

Meeting Date: Tuesday 14 February 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2016

Report prepared by: Senior Coordinator - Governance

File No.: CLM/16/1/3/2 - BP16/1571

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 10/16, held on 6 December 2016, be confirmed.

ATTACHMENTS

1 Minutes - Planning and Environment Committee Meeting - 6 December 2016

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 10/16**

Meeting Date: Tuesday 6 December 2016
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

Councillors Present: Councillors Etmekdjian (Chairperson), Laxale, Pendleton and Stott.

Apologies: Councillor Yedelian OAM.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Note: In the absence of Councillor Yedelian OAM, the Deputy Chairperson – Councillor Etmekdjian chaired the meeting.

Note: Councillor Laxale arrived at the meeting at 5.55pm and was not present for voting on Items 1, 2, 3, 4 and 6.

Staff Present: Acting General Manager, Acting Director – City Strategy and Planning, Manager – Environment, Health and Building, Acting Manager – Strategic City, Acting Manager – Assessment, Senior Coordinator – Traffic Transport and Development, Senior Coordinator – Development Assessment, Senior Coordinator – Environment, Senior Town Planner, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 8 November 2016

Note: Councillor Laxale was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

That the Minutes of the Planning and Environment Committee 9/16, held on 8 November 2016, be confirmed.

ITEM 1 (continued)

ATTACHMENT 1

Record of the Voting:

For the Motion: Unanimous

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

- 2 459-461 AND 495 VICTORIA ROAD, GLADESVILLE. LOT 300 DP 1194688 AND LOT 2 DP1008105. Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition and construction and fitout of a Bunnings Warehouse, bulky goods Homemakers Centre and construction of a child care centre. LDA2015/0214. Section 96 No. MOD2016/0056.**

Note: Councillor Laxale was not present for consideration or voting on this Item.

Note: Richard Williams (objector), Ricky Colussi (objector representing G&A and E&A Colussi), Chris Kearney and David Kettle from DFP Planning (representing Bunnings Properties Pty Ltd) addressed the meeting in relation to this Item.

Note: An email from Bruce Wilson, Ray Dresdner and Ricky Colussi dated 5 December 2016 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Stott and Etmekdjian)

- (a) That the Section 96 application No. MOD2016/0056 to modify Local Development Application No. LDA2015/0214 at 461-495 Victoria Road, Gladesville being LOT 300 DP 1194688 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**), with an amendment to Condition 6 as follows:-

6. Trial full Closure – Review. *The trial full closure of College Street, in accordance with conditions 4 and 5, shall be reviewed after 12 months of operation of the Stage 2 Tennyson Road intersection (per Dwg No. 043, Amd No. C, dated 11.02.16) and the results reported back to Council at that time. The applicant shall cover the full cost of the traffic review, surveys and any supporting technical studies.*

The report detailing the outcome of the review shall be provided by the applicant and submitted to and approved by Council and RMS for the implementation of the preferred treatment of College Street. All alterations and/or formalisation of College Street shall be undertaken by the applicant at no cost to Council.

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

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of the Voting:

For the Motion: Councillors Etmekdjian and Stott

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **13 DECEMBER 2016** as dissenting votes were recorded.

**3 136A CRESSY ROAD, EAST RYDE – LOT 91 DP 579412. Section 96(1A)
Application to modify consent for approved multi-dwelling housing
development. LDA2013/352 (MOD2015/94).**

Note: Councillor Laxale was not present for consideration or voting on this Item.

Note: Georgina Child (objector) and Gerda Rugholm addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

(a) That MOD2015/0094 to LDA2013/0352 at No.136A Cressy Road, East Ryde being LOT 91 in DP 579412 be **approved** in the following manner:

1. **Condition 1** is deleted and replaced with:

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	22.07.2016	Job No. 14Cre163aM, Sheet 1/2, Issue D prepared by Old for New Pty Ltd
Floor Plans, Elevations and Section	22.07.2016	Job No. 14Cre163aM, Sheet 2/2, Issue D prepared by Old for New Pty Ltd
Stormwater Plans	05.08.2013	Job No. SW-136A CRESSY, Sheet 1 & 2 prepared by M.M/ Farah Civil/Structural Pty Ltd

Prior to the issue of a **Construction Certificate**, the following amendments shall be made:

(a) **Fencing.** The proposed flood proof (drop) fencing to the south-western boundary and to the rear of the Unit 3 private open space area which crosses Kitty's Creek is to be deleted. In addition, the bottom half of the proposed timber paling fence to continue along the boundary at the rear of Unit 2, and then return into the property is to be designed to ensure the conveyance of floodwater.

