

Meeting Date: Tuesday 15 October 2013
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.30pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 17 September 2013

Report prepared by: Section Manager - Governance**File No.:** CLM/13/1/3/2 - BP13/1119

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 14/13, held on Tuesday 17 September 2013, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 17 September 2013

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 14/13

Meeting Date: Tuesday 17 September 2013

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

Time: 5.02pm

Councillors Present: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale and Yedelian OAM.

Note: The Mayor, Councillor Maggio left the meeting at 5.03pm and was present for consideration of Item 1 only.

Apologies: Councillor Pickering.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Acting Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Senior Development Engineer and Section Manager – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

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

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination being for Councillor Etmekdjian, nominated by Councillors Yedelian OAM and Chung.

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

ITEM 1 (continued)

ATTACHMENT 1

The Returning Officer confirmed with Councillor Etmekdjian that he accepted the nomination.

As there was only one nomination, COUNCILLOR ETMEKDJIAN WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.

Councillor Etmekdjian assumed the Chair.

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson and received one nomination for Councillor Chung, nominated by Councillors Yedelian OAM and Etmekdjian.

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

The Returning Officer confirmed with Councillor Chung that he accepted the nomination.

As there was only one nomination, COUNCILLOR CHUNG WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.

2 CONFIRMATION OF MINUTES - Meeting held on 3 September 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the Minutes of the Planning and Environment Committee 13/13, held on Tuesday 3 September 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

3 305 BLAXLAND ROAD and 5-7 NORTH ROAD, RYDE. LOT 1 DP1069680 & LOT A&B DP 414322. Local Development Application for alterations and additions to San Antonio da Padova Nursing Home. LDA2012/247.

Note: Ms Kerry Gordon (objector), Mr Steve Sutton (objector) and Mr David Ryan (planner on behalf of the applicant) addressed the Committee in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

(a) That Local Development Application No. 2012/247 at 305 Blaxland Road and 5-7 North Road, Ryde being LOT 1 DP 1069680 & LOT A&B DP 414322 be approved subject to the conditions provided in **ATTACHMENT 1**, with a change in Condition 1 to include part (b) which states:-

1(b) The roof terrace on Level 1 (eastern side) is to include on the screen provided landscape planting such as Star Jasmine.

(b) That the objectors be notified of Council's decision in this matter.

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 5.20pm.

CONFIRMED THIS 15TH DAY OF OCTOBER 2013.

Chairperson

2 260-274 VICTORIA ROAD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.

Report prepared by: Senior Town Planner

Report approved by: Manager Assessment; Acting Group Manager - Environment and Planning

Report dated: 30/09/2013

Previous Items: 2 - 260-274 VICTORIA ROAD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360. - Planning and Environment Committee - 6 August 2013

File Number: GRP/09/5/6/2 - BP13/1422

1. Report Summary

Applicant: D Benson.

Owner: Prime Quarters Pty Limited.

Date lodged: 27 September 2012.

This report has been prepared to enable Council's further consideration of a development application (DA) for demolition and construction of a part 2, part 5 and part 6 storey mixed use development containing 26 residential apartments and 3 retail units with two levels of basement parking located at 260-274 Victoria Road, Gladesville.

At the Council Meeting of 13 August 2013, 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. A further report was to be provided to the Planning & Environment Committee within three months.

The mediation meeting was held at the Civic Centre on 9 September 2013. Thirty two residents who had previously made submissions to the amended plans were invited. Nine residents attended the meeting. Lucy Cole-Edelstein from Straight Talk was appointed as an independent facilitator to conduct the mediation process. A report from the facilitator including details of the persons attending and the summary of discussions, is included as **ATTACHMENT 3** to this report.

At the meeting a number of issues were discussed and clarified for the residents by the facilitator, the applicant and Council Officers (refer to **ATTACHMENT 3**). The mediation did not result in any changes to the architectural plans. However, the following two recommendations were made with respect to the DA conditions:

- That Condition No. 41 contained in Attachment 1 of the original assessment report be amended to specify additional details regarding the required privacy screens so that the concerns of the residents are addressed;

ITEM 2 (continued)

- The Demolition and Construction Traffic Management Plan be provided to the adjoining residents by Council once it is approved in accordance with Condition No. 57 so the residents can have confidence that impacts of construction traffic will be proactively managed and that local residents are not unduly impacted and feel safe (refer to Recommendation (d) in this report).

It is further recommended that the application be approved subject to the conditions included in **ATTACHMENT 1**. These are the same conditions attached to the original report to Planning & Environment Committee – except that Condition No. 41 has been revised to reflect the details of the privacy screen as indicated above.

Reason for Referral to Planning and Environment Committee: Requested by the Mayor, Councillor Maggio and Councillor Petch and subsequent resolution of Council.

Clause 4.6 RLEP 2010 submission required? No

Value of works? \$5,607,994.00

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. 2012/0360 at 260 – 274 Victoria Road be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.
- (d) That once the Demolition and Construction Traffic Management Plan is approved, copies of the approved documents be provided to the adjoining residents and occupiers (including the residents who attended the mediation meeting) for information, as agreed in the mediation.

ATTACHMENTS

- 1 Proposed Conditions of Consent
- 2 Previous Report
- 3 Mediation Report from Straight Talk including Minutes of the Mediation Meeting
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

ITEM 2 (continued)

Report Prepared By:

Sanju Reddy
Senior Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)



- Address** : 260-274 Victoria Rd Gladesville
- Site Area** : 1,294m² (comprising six allotments)
Frontage 36.57 metres
Depth 36.57 metres
- Topography and Vegetation** : The site has a steep slope to the rear lane with a fall of approximately 4.6m from Victoria Road to Gerard Lane. There is no vegetation on the site.
- Existing Buildings** : At present the site is occupied by car wash (Star Car Wash – accessed from Victoria Road) and auto repair mechanical repair shop (Quick Fit – accessed from Gerard Lane).
- Planning Controls**
- Zoning** : Mixed Use – B4
- Other** : Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010 (Gladesville LEP 2010).
Ryde Development Control Plan 2010 (Ryde DCP 2010).
Draft LEP2011
State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: The Mayor, Councillor Maggio.

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

Date: 25 October 2012.

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

On behalf of applicant or objectors? Not known

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

Name of Councillor: Councillor Petch.

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

Date: 7 May 2013.

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

On behalf of applicant or objectors? Not known

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

Demolition and construction of a part 2, part 5 and part 6 storey mixed use building containing 26 residential units and 3 retail units with basement parking.

The details of the proposal include the following:

- The development comprises three retail tenancies (325m²) at the ground floor level facing Victoria Road;
- Construction of 26 residential apartments over five levels on upper floors;
 - The 26 residential units will consist of 12 x 1 bedroom apartments, 10 x 2 bedroom apartments and 4 x 3 bedroom apartments. Level 5 will contain a mezzanine level associated with three residential units on Level 4.
- The retail area will be directly accessible to pedestrians from street level via Victoria Road or from the basement levels via the central lifts. The retail area will be serviced via the loading dock located on the ground floor level.

ITEM 2 (continued)

- Vehicular access to the site will be provided from the Gerard Lane located at the rear of the site. Pedestrian access to the residential apartments will be via both Victoria Road and Gerard Lane.
- A total of 41 car parking spaces will be provided on the site (13 for retail, 22 for residents and 6 for visitor parking).

6. Background

- Prior to the lodgement of the DA, on 23 March 2012, the proposal was reviewed by Council's Urban Design Review Panel.
- The development application was submitted to Council on 28 September 2012.
- The application was notified and advertised for fourteen days ending on 7 November 2012. During this time, 52 submissions were received from 37 individual addresses.
- On 15 February 2013 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.
- A revised proposal was received on 20 April 2013 with various changes to the design including change to the building height as requested by Council Officers. Additional information was also received in relation to overshadowing on adjoining properties. The plans were amended in the following regard:
 - Submission of a revised survey plan incorporating additional site/ spot levels;
 - Changes to building height though deletion of rear section of the top part of the building and lowering of the basement slab level.
 - Removal of void space from upper level;
 - Re-calculated floor space;
 - Revised detail in relation to waste storage and disposal arrangements;
 - Revised shadow diagrams;
 - Height transition changed to reflect DCP requirement;
 - Widening of the Gerard Lane incorporated on the plan;
 - Landscaping and new footpath along Gerard Lane.
- The amended proposal was re-notified to the local residents and previous submitters for a period of 14 days ending on 20 May 2013.
- On 13 May 2013, the submission period was extended to 27 May 2013 for some residents who sought extended time to make a submission to Council.
- During this time a total of 32 submissions were received from 24 properties.
- At its meeting of 13 August 2013, Council determined to defer the application for mediation.
- The mediation meeting was held at Council office on 9 September 2013. Lucy Cole-Edelstein from Straight Talk was appointed as an independent facilitator to conduct the mediation process.
- This report addresses the matters discussed at the mediation meeting and accordingly provides a recommendation for Council's further consideration.

ITEM 2 (continued)**7. Mediation outcomes**

Lucy Cole-Edelstein from Straight Talk Pty Ltd was commissioned to facilitate the mediation meeting and provide a report after the meeting. The notes and report from the independent facilitator is included in this report as **ATTACHMENT 3**. The facilitator's report contains the following recommendations with respect to the DA:

The application as it stands meets all requirements as assessed by Council and where issues raised by objectors can be addressed, these have been incorporated into the comprehensive list of Conditions that Council staff proposes to be attached to any approval. The application does not require any amendment as a result of the session. However the following actions are recommended:

1. *It was noted that Council had prepared a Condition (no. 41) which specifically requires privacy screens along the upper level balconies facing Gerard Lane. This condition will be revised to provide more details about the type and size of these screens to ensure the concerns are addressed.*

Assessment Officer's Comments:

In accordance with the above comment and in light of the representations made by the resident of No. 1 Hepburn Avenue in relation to impact on their privacy, it is recommended that Condition No. 41 contained in Attachment 1 of the original assessment report be amended as follows:

The condition No. 41 currently reads as follows:

41. **Privacy Screens.** *Additional privacy screens are to be provided on the balconies to all residential units on floor levels 1- 4 (western facing balconies). Details of the materials and finishes in respect of the privacy screens must be submitted to and approved by Council prior to the issue of the relevant any Construction Certificate. In this regard one additional screen will be required for every balcony on the western elevation.*

The revised Condition 41 included in Attachment 1 to this report now reads as follows to ensure that the concerns of the residents are addressed by specifying additional details regarding the required privacy screens:

41. **Privacy Screens.** Additional privacy screens are to be provided on the balconies to all residential units on floor levels 1- 4 (western facing balconies) to ensure privacy for the occupants of No.1 Hepburn Avenue and other affected properties on the western side of the subject site. Details of the materials, finishes, dimensions and construction details in respect of the privacy screens must be submitted to Council and approval obtained prior to the issue of the relevant Construction Certificate. In this regard the privacy screens must be provided as follows:

ITEM 2 (continued)

- (a) Additional privacy screen will be required for every balcony on the western elevation so that each balcony has at least 60% of its sides facing Gerard Lane screened;
- (b) The privacy screens shall be fixed at the central part of the balcony along its edge that faces Gerard Lane;
- (c) The privacy screens to be at least 1.8m in height from the finished floor level of the balcony. Alternatively full height screens would be acceptable;
- (d) The screens shall be constructed of horizontal obscured louvers fixed at 45 degree angle, upward facing to allow natural light to enter the balcony/ living space of the apartments but prevent overlooking into the adjoining residential property located at No. 1 Hepburn Avenue. This will also allow adequate cross ventilation, sun penetration and amenity for the apartments;
- (e) The privacy screens must be of permanent construction and must not be movable or operable by the future occupants;
- (f) The screens must not be painted white or bright colours to prevent glare on the adjoining residents;

Full details demonstrating compliance with the above requirements including (but not limited to) the following details are required for approval by Council prior to the issue of the relevant Construction Certificate:

- (a) Amended western elevation showing the balconies and privacy screen including colour (non-reflective light toned colour) and finishes details;
 - (b) Details of individual balcony configuration with respect to the required screens showing its dimensions, height, elevation, louver and opening details as required in (d) above;
 - (c) Submit section details drawn at a 1:20 scale of the privacy screen and balcony including the screening of the communal open space located above the basement entrance.
2. *That the Final Construction Traffic Management Plan be provided to residents once it is approved so they can have confidence that impacts of construction traffic will be proactively managed; and that Council closely monitor both construction traffic impacts and the impacts of traffic movements as a result of the completed development in order to ensure that local residents are not unduly impacted and are safe.*

Assessment Officer's Comments:

This report now includes a specific recommendation requiring copies of the Demolition and Construction Management Plan (once approved as required under Condition No. 57) to be provided to the adjoining residents and occupiers (including the nine residents who attended the mediation) for information.

ITEM 2 (continued)

3. *That, based on the session, the discussions, the questions and their answers, that Council approve the application. The chair observes that the concerns being raised were not substantial in that either they had been:*
- a. reasonably addressed by the applicant or;*
 - b. covered by a condition proposed by Council or,*
 - c. were not reasonable or,*
 - d. not applicable or relevant to this application.*

Assessment Officer's Comments:

The above recommendation from the facilitator is noted and the application is recommended for approval subject to conditions included as Attachment 1.

8. 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 proposal provides an opportunity to redevelop the site with a mixed use building that is responsive to the strategic intentions of the Gladesville LEP2010 and associated planning controls that has been adopted for the locality by the Council. 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.

In addition to the above, the mediation meeting conducted on 9 September 2013, has provided more information and clarification to the residents in relation to the details of the proposed development. The facilitator observed that the concerns raised by the residents were not substantial and did not warrant any changes to the architectural plans for the reasons that the concerns were either:

- a. reasonably addressed by the applicant in the modified proposal or;
- b. adequately covered by the recommended conditions of consent or,
- c. were not reasonable or,
- d. not applicable or relevant to this application.

With respect to the issue of the privacy, Condition No. 41 has been included under **ATTACHMENT 1** which now provides more details regarding the privacy screens. Additional details as required by the condition will have to be submitted by the applicant and approval sought prior to the issue of Construction Certificate. Further, copies of the Demolition and Construction Management Plan once approved will be sent to the residents as recommended below.

In light of the above, the application is recommended for approval in accordance with the recommendation below.

ITEM 2 (continued)

ATTACHMENT 1

**260-274 Victoria Road - LDA2012/0360
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
A-0101	Basement - B1	12 April	D
A-0102	Lower Ground	12 April	D
A-0103	Ground	12 April	C
A-0104	Level 1	12 April	C
A-0105	Level 2	September 12	B
A-0106	Level 3	12 April	C
A-0107	Level 4	September 12	B
A-0108	Level 4 Mezzanine	12 April	C
A-0109	Roof	12 April	B
A-0201	East Elevation	12 April	B
A-0202	West Elevation	12 April	B
A-0203	Side Elevations	12 April	B
A-0204	Perspective	12 April	B
A-0205	Perspective	12 April	B
A-0221	Section AA	12 April	B
A-0222	Section BB	12 April	B
A-1201	Materials and Finishes - East	April 13	B
A-1202	Material and Finishes - West	April 13	B

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 436122M dated 20 August 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and

ITEM 2 (continued)

ATTACHMENT 1

- (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. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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.
13. **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.

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ATTACHMENT 1

14. **Plant room.** The plant room metal screen must not be higher than RL63.8.
15. **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.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **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.
19. **Ground water assessment** - The proponent must submit an assessment report of the groundwater quality underlying the site prepared by an appropriately qualified and experienced environmental consultant. The report is to be submitted to Council prior to commencement of the demolition.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
 - (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date

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ATTACHMENT 1

- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
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. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.

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30. **Delivery docket – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
31. **Delivery docket – forward to PCA on demand.** The delivery docket must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

32. **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	\$72,431.43
Open Space & Recreation Facilities	\$163,364.11
Civic & Urban Improvements	\$65,221.02
Roads & Traffic Management Facilities	\$10,300.13
Cycleways	\$5,557.59
Stormwater Management Facilities	\$18,808.60
Plan Administration	\$1,496.64
The total contribution is	\$337,179.54

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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ATTACHMENT 1

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>.

33. **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**.
34. **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**.
35. **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)
36. **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
37. **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**.
38. **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**.
39. **Road traffic noise and acoustics.** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, and AS3671-1989 – Traffic Noise Intrusion, when the windows and doors are closed. If the noise level with windows and doors open exceeds the

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above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.

A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria must be submitted with the plans and specifications for the **Construction Certificate**.

40. **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**.
41. **Privacy Screens.** Additional privacy screens are to be provided on the balconies to all residential units on floor levels 1- 4 (western facing balconies) to ensure privacy for the occupants of No.1 Hepburn Avenue and other affected properties on the western side of the subject site. Details of the materials, finishes, dimensions and construction details in respect of the privacy screens must be submitted to Council and approval obtained prior to the issue of the relevant **Construction Certificate**. In this regard the privacy screens must be provided as follows:
- (a) Additional privacy screen will be required for every balcony on the western elevation so that each balcony has at least 60% of its sides facing Gerard Lane screened;
 - (b) The privacy screens shall be fixed at the central part of the balcony along its edge that faces Gerard Lane;
 - (c) The privacy screens to be at least 1.7m in height from the finished floor level of the balcony. Alternatively full height screens would be acceptable;
 - (d) The screens shall be constructed of horizontal obscured louvers fixed at 45 degree angle, upward facing to allow natural light to enter the balcony/living space of the apartments but prevent overlooking into the adjoining residential property located at No. 1 Hepburn Avenue. This will also allow adequate cross ventilation, sun penetration and amenity for the apartments;
 - (e) The privacy screens must be of permanent construction and must not be movable or operable by the future occupants;
 - (f) The screens must not be painted white or bright colours in order to avoid any glare affecting on the adjoining residents;
 - (g) The privacy screens must be adequately maintained and kept in good order in compliance with the above requirement on a continual basis;

Full details demonstrating compliance with the above requirements including (but not limited to) the following details are required for approval by Council prior to the issue of the relevant **Construction Certificate**:

- (a) Amended western elevation showing the balconies and privacy screen including colour (non-reflective light toned colour) and finishes details;

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- (b) Details of individual balcony configuration with respect to the required screens showing its dimensions, height, elevation, louver and opening details as required in (d) above;
 - (c) Submit section details drawn at a 1:20 scale of the privacy screen and balcony including the screening of the communal open space located above the basement entrance.
42. **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.
43. **Kitchen exhaust.** Adequate provision must be made for the installation of kitchen exhaust systems to any future food premises.
44. **Grease trap.** Adequate provision must be made for the installation of a grease trap for any future food premises if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted. Details must be provided prior to the issue of Construction Certificate.
45. **Garbage chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:
- (a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
 - (b) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;
 - (c) The chute must terminate in the garbage room and discharge the garbage directly into a waste container in such a way that no spillage occurs;
 - (d) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
 - (e) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
 - (f) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;
 - (g) There is space for a recycle bin in the chute room on each floor.

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

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Minimum Number of Bins Required
3 X 1100L General Waste Bins
14 X 240L Recycling Bins
2 X 240L Green Waste Bins

- (c) The finishing/ 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) 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. Access by contractor to this room is required.

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

- 49. **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
- 50. **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.
- 51. **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.

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52. **Car Parking & Access.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions, headroom clearances, gradients and safe sight distances etc shall be designed comply with AS 2890 where applicable. Plans and engineering certification from a Traffic Engineer, indicating compliance with this condition are to be submitted with the Construction Certificate application
53. **Excavation** – To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services. The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:
- The likely impacts of the proposed excavations will have on structures and services of adjoining properties;
 - Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction; and
 - A copy of the report including geotechnical/structural engineer certification should be submitted to Council.

The above matters shall be completed prior to the issue of the **Construction Certificate** and all recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

54. **Widening of the Laneway and creation of footpath.** To facilitate satisfactory access to the site, the Gerard Lane shall be widened by the applicant at no cost to Council. The plans demonstrating the widening of the laneway and creation of the footpath shall incorporate but not limited to the following matters:
- (a) The Gerard Lane shall be widened to the property boundary on the eastern side to achieve a minimum carriageway width of 5.5m measured between the face of kerb in Gerard Lane with any necessary transition to the southern and northern sides of the existing Laneway along the property frontage.
 - (b) Provision of additional 1.5m wide footpath shall be made on the eastern side of the Laneway within the property. A ROW over this 1.5m wide footpath shall be created in favour of Council for public access. The footpath must be constructed to Council's standards. Details shall be submitted for Council's approval with the public domain and landscaping plan.
 - (c) Provision of all required widening on the eastern side of Gerard Lane for the full frontage of the property.
 - (d) Identifying all utility services within this area and make provision for these to be relocated in accordance with the requirements of the Utility Service Authorities.

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55. **Construction of the Laneway.** To facilitate access and stormwater disposal from the subject site, detailed engineering plans for the proposed widening of the eastern side of Gerard Lane for the full frontage of the property and the extension of Council's drainage pipe are to be submitted to Council for approval prior to issue of a Construction Certificate. The plans shall incorporate, but not be limited to the following:
- (a) Construction of road pavement to achieve minimum 5.5 carriageway width, kerb and gutter, 1.5m wide footpath paving with necessary transitions to the existing Laneway on either side of the property and the access driveway
 - (b) Design of the road pavement to withstand the passage of heavy vehicles.
 - (c) Extension of the existing Council pipe in Gerard Lane to connect stormwater from the development site to the Council's stormwater pit.
 - (d) Relocation of existing services within the proposed road pavement area as required
 - (e) The works shall be designed by a chartered and experienced Civil Engineer in accordance with City of Ryde *Environmental Standards - Development Criteria - 1999* Section 4 – Public Civil works.

Engineering plans assessment and works inspection fees are payable, in accordance with Council's Management Plan prior to written approval being issued by Council.

56. **Maintenance Bond.** To ensure satisfactory performance of the completed external road and drainage works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. **A bond in the form of a cash deposit or Bank Guarantee of \$10,000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met.** The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
57. **Demolition and Construction Traffic Management Plan** – To ensure safe construction traffic flow on site a Demolition and Construction Traffic Management Plan (TMP) with accompanying report shall be prepared by an appropriately accredited person, submitted to Council and approval obtained prior to the issue of any **Construction Certificate**. The Demolition and Construction Traffic Management Plan shall be prepared in accordance with Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, the RTA's Manual – “*Traffic Control at Work Sites*” and City of Ryde, Development Control Plan 2006: - Part 8.1 - Construction Activities where applicable. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel and access routes, availability of access into adjoining properties, safety of the public, materials storage, handling and

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deliveries including construction traffic parking. Additionally, all traffic controllers on site must be RMS accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities. These details must be incorporated in the plan. The PCA must monitor the implementation of the TMP in order to ensure that requirements are met and any traffic related impact on the residents during construction phase is minimised.

58. **Dilapidation Survey of adjoining properties.** A dilapidation survey is to be undertaken that addresses all adjoining 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.
59. **Dilapidation Report public infrastructure.** Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.
- (a) Road pavement
 - (b) Kerb and gutter
 - (c) Constructed footpath.
 - (d) Drainage pits.
 - (e) Traffic signs
 - (f) Any other relevant infrastructure.

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

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

60. **Site stormwater system** - To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to Council's existing underground stormwater system located in Gerard Lane via on-site stormwater detention system. Accordingly, the site concept stormwater drainage plans are to be revised by a chartered civil engineer for construction in accordance with City of Ryde, Development Control Plan 2010 - Part 8.2 - Stormwater Management and shall also incorporate but not limited to the following matters:
- (a) Clear unobstructed overland flow paths shall be provided where required to convey surcharge flow from the on-site detention system towards the public road.

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- (b) Apart from seepage flows and flows generated from the access driveway under no circumstances shall flows from roof areas of the site be piped to the basement car park drainage system.

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

61. **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.

62. **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.

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

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

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

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- (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.
64. **Bicycle parking.** A designated area shall be provided within the building for bicycle parking. Bicycle parking racks must be provided to house at least eleven (11) bicycles. Details are to be submitted on the Construction Certificate.
65. **Car parking.** A total of forty one (41) car parking spaces are to be provided on the site including 22 spaces allocated for use by residents, six allocated for use by visitors and 13 spaces designated for use by retail tenancies.
66. **Parking for disabled persons.** *Accessible* parking must be provided for both residential and commercial/retail component of the development. At least four (4) accessible parking spaces are to be including four (4) allocated to the residential development. Details are to be submitted on the Construction Certificate plans.
67. **Loading bay.** A loading bay must be provided in the basement level of the proposed building. All vehicles are to enter and leave the site in a forward direction. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site and loading area shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to demonstrating compliance prior to the issue of any Construction Certificate.
68. **Sight lines.** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists;
69. **Roads and Maritime Conditions** to be complied with.
- (a) The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS. This report would need to address the following key issues:
 - The impact of excavation/ rock anchors on the stability of Victoria Road and detailing how the carriageway would be monitored for settlement.
 - The impact of the excavation on the structural stability of Victoria Road.

The report and any enquiries should be forwarded to:

Project Engineer, External Works Sydney Asset Management, Roads and Maritime Services, P O Box 973 Parramatta CBD 2124

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Telephone: 8848 2114

Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (b) Pedestrian access to comply with AS 1428.1:2000 Design for access and mobility.
- (c) Any temporary/ partial road closures will require the applicant to apply for a Road Occupancy License (Form C & D) by contacting the Transport Management Centres Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy License forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In the event that a Road Opening License is required, details can be obtained from RMS Sydney Projects Services on 8849 2496.

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

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
P O Box 973
Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works on (02) 8849 2114 or fax (02) 8849 2766.

70. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

71. **Intercom facility.** An intercom facility should be provided at the entry to the basement parking or at location considered appropriate. Details are to be submitted on the Construction Certificate plans.

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72. **Disabled Access & Adaptable Units.** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Accessible Building Solutions. Details and certification 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 Construction Certificate being issued.
73. **Public Domain Works & Landscaping.** Public domain improvement works including (but not limited to) footpath paving, street tree planting, provision of street lighting along the Victoria Road and Gerard Lane fronting the subject site is to be carried out by the applicant (at applicant's/developer's cost). Full engineering details, including plans, sections, finished levels and material schedules are to be submitted and approval sought from Council prior to the issue of any Occupation Certificate. These works are to be completed prior to issue of any Occupation Certificate. All works must be carried out in accordance with the Ryde Public Domain Technical Manual and relevant street tree master plan. The design plan to be submitted to Council are to incorporate the following:
- (a) Street lighting (multi- function poles) and footpath paving to be constructed in accordance with DCP2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor and Ryde Public Domain Technical Manual and specifications provided by Council's Urban landscape Architect.
 - (b) The overhead services (electrical and telecommunication) on the Victoria Road frontage of the property shall be placed underground at the applicants expense and after approval by the responsible Authority.
 - (c) The applicant shall provide improved street lighting to Category P2 in Gerard Lane along the rear of the development site.
 - (d) The height and width of the building awning along the Victoria Road frontage shall be adequate to provide shelter for passengers waiting for buses. In this regard the awning shall have a minimum 3m clearance from the finished level of the footpath. Seating shall be provided under the awning for this purpose.
 - (e) All damaged or dilapidated sections of kerb and gutter along Victoria Road shall be replaced at the applicant's cost.
 - (f) All redundant vehicular kerb layback crossings on Victoria Road shall be removed and replaced with standard kerb and gutter.
 - (g) Standard kerb and gutter with kerb laybacks at vehicle driveways shall be constructed along the property frontage to Gerard Lane in conjunction with widening of the road pavement to 5.5 metres and the construction of a 1.5 metre wide footpath. Engineering Plans shall be submitted and approved by Council prior to any construction. Approved works shall be completed prior to the issue of any Occupation Certificate.
 - (h) Under awning lighting shall be provided along the Victoria Road frontage to Australian Standard AS1158.3-1999 Road Lighting Pedestrian Area – Category P2.

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- (i) The developer /owner must ensure that the health of the street trees is guaranteed for a minimum of 5 years to ensure that the character and appearance of the streetscape is established and maintained. Any species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.
- (j) The footpath must be constructed in accordance with the site-specific street and footpath alignment levels obtained from Council.

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.

74. 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.

75. 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.

- 76. Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.

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77. **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.
78. **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.
79. **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
80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Drainage Inspections.** The inspection of road and drainage works in Gerard Lane must be undertaken by a Council's Public Works inspector. Accordingly, a preconstruction meeting shall be organised with Council's inspector prior to commencement of works. Council's Public Works Inspector shall be notified at least 48 hours before the date of any inspection
82. **Relocation of bus stop.** To facilitate construction works it may be necessary to temporarily relocate the bus stop on Victoria Road. Prior to this work occurring, the applicant is to consult with and gain approval from the relevant authorities including Council. All costs associated with the relocation and reinstatement are to be covered by the applicant. The bus stop is to be reinstated prior to the issue of any Occupation Certificate.

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.

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83. **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*.
84. **Construction noise.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
85. **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.
86. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
87. **Use of fill/excavated material.** Excavated material must not be reused on the property except if:
- Fill is allowed under this consent;
 - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - the material is reused only to the extent that fill is allowed by the consent.
88. **Construction materials.** All materials associated with construction must be stored within the site.
89. **Site Facilities**
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - a garbage receptacle for food scraps and papers, with a tight fitting lid.
90. **Site maintenance**
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
 - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - the site is clear of waste and debris at the completion of the works.
91. **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".

ITEM 2 (continued)

ATTACHMENT 1

92. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
93. **RMS.** All demolition and construction vehicles are to enter and exit the site via Gerard Lane. A construction zone will not be permitted on Victoria Road. The access to the site is to be via Gerard Lane. No access will be permitted from Victoria Road.
94. **RMS.** The developer shall be responsible for all public utility adjustment/relocation works necessitated by the proposed development works and as required by the various public utility authorities and/or their agents.
95. **RMS.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
96. **RMS.** All works/ regulatory sign posting associated with the proposed development are to be at no costs to RMS.

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.

97. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 436122M dated 20 August 2012.
98. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
99. **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.

ITEM 2 (continued)

ATTACHMENT 1

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.

100. **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**.

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

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

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

102. **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**.

103. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.

104. **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.

105. **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

ITEM 2 (continued)

ATTACHMENT 1

meets these requirements in accordance with this consent, is to be provided to the PCA prior to the issue of any Occupation Certificate.

106. **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.
107. **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**.
108. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
109. **Works-as-Executed Plan** – To ensure stormwater drainage works and road works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system and the road works carried out in Gerard Lane certified by a registered surveyor is to be submitted to the Principal Certifying Authority and Council (If Council is not the appointed PCA) prior to issue of **Occupation Certificate**. The Work-as-Executed plan is to note all departures clearly in red on a copy of the approved Construction Certificate plans.
110. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Drawing No 1310 sheets S1 to S7 issue D dated 18/4/13 prepared by John Ramanous & Associates and as amended by conditions of the consent.
111. **Compliance Certificates – Engineering** – To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Principal Certifying Authority shall ensure the following will be met:

ITEM 2 (continued)

ATTACHMENT 1

- Compliance Certificate should be obtained from an accredited certifier confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria - 1999.
 - Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from Council that all external road, footpath paving and drainage works have been constructed to the satisfaction of Council.
 - Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria - 1999.
 - Compliance Certificate shall be obtained from Council confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria – 1999
112. **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.
113. **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.
The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

ITEM 2 (continued)

ATTACHMENT 1

114. **Creation of the Right of Way over 1.5m wide footpath** - To facilitate public access a 1.5m wide Right of Way (ROW) for public access for the full frontage of the property in Gerard Lane shall be created and registered on the titles of the subject property over the 1.5m wide footpath. The terms of the ROW shall be to Council's satisfaction and shall provide for, but not be limited to the following:
- (a) Maintenance of the R.O.W to ensure safe, unobstructed access to the public at all times with all costs of maintenance being borne by the registered proprietor of the land.
 - (b) Any public liability arising from the use of the ROW by the users, including the public are to be fully borne by the registered proprietor of the land.
 - (c) Allow for future modifications where necessary to facilitate the construction of a public access way upon redevelopment of the adjoining properties to the north and south of the subject site.

The terms of the R.O.W shall be submitted to Council for assessment and approval and will need to be registered at the Lands and Property Management Authority, prior to issue of Occupation Certificate.

115. **Acoustic certification.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
116. **Mechanical Ventilation.** Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

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.

117. **Hours of operation.** The permitted hours of operation for retail/ commercial tenancies are:
- 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
118. **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*.
119. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
120. **Bin Location prior to collection.** The location of where the bins will be placed out in Gerard Lane needs to ensure that they will not block access to the 5 properties facing the laneway.

ITEM 2 (continued)

ATTACHMENT 1

121. **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.
122. **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.
123. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 9:00pm and 8am on any day.
124. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
125. **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.
126. **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.
127. **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**.
128. **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).

ITEM 2 (continued)

ATTACHMENT 1

- (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, when the windows and doors are closed.*

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

- 2 260-274 VICTORIA RD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.**

INTERVIEW: 5.00pm

Report prepared by: Senior Town Planner

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

Report dated: 23/07/2013

File Number: grp/09/5/6/2 - BP13/1059

1. Report Summary

Applicant: D Benson.

Owner: Prime Quarters Pty Limited.

Date lodged: 27 September 2012.

This report considers a proposal for demolition and construction of a part 2 part 5 and part 6 storey mixed use building containing 26 residential apartments and 3 retail units with two levels of basement parking. Currently the site is used as a car wash and mechanical repair workshop.

The Development Application (DA) was publicly exhibited between 17 October 2012 and 7 November 2012. During this time, 52 submissions were received from 37 individual addresses in the locality objecting to the development.

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 20 April 2013. The amended plans were notified again from 2 May 2013 to 20 May 2013. During this period a total of 32 submissions were received from 24 individual addresses. The concerns raised by the residents mainly related to impact on privacy, overshadowing, building height, traffic and congestion.

The amended proposal generally complies with Council's requirements except for minor variation to number of storeys, deep soil zone, communal open space and solar access. However, these non-compliances are considered to be minor in the context of the development as discussed in the body of the report. The development fully complies with the more substantive controls under the Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010 (Gladesville LEP 2010) including maximum height provision, floor space ratio (FSR) and controls under the (Ryde DCP 2010) such as overshadowing and amenity requirements.

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

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

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

Public Submissions:

- 52 submissions (from 37 individual addresses) to original application.
- 32 submissions (from 24 individual addresses) to the amended proposal.

