock.

(See condition 12)

External Referrals

NSW Rural Fire Service: Undertook an assessment of the original proposal for a secondary dwelling, and provided the following comments:

The service is not in a position to properly assess the application as submitted by Ryde City Council on the basis of the information provided. The following will need to be provided for further assessment:

ITEM 4 (continued)

1. *The proposed cabana by virtue of its size, construction and habitable accommodation is considered a secondary dwelling / dual occupancy. Therefore such developments are required to comply with Appendix 2 of "Planning for Bush Fire Protection 2006". Given the surrounding vegetation and topography to the west of the site, a 20m setback or separation distance is required. In this instance the proposed development only allows for a 3m separation onsite to the west and is considered to be in the Flame Zone. The proposed development is unlikely to achieve the appropriate separation for the type of development. The applicant should consider their options as the development is unlikely to be supported by the Service.*
2. *Alternatively, the proposed cabana should be redesigned without the habitable components, supporting its use as a sun shade structure.*

When the proposal was amended to be for a non-habitable outbuilding, the NSW Rural Fire Service provided a condition requiring that "the cabana cannot be used for habitable purposes". See condition 32.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

The main issue of concern with this proposal related to the permissibility of the development within a bushfire flame zone. Amendments made to the design from a habitable, use as a secondary dwelling to a non-habitable use as a cabana outbuilding adequately addresses this concern.

ITEM 4 (continued)

There has been unauthorised tree works at this site as discussed in the body of this report. Council will pursue enforcement action regarding these unauthorised tree works.

There are some minor areas of non-compliance with DCP 2010, however there are minor and have been justified or addressed through imposition of a condition of consent.

The proposal underwent two (2) separate notification periods as substantial amendments to the design were made. No submissions were received.

The DA is recommended for approval subject to conditions of consent.

ITEM 4 (continued)

ATTACHMENT 1

DCP COMPLIANCE TABLE
10 River Avenue, Chatswood West

City of Ryde Development Control Plan 2010:

Part 3.3 – Dwelling Houses and Duplex Buildings

Part 7.2 – Waste Minimisation and Management

Part 8.2 – Stormwater Management

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

DCP 2010	Proposed	Compliance
<i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i>		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Site Configuration		
Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard.	Permeable (deep soil) area: 268.14m ² approx (46% of site area). Rear DSA dimensions: 8m x 8m provided.	Yes Yes
Topography & Excavation Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	The proposed timber cabana outbuilding is suspended above existing ground level, and no cut or fill is required.	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Floor Space Ratio		
Ground Floor (garage)	55.14m ²	
First Floor	109.3m ²	
Second Floor	119.6m ²	
Third Floor (store room)	-	
Proposed outbuilding	20m ²	
Total (Gross Floor Area)	304.04m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	268.04m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.46:1	Yes
Height		
4.5m Overall Height for outbuildings <i>NB:</i> <i>EGL = Existing Ground Level</i>	Overall Height (max)= 5.04m	No (variation not supported – condition of consent applied limiting roof pitch to 2 degrees)
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	North – 2.089m South – 2m	Yes
Rear May have a nil rear setback as long as the external wall is maintenance free and there is no eaves overhang.	2.612m setback from rear boundary.	Yes
Outbuildings		
Not within front setback	Located in the backyard	Yes
Max area – 20m ²	Area: 20m ² floor area (not including deck surrounding)	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
Max wall plate (ceiling) height 2.7m	TOW (ceiling) RL: 23.4 EGL below: 20 Ceiling height = 3.4m max.	No (variation supported)
To be single storey.	Single storey	Yes
Windows not less than 900mm from boundary.	Windows 2m from southern side boundary, 2.089m from northern side boundary and 2.612m from rear boundary.	Yes
Concrete dish drain if setback less than 900mm.	Setback >900mm	N/A
Design to complement new dwelling.	Materials: Will satisfactorily complement the existing dwelling and fit in with the bushland surroundings. Roof Design: Acceptable, although pitch will be reduced from 6 degrees to 2 degrees to ensure compliance with height control.	Yes
Landscaping		
<p>Trees & Landscaping</p> <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 	<p>No tree removal or landscaping of site proposed. Stairs proposed connecting outbuilding to ground level of rear yard.</p> <p>Control relates to primary dwelling – existing dwelling house has a pathway along side of dwelling. Existing front yard to remain unchanged.</p> <p>Backyard contains 1 tree exceeding 10m in height.</p> <p>No planting or landscaping proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
2.7m. - OSD generally not to be located in front setback unless under driveway. - Landscaped front garden, with max 40% hard paving	OSD to remain unchanged. No change proposed to existing front garden.	Yes Yes
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p> - Where lot is adjoining bushland, protect, retain and use only native indigenous vegetation for distance of 10m from boundary adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.	No landscaping proposed No fill proposed. Timber balustrade fencing surrounds deck.	Yes Yes Yes
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <p><u>Neighbouring properties are to receive:</u></p> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.	The proposed cabana outbuilding is located approximately 20m from the neighbouring dwelling houses and will not have an adverse impact on solar access to these property's open space area or any north facing living area.	Yes
<p>Visual Privacy</p> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there	Rear cabana window overlooks bushland which abuts the rear of the site. Side and front cabana windows are adequately setback from side boundaries and do not	Yes

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
<p>are no close or direct views to adjoining dwelling or open space.</p> <ul style="list-style-type: none"> - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>directly overlook into dwellings on adjoining properties.</p> <p>Deck is well setback from side boundaries restricting the potential for overlooking into these properties.</p>	<p>Yes</p>
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	<p>The proposed development will not impede any views, as no views of significance are obtained over the rear of the subject site.</p>	<p>Yes</p>
<p>Cross Ventilation</p> <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Windows are proposed on all four sides of the cabana to allow for good cross ventilation. The proposed timber deck is open.</p>	<p>Yes</p>
<p>Part 7.2- Waste Minimisation & Management</p>		
<p>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</p>	<p>Yes</p>
<p>Part 8.2 - Stormwater Management</p>		
<p>Stormwater</p>		
<p>Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.</p>	<p>Drainage will be piped via 100mm PVC piping along rear of outbuilding and connecting existing storm water line along northern side of subject site.</p>	<p>Yes</p>
<p>Part 9.6 – Tree Preservation</p>		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance</p>	<p>Original SEE states no removal of any tree on site” will be undertaken.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 1

DCP 2010	Proposed	Compliance
between the tree(s) and the proposed building and the driveway.		

ITEM 4 (continued)

ATTACHMENT 2

DRAFT CONDITIONS OF CONSENT
10 River Avenue, Chatswood West
LDA2012/269

GENERAL

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

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

Document Description	Job No.	Drawing No.	Dated
• Site Plan	1137	DA01 – Issue C	09.10.12
• Site Analysis	1137	DA02 – Issue C	09.10.12
• Plans, Elevations & Section	1137	DA11 – Issue C	09.10.12

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

(a) The proposed roof pitch of 6 degrees is to be reduced to 2 degrees on all above listed plans. This will ensure the overall height of the outbuilding is reduced from 5.04m to comply with the 4.5m requirement contained within Part 3.3, Section 2.71(a) Building Height of the Ryde DCP 2010.

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. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.

Protection of Adjoining and Public Land

4. **Tree Removal and Replacement Planting.** The removal of the Smooth Bark Apple tree and replacement with two semi-advanced (100 litres) *Angophora costata* (Sydney Red Gum) trees. These replacement trees shall be located such that when they reach maturity they do not provide foliage within 2-5m of the existing dwelling within the subject site or any existing neighbouring dwelling. Furthermore, tree crowns should be maintained such that they do not connect with the adjacent bushland and do not exceed a canopy foliage cover of 15% (as required for an Inner Protection Area).

ITEM 4 (continued)

ATTACHMENT 2

The existing Smooth Bark Apple tree shall be removed within 90 days of this consent, and the two replacement trees shall be planted prior to the issue of any **Occupation Certificate** for this development.

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

Works on Public Road

9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Stormwater

11. **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".

Structural Engineering Conditions

12. **Outbuilding Foundations.** All foundation loads of the cabana outbuilding are to be supported directly on rock or piered to rock.

ITEM 4 (continued)

ATTACHMENT 2

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.

13. **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**.
14. **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**.
15. **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 building with no delivery of bricks or concrete or machine excavation)
16. **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
17. **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**.
18. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

ITEM 4 (continued)

ATTACHMENT 2

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

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

Or telephone 13 20 92.

19. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

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.

20. **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.

21. **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.

22. **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

ITEM 4 (continued)

ATTACHMENT 2

- (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).

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

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.

24. **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*.
25. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
26. **Construction materials.** All materials associated with construction must be retained within the site.
27. **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.
28. **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.

ITEM 4 (continued)

ATTACHMENT 2

29. **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".
30. **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.

31. **Tree removal and replacement planting.** The replacement planting as required by condition 4 shall be provided prior to issue of an **Occupation Certificate** for this development.

OPERATIONAL CONDITIONS

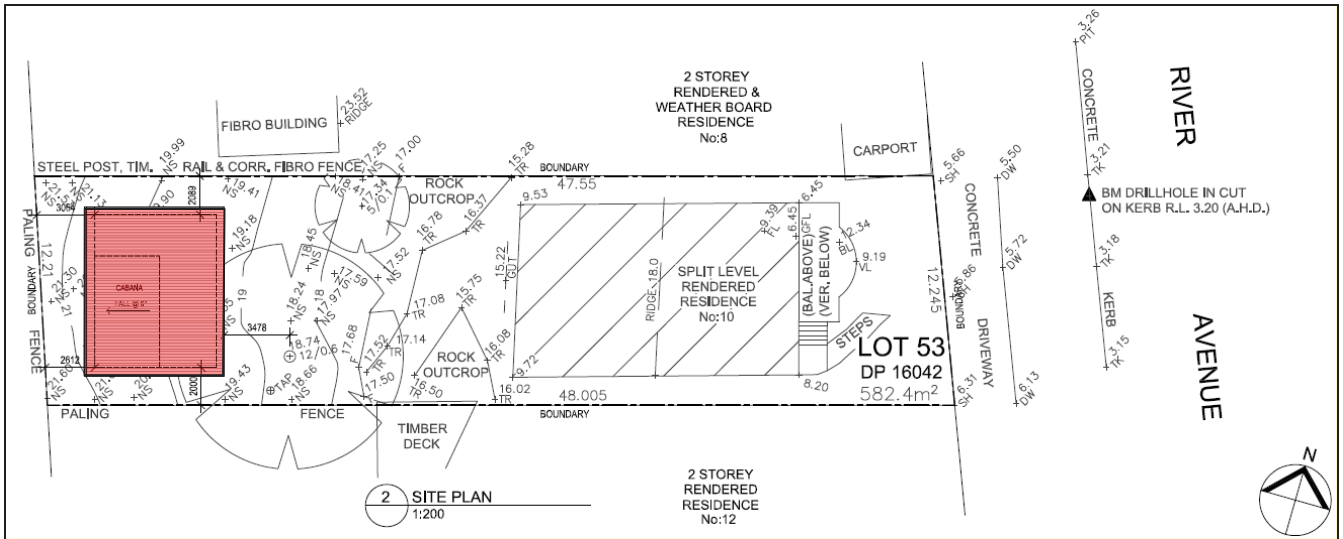
The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

Conditions imposed by the Rural Fire Service

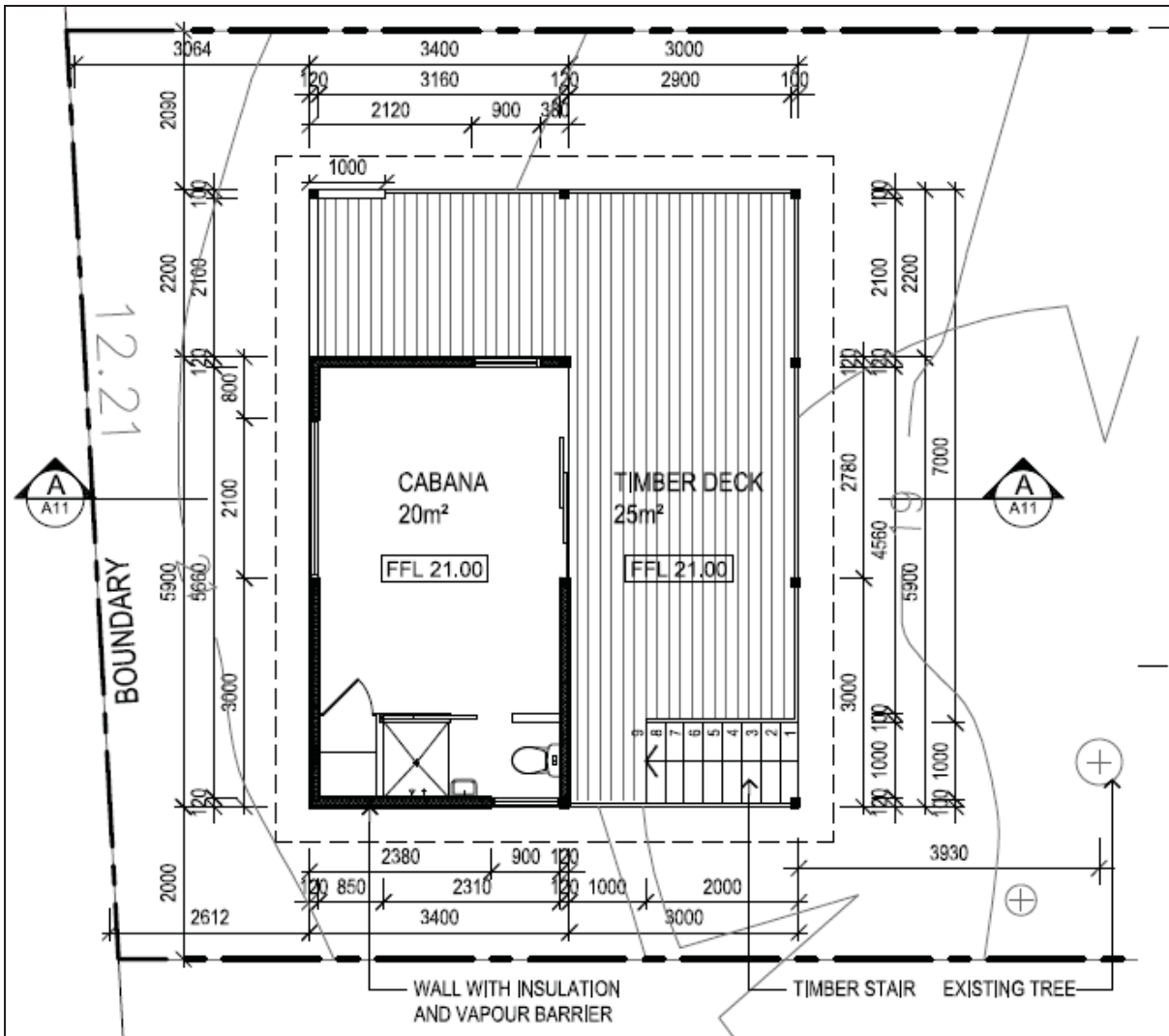
32. **Non-habitable use only.** The cabana is not be used or adapted for the use of a habitable dwelling.