ITEM 1 (continued)

ATTACHMENT 1

- (b) **Landscaping Plan.** A new Landscaping Plan is to be submitted to comply with the following requirements:
- (i) The landscape plan should be prepared by a suitably qualified Landscape Architect or Landscape Designer;
 - (ii) The landscape scheme is to be of a high quality and amenity that appropriately considers the unique urban bushland setting of the site including the riparian zone of Kitty's Creek. This is to include a more informed species selection which responds to the surrounding landscape character. Reference should be made to the Ryde Council website for further information in terms of species selection;
 - (iii) Compliance with the following requirements of the NSW Rural Fire Service:
 - Suitable impervious areas are to be provided immediately adjacent to the surrounding building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (ie. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species, consideration needs to be given to the estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas ;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas, and materials such as garden furniture away from the building;
 - Use of low flammability vegetation species;

The new Landscaping Plan complying with the above requirements shall be submitted to and approved by Council prior to approval of the **Construction Certificate**.

ITEM 1 (continued)

ATTACHMENT 1

2. **Condition 2** is deleted and replaced with the following:

- **NSW Office of Water – General Terms of Approval.** Full compliance with all of the conditions listed in the General Terms of Approval issued by the NSW Office of Water in relation to this development (Reference No 10 ERM2013/0836 – dated 16 September 2015) is required – refer to copy attached to this letter.

3. **Condition 4** is deleted and replaced with the following:

- **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.

4. **Condition 35** is deleted and replaced with the following:

- **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's 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 Kitty's Creek, generally in accordance with the plans by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) subject to the following variation(s);

- The proposed outflow is to be designed and constructed in accordance with the DCP, Part 8.2 (Stormwater and Floodplain Management – Technical Manual), Section 1.3.3 and the requirements of the Office of Water.

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 any associated 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).
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

ITEM 1 (continued)

ATTACHMENT 1

- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a permissible site discharge and site storage requirement as determined by the simplified method specified in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual).
5. **Condition 36** is deleted.
6. **Condition 42** is deleted and replaced with the following:
- **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) submitted in compliance to the condition labelled “Stormwater Management”.
7. **Condition 56** is deleted and replaced with the following:
- **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.
8. **ALL** other conditions remain unaltered and must be complied with.
- (b) That the objectors be notified of Council’s decision.

Record of the Voting:

For the Motion: Unanimous

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

4 PLANNING PROPOSAL - 2-6 CHATHAM ROAD, WEST RYDE

Note: Councillor Laxale was not present for consideration or voting on this Item.

Note: Jo Abboud (applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Stott and Pendleton)

- (a) That Council submit the Planning Proposal relating to 2-6 Chatham Road, West Ryde (LOTS 24-26 DP 8092) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.
- (c) That Council endorse and exhibit the proposed amendments to Part 4.3 West Ryde Town Centre of the Ryde Development Control Plan 2014 concurrently with the Planning Proposal with the following amendment to Part 3.2.2 of the DCP inserting:
- (b) *Pedestrian Refuges shall be provided where directed by Council and to Councils satisfaction. This includes at the intersection of Chatham Road and Dickson Avenue.*
- (d) That the Director of City Works and Infrastructure urgently review the current fencing at 8 Chatham Road, West Ryde and take action to provide additional measures to ensure safety at the fence line.

Record of the Voting:

For the Motion: Unanimous

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

5 OUTCOME OF COMMUNITY CONSULTATION: PLANNING PROPOSAL, 61 LANE COVE ROAD AND 5 MYRA AVENUE, RYDE (NORTHCROSS CHRISTIAN SCHOOL)

Note: This matter was dealt with later in the meeting as detailed in these Minutes.

6 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

Note: Councillor Laxale was not present for consideration or voting on this Item.

Note: Libby Lawson and Bev DeBrincat (representing Habitat Network and the Habitat) addressed the meeting in relation to this Item.