Clause 4.6 RLEP 2010 objection required? No.

Value of works? \$5,607,994.00

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. 2012/0360 at 260 – 274 Victoria Road be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.

ATTACHMENTS

- 1 Proposed Conditions
- 2 LEP Process
- 3 Map
- 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:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

2. Site (Refer to attached map.)



- Address** : 260-274 Victoria Rd Gladesville
- Site Area** : 1,294m² (comprising six allotments)
Frontage 36.57 metres
Depth 36.57 metres
- Topography and Vegetation** : The site has a steep slope to the rear lane with a fall of approximately 4.6m from Victoria Road to Gerard Lane. There is no vegetation on the site.
- Existing Buildings** : At present the site is occupied by a car wash (Star Car Wash – accessed from Victoria Road) and auto repair mechanical repair shop (Quick Fit – accessed from Gerard Lane).
- Planning Controls**
- Zoning** : Mixed Use – B4
- Other** : Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010 (Gladesville LEP 2010).
Ryde Development Control Plan 2010 (Ryde DCP 2010).
Draft LEP2011
State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
State Environmental Planning Policy No 65 – Design

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Quality of Residential Flat Buildings (SEPP 65);
State Environmental Planning Policy (Building
Sustainability Index: BASIX) 2004 (BASIX SEPP);
Deemed SEPP – Sydney Regional Environmental Plan
(Sydney Harbour Catchment) 2005
State Environmental Planning Policy (Infrastructure)
2007 (Infrastructure SEPP);

3. Councillor Representations

Name of Councillor: Councillor Maggio.

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

Date: 25 October 2012.

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

On behalf of applicant or objectors? Not known

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

Name of Councillor: Councillor Petch.

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

Date: 7 May 2013.

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

On behalf of applicant or objectors? Not known

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.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

5. Proposal

Demolition and construction of a part 2, part 5 and part 6 storey mixed use building containing 26 residential units and 3 retail units with basement parking.

The details of the proposal include the following:

- The development comprises three retail tenancies (325m²) at the ground floor level facing Victoria Road;
- Construction of 26 residential apartments over five levels on upper floors;
 - The 26 residential units will consist of 12 x 1 bedroom apartments, 10 x 2 bedroom apartments and 4 x 3 bedroom apartments. Level 5 will contain a mezzanine level associated with three residential units on Level 4.
- The retail area will be directly accessible to pedestrians from street level via Victoria Road or from the basement levels via the central lifts. The retail area will be serviced via the loading dock located on the ground floor level.
- Vehicular access to the site will be provided from the Gerard Lane located at the rear of the site. Pedestrian access to the residential apartments will be via both Victoria Road and Gerard Lane.
- A total of 41 car parking spaces will be provided on the site.

6. Background

- Prior to the lodgement of the DA, on 23 March 2012, the proposal was reviewed by Council's Urban Design Review Panel.
- The development application was submitted to Council on 28 September 2012.
- The application was notified and advertised for fourteen days ending on 7 November 2012. During this time, 52 submissions were received from 37 individual addresses;
- On 15 February 2013 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.
- A revised proposal was received on 20 April 2013 with various changes to the design including change to the building height as requested by Council Officers. Additional information was also received in relation to overshadowing on adjoining properties. The plans were amended in the following regard:
 - Submission of a revised survey plan incorporating additional spot levels;
 - Changes to building height;
 - Removal of void space from upper level;
 - Re-calculated floor space;
 - Revised detail in relation to waste storage and disposal arrangements;
 - Revised shadow diagrams;
 - Height transition changed to reflect DCP requirement;
 - Widening of the Gerard Lane incorporated on the plan;
- The amended proposal was re-notified to the local residents and previous submitters for a period of 14 days ending on 20 May 2013.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

- On 13 May 2013, the submission period was extended to 27 May 2013 for some residents who sought extended time to make a submission to Council;
- During this time a total of 32 submissions were received from 24 properties.

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 and notified between 17 October 2012 and 7 November 2012.

During this time, 52 submissions were received from 37 properties objecting to the development, mainly in relation to the impact on their privacy, traffic, overshadowing and height non-compliances. It is noted that in some cases multiple submissions were received from individual addresses.

The proposal was subsequently amended by the applicant. The amended plans were notified from 3 May 2013 to 20 May 2013. During this time a total of 32 submissions were received from 24 properties.

The issues raised in the submissions are discussed below:

- a) The proposed 7 storey height of the building is too high. This will set an irreversible precedent for developments along Victoria Road that will ruin the Gladesville ridge.*

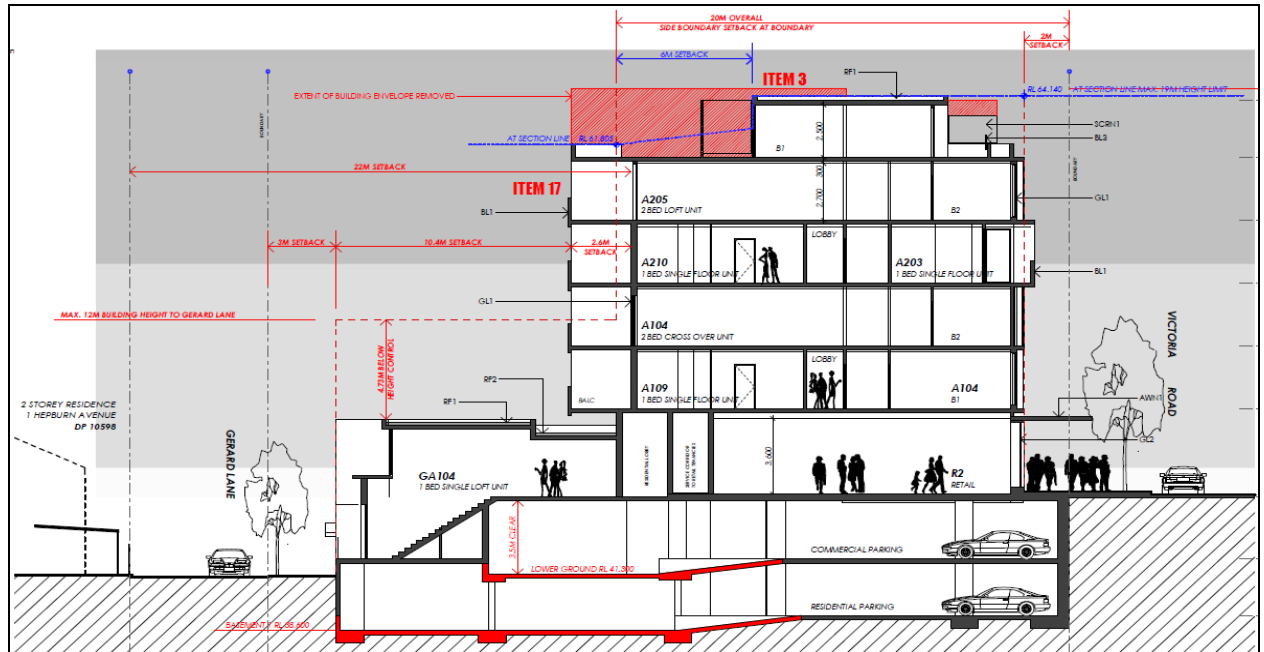
Assessment Officer's Comments:

The proposed development does not constitute a 7 storey building.

The development comprises a part 2, part 5 and part 6 storey building generally reflecting the maximum height and building envelope determined by the height, building articulation and transition controls applicable to the site as contained under the LEP and the DCP2010. The section of the building referred to in the submission is predominantly 5 storeys with a small section (loft level) which projects out as the sixth storey over a small middle section of the building as shown in the following section.

ITEM 2 (continued)

ATTACHMENT 2
PREVIOUS REPORT



The LEP specifies two height controls for the site, that is, 12m and 19m. The proposal complies with the numerical height provision under the LEP. Compliance with LEP height restriction has been discussed in detail later in this report.

As a general guide, the DCP recommends a five storey development in this locality. Even though the DCP recommends a 5 storey development in this locality, the “pop up” sixth level does not breach the maximum 19m height prescribed under LEP2010. In addition the floor space ratio is under the maximum permitted on the site. The bulk and scale of the proposal is also acceptable as discussed in detail later in this report.

The recent changes to the EP& A Act which were reported to Council, requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying the DCP provisions. In this instance, the DCP control (based on storey) conflicts with the height provision of the LEP2010 (based on metres) and therefore the DCP provision has no effect to the extent that it is 'inconsistent or incompatible with' Council's LEP2010 pursuant to Clause 74C(5) of the EP&A Act, 1979. This is particularly important as the development complies with the LEP2010 provisions pertaining to the maximum FSR and maximum height.

The new zoning and density provisions under the draft LEP2011 maintain the maximum height on the site similar to the existing.

- b) *The adjacent streets (Gerard Street & Hepburn Avenue) are narrow and presently carry considerable traffic, both through and for parking. The overflow from the proposed development would create increased parking problems where parking is already in high demand.*

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Assessment Officer's Comments:

It is noted that current street parking is mostly attributed to there being insufficient parking on sites along Victoria Road, that is, the existing commercial uses in this area do not have on site car parking. Thus street parking is utilised by the general public.

Given that the site has been zoned to Mixed Use (B4) and the existing building is in a dilapidated state, it is reasonable that the site is redeveloped to its potential for economic viability. This is consistent with Clause 5 of the Environmental Planning and Assessment Act. The proposal is for a new building in place of the existing with a better car parking and loading/ unloading facility, all to be contained within the subject site.

Adequate car parking for customers, residents and visitors will be provided on the site. It is unlikely that the car parking demand will change significantly as a result of the proposed development as it provides the required car parking in accordance with Council's car parking controls and therefore contains all required parking on site. The projected increase in traffic as a consequence of the development will be minimal and will not have any unacceptable traffic implication on the capacity of the existing road network. The application has been reviewed by Council's Traffic Engineer and no objections have been raised in relation to this matter.

- c) *The overshadowing diagram does not show the full extent of the effect on properties. Loss of sunlight to the adjoining residents.*

Assessment Officer's Comments:

This applicant has provided the following response to this issue:

The development does not result in any significant adverse impact upon neighbouring residential properties. We acknowledge that from 9am to around 11am on June 21 (winter solstice) the proposed development will overshadow the low density residential uses immediately west and southwest of the subject site. Despite the minor increase in overshadowing to these neighbours, we were mindful of this issue and at an early stage of the design phase of the development, made a conscious decision to limit the height of the development to the Gerard Lane frontage to two storeys. In doing so, we were able to reduce the overshadowing impact to our neighbours. It should be pointed out that under Council's controls, a maximum height limit of 12 metres is permissible to the Gerard Lane frontage. The current proposal presents a maximum height of 8.1 metres to Gerard Lane. This maximum height is 600mm lower than the current condition of Gerard Lane. It is noted that from 11am onwards the two dwellings affected immediately west and southwest of the site of Gerard Lane begin to receive ample sunlight throughout the remainder of the day which meets the required three (3) hours of solar access.

ITEM 2 (continued)

ATTACHMENT 2
PREVIOUS REPORT

The development is unlikely to result in any significant increase in overshadowing on any surrounding residential building or open spaces. The subject site has an east west orientation, thus majority of the overshadowing will occur on the southern side on the wall of the adjoining commercial building and on Gerard Lane. An analysis of the shadow diagrams indicate that the proposal will not cast any shadows on the residential properties located along Gerard Lane (western side) from 12:00noon. The proposal does not impact on the minimum 3 hours of sunlight that the adjoining residents will receive on winter solstice.

d) *Loss of privacy. Screening would be required preferably tree planting.*

Assessment Officer's Comments:

The mixed use development proposes a landscaped setback to Gerard Lane, which will allow for deep soil planting and will provide improved separation to the properties directly west of the site. The landscaping will also provide for a level of privacy between the properties that will in turn result in higher levels of amenity for existing neighbouring properties and future occupants of the development.

The nearest residential property is located on the western side of the site opposite Gerard Lane. The Lane is 6m wide. A 3m setback has been provided along Gerard Lane with a further 10.4m setback for upper level balconies. These setbacks add up to over 22m separation distance.

The proposed development will be built to the side boundaries thus has only two elevations for placement of balconies. The proposal achieves reasonable privacy to surrounding residential properties in the context of suburban living. The balconies on the western side of the building are setback over 20 metres from the nearest adjoining residential building. Privacy screens and solid balustrades have been incorporated on the western elevation to ensure abatement of any privacy impact emanating from the upper level balconies as shown in the western elevation below:



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**ATTACHMENT 2
PREVIOUS REPORT**

**WEST ELEVATION (Showing PRIVACY SCREENS TO LIVING AREA
BALCONIES)**

It is further recommended that additional sets of privacy screens be provided such that it covers all the balconies proposed on upper levels (see Condition 41). This is considered reasonable given the visual separation of the units from the side boundary of the adjoining dwelling.

The terraced units facing Gerard Lane are two storey in height with small balconies. As this is similar height to a two dwelling house and is separated from the nearest dwelling house from the west by Gerard Lane, no privacy impact is envisaged. In addition to the above, the mixed use development proposes a landscaped setback to Gerard Lane, which will allow for deep soil planting and will provide improved screening to the properties directly west of the site.

The communal terrace located above the basement entrance level will be adequately screened with suitable species planted on deep planter box as demonstrated in the plan below:



e) *Overdevelopment of the site.*

Assessment Officer's Comments:

The proposal complies with Council's planning controls in relation to the maximum floor space ratio, setbacks, and height provisions under the LEP2010 and building height transition requirement under the DCP2010.

The proposed development is not considered an overdevelopment of the site.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

f) Loss of value of the adjoining properties.

Assessment Officer's Comments:

The applicants have a right, under the Act, to the orderly and economic use and development of land, and that possible decreases in surrounding property values do not constitute a reasonable ground for refusal.

g) Amended plans are not clear and longer time frame is required for community to make submissions.

Assessment Officer's Comments:

The amended plans included additional marked up details in red to demonstrate the changes (that is, modifications carried out based on Council Officer's request and to address concerns of the residents). Each of the amendments was also explained in an accompanying notification letter (the second notification period). A copy has been placed on file.

In addition, the submission period was also extended by one week to 27 May 2013 for those residents who sought an extension of time to make a submission.

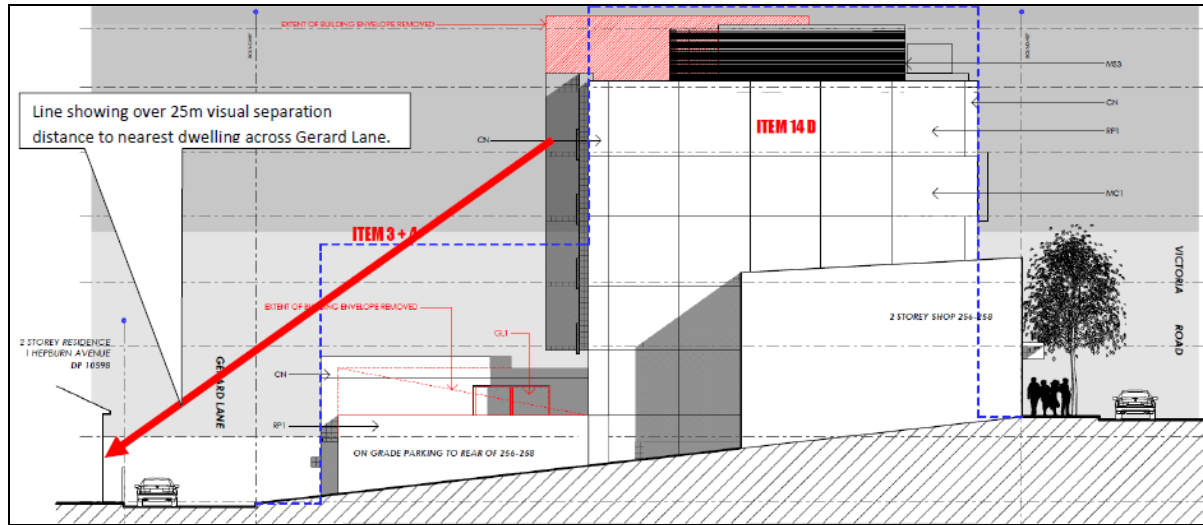
h) No. 1 Hepburn Avenue is directly behind the proposed development. The development will result in the following impact on 1 Hepburn Avenue. The development (balconies) will result in direct viewing into the backyard swimming pool located in the backyard of No. 1 Hepburn Avenue.

Assessment Officer's Comments:

The roof terrace is located above the basement entrance level and is adequately screened with shrubs and a wide planter bed. The balconies to the upper levels will have permanent privacy screens as discussed earlier. The nearest proposed balcony is set back over 20m from the objectors backyard at No 1 Hepburn Avenue. This is demonstrated in the following plan. The setback distance and screening as provided (also subject to a condition of consent requiring additional screening – Condition 41) exceed the building separation requirements in the Residential Flat Design Code and will ensure acceptable distances to maintain privacy.

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- i) *The Shadow diagrams are incorrect as has been reviewed by Rygate & Associates Registered Surveyors which shows existing sunlight access is available to the top of the top floor windows as shown on the two elevations. This is contrary to the shadow diagrams created by A.A.Stephens and Associates which show complete shadowing. Attached pictures taken on 11.5.13 and 16.5.13 at 9:00am which still shows sunlight upon the side of the submitters building as opposed to the shadow submitted with no sunlight at all.*

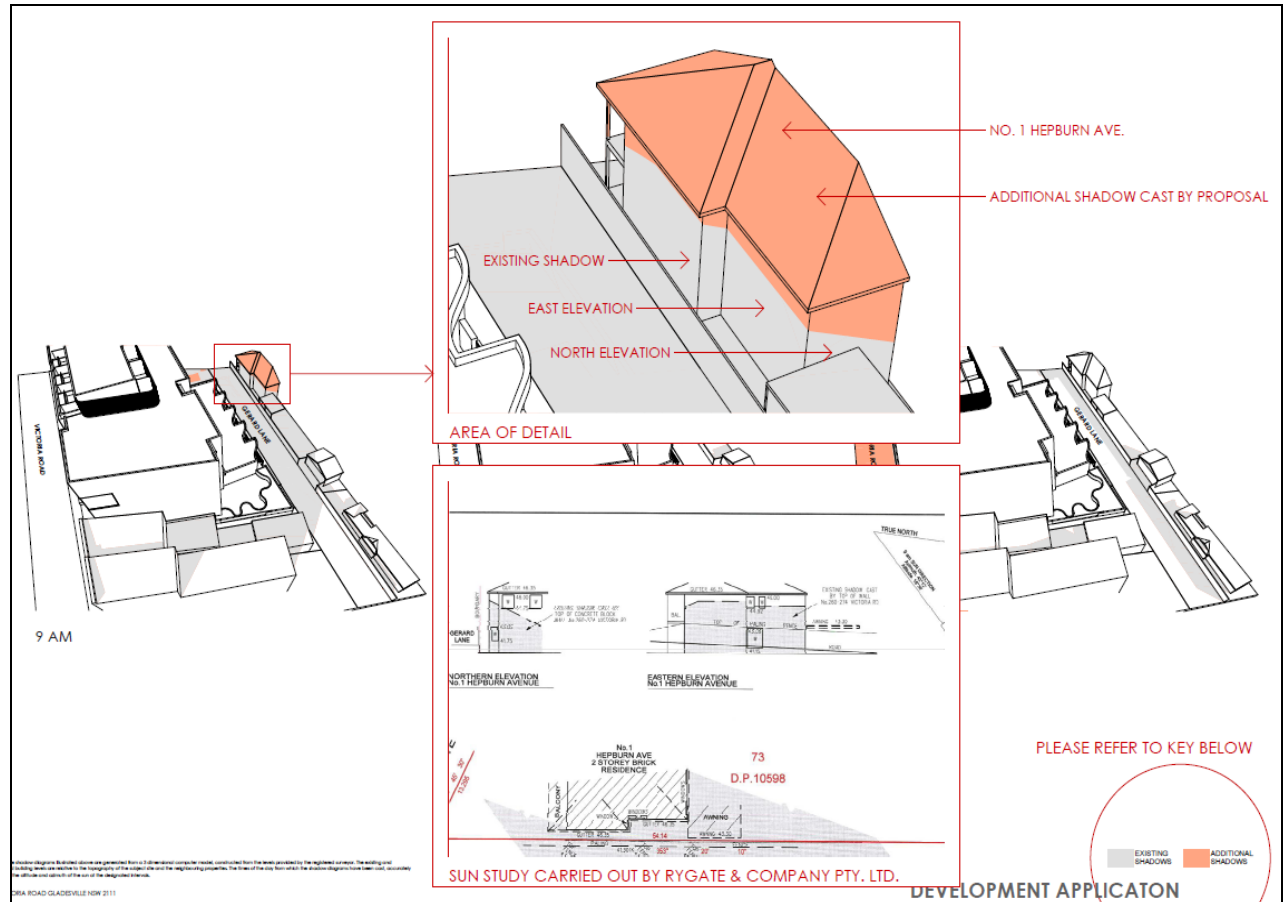
Assessment Officer's Comments:

The applicant has provided the following response to this issue:

In response to the submission received from Emilio and Maria Vinci, with specific reference to the issue raised concerning overshadowing, we submit drawing number A-1211 Rev B. We have included on this document the shadow analysis prepared on behalf of the Vinci's by Rygate & Company. What this document shows is that both the documentation prepared by this office and that prepared by Rygate & Company is consistent and accurate. Perhaps a misinterpretation of the documentation submitted. The existing shadow is clearly shown in grey tone, whilst the additional overshadowing is shown in orange tone. This is exactly the same as that prepared by both the surveyors.

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The top square in the above diagram shows the shadows cast (on 21 June at 9am) by the existing building on the adjoining dwelling at No. 1 Hepburn Avenue. This is shown as grey shading as submitted by the applicant's surveyor. The bottom square in the above diagram has been provided by the submitter's surveyor (Rygate & Company) which also shows the shadowing on the eastern elevation of the adjoining dwelling. The extent of affectation is the same on both of the shadow diagrams.

The shadow diagrams have been analysed and is considered to accurately reflect the shadow lengths on winter solstice and ensures compliance with Council's requirements.

The subject site has an east west orientation, thus majority of the overshadowing will occur to the south on the wall of an existing commercial building, open car parking area and on the Gerard Lane. An analysis of the shadow diagrams indicate that the proposal will not cast any shadows on the residential properties located along Gerard Lane including the property at No. 1 Hepburn Avenue from 12:00noon. The proposal does not impact on the minimum 3 hours of sunlight that the adjoining residents will receive on winter solstice.

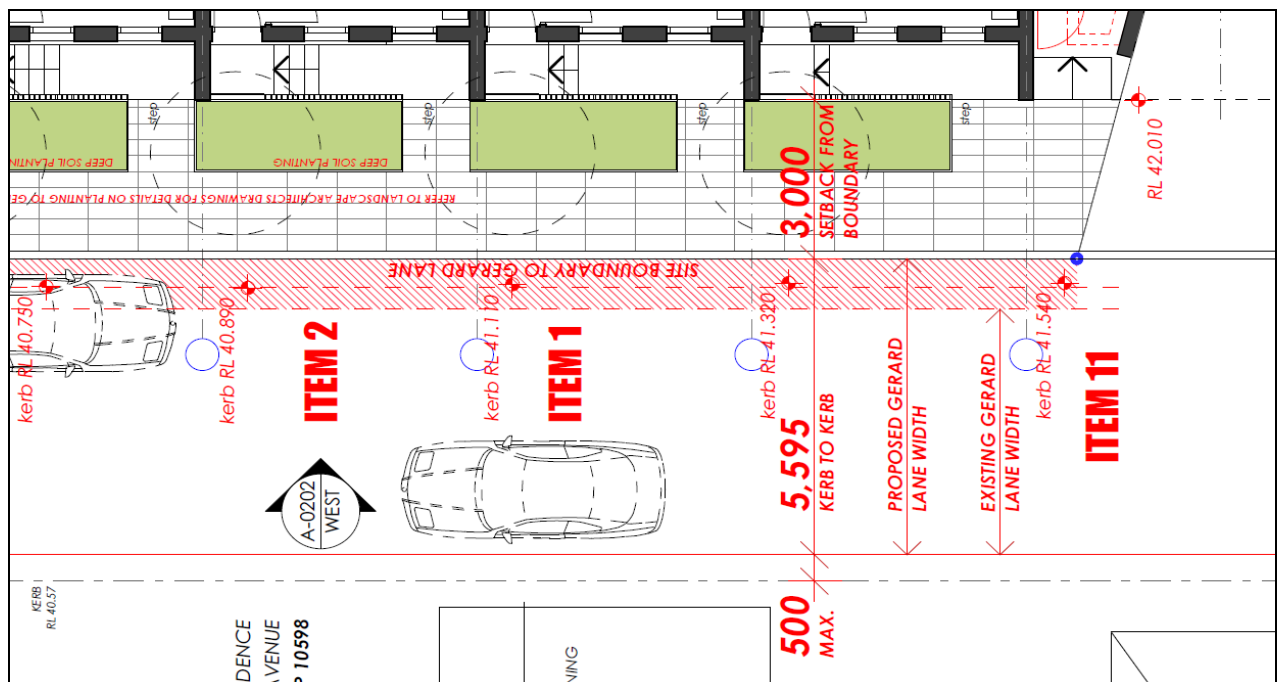
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- j) *The width of the rear lane for access too narrow to handle the increased traffic. The inadequacy of the lane to accommodate even small increases in traffic would create road safety dangers for existing residents and also for vehicles and pedestrians.*

Assessment Officer's Comments:

The Roads and Maritime Services has advised that no access will be permitted from Victoria Road, hence, the only vehicular access available to the site is from Gerard Lane (similar to existing access to the motor repair workshop on the site). The potential traffic impacts from the proposed development have been thoroughly reviewed by Council's Traffic Engineer. The Traffic Engineer is seeking a 1.5m road widening and has recommended various other conditions to ensure any potential impacts are minimised (see Conditions 54 & 55). The plan below shows the road widening to the road boundary and construction of footpath.



In doing so the applicant, has tried to minimise potential traffic impact by adopting the following measures:

- Full compliance with the density and height restrictions placed on the land by virtue of the Local Environment Plan 2010 affecting the site.
- Provision of the required car parking and loading bay on the site;
- Vehicles will enter and exit the site in a forward direction.
- Provision of a 3m setback along Gerard Lane frontage;
- The Gerard Lane will be widened along the site frontage to allow for access, improved traffic flow and vehicles to pass. The widening will achieve a minimum carriageway width of 5.5m measured between the face of kerb in

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Gerard Lane with any necessary transition to the southern and northern sides of the existing Laneway along the property frontage.

- Construction of a 1.5m wide footpath within the 3.0m setback area on the subject site along the Gerard Lane. This will be paved, landscaped a Right of Way created in favour of Council for public access.
- The footpath must be constructed to Council's standards. Details will be submitted for Council's approval with the public domain and landscaping plan.
- Improved street lighting will also be provided along the rear of the development site.

k) Increased pollution and noise.

Assessment Officer's Comments:

The development is suitably located within the B4 Mixed Use zone and the development has been designed to respond to the opportunity to provide a prominent and high quality development at the site.

The assessment of the development application has been carried out in accordance with the requirements under the EP& A Act, 1979. The details of the assessment included in this report indicate that the development is unlikely to result in any unacceptable level of impact in terms of traffic, noise or air pollution and the proposal will have minimal adverse environmental impacts. Conditions of consent have also been imposed to reduce any potential environmental impacts on the locality (Conditions 84, 86, 118, 123 and 128).

l) The Gladesville LEP is illegitimate and undemocratic and the LEP and the DCP were made without the support of the community by the previous Council.

Assessment Officer's Comments:

The Draft Gladesville DCP/LEP was prepared and was publicly exhibited from 28 November 2008 to 27 February 2009. The Gladesville LEP and DCP 2010 – Part 4.6 Gladesville Town Centre and Victoria Road Corridor was publicly exhibited, adopted by Council and gazetted as per process provided under the Environmental Planning & Assessment Act. The controls for Gladesville have been developed through extensive consultation and analysis with the preparation of a Master Plan, DCP and LEP. A chronology of the LEP and DCP process has been attached for Councillor's information.

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m) A poor urban design form and finishes.

Assessment Officer's Comments:

The design has been reviewed by Council's Urban Design Review Panel and Council's City Urban Designer and found to be acceptable.

n) Ill-conceived traffic management as vehicular access is proposed via suburban streets and the laneway.

Assessment Officer's Comments:

This matter has been discussed earlier in this report, the RMS does not permit vehicular access from Victoria Road, thus only available option is to provide access from the Gerard Lane.

o) The proposal does not provide sufficient parking and will add to congestion.

Assessment Officer's Comments:

The application proposes the number of parking spaces required under Council's DCP. This matter has been reviewed by Council's Traffic Engineer and no objection is raised in relation to this matter.

p) There is no provision of cycle facilities.

Assessment Officer's Comments:

Sufficient area for storage of 11 bicycles has been provided on the site within the lower ground level (entrance level) (see Condition 64).

q) Caltex Australia operates a service station at 287-289 Victoria Road (opposite side of Victoria Road) and suggest that applicant consider the compatibility of land use and matters associated with road noise, noise and light associated with operation of a service station that may impact on the subject development and necessary measures be incorporated to address it including the measure required under Clause 101 & 102 of the SEPP (Infrastructure) 2007.

Assessment Officer's Comments:

The application will comply with the noise criteria for developments adjacent to main roads (see Condition 39).

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r) *Excavation and Construction impact.*

Assessment Officer's Comments:

Similar to any major redevelopment work, some level of inconvenience may result once the construction commences. However, to address the issue and to minimise traffic impact, a Demolition and Construction Traffic Management Plan will be required (see Condition 57).

s) *Impact resulting from post development garbage collection truck.*

Assessment Officer's Comments:

This matter has been reviewed by Council's Traffic Engineer and the Waste Management Coordinator. No objection has been raised subject to Conditions 121 & 119.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required? No.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan (Gladesville Town Centre and Victoria Road Corridor) 2010

Clause 2.3 Zone Objectives and Land Use Table

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

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

- *To provide a mixture of compatible land uses.*

The development proposes to provide 26 residential apartments as well as three retail/ commercial tenancies. These uses are considered compatible land uses. The development satisfies this objective.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.*

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The site is an accessible location given that it fronts on to Victoria Road and is located within a close proximity of bus stops and Gladesville Town centre. The mix of retail, commercial and residential uses as well as the development providing car parking in accordance with Council's requirements should encourage the use of public transport, cycling and walking. The development propose bicycle parking facility within the building. The development satisfies this requirement.

- *To create vibrant, active and safe communities and economically sound employment centres.*

The increased setback along Victoria Road will create wider public footpath and improve pedestrian safety. The addition of the residential apartments and commercial tenancies will add to the town centre being developed as a vibrant, active, safe and economically sound employment centre.

- *To create safe and attractive environments for pedestrians.*

The development has proposed an active street frontage by the provision of the retail tenancies as well as the development providing an awning over the footpath. In addition any approval would be required to upgrade the public domain along the front of the site. Additional lighting and street trees will be provided. This will ensure a safe and attractive environment for pedestrians.

The proposal also proposes widening of the Gerard Lane and provision of a footpath along the site frontage. This will create a safer and attractive pedestrian environment as currently there is no footpath and road shoulder on the eastern side of the lane.

- *To recognize topography, landscape setting and unique location in design and land use.*

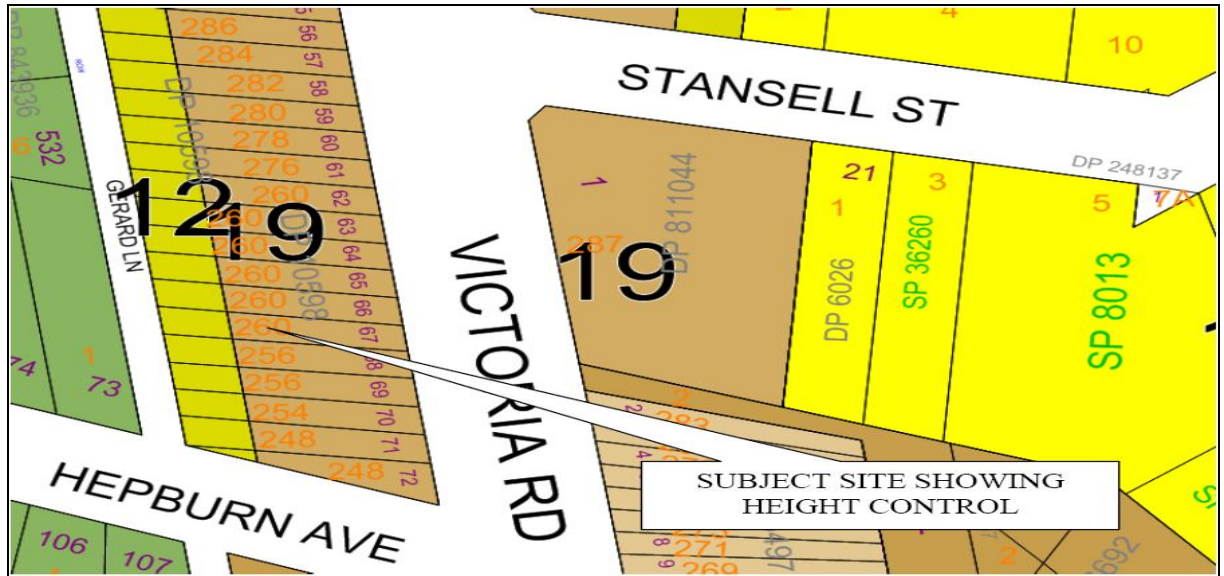
The topography and landscape setting of the site has been recognised by the development with the building height stepping down to the rear. Landscaping is proposed within planter boxes as part of the rear roof terrace. The planning controls allow built to boundary and therefore there is not much scope for deep soil landscaping similar to the existing situation on the site. Additional trees will be planted along the Victoria Road and rear terrace. The proposal is considered satisfactory in this regard.