ITEM 4 (continued)

ATTACHMENT 3



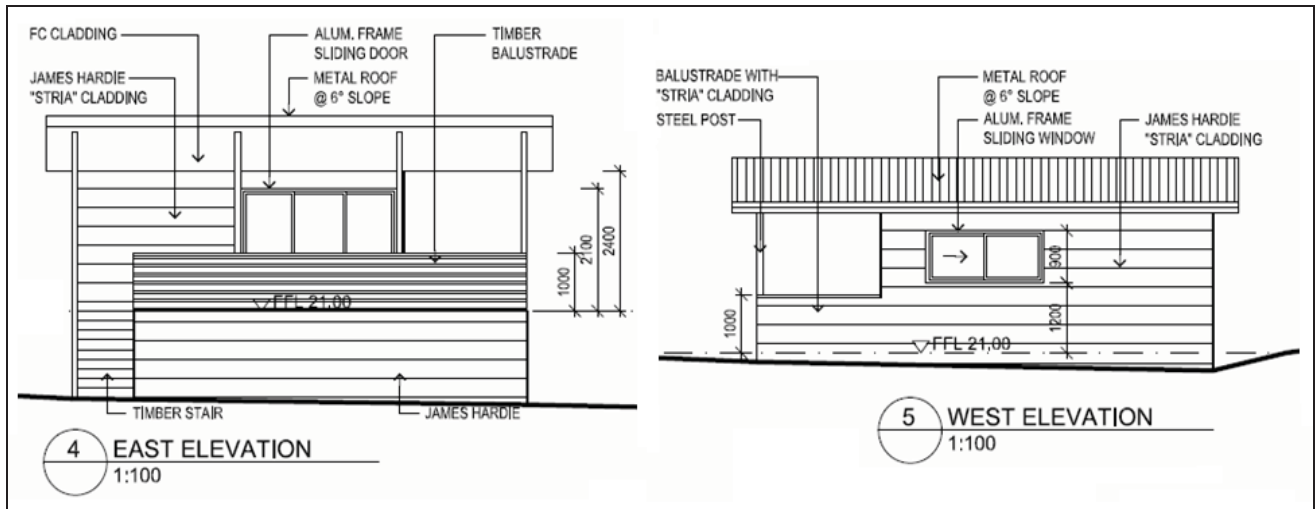
Site Plan (proposed cabana marked red)



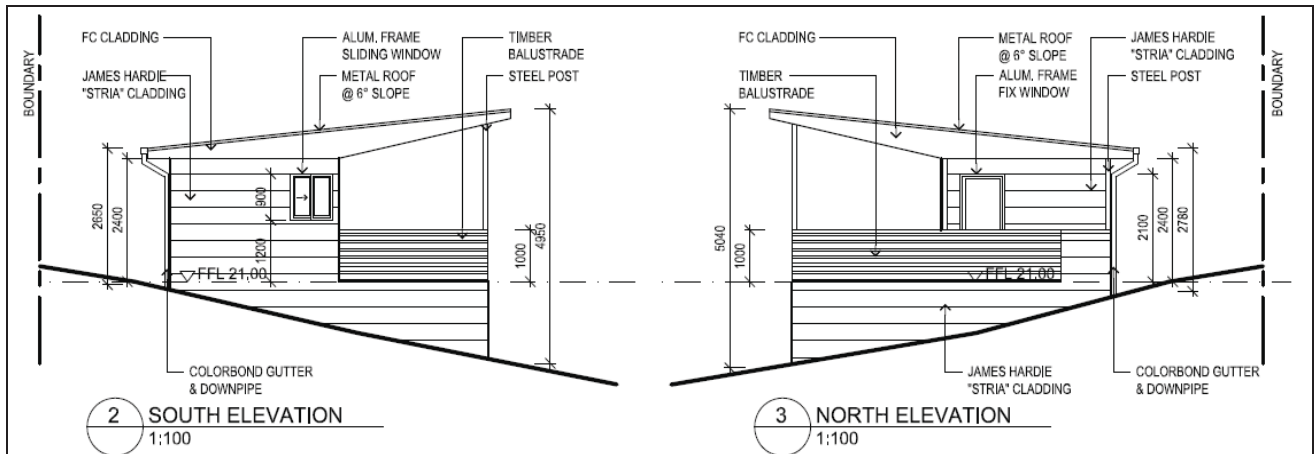
Floor plan of proposed cabana outbuilding

ITEM 4 (continued)

ATTACHMENT 3



East and West elevations of proposed cabana outbuilding



North and South elevations of proposed cabana outbuilding

- 5 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.**

INTERVIEW: 5.15pm

Report prepared by: Senior Town Planner

Report approved by: Team Leader - Major Development Team; Manager Assessment; Group Manager - Environment & Planning

Report dated: 17/01/2013

Previous Items: 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. - Planning and
Environment Committee - 6
November 2012

File Number: grp/12/5/5/3 - BP13/48

1. Report Summary

Applicant: Thomson Adsett.

Owner: Twilight House.

Date lodged: 19 January 2012.

This report has been prepared to enable Council's further consideration of a development application (DA) for alterations and additions to an existing seniors housing (residential care facility) located at 16 Punt Road. 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 number of aged care residents (41) or the number of employees at the site.

At the Council Meeting of 13 November 2012, it was resolved to defer consideration of this DA to allow the Group Manager Environment & Planning to undertake mediation between the applicant and the objectors in regard to reducing the overshadowing impacts on the adjoining residents to achieve closer compliance with Council's Development Control Plan 2010. A further report was to be provided to the Planning & Environment Committee within three months.

ITEM 5 (continued)

The mediation meeting was held on 11 December 2012 at the Ryde Planning & Business Centre to discuss the issues of concern. At the meeting, the applicant agreed to increase the setback of the proposed first floor level in order to reduce the extent of overshadowing on No. 20 Punt Road. This was considered an acceptable solution by the objector.

Subsequently, on 13 December 2012, amended plans were received incorporating the following design changes:

- First floor setback from 5.6m to 6.3m.
- Submission of amended shadow diagram indicating an improvement in solar access into No. 20 Punt Road.

The amendments agreed to by both parties during the mediation process have resulted in further improvement in relation to solar access to the neighbour's private court yard as required under Council's Development Control Plan 2010.

As agreed in the mediation meeting, these amended plans were re-notified to the neighbours for a period of seven days from 14 December 2012 to 21 December 2012. During this period the affected neighbour lodged another submission to the proposal.

Approval is recommended subject to the conditions in Attachment 1. These are the same conditions attached to the original report to Planning & Environment Committee – but updated to include the latest amended plans and a new condition specifying the new setback.

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

Public Submissions: Eight submissions received to the original application.
Six submissions received to the amended proposal.
One submission received to amended plan after mediation.

Clause 4.6 RLEP 2010 submission required? No

Value of works? \$1.1Million

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

ITEM 5 (continued)

RECOMMENDATION:

- (a) That Local Development Application No. 2012/0015 for 16 Punt Road, Gladesville, 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 Minutes from Mediation Meeting
- 3 Previous Report to Planning & Environment Committee
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sanju Reddy
Senior Town Planner

Report Approved By:

Sandra Bailey
Team Leader - Major Development Team

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 5 (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 the northern to southern boundary towards the front of the site.
Existing Buildings	: The site contains a 2 storey brick building with a street setback of 22m – 40m.
Planning Controls	
Zoning	: Low Density Residential
Other	: State Environmental Planning Policy (Seniors Housing) 2004 Local Environmental Plan 2010. Seniors Living Policy: Urban Design Guidelines for Infill Development. Development Control Plan 2010 Draft Local Environmental Plan 2011

ITEM 5 (continued)

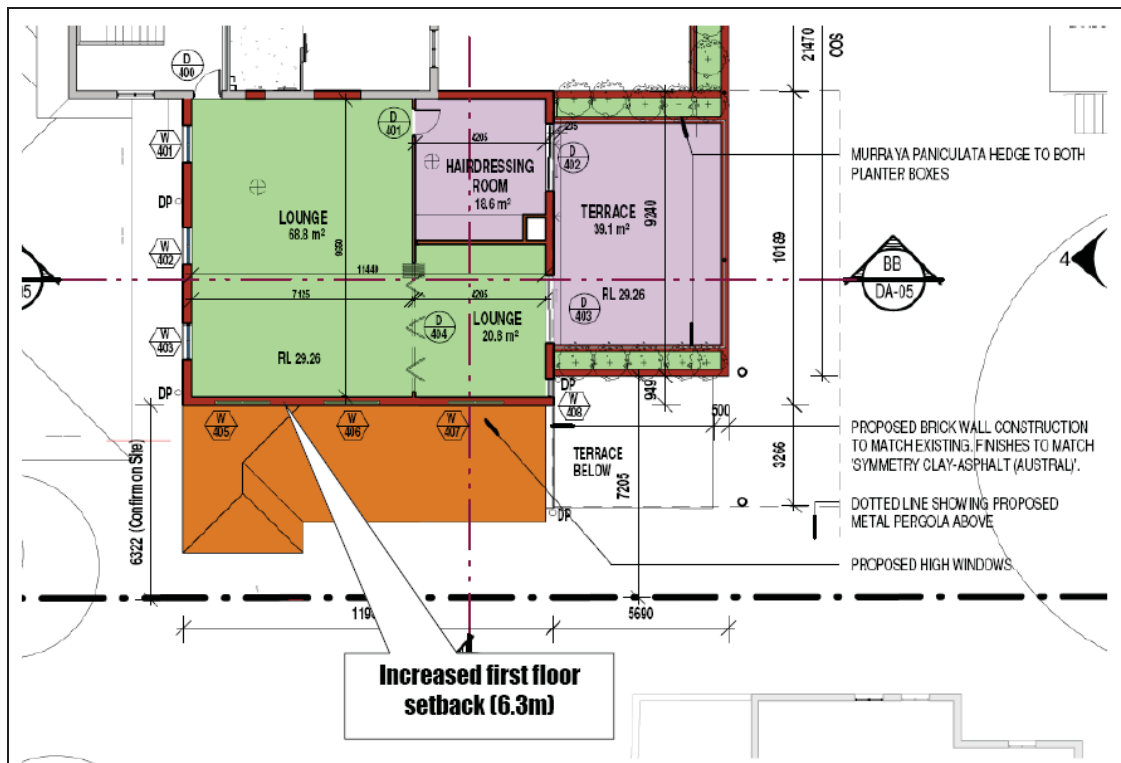
3. Background

- The previous report to Planning & Environment Committee dated 6 November 2012 contains an assessment of the proposal as originally submitted.
- At its meeting of 13 November 2012 Council resolved that:
 - *That LDA2012/0015 for 16 Punt Road be deferred for mediation with the Group Manager Environment & Planning, applicant and objectors in regard to reducing the overshadowing impacts on the adjoining residents to achieve closer compliance with Council's Development Control Plan 2010. A further report was to be provided to the Planning & Environment Committee within three months.*
- The mediation meeting was held on 11 December 2012. At the meeting, the applicant agreed to increase the setback of the proposed first floor level in order to reduce the extent of overshadowing on No. 20 Punt Road. This was acceptable to the objector.
- On 13 December 2012, amended plans were received incorporating the following design changes:
 - First floor setback from 5.6m to 6.322m.
 - Submission of amended shadow diagram indicating an improvement in solar access into No. 20 Punt Road.
- As agreed in the mediation meeting, the amended plans were re-notified to the neighbours for a period of seven days from 14 December 2012 to 21 December 2012. During this period the affected neighbour lodged another objection to the proposal.
- The notes of the Mediation Meeting, including details of the persons attending and the summary of discussions, are included as **Attachment 2** to this report.

4. Proposal – (As amended through mediation)

- At the mediation meeting, the parties agreed that increasing the first floor setback will improve solar access to the neighbours. It was agreed that the first floor setback will be increased from 5.6 metres to 6.322 metres (refer to plan below).

ITEM 5 (continued)



The objector had agreed that no further objection would be raised with respect of overshadowing impact if the first floor setback is increased to that shown in the amended plan. The above modification would translate into a reduction in the loss of sunlight to the private open space of No. 20 Punt Road.

The amended plans submitted on 13 December 2012 confirms the increased first floor setback (indicated above). The rest of the proposal remains unchanged.