Note: An Memorandum from the Acting Director – City Strategy and Planning dated 28 November 2016 together with a Table outlining changes made to the Draft Biodiversity Plan and a copy of the updated Draft Biodiversity Plan was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pendleton and Stott)

- (a) That Council endorse the adoption of the Draft Biodiversity Plan 2016 to guide and prioritise the management and protection of natural areas and biodiversity across the whole of the Ryde Local Government Area.
- (b) That the resourcing of high priority actions listed in the Draft Biodiversity Plan 2016 be considered through future Delivery Plans of Council.
- (c) That resourcing of the medium and low priority actions listed in the Draft Biodiversity Plan 2016 be subject to the other external funding sources becoming available and a separate report to Council.

Record of the Voting:

For the Motion: Unanimous

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

5 OUTCOME OF COMMUNITY CONSULTATION: PLANNING PROPOSAL, 61 LANE COVE ROAD AND 5 MYRA AVENUE, RYDE (NORTHCROSS CHRISTIAN SCHOOL)

Note: Councillor Laxale arrived at the meeting at 5.55pm during discussion on this Item.

RESOLUTION: (Moved by Councillors Stott and Laxale)

- (a) That Council adopt and exercise the delegation issued by the Department of Planning and Environment to make the amendments described in the attached report to Ryde Local Environmental Plan 2014.
- (b) That Council notify all community members who made a submission regarding the planning proposal of its decision.

Record of the Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

6 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

Note: This matter was dealt with earlier in the meeting as detailed in these Minutes.

The meeting closed at 5.58pm.

CONFIRMED THIS 14TH DAY OF FEBRUARY 2017.

Chairperson

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 AND LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Report prepared by: Assessment Officer - Town Planner

Report approved by: Acting Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP17/72

1. Report Summary

Applicant: E G Nader.

Owner: Emile G Nader & Juliette Nader.

Date lodged: 11 May 2015.

This report considers a Section 96(2) application to modify an approved consent for demolition, new two-storey dwelling, pavillion, landscaping and fencing. The modifications involve a third storey consisting of 'lobby' with bench space and sitting room with bifold doors which open to a roof top terrace, a new lift servicing all three storeys and minor internal changes on the lower and upper floor plans to accommodate the new lift. The approved Development Application No. LDA2015/217 is currently under construction.

The proposed modifications are considered to be substantially the same development in terms of the relevant provisions of the Environmental Planning and Assessment Act, 1979.

The Section 96 (2) application has been notified to neighbours on two occasions in accordance with Ryde DCP 2014. The first in relation to the original submitted plans received five (5) submissions opposing the development, while the second notification period of the amended plans received six (6) objections opposing the development. Objections are raised on the grounds of the size of the proposed addition, acoustic and visual privacy impacts, view loss, heritage impacts, tree removal, parking impacts, future additional ancillary development on the terrace, out of character with the area and setting an undesirable precedent, adequacy and future fencing of the terrace, and construction of the development, specifically the approved pavilion, in accordance with the plans.

ITEM 2 (continued)

The proposal complies with the mandatory requirements of the Ryde Local Environmental Plan 2014 (Ryde LEP 2014), and generally meets the development controls relating to Part 3.3: Dwelling Houses and Dual Occupancy (Attached) of Ryde Development Control Plan 2014 (Ryde DCP 2014), with areas of non-compliance adequately justified or mitigated via conditions of consent. In summary, the areas of non-compliance with Ryde DCP 2014, or items requiring a further in depth assessment against the controls of Ryde DCP 2014 are:

- Part 3.3 - Section 2.8.1 Building Height – allows a maximum of two (2) storeys, however the proposal is for a third storey addition to an existing approved dwelling.
- Part 3.3 - Section 2.15.1 Roofs – states that the main roof is not to be a trafficable terrace. The proposal includes a trafficable terrace.

This report provides a rigorous assessment of the proposed development and concludes that as the proposed development generally complies with Council's development controls, and is similar to comparable precedents in the area, the proposed development is recommended for approval.

Reason for Referral to Development Committee: Five (5) or more objections to the development.

Public Submissions:

- First notification period: 10 June 2016 to 29 June 2016 – Five (5) submissions received objecting to the proposal.
- Second notification period: 27 September 2016 – 14 October 2016 – Six (6) submissions received objecting to the proposal.