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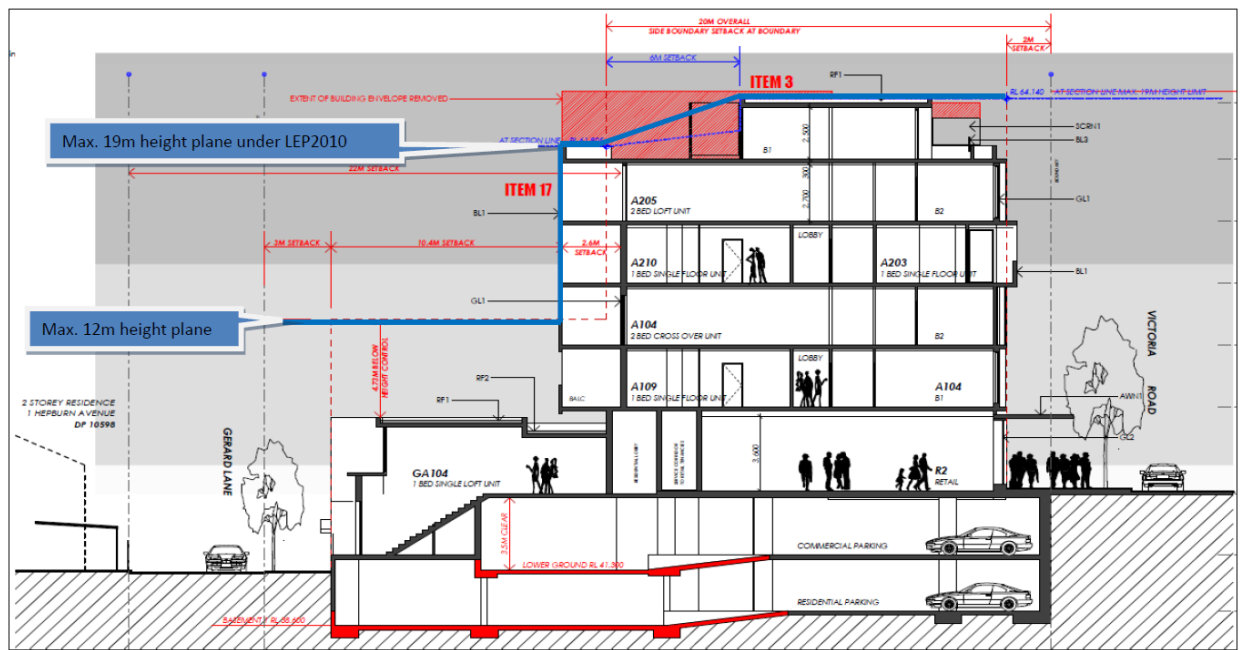
Clause 4.3 Height

The site is affected by two height zones being 12m and 19m. This is demonstrated on the following map.



The proposed development complies with the maximum height provisions under Council's LEP2010. The following diagram illustrates the height of the building represented in the long section:

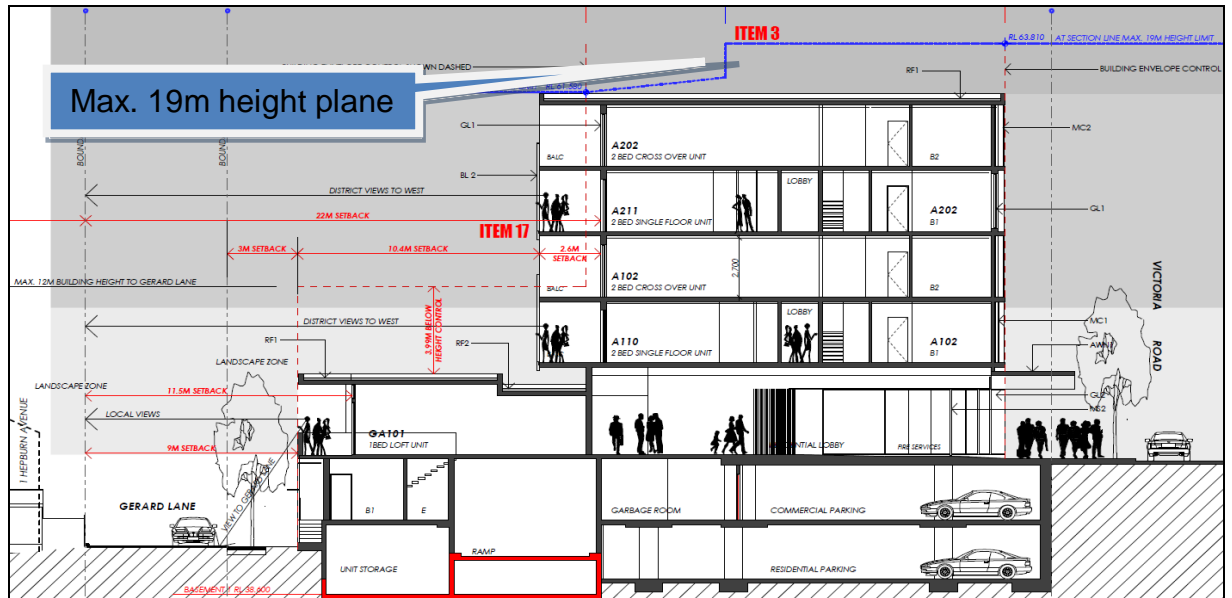
SECTION AA (Showing maximum height limits of 19m and 12m)



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SECTION BB (Showing maximum height at other areas well below the 19m height limit)



Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum permitted floor space ratio as specified on the Floor Space Ratio Map. The Floor Space Ratio Map identifies the site as having a 2.3:1 floor space ratio.

The site area is 1,294.5m². This would permit a maximum of 2,977m² of floor space on the site. The development proposes a total floor area of 2,971m² which is 6m² below the maximum allowable floor space for the development. The development complies with this control.

Clause 5.9 Preservation of Trees or Vegetation

Clause 5.9 requires either development consent or a permit granted by Council for the removal of any trees.

No significant trees occur on the site and therefore no issues are raised in relation to this matter.

Clause 5.10 Heritage Conservation

The site does not contain any heritage items nor is it located in a Heritage Conservation Area.

No issues are raised in relation to this matter.

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Clause 6.1 Earthworks

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

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

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

The site is not known to contain any relics or any other item of heritage significance. The development is considered satisfactory in respect of this clause.

(b) Relevant SEPPs

State 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.

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

The proposal has been reviewed by Council's Environmental Health Officer, and the following comment was provided:

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The site history indicates a history of a commercial/retail nature. Prior to the current car wash use being carried out, the site was remediated around mid-2004. As part of this remediation the underground storage tanks were successfully removed from the site and tests showed that the presence of the former underground fuel storage tank has not resulted in either significant or gross contamination of the soil.

However, the original report prepared by Environmental Audits Australia states that “as the UST tank-pits were found to have been excavated some 1.5 meters into the shale substrate thus providing a potential contamination pathway to groundwater, an independent assessment of groundwater quality underlying the site is recommended.”

Therefore it would be prudent to include the following condition:

- **Ground water assessment** - *The proponent must submit an assessment report of the groundwater quality underlying the site prepared by an appropriately qualified and experienced environmental consultant. The report is to be submitted to Council prior to commencement of the demolition.*

No objection is raised to the proposal subject to the above condition (see Condition 19).

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. 436122M dated 20 August 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. 97).

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.

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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.

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 lodgement of the Application, the development application was considered by the Council's Design Review Panel on 23 March 2012.

The Panel generally made the following comments:

- *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. On balance they recommend that the (side) setbacks could be relaxed for this site.*

Assessment Officer's Comments:

The proposal has been designed to generally reflect the setbacks required under the DCP.

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- *The panel supports the proposed envelope for the development on the basis of its location and relationship to the adjoining properties that are also liable to develop over time. The setback control in this instance would not deliver the best outcome and therefore the panel recommend that it can be relaxed for this site.*
Assessment Officer's Comments:

Noted.

- *The panel supports the concept of a lower terrace type development form adjacent to Gerard Lane with the apartment building setback towards Victoria Road. This design approach reduces the bulk and scale of the proposal to the finer grain lane and to the adjoining residential properties that abut the laneway to the west.*

Assessment Officer's Comments:

Noted.

- *The panel notes that the proposed basement arrangement may cause conflicts with vehicles exiting and entering given the junction between the two ramps occurs close to the entry and it is quite constrained. There does not appear to be any provision for loading for the retail uses within the basement or for removalist trucks for the residential uses. The panel suggested that the basement layout be reconsidered to allow for van unloading and a goods lift on the first level providing access to the retail uses.*

Assessment Officer's Comments:

A loading area has been provided in the revised proposal. The basement design and provision of loading area has been reviewed by Council's Development Engineer. The proposal is considered acceptable subject to conditions.

- *The storage areas in the lower basement should be indicated as cage storage and allocated to each unit to ensure the provision meets the requirements of the Residential Flat Design Code.*

Assessment Officer's Comments:

Storage areas have been provided as per this advice.

- *The panel recommends that the design of the terrace style apartments to the laneway be amended to provide direct access into the terraces from the lane. This should be combined with providing as a minimum a 1.2m footpath along the side of the laneway to allow for pedestrian access and improved amenity for the lane.*

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Assessment Officer's Comments:

The revised proposal complies with this advice.

- *The location of the lift core and stairs is not ideal. It creates a very heavy element in the facade and its location results in a much longer corridor than would be required with a central location. The light and ventilation provided by the end core does not contribute to the main area of circulation as it is a dog leg form. A central location would allow light to penetrate to the main corridor and would also reduce the length of corridor required.*

Assessment Officer's Comments:

In response to this matter, the proposal has been redesigned with respect to the lift core and the internal corridor. The lift core has been relocated from the southern wall to the central part of the building. This has almost halved the length of the corridor serviced by the lift. This aspect of the application has been reviewed by Council's City Urban Designer and found to be satisfactory .

- *Care will need to be taken in the design of the balconies and windows to the apartment building in proximity to the terrace style apartments to avoid privacy issues from overlooking for the courtyards. The panel is also concerned about the single aspect units facing towards Victoria Road given the likely noise impacts. It is suggested as part of considering 2 storey units for the ground floor apartments that perhaps the single aspect units might be flipped over so they are oriented to look towards the lane. This will improve their amenity and the potential use of the balconies.*

Assessment Officer's Comments:

The proposal has been redesigned with cross over units and loft levels. The setback between the terrace units and the upper level units have been increased.

- *The proposal lacks communal open space. The panel recommends that the applicant consider roof gardens if appropriately located to allow residents a usable area given there appears to be additional height available above the proposal.*

Assessment Officer's Comments:

A roof garden has been provided as communal open space.

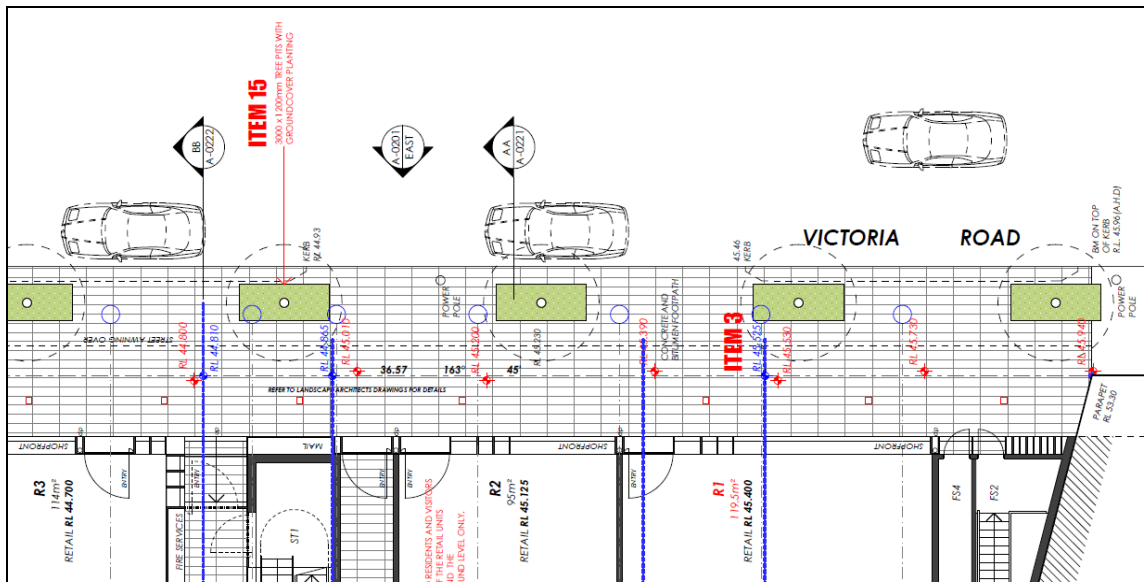
- *The panel encourages a reduction in the awning depth from 5m to 3m and that street trees should be provided as part of the proposal to Victoria Road.*

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Assessment Officer's Comments:

The proposed awning is 3m wide and street trees are proposed along both the street frontages as shown in the plan below. The proposal complies with Council's DCP and is considered acceptable.



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 residential, commercial and retail developments. The site is within close proximity of the Gladesville town centre. The site is zoned for higher density mixed use development. The redevelopment will provide additional housing needed in the area to make the locality more vibrant. The proposed development will contribute positively to the development of the area within the regional context.

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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 under Council's LEP2010.

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 recently approved in Gladesville. The design reflects the geometry of the site and Council's planning controls and addresses the street through appropriate design elements and built form transition required under Council's planning controls. 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 LEP2010. 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.

Assessment Officer's Comment:

The proposed development fully complies with the FSR applicable to the site. The density, height, bulk and scale is consistent with the building envelope parameters provided under Council's DCP. The proposal generally complies with the street setback requirement to both frontages. The density and built form is appropriate for the site and is consistent with the desired future character of the locality.

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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 throughout 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 acceptable 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. A common landscaped area is provided with a landscaped footpath along the rear lane. The site is generally built up to the boundary except along the rear boundary which 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.

Assessment Officer's Comment:

The development will provide a satisfactory level of amenity for the future occupants without significantly impacting on the amenity for the existing residents in the locality. 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.
- All apartments have reasonable sized balcony and also ensures reasonable cross ventilation for majority of the development.
- Acoustic privacy considered and incorporated in design.
- On-site parking and storage areas
- Comprehensive landscaping and public domain improvement proposed.
- Provision of a centralised lift & accessibility.

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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 (see Condition 70 & 71).

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.

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 (Ryde & Gladesville). 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.

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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 communal open space and deep soil zone. 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.	The application complies with the maximum FSR and complies with the 19m and 12m height limit prescribed under Council's LEP2010.	Yes
Building Depth In general, an apartment building depth of 10-18 metres is appropriate.	The building depth ranges from 6m to 17m. At no point in the building does the plan depth exceed 18m. The building will provide satisfactory daylight and natural ventilation. The depth of the building will ensure adequate amenity for future occupants as well as not adversely impacting on the amenity of the adjoining properties.	Yes
Building Separation 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. Building separation for buildings up to five to eight storeys: -18m between habitable rooms/ balconies	There are no building separation requirements along Victoria Road except for the 2m wide ground floor setback. A 2m setback is provided. The development does not propose any setbacks to the side boundaries. The development is consistent with the setback provisions under the DCP. A 12m building separation of floors above ground level is provided on	Yes

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Primary Guidelines	Comments	Comply
<p>-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 western side that faces the lower density residential area. The total separation exceeds 20m.</p> <p>The urban form of this building is consistent with Council's requirements. In addition visual and acoustic privacy to the adjoining properties will be retained. The development will not result in unacceptable overshadowing impact on the adjoining properties.</p>	
<p>Street Setbacks Identify the desired streetscape character. Comply with setback control drawing.</p>	<p>Council's DCP require: 2m along Victoria Road and 3m setback along rear Lane. Both the setbacks have been provided as per the DCP.</p>	<p>Yes</p>
<p>Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls</p>	<p>Side setback is not required as the DCP allows built to boundary. This relates to other building setbacks within the street block and is supported by the Urban Design Review Panel.</p>	<p>Yes</p>
<p>Part 02 – Site Design</p>		
<p>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.</p>	<p>The site has commercial zone and can generally be built to boundary except for minor setback required along the frontages. The only deep soil area that can be provided on the site is the area within the 3m rear setback along the Gerard Lane frontage. Deep Soil Area cannot be provided anywhere else on this site as the planning controls allow development to the boundary except for the rear setback. A total to 27m² of DSZ has been provided within the rear 3m setback area. An additional soft landscaping is proposed on the roof terrace comprising additional 24m² of tree planting in planter boxes. Street</p>	<p>No (support variation)</p>

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Primary Guidelines	Comments	Comply
	<p>trees are proposed along the Victoria Road as part of the public domain improvement works.</p> <p>Landscaped Area: 129m²</p> <p>DSZ: 27m² 27m²/129m² = 20.9%</p> <p>The applicant proposes integrated stormwater disposal and rain water storage solution for the site.</p>	
<p>Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.</p>	<p>Public domain improvement works including tree planting, smart poles, awning and new paving will be carried out which will contribute to an improvement in the streetscape presentation.</p>	<p>Yes</p>
<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: 129m² A 24m² of communal open space is proposed as a roof terrace equating to approximately 2% of the site area. However, all units are provided with balconies as its primary private open space.</p> <p>The variation to communal open space can be supported in this instance as the development provides acceptable amenity for the individual units similar to other mixed use developments in urban centres.</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>The site has an east west orientation and is built to boundary on the northern side. It is not practical to place the balconies on the northern side. Where possible the development has incorporated the communal open space to the north and west.</p>	<p>Yes</p>

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Primary Guidelines	Comments	Comply
<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 in accordance with Council's specification and conditions of consent (see Condition 73).</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. Appropriate conditions have been recommended.</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>
<p>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.</p>	<p>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.</p>	<p>Yes</p>
<p>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.</p>	<p>Conflict will be minimised with a separate pedestrian path from the car park entry. This aspect of the proposal has been reviewed by Council's Development Engineer and the proposal is found to be satisfactory.</p>	<p>Yes</p>

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Primary Guidelines	Comments	Comply
Part 03 – Building Design		
Apartment Layout Single aspect apartments should generally 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	Single aspect apartments have 7m – 9.6m building depth which is acceptable. 1 bed = 59m ² -93m ² 2 bed = 93m ² -117m ² 3 bed = 124m ² -130m ²	Yes Yes
Apartment Mix The development should provide a variety of types.	Mix of one bed, two bed, three bedroom units are proposed.	Yes
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 (top most level comprising bedrooms only) 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.	Apartments 108, 110 and 209 are nominated as adaptable units. These units are on level 1 and level 2 because the ground floor facing Victoria Road comprises retail floor. Appropriate access is provided via street level entry and lift. This complies with the requirement.	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.	Office and retail tenancies are proposed with the mix of apartment.	Yes

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Primary Guidelines	Comments	Comply
<p>Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.</p>	<p>The development will be required to comply with the acoustic provisions of the BCA & Australian Standards.</p>	<p>Yes</p>
<p>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.</p>	<p>A total of 15 apartments will achieve at least 3 hours of sunlight between 9am-3pm which equates to 58% of the units and is thus slightly below the requirement under the SEPP. The rest of the apartments do have access to sunlight but less than the minimum 3 hours. It is noted that the site is built to boundary and has an east –west orientation (as discussed earlier) thus making it difficult to achieve full compliance with this requirement. Given the orientation of the site, high percentage of cross ventilated units and no single aspect south facing units, the level of solar access is considered acceptable.</p>	<p>No (support variation)</p>
<p>Limit the number of single-aspect apartments with a southerly aspect (SWSE) to a maximum of 10% of the total units proposed.</p>	<p>None of the single aspect apartment has a southerly aspect.</p>	<p>Yes</p>
<p>Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated.</p>	<p>The design ensures sufficient cross natural ventilation.</p>	<p>Yes</p>
<p>25% of kitchens should have access to natural ventilation.</p>	<p>19/26 = 73% of the units are naturally cross ventilated.</p>	<p>Yes</p>
<p>25% of kitchens should have access to natural ventilation.</p>	<p>Over 25% of the kitchens have access to natural ventilation.</p>	<p>Yes</p>
<p>Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.</p>	<p>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.</p>	<p>Yes</p>

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Primary Guidelines	Comments	Comply
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 and the Waste Management Coordinator.	Yes

(c) Relevant REPs

N/A

(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 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 inconsistent with the objectives of the Draft LEP or those of the proposed zoning.

The Draft LEP2011 was adopted by Council on 12 March 2013 and is awaiting gazettal by the Department of Planning and Infrastructure; as such LEP2011 can be considered certain and imminent.

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

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

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

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Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement Gladesville Town Centre Precinct The precinct will: Transform into a genuine mixed use town centre.	The development is consistent with the vision statement for the Town Centre Precinct. The development proposes a mixed use development that has a scale and massing which is consistent with the future intent for the Town Centre.	Yes
2.3 Public Domain		
2.3.2 Public spaces Public spaces to be provided as part of 'key sites'.	The Key Site Diagram does not apply to the subject site.	NA
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in the Gladesville Town Centre and Victoria Road Corridor LEP and the Built Form Heights Plan in this DCP.	<p>The LEP specifies two height controls for the site, that is, 12m and 19m. The proposal complies with the numerical height provision under the LEP. Compliance with LEP height restriction has been discussed in detail earlier in this report.</p> <p>However, the proposal exceeds the maximum height control under the DCP which is based on the maximum number of storeys. Notwithstanding, the general intent of the built form height plan provided under the DCP is complied with.</p> <p>With respect to the Built Form Heights Plan the, DCP sets the maximum height to five storeys. The development comprises part 2 part 5 and part 6 storey building generally reflecting the building envelope determined by the maximum height (provided under the LEP2010), the building articulation and transition controls applicable to the site as contained under the DCP. The building is predominantly two</p>	<p>Yes</p> <p>No (variation supported)</p>

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	<p>and five storeys in height. The sixth storey is restricted to a small section above the 5th storey apartments containing loft levels with single bedrooms associated with the units on the level beneath it. The sixth level appear as a “pop-up”, which is significantly set back from the site boundaries and street frontages and does not result in any significant adverse overshadowing impact to adjoining properties or communal open space. On the contrary, the sixth level on top of the building provides a modulated roof line and is supported in design terms.</p> <p>Even though the DCP recommends a 5 storey development in this locality, the “pop up” sixth level does not breach the maximum 19m height prescribed under the LEP2010. In addition the FSR is below the maximum permitted on the site. The bulk and scale of the proposal is also acceptable as discussed in detail elsewhere in this report.</p> <p>Given the two height controls under the LEP and the DCP have the same outcome, then it can only follow that a building that is compliant in height is the same building when measured against storeys as an increase in the floor to ceiling heights of each level within the building would results in the same bulk and scale. Therefore it's not the number of storeys that determine the buildings scale but it is the overall</p>	

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	<p>height regardless of the number of storeys (subject to compliance with minimum floor to ceiling height control).</p> <p>The recent changes to the EP& A Act, requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying the DCP provisions. In this instance, the DCP control (based on storey) conflicts with the height provision of the LEP2010 (based on metres) and therefore the DCP provision has no effect to the extent that it is 'inconsistent or incompatible with' Council's LEP2010 pursuant to Clause 74C(5) of the EP&A Act, 1979. This is particularly important as the development complies with the LEP2010 provisions pertaining to the maximum FSR and maximum height.</p>	
<p>Floor to ceiling heights must be a minimum of 2.7m for residential uses.</p>	<p>Each residential floor has a minimum floor to ceiling height of 2.7m except the loft level which has 2.4m.</p> <p>The proposed floor to ceiling height is acceptable.</p>	<p>Yes</p>
<p>Ground floor levels are to have a floor to ceiling height of a minimum of 3.6m.</p>	<p>The ground floor has a floor to ceiling height of 3.6m and complies with the requirement.</p>	<p>Yes</p>
<p>3.1.2 Active Street frontages Provide ground level active uses where indicated on the map.</p>	<p>The development has provided an active frontage along Victoria Road by proposing two retail/commercial tenancies.</p> <p>No vehicular entrance or substation is proposed on this frontage as they are located to the rear frontage.</p>	<p>Yes</p>
<p>Where required, active uses must comprise the street</p>	<p>The commercial uses have a depth of between 12m to 15m.</p>	<p>Yes</p>

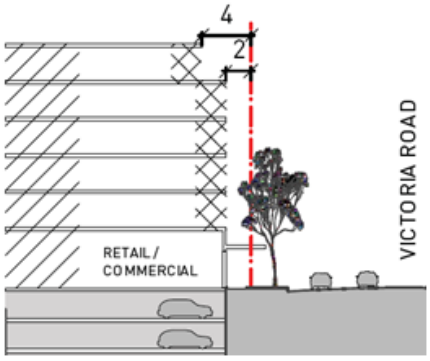
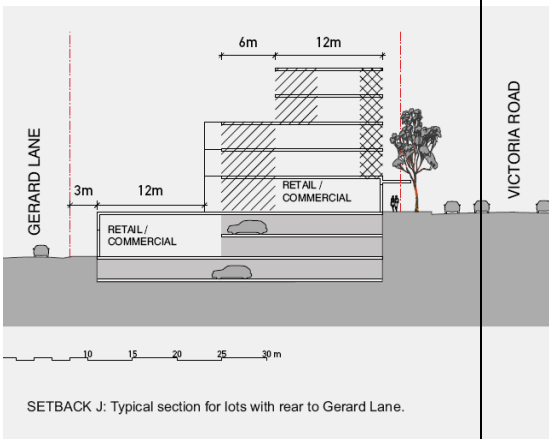
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frontage for a depth of at least 10m.	The development complies with this requirement.	
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access is proposed from rear lane similar to the existing arrangement.	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	The plans do not propose any security grills. A condition of consent will be imposed to reflect this requirement. (See condition number 6).	Yes
<p>3.1.3 Buildings Abutting the Street Alignment</p> <p>Provide buildings built to the street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0.</p> <p>Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>	The site is in North Gladesville precinct and therefore this clause is not applicable.	N/A
<p>3.1.4 Setbacks (front)</p> <p>Setbacks in accordance with Setback Requirements Table and Key Sites Diagram.</p> <p>Front Setback:</p> <p>The table under this section requires the setback as follows:</p> <p>Ground level = 2m</p> <p>Above level 5 = 4m (see DCP illustration below)</p>	<p>A 2m setback is provided on ground floor level.</p> <p>A 5.2m setback is provided on the level above Level 5.</p>	<p>Yes</p> <p>Yes</p>

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	<p>The setback under this clause is complied with as the 6th level (loft) is setback 5.2 which is greater than the DCP requirement.</p>	
<p>3.1.5 Side & Rear Setbacks and Residential Amenity Setback diagrams I and J (Figure 4.61) determines the rear setback which is as shown below:</p>  <p>SETBACK J: Typical section for lots with rear to Gerard Lane.</p> <p>Requires:</p> <ul style="list-style-type: none"> ▪ 3m rear setback; ▪ Additional 12m separation above ground floor between adjoining residential buildings. Incorporate transition. ▪ Incorporate residential use adjacent to residential development. 	<p>Proposed Section:</p> <p>A 3m clear setback has been provided from the rear boundary.</p> <p>The 13m building separation provided from rear wall with 16m setback from Gerard Lane. The proposed transition is adequate as demonstrated in the plan above.</p> <p>Residential use has been incorporated at the rear of the site opposite the lower density residential area as terraced style dwellings. This section of the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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<ul style="list-style-type: none"> ▪ Building may build to the side boundary for depth of 20m then require 12m separation between residential uses. 	<p>building is only 2 storeys and is considered acceptable in terms of any impact on the dwelling located on the opposite side of the Gerard Lane.</p> <p>Proposal is built to boundary for the 20m depth and complies with the separation requirement with respect to adjoining residential development as the building is only 2 storeys beyond the 20m depth.</p>	<p align="center">Yes</p>
<p>3.1.6 Conservation Area and Built Form Guidelines</p> <p>All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance</p>	<p>The site lies outside of the Conservation Area.</p>	<p align="center">NA</p>
<p>3.1.7 Awnings</p> <p>Provide awnings over footpaths for ground level building frontages as shown on relevant map and setback 600mm from kerb. Provide street trees.</p> <p>Height of awning minimum 3m. The heights of adjoining awnings should be considered.</p> <p>Glazed unit not permitted.</p> <p>Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p>	<p>A 3m wide awning has been proposed along Victoria Road and setback from kerb to allow tree planting.</p> <p>3.2m height clearance provided.</p> <p>The awning will be of solid construction.</p> <p>No details have been provided in respect of the lighting. This can be required as condition of consent (Condition 73).</p>	<p align="center">Yes</p> <p align="center">Yes</p> <p align="center">Yes</p> <p align="center">Yes</p>

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3.2 – Access		
<p>3.2.1 Minimum Street frontage North and South Gladesville Precincts to have a minimum 40m to Victoria Road and have one driveway crossing unless access is possible from a local road.</p>	<p>Access provided from the rear lane with one point of entry.</p>	<p>Yes</p>
<p>3.2.2 Vehicular Access Provide vehicular access from the local roads network in preference to Victoria Road. This will require the development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts.</p>	<p>The site is located within the North Gladesville Precinct and access is proposed from the rear lane. The applicant will widen the laneway as requested by Council's Traffic Engineer and is considered satisfactory.</p>	<p>Yes</p>
<p>3.2.3 Parking Provide publicly accessible parking in specified locations.</p>	<p>The site does not fall in the area designated for publicly accessible parking.</p>	<p>N/A</p>
<p>Provide secure bicycle parking in every building equal to 1 car space for every 100 car spaces or part thereof.</p>	<p>The development provides 41 car parking spaces. Accordingly an area equivalent to 0.41 car parking space needs to be allocated for bicycle parking (5.3m² required). A total of 22m² area is designated in the basement with parking rails for 11 bicycles. This space will accommodate 11 bicycles. The development exceeds Council's requirements. (See Condition No. 64).</p>	<p>Yes</p>
3.3 Public Domain		
<p>3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear</p>	<p>The site is not required to provide any through-site connections, public domain parks, squares or plazas. However, any approval will include a condition of consent to</p>	<p>N/A</p>

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<p>direct sightlines and direct linkages.</p> <p>Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6M) and the Public Domain Control Drawing (Figure 4.6N).</p> <p>Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.</p>	<p>require the public domain at the front of the site to be upgraded in accordance with the Ryde Public Domain Manual. (See Condition No. 73).</p>	
<p>3.3.2 Public Domain</p> <p>Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing.</p>	<p>Not applicable to the subject site.</p>	<p>N/A</p>
<p>3.3.3 Landscape Character</p> <p>Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.</p>	<p>Street trees will be provided along Victoria Road (See condition No. 73).</p>	<p>Yes</p>
<p>3.3.4 Urban elements</p> <p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in</p>	<p>A condition of consent will be imposed requiring compliance with the Ryde Public Domain Manual. (See condition No. 73).</p>	<p>Yes</p>

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<p>accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</p>		
<p>3.3.7 Victoria Road Section – North Gladesville and South Gladesville Precinct</p> <p>Setback building by 2m to provide a wide 5.5m paving along Victoria Road.</p> <p>Provide street furniture in accordance with the Ryde Public Domain Technical Manual including:</p> <ul style="list-style-type: none"> • Provide seats and bins at 200 metre intervals and at bus stops, OR a minimum one per block, if required by Council. • Provide new street lighting, staggered at 40 metre intervals on both sides of street, or to Council satisfaction. • Provide lighting to the underside of awnings for the safety and security of pedestrians. <p>Power lines are to be underground in locations specified by Council.</p>	<p>This clause requires the public domain to be upgraded in accordance with the Ryde Public Domain Manual. This has been included as a condition of consent. (See Condition No. 73).</p> <p>This clause also requires powerlines to be underground in locations specified by Council. Appropriate conditions have been recommended to ensure compliance with this requirement (See Condition No. 73).</p>	<p>Yes</p>
<p>4.0 Key Sites N/A</p>		

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Part 7.1 Energy Smart, Water Wise

The DA has been reviewed in relation to the relevant standards and policies in Part 7.1 Energy Smart, Water Wise of the Ryde DCP 2010. This part provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied potable water, or reduce emissions of greenhouse gases or improve the thermal performance of a building have no effect. For this reason, there is no additional requirements that impact on the development.

Part 7.2 Waste Minimisation and Management

The amended Waste Management Plan (WMP) has been reviewed by Council's Environmental Health Officer and the Waste Management Coordinator and is considered satisfactory.

This DCP requires that adequate space be provided for the storage of waste bins.

A central garbage room will be located in the basement with a chute system utilised on each floor of the proposed building except for the 5 ground floor apartments directly facing Gerard Lane.

Three (3) 1100L general waste bins and 14 x 240L recycling bins and 2 x 240L green waste bins will be utilised. The storage space for a 240L recycling bin has been provided in each garbage chute room. A zone dedicated for the storage of kerbside bins ready for collection has been shown on the resubmitted plans.

Appropriate conditions of consent have been recommended to ensure that wastes will be disposed satisfactorily (See Conditions 25, 26, 45-48, 119-122).

No objection is raised to the storage of wastes.

Part 9.2 Access for People with Disabilities

This DCP requires that for residential development it is necessary to provide accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299.

A total of 26 apartments are proposed thus requiring 3 units to be adaptable. The development proposes apartments 108, 110 and 209 as adaptable.

An Access Report has been submitted with the application (prepared by Accessible Building Solutions) which confirms that the development is capable of being compliant with the accessibility requirement. Conditions are recommended to ensure details are submitted to show compliance prior to the issue of any Construction Certificate (see Conditions 66, 72).

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Part 9.3 Car Parking

The car parking for the development is required at the following rates:

Residential:

Car Parking is required at the rate of:

- 0.6 to 1 resident car space per 1 bedroom unit;
- 0.9 to 1.2 resident car spaces per 2 bedroom unit;
- 1.4 to 1.6 resident car spaces per 3 bedroom unit; and
- 1 visitor car space per 5 units.

The residential component of the building will contain 12 X 1 bedroom apartments, 10 X 2 bedroom apartments and 4 X 3 bedroom apartments.

Retail:

Car parking is required at the following rate:

- 1 space per 25m² of retail space.

This equates to a minimum of:

- 22 spaces for residents;
- 6 spaces for visitor parking;
- 13 spaces for retail parking.

A total of 41 car parking spaces have been proposed in the basement including four (4) accessible parking spaces. The proposal complies with the parking requirement.