5. Submissions

The amended plans were notified to the affected adjoining owners, in accordance with the terms agreed in the mediation meeting for a period of seven days from 14 December 2012 to 21 December 2012. During this period the affected neighbour (who had attended the mediation) lodged another objection to the proposal.

The following issues were raised by the resident at No. 20 Punt Road:

- i) *The drawing submitted by the applicant subsequent to the mediation meeting shows the setback as “6322 (confirm on site)”. The phrase ‘confirm on site’ is not an unequivocal commitment to the agreed setback. I request a clear and unequivocal commitment that the setback from (first floor) lounge will be at least 6.24 metres from my No. 20 Punt Road boundary. I also request that the Level 3 (ground floor) setbacks of 2 metres and 3 metres are not reduced.*

ITEM 5 (continued)

Assessment Officer's Comments:

On an architectural plan, the term “confirm on-site” is a standard term used by the architect to ensure that the builder sets out the approved building in the correct position immediately before construction commences. It does not imply any ambiguity regarding the required setback.

However, to allay any further concerns regarding the agreed setback, condition No. 1(e) is recommended to ensure that the first floor setback is not less than 6.3m and ground floor setbacks are no less than 2 metres and 3 metres as indicated on the amended plan.

6. Policy Implications

The previous report to Planning & Environment Committee of 6 November 2012 contained an assessment of the proposal against the relevant planning controls. The matters affected by the amended proposal are discussed below:

(a) State Environmental Planning Policies

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (*Seniors Housing SEPP*)

Part 3 Design requirements

SEPP Provisions	Assessment	Comply?
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:	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

ITEM 5 (continued)

SEPP Provisions	Assessment	Comply?
<p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, &</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, &</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, &</p> <p>(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, &</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, &</p> <p>(f) retain, wherever reasonable, major existing trees, &</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>Setbacks: GF= 2m – 3m FF = 6.3m – 7.2m Front = 21m</p> <p>The front and side setbacks are considered reasonable.</p> <p>There are no walls on the boundary.</p> <p>The addition to the front generally aligns with the existing front setback. Numerically the front setback is over 20m.</p> <p>Landscaping to the front of the site will not be affected.</p> <p>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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<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>		

ITEM 5 (continued)

SEPP Provisions	Assessment	Comply?
(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, & (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The development provides adequate setback, high sill windows, privacy screens and landscaping to address any potential acoustic or visual privacy impacts. New bedrooms are not proposed.	Yes N/A
<p>Cl. 35 Solar access and design for climate</p> <p>The proposed development should:</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, & (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>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 and is considered reasonable.</p> <p>The addition is proposed generally on the southern side of the allotment. However, majority of the overall existing windows are north facing.</p>	Yes Yes Yes Yes

ITEM 5 (continued)
Part 4 – Development Standards to be complied with.

Clause 40 Development Standards – minimum sizes & building height (1) General Must comply with standards		
(2) Site size: Min 1,000m ²	Subject site area = 3,431m ²	Yes
(3) Site frontage: Min 20m	Subject site has frontage of 42.72m to Punt Road.	Yes
(4) Height: 8m or less 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 proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).	$RL31.96 - 26.16 = 5.8m$ The proposal complies with the maximum height as defined under the SEPP.	Yes
(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	2 storeys The rear section of the site is already built up and is not relevant to the assessment of the proposed addition.	Yes N/A

ITEM 5 (continued)

CI 48: Standards that cannot be used to refuse development consent for Residential Care Facility		
(a) Building height 8m	Proposed at 5.8m	Yes
(b) Density at 1:1	FSR = 0.68:1 (17.25m ² reduction in FSR)	Yes
(c) Landscaped area at 25m ² /bed. 25X41 = 1025m ²	Landscape = 1414m ² /41 = 34.4m ² per bed	Yes
(d) Parking: 1 space/10 bed 1 space/2 employees 1 for ambulance	No changes are proposed to the number of employees or the number of residential care facility beds. 9 parking spaces and 1 space for an ambulance already exist on the site.	Yes

(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 a '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 a 9.5m building height on the site. The maximum ridge height of the proposed addition is 8.4m which is well under the maximum height. No issues are raised in this regard.

(c) 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 development is permissible with consent

ITEM 5 (continued)

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

(d) Any Development Control Plan

Development Control Plan 2010

Under 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.

However, Council had resolved on 13 November 2012 to defer this application to seek closer compliance with Council's DCP with respect to sunlight access to the adjoining residential property. The amendments submitted by the applicant following the mediation meeting shows an increased first floor setback on the southern side. The amendments do not result in any change to the development's height, ground floor footprint etc, and so a full assessment is not required for the amended plans. The amended plans do result in a slight improvement in terms of solar access for the neighbours, as discussed below:

Solar Access/Overshadowing

This was the key issue of concern to be discussed in the mediation that was required following Council's resolution of 13 November 2012 regarding this DA.

The clause in Council's DCP 2010 regarding overshadowing of neighbouring properties is repeated below:

- e. For neighbouring properties ensure:*
 - i. sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*
 - ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

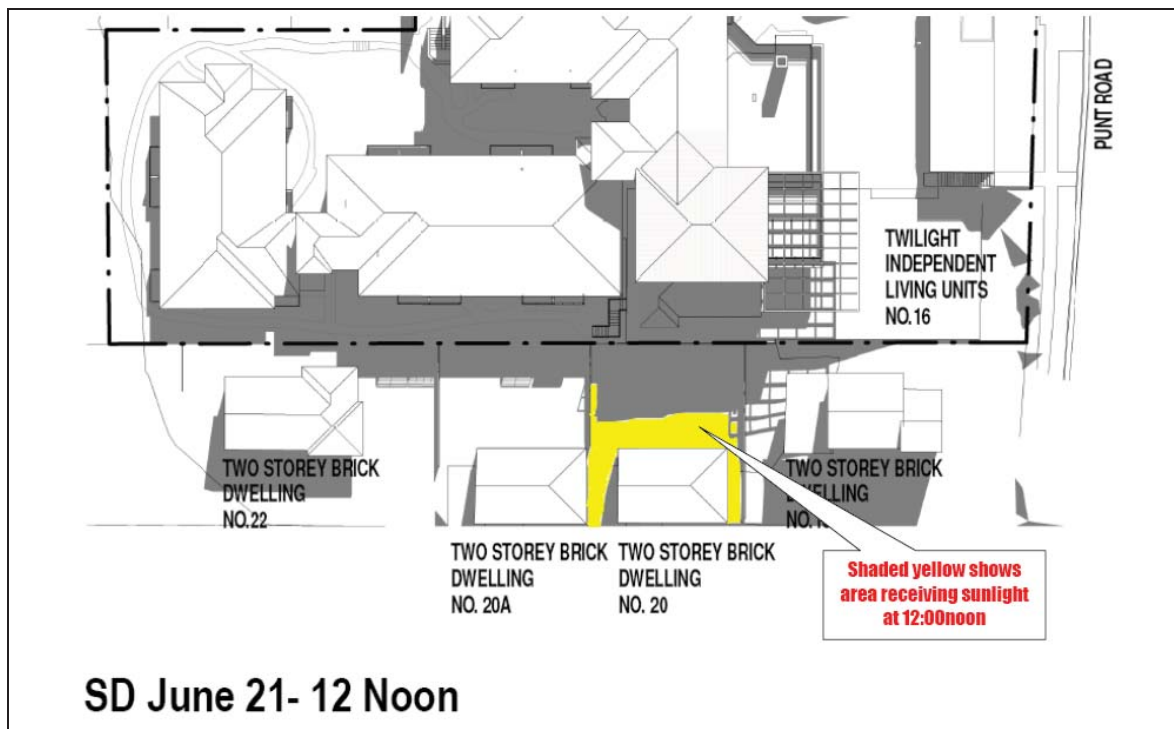
The new shadow diagrams were received on 13 December 2012. These plans reflected the shadow cast by the amended development which shows a slight improvement in solar access to the private open space of No. 20 Punt Road.

ITEM 5 (continued)

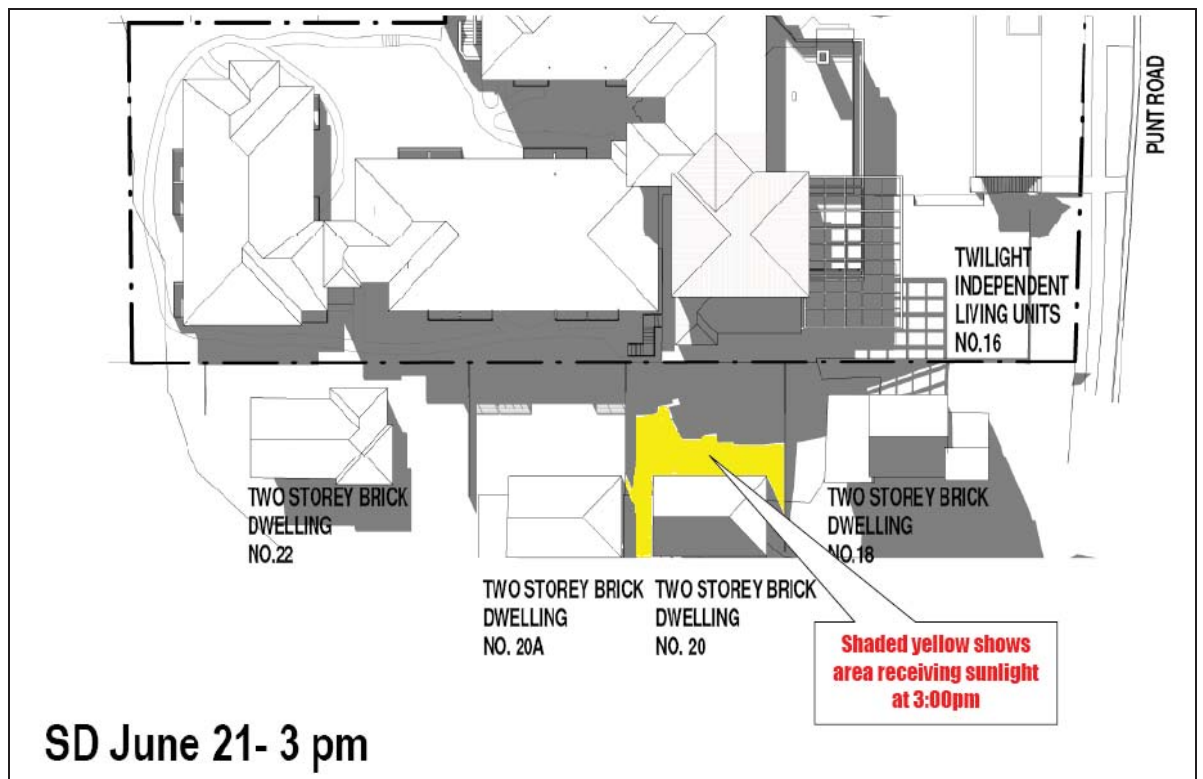
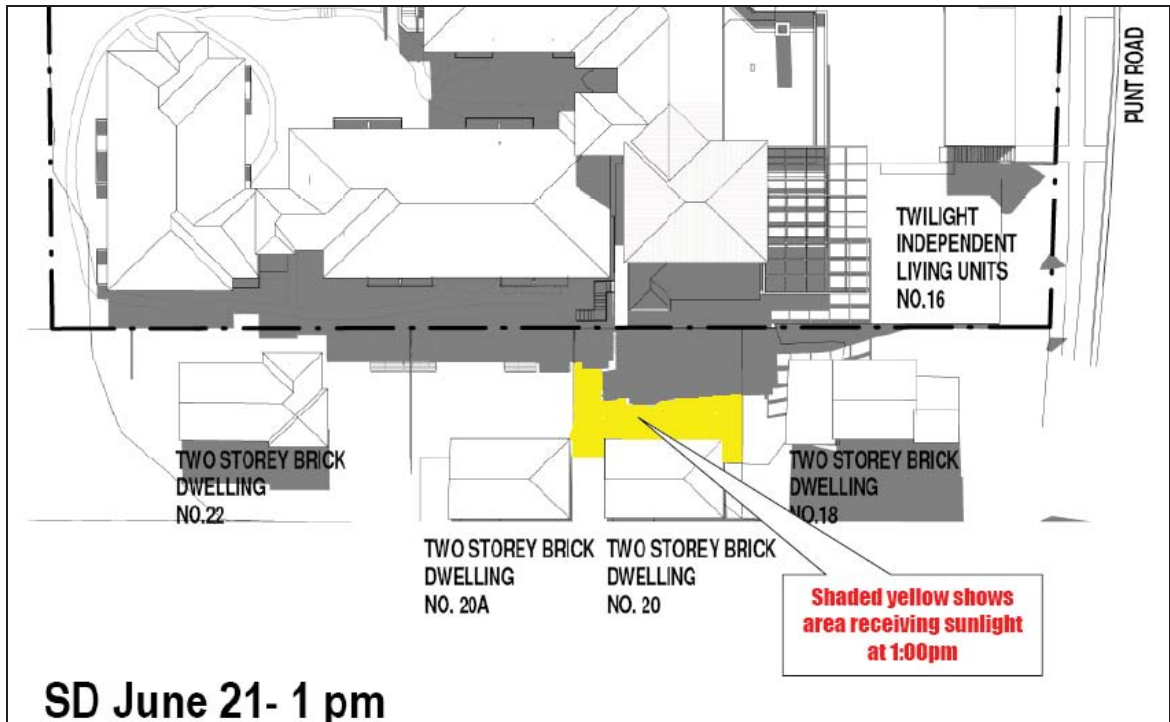
The north facing windows will received the minimum 3 hours of sunlight over portion of their surface.