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

Value of works? \$725,000.00 (Original cost of works)

RECOMMENDATION:

- (a) That Section 96 application to modify Local Development Application No. MOD2016/0110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 AND LOT 8 DP 27511 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 2 (continued)

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 A4 Plans
- 3 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Rebecca Lockart
Assessment Officer - Town Planner

Report Approved By:

Vince Galletto
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address	: 12 Emu Street, West Ryde
Site Area	: 1161m ² Frontage to Emu Street: 33.53m Frontage to Winbourne Street East: 42.67m Western boundary: 32.005m Eastern boundary 35.86m
Topography and Vegetation	: Slope to the south boundary towards Winbourne Street East.
Existing Buildings	: Previous one (1) storey dwelling. Site now cleared under LDA2015/217 and under construction.
Planning Controls	: Ryde LEP 2014
Zoning	: R2 Low Density Residential
Other	: Ryde DCP 2014 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004



Figure 1. Aerial photo of site indicating objectors and view opportunities (Source: Ryde Maps)

ITEM 2 (continued)



Figure 2. The site from Winbourne Street East



Figure 3. The site from Emu Street

3. Councillor Representations:

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

ITEM 2 (continued)

5. Proposal

Modification pursuant to Section 96 (2) of the Environmental Planning and Assessment Act, 1979 of the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing.

The proposal is shown at **Figures 4 and 5** and involves the following modifications:

- a third storey consisting of 'lobby' with bench space and bifold doors which open to a roof top terrace,
- a new lift servicing all three storeys; and
- minor internal changes on the lower and upper floor plan to accommodate the new lift.