Section 94 Development Contributions Plan 2007 (Amendment 2010)

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

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

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$72,431.43	
Open Space and Recreation Facilities	\$163,364.11	
Civic and Urban Improvements	\$65,221.02	
Roads and Traffic Management Facilities	\$10,300.13	
Cycleways	\$5,557.59	
Stormwater Management Facilities	\$18,808.60	
Plan Administration	\$1,496.64	
Grand Total		\$337,179.54

ITEM 2 (continued)

**ATTACHMENT 2
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Condition 32 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

10. Likely impacts of the Development

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

(a) Built Environment

The proposal was amended significantly throughout the pre-lodgement and DA assessment process to ensure compliance with Council's planning controls and minimise any potential impact on the locality. The proposal is generally consistent in height and scale with the desired future character of the area as identified in the applicable planning controls.

The proposed development will enhance the North Gladesville Precinct and improve the public domain area including footpath paving, tree planting, street lighting, provision of awning and provision of a widened laneway.

The concerns of the residents particularly in relation to building height, traffic, overlooking and overshadowing has been reasonably addressed either via amended plans or by recommended conditions of consent.

The proposed development is considered generally consistent with Council's planning controls and the desired future character and is unlikely to result in any unacceptable impact within the area.

(b) Natural Environment

The natural environment will not be significantly affected as there is no vegetation on the site.

(c) Economic Impact

The proposed mixed use development supports the zoning objectives and will attract additional activity and population to the area, making the local area more economically viable and vibrant. The development will also result in improved access to shops, housing and employment in the local area, with consequent positive flow on effects for the locality.

Overall, the proposed development will have a positive economic and social impact on the locality.

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(d) Overshadowing

The development is unlikely to result in any significant increase in overshadowing on any surrounding residential building or open spaces. The subject site has an east west orientation, thus majority of the overshadowing will occur on the southern side on wall of the existing commercial building and on the Gerard Lane. An analysis of the shadow diagrams indicate that the proposal will not cast any shadows on the residential properties located along Gerard Lane (western side) from 12:00noon. The proposal does not impact on the minimum 3 hours of sunlight that the adjoining residents will receive on winter solstice.

(e) Noise Impact

The proposed development is adjacent to Victoria Road, a major road which is subject to high volumes of traffic. Accordingly, the proposal will be subjected to potentially high levels of noise as a result of the traffic on Victoria Road.

The application was accompanied by an Acoustic Report recommending measures to be incorporated in the proposal to address the noise issue and comply with the relevant Australian Standards.

The proposal has been reviewed by Council's Environmental Health Officer who has assessed the proposal with respect to its exposure to traffic noise. No issues have been raised subject to conditions that the development must comply with Australian Standards and specific recommendations in relation to noise attenuation measures.

(f) Demolition and Construction Impact

The proposed demolition and construction works will have some degree of noise & traffic impacts within the locality. It is necessary that these impacts be mitigated to ensure minimal nuisance and disturbance to the surrounding area, particularly residents along Gerard Lane.

To maintain an appropriate level of amenity to the locality during the undertaking of works, a number of Conditions of Consent have been imposed, to manage dust control, noise mitigation measures, restricted hours of undertaking of works, traffic and waste management. A Demolition and Construction Traffic Management Plan will also be required (refer to Condition 57).

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

11. Suitability of the site for the development

The recent adoption of the Gladesville LEP2010 provides the opportunity for the mixed use development on the site. The amalgamated lots provide better opportunity for efficient site planning and development with better amenities in the form of communal open space, site access & traffic management within the locality.

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 amalgamation and more efficient redevelopment of smaller remnant sites occupied by older building stock. The development will also contribute to significant public domain improvements and benefits for the public including the widening of the Gerard Lane. The proposed widening of the lane will provide the precedent for all future development to follow. The proposal will also contribute to the provision of additional housing within an existing and established urban locality with close proximity to the CBD and public transport.

The redevelopment of the subject site will contribute to the growth and change within the City of Ryde by providing an increase in the local population and associated economic activity as envisaged by the local planning controls.

The proposal has taken into account the applicable planning controls and any potential impact on the locality. Issues in relation to increased traffic and increase in demand for infrastructure services 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, 11 June 2013:

The drainage details submitted for the development are satisfactory subject to minor amendments which have been conditioned.

The Gerard Lane is to be widened to 5.5m carriageway width with 1.5m wide footpath. The 1.5m wide footpath is to be dedicated as a ROW to Council for public access. This has been conditioned.

The internal driveway gradients can be achieved to comply with AS 2890.1.

Conditions of RMS and Council's Public Works Department need to be included on the consent (see conditions 15-18, 51-63, 69, 76-81, 108 -114).

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Waste Management Coordinator, 7 June 2013: The issues previously raised in relation to this matter have been resolved via submission of amended plans. The following comments were received from the Waste Management Coordinator: *From a waste perspective there are no objections to approval of this application subject to the following conditions:*

1. *There is space for a recycle bin in the chute room on each floor.*
2. *The location of where the bins will be placed out in Gerard Lane needs to ensure that they will not block access to the 5 properties facing the laneway.*
3. *The hard waste storage area needs to be enclosed to prevent material spilling onto the driveway. Access by the contractor to the room is required.*

Note: The above comments have been included in the recommended conditions (Conditions 25, 26, 45-48, 119-122).

Environmental Health Officer, 9 July 2013: The following comment was received:

The site history indicates a history of a commercial/retail nature. Prior to the current car wash use being carried out, the site was remediated around mid-2004. As part of this remediation the underground storage tanks were successfully removed from the site and tests showed that the presence of the former underground fuel storage tank has not resulted in either significant or gross contamination of the soil.

However, the original report prepared by Environmental Audits Australia states that "as the UST tank-pits were found to have been excavated some 1.5 meters into the shale substrate thus providing a potential contamination pathway to groundwater, an independent assessment of groundwater quality underlying the site is recommended.

A condition requiring ground water assessment report of the groundwater quality underlying the site prepared by an appropriately qualified and experienced environmental consultant. The report is to be submitted to Council prior to commencement of the demolition works.

Note: The above is condition has been included in the attached conditions (Condition 19, 43-49, 107).

Traffic Engineer, 7 June 2013: Has advised that the applicant has satisfactorily addressed all traffic issues previously raised in Council's letter dated 15th February 2013. No further concerns are raised in terms of traffic efficiency, safety or parking requirements. From a traffic perspective there are no objections to approval of this application subject to the following conditions:

1. A detailed Construction Traffic Management Plan (CTMP) shall be prepared by the proponent and shall comply with Council's DCP 2010 (Part 8.1 – Construction Activities) and shall be submitted to both Council and the Transport Management Centre (TMC) for concurrence (see Condition 57).

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Public Domain Section, 7 June 2013: The following comment was received from Council's Senior Engineer:

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

- 1. Public Domain improvements (including but not limited to) footpath paving, street furniture, street trees, street lighting, undergrounding of overhead services and signage shall be carried out in accordance with the Development Control Plan 2010 Part 4.6 Gladesville Town Centre and Victoria Road Corridor and the Public Domain Technical Manual – Gladesville. Engineering plans are to be submitted and approved by Council and works constructed prior to the issue of any Occupation Certificate.*
- 2. The overhead services (electrical and telecommunication) on the Victoria Road frontage of the property shall be placed underground at the applicants expense and after approval by the responsible Authority.*
- 3. The applicant shall provide improved street lighting to Category P2 in Gerard Lane along the rear of the development site.*
- 4. The height and width of the building awning along the Victoria Road frontage shall be adequate to provide shelter for passengers waiting for buses. Seating shall be provided under the awning for this purpose.*
- 5. All damaged or dilapidated sections of kerb and gutter along Victoria Road shall be replaced at the applicant's cost.*
- 6. All redundant vehicular kerb layback crossings on Victoria Road shall be removed and replaced with standard kerb and gutter.*
- 7. Standard kerb and gutter with kerb laybacks at vehicle driveways shall be constructed along the property frontage to Gerard Lane in conjunction with widening of the road pavement to 5.5 metres and the construction of a 1.5 metre wide footpath. Engineering Plans shall be submitted and approved by Council prior to any construction. Approved works shall be completed prior to the issue of any Occupation Certificate.*
- 8. Under awning lighting shall be provided along the Victoria Road frontage to Australian Standard AS1158.3-1999 Road Lighting Pedestrian Area – Category P2 (see Condition 73).*

Building Surveyor, 1 November 2012: Recommended approval subject to standard conditions of Consent.

City Urban Designer, 3 July 2013: Council's City Urban Designer reviewed the proposal in light of the comments made by the Urban Design Review Panel and advised that the applicant has addressed the majority of issues identified by the Urban Design Review Panel and that the proposal is supported.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Roads and Maritime Services (RMS), 5 November 2012:

In accordance with Clause 101 of SEPP (Infrastructure) 2007 the RMS has reviewed the application and recommends the following conditions of consent:

- a) *All vehicles are to enter and leave the site in a forward direction;*
- b) *The provision for off-street car parking shall be provided to the satisfaction of Council;*
- c) *Provision for building maintenance and removalist vehicles needs to be provided on site.*
- d) *Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists;*
- e) *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with the AS29890.1 – 2004 and AS 2890.2 – 2002.*
- f) *The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site and loading area shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the development complies with these requirements.*
- g) *A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.*
- h) *Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.*

*Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973
Parramatta CBD 2124.*

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works on (02) 8849 2114 or fax (02) 8849 2766.

- i) *The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS.*

This report would need to address the following key issues:

- a. *The impact of excavation/ rock anchors on the stability of Victoria Road and detailing how the carriageway would be monitored for settlement.*
- b. *The impact of the excavation on the structural stability of Victoria Road.*

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

The report and any enquiries should be forwarded to:

*Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
P O Box 973 Parramatta CBD 2124
Telephone: 8848 2114
Fax: 8849 2766*

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- j) All demolition and construction vehicles should be contained wholly within the site as a work zone permit will not be approved on Victoria Road.*
- k) Any temporary/ partial road closures will require the applicant to apply for a Road Occupancy License (Form C & D) by contacting the Transport Management Centres Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.*

The applicant will be required to submit the Road Occupancy License forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In the event that a Road Opening License is required, details can be obtained from RMS Sydney Projects Services on 8849 2496.

- l) All demolition and construction vehicles are to enter and exit the site via Gerard Lane. A construction zone will not be permitted on Victoria Road.*
- m) The developer shall be responsible for all public utility adjustment/ relocation works necessitated by the proposed development works and as required by the various public utility authorities and/or their agents.*
- n) All traffic control during construction must be carried out by accredited RMS approved traffic controllers.*
- o) All works/ regulatory sign posting associated with the proposed development are to be at no costs to RMS.*
- p) Pedestrian access to comply with AS 1428.1:2000 Design for access and mobility.*
- q) Any redundant driveways shall be removed and replaced with kerb and gutter to match existing.*
- r) The access to the site is to be via Gerard Lane. No access will be permitted from Victoria Road.*
- s) All work associated with the proposed development is to be at no cost to the RMS.*

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Note: The above has been included in the recommended conditions (See Conditions 57, 69, 93 - 96).

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

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered more responsive to the strategic intentions of the Gladesville LEP2010 and associated planning controls that has been adopted for the locality by the Council.

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.

The development application is therefore recommended for approval subject to conditions.

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ATTACHMENT 2
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ATTACHMENT 1

260-274 Victoria Road - LDA2012/0360
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
A-0101	Basement - B1	12 April	D
A-0102	Lower Ground	12 April	D
A-0103	Ground	12 April	C
A-0104	Level 1	12 April	C
A-0105	Level 2	September 12	B
A-0106	Level 3	12 April	C
A-0107	Level 4	September 12	B
A-0108	Level 4 Mezzanine	12 April	C
A-0109	Roof	12 April	B
A-0201	East Elevation	12 April	B
A-0202	West Elevation	12 April	B
A-0203	Side Elevations	12 April	B
A-0204	Perspective	12 April	B
A-0205	Perspective	12 April	B
A-0221	Section AA	12 April	B
A-0222	Section BB	12 April	B
A-1201	Materials and Finishes - East	April 13	B
A-1202	Material and Finishes - West	April 13	B

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 436122M dated 20 August 2012.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 2 (continued)

**ATTACHMENT 2
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- (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. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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.

ITEM 2 (continued)

**ATTACHMENT 2
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13. **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.
14. **Plant room.** The plant room metal screen must not be higher than RL63.8.
15. **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.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **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.
19. **Ground water assessment** - The proponent must submit an assessment report of the groundwater quality underlying the site prepared by an appropriately qualified and experienced environmental consultant. The report is to be submitted to Council prior to commencement of the demolition.

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 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
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. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.
29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
30. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
31. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

32. **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:**

ITEM 2 (continued)

**ATTACHMENT 2
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A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$72,431.43
Open Space & Recreation Facilities	\$163,364.11
Civic & Urban Improvements	\$65,221.02
Roads & Traffic Management Facilities	\$10,300.13
Cycleways	\$5,557.59
Stormwater Management Facilities	\$18,808.60
Plan Administration	\$1,496.64
The total contribution is	\$337,179.54

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>.

33. **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**.
34. **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**.
35. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

36. **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
37. **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**.
38. **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**.
39. **Road traffic noise and acoustics.** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, and AS3671-1989 – Traffic Noise Intrusion, when the windows and doors are closed. If the noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
- A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise criteria must be submitted with the plans and specifications for the **Construction Certificate**.
40. **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**.
41. **Privacy Screens.** Additional privacy screens are to be provided on the balconies to all residential units on floor levels 1- 4 (western facing balconies). Details of the materials and finishes in respect of the privacy screens must be submitted to and approved by Council prior to the issue of the relevant any Construction Certificate. In this regard one additional screen will be required for every balcony on the western elevation.
42. **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.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

43. **Kitchen exhaust.** Adequate provision must be made for the installation of kitchen exhaust systems to any future food premises.
44. **Grease trap.** Adequate provision must be made for the installation of a grease trap for any future food premises if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted. Details must be provided prior to the issue of Construction Certificate.
45. **Garbage chutes.** The garbage chutes must be designed and constructed in accordance with the following requirements:
- (a) The chute must be constructed of non-corrosive metal at least 500mm in diameter, with no bends or off-sets and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
 - (b) Chute branches to charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;
 - (c) The chute must terminate in the garbage room and discharge the garbage directly into a waste container in such a way that no spillage occurs;
 - (d) A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
 - (e) The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
 - (f) The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds;
 - (g) There is space for a recycle bin in the chute room on each floor.
46. **Service compartments.** The service compartments for the garbage chutes must:
- (a) have floors and walls finished with smooth even impervious materials that are coved to a 25mm radius at the floor junctions;
 - (b) be provided with an approved system of mechanical ventilation and adequate artificial lighting; and
 - (c) include adequate space and facilities for the reception of recyclable materials.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

47. **Garbage room.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.
48. **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 on the site 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
3 X 1100L General Waste Bins
14 X 240L Recycling Bins
2 X 240L Green Waste Bins

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- (c) The finishing/ 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) 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. Access by contractor to this room is required.

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

49. **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
50. **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.
51. **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.
52. **Car Parking & Access.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions, headroom clearances, gradients and safe sight distances etc shall be designed comply with AS 2890 where

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applicable. Plans and engineering certification from a Traffic Engineer, indicating compliance with this condition are to be submitted with the Construction Certificate application

53. **Excavation** – To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services. The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:

- The likely impacts of the proposed excavations will have on structures and services of adjoining properties;
- Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction; and
- A copy of the report including geotechnical/structural engineer certification should be submitted to Council.

The above matters shall be completed prior to the issue of the **Construction Certificate** and all recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

54. **Widening of the Laneway and creation of footpath.** To facilitate satisfactory access to the site, the Gerard Lane shall be widened by the applicant at no cost to Council. The plans demonstrating the widening of the laneway and creation of the footpath shall incorporate but not limited to the following matters:

- (a) The Gerard Lane shall be widened to the property boundary on the eastern side to achieve a minimum carriageway width of 5.5m measured between the face of kerb in Gerard Lane with any necessary transition to the southern and northern sides of the existing Laneway along the property frontage.
- (b) Provision of additional 1.5m wide footpath shall be made on the eastern side of the Laneway within the property. A ROW over this 1.5m wide footpath shall be created in favour of Council for public access. The footpath must be constructed to Council's standards. Details shall be submitted for Council's approval with the public domain and landscaping plan.
- (c) Provision of all required widening on the eastern side of Gerard Lane for the full frontage of the property.

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(d) Identifying all utility services within this area and make provision for these to be relocated in accordance with the requirements of the Utility Service Authorities.

55. **Construction of the Laneway.** To facilitate access and stormwater disposal from the subject site, detailed engineering plans for the proposed widening of the eastern side of Gerard Lane for the full frontage of the property and the extension of Council's drainage pipe are to be submitted to Council for approval prior to issue of a Construction Certificate. The plans shall incorporate, but not be limited to the following:

- (a) Construction of road pavement to achieve minimum 5.5 carriageway width, kerb and gutter, 1.5m wide footpath paving with necessary transitions to the existing Laneway on either side of the property and the access driveway
- (b) Design of the road pavement to withstand the passage of heavy vehicles.
- (c) Extension of the existing Council pipe in Gerard Lane to connect stormwater from the development site to the Council's stormwater pit.
- (d) Relocation of existing services within the proposed road pavement area as required
- (e) The works shall be designed by a chartered and experienced Civil Engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 – Public Civil works.

Engineering plans assessment and works inspection fees are payable, in accordance with Council's Management Plan prior to written approval being issued by Council.

56. **Maintenance Bond.** To ensure satisfactory performance of the completed external road and drainage works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. **A bond in the form of a cash deposit or Bank Guarantee of \$10,000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met.** The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

57. **Demolition and Construction Traffic Management Plan** – To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an appropriately accredited person and submitted to for approval with the **Construction Certificate** application. The TMP shall be prepared in accordance with Australian Standard 1742 – "Manual of Uniform

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Traffic Control Devices”, the RTA’s Manual – “*Traffic Control at Work Sites*” and City of Ryde, Development Control Plan 2006: - Part 8.1 - Construction Activities where applicable. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking. Additionally, all traffic controllers on site must be RMS accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

58. **Dilapidation Survey of adjoining properties.** A dilapidation survey is to be undertaken that addresses all adjoining 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.
59. **Dilapidation Report public infrastructure.** Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.
- a) Road pavement
 - b) Kerb and gutter
 - c) Constructed footpath.
 - d) Drainage pits.
 - e) Traffic signs
 - f) Any other relevant infrastructure.

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

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

60. **Site stormwater system** - To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to Council's existing underground stormwater system located in Gerard Lane via on-site stormwater detention system. Accordingly, the site concept stormwater drainage plans are to be revised by a chartered civil engineer for construction in accordance with City of Ryde, Development Control Plan 2010 - Part 8.2 - Stormwater Management and shall also incorporate but not limited to the following matters:

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- (a) Clear unobstructed overland flow paths shall be provided where required to convey surcharge flow from the on-site detention system towards the public road.
- (b) Apart from seepage flows and flows generated from the access driveway under no circumstances shall flows from roof areas of the site be piped to the basement car park drainage system.

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

61. **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.

62. **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.

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

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

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures,**
- (e) Location and description of existing vegetation

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- (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.
64. **Bicycle parking.** A designated area shall be provided within the building for bicycle parking. Bicycle parking racks must be provided to house at least eleven (11) bicycles. Details are to be submitted on the Construction Certificate.
65. **Car parking.** A total of forty one (41) car parking spaces are to be provided on the site including 22 spaces allocated for use by residents, six allocated for use by visitors and 13 spaces designated for use by retail tenancies.
66. **Parking for disabled persons.** *Accessible* parking must be provided for both residential and commercial/retail component of the development. At least four (4) accessible parking spaces are to be including four (4) allocated to the residential development. Details are to be submitted on the Construction Certificate plans.
67. **Loading bay.** A loading bay must be provided in the basement level of the proposed building. All vehicles are to enter and leave the site in a forward direction. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site and loading area shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to demonstrating compliance prior to the issue of any Construction Certificate.
68. **Sight lines.** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists;
69. **Roads and Maritime Conditions** to be complied with.
- (a) The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS. This report would need to address the following key issues:
 - The impact of excavation/ rock anchors on the stability of Victoria Road and detailing how the carriageway would be monitored for settlement.

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- The impact of the excavation on the structural stability of Victoria Road.

The report and any enquiries should be forwarded to:

Project Engineer, External Works Sydney Asset Management, Roads and Maritime Services, P O Box 973 Parramatta CBD 2124

Telephone: 8848 2114

Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (b) Pedestrian access to comply with AS 1428.1:2000 Design for access and mobility.
- (c) Any temporary/ partial road closures will require the applicant to apply for a Road Occupancy License (Form C & D) by contacting the Transport Management Centres Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy License forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In the event that a Road Opening License is required, details can be obtained from RMS Sydney Projects Services on 8849 2496.

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

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
PO Box 973
Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer, External Works on (02) 8849 2114 or fax (02) 8849 2766.

70. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

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71. **Intercom facility.** An intercom facility should be provided at the entry to the basement parking or at location considered appropriate. Details are to be submitted on the Construction Certificate plans.
72. **Disabled Access & Adaptable Units.** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Accessible Building Solutions. Details and certification 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 Construction Certificate being issued.
73. **Public Domain Works & Landscaping.** Public domain improvement works including (but not limited to) footpath paving, street tree planting, provision of street lighting along the Victoria Road and Gerard Lane fronting the subject site is to be carried out by the applicant (at applicant's/developer's cost). Full engineering details, including plans, sections, finished levels and material schedules are to be submitted and approval sought from Council prior to the issue of any Occupation Certificate. These works are to be completed prior to issue of any Occupation Certificate. All works must be carried out in accordance with the Ryde Public Domain Technical Manual and relevant street tree master plan. The design plan to be submitted to Council are to incorporate the following:
- (a) Street lighting (multi- function poles) and footpath paving to be constructed in accordance with DCP2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor and Ryde Public Domain Technical Manual and specifications provided by Council's Urban landscape Architect.
 - (b) The overhead services (electrical and telecommunication) on the Victoria Road frontage of the property shall be placed underground at the applicants expense and after approval by the responsible Authority.
 - (c) The applicant shall provide improved street lighting to Category P2 in Gerard Lane along the rear of the development site.
 - (d) The height and width of the building awning along the Victoria Road frontage shall be adequate to provide shelter for passengers waiting for buses. In this regard the awning shall have a minimum 3m clearance from the finished level of the footpath. Seating shall be provided under the awning for this purpose.
 - (e) All damaged or dilapidated sections of kerb and gutter along Victoria Road shall be replaced at the applicant's cost.
 - (f) All redundant vehicular kerb layback crossings on Victoria Road shall be removed and replaced with standard kerb and gutter.
 - (g) Standard kerb and gutter with kerb laybacks at vehicle driveways shall be constructed along the property frontage to Gerard Lane in conjunction with widening of the road pavement to 5.5 metres and the construction of a 1.5 metre wide footpath. Engineering Plans shall be submitted and approved

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by Council prior to any construction. Approved works shall be completed prior to the issue of any Occupation Certificate.

- (h) Under awning lighting shall be provided along the Victoria Road frontage to Australian Standard AS1158.3-1999 Road Lighting Pedestrian Area – Category P2.
- (i) The developer /owner must ensure that the health of the street trees is guaranteed for a minimum of 2 years to ensure that the character and appearance of the streetscape is established and maintained. Any species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.
- (j) The footpath must be constructed in accordance with the site-specific street and footpath alignment levels obtained from Council.

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.

74. 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.

75. 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.

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76. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
77. **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.
78. **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.
79. **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
80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
81. **Drainage Inspections.** The inspection of road and drainage works in Gerard Lane must be undertaken by a Council's Public Works inspector. Accordingly, a preconstruction meeting shall be organised with Council's inspector prior to commencement of works. Council's Public Works Inspector shall be notified at least 48 hours before the date of any inspection
82. **Relocation of bus stop.** To facilitate construction works it may be necessary to temporarily relocate the bus stop on Victoria Road. Prior to this work occurring, the applicant is to consult with and gain approval from the relevant authorities including Council. All costs associated with the relocation and reinstatement are to be covered by the applicant. The bus stop is to be reinstated prior to the issue of any Occupation Certificate.

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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.

83. **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*.
84. **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.
85. **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.
86. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
87. **Use of fill/excavated material.** Excavated material must not be reused on the property except if:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the Protection of the Environment Operations Act 1997;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
88. **Construction materials.** All materials associated with construction must be stored within the site.
89. **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.
90. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;

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- (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.
91. **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".
92. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
93. **RMS.** All demolition and construction vehicles are to enter and exit the site via Gerard Lane. A construction zone will not be permitted on Victoria Road. The access to the site is to be via Gerard Lane. No access will be permitted from Victoria Road.
94. **RMS.** The developer shall be responsible for all public utility adjustment/relocation works necessitated by the proposed development works and as required by the various public utility authorities and/or their agents.
95. **RMS.** All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
96. **RMS.** All works/ regulatory sign posting associated with the proposed development are to be at no costs to RMS.

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.

97. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 436122M dated 20 August 2012.

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98. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
99. **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.
100. **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**.
101. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.
- Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.
102. **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**.

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103. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.
104. **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.
105. **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.
106. **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.
107. **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**.
108. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

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109. **Works-as-Executed Plan** – To ensure stormwater drainage works and road works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system and the road works carried out in Gerard Lane certified by a registered surveyor is to be submitted to the Principal Certifying Authority and Council (If Council is not the appointed PCA) prior to issue of **Occupation Certificate**. The Work-as-Executed plan is to note all departures clearly in red on a copy of the approved Construction Certificate plans.
110. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Drawing No 1310 sheets S1 to S7 issue D dated 18/4/13 prepared by John Ramanous & Associates and as amended by conditions of the consent.
111. **Compliance Certificates – Engineering** – To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Principal Certifying Authority shall ensure the following will be met:
- Compliance Certificate should be obtained from an accredited certifier confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria - 1999.
 - Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirmation from Council that all external road, footpath paving and drainage works have been constructed to the satisfaction of Council.
 - Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria - 1999.
 - Compliance Certificate shall be obtained from Council confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's Environmental Standards Development Criteria – 1999

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

112. **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.
113. **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.
The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.
114. **Creation of the Right of Way over 1.5m wide footpath** - To facilitate public access a 1.5m wide Right of Way (ROW) for public access for the full frontage of the property in Gerard Lane shall be created and registered on the titles of the subject property over the 1.5m wide footpath. The terms of the ROW shall be to Council's satisfaction and shall provide for, but not be limited to the following:
- a) Maintenance of the R.O.W to ensure safe, unobstructed access to the public at all times with all costs of maintenance being borne by the registered proprietor of the land.
 - b) Any public liability arising from the use of the ROW by the users, including the public are to be fully borne by the registered proprietor of the land.
 - c) Allow for future modifications where necessary to facilitate the construction of a public access way upon redevelopment of the adjoining properties to the north and south of the subject site.
- The terms of the R.O.W shall be submitted to Council for assessment and approval and will need to be registered at the Lands and Property Management Authority, prior to issue of Occupation Certificate.
115. **Acoustic certification.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
116. **Mechanical Ventilation.** Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

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.

117. **Hours of operation.** The permitted hours of operation for retail/ commercial tenancies are:
- 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
118. **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*.
119. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
120. **Bin Location prior to collection.** The location of where the bins will be placed out in Gerard Lane needs to ensure that they will not block access to the 5 properties facing the laneway.
121. **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.
122. **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.
123. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 9:00pm and 8am on any day.
124. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
125. **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.

ITEM 2 (continued)

ATTACHMENT 2
PREVIOUS REPORT

126. **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.
127. **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**.
128. **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, when the windows and doors are closed*.

ITEM 2 (continued)
**ATTACHMENT 2
 PREVIOUS REPORT**
ATTACHMENT 2

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

ITEM 2 (continued)
**ATTACHMENT 2
 PREVIOUS REPORT**

Date	Milestone	Description/comment	Council resolutions
	subcommittee/s • Gladesville Reference Group Meeting		
Nov 2003	Joint briefing of Hunters Hill and Ryde Councils	The councils supported the request by the Community Reference Group for a heritage study	
Mar 2004	Report to Ryde Council requesting funding and support to prepare a Heritage Study		RESOLUTION “(t)hat a history study of the Gladesville Town Centre be undertaken in conjunction with Hunters Hill Council ... (and that) a report on the findings of the history study be made to both Councils.”
May 2004	Appoint heritage consultant Paul Davies to prepare heritage study.	Master Plan put on hold while the Heritage Study was undertaken.	
Dec 2004	Gladesville Reference Group Meeting	Reference Group briefed on master plan vision & progress and draft Heritage Study and provided opportunity to comment.	
March 2005	Hunter’s Hill and Ryde Council’s submit application for funding from NSW government	Funding based on preparation of an urban design based DCP	
April 2005	Heritage study reported to Council	Draft Master Plan amended to incorporate recommendations of Draft Heritage Study	RESOLUTION: (Moved by Crs Petch and Butterworth) (a) That <i>The Gladesville Heritage Assessment and Conservation Guidelines, March 2005</i> by Paul Davies Pty Ltd, Architects and Heritage Consultants be received and

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Date	Milestone	Description/comment	Council resolutions
			noted. (b) That a further report regarding the recommendations of <i>The Gladesville Heritage Assessment and Conservation Guidelines, March 2005</i> be provided to Council after exhibition of the Draft Gladesville Master Plan. (c) That the landowner of the former Primrose Hill Sawmill be advised of the Archaeological potential of the site.
Jul 2005	Gladesville Reference Group Meeting	Draft Master Plan presented to Reference group and comments sought.	
Aug 2005	Report to Council	Council resolved to exhibit the Master Plan	RESOLUTION: (Moved by Crs Petch and Butterworth) (a) That the draft Gladesville Town Centre Master Plan prepared by Annand Alcock Urban Design be placed on public exhibition for a period of 28 days. (b) That a report be presented to Council following completion of the formal exhibition and consultation process. (c) That the General Manager write to the members of the Gladesville Reference Group thanking them for their commitment to the future of Gladesville and assistance during preparation of the Draft Gladesville Master Plan. (d) That the Manager Strategic Planning, Meryl Bishop and Senior Strategic Planner, Lexie Macdonald be congratulated on the manner in which they conducted the reference group meetings.
Sept/Oct 2005	Exhibit Draft Gladesville and Victoria Road Master Plan	<ul style="list-style-type: none"> • 4 x 4hr drop in sessions at Gladesville Library • Well attended community/public meeting held by the councils on 19 Sep 	

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Date	Milestone	Description/comment	Council resolutions
Dec 2005	Notice of successful application to Dept of Planning for funding	\$90,000 from Planning Reform Fund was provided to Council to prepare the to prepare Gladesville LEP and DCP	
5 Dec 2005	Report to Council	<ul style="list-style-type: none"> Exhibition outcomes reported to Council Council received 255 submissions 74% were positive 18% gave conditional support subject to change 8% were negative <ul style="list-style-type: none"> Council resolved to prepare planning controls 	RESOLUTION: (Moved by Crs Butterworth and Tagg) (a) That the report on the public exhibition of the draft Gladesville town centre and Victoria Road master plan be received, noted and endorsed. (b) That a further report attaching an amended Gladesville town centre and Victoria road master plan be presented to council in April 2006.
Jan 2006	Hill PDA commenced economic analysis	This study recommended that FSRs would need to be generally around 2.7:1	
Jul 2006	Consultant appointed to prepare DCP & site studies.	The consultants were not at this stage engaged to prepare the LEP as the Dept of Planning had still not released the standard LEP instrument	
Jul 2006	Gladesville Chamber of Commerce briefed		
Aug 2006	Presentation work in progress to joint Council workshop		
Oct 2006	Inaugural meeting of Technical Working Group	Set up to consult and obtain an integrated approach to a range of issues. Draw representation form Dept of Planning, Ryde Council, RTA, Hunters Hill Council and Transport for NSW	

ITEM 2 (continued)
**ATTACHMENT 2
 PREVIOUS REPORT**

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

ITEM 2 (continued)

**ATTACHMENT 2
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Date	Milestone	Description/comment	Council resolutions
	(s54) <ul style="list-style-type: none"> The GM reported to Council that the RTA required a traffic study in order for the project to proceed to s62 	project scope as the RTA was a member of the Community Reference Group for the master plan and had not raised the issue prior. Traffic consultant appointed	
Jul 2007	<ul style="list-style-type: none"> Ryde Councillor Workshop Council received s55 approval from the Dept of Planning to prepare the LEP. 		
Jul–Aug 2007	S 62 Consultation with state agencies		
4 Dec 2007	<ul style="list-style-type: none"> Council adopted the DLEP for public exhibition Briefing to Chamber of Commerce a s64 report to the Dept of Planning requesting approval to 	The DDCP and DLEP were complete and presented to Council.	RESOLUTION: (Moved by Crs Ryan and Netterfield) (a) <i>That the draft Local Environmental Plan, for the Gladesville Town Centre and Victoria Road Corridor be forwarded to the NSW Department of Planning requesting that a section 65 certificate be issued in accordance with the Environmental Planning and Assessment Act 1979.</i> (b) <i>That the General Manager be delegated to consult affected landowners regarding the potential heritage listing of their properties to obtain their responses. The outcome of this consultation is to be reported to Council as soon as</i>

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Date	Milestone	Description/comment	Council resolutions
	publicly exhibit the plans		<i>practicable.</i>
15 April 2008	based on owners objections Council resolved to not incorporate heritage items recommended by Heritage Study		<p>RESOLUTION: (Moved by Crs Butterworth and Netterfield)</p> <p><i>(a) That the report of the Senior Strategic Planner, dated 8 April 2008 on the outcomes of the consultation with the land owners of properties subject to a potential heritage listing within the Gladesville Town Centre and Victoria Road Corridor, be received and noted.</i></p> <p><i>(b) That the Draft Ryde Local Environmental Plan 2008: Gladesville and Victoria Road Corridor be amended in accordance with the recommendations of the table within this report entitled Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions from affected landowners to potential heritage listing.</i></p> <p><i>(c) That relevant recommendations of the table within this report entitled Gladesville Town Centre and Victoria Road Corridor DLEP: Submissions from affected landowners to potential heritage listing be incorporated in the Draft Ryde Development Control Plan Gladesville Town Centre and Victoria Road Corridor.</i></p> <p><i>(d) That the Draft Ryde Development Control Plan and Draft Ryde Local Environmental Plan 2008: Gladesville Town Centre and Victoria Road Corridor and supporting studies, be reported to Council upon receipt of the s65 certificate from the Director General of the Department of Planning.</i></p>
Jul 2008	briefing to the Gladesville Chamber of Commerce	Provided by Ryde Council's General Manager	

ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

Date	Milestone	Description/comment	Council resolutions
August 2008	S65 approval to exhibit the plans issued by Dept of Planning	The approval to exhibit was issued during the Council's caretaker period. At the direction of Dept Local Government no major decisions could be undertaken. The exhibition was delayed until the new council could be briefed.	
Oct 2008	Briefing to Council	The newly elected Council was briefed re the Draft LEP and DCP	
Nov 2008 - Feb 2009	Public exhibition of draft LEP and DCP and supporting studies	The Act requires that draft LEPs and DCPs are exhibited for 28 days. The exhibition ran 92 days from November 2008 to February 2009 and submissions were accepted up to 31 March 2009.	
Dec 2008	Public exhibition activities	<ul style="list-style-type: none"> • All day drop in session (10am-7pm) • Public meeting (at Gladesville RSL) briefed by staff from both councils & consultants 	
Jan 2009	Public exhibition activities	<ul style="list-style-type: none"> • Briefing to Gladesville Chamber of Commerce • Public meeting (briefed by Hunters Hill Staff) • Ryde staff met with landowners and stakeholder groups on request 	
May 2009	Councillor briefing	regarding issues raised in submissions	
Jun 2009	Report to Council	<p>The report recommended adoption of the plans subject to amendment based on submissions including:</p> <ul style="list-style-type: none"> • LEP Height map • LEP FSR map • Several DCP changes (e.g. rear setbacks) <p>http://www.ryde.nsw.gov.au/Documents/Mtg-COW2009/cow0909_160609a.pdf</p>	<p>RESOLUTION: (Moved by Crs Butterworth and O'Donnell)</p> <p>(a) That the report of the Senior Strategic Planner, dated 19/03/2009 on GLADESVILLE TOWN CENTRE AND VICTORIA ROAD CORRIDOR PLANNING CONTROLS, be received and noted.</p> <p>(b) That the amendments to the Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008 and Development Control Plan as outlined in this report be</p>

ITEM 2 (continued)

**ATTACHMENT 2
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Date	Milestone	Description/comment	Council resolutions
			<p>adopted.</p> <p>(c) That the draft Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008 be forwarded with a s.68 report to the Department of Planning with a request that the Minister make the Plan.</p> <p>(d) That the amendments to the Gladesville Town Centre and Victoria Road Corridor Development Control Plan are made and the plan becomes effective upon the making of the Gladesville Town Centre and Victoria Road Corridor Local Environmental Plan 2008.</p> <p>(e) That draft Heritage Item 141, Our Lady Queen of Peace Church, 329 Victoria Road, Gladesville be deferred from Schedule 5 of the draft Gladesville Town Centre and Victoria Road Local Environmental Plan 2008 and a further report be submitted to Council following discussions with the landowner.</p>

ITEM 2 (continued)

ATTACHMENT 2
PREVIOUS REPORT

ATTACHMENT 3

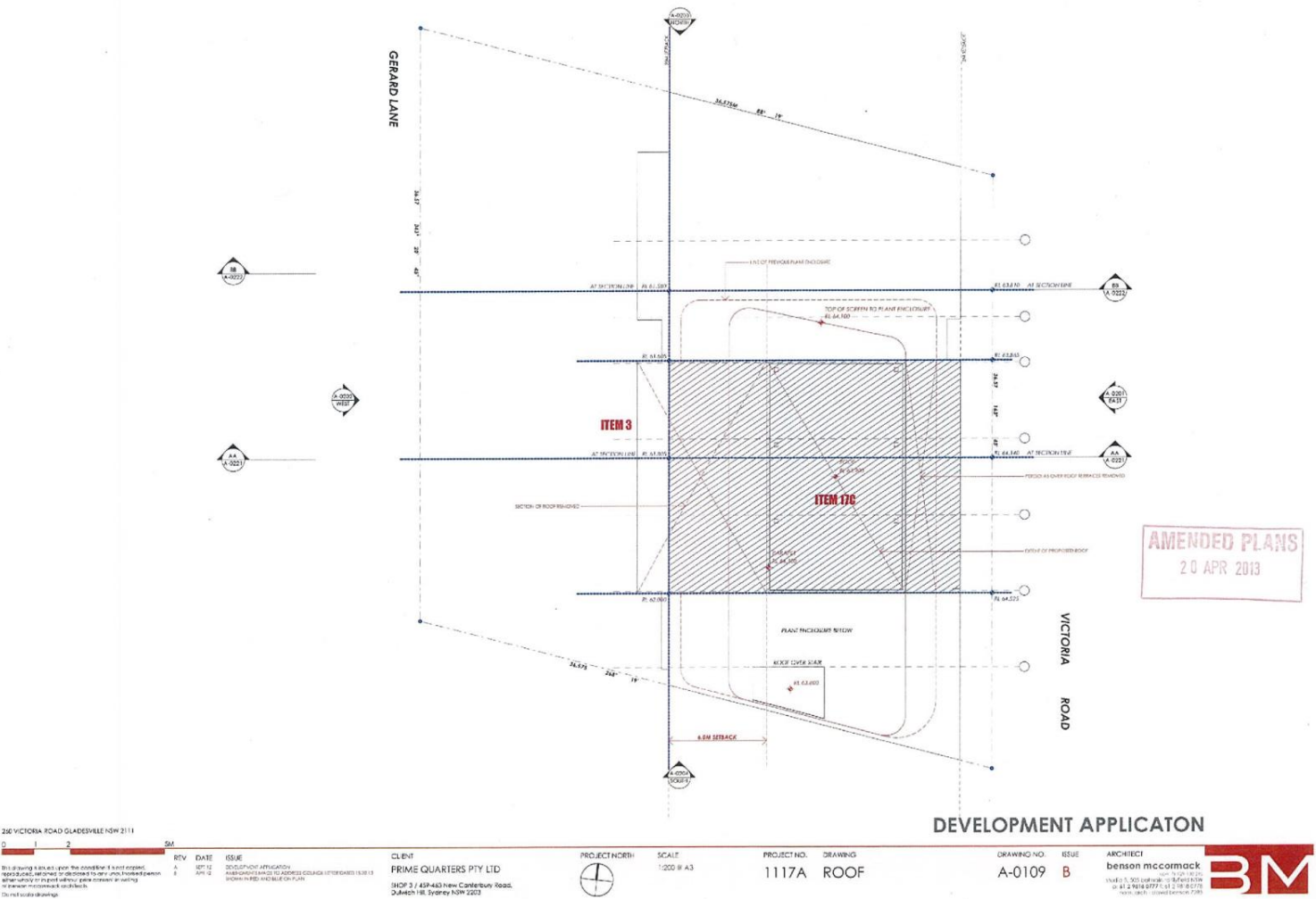
- Indicates submissions received to amended plans (other submissions received outside map area)



ITEM 2 (continued)

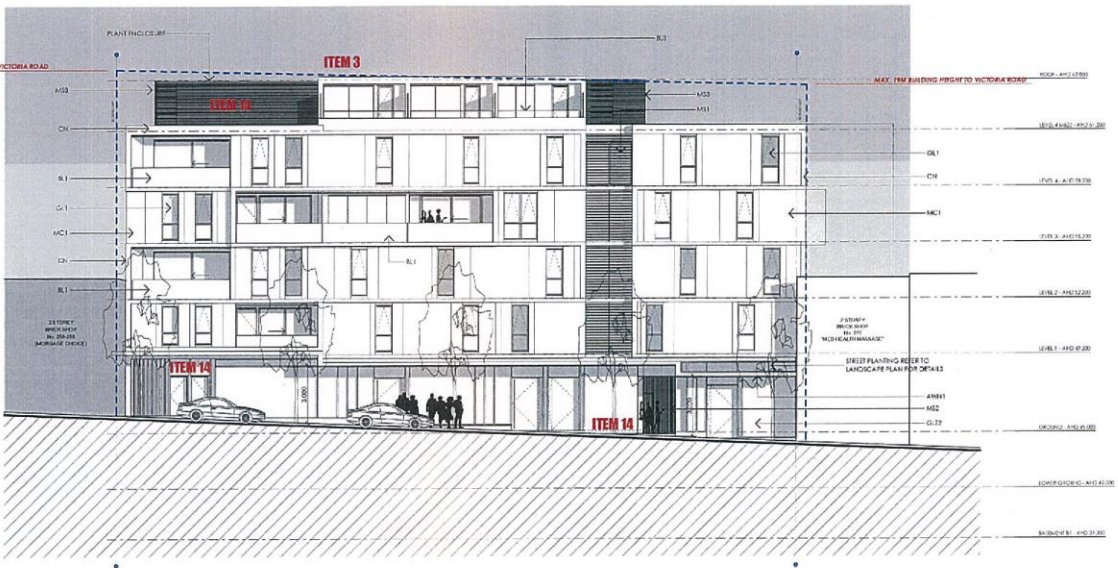
**ATTACHMENT 2
PREVIOUS REPORT**

ATTACHMENT 4



ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**



MATERIALS/FINISHES ABBREVIATIONS

AWN1	AWNING - TYPE 1	Concrete formed ceiling with cement wash finish
AWN2	AWNING - TYPE 2	Steel forming colour FTD
BL1	BULLHEADS - TYPE 1	Painted
		Finng FTD
BL2	BULLHEADS - TYPE 2	Steel
BL3	BULLHEADS - TYPE 3	Formless glass with stainless steel top rail
CH	CONCRETE	Smooth surfaced off-form lean
GL1	GLASS - TYPE 1	Clear glazing in aluminium frame to B&S requirements
GL2	GLASS - TYPE 2	Clear laminated glazing
		Structures, Finng FTD
MC1	METAL CLADDING - TYPE 1	
MC2	METAL CLADDING - TYPE 2	
MS1	METAL SCREEN - TYPE 1	Profile and colour FTD
MS2	METAL SCREEN - TYPE 2	Profile and colour FTD
MS3	METAL SCREEN - TYPE 3	Profile and colour FTD
MS4	METAL SCREEN - TYPE 4	Profile and colour FTD
PAV1	PAVING - TYPE 1	Material and colour FTD
PAV2	PAVING - TYPE 2	Material and colour FTD
PH1	PAINT FINISH - TYPE 1	Colour FTD
RF1	FEBLE FISH TO ROOF - TYPE 1	Size and colour FTD
RF2	FEBLE FISH TO ROOF - TYPE 2	Size and colour FTD
RF3	SENDER AND PAINT - TYPE 1	Finish, texture and colour FTD
RF4	SENDER AND PAINT - TYPE 2	Finish, texture and colour FTD
SCRH	GLASS SCREEN - TYPE 1	Colour FTD
SRH	SCHE FACEDS - TYPE 1	Finish, texture and colour FTD

VICTORIA ROAD MASSING (IMAGES UPDATED)



283 VICTORIA ROAD GLADESVILLE NSW 2111



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REV	DATE	ISSUE
A	13/12	CONSTRUCTIVE AMENDMENTS
B	14/12	CONSTRUCTIVE AMENDMENTS

CLIENT
PRIME QUARTERS PTY LTD
3rd FL / 457-462 New Canterbury Road,
Dulwich Hill Sydney NSW 2203

AMENDED PLANS
20 APR 2013

PROJECT NO/PH/ SCALE
1117A EAST ELEVATION
1:200 @ A3

DEVELOPMENT APPLICATION

PROJECT NO. DRAWING
1117A EAST ELEVATION

DRAWING NO. ISSUE
A-0201 B

ARCHITECT
benson mccormack
Level 2, 305 George Street, Sydney NSW 2000
Tel: (02) 9998 0799 Fax: (02) 9998 0796
www.bensonmccormack.com.au



ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**



- MATERIALS/FINISHES ABBREVIATIONS**
- AWH1 ASPH/FLD - TYPE 1 Concrete formed paving with cement water finish
 - AWH2 ASPH/FLD - TYPE 2 Saw cut paving cobble T&G
 - B.1 BALUSTRADE - TYPE 1 Polished Ring T&G
 - B.2 BALUSTRADE - TYPE 2 Stone
 - B.3 BALUSTRADE - TYPE 3 Romanesque glass with stainless steel top rail
 - CG1 CONCRETE Smooth surfaced off form finish
 - GL1 GLASS - TYPE 1 Clear glazing in minimum frame to BASIX Requirements
 - GL2 GLASS - TYPE 2 Clear frameless glazing (Structural, Ring T&G)
 - MC1 METAL CLADDING - TYPE 1
 - MC2 METAL CLADDING - TYPE 2
 - MS1 METAL SCREEN - TYPE 1 Profile and colour T&G
 - MS2 METAL SCREEN - TYPE 2 Profile and colour T&G
 - MS3 METAL SCREEN - TYPE 3 Profile and colour T&G
 - MS4 METAL SCREEN - TYPE 4 Profile and colour T&G
 - PAV1 PAVING - TYPE 1 Asphalt and colour T&G
 - PAV2 PAVING - TYPE 2 Asphalt and colour T&G
 - PN1 PAINT FINISH - TYPE 1 Cobble T&G
 - RF1 PEbble FINISH TO ROOF - TYPE 1 Size and colour T&G
 - RF2 PEbble FINISH TO ROOF - TYPE 2 Size and colour T&G
 - RP1 RENDER AND PAINT - TYPE 1 Finish, texture and colour T&G
 - RP2 RENDER AND PAINT - TYPE 2 Finish, texture and colour T&G
 - SCR1 GLAZED SCREEN - TYPE 1 Cobble T&G
 - TH1 STONE TACKING - TYPE 1 Finish, texture and colour T&G

GERARD LANE MASSING (IMAGES UPDATED)



200 VICTORIA ROAD GLADSTONE NSW 2111

0 1 2 50m

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REV	DATE	ISSUE
4	07/12	CONCEPT APPROVAL
5	09/12	CONCEPT APPROVAL TO SUBMIT TO LOCAL COUNCIL
6	09/12	CONCEPT APPROVAL TO SUBMIT TO LOCAL COUNCIL

CLIENT
PRIME QUARTERS PTY LTD
SHOP 3 / 455-462 New Conventry Road,
Dulwich Hill, Sydney NSW 2202

AMENDED PLANS
20 APR 2013

PROJECT NORTH SCALE 1:2000 (A3)

DEVELOPMENT APPLICATION

PROJECT NO. 1117A DRAWING WEST ELEVATION

DRAWING NO. A-0202 ISSUE B

ARCHITECT
benson mccormack
LEVEL 3, 325 COLLEGE STREET
SYDNEY NSW 2000
PH: 61 2 9550 7774 FAX: 61 2 9550 7775
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ITEM 2 (continued)

**ATTACHMENT 2
PREVIOUS REPORT**

MATERIALS/FINISHES ABBREVIATIONS

- ANN1 ANWBK - TYPE 1 Concrete frames owing with cement wash finish
- ANN2 ANWBK - TYPE 2 Steel cladding/glass/wood
- SL1 BALUSTRADE - TYPE 1 Polished Metal FRD
- SL2 BALUSTRADE - TYPE 2 Steel
- SL3 BALUSTRADE - TYPE 3 Frames glass with stainless steel top rail
- CH CONCISE Smooth polished off corner brick
- GL1 GLASS - TYPE 1 Clear glazing in aluminium frames to match requirements
- GL2 GLASS - TYPE 2 Clear frames glazing translucent, being FRD
- MCI METAL CLADDING - TYPE 1
- MCI2 METAL CLADDING - TYPE 2
- MFI METAL SCREEN - TYPE 1 Profile and colour FRD
- MFI2 METAL SCREEN - TYPE 2 Profile and colour FRD
- MFI3 METAL SCREEN - TYPE 3 Profile and colour FRD
- MFI4 METAL SCREEN - TYPE 4 Profile and colour FRD
- PAV1 PAVING - TYPE 1 Interlocking colour FRD
- PAV2 PAVING - TYPE 2 Asphalt and colour FRD
- PAI1 PAINT FINISH - TYPE 1 Colour FRD
- PF1 PERFL FINISH TO ROOF - TYPE 1 Size and colour FRD
- PF2 PERFL FINISH TO ROOF - TYPE 2 Size and colour FRD
- RP1 RENOV AND PAINT - TYPE 1 Finish, texture and colour FRD
- RP2 RENOV AND PAINT - TYPE 2 Finish, texture and colour FRD
- SCM1 GLAZED SCREENS - TYPE 1 Colour FRD
- SH1 SOFC FACING - TYPE 1 Finish, texture and colour FRD

DEVELOPMENT APPLICATION

AMENDED P 2
20 APR 2013

PROJECT NO.	DRAWING	DRAWING NO.	ISSUE	ARCHITECT
1117A	SIDE ELEVATIONS	A-0203	B	benson mccormack

CLIENT: PRIME QUARTERS PTY LTD
SHOP 3/ 459-463 New Canterbury Road, Dulwich Hill, Sydney NSW 2202

PROJECT NORTH: 20 APR 2013
SCALE: 1:200 @ A3

ARCHITECT: benson mccormack
15/24-25, 2/55 GOSWORTHY ST, SYDNEY NSW 1588
PH: 43 7 988 8774 OR 07 9551 0245
WWW.BM.COM.AU

ITEM 2 (continued)

ATTACHMENT 3

straight Talk



260-274 Victoria Road Ryde

Notes on meeting with residents and applicant, 9
September 2013

DATE

24 September 2013

CONTACT

Lucy Cole-Edelstein

0408 202 626

lucy@straight-talk.com.au

ITEM 2 (continued)

ATTACHMENT 3

straight Talk



PREPARED BY

Lucy Cole-Edelstein

DATE

24 September 2013

JOB NUMBER

COR-395

DOCUMENT NAME

260 Victoria Road Mediation Report

VERSION

Version 4.00

ITEM 2 (continued)

ATTACHMENT 3



straight Talk

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ITEM 2 (continued)

ATTACHMENT 3



straight Talk

1 Context

Ryde Council (Council) has been assessing a development application (DA) for 260-274 Victoria Road Ryde. The proposal is for a mixed use residential development comprising 26 residential apartments, 3 retail units and 2 levels of basement parking.

The proposal has been on exhibition twice, attracting 57 submissions in response to the original application and 32 submissions following amended plans.

Council determined that, prior to making a determination on the proposal, a mediation session with the developers and local residents who had made submissions should be held.

Lucy Cole-Edelstein, Director, Straight Talk Pty Ltd, was commissioned by Council to chair this session in order to ensure that participants all had the opportunity to make their views known and the applicant was given every opportunity to, where appropriate, respond.

The session was held on Monday 9 September at Ryde Civic Centre from 4.30 - 7 pm.

The applicant together with their architectural and town planning consultants attended along with 9 residents. One Councillor, Councillor Salvestro-Martin, also attended as an observer.

Council's Acting Group Manager Environment and Planning Meryl Bishop and Senior Planner Sanju Reddy were in attendance and Meg Fox of Council took notes.

This short report provides a summary of the meeting and recommendations. Notes of the meeting are included at Appendix A.

ITEM 2 (continued)

ATTACHMENT 3

straight Talk

2 Summary of outcomes

Meryl Bishop, Acting Group Manager Environment and Planning welcomed everyone and noted that the meeting was a result of a Council resolution following the presentation of the report from Council's town planners, which recommended approval.

She then provided a high level overview of the planning context in which the application was assessed. This included:

- Process to develop planning controls to invigorate development along the strip commenced in 2004
- After investigations, planning controls were introduced in the Local Environment Plan (LEP) and Development Control Plans (DCP).

These controls are what are used by town planners when assessing DA's.

There is a 'discrepancy' between the LEP, which identifies 19 metres as the maximum height, and the DCP which nominates 5 stories. The LEP is the dominant instrument and thus 19 metres is the maximum height permitted on the site.

Lucy Cole-Edelstein introduced herself and her role as chair of the meeting. She observed that Council had provided her with a complete dossier of information on the application and assessment process and she had studied this.

She noted the purpose of the meeting was to focus on this application and not the wider issue about whether such development should occur.

After introductions of everyone in the room, the following issues were raised and discussed:

Precedent this development will set in terms of height - the chair observed that since this meeting was about the specifics of the application, this would be noted but not the subject of discussion.

Height - is the maximum height 19 metres or 5 stories? Does the application meet or exceed height limits at the rear of the site?

The applicant's architect demonstrated to participants that the application meets the LEP requirements of 19 metres height at the highest point and that it is under the permissible 12 metres height along the lane.

Over-shadowing - there was considerable concern and some confusion regarding the shadow that the new development would cause particularly on the most affected property, 1 Hepburn Avenue. The architect demonstrated using both hard copy and the computer and it was agreed that the owners of 1 Hepburn Avenue needed to be shown all of the shadow modelling so they could fully appreciate the impact and that the examples shown are demonstrating the worst impact on the shortest day of the year (which is still within the requirements of 3 hours between 9am and 3pm on the winter solstice).

Traffic and parking - major concerns for residents were the existing conflicts with traffic and parking, the increase in these as a result of the development and the impact of construction traffic on local residents.

ITEM 2 (continued)

ATTACHMENT 3



straight Talk

The development will widen the roadway immediately adjacent to the site which should ease some of the traffic and entry/exit issues. However until the rest of the block was developed this would be the only part of Gerard Lane that was wider. Council undertook to monitor the traffic impacts of the development and, should it be required, respond to manage those impacts should it be deemed appropriate.

The applicant explained how residents of the new development would gain access and exit to the site; and the number of parking spaces being provided as part of the development.

There were concerns about the safety of construction traffic - particularly large vehicles such as cranes - for local residents. A construction traffic management plan will be developed to guide these activities to ensure minimum traffic disruption and to protect safety for residents and site workers.

Type of retail - there was some discussion about the type of retail that may be in the development.

Waste management - concern that commercial waste could be removed at any time and could come very early in the morning. Council advised that Condition 117 specifies a 7am - 9pm hours for operation with waste not collected between 9pm and 8am.

Setbacks, landscaping, privacy - there were concerns that setbacks proposed for the application were within required limits and requirements. The applicants explained the proposed setbacks and a discussion about landscaping and privacy and the ability to cater for concerns about privacy was held.

It was noted that Council had prepared a Condition (no. 41) which specifically requires privacy screens along the upper level balconies facing Gerard Lane. This condition will be revised to provide more details about the type and size of these screens to ensure the concerns are addressed.

Issues about work commencing - residents were assured that prior to any work commencing (should the application be approved) they would be notified. There were some questions about notifications and who was invited to this session and Council confirmed that all people who had made submissions were invited.

ITEM 2 (continued)

ATTACHMENT 3

straight Talk

3 Recommendations

The mediation session was held as a result of the following resolution of Council 13 August 2013:

"That Local Development Application No2012/0360 at 260 - 274 Victoria Road be referred for the Group Manger Environment and Planning to undertake mediation between the applicant and objectors, and the matter be reported back to Council."

The consultants brief required that the successful tenderer:

Provide to Council by 5pm 11 September 2013 a written statement outlining a suggested way forward regarding the application to address the issues raised by the objectors and the applicant.

On the basis of the session, the questions asked and the explanations given by the applicant and the ensuing discussions with objectors about the nature of the application and its likely impact, the following recommendations are made:

Recommendations:

The application as it stands meets all requirements as assessed by Council and where issues raised by objectors can be addressed, these have been incorporated into the comprehensive list of Conditions that Council staff propose be attached to any approval.

The application does not require any amendment as a result of the session.

However the following actions are recommended:

- 1 That the Final Construction Traffic Management Plan be provided to residents once it is approved so they can have confidence that impacts of construction traffic will be proactively managed; and that Council closely monitor both construction traffic impacts and the impacts of traffic movements as a result of the completed development in order to ensure that local residents are not unduly impacted and are safe.
- 2 That, based on the session, the discussions, the questions and their answers, that Council approve the application. The chair observes that the concerns being raised were not substantial in that either they had been:
 - a) reasonably addressed by the applicant or
 - b) covered by a condition proposed by Council or
 - c) were not reasonable or
 - d) not applicable or relevant to this application.

ITEM 2 (continued)

ATTACHMENT 3

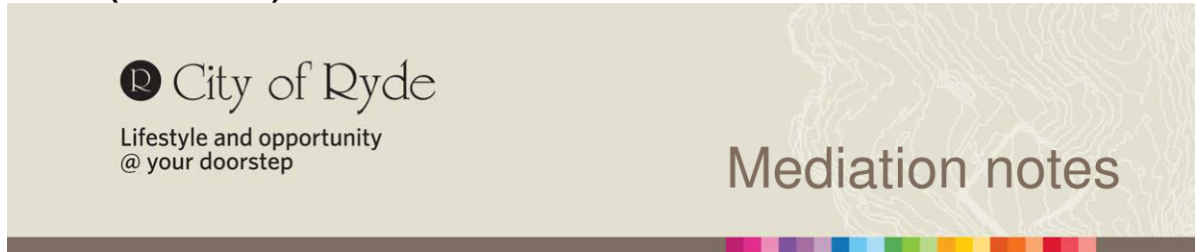


straight Talk

Appendix A - meeting notes

ITEM 2 (continued)

ATTACHMENT 3



Site: 260-274 Victoria Road, Ryde
Local Development Application No. LDA2012/0360

Facilitator: Lucy Cole-Edelstein (lucy@straight-talk.com.au)

Meeting held at the City of Ryde Civic Centre, Level 5 room 3
9 September 2013

Attendees:

Graeme Cordiner	13 Gerard Street
John Knight	2 Hepburn Avenue
John Vinci	1 Hepburn Avenue
Paul Vinci	1 Hepburn Avenue
Anastasia Skoljarev	14 Hepburn Avenue
Monique Laaper	9 Hepburn Avenue
Andrew Franz	9 Hepburn Avenue
Raymond Jabbour	18 Shortland Avenue
Gerard Turrisi	PO Box 96 Haberfield
David Benson	Studio 5, 505 Balmain Rd
James Cordiner	13 Gerard Street
John Marino	jmarino@optusnet.com.au
Councillor Jeff Salvestro-Martin	Observer only, did not speak
Lucy Cole-Edelstein	Facilitator
Meryl Bishop	Staff: Acting Group Manager Environment and Planning
Sanju Reddy	Staff: Senior Planner
Meg Fox	Staff: Note taker

1. Introduction – Meryl Bishop.

DA relating to 260-274 Victoria Road. This meeting is a result of a Council resolution on 13 August that the town planning report presented to Council be referred for mediation between the applicant and the community who raised objections. The report recommended approval.

Gave an explanation of the broader context of planning. How it relates to Gladesville Town Centre. In 2004 we started to look at Gladesville planning controls to see what could be done to reinvigorate development in that strip. Planning controls came in after 7 years of developing masterplans and other controls. Height, floorspace, density, and zoning. All included in a Local Environmental Plan. The dominant height along Victoria Road would be 19m, 5-6 storeys. Depends on the type of use. Zoning = mixed use, or general zone that you often find in town centres. Gazetted by the Minister 2010. Sanju takes these controls and does his assessment in accordance with what the LEP and the DCP say.



ITEM 2 (continued)

ATTACHMENT 3

The LEP is the overriding document, so 19m is the maximum height, is the dominant control. The maximum height is set by the LEP.

Not all controls can work on a site by site basis, there is some flexibility. There will always be circumstances where there are issues where a DCP control can be varied but the applicant has to justify that, as does the officer, and the Council has to be satisfied that the objectives of the control have been met.

2. Introduction – Lucy Cole-Edelstein.

Asked to run tonight's meeting. Completely independent, nothing to do with the application. Has read the background material but has no involvement beyond that.

Her job is to make sure everyone is respectful, everyone gets their say, gets heard, gets their questions answered. Understand there will be some high emotions, but we're going to keep things civil.

Lucy asked Meryl to give the overview around planning because she thinks one of the frustrating things for residents is DAs and how they're assessed. Sanju's job is to assess the DA against the planning framework. It's not whether he thinks it's a good idea or whether it should go there. He can only assess against the instruments that are in place. The issue about whether development should occur is not relevant here. Not for Council staff to say we don't like the look of it.

Got everyone to introduce themselves.

There is an inconsistency between the LEP = 19m and the DCP = storeys, also some confusion about the development reading as 7 or 6 storeys. Understand there's concern about overshadowing, lack of privacy, access. Also some issues about width of Gerard Lane, movement of vehicles. Start walking through those issues one by one?

Residents: Agreed, also there's one overarching matter to discuss. Destructive precedent that approval of this site will set in terms of the tunnelisation of the corridor. Will start to have high buildings, create tunnel effect. 297 Victoria Road and the Dan Murphy's are similar, failed developments, have not contributed to the amenity of the neighbourhood. No benefit to having these developments present. So why would this one be any different.

Lucy: This is about a specific application for 260-274 Victoria Road. Understand that the bigger vision is an issue. The LEP has already been exhibited, it's set that. The push around densification, increasing heights, increasing residential density is across city. Happy to take it on board but we won't be able to resolve it. This man here has put in a development application on his property and he's allowed to.

Happy to take that on as a rhetorical question. Not here to pull apart the LEP. It sets out the long term vision for the LGA. Captures a lot of things about character, amenity, economic viability. The issue around the LEP and precedent is one you



ITEM 2 (continued)

ATTACHMENT 3

need to take up outside of this perhaps with the head of Planning. Happy to make note of it but can't address it here.

3. Height.

Residents: Believe 5 storeys is maximum allowable. Requirement is from lowest point. Should be taken from Gerard Lane.

Lucy: DCP says 5 storeys, LEP takes precedence. That's just how planning law goes. Other issue is where on the site we measure the 19m.

Sanju: height is measured from the highest point on the building to the NGL below that. The site has a difficult topography. When the DA was submitted a 7 page letter was sent to applicant, height was one of the issues raised. In the amended plan the applicant worked it out and showed details of it.

Demonstrated on a section just how to calculate height. Take any point and see how far the building extends above it. Because the site is built up we've taken the survey level at the boundaries and extrapolated across. 19m at Victoria Road then less towards the rear.

Residents: some general disagreement.

Applicants: Were asked to go back to the site and provide a lot of detail regarding the frontages. They used computer modelling, basically drew a mesh across the site. Doesn't have a natural ground line in the normal sense because it's been excavated and built up at various times. Showed Council clearly how they were establishing the RLs. They amended the plans to recess the upper level to make it compliant.

If standing at the front at Victoria Road what's the height. Middle is close to 19m. At the two sides around 16m. Varies. Building is banded. Not simple. Top level is not over the entire site. Highest point of the building at any point is below 19m. Given that the LEP is the statutory document they could've built to 12m along Gerard Lane. They said this to the Design Review Panel, that they didn't think it was a great interface to do that.

Lucy: Applicant and architects are clearly saying it's under 19m across the site. Under 19m at Victoria Road and at its highest point in the middle of the site. It is under the requirements of the LEP.

Residents: 3/5ths of the building seems to be around 19m then it drops to 12m. The back section. What defines the back section? Where is the plant for the lifts?

Applicants: Council's setback control off the rear lane. Have designed the building to fit in the envelope control which is predetermined by the RLs and the setbacks in the DCP. Roof but it sits below the 19m. Small structure on roof above 19m for plant.

Demonstrated to residents, 19m envelope, showing where the units come up over, and where the plant enclosure sits. Plant sitting on side. Not on highest part of the



ITEM 2 (continued)

ATTACHMENT 3

building, it's to the side. Applicants showed roof plan. Floor level of the bedrooms is the same as the floor level of the plant. Showed model on laptop.

Sanju: visually it's still under the top level of the topmost floor level so in terms of the elevation, if you view it. Plant enclosure sits below the top of the habitable rooms.

Residents: Back end of plant is on the Gerard St side, concerned about visually, why is it built in the way of the view of the flats.

Sanju: Views from top level is to Victoria Road anyway not to Gerard Lane.

4. Overshadowing.

Applicants: Produced shadow diagrams. We show an existing shadow in grey, additional shadowing from the development in another colour. You got Rygate to produce a model. Their shadows that they show here do in fact reflect the grey shadow shown on our drawings. We're not disputing what Rygate produced. This is existing.

Residents: Additional shadow on my property.

Lucy: Asked the applicants to show the diagram over the day to the residents. The law requires that you have a certain amount of sun every day, and that's always measured on the day with the least amount of sun. You're only losing 2 hours in the middle of winter, which is below the requirement.

Applicants: You need to have 3 hours between 9-3. No. 1 gets 4 hours during 9-3 winter solstice. Yes, we do cast additional shadowing. Mostly on the roof of the building because of where north is, more there than on the back of the site.

5. Laneway, traffic, parking.

Lucy: Concern is that we'll have access for the new development through the laneway. You've already got parking at a peak. You're concerned about the traffic movements, safety (narrow), parking overflow because not enough parking on site.

Residents: Parents' driveway is opposite and they have to reverse out onto the laneway. Current situation is bad enough, additional will make it worse. What will happen

Applicants: Site access is close to opposite, it's the best spot for it, lowest point. Laneway pavement is being widened to 5.5m in width. Road pavement, not footpath. Taking 1.5m of land off our site to widen Gerard Lane at no cost to Council. So laneway will be wider. 5.5m is accordance with AMCORD re minimum width for road pavement. 5.5m is accepted as being more than ample in width.

Lucy: They're saying only way to make it wider is to take some of their own land and widen the lane. Only in the section on their property.



ITEM 2 (continued)

ATTACHMENT 3

Residents: This widening of the lane is only for the width of this proposed development. Either side it's back to 4.5m. Pedestrian safety could be an issue. In the meantime what do the shopowners do re off street parking. If Council made that no stopping etc would they be advised. Any intention to make this no stopping, no parking, one way?

Meryl: At this point no, but we monitor. If we have to come in and do signage etc. then we will do it then. Yes, they would be. There'd be assessment, there'd be consultation. The traffic engineers have looked at it, an assessment has been done. They've said that the plan is sufficient. No on street parking has been lost as part of this.

Sanju: No additional areas will be barred from parking as part of this DA. If in the future that's something Council looks at, it'll go to the traffic committee.

Residents: That's not planning, it's reaction.

Lucy: The traffic and transport part of Council have models around how traffic works in the LGA. They've assessed this. They know the current volume in the laneway, and they're saying that on the balance of all things that will be acceptable. Road will still be tight and that's the concern. This is important, this will be monitored by Council's traffic people. This is not an issue that will be lost.