The private courtyard at 20 Punt Road will be partially affected by overshadowing, but portions of the private open space would receive sunlight between 12:00noon to 3:00pm.

The new shadow diagrams have been included below:



ITEM 5 (continued)



ITEM 5 (continued)

The required 2 hours of sunlight (under Council's DCP) will now be received over approximately 45% of the private open space area instead of the previous 40%. This level of solar access (subject to the increased first floor setback as discussed before) was considered acceptable by the objector in the mediation.

7. Conclusion

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

The further design changes made by the applicant to the first floor setback, as agreed by the applicant and the objectors at the mediation meeting regarding improvements to solar access to No 20 Punt Road, have resulted in a slight increase in sunlight available to the private open space of No. 20 Punt Road.

Also it is noted that the applicant has co-operated with the neighbours and Council Officers in making further design amendments to improve solar access, in keeping with the agreed outcomes of the mediation meeting for this development. Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination.

ITEM 5 (continued)

ATTACHMENT 1

Recommended Conditions of Consent
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	11 December 2012	D
DA -04 Floor Plans	11 December 2012	D
DA-05 Elevations & Sections	11 December 2012	D
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) **Landscaping:** The Landscaping Concept Plan is to be amended to reflect the amended design as per the approved site plan and submitted to the PCA prior to the issue of any Construction Certificate.
- (b) **Tree Removal:** 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 5 (continued)

ATTACHMENT 1

- (c) **Replacement Planting:** 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) **Pergola:** Installation of any screening or shade cloth on the metal pergola is not to be carried out at any time.
- (e) **Building Setback along southern boundary of the site:** The proposed building shall be setback as follows:
 - i. **Ground floor (Level 3):**
 - The changing room must be setback at least 2 metres from the southern side boundary.
 - The staff meeting room and the terrace must be setback at least 3m from the southern side boundary.
 - ii. **First Floor (Level 4):**
 - The first floor lounge room must be setback no less than 6.3 metres from the southern side boundary.

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.

ITEM 5 (continued)

ATTACHMENT 1

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.

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.

ITEM 5 (continued)

ATTACHMENT 1

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
 - (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.

ITEM 5 (continued)

ATTACHMENT 1

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.

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.

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ATTACHMENT 1

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.

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

ITEM 5 (continued)

ATTACHMENT 1

- (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

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*.

ITEM 5 (continued)

ATTACHMENT 1

29. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
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.

ITEM 5 (continued)

ATTACHMENT 1

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.
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.

ITEM 5 (continued)

ATTACHMENT 1

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**.

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.

ITEM 5 (continued)

ATTACHMENT 1

50. **Waste Management:** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
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 5 (continued)

ATTACHMENT 2

MINUTES OF MEDIATION MEETING

LDA Number: LDA2012/15

Address: 16 Punt Road

Venue: Ryde Planning and Business Centre

Attendees: Council Representatives:
Dominic Johnson (Group Manager E&P),
Sanju Reddy (Senior Town Planner),

Applicant Representative:
Robert Puflet (Thomson Adsett Architect),
Mahi Lau (Thomson Adsett),
Margaret Merlin (Twilight Aged Care Group)

Objectors:
Brian Hurley (Resident – 18 Punt Rd)
Geraldine Killea (Resident – 20 Punt Road).

Date & Time: 11 December 2012 (9:05am – 10:15am)

Proceedings:

1. The meeting commenced at approximately 9:05am and was chaired by Dominic Johnson.
2. Dominic Johnson welcomed the attendees and explained the purpose of the meeting, read the Council Resolution and explained the procedures/rules to be followed by both parties in the mediation today.
3. Sanju Reddy advised the chair that the mediation guidelines published by Council was sent to the architect and the objectors via email earlier. The Council resolution is attached to this minute.
4. Dominic Johnson advised that if the plans are amended as a result of today's mediation, then it will be notified to the attending residents for a period of 7 days. The 7 days notification period was agreed to by Brian Hurley and Geradine Killea to allow the matter to proceed to the next available Planning & Environment Committee meeting expeditiously.
5. Dominic Johnson informed the meeting that the SEPP (Housing for Seniors Living) 2004 applies to the DA which has a slightly different controls in relation to overshadowing compared to Council's Development Control Plan 2010 (DCP). However, he indicated that the intent is to reduce the overshadowing further to ensure closer compliance with Council's DCP.

ITEM 5 (continued)

ATTACHMENT 2

6. The chairperson gave an opportunity to Brian Hurley and Geradine Killea to present their point of view as the objectors.
7. Geraldine and Brian advised the following to the meeting:
 - a. That the privacy issue was fully resolved as part of the DA assessment/amendments and thanked the applicant and Council staff for that.
 - b. Overshadowing still remains to be addressed.
 - c. Presented a brief history of the subdivision of the lots where the Objectors house is located to maximise sunlight.
 - d. Suggested that if the upper floor is moved to 6.29m from the common boundary then the issue of overshadowing will be addressed.
8. Brian Hurley raised that:
 - a. Once the overshadowing matter is resolved, then the other issues that he had raised during notification should be discussed and resolved too.
9. Dominic Johnson indicated that those matters have been discussed in the assessment report that was forwarded to the Council meetings and may not be appropriate in this mediation as the Council resolution is to look at overshadowing matter only.
10. Robert Puflet was given the opportunity to respond and advise if overshadowing impact could further be reduced. He advised the chair that:
 - a. The applicant is prepared to move the first floor to 6.29m as requested by the objector.
 - b. Robert Puflet and Mahi (Thomson Adsett Architects) showed the plans which they had prepared incorporating the changed first floor setback. The plans indicated a setback slightly more than the 6.29m requested by the objectors (at 6.3m).
 - c. Comparative shadow diagrams were also shown demonstrating a reduced impact on No. 20 Punt Road. It was confirmed that as a result of the increased setback, sunlight will be available for approximately 45% of the rear private open space area (as per plan No. DA-10).
11. The objectors agreed to the above amendments and advised the Chair that they agree to the proposed modification and level of resulting overshadowing affectation on 20 Punt Road. It was further agreed that the amended plans once lodge with Council, will be immediately notified to Brian Hurley and Geraldine Killea for 7 days. Once this has occurred then Council staff will endeavour to forward the application to the first available PEC meeting in February 2013.
12. Having agreed to all the above, the Chair thanked everyone and the meeting ended.

Recorded by:

Sanju Reddy
Senior Town Planner

ITEM 5 (continued)

ATTACHMENT 3

- 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.

Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

ITEM 5 (continued)

ATTACHMENT 3

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 5 (continued)

ATTACHMENT 3

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 5 (continued)

ATTACHMENT 3

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.

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ATTACHMENT 3

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:

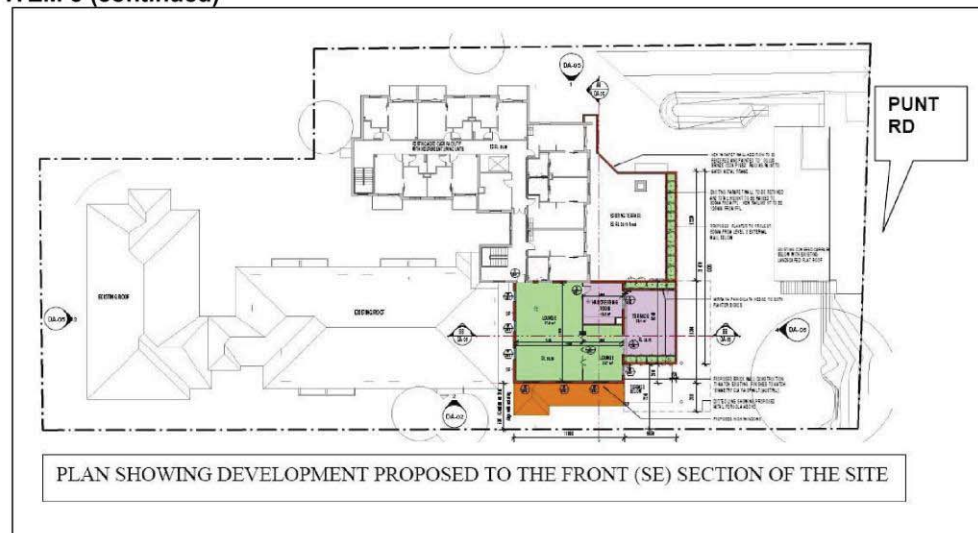
- Partial demolition of existing building;
- Extension of existing ground floor level to accommodate office space, extended dining room, staff meeting room, change room, washing/drying room, new glazing to entry and storage room.
- Addition of first floor level to accommodate common lounge room, hair 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 5 (continued)

ATTACHMENT 3

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).

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- 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.

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ATTACHMENT 3

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- 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.

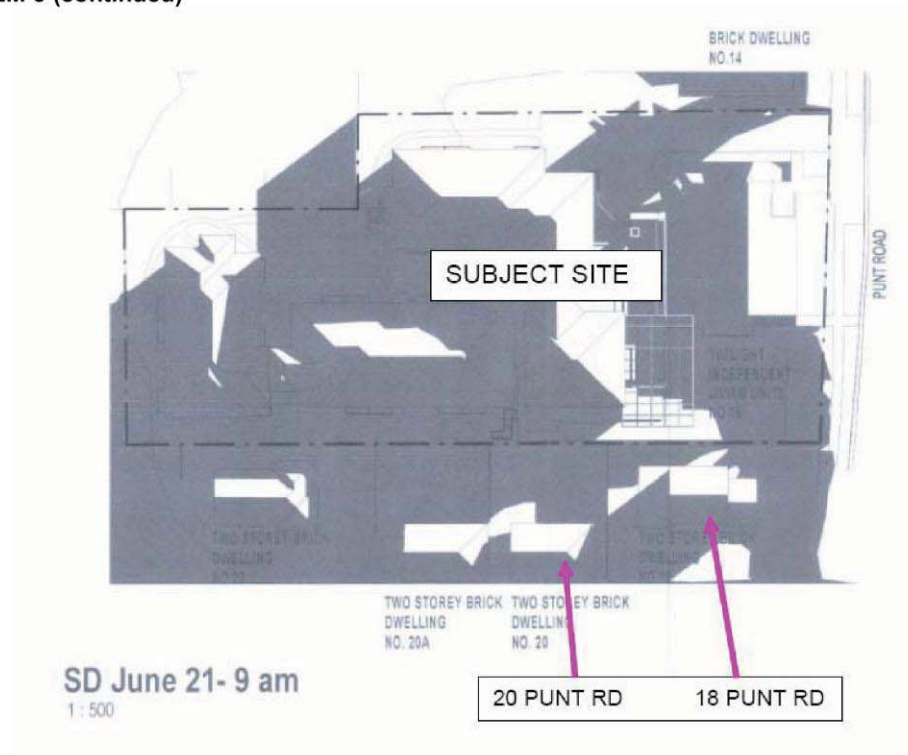
The shadow diagrams demonstrate that the sunlight access to adjoining dwelling located at No. 18 Punt Road will not be reduced to an unacceptable level and that sunlight access would be maintained as follows:

- 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 5 (continued)

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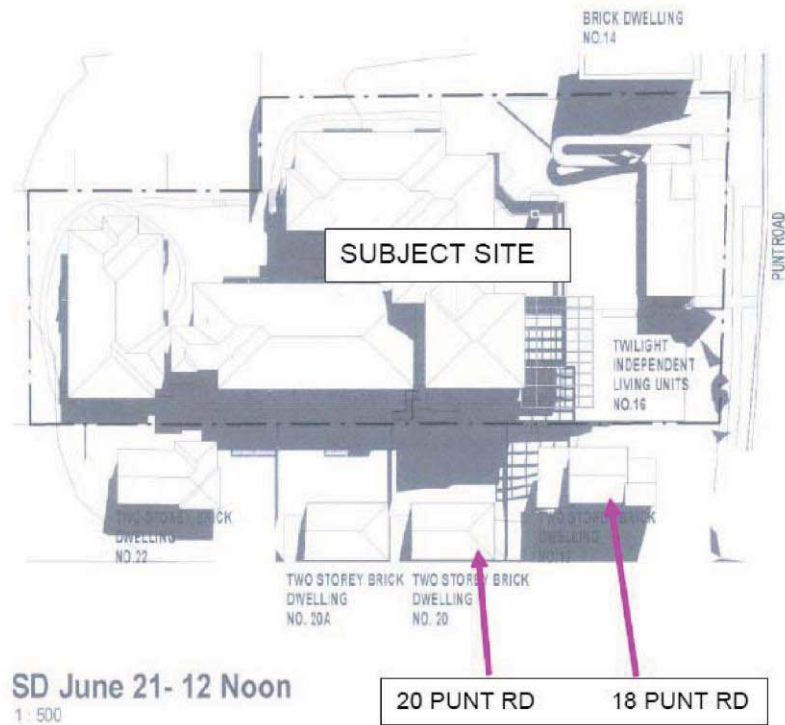
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ATTACHMENT 3