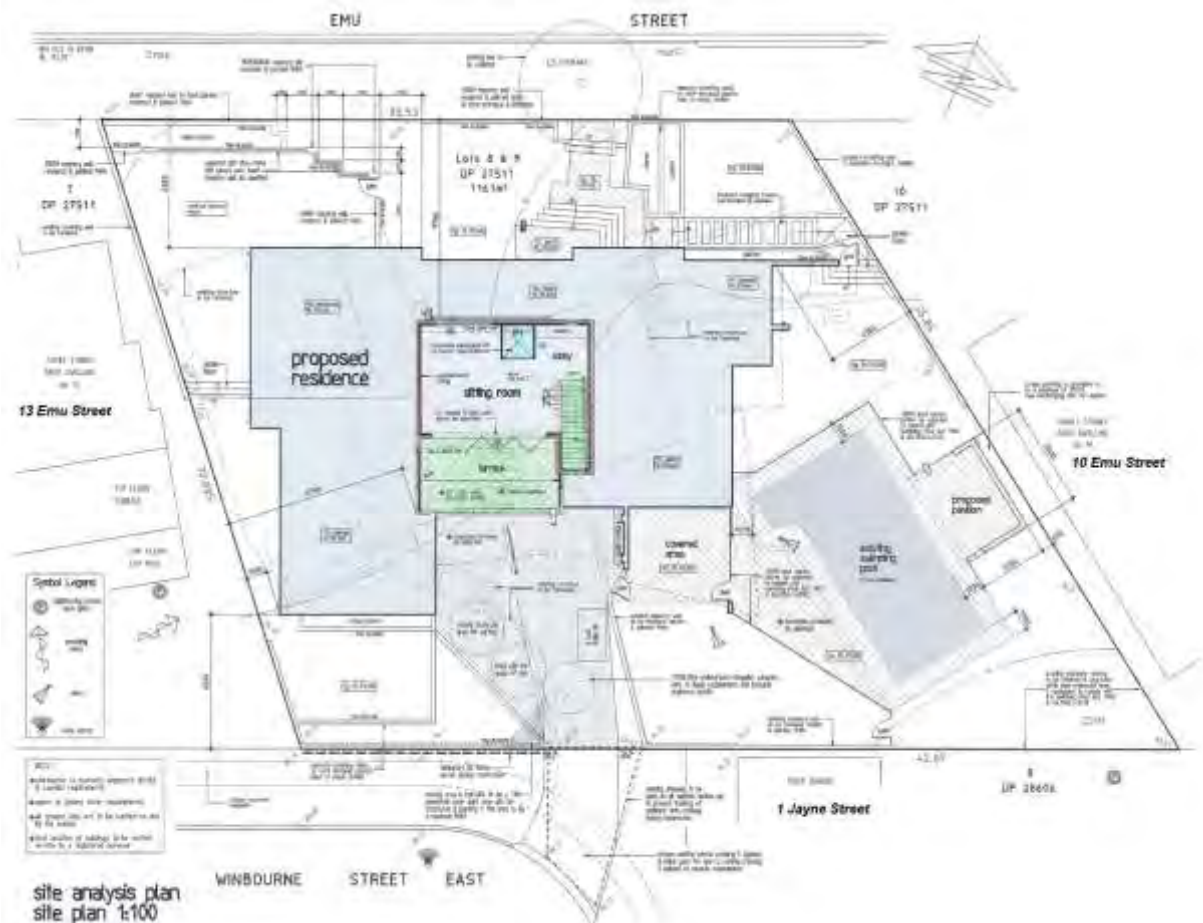


Figure 4. Plans showing proposed modification

ITEM 2 (continued)



Figure 5. Image showing proposed addition as viewed from Emu Street

6. Background

Application History

- 7 June 2016 – Section 96 application to modify the consent lodged. The original roof terrace as proposed under the proposal is shown on the left at **Figure 6**.
- 10 June 2016 to 29 June 2016 – Application notified to surrounding properties. Five (5) submissions received objecting to the proposal.
- 12 July 2016 – Council Officers, including Council’s Heritage Advisor, Senior Coordinator – Assessment, and Assessment Officer – Senior Town Planner, undertook a site inspection to review heritage and view loss concerns raised in the objections.
- 10 August 2016 – Letter sent to applicant advising that the application could not be supported in its current form and outlined a number of reasons why Council would refuse the application, including:
 - *Noncompliance with Ryde Development Control Plan 2014 (Ryde DCP 2014) with regards to Part 3.3 Dwelling Houses and Dual Occupancy (attached):*
 - *Section 2.1 Desired Future Character – the addition will result in a dwelling that is not consistent with the desired future character of the low density residential area.*

ITEM 2 (continued)

- *Section 2.2.2 Alterations and additions to Dwelling Houses – the proposed development exceeds 2 storeys in height, does not appear as an integrated whole with the rest of the development, and does not appropriately respond to the sites constraints as it will overlook neighbouring properties.*
- *Section 2.8.1 Building Height – the proposed development exceeds 2 storeys in height.*
- *Section 2.14.2 Visual Privacy – the proposed roof top terrace overlooks neighbour’s living areas and private open space.*
- *Section 2.15.1 Roofs – The main roof will be a trafficable terrace which is not permitted under this Section.*
- *To approve the proposed development would not be in the public interest as it would undermine the planning controls, set an undesirable precedent for other development within the area, and be contrary to the desired future character of the area.*
- *Visual privacy impacts from the proposed modification to neighbouring properties would be detrimental - noting that landscaping for privacy is not to be relied upon as a means to reduce privacy impacts.*
- *Acoustic impact from the proposed terrace is considered unreasonable. The proposed terrace will provide another location for socialising in addition to the already approved upper floor balcony which is without walls and a roof to stop noise. When assessed against the ‘Revised planning principle: criteria for assessing impact on neighbouring properties’ the proposal and the impacts caused, are considered to be unreasonable particularly in consideration of the necessity for the development.*
- *The proposed addition is not considered to adequately respond to the existing approved dwelling, so that the finished building appears as an integrated whole, and will adversely affect the bulk and scale of the development.*
- *The application is not satisfactory for the purposes of Section 79C(1)(a)(iv) and Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as proposal is not in the public interest due to the objections received from the local community.*
- *The ‘blank wall’ appearance facing the heritage item along Emu Street is not considered suitable in light of the heritage significance of No. 94 Winbourne Street and consideration should be given to the provision of articulation or textured treatment of the wall.*

ITEM 2 (continued)

- 5 September 2016 – The architect of the applicant submitted draft plans for review and comment by Council’s Assessment Officer – Senior Town Planner prior to formal lodgement. Concern was raised that the privacy and ‘Desired Future Character’ concerns raised in the original version of the application were still outstanding and that additional plans showing the proposal from Emu Street would be required. The draft was a larger version of the current proposed development with a much larger terrace and indoor sitting room, and windows on all facades of the addition.
- 22 September 2016 – Amended plans received as shown on the right at **Figure 6**, this included the submission of the image shown at **Figure 5**.