Residents: This doesn't affect the developers, this is a Council issue. If they've agreed to put in buildings of this size along this lane, then we should have some section 94 money set aside to do what this gentleman says. Council needs to in terms of the whole lane, and they can actually requisition some of this money back, in the development of this masterplan it was originally 4 storeys and then Council put in an extra 2 so they had a 6 storey allowance on Victoria Road. The proviso was that there should be a significant public benefit. What's happening with our Section 94 contribution?

We don't know the rationale. In Gladesville generally and in this site in particular, we've had this issue of a laneway being done as a complete unit. We want some of the contributions paid by Gladesville developers to come back here.

Meryl: Council has a S94 plan and levies for a range of things. That money, how we spend it, is clearly outlined in the schedule in the back of the Section 94 plan. It's accountable. It's not ad hoc. There is a structure in how it's done.

The last thing I know of was the public domain upgrade in Trim Place. All of that was paid for under S94, collected not only by development in Gladesville, but paid for development elsewhere. I hear your point, we're in the process of reviewing the S94 plan, we'll consult on it.

Lucy: Every Council has to have a S94 plan. They can only spend the money in accordance with that. The money for Gladesville will be spent in Gladesville but not in your laneway because it's not listed for that. There is an existing S94 plan. Funds will be spent in accordance with that. S94 plan is being reviewed, you'll have a chance to respond to that and make your comments. Your concerns about work



ITEM 2 (continued)

ATTACHMENT 3

along the laneway will be noted. We'll make sure that you're consulted. I'll make sure that your details are on the database to be consulted.

Lucy: Mr Vinci is concerned about how he'll get in and out with that traffic.

Applicants: 27 resident parking spaces. Expect about 4 an hour.

Retail is general retail, don't have occupants yet, DAs will have to be lodged for use with Council.

Two car width down the driveway. Designed in accordance with Aust Standards which deals with sightlines.

Construction management plan has to be signed off by Council before CC. The bulk of the unloading/loading will happen on site. There will be hoarding, scaffolding, dust mesh, on site during construction.

Crane will go up probably from Gerard Lane but it'll be on site. A truck can turn comfortably within the site.

Residents: During demolition and construction, for quite a bit of that time there'll be no parking/standing in Gerard Lane apart from construction.

Lucy: Construction management plan will address this. Will be impact on residents, but it's construction, that always happens, Council will have to sign off on the plan first and if the applicants breach the plan they can be held accountable.

Applicants: Will negotiate with RMS too re use of Victoria Road.

Sanju: Should this DA be approved it will be subject to a condition requiring a construction management plan. The plan will have to be reviewed and signed off before the construction certificate is issued.

Residents: Concerned about safety. Many construction vehicles negotiating a tight turn in a small lane.

Lucy: This is not the first and only development on a tight and constrained site. There are a number of rules and regulations. The EPA, RMS, Council oversee it. DOPI too. All those bodies require the applicant to prepare a range of plans and if he contravenes them he will face a number of fines.

Applicants: WHS and Workcover requirements too.

Residents: Request to be kept informed of construction management plan by Council.

Lucy: Needs to be developed by an authorised person.

Meryl: we're talking about construction traffic? Yes. Sanju and I have been talking about if we can legally require a construction management plan to be looked at



ITEM 2 (continued)

ATTACHMENT 3

further rather than just the private certifier. We are quite constricted by this legally but we will investigate this further. If the plan comes in that has to be approved prior to the CC being approved – and we don't always have to be the certifier – then is there a way for you to look at it. We don't think we can but we'll investigate.

The condition is quite comprehensive in saying what it must cover. But we can't condition that to say that it can be consulted to the community. We will explore that further. Not sure we can legally show it to you. But we'll investigate.

Sanju: It's not normal for this document to be available for public exhibition. Condition only specifies that the developer must submit a plan. The condition will be specific and will detail the requirements. This is usually based on RMS Guidelines and is considered a technical document. When the Construction Management Plan comes into Council it is reviewed by Council's Traffic and Development Engineer.

Lucy: I understand your concerns, but you live in a country that has probably the most comprehensive set of safety regulations across everything that I can imagine. The requirements the developer has to go through are quite rigorous. In my 20 years of experience, I don't support the notion that the community can design these or can sign them off. Absolutely you need to know what's in the plan but we need to be really careful when we start questioning every system.

Applicants: When person designs it they have to pick what's applicable to this site. We don't want anyone running anyone over. Fundamentally Council in their DCP has controls for parking rates, even down to types of apartments. We've complied with those rates. All in accordance.

6. Type of retail, waste services.

Residents: Mixed use B4 zoning and setbacks. Mixed use allows home occupations which can include sex services. It isn't very clear what the intended retail use is.

Applicants: Home occupation isn't retail. You need to make an application to Council for the use anyway.

Sanju: Home occupation excludes sex services.

Residents: Residential garbage disposal is covered by agreements with Council. Commercial garbage trucks can come at any time and that is a noise matter and quality of life.

Applicants: Reality is because we don't have tenants so we don't know their needs. They'll need to lodge a DA for that use and Council can assess their needs and appropriately condition.

Sanju: Condition 117 specifies 7am-9pm Mon to Sun for use. Condition 119 deals with waste disposal on site. States no garbage collected between 9pm and 8am. For all building.

7. Setbacks, landscaping, privacy.



ITEM 2 (continued)

ATTACHMENT 3

Residents: Setbacks, front and rear, are not within the required limits under the DCP.

Applicants: Do comply but there's some grey areas, small grey areas.

Sanju: Setback at the rear: requirement is 3m, development complies. 1.5m will be taken up by the footpath.

Residents: from DCP Gerard Lane from boundary meant to be 12m to edge of balcony. It's 10.4.

Sanju/Meryl: that's the building articulation. P35 of Sanju's report. Shows 3m from Gerard Lane and then take 12m is the articulation zone, not the setback. If the setback is applied in its strictest sense, 3m plus 10.4m to the edge of the balcony, and further 2.6m to the edge of the building. 16m in total.

Applicants: You have to read the requirements in terms of the compliance table. It's a transition to where you can put a wall. To articulate built form so it modulates the building form and looks better.

From Victoria Road we have to set whole building back 2m. To pedestrianise that, put street trees. Then we can build to the boundary for 18m. Then there's a transition zone. Council control does require a 6m setback from side boundaries beyond this point. Council has a Design Review Panel which has urban planners, commissioners of the court, Council's planners. Applicants said they want to go to the boundaries then drop the building, because that's a better relationship with the area. There is some leeway because it's a DCP control.

Have to look at the objectives of the setback controls. There is room for interpretation. Overshadowing, bulk, etc.

Residents: Side setbacks are important but the rear setbacks are particularly important, getting it as far away from own property as possible. Screening, can you elaborate more what that screening is. On Gerard Lane, how about some trees? Something that softens it but still allows some view. When these are mature trees, they should go up to the visual height, 19m.

Applicants: Condition 41 particularly deals with screening for privacy. Have some deep soil planting. In Sanju's report. Shows Gerard Lane. In that footpath area we're looking at planting one tree in front of each of the townhouses.

Sanju: Proposed trees Blueberry Ash, 8m in height. Very difficult to hide the development using landscaping. Purpose is to beautify lane and screen lower units. The higher units have privacy screens. Will cover 60% of the balcony. 20% free on each side.

Applicants: Can angle them so people can't look into your backyards. These are one bedroom townhouses at back, not a big population. Will increase height of screens to 1.5m above terrace if you want. We can't give you a lot of detail to give



ITEM 2 (continued)

ATTACHMENT 3

you a level of comfort but we can actually fix these louvres at an angle so I can't actually physically see through the screen to your property.

Sanju: 18m is the minimum allowed separation distance required under the State Policy – SEPP 65. If you look at balcony to edge of nearest property it's 23m. Don't have to put any screens. Despite that, we have required the applicant to put the screens on.

8. Traffic, before work commences, making submissions, final wrap-up.

Sanju: Before any work commences, even demolition works, the residents will be notified. 14 day notification, all the neighbours, letter boxes. In terms of traffic, 7 day notice will be given to the residents, that will be the requirement of the traffic management plan.

Residents: Please can we have more residents advised.

Residents: I was surprised, I put objection the first time around, second time around I didn't. Are those taken into account?

Lucy: What Sanju did was when the first application came up, he received all the submissions, he wrote an 8 page letter and sent all subs to the applicant and said address these, they came back with amendments, he put it back onto exhibition. The developer always has to address any issues. All objectors will be advised when the matter goes to Committee.

Residents: Found development hard to understand. Not criticising Sanju who made himself available to assist. The onus was on me to understand. If people could make it plainer, that would be good.

Residents: Each development contributes to the surrounds, approval of this sets a bad precedent.

Lucy: Refer you to your planning documentation and the objectives that Council has identified for the long term development of this area.

Meryl: We have housing targets, employment targets we need to meet, set by the state government, and they're going to get harder and harder to meet. The reason we're putting these densities on these corridors and in these town centres is to protect the rest of the city, to protect the green low scale areas. If we didn't have these areas we'd be looking at rezoning everywhere else.

Residents: The problem is there's no transition, not Council's fault, but nowhere else in Ryde do you get development of this scale side by side with single storey residences.

Sanju/Meryl: Listed examples. Devlin Street, Belmore Street, in Meadowbank, Constitution Road. West Ryde, both sides. Number of locations. You may remember when this plan was exhibited we said 19m to Gerard Lane. We changed that.



ITEM 2 (continued)

ATTACHMENT 3

9. Conclusion.

Lucy: Advised that she will do a short report regarding the meeting, and then the matter will go back to Council for consideration. Thanked everyone for their attendance and participation.



ITEM 2 (continued)

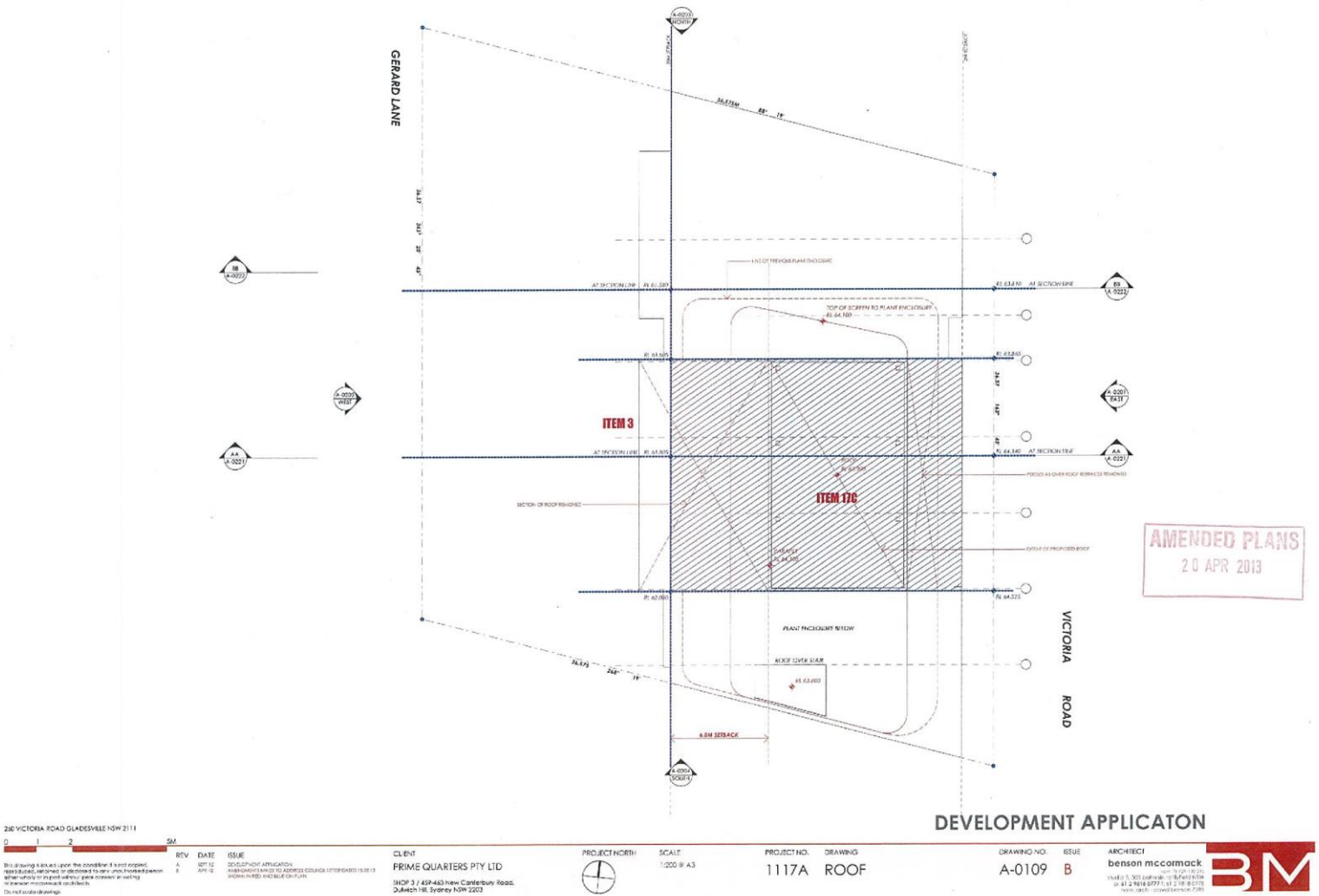
ATTACHMENT 4

● Indicates submissions received to amended plans



ITEM 2 (continued)

ATTACHMENT 5



ITEM 2 (continued)

ATTACHMENT 5



VICTORIA ROAD MASSING (IMAGES UPDATED)



300 VICTORIA ROAD GLADESHELE NSW 2111

0 1 2 5M

REV	DATE	ISSUE
A	12/12	DRY CHECK AND SCISSOR
B	1/12	REVISIONS MADE TO GARDEN COURSE LETTER BOXES TO BE POSITIONED AND BLUE OF BALUSTRADE

This drawing is issued upon the condition that it is not copied, reproduced, altered or used in any way without prior consent in writing of Benson McCormack Architects.

Do not scale drawings.

CLIENT
PRIME QUARTERS PTY LTD
3rd FL / 455-463 Irem Court, Castleberry Wood,
Dulwich Hill Sydney NSW 2203

AMENDED PLANS
20 APR 2013

DEVELOPMENT APPLICATOR

PROJECT NO. 1117A
DRAWING EAST ELEVATION

DRAWING NO. A-0201
ISSUE B

ARCHITECT
benson mccormack
10/15, 1st Floor
Studio 3, 305, Commercial Road, North Sydney
NSW 1585 Australia
Phone: 02 9550 5577 Fax: 02 9550 5578
www.bma.com.au



ITEM 2 (continued)

ATTACHMENT 5



GERARD LANE MASSING (IMAGES UPDATED)



280 VICTORIA ROAD GLADSHIRE NSW 2111

0 1 2 5M

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REV	DATE	ISSUE
1	03/12	CONV DEVELOP APPLICATION
2	04/12	CONFORM WITH LOCAL COUNCIL LOCAL DEVELOPMENT CODE OF PRACTICE AND BASIS ON SUBMISSION

CLIENT
PRIME QUARTERS PTY LTD
SHOP 3 / 455-462 New Canterbury Road,
DUMCH 18 Sydney NSW 2202

AMENDED PLANS
20 APR 2013

PROJECT NORTH
SCALE
1:2000 @ A3

PROJECT NO. 1117A
DRAWING WEST ELEVATION

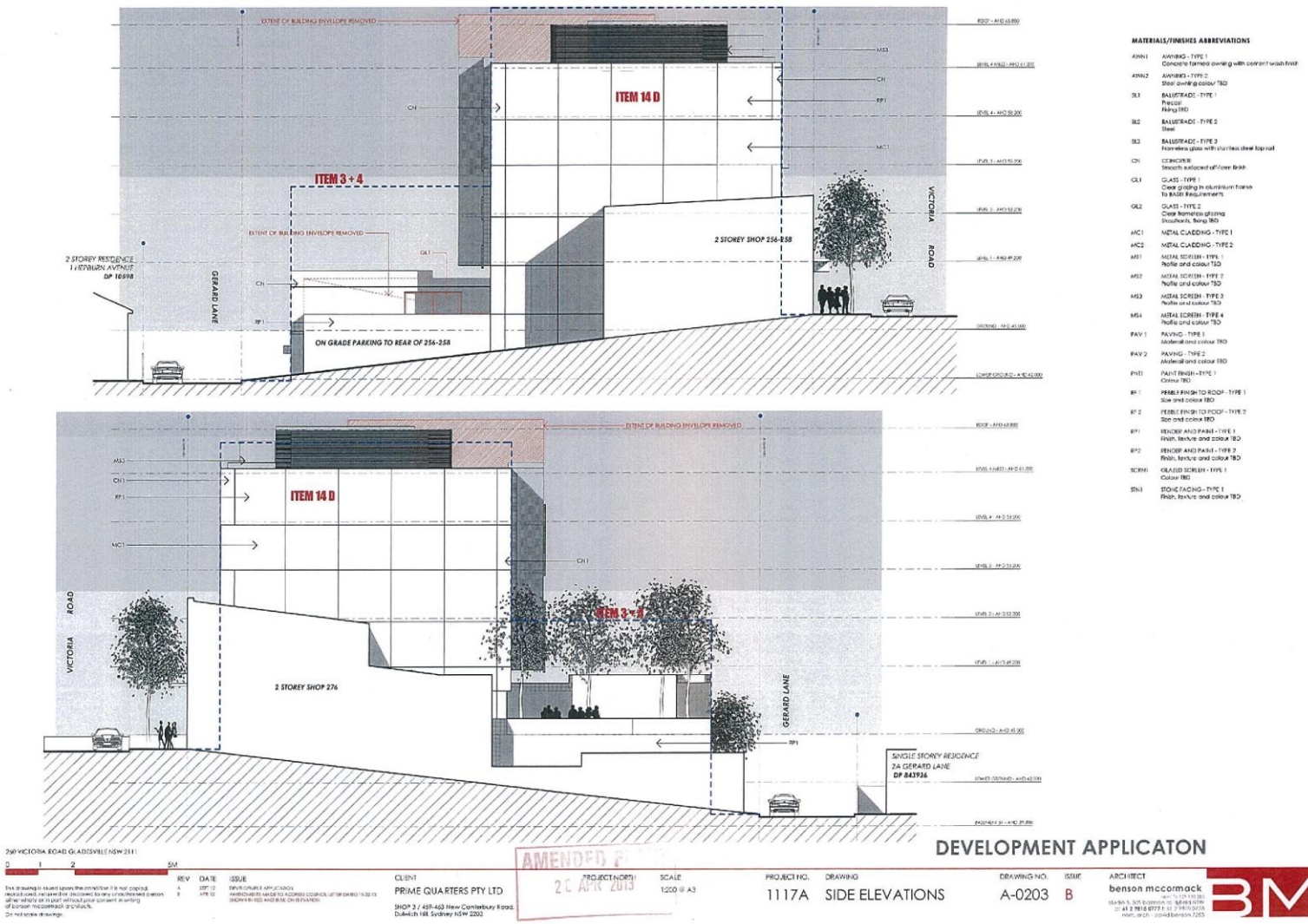
DEVELOPMENT APPLICATION

DRAWING NO. A-0202
ISSUE B
ARCHITECT
benSON MCCORMACK
10/11-12/13-14/15
10/11-12/13-14/15
10/11-12/13-14/15
10/11-12/13-14/15
10/11-12/13-14/15



ITEM 2 (continued)

ATTACHMENT 5



- 3 5 - 7 PEARSON STREET AND 18-20 WHARF ROAD, GLADESVILLE.
LDA2013/0221. Demolition, construction of a 3 storey residential care facility with basement car parking. Use of the facility will be in association with St Andrew Church at 18-20 Wharf Road.**

Report prepared by: Senior Town Planner

Report approved by: Manager Assessment; Acting Group Manager - Environment and Planning

Report dated: 30/09/2013

File Number: grp/09/5/6/2 - BP13/1423

1. Report Summary

Applicant: Estia Foundation Of Australia.

Owner: Greek Orthodox Church Trust.

Date lodged: 28 June 2013

This report considers a proposal for the erection of a residential care facility (RCF) under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HS). The development is for demolition of the existing structures at 5 and 7 Pearson Street and construction of a three storey residential care facility pursuant to SEPP HS. The proposed RCF will be known as St Andrew's Homes and will be operated by the Estia Foundation of Australia, which is a not-for-profit organisation established by the Greek Orthodox Archdiocese of Australia. The RCF will provide permanent accommodation for young adults with intellectual or physical disabilities.

The proposed RCF will comprise of ten individual bedrooms with ensuites, administration offices, communal dining area and living room, kitchen and courtyards. Basement car parking is provided for six vehicles with access from Pearson Street. The proposal also provides offices for St Andrew's Church at 20 Wharf Road and will be connected to St Andrews Church via pathways. The existing church car park area at 18 Wharf Road will provide the residential care facility with a second access point and an ambulance bay.

The development complies with the requirements of SEPP HS.

During the notification period, three submissions were received - two raising concerns about the development and one supporting the proposal. The issues raised in the submissions are overshadowing - resulting in loss of property value, the development should be two storey (not three) and traffic within Wharf Road. The issues raised in the submissions are discussed in more detail further on in the report.

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

ITEM 3 (continued)

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

Public Submissions: Two submissions were received objecting to the development and one supporting the development.

Clause 4.6 RLEP 2010 objection required? - Yes -to Clause 4.4 – Floor Space Ratio which stipulate maximum FSR of 0.75:1. The proposal will have a FSR of 0.79:1, variation of 81.6m² which is a 5% variation.

Value of works? \$3,723,500

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. LDA2013/0221 at 5 – 7 Pearson Street & 18 – 20 Wharf Road, Gladesville being LOT 10 in DP 9135, LOT 11 in DP 4710, LOT 11 in DP 401687 and LOTS 8, 9 & 10 in DP 4710 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 of Consent
- 2 Map
- 3 A4 Plans
- 4 A3 plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Sandra McCarry
Senior Town Planner

Report Approved By:

Liz Coad
Manager Assessment

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)



Figure 1: Subject site – 5-7 Pearson Street to contain the new residential care facility and existing church and car parking area on 18-20 Church street.

Address	:	5 – 7 Pearson Street & 18 – 20 Wharf Road, Gladesville
Site Area	:	2019m ² (combined areas of the four lots) Frontage: 23.77m to Pearson Street and 21.46m to Wharf Road. Depth:67.6m along the northern boundary and 86.7m along the southern boundary.
Topography and Vegetation	:	Gentle down slope from west to east with a few small trees on site. No significant trees located on site.
Existing Buildings	:	No. 5 Pearson Street is occupied by a single storey brick dwelling. A concrete path leads from the driveway to a fibro shed in the rear of the property. No. 7 Pearson Street is occupied by a single storey dwelling. A concrete driveway from Pearson Street provides vehicular access to the site. No. 20 Wharf Road is a two storey church - 'St Andrews Greek Orthodox Church' with adjoining No. 18 Wharf Road comprise of a concrete car park for the Church.

ITEM 3 (continued)**Planning Controls**

Zoning	:	R4 High Density Residential
Other	:	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 55 – Remediation of Land Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Ryde Local Environmental Plan 2010 Ryde Development Control Plan 2010

3. Councillor Representations

Name of Councillor: Councillor Pendleton

Nature of the representation: Request call up for Planning and Environment Committee

Date: 29 July 2013

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

On behalf of applicant or objectors? On behalf of a resident concerned about a development for 2 Wharf Road, Pearson St and Uniting Church.

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

4. Political Donations or Gifts

Any political donations or gifts disclosed? No

5. Proposal

The development proposes the demolition of the existing houses, garage and shed at 5 and 7 Pearson Street. It is proposed to construct a new residential care facility development pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HS) at 5 to 7 Pearson Street and 18-20 Wharf Road Gladesville.

ITEM 3 (continued)

The development will comprise of a three storey residential care building with basement car parking and landscape works. On the ground floor, the RCF will include a reception area, offices, church offices, kitchen and communal dining and living areas. Entrance is from Pearson Street via a pedestrian ramp or stairs. Pedestrian access is also available from the car park at 18 Wharf Road. Courtyards will be located along the northern side setback and along the southern side there is an internal courtyard which breaks up the bulk of the building along the southern elevation.

The first floor level comprises five of the ten proposed bedrooms with ensuites. The first floor (2nd storey) also comprises additional church offices, kitchen, bathroom and store room. The second floor level (3rd storey) comprises the remaining five bedrooms with ensuites with this upper level indented in 4.3m from the southern elevation of the building resulting in a setback of 7.3m from the common side southern boundary. The indentation of the upper level has reduced the bulk and scale of the building when viewed from the adjoining southern residential flat building.

The basement level comprises car parking for six vehicles, including one accessible space. An internal lift and stairwell will provide access to the levels above. An ambulance bay will be provided in the existing Church car park at 18 Wharf Road, access from Wharf Road. The proposed building will be linked to the Church and the car park at the rear by a walkway.



Figure 2: Proposed development when viewed from Pearson Street with the 3rd floor indented in along the southern elevation.

ITEM 3 (continued)**6. Background**

DA was lodged on 28 June 2013 and following a preliminary assessment of the development application, a letter was sent to the applicant on 24 July 2013. The issues raised in this letter included:

- a) Property Description: The Development Application form lists the development being located on 5 & 7 Pearson Street, Gladesville (Lot 10 in DP 9135 and Lot 11 in DP4710) however the architectural plans and the Statement of Environmental Effects shows that the development also includes 18 Wharf Road (Lot 11 in DP 9135). 18 Wharf Road comprises car-parking spaces in association with St Andrew Church at 20 Wharf Road.

The inclusion of 18 Wharf Road is required to make the minimum site area of 1000m² required under SEPP (HS) and to provide a second access to the site. However the proposal would require 18 Wharf Road to be consolidated with the development at 5-7 Pearson Street, ultimately annexing the site from the Church at 20 Wharf Road. The annexation of the church's car park area from the church is unacceptable as the church's car parking spaces are required to be remained as part of St Andrew Church.

It is noted that the development proposes to provide offices within the residential care facility building for the adjoining St Andrew's Church. Given that the proposal includes uses associated with the church and that the residential care facility will be linked to the church by the car park, the applicant was advised that consideration should be given to include the church site (20 Wharf Road) as part of the overall development. This will eliminate the problem of the church's car parking being annexed from the church.

- b) It will be necessary to provide further information to demonstrate that the development satisfies the provisions of Clause 26 in respect to access to shops, banks, community facilities, medical facilities etc.
- c) It is noted that the residential care facility building will be built over a sewer line at the rear of 5 to 7 Pearson Street and it was recommended that prior approval be obtained from Sydney Water with regards to the proposed finished floor levels.

The applicant submitted further information and amended plans on 20 August 2013. The only change to the architectural plans was the inclusion of 20 Wharf Road (St Andrew Church) to the proposed development. Whilst the change did not alter the plans significantly, it was deemed necessary to readvertise and renotify as the proposal now included an extra site.

ITEM 3 (continued)

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 24 July and adjoining property owners were given until 7 August 2013 to make a submission.

One submission was received from the residents of 9/9-13 Pearson Street from this notification period.

As the proposal was amended to include the church site – 20 Wharf Road as part of the development, the proposal was re-advertised and adjoining owners re-notified. The period in which to make a submission was between 4 September 2013 and 18 September 2013. Two new submissions were received, one raising concerns about traffic in Wharf Road and one supporting the proposal.

The issues raised in the submission from the residents of 9/9-13 Pearson Street are:

- *It will block all of our sunshine from the west and devalue our property substantially.*

Comment:

Perusal of the Strata Plan for 9-13 Pearson Street identify Unit 9 as being the front northern unit on the 3rd floor with a front balcony wrapping around to the northern side.

Shadow diagrams submitted with the proposal shows that Unit 9's front and side balconies areas will receive sunlight for the majority of the day on 21 June.

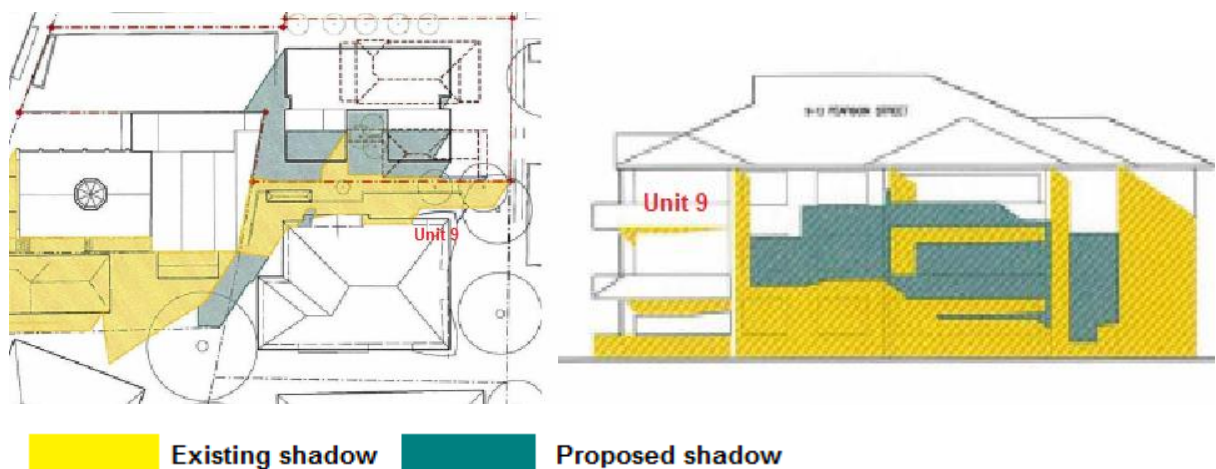


Figure 3: Plan and elevation shadow diagrams at 9am.

ITEM 3 (continued)

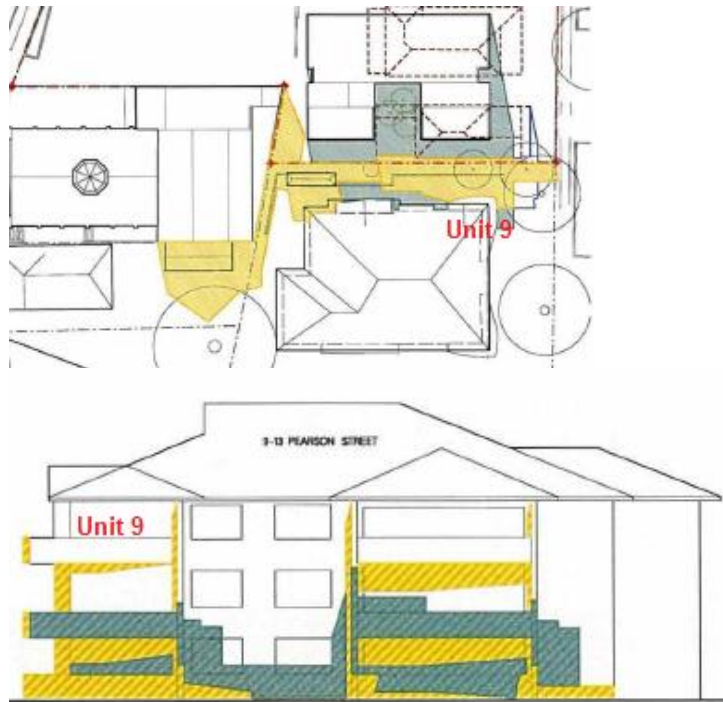


Figure 4: Plan and elevation shadow diagrams at 12 noon – the length of the shadow at 12 noon does not hit the 3rd floor.

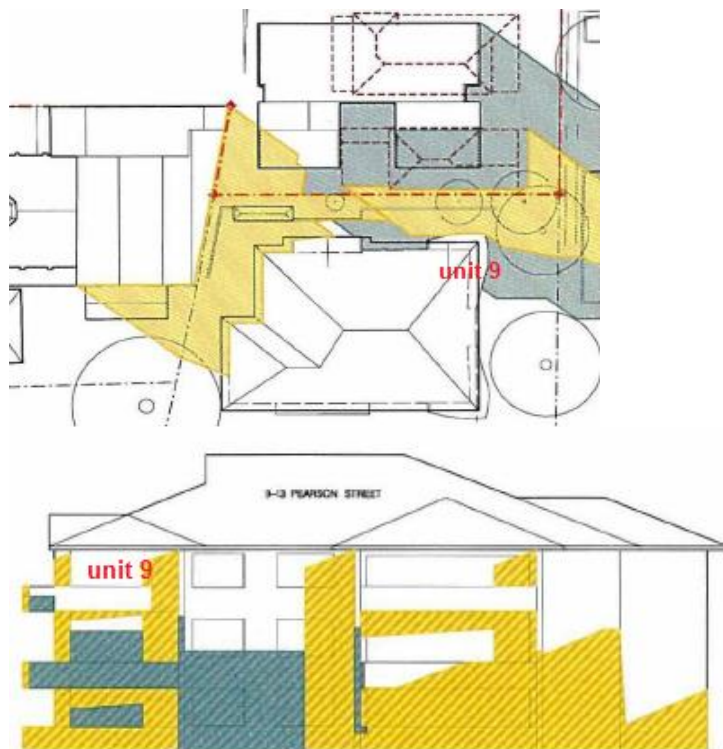


Figure 5: Plan and elevation shadow diagrams at 3pm – the length of the shadow does not hit the 3rd floor

ITEM 3 (continued)

The concern about loss of western sunlight (afternoon) is not warranted as no additional shadow will extend to the 3rd floor balcony between 9am and 12 noon, with minimal overshadowing at 3pm. The 3rd floor balconies and their north facing windows will receive sunlight for the majority of the day on 21 June.

The property is higher than our block because they are up the hill. If this goes ahead we would like to see two levels only not three.

Comment:

Whilst the site falls from north to south, the proposed building will be the same height as the 9-13 Pearson Street, as shown in the diagrams below. Therefore the proposed three storey building is in character with 9-13 Pearson and with other residential flat buildings located further down the street. Furthermore, along the southern elevation the upper level of the building has been indented in 4.3m from the side of the building (total side setback of 7.3m from the common boundary) which reduces the bulk and scale of the building and helps provides articulation to the building. The proposal complies with the height controls contained in Council's LEP and draft LEP 2013, as such is considered satisfactory.