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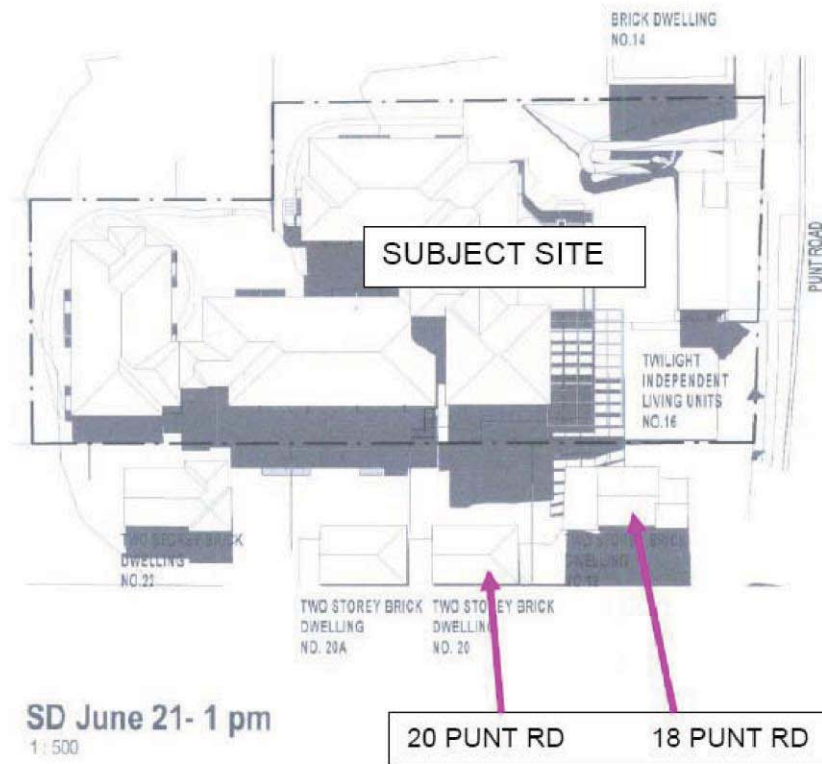
Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

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ATTACHMENT 3

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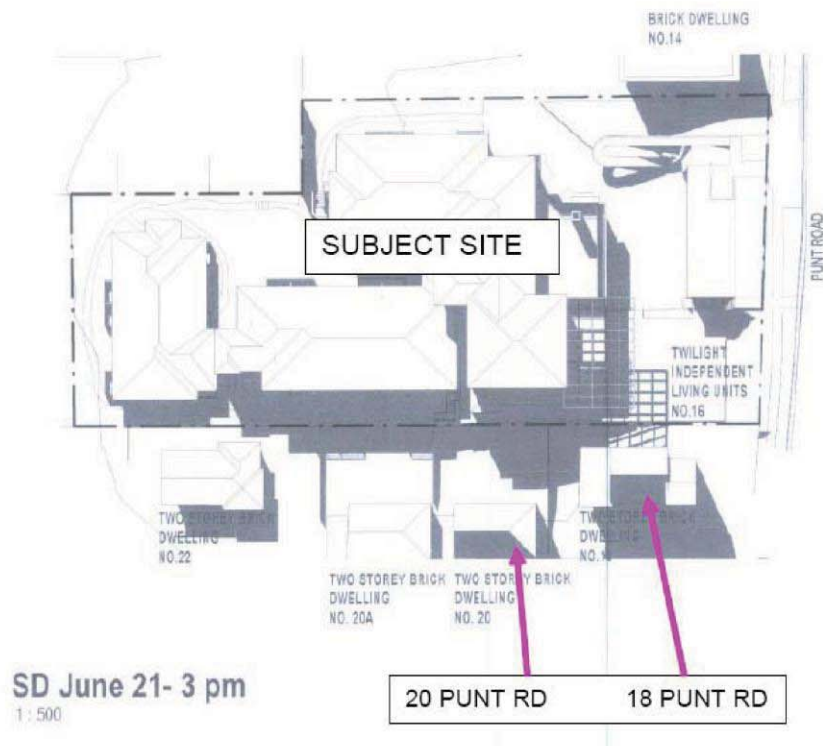
Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

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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.

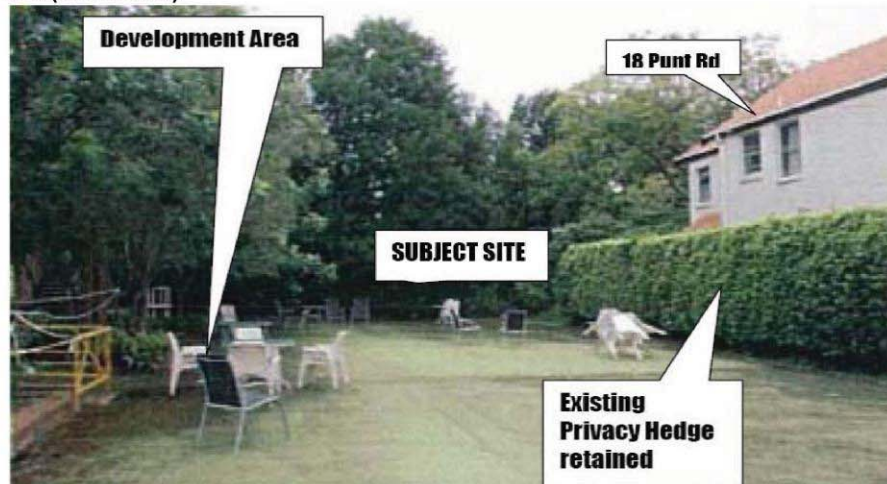
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(iii) *The proposal will impact on the loss of parking available on Punt Road.*

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.

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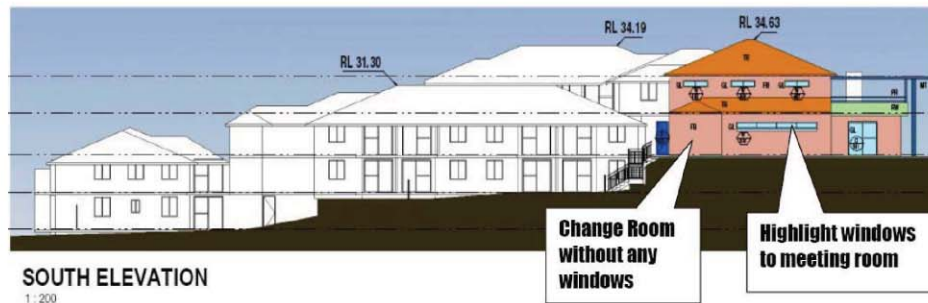
ATTACHMENT 3

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.

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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.

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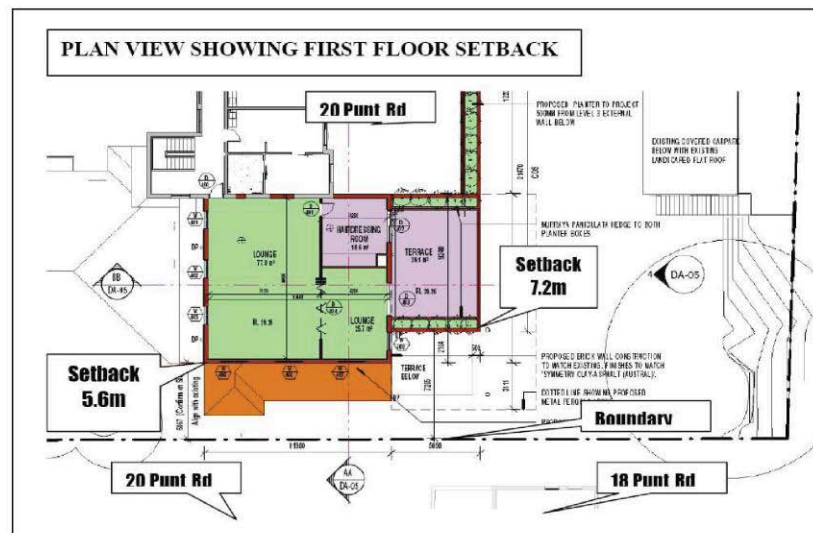
ATTACHMENT 3

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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.



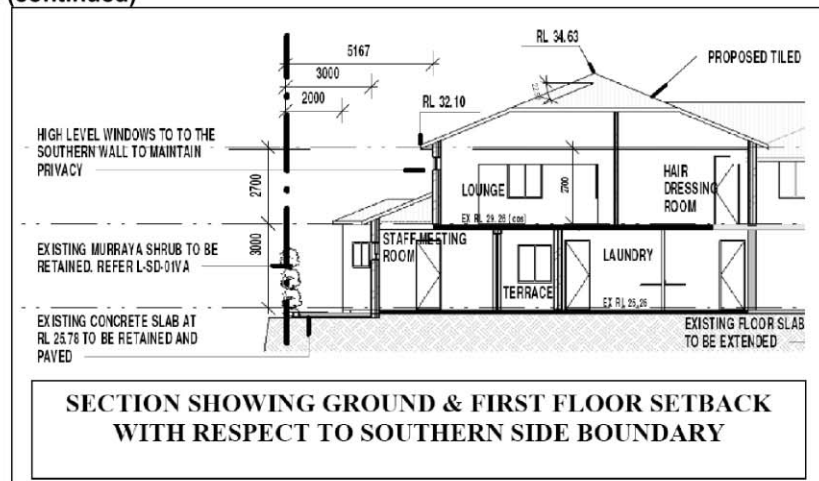
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As discussed earlier, the proposed setback is quite generous and the proposal does not cause an unacceptable level of overshadowing. The application could not be refused on this basis.

- (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.

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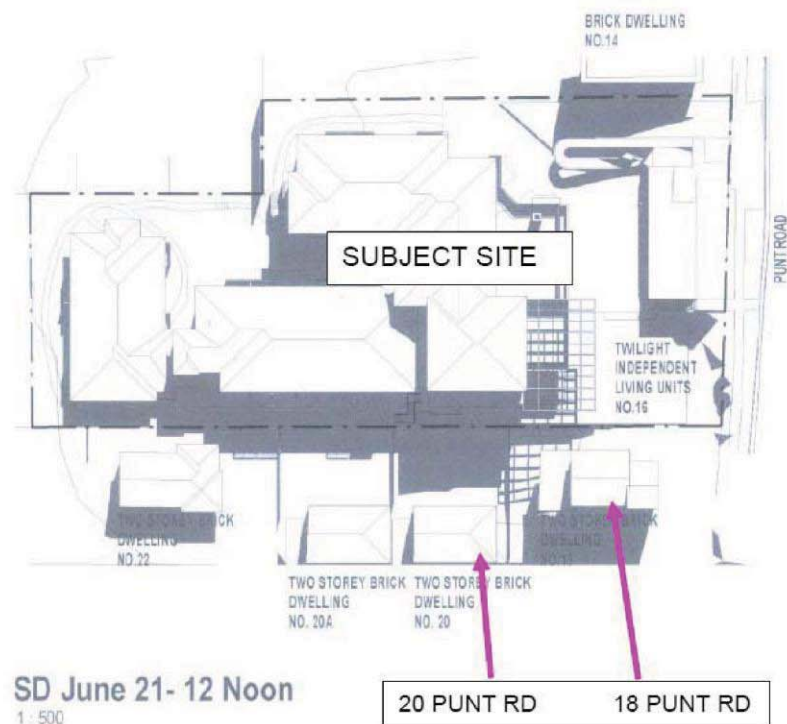
ATTACHMENT 3

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.



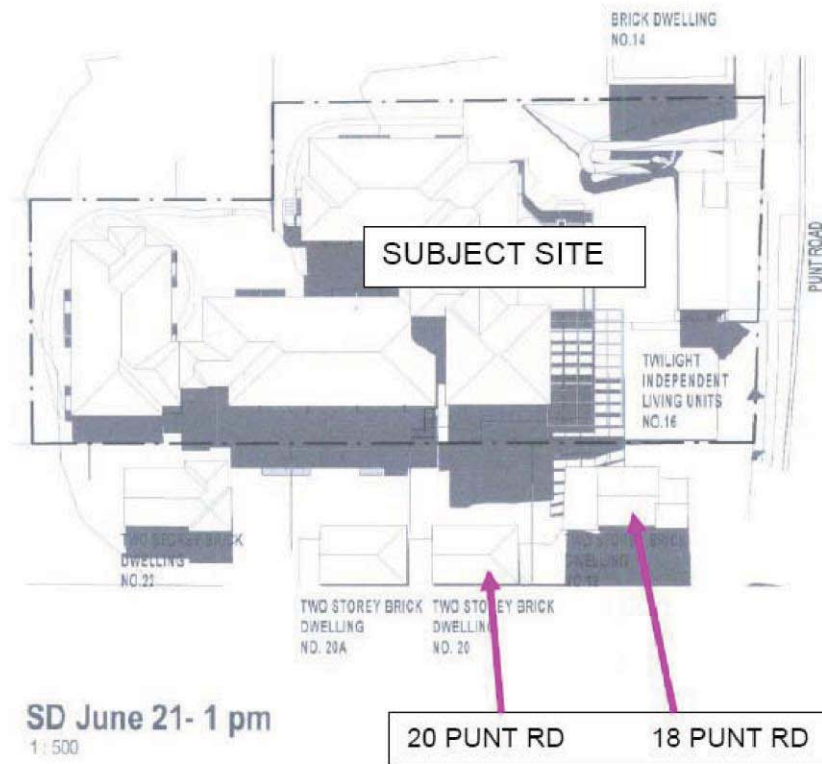
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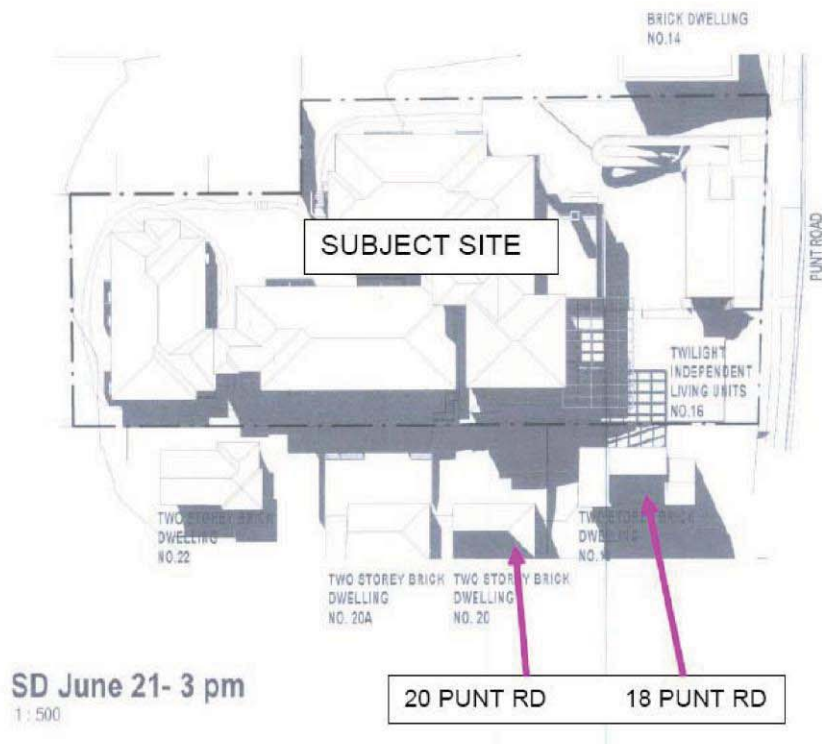
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The plans show that the building at 20 Punt Road will not be affected by overshadowing at any time even though the rear yard will be affected. Therefore, solar access into the internal living area of the dwelling will not be blocked by the proposed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