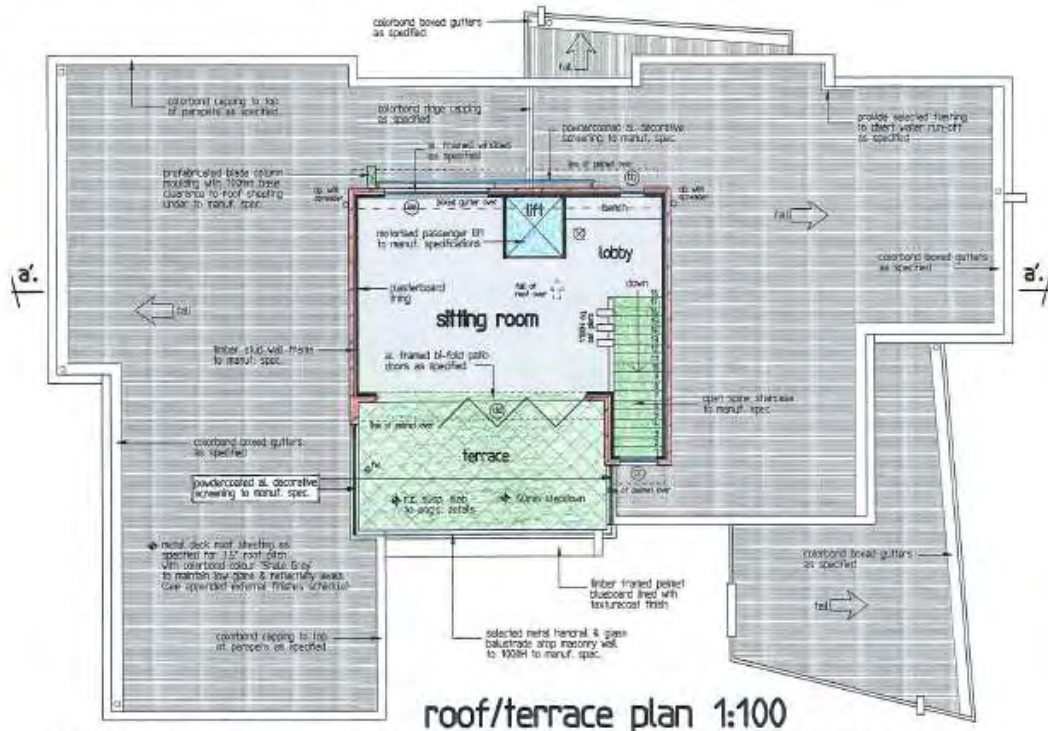
The amended plans changed the design by reorienting and redesigning the outdoor terrace to change the direction from facing to the east and south, to be a single oriented terrace facing the south, internalising much of the floor area to reduce acoustic impacts of the extensive outdoor terrace and introducing privacy screening on the terrace and architectural textured treatment along the Emu Street facade. The amended plans submission also included an assessment of the proposal with regard to the three storey nature of the development and potential impacts, providing evidence of precedents in the local area, and an assessment of acoustic impacts and overlooking from the proposed terrace.

- 27 September 2016 to 14 October 2016 – Application notified to surrounding properties. Six (6) submissions received objecting to the proposal.

ITEM 2 (continued)



Original Section 96 - First notification period



Amended Section 96 - Second notification period

Figure 6. Roof/Terrace Plan as originally proposed and as amended

ITEM 2 (continued)

Street Tree Unauthorised Removal

Development Application No. LDA2015/0217, approved on 2 October 2015 required that the significant street tree in front of the site within the Council verge on Emu Street was to be retained and protected during construction and included a number of conditions relating to tree protection, including:

62. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
63. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

During construction it was brought to Council's attention that the street tree, a mature Cockspur (*Erythrina cristagalli*), was removed during the course of the construction of the site. Council's Tree Management Officer and Compliance Section have separately undertaken an investigation of the tree removal, with a Penalty Infringement Notice issued on 13 December 2016 for 'tree works without consent'.

Council's Tree Management Officer was also requested to review the subject DA in light of the unauthorised tree removal and recommended conditions requiring the tree to be replaced with two street trees as follows and as included as Conditions 75A and 75B at **ATTACHMENT 1**:

75A. Tree planting – street trees. *Two (2) water gum (Tristaniopsis laurina "lushious") tree with a minimum size of 300 litres to be planted in the nature strip. Landscape plans are to be amended to reflect a suitable location.*

75B. Security deposit. *The Council must be provided with security for the purposes in a sum \$3000 prior to the release of any Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street trees.*

7. Submissions

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications on two occasions being:

- First notification period: 10 June 2016 to 29 June 2016 – Five (5) submissions received objecting to the proposal.
- Second notification period – amended plans: 27 September 2016 to 14 October 2016 – Six (6) submissions received objecting to the proposal.