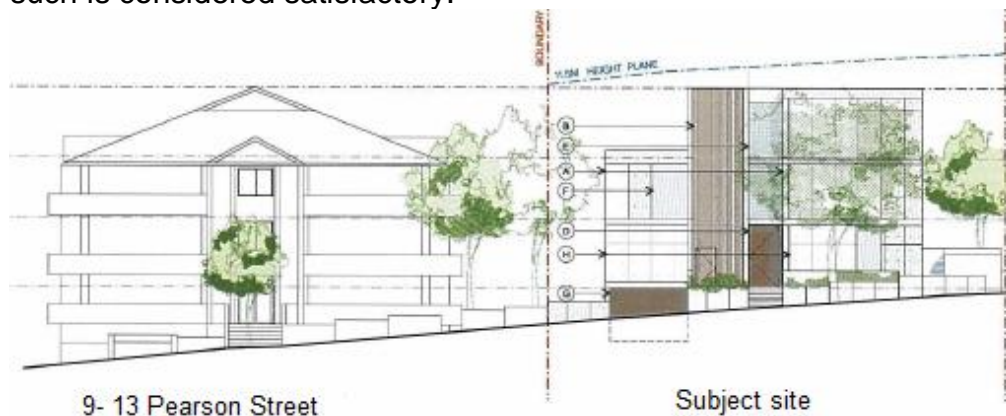


Figure 6: Slope of the land falls from north to south – however the proposed RCF is cut in along the northern elevation and is on the same height plan as 9-13 Pearson Street.



Figure 7: Streetscape – No. 9-13 Pearson Street comprising of a three storey residential flat building adjoining the subject site.

ITEM 3 (continued)



Figure 8: Existing dwelling at 7 Pearson Street – dwelling to be demolished.



Figure 9: Existing dwelling at 5 Pearson Street – to be demolished.

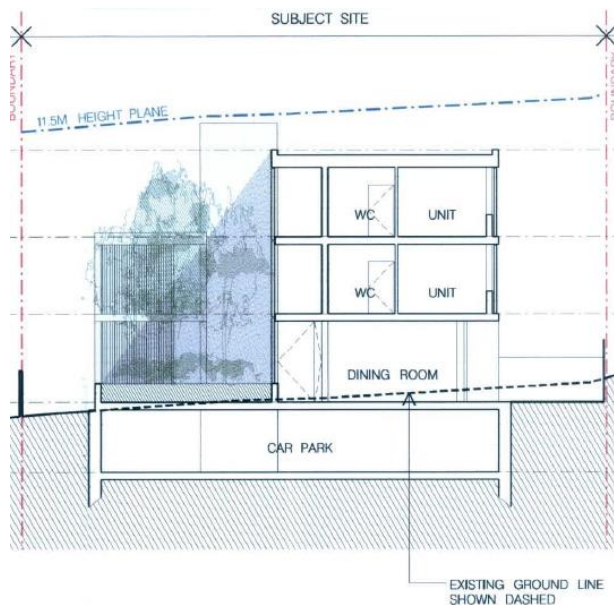


Figure 10: Cross section of the building illustrating the existing ground level and proposed cut along the northern section of the building.

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Issues raised by the residents of 1/5-7 Wharf Road:

I do commend the Estia Foundation on their intention to build a Residential Care Facility (RCF) on the site; such developments are sorely needed in the community. I don't object to the development but I do want Council to look very carefully at traffic management measures for the surrounding streets, particularly the section of Wharf Rd between Pearson Lane and Ashburn Place. Being a RCF of 10 units, I would imagine the building would need to receive regular bulk deliveries, carried by trucks, of such things as catering supplies and chemicals, and question which vehicular entry would service these deliveries. Would it be Pearson St or Wharf Rd?

I would object to goods being delivered via Wharf Rd as this narrow residential street is already at capacity, and well over capacity at St Andrews church peak times. Additionally, Wharf Rd is facing further huge traffic problems associated with the proposed developments at 1-3 Wharf Rd and 2-10 Wharf Rd, the like of which the street has never seen before.

Comment:

Vehicular access to and from the site will be via a new 4.3m wide driveway from Pearson Street, located at the south eastern corner of the site. The driveway is a single width exit/entry point and provides access to the basement car park, which is located within the building footprint and provides parking for six vehicles.

A Traffic Impact Assessment Report was submitted with the application and it was concluded that:

The Road Traffic Authority Guide specifies that the daily vehicle trips (DVT) for housing for aged and disabled persons are between 1 and 2 per dwelling. The weekday peak hour generation rate is 0.1 - 0.2 trips per dwelling. The traffic generation for the proposal is would be in the order of between 10 and 20 DVTs, including 1 to 2 weekday peak trips. This is a similar level of traffic generation to the existing development on the site. Housing for seniors and disabled persons that are subsidised or run by religious organisations are usually associated with lower car ownership levels and consequently lower corresponding generation rates. Given the nature of the proposed development and the potential severity of the disabilities of its future residents, car ownership will be low. The traffic to and from the RCF will most likely be visitors, rather than residents.

In summary, in our opinion, the proposal is likely to result in similar level or less traffic generation when compared to the existing development. Therefore, the traffic to be generated by the proposed development is not likely to adversely affect the level of service, capacity and function of nearby intersections.

ITEM 3 (continued)

The proposal currently provides for six basement parking spaces with access from Pearson Road and a second access point from 18 Wharf Road, which is currently the church car park. An ambulance parking space will be provided within this car park and visitors to the RCF will have access to this car park.

Given that the proposal is not a commercial premise with only delivery of food items and laundry van for the ten residents on site, it is not envisaged that large commercial trucks will be visiting the site. The deliveries will generally be serviced by standard sized vans which could be accommodated on site. It is considered that as the proposal has provided more than the required parking spaces (only four parking spaces is required to be provided) a condition has been imposed requiring one of the car space to be converted to a loading bay with all delivery of goods to be from Pearson Street (see Condition 1 (d)). Therefore with the imposition of this condition ensuring that the deliveries of goods being from Pearson Street (see Condition 87), the proposal is not considered to adversely impact on traffic within the immediate area.

8. Clause 4.6 RLEP 2010 objection required? Yes to Clause 4.4 of the RLEP – Floor Space Ratio. The variation to the FSR is 5%.

Clause 4.4(2) of RLEP states that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown on the FSR map. The maximum floor space allowed for the site is 0.75:1.

The gross floor area of the whole site, including the existing church is 1596m², which based on the total site area for the four allotments being 2019.2m², will result in a FSR of 0.79:1.

The applicant has lodged a written request under Clause 4.6 to justify the variation to the floor space ratio standard. This will be discussed in details below under Clause 4.6, Section 9 of the report.

ITEM 3 (continued)**9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004****Part 1 General****Clause 4 Land to which Policy applies:**

SEPP HS 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.

The subject site is zoned R4 – High Density Residential which permits residential flat buildings. As such the proposed form of housing is permissible under SEPP HS.

Clause 11 Residential Care Facilities

Clause 11 of this policy identifies, a *residential care facility* as residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.

The proposal will provide ten individual rooms with ensuites for persons with a disability (physical or intellectual). The SEE states that the residential care facility will include cooking and cleaning services, furnished communal areas and 24 hour carer staff. Accordingly, the proposal meets the requirements of Clause 11.

Clause 18 Restrictions on occupation of seniors housing allowed under this Chapter:

This clause states that development allowed by the SEPP HS may be carried out only for *senior 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.*

ITEM 3 (continued)

Conditions 11 & 77 have been imposed requiring that only *people who have a disability, people who live within the same household with seniors or people who have a disability* may occupy the dwellings. A restriction as to user is to be placed against the title of the property limiting the use of the dwellings to the above people.

Clause 24 Site compatibility certificates required for certain development applications:

A Site compatibility certificate is not required as the proposed development is permissible with consent under the zoning of the site.

Part 2 Site related requirements:**Clause 26 Location and access to facilities:**

Clause 26 (1) of the SEPP HS states that the consent authority must not consent to a development application unless the consent authority is satisfied, by written evidence that residents of the proposed development will have access to shops, bank service providers and other retail and commercial services, community services and recreational facilities and the practice of a general medical practitioner.

Clauses 2(a) & (b) & 3 require access to:

- (a) *facilities and services to be located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
 - (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*

- (b) *in the case of a proposed development on land in a local government area within the Sydney Statistical Division there is a public transport service available to the residents who will occupy the proposed development:*
 - (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
 - (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*

ITEM 3 (continued)

- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*
- (3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:*

 - (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

The nearest facilities and services to this site would be located at the shops along Victoria Road, Gladesville. Whilst there are shops within 400m from the site, not all of the facilities such as a general medical practitioner is located within 400m so the development must rely on public transport to access all the facilities and services required.

The site is well served by public transport, with bus services running along Victoria Road, see Figure 3 below. Bus services include M52, X00, X1S, X18, 500, 507, 510, 515, 518, 520, and 536, linking the site to the inner west, northern suburbs and Wynyard. A bus stop is located along both directions of Victoria Road, to the east the site. The bus stops are located approximately 5 minutes walking distance from the site.

ITEM 3 (continued)



• Subject site
Figure 11: Bus Route map.

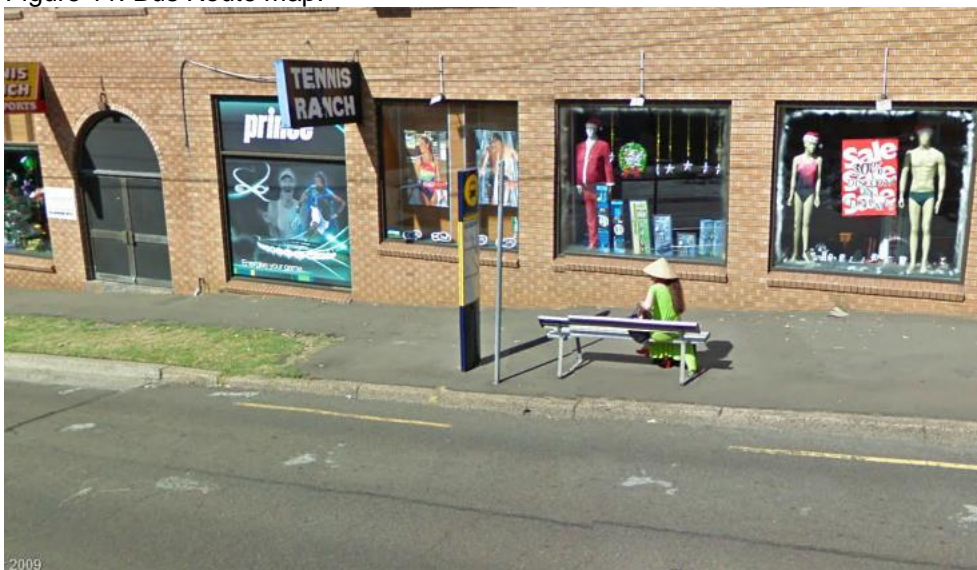


Figure 12: Bus stop located outside at 103 Victoria Road.

Site inspection of the locality confirmed that the nearest bus stop located Victoria Road (103 Victoria Road) is approximately 70m away hence the site is within 400 metres of a bus stop. The relevant bus service is Bus M52 to Top Ryde Shopping Centre. The development meets the criteria for at least one bus between 8am to 12pm and between 12pm to 6pm Monday to Friday, inclusive.

The development satisfies the provisions of Clause 26.

ITEM 3 (continued)Clause 27 Bush Fire prone land:

This clause is not applicable as the site is not located on bush fire prone land.

Clause 28 Water & Sewer

Council must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage. The applicant has advised that the subject site is located in a built up area where water and sewerage systems are readily available. Condition 73 has been imposed requiring a Section 73 Compliance Certificate under the Sydney Water Act 1994 be obtained from Sydney Water Corporation prior to occupation of the development. The development satisfies the requirements of this clause.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This clause requires Council to take into consideration the criteria referred in clause 25(5)(b)(i), (iii) and (v) if a site compatibility certificate is not required under clause 24 of the SEPP.

The matters to be considered under Clause 25 (5) (b) (i), (iii) & (v) are:

25 (5) (b) *the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:*

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

The subject site is not affected by any site constraints such as heritage, flooding or subsidence. In addition the development does not contain any significant vegetation. The site is within a residential zone with adjoining properties being used for residential purposes. The subject site also contains an existing church – St Andrews Greek Church and a car parking area, which is incorporated into the use of the residential care facility. The seniors housing development will be compatible with the predominant residential developments and the immediate area.

ITEM 3 (continued)

The development proposes a new three storey RCF building located in a landscaped setting. Adjoining to the south is 9-13 Pearson Street which contains a three storey residential flat building with other three storey residential flat buildings located further down Pearson Street.

Therefore, in terms of height, bulk and scale, built form and character the proposed development is compatible with the surrounding area. Furthermore, services and facilities are available and accessible to meet the requirements of the residents, as assessed under Clause 26.

The development satisfies the requirements of Clause 25(5)(b)(i)(iii) and (iv).

Part 3 Design requirements

Under this Part of SEPP HS, a consent authority must not consent to a development application unless the consent authority is satisfied the proposed development provides a site analysis as well as adequate regard being given to the design principles set out in Division 2. These matters are addressed in the following table.

SEPP Provisions	Assessment	Comply
Clause 30 - Site Analysis: A Site Analysis Diagram is required.	The submitted architectural drawings include a Site Analysis drawing.	Yes
<p>Clause 33 Neighbourhood amenity & Streetscape:</p> <p>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</p> <p>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</p> <p>c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building</p>	<p>The proposed development has been designed to be compatible with the visual character of the area. The predominant form of development in the area is either single storey or two storeys dwellings or residential flat buildings. Directly opposite in Pearson Street is a two storey commercial building.</p>  <p>Two storey commercial building opposite. The development is for a three storey residential care facility which has a bulk and scale similar to a residential flat building.</p>	Yes

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>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>The building is within a landscaped setting.</p>  <p>9-13 Pearson Street.</p>  <p>Other residential flat buildings located further south of Pearson Street.</p> <p>Along Pearson Street the building is setback 8.5m from the street, in line with the adjoining southern property (9-13 Pearson Street).</p> <p>The proposed development has been designed to be compatible with the visual character and environmental amenity of the existing and future surrounding land uses. The site is not within any conservation area, provides adequate front and side setbacks (4.2m and 3m setback along the northern and southern side boundaries, respectively and 8.5m from the front boundary). The building complies with the height control with the bulk and scale of the development not too dissimilar to the adjoining residential flat building to the south.</p>	

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
	<p>No major trees exist on site however it is proposed to provide planting around the site. The proposed landscaping will assist in softening the appearance of the development as well as ensuring suitable amenity for the streetscape and residents.</p> <p>The site is not located in a riparian zone.</p>	
<p>Clause 34 Visual and acoustic privacy:</p> <p>The development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, &</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The RCF has been designed with the majority of high use living areas on the ground floor adjacent to the northern courtyard and setback 4.2m from the boundary. Only bedrooms and bathrooms are located on the upper levels. No main living area windows will face the adjoining residential flat building. The upper most level along the southern elevation is well setback from the southern boundary (7.3m) which will reduce bulk and scale as well minimise any potential for overlooking.</p> <p>The bedrooms are located away from any driveways and parking area.</p>	<p>Yes</p>
<p>Clause 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,</p>	<p>At 9am, the proposal will cast minor additional shadow over the rear open spaces of 9-13 Pearson Street & 22 Wharf Road however the rear open spaces of these properties receive sunlight during the midday and afternoon hours.</p> <p>The proposal will cast shadow over the first floor north facing windows and balcony of 9-13 Pearson Street. These windows have almost full sun throughout the remainder of the day.</p> <p>At 12noon, the proposal will cast some minor additional shadow over the northern side setback of the property to the south.</p>	<p>Yes</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>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>However, new solar access is created in the front setback of this property. Additional shadow is cast over the ground floor windows of 9-13 Pearson Street however, some sunlight will still penetrate these windows and the remainder of the north facing windows of this building between 1pm and 2pm.</p> <p>At 3pm, additional shadow is cast over the northern side and front yard of 9-13 Pearson Street however the majority of the front yard will receive almost full sun during the morning and midday hours.</p> <p>The north facing ground floor balconies/windows of 9-13 Pearson Street will have their sunlight impacted upon. However, the front ground balcony area will receive sunlight at 9am with the north facing windows receiving sunlight to a portion of the windows at 12noon and 1pm. Given the orientation of the lots (east-west) over shadowing to the ground floor balconies and windows is unavoidable. Currently the existing vegetation on the site overshadow the ground floor north facing balconies and the proposal has been setback 3m from the side boundary with an indented upper floor level and side courtyard to minimise overshadowing impact.</p>	

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
<p>Clause 36 Stormwater:</p> <p>The proposed development should: (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths & minimising paved areas, & (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposed development has been assessed by Council's Development Engineer. As part of the drainage plan the development provides on site stormwater detention and rainwater tanks. The drainage plan is in accordance with Council's requirements.</p>	<p>Yes</p>
<p>Clause 37 Crime prevention:</p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling & general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, &</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be</p>	<p>The design of the development has provided for the security of the residents and visitors. Secured pedestrian and vehicles entries are proposed and conditions will be provided to ensure that adequate lighting and security systems are in place. See conditions 39 & 40.</p>	<p>Yes</p>

ITEM 3 (continued)

SEPP Provisions	Assessment	Comply
locked, & (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.		
Clause 38 Accessibility: The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	A detailed access report has been submitted which confirms that the development provides a continuous accessible path of travel through the development and to public transport services and local facilities. The recommendations contained in the Access Report by Morris Goding are associated with detailed design. Condition 42 has been imposed for the recommendations contained in the Access Report to be complied.	Yes
Clause 39 Waste management: The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities	Garbage and recycling bins will be provided and are able to be stored on site. A Waste Management Plan has been submitted detailing reuse/recycling and disposal of building material.	Yes

Part 4 – Development Standards to be complied with.
Clause 40 Development Standards – minimum sizes and building height

A consent authority must not consent to a development application unless the proposed development complies with the standards specified in this clause. These standards relate to site size, site frontage and height in zones where residential flat buildings are not permitted.

ITEM 3 (continued)

The clause also specifies that the standards in relation to site size, site frontage and the height of buildings in the rear portion of the site are not applicable to any development application made by the Department of Housing or any other Social Housing Provider. For the purposes of the SEPP HS, a Social Housing Provider means any of the following:

- (a) the NSW Land and Housing Corporation
- (b) The Department of Housing
- (c) A community housing organisation registered with the Office of Community Housing of the Department of Housing
- (d) The Aboriginal Housing Office
- (e) A registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*
- (f) The Department of Ageing, Disability and Home Care
- (g) A local government authority that provides affordable housing
- (h) A not for profit organisation that is a direct provider of rental housing to tenants.

In this instance, the development application has been made on behalf of Estia Foundation, which is Christian based non-profit organisation and offer a not-for-profit accommodation for disabled persons through its respite programmes.

Estia Foundation has submitted a letter stating:

Estia Foundation of Australia is a not for profit organization that is a direct provider for rental housing to people with intellectual and physical disabilities. The Estia Foundation is under the auspices of the Greek Orthodox Archdiocese of Australia and is funded by the Department of Ageing, Disability and Home Care (ADHC).

Accordingly Estia Foundation falls within subclause (h). As such the above requirements are not applicable to the development, nevertheless the proposal complies with the standards as shown below:

SEPP Provisions	Assessment	Comply
(2) Site size: Min 1,000m ²	Site area = 2019m ²	Yes
(3) Site frontage: Min 20m	Frontage of 23.775m to Pearson Street	Yes
(4) Height in zones where residential flat building are not permitted. If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of the all building is the proposed development must be 8m or less	Residential Flat buildings are permitted in the zone.	N/a

ITEM 3 (continued)**Division 2 Residential care facilities – standards concerning accessibility and useability.**

Note: Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. Relevant standards are contained in the Commonwealth aged care accreditation standards and the Building Code of Australia.

An Access report has been submitted with the application which states:

The development has been reviewed to ensure that ingress and egress, paths of travel, circulation areas, lifts, sole occupancy units, car parking and toilets comply with relevant statutory guidelines. In general, the development has accessible paths of travel that are continuous throughout. In line with the report's recommendations, the proposed development has demonstrated an appropriate degree of accessibility. The Development Application drawings indicate that compliance with statutory requirements, pertaining to site access, common area access, accessible parking and accessible sanitary facilities, can be readily achieved.

Condition 43 has been imposed to ensure that the RCF complies with the Commonwealth Aged Care Accreditation Standards.

Part 5 – Development on land adjoining land zoned primarily for urban purposes.**Clause 48 Standards that cannot be used to refuse development consent for residential care facilities**

A consent authority must not refuse consent to a development application made pursuant to this Chapter to carry out development for the purpose of a residential care facility on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or

Comment:

The proposal is three storeys being a maximum of 11.5m in height, therefore is greater than 8m. The above clause states that Council cannot refuse the application if the proposal is 8m or less. The clause does not impose a maximum height and Council can support an application in excess of 8m based on merit assessment.

In this instance the proposed height is supported as the height control under RLEP 2010 and the draft RLEP 2013 is 11.5m. The top of the building, including the lift overrun is 11.5m, which complies with the maximum height permissible. The adjoining southern property at 9-13 Pearson Street is a three storey residential flat building with basement parking, with other three storey residential flat buildings

ITEM 3 (continued)

located further south in Pearson Street. Therefore the three storey built form is consistent with the height of development along Pearson Street and in the surrounding area and would not be out of character in terms of bulk and scale.

- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less

Comment:

The proposed FSR is 0.79:1 which complies with the SEPP requirement.

- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided

Comment:

The proposal has 10 beds as such 250m² of landscaped area is required. The proposal has 271m².

- (d) **parking for residents and visitors:** if at least the following is provided:
- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
 - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
 - (iii) 1 parking space suitable for an ambulance.

Comment:

The proposal has ten beds and four staff at any one time, as such would require a total of four car spaces comprising of one space for residents, two spaces for staff and one ambulance space.

The proposal provides six basement car parking spaces and one ambulance bay in the church car park.

State Environmental Planning Policy No. 55 – Remediation of Land

No information has been provided to Council regarding the past uses undertaken on the site. However, it is noted that the subject site is currently used for residential purposes and as such, is unlikely to be contaminated.

It is noted that the existing building (to be demolished) is of an age where asbestos is common. Appropriate conditions have been imposed for the safe demolition and disposal of material. (See Condition numbers 28 & 29)

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

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared which provides the development with a satisfactory target rating.

Any approval would include an appropriate condition that would require compliance with the BASIX commitments detailed within the Certificate. (See Condition number 3).

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

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

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

(a) Ryde Local Environmental Plan**Zoning**

The site is zoned R4 High Density Residential under the provisions of the above LEP. The development is defined as “residential care facility” which is permitted with consent within the R4 zoning.

The existing church at 20 Wharf Road is defined as a place of public worship, which is permitted with consent within the R4 zoning. The use of offices within the RCF for church administration is ancillary to the church with the RCF owned by the church.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the R4 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

ITEM 3 (continued)

- *To allow higher density development around transport nodes and commercial and retail centres.*
- *To allow for revitalisation and redevelopment of residential areas while ensuring that building design does not adversely affect the amenity of the locality.*

The development is considered to satisfy these objectives. It will provide housing for a particular element of the community. The development has been designed to ensure that the height of the building will not exceed the controls that are specified in RLEP 2010 for the R4 zoning. The development is consistent with the predominant high density nature of the area and is not considered to adversely impact on the amenity of the locality.

Mandatory RequirementsClause 4.3 Height of Buildings

The height of a building on any land is not to exceed the maximum height of 11.5m.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to 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 top of the building, including the lift overrun is 11.5m, which complies with the maximum height permissible.

Clause 4.4 (2):Floor Space ratio – floor space ratio

Clause 4.4(2) of RLEP states that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown on the FSR map. The maximum floor space allowed for the site is 0.75:1.

The gross floor area of the whole site, including the existing church is 1596m², which based on the total site area for the four allotments being 2019.2m², will result in a FSR of 0.79:1.

The applicant has lodged a written request under Clause 4.6 to justify the variation to the floor space ratio standard.

Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2010 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the

ITEM 3 (continued)

circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard in Appendix B of the Statement of Environmental Effects prepared by GSA Planning.

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

The reasons given by the applicant as to why compliance with the standard is unreasonable or unnecessary are:

Strict compliance with the FSR standard would result in two unreasonable and unnecessary scenarios. Scenario one would involve the removal of a significant portion of the proposal, which would detrimentally impact on the public benefit of providing permanent accommodation for young adults with a disability and relieving pressure on parents and carers. This would be unreasonable considering the proposal complies with the key envelope controls for height and number of storeys. The proposal also complies with the FSR under SEPP Seniors and complies with the exception of the Church. However, the Church is integral to the development. Scenario two would involve annexation of the Church and the car park from the proposal. This would result in the site not satisfying the minimum lot size standards and would also impact on the proposal's ability to provide a second access, visitor parking and ambulance parking.

Strict compliance would undermine the objectives of the integrated design philosophy.

Accordingly, it is considered that strict compliance with the FSR control would be unnecessary and unreasonable in the circumstances of the case.

The non-compliance with the FSR standard is considered unlikely to have any significant adverse effect on adjoining or surrounding properties. Strict compliance with the standard would not benefit or make a difference to the amenity of adjoining or surrounding properties and would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and the objectives of the Act.

ITEM 3 (continued)Comment:

The above justifications could be supported by Council. The non-compliance in floor space is due to the inclusion of the church site into the development. The existing church is a two storey building and there will be no physical change to the approved church itself.

The development is consistent with the objectives of the floor space standard in that the development will not physically change the existing bulk of the church as viewed from Wharf Road and will provide housing needs for the community. The development when viewed from Pearson Street is consistent with the bulk and scale along Pearson and is not considered to significantly alter the character of the area or the streetscape.

The reasons given are considered to be well founded and justified. In this instance, compliance with the development standard would be unreasonable and unnecessary.

3. Environmental grounds to justifying contravening the development standard.

The environmental grounds given by the applicant for the variation is as above and can be summarised as follows: the variation is due to the church site however no changes are proposed to the church building as such the proposal will have no environmental impact in terms of bulk and scale when viewed from Wharf Road. When viewed from Pearson Street, the new RCF building will be consistent with the adjoining three storey residential flat building. Therefore, despite the breach of the control, the development is not considered to result in unacceptable impacts on the environment.

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

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

The objectives of the Floor space ratio clause are:

(a) *To provide effective control over the bulk of future development*

Comment:

The proposal exceeds the FSR standard as a result of the inclusion of the church site in the proposal. If the church building were to be excluded from the proposal, the proposal would comply with the FSR control however the church and the RCF are to be integrated and residents will have access to the Church services and activities. It should be noted that the church is an existing structure with no works proposed to the

ITEM 3 (continued)

church and will not result in any additional amenity impacts on adjoining development.

The proposal complies with the LEP height standard and the FSR allowed under SEPP Seniors. This ensures that the bulk and scale of the development is appropriate for the site and the locality. The proposed building has been designed and sited to ensure that there are no amenity impacts on adjoining properties.

(b) To allow appropriate levels of development for specific areas

Comment:

The site is located in a R4 zone and the proposal is a permissible use with consent. The zone encourages the provision of housing to meet the needs of the community within a high density residential environment. The proposal provides a three storey residential care facility for young adults with a disability.

The proposal provides basement car parking to reduce the bulk and scale of development. The proposed three storey built form is consistent with the built form and scale of development along Pearson Street and in the surrounding area. As the Church is existing and the new building is considerably set back from Wharf Road, there are not likely to be any streetscape impacts on Wharf Road.

The proposal is consistent with the height of the immediately adjoining residential flat building to the south. The proposal is of a size and scale that is compatible with the existing and desired scale of development in the area.

(c) To enable the consent authority to assess and respond appropriately to future infrastructure needs.

The proposal is not likely to generate a high demand for additional services, facilities and infrastructure that are not already in place. However, the proposal provides a use that is in high demand for the community.

The development is consistent with the zone objectives as well as the floor space objectives.

5. Concurrence of the Director General.

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

Conclusion

Despite the non-compliance with the FSR control, the development satisfies the criteria outlined in clause 4.6 and the variation is considered acceptable and could be supported by Council.

ITEM 3 (continued)**(d) Any draft LEPs**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2013 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 R4 High 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.

Draft LEP 2013 was adopted by Council on 12 March 2013 and is waiting gazettal by the Department of Planning and Infrastructure; as such LEP 2011 can be considered certain and imminent.

(e) Any DCP (e.g. dwelling house, villa)Part 9.3 – Car Parking:

Must be provided in accordance with State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004 (the Seniors Housing SEPP). See above discussion under Clause 48.

Section 94 Contribution Plan:

Under the provisions of a Ministerial Direction issued on 14 September 2007, Council cannot impose any Section 94 for any public amenities or public services for any development pursuant to SEPP HS made on behalf of a social housing provider. As detailed in Part 4 of SEPP HS, the development application has been made on behalf of Estia Foundation which is a non-profit organisation and falls within the definition of a social housing provider.

The General Counsel has reviewed the information provided by the Estia Foundation and agreed with this approach. Accordingly, no condition has been included requiring any Section 94 contribution.

10. Likely impacts of the Development

The predominant form of housing in this locality is three residential flat buildings or detached single dwellings. The proposal will comprise of a three storey building with side courtyard areas and top floor indented in along the southern elevation to reduce the massing and bulk of the development and to relate to the character and streetscape of the locality.

ITEM 3 (continued)

The proposal complies with the controls under the Housing Seniors SEPP, in particular the controls regarding height, floor space, density, parking, privacy and overshadowing, as such resulting in a built form that is considered to be acceptable for the site. The proposal will have minimal adverse impact on the amenity of the adjoining properties.

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. 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 proposal is considered to be in the public interest as it provides suitable housing for seniors or people with a disability, providing a need within the community. The development generally complies with the applicable controls and can be supported in this instance subject to the recommended conditions of consent.

13. Consultation – Internal and External

Internal Referrals

Development Engineer: 9 September 2013: Council's Development Engineer has reviewed the proposal and has made the following comments:

The concept drainage plan has proposed a mostly gravity fed drainage system (with exception to the pump/sump system draining the basement garage), draining to an onsite detention unit which then discharges to Pearson Street under gravity feed.

A review of the submitted plans notes the following discrepancies that could be addressed by a condition of consent;

- A 2m³ rainwater tank is required as per the BASIX certificate however has not been implemented in the submitted Stormwater Management plan. As the architectural plan has accommodated this on the western side of the new dwelling, it is a matter that could be easily be addressed by a condition of consent.*
- The shared living and dining room area on the northern side has only 50mm freeboard above the adjoining open space. Councils Stormwater DCP control specify a freeboard of 150mm. Notwithstanding that that the inlet pits are located on the high side of the site, it would be feasible to relocate the pits centrally to the courtyard area and grade the surface levels to the surface inlet, whereby a freeboard of 150mm could be provided.*

ITEM 3 (continued)

- *The consultants OSD calculations are based on Councils simplified design procedure however it appears they have overestimated the nominated areas draining to the OSD which has resulted in the OSD system having a larger PSD and SSR greater than appropriate. As the design could be easily modified to reduce the PSD and either retain the same tank dimensions or reduce them, the matter could be addressed by a condition of the consent without requiring major modifications to the proposal.*

Vehicle Access and Parking

Assessment of the development in accordance with the Australian Standard and DCP requirements in relation to vehicle access and accommodation has identified the following concerns that are addressed by conditions of consent following;

- *An ambulance bay with internal dimensions equal to a standard carspace is proposed in the existing parking area on the western side of the site, accessed from Wharf Road. Whilst there is no particular section of AS 2890 covering emergency vehicle access, the typical dimensions of an ambulance (Mercedes Sprinter) are equivalent to the B99 vehicle as specified in the AS 2890.1 standard. As this Standard bases carspace dimensions on the B85 vehicle, it expects that larger vehicles (the B99) may require several manoeuvres to enter a typical carspace. Obviously this does not present efficient access for an emergency vehicle. It is therefore appropriate that the ambulance bay be demarcated for emergency and ambulance parking only and that it widened to accommodate the swept path of a B99 vehicle so as to ensure it can be accessed efficiently in a single manoeuvre.*
- *A splay is required on the uphill (northern) side of the driveway entry as the height of the front boundary fence in this location imposes upon drivers sight distance along the footpath. As there is a pedestrian access ramp along the northern side of the driveway, this will require only a minor alteration to the front boundary to accommodate this.*
- *Spaces no. 3 and 6 will require extended manoeuvring to exit but as this is contained on the site, does not warrant concern.*

The proposed development application has been made pursuant to SEPP (Seniors For Seniors or People with a Disability) 2004 and the application satisfies the parking requirements stipulated in this legislation.

Impacts on Council Infrastructure

The site is to be accessed from a new driveway located at the southern end of the site frontage and will require the removal of some 3.8m length of angled parking (almost 2 onstreet spaces). Notwithstanding this, the works will require the removal of 2 existing driveway crossovers which could potentially be reverted to angled parking bays, which would preserve the onstreet parking capacity in the area. It is advised that this aspect be referred to Councils Public Domain section for consideration and conditions of approval.

ITEM 3 (continued)Recommendation

Assessment of the internal engineering components of the proposed development indicates that it is generally acceptable subject to the application of the following conditions of approval.

The above matters of vehicles access and parking have addressed by conditions 1(a) & (b) and 16.

Public Works: 19 September 2013: The proposal was referred to Council's Public Works Section who has advised:

The proposed carparking facility and access has been assessed and is generally in accordance with AS 2890.1-2004, however to facilitate passing and safe sight distance the driveway at the basement entry shall be widened to 6m wide as marked in red and front fencing/retaining walls etc shall be limited to a maximum height of 0.9m to facilitate safe pedestrian sight distance. This matter will be conditioned for compliance, prior to issue of Construction Certificate application.

Further, it is noted that two existing driveways will be made redundant due to the proposal however, the new proposed driveway will result in the loss of an on street carparking in Pearson Street. This however, can be compensated for by the construction of two new on street carparking space on the location of the redundant existing driveway located north of the site. This matter will also be conditioned for compliance, prior to issue of Construction Certificate application.

Condition 37(b) has been imposed requiring removal of the redundant layback and driveway crossings and its replacement with the construction of two new on street carparking space.