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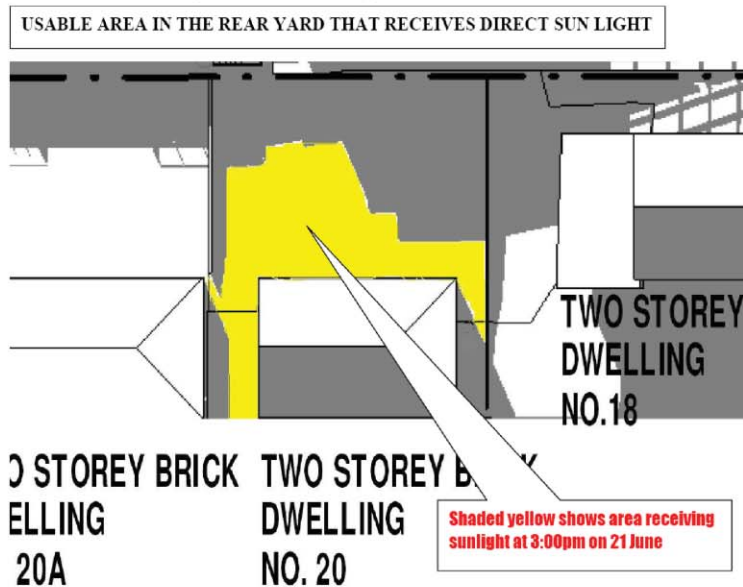
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ITEM 3 (continued)

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.

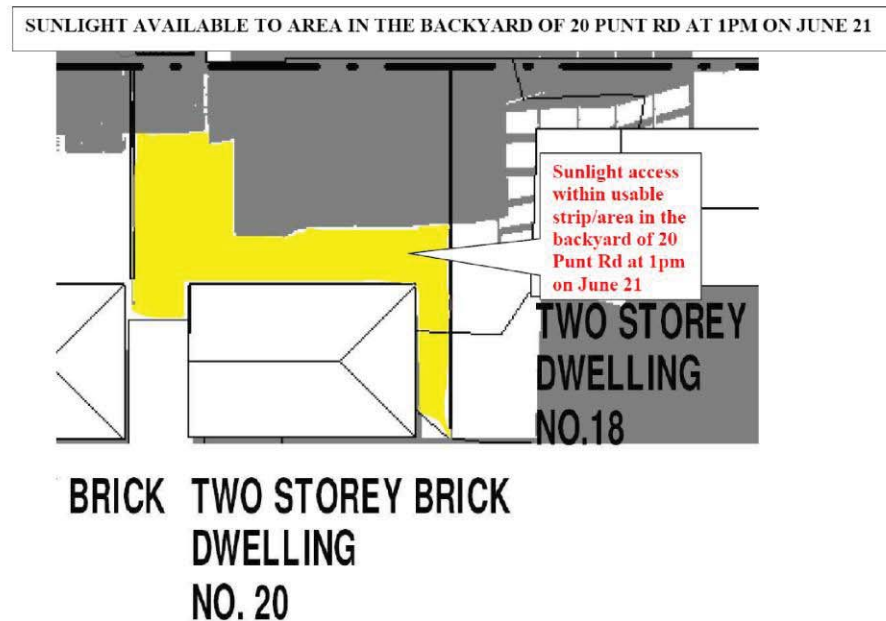


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The proposal has merits and is supported. As mentioned earlier, the shadow diagrams demonstrate that the sunlight access to adjoining dwellings will not be significantly reduced and complies with the Seniors Housing SEPP. The application could not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

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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

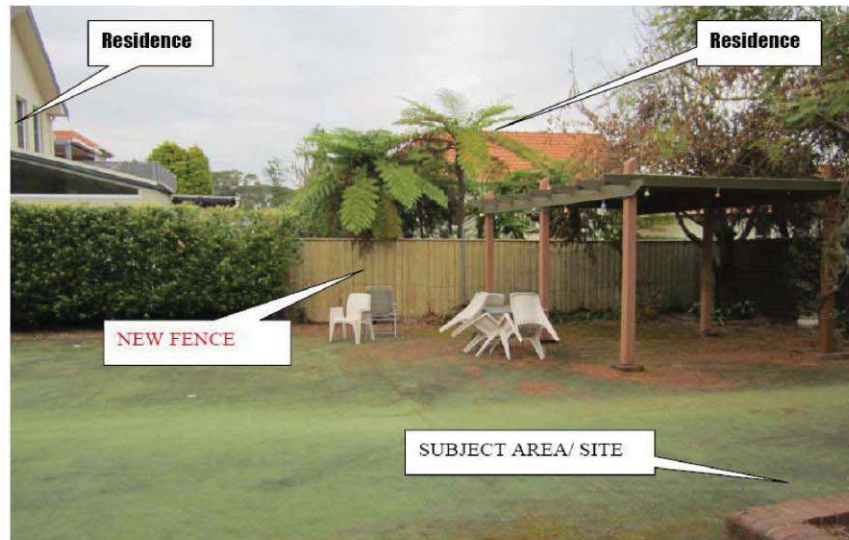
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neighbour and has already erected a new timber lapped fence as shown in the picture taken in September 2012.



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

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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.

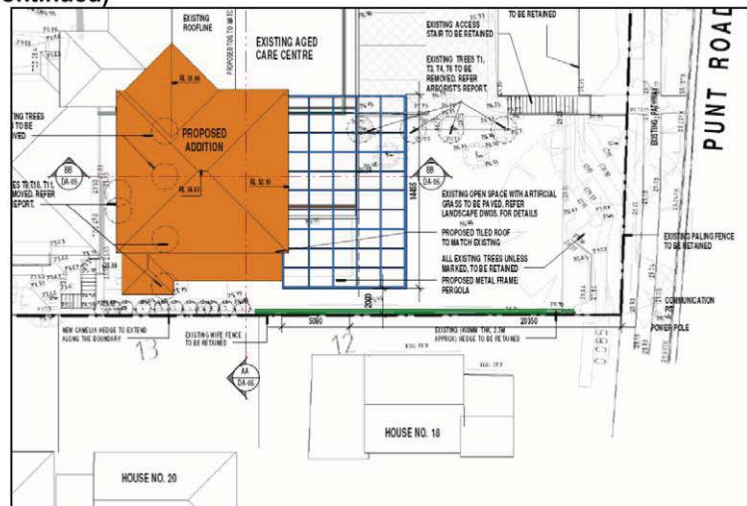
The existing ground level of the land where the pergola is proposed is significantly lower than the street level. In addition the pergola is set back 2m from the side boundary and 16m from the front boundary. The height of the pergola is 2.7m lower than the ridge height of the proposed building on the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

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- (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.

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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.

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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

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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
CI 34 Visual and acoustic privacy The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, & (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from	The development provides adequate setback, high sill windows, privacy screens and landscaping to address any potential acoustic or visual privacy impact. New bedrooms are not proposed.	Yes N/A

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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>

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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>

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proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).		
(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	2 storeys The rear section of the site is already built up and is not relevant to the assessment of the proposed addition.	Yes N/A
CI 48: Standards that cannot be used to refuse development consent for Residential Care Facility		
(a) Building height 8m	Proposed at 5.8m	Yes
(b) Density at 1:1	FSR = 0.69:1	Yes
(c) Landscaped area at 25m ² /bed. 25X41 = 1025m ²	Landscape = 1414m ² /41 = 34.4m ² per bed	Yes
(d) Parking: 1 space/10 bed 1 space/2 employees 1 for ambulance	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.	Yes

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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

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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.

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(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 External

Internal 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.

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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 Cyresses (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).

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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.

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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 approved 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**)

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- (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.

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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

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- (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 docketts 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.

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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.

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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

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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 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.

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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.

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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**.

Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

ITEM 5 (continued)

ATTACHMENT 3

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.

Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

ITEM 5 (continued)

ATTACHMENT 3

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.

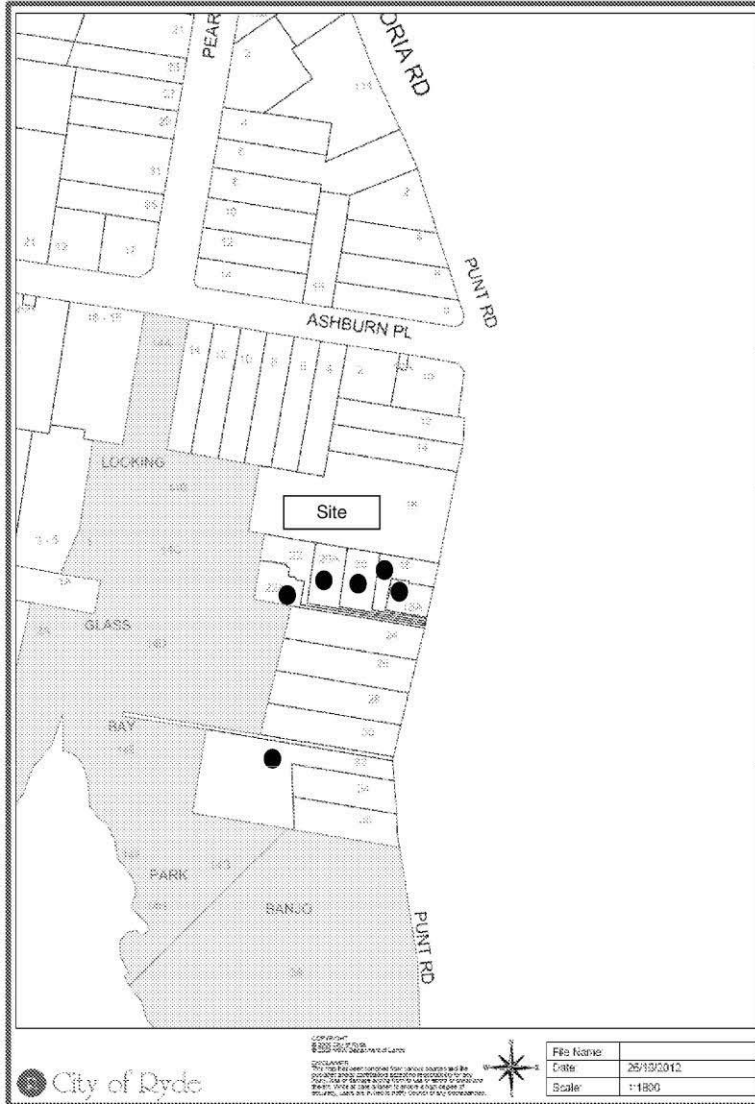
ITEM 5 (continued)

ATTACHMENT 3

ITEM 3 (continued)

ATTACHMENT 2

● Indicates submissions received to amended plans



Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

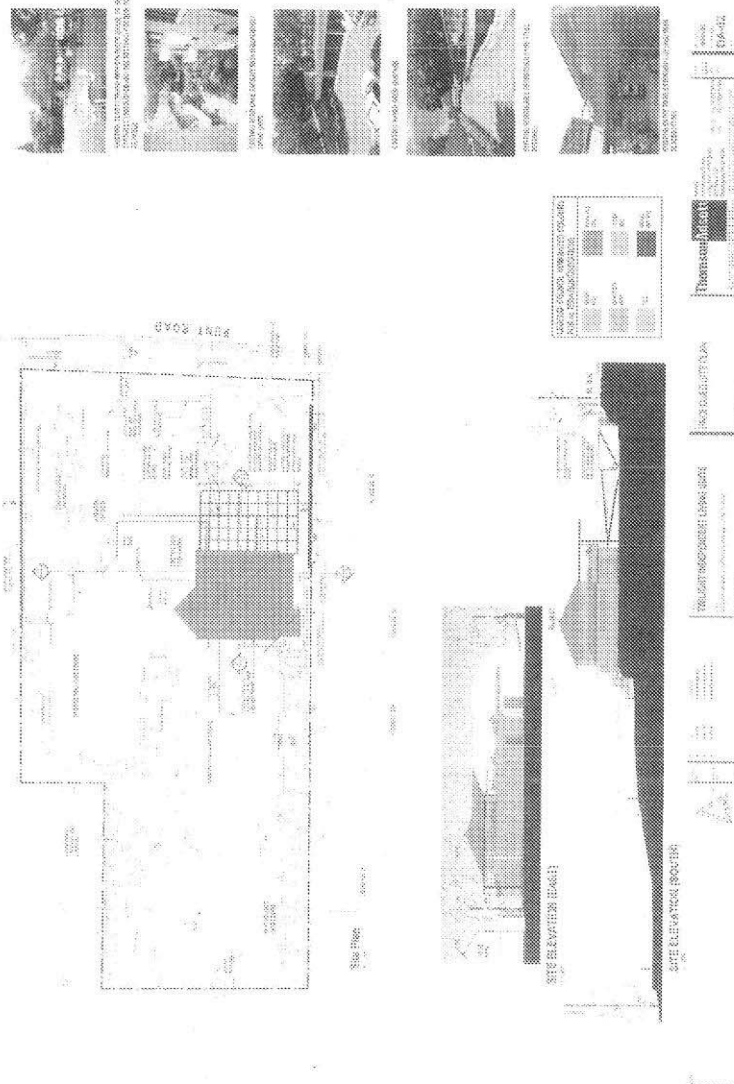
Agenda of the Planning and Environment Committee Report No. 1/13, dated Tuesday 5 February 2013.