Comment

The matter of widening the driveway at the basement entry raised concerns about the head clearance height and would require substantial modifications to the plans which may not be warranted. Council's Development Engineer and confirmed by the Traffic Impact Report, has advised: *The traffic generation levels at the driveway access from Pearson Street are anticipated to be low given the quantity of proposed parking using this access. Due to the nature of the development, it is also unlikely there will be a concentrated peak level of traffic at any particular period of the day. Accordingly the potential for conflicting flow on this short length of driveway is expected to be low and would not warrant a 2 way driveway, which would require substantial modification of the plans.*

ITEM 3 (continued)

Therefore given the low traffic volumes (five parking bay and one loading dock) and that the chances of any conflicting flow is minimal, it is considered that the widening of the driveway is not warranted.

Environmental Health: 18 July 2013: Council's Environmental Health Officer has raised no objections to the proposal subject to conditions, which have been imposed.

Building Surveyor: 26 July 2013: Council's Building Surveyor has reviewed the proposed and has raised no objections to the proposal.

Consultant Landscape Architect: 17 September 2013: The proposal was referred to Council's Consultant Landscape Architect who has advised:

The Landscape Plan prepared by Narelle Sontar Botanica is generally acceptable and meets the requirements of the City of Ryde DCP. There are some minor amendments required which are listed below:

Pearson Street: *The nominated tree species *Tritaniopsis laurina* should have a minimum 1000mm depth of soil to thrive in the conditions provided. This would result in changes to the concrete slab thickness over the On Site Detention tanks and further input from both the civil/structural and hydraulic engineers. Potentially this could have a domino effect, as the required OSD tanks would need to be redesigned to maintain capacity, which in turn may affect the basement car parking.*

*As an alternative, we would suggest planting one single tree using a *Tritaniopsis laurina* 'Luscious' (cultivar), in each of the planter boxes (refer to sketch) maintaining a minimum soil depth of 600mm. This would provide a larger soil volume for each tree to potentially reach its mature height and spread and increase the success rate of the planting. Additionally accent planting (such as *Doryanthes excelsa*) with some additional height should be nominated for the under storey planting. If the trees fail in the future, there should be sufficient planting to maintain the 'softening' of the built form.*

Courtyard:

Ensure that the minimum depth of 900mm nominated for the planter box is maintained.

Landscaping conditions 1(c) have been imposed as required.

External Referrals

N/a

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

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

There are no other options in respect of this development application.

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 development is considered acceptable for approval. Therefore, it is recommended that the application be approved subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

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:

Document Description	Date	Plan No/Reference
Site Plan	3 August 2013	DA-1001 Issue B
Demolition Plan	3 August 2013	Da-1852 Issue B
Basement Plan	3 August 2013	DA-1101 Issue B
Ground Floor Plan	3 August 2013	DA-1102 Issue B
1 st Floor Plan	3 August 2013	DA-1103 Issue B
2 nd Floor Plan	3 August 2013	DA-1104 Issue B
Roof Plan	3 August 2013	DA-1105 Issue B
Elevations	3 August 2013	DA-1301 Issue B
Elevations	3 August 2013	DA-1302 Issue B
Sections	3 August 2013	DA-1201 Issue B
Waste Management Plan	3 August 2013	DA-1852 Issue B
Landscaping Plan	June 2013	LP.01/A

Prior to the issue of a **Construction Certificate**, the following amendments/documentation shall be made (as marked in red on the approved plans) and submitted to the Principal Certifying Authority:

- (a) To ensure vehicles exiting the property have sufficient sight distance along the footpath uphill of the site, a splay clear of structures having dimensions 2m wide on the boundary alignment by 2.5m deep, must be provided on the northern side of the driveway crossover.
- (b) The driveway ramp accessing the property from the Pearson Street frontage must be widened from the basement garage entry to the property boundary, to provide a clear 3.0m carriageway width. Upright kerb must also be implemented on both sides of the vehicle carriageway to ensure separation of the driveway surface from the pedestrian ramp on the northern side and to make provision for 300mm clearance to the wall along the southern side (as per the requirements of AS 2890.1).
- (c) The Landscaping Plan is to be amended to plant one single tree using a *Tritaniopsis laurina* 'Luscious' (cultivar), in each of the planter boxes (as marked on the Landscaping plan) and is to have a minimum soil depth of 600mm. This would provide a larger soil volume for each tree to potentially reach its mature height and spread and increase the success rate of the planting. Additionally accent planting (such as *Doryanthes excelsa*) with some additional height should be nominated for the under storey planting. The Landscaping Plan is also to ensure that 90m² of

ITEM 3 (continued)

ATTACHMENT 1

indigenous or low water use species is provided and in the courtyard area a minimum depth of 900mm for the planter box is provided.

- (d) Amend Basement Plan to change a car parking space to a loading bay, as marked in red on the approved plans.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 487789S dated 19 June 2013.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Signage.** This consent does not authorise the erection of any signs or advertising structures. 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) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

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10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **Restrictions on occupation of the development.** Only the kinds of people referred below may occupy any of the dwellings approved in this application:
 - (a) People who have a disability and
 - (b) people who live within the same household with people who have a disability.
 - (c) Staff employed to assist in the administration of and provision of services to housing provided under the SEPP (Housing for Seniors or People with a Disability) 2004.

People with a disability are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

12. **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* and relevant Development Control Plans except as amended by other conditions.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **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.
15. **Engineering Compliance Certificates.** Engineering Compliance Certificates must be obtained for the following works at the specified stage (If Council is appointed the PCA then the appropriate inspection fee is to be paid to Council) and **submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:**
 - Prior to backfilling of pipelines in which Council has an interest.
 - Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
 - Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

NOTE: Council has an interest in all pipelines which drain public reserves and public road reserves, and in all structures located within public road reserves.

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All Engineering Compliance certificates are to contain the following declarations:

- a) *This certificate is supplied in relation to <<address of property>>.*
 - b) *<<name of engineer and company >> have been responsible for the supervision of all the work nominated in (a) above.*
 - c) *I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent. I have kept a signed record of all inspections and tests undertaken during the works, and can supply the Principal Certifying Authority [PCA] with a copy of such records and test results if and when required.*
16. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890. The ambulance bay is to be clearly demarcated and signposted for emergency and ambulance parking only and is to be widened to accommodate the swept path of a B99 vehicle.
 17. **Construction of food handling areas.** The food handling areas 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*.
 18. **Exhaust hoods.** Exhaust hoods must be provided over cooking equipment where required by the Building Code of Australia, and over any dishwasher or other washing or sanitising equipment that is likely to cause steam to collect on the walls or ceiling.
 19. **Ventilation of rooms.** Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
 20. **Ventilation of carpark.** The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.
 21. **Plumbing and Drainage Work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
 22. **Grease Trap** -A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room.
 23. **Garbage and recycling cart storage area.** A storage area for garbage and recycling carts must be provided on the premises in accordance with Council's *Standard Requirements for the Construction of Garbage and Recycling Cart Storage Areas*.
Storage space must be provided for an adequate number of 240 litre garbage carts and 240 litre recycling carts.
 24. **External garbage storage areas.** External areas used for the storage of garbage must be roofed and paved with concrete graded to a grated drain connected to the sewerage system.

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A hose cock must be provided adjacent to the garbage storage area to facilitate cleaning of the containers and storage area.

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.

25. **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.
26. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
27. **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.
28. **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.
29. **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.
30. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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31. **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.

32. **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**.
33. **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).
34. **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
35. **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**.
36. **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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37. **Reinstate the loss of on street carparking.** Reinstate loss of on street carparking and restore redundant driveways access. The following works shall be completed at no cost to Council, prior to issue of Occupation Certificate
- a) Removal of the redundant layback and driveway crossing to No 7 Pearson Street and its replacement with vertical kerb and gutter and the verge area be restored with topsoil and turf.
 - b) Removal of the redundant layback and driveway crossing to No 5 Pearson Street and its replacement with the construction of two new on street carparking spaces at the same location. The construction shall be consistent with existing and shall include concrete dished to facilitate drainage conveyance and allow for smooth transition to existing works.
 - c) The relocation/adjustment of existing services where required, including the construction of any other necessary works to make the construction effective. Where services are required to be relocated/adjusted written approval shall be obtained from the applicable public authority and their requirements are to be fully complied with.
 - a) Construction of a new concrete driveway crossover fronting the approved vehicle access on Pearson Street. The driveway and layback of this new crossover is to extend out to the kerb and gutter alignment in Pearson Street. This will require the removal of brick paving and kerb return demarcating the onstreet bays, construction of a new concrete kerb return just south of the new vehicle entry point, construction of a new driveway crossover and grass verge on the extended section. The construction shall be consistent with existing, in accordance with Council specifications and all new surface levels transitioning smoothly into the existing adjoining sections.

Detailed engineering plans prepared by a chartered civil engineer shall be submitted to Council for approval, **prior to issue of Construction Certificate**. Engineering plans assessment and work inspection fees in accordance with Council's Management Plan are payable, prior to written approval being provided by Council.

38. **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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39. **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. The pathway lighting must provide at least 20lux at ground level. The lighting system for the pathways must be on a sensor system.
40. **Security System.** Security systems such as surveillance cameras and intercom systems are to be installed and are to utilise digital or video technology to record images from the cameras. The cameras and intercom system are to be installed in and around the building entrance to maximise surveillance and control access. Any surveillance systems should be manufactured and installed by a qualified/reputable installer and regularly function tested. Surveillance equipment should meet the requirements of the Privacy legislation.
41. **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**.
42. **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**.
43. **Disabled Access.** The development is required to comply with the recommendations contained in each of the headings contained in the Access Report prepared by Morris Goding Accessibility Consultant dated 8 August 2013. Details demonstrating compliance with the recommendations are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
44. **Standards for the Residential Care Facility.** The Residential Care Facility is to comply with the Commonwealth Aged Care Accreditation Standards for accessibility and useability and the requirements contained in the **Aged Care Act 1997** of the Commonwealth for Residential Care Facilities. A report from a suitably qualified access consultant is to be submitted with the Construction Certificate demonstrating that the development can comply with the relevant Australian Standard as contained in the Aged Care Act 1997.
45. **Tree Protection.** A Tree Protection Plan (TPP) is to be provided for the Construction Certificate phase. In accordance with AS4970 the Tree Protection Plan is to be of an appropriate scale and include:
- Survey accurate location of existing tree to be retained (spot level at base).
 - Canopy spread.
 - Structural root zone (SRZ).
 - Tree Protection Zone (TPZ).
 - Tree Protection fencing / signage (+ details).
 - Ground protection (+ details).
 - Existing ground levels and proposed finished levels.

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- Details of any modification to existing soil levels associated with the construction of the driveway and built works within the TPZ.
- A detailed tree protection specification.

The tree protection plan should also include a logical sequence of hold points for the various development stages including pre construction, construction and post construction.

46. **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 and implementation of the tree protection measures as identified in the Arboricultural Impact Assessment Report by Footprint Green. The Arborist engaged to oversee the work is to have AQF Level 5 qualifications.
47. **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.
48. **Stormwater Management.** To ensure that stormwater runoff from the development is in undertaken manner and without impact to neighbouring properties, detailed stormwater management plans and certification of the stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to Council's kerb and gutter in Pearson Street, generally in accordance with the plans by Whipps Wood Consulting Engineers (Refer to Project No. 2013-0134 Dwgs HDA01-HDA09 Rev P2 dated 18 June 2013), subject to the following amendments;

- A rainwater tank having a storage volume and operation complying with the BASIX certificate requirements for the site is to be implemented in the drainage system.
- All finished surface levels in the courtyard on the northern side of the site must be grade to the surface inlet pits and a minimum freeboard of 150mm must be attained between the surface level of the pit inlets and the adjoining habitable levels.
- The OSD storage volume and discharge rate must be refined appropriately for the areas draining to the facility and to be in accordance with the simplified design procedure outlined in the Ryde Stormwater Management DCP 2010. To this end, the consultant must provide documentation detailing the impervious and pervious area draining to the facility and corresponding OSD calculation sheet complying with the Council's DCP.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;

- The certification must state that the submitted design (including all components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).

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- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a total site discharge during the 100yr ARI storm event equivalent to *the permissible site discharge and site storage requirement as determined by the simplified method outlined in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual)*.

49. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) shall be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP must be in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by NSW Department – Office of Environment and Heritage and must contain the following information;

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

This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

50. **Details of all food handling areas** - Details of all food handling areas must be submitted to and approved by Council or an accredited private certifier before the issue of a **Construction Certificate**. Such details must include:

1. the layout and use of each room or area;
2. the construction and finishes of all floors, walls and ceilings; and
3. the location and details of all fixtures, fitting and equipment (including the method of installation).

51. **Details of any proposed mechanical ventilation systems** -Details of any proposed mechanical ventilation 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

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- (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.

52. 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.

53. 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.

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

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

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

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55. 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.

56. 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.

57. Implementation of Sediment and Erosion Control. The applicant shall install sediment and erosion control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual *“Managing Urban Stormwater: Soils and Construction”* by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

58. Traffic Management. Any traffic management procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

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.

60. 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*.

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61. **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.
62. **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.
63. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
64. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (c) Fill is allowed under this consent;
 - (d) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (e) the material is reused only to the extent that fill is allowed by the consent.
65. **Construction materials.** All materials associated with construction must be retained within the site.
66. **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.
67. **Site maintenance**
The applicant must ensure that:
- (f) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (g) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (h) the site is clear of waste and debris at the completion of the works.
68. **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".
69. **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.
70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

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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 487789S dated 19 June 2013.
72. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
73. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

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

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

74. **On street car parking.** The reinstatement of on street car parking, as required by Condition 37 of this consent is to be completed to Council’s satisfaction prior to the issue of any Occupation Certificate.
75. **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. The letterboxes are to be lockable.

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76. **Disabled Assess.** Prior to the issue of any Occupation Certificate, a suitably qualified access consultant is to certify that the development complies with Australian Standard AS1428 *Design for Access and Mobility*, AS4299 *Adaptable Housing* and the Building Code of Australia.
77. **Registration of Restriction to User:** Written evidence to be submitted to Council prior to the issue of any Interim/Final Occupation Certificate showing that the Restriction to User (Restricting the kind of persons that may occupy any of the dwellings approved in this application as per condition 11 of this consent) has been registered against the title of the property.
78. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council, as per condition 70 above.
79. **Stormwater Management - Work-as-Executed (WAE) Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
80. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, RYDE.
81. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development by the owner of the site. The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate.
82. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate;
- Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 2010*.
 - Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the

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City of Ryde - Development Control Plan 2010: - Part 8.2; Stormwater Management and will function in accordance with the requirements of all conditions of consent relating to the discharge of stormwater from the site.

- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management ".
- Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and the City of Ryde, Development: Control Plan 2010: - Part 8.1; Construction Activities.

83. Certifying of mechanical ventilation systems -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**.

84. Trade Waste Permit -The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.

85. Inspection of fitout work by Council -Council's Environmental Health Officer must inspect and approve the completed fit-out before the issue of an **Occupation Certificate**.

86. Registration of premises –The operator of the business must register the premises with Council's Environmental Health Unit before trading.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8271.

OPERATIONAL REQUIREMENTS

87. Delivery and loading/unloading – location. All loading and unloading in relation to the use of the premises shall take place wholly within the property with access from Pearson Street. No delivery of goods are to occur from the Wharf Road access.

88. Notification of business details. 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.

89. Storage and disposal of wastes. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

ITEM 3 (continued)

ATTACHMENT 1


90. **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*.
91. **Noise and vibration from plant and equipment.** The operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
92. **Air Pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
93. **Water Pollution.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system

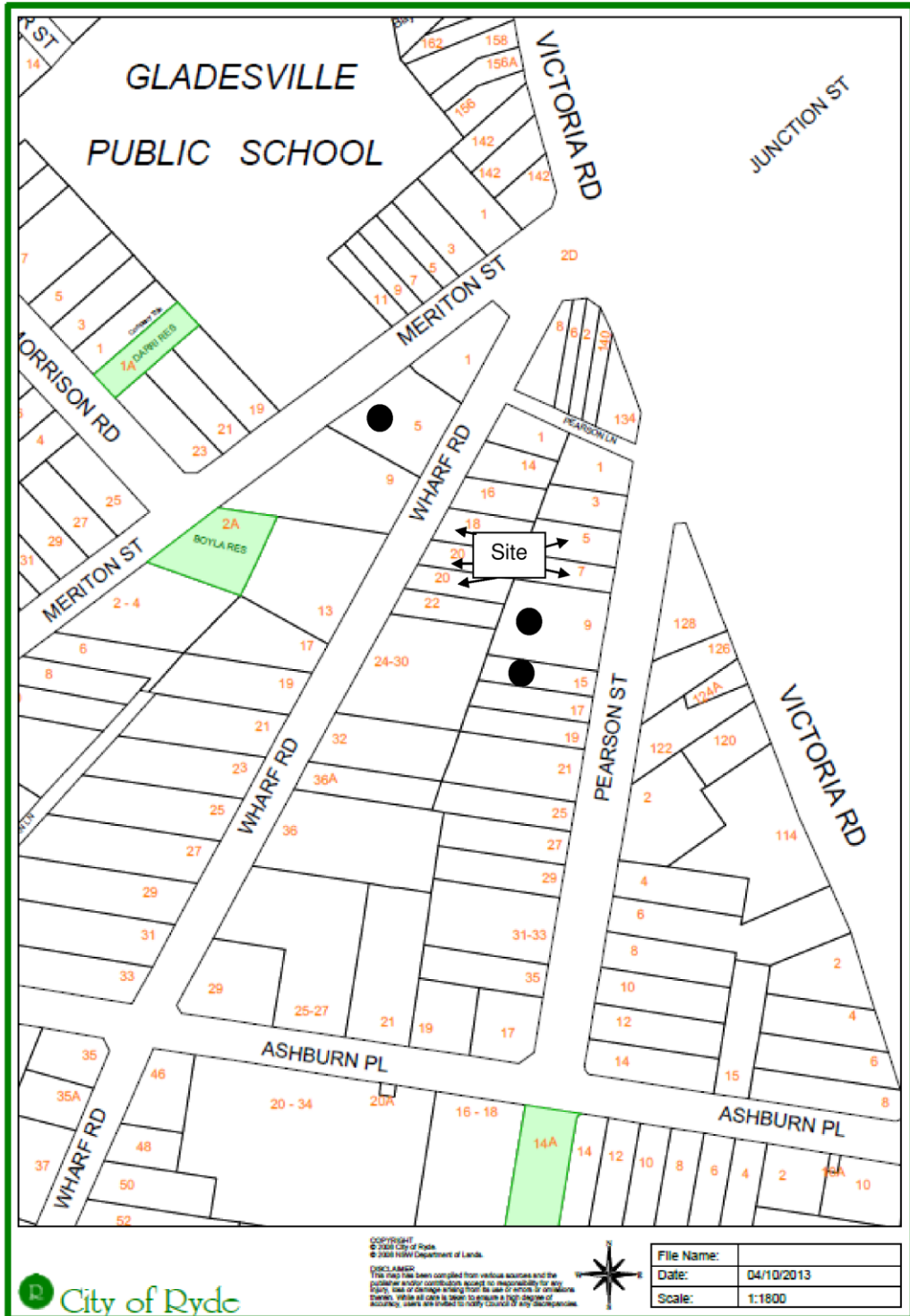
ADVISORY NOTES

94. **Health inspection** – Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.
- The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.
95. **Trans fats** -To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.

ITEM 3 (continued)

ATTACHMENT 2

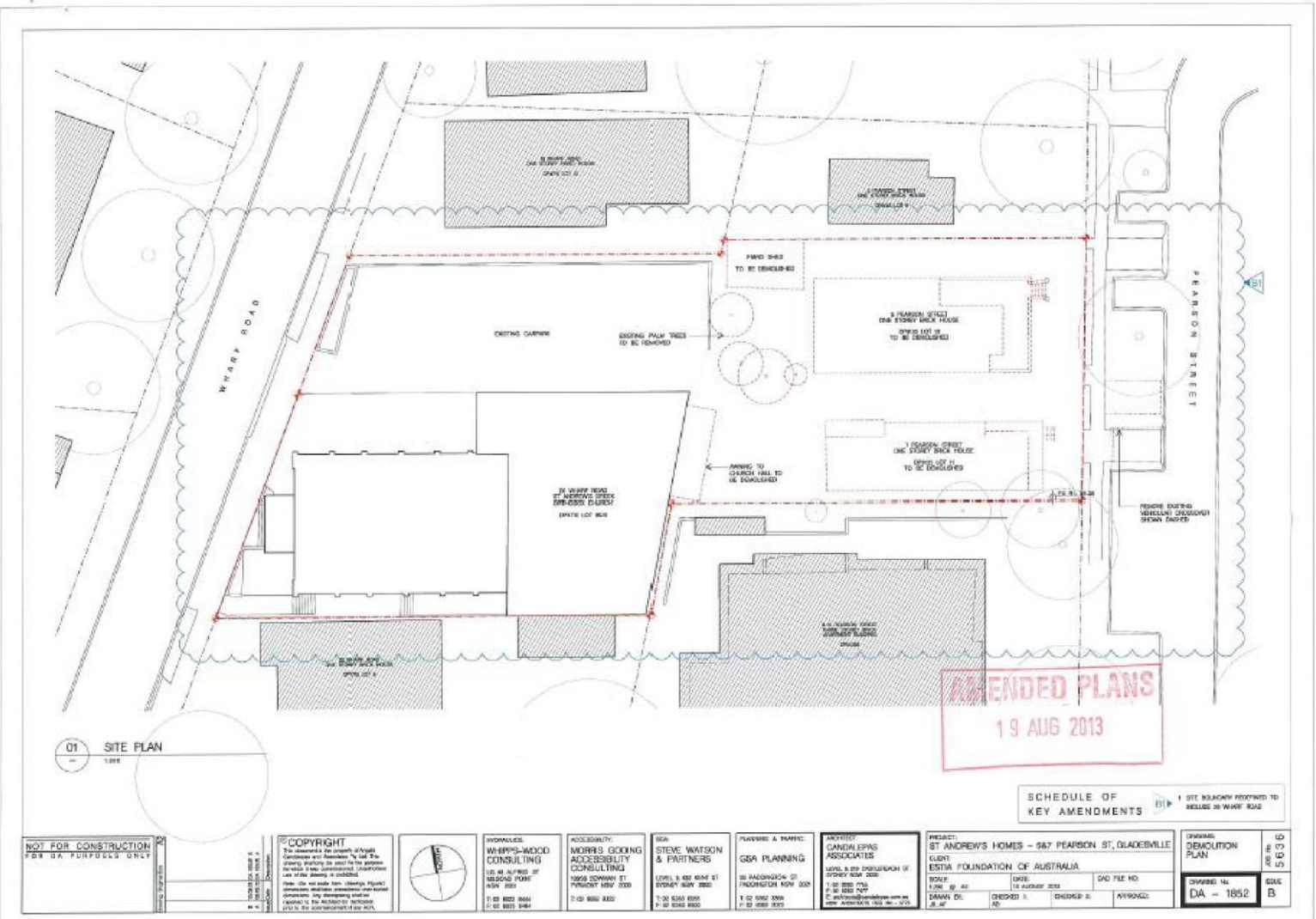
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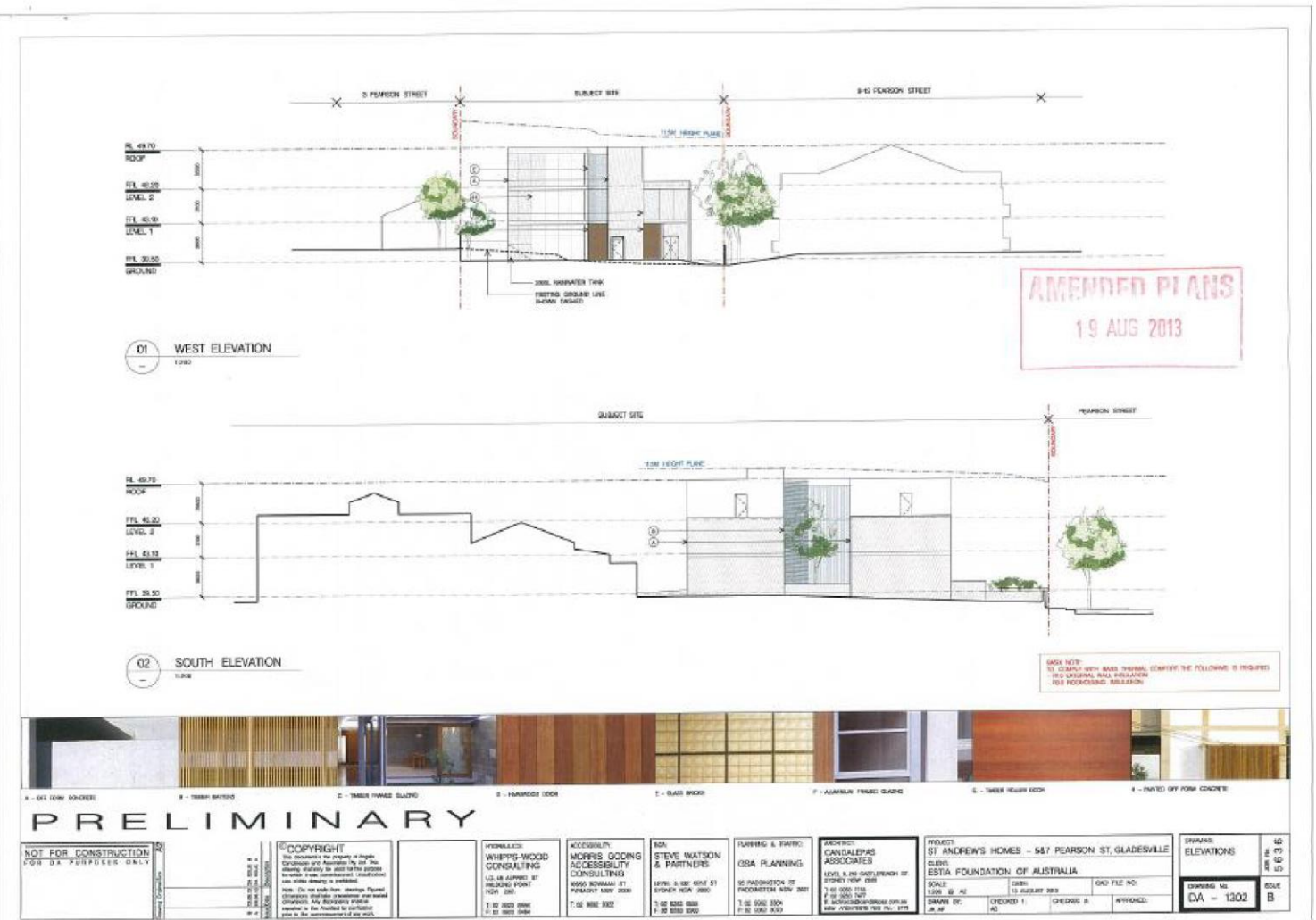
ITEM 3 (continued)

ATTACHMENT 3



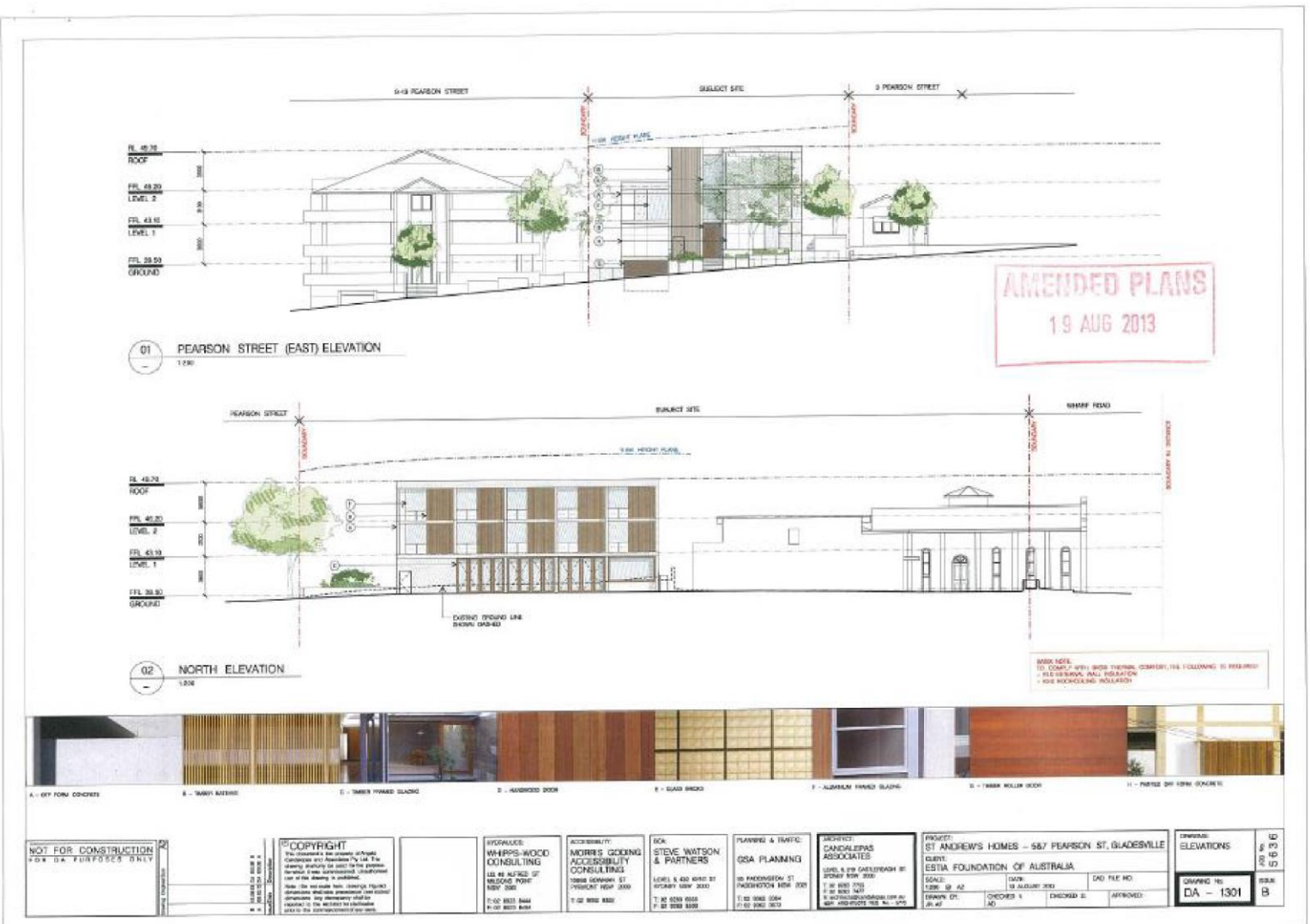
ITEM 3 (continued)

ATTACHMENT 3



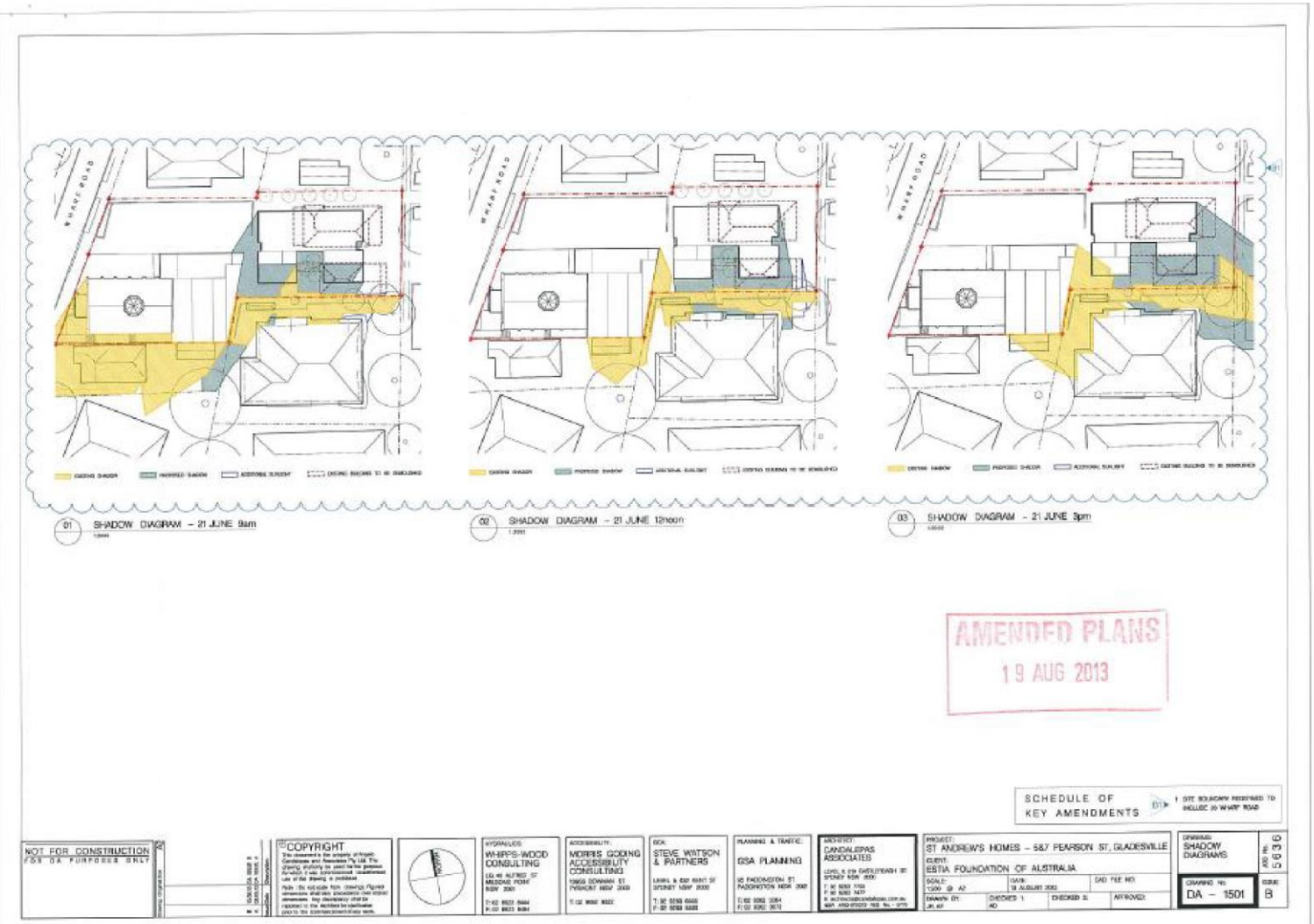
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3