ITEM 5 (continued)

ATTACHMENT 3

ITEM 3 (continued)

ATTACHMENT 3



Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

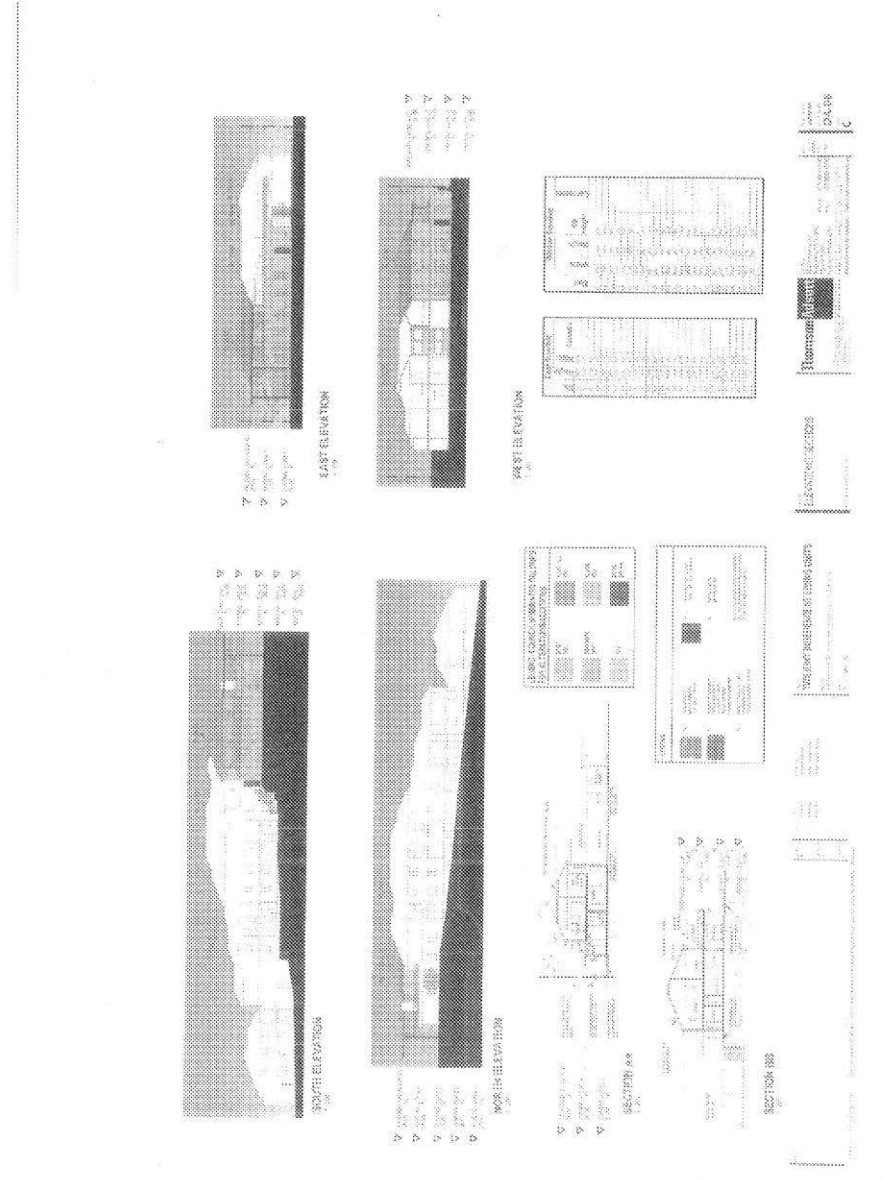
Agenda of the Planning and Environment Committee Report No. 1/13, dated Tuesday 5 February 2013.

ITEM 5 (continued)

ATTACHMENT 3

ITEM 3 (continued)

ATTACHMENT 3



Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

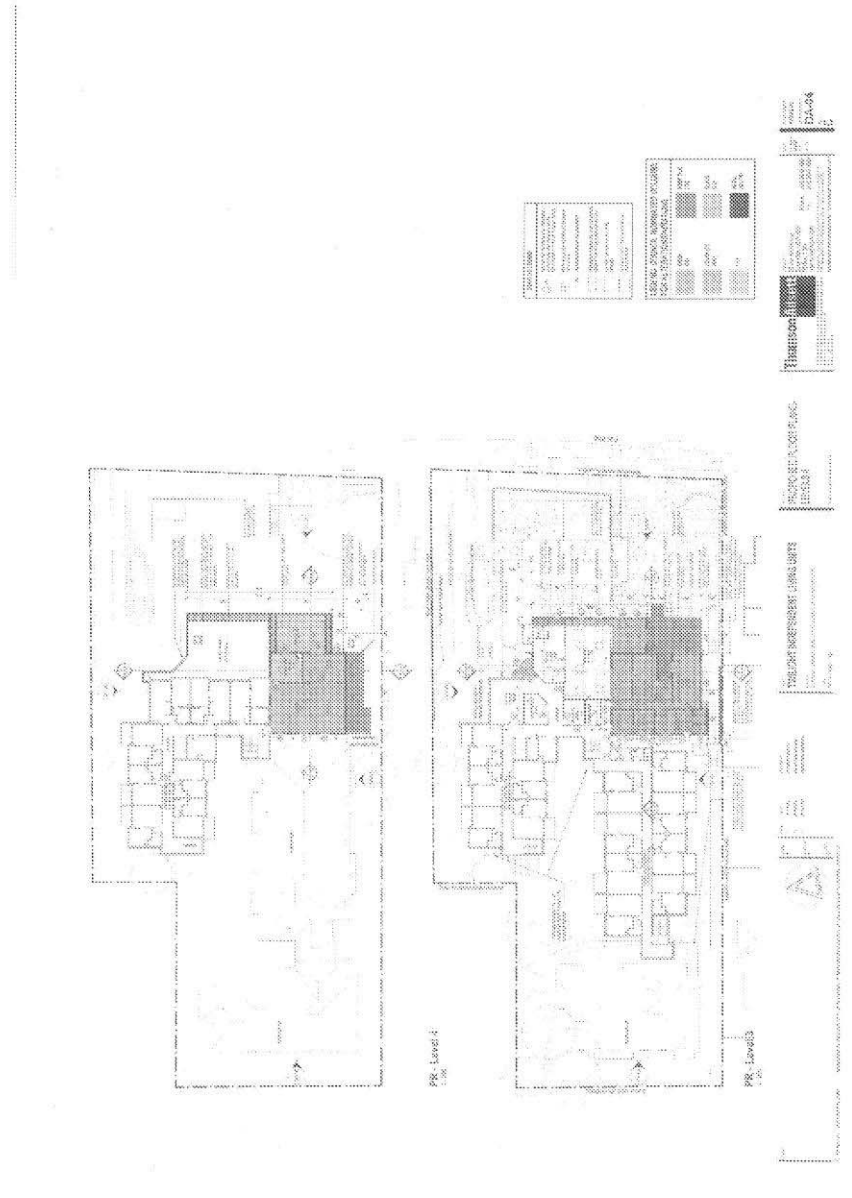
Agenda of the Planning and Environment Committee Report No. 1/13, dated Tuesday 5 February 2013.

ITEM 5 (continued)

ATTACHMENT 3

ITEM 3 (continued)

ATTACHMENT 3



Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

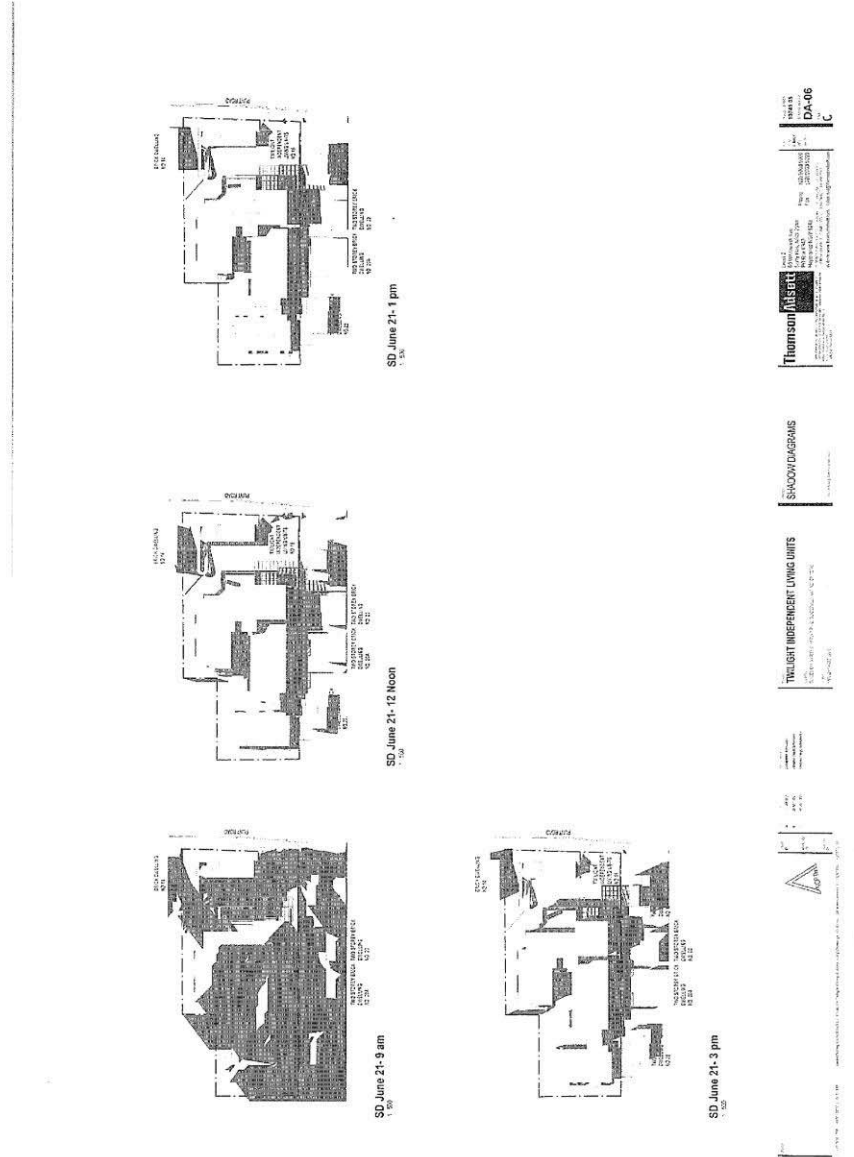
Agenda of the Planning and Environment Committee Report No. 1/13, dated Tuesday 5 February 2013.

ITEM 5 (continued)

ATTACHMENT 3

ITEM 3 (continued)

ATTACHMENT 3



The complex block contains four sets of architectural drawings, each with a title and a scale:

- SD June 21- 1 pm**: Scale 1:50. Includes floor plan, elevation, and technical specifications.
- SD June 21- 12 Noon**: Scale 1:50. Includes floor plan, elevation, and technical specifications.
- SD June 21- 9 am**: Scale 1:50. Includes floor plan, elevation, and technical specifications.
- SD June 21- 3 pm**: Scale 1:50. Includes floor plan, elevation, and technical specifications.

Technical specifications include:

- THOMSON JULETT ARCHITECTS
- SHADOW DIAGRAMS
- TWILIGHT INDEPENDENT LIVING UNITS
- DA-06

Agenda of the Planning and Environment Committee Report No. 12/12, dated Tuesday 6 November 2012.

Agenda of the Planning and Environment Committee Report No. 1/13, dated Tuesday 5 February 2013.

ITEM 5 (continued)

ATTACHMENT 4



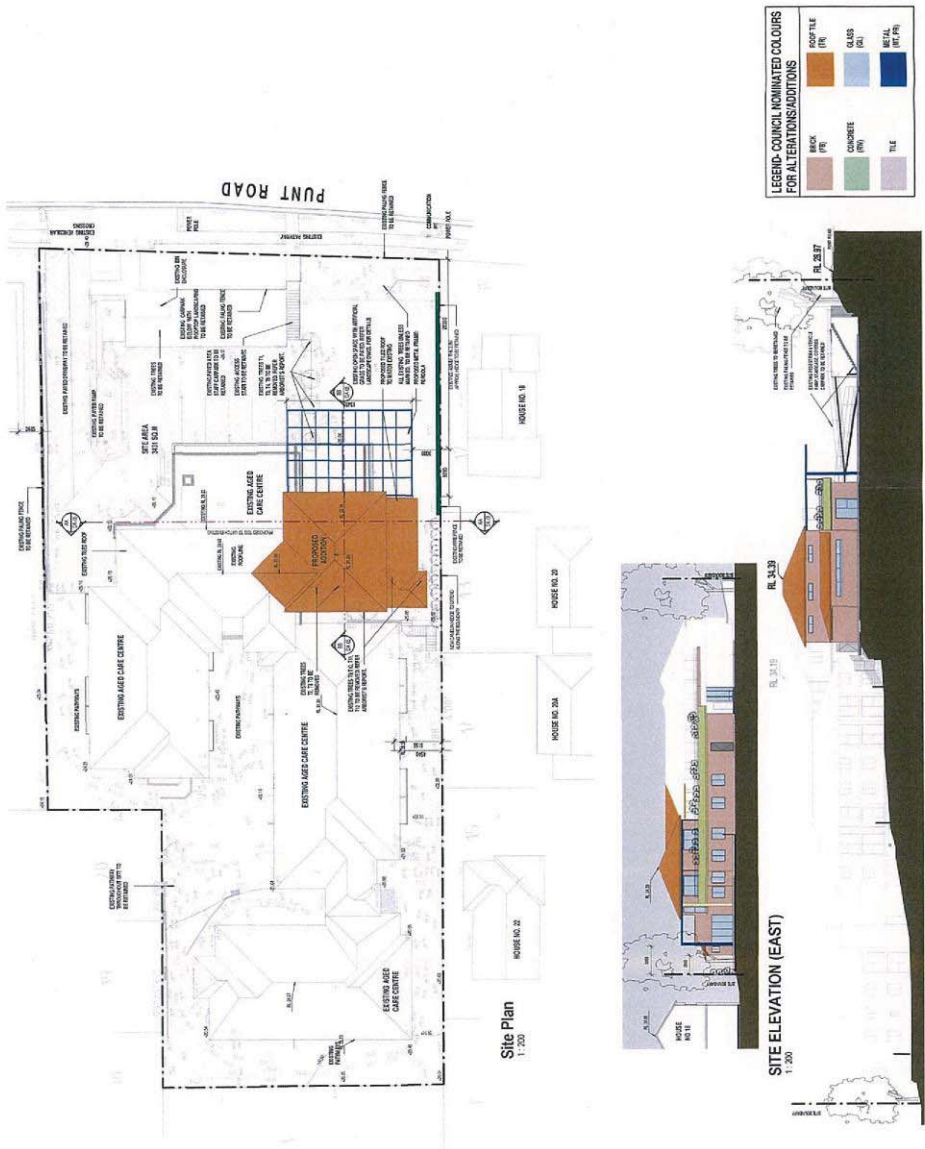
EXISTING SUB-COURT WITH STAIRS TO BE COVERS AND THE REMAINING STAIRS TO BE PAVED

EXISTING AGED CARE FACILITY WITH INDEPENDENT LIVING UNITS

EXISTING PAVED AREA CARPARK

EXISTING VEHICULAR & PEDESTRIAN RAMP TO BE RETAINED

EXISTING ENTRY TO BE EXTENDED COVERED WITH GLAZED DOORS



LEGEND - COUNCIL NOMINATED COLOURS FOR ALTERNATIONS/ADDITIONS

ROOF TILE (RT)	GLASS (GL)	METAL (MT)
BRICK (BR)	CONCRETE (CR)	TILE (TL)

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 Ryde NSW 1513
 Phone: (02) 9333 9000
 Fax: (02) 9333 9000
 Email: info@thomsonadsett.com.au
 Website: www.thomsonadsett.com.au

PROPOSED SITE PLAN
 1:1000

TWILIGHT INDEPENDENT LIVING UNITS
 1:1000

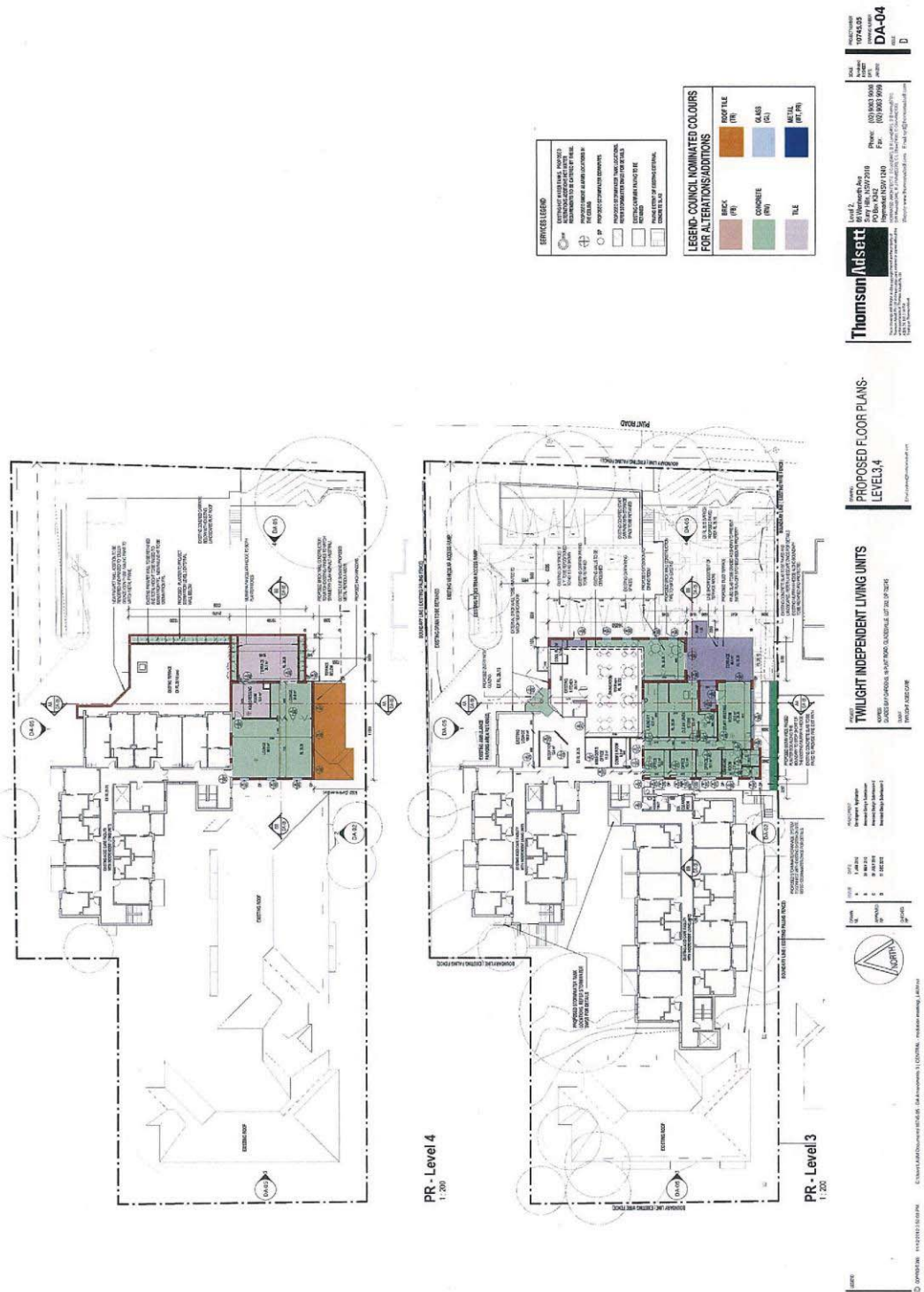
Site Plan
 1:1000

Site Elevation (East)
 1:1000

Site Elevation (South)
 1:1000

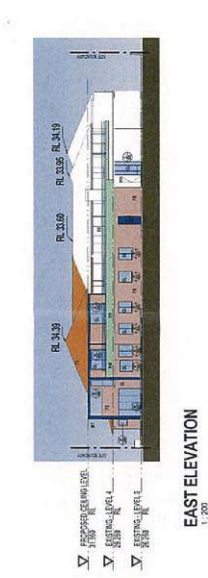
ITEM 5 (continued)

ATTACHMENT 4

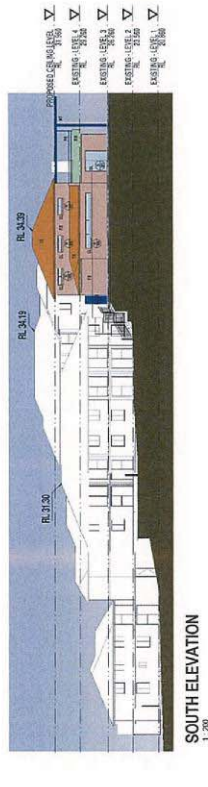


ITEM 5 (continued)

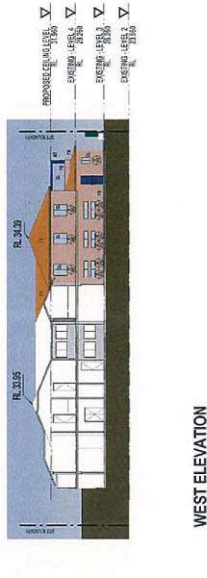
ATTACHMENT 4



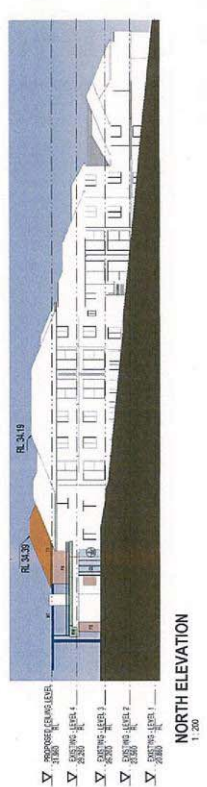
SOUTH ELEVATION
1:200



NORTH ELEVATION
1:200



EAST ELEVATION
1:200



WEST ELEVATION
1:200

LEGEND-COUNCIL NOMINATED COLOURS FOR ALTERATIONS/ADDITIONS

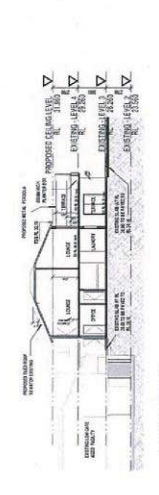
BRICK (R)	ROOF TILE (R)
CONCRETE (G)	GLASS (G)
STONE (P)	METAL (B, F)
WALL (B)	



SECTION AA
1:200

LEGEND

FE	EXIST FINISHES	TH	THICKNESS
GL	GLASS	TR	TRUSS
ST	STEEL		
CM	CONCRETE		
BR	BRICK		
MS	METAL SHEET		
PL	PLASTER		
PT	POULTRIC		
ST	STEEL		
TR	TRUSS		
W	WOOD		



SECTION BB
1:200

Door Schedule

Door No	Width	Height	Remarks
01	1000	2000	FRONT DOOR
02	1000	2000	FRONT DOOR
03	1000	2000	FRONT DOOR
04	1000	2000	FRONT DOOR
05	1000	2000	FRONT DOOR
06	1000	2000	FRONT DOOR
07	1000	2000	FRONT DOOR
08	1000	2000	FRONT DOOR
09	1000	2000	FRONT DOOR
10	1000	2000	FRONT DOOR
11	1000	2000	FRONT DOOR
12	1000	2000	FRONT DOOR
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97	1000	2000	FRONT DOOR
98	1000	2000	FRONT DOOR
99	1000	2000	FRONT DOOR
100	1000	2000	FRONT DOOR

Window Schedule

Window No	Width	Height	Remarks
01	1000	1500	FRONT WINDOW
02	1000	1500	FRONT WINDOW
03	1000	1500	FRONT WINDOW
04	1000	1500	FRONT WINDOW
05	1000	1500	FRONT WINDOW
06	1000	1500	FRONT WINDOW
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100	1000	1500	FRONT WINDOW

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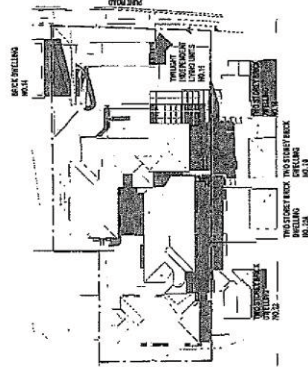
DA-05

ELEVATIONS SECTIONS

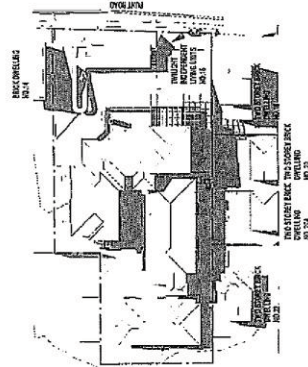
TWILIGHT INDEPENDENT LIVING UNITS
100 RYDE ROAD, RYDE NSW 1571
DA-05

ITEM 5 (continued)

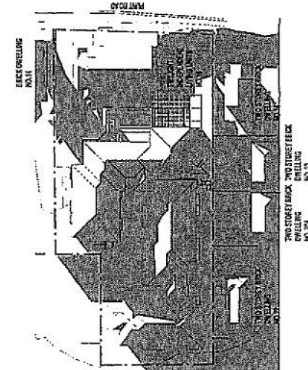
ATTACHMENT 4



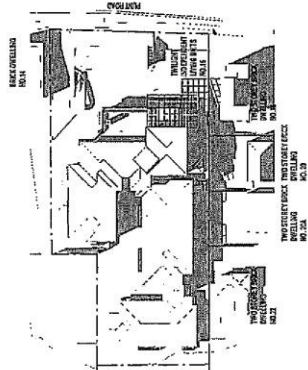
SD June 21- 1 pm
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SD June 21- 12 Noon
1:500



SD June 21- 9 am
1:500



SD June 21- 3 pm
1:500

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DA-06
 D

SHADOW DIAGRAMS
 www.shadown.com.au

TWILIGHT INDEPENDENT LIVING UNITS
 BLOCK 11 PLAN AND SHADOW DIAGRAMS AS PREPARED BY SD 2011
 DATE: TWILIGHT SHADOWS

PROJECT:
 DRAWING NO:
 DRAWING DATE:
 DRAWING SCALE:

DATE:
 TIME:
 DATE:
 TIME:

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