ITEM 2 (continued)

The issues raised in the submissions to both notification periods are similar and relate to the same issues and concerns. These are assessed as follows and are based on the amended plans notified in the second notification period.

(a) Overall size of the addition, including GFA and height

The size and height of the addition has increased in the amended plans. How can Council ensure that the height of the development complies with the maximum height under Ryde LEP 2016 when constructed. Additionally the length of the wall facing Emu Street has increased in the amended plans which will increase the impact of the development.

Assessment Officer Comments:

As outlined earlier, during the assessment period amended plans were submitted which changed the design of the proposed roof/terrace. The proposed development reduced in total area, however it increased in terms of gross floor area (indoor floor space) and the length of the wall facing Emu Street. The following provides an assessment of the proposed addition and how it has changed following the original notified plans and the amended plans.

Wall facing Emu Street

The original Section 96 proposal had a blank wall with a length of 5.83m fronting Emu Street. The amended design has increased this wall fronting Emu Street to 8.59m - by 2.76m - through moving much of the terrace area inside and redirecting the outdoor terrace area to the south. Additionally the applicant has included a textured treatment along the Emu Street frontage of the addition to assist in reducing the bulky appearance of the development facing the locally listed heritage house at No. 94 Winbourne Street.

Overall height of building

The height of the development under the original proposed Section 96 and the amended design has remained at RL99.826. The submitted survey plan identifies that the lowest natural ground level beneath the dwelling is RL90.47, resulting in maximum building height of 9.356m above the existing ground level – below the permissible height of 9.5m under Ryde LEP 2014.

The height as a three storey development has remained the same in both iterations of the proposal, with the proposal facing Emu Street appearing as a two storey development, with the 'lower floor' level predominantly below natural ground level at this elevation.

It is noted that it the Principle Certifying Authority (PCA) of a construction is responsible for all construction standards and site controls during the construction period. Concerns relating to the construction, including compliance with the approved development plans should be directed to the PCA for investigation.

ITEM 2 (continued)

Gross Floor Area

The original roof/terrace level had a gross floor area (GFA) of 20.38m² with an outdoor terrace area of 39.46m², while the proposed amended plans have a total GFA of 36.32m² and an outdoor terrace area of 22.7m². Overall the proposed development will have a gross floor area of 520.5m² and floor space ratio (FSR) of 0.448:1 - below the permissible FSR of 0.5:1 under Ryde LEP 2014.

While the amended design has reduced the impact with regard to overlooking and privacy through internalising the outdoor terrace area, the total indoor GFA of the proposal and the length of the addition facing Emu Street has increased, which has raised further objections from neighbours as detailed below in this report.

(b) View loss

The additional height on the proposed dwelling by the addition will further block city views and outlook enjoyed by dwellings in the neighbourhood – particularly No. 1 Emu Street and No. 94 Winborne Street.

Assessment Officer Comments:

The existing approved two-storey development has a ridge height of RL97.337, and the proposed third-storey roof top terrace will result in the development having a maximum height of RL99.826. By comparison the new dwelling at No. 13 Emu Street has a height of RL100.44 to the top of the parapet – shown at **Figure 7**.



Figure 7. Outlook from street level on Emu St over subject site and from the verandah of No. 94 Winborne St

ITEM 2 (continued)

During construction, the existing house was demolished, opening up an unobstructed view from Emu Street towards the city and district.

When viewed from the verandah on the ground floor of No. 94 Winbourne Street and from Emu Street, the height of the existing approved development will already block the district views of the city and horizon – see **Figure 7**. Accordingly it is considered that the proposed additional storey will block sky views but not city views which would already be blocked from the approved development. It is acknowledged that the outlook from the verandah of No. 94 Winbourne Street may be impacted through a reduction in south facing sky views however as the proposal complies with Council's height and floor space controls, this impact is not considered unreasonable.

When viewed from No. 1 Emu Street, the addition will cause some impact to the views from the first floor balcony of No. 1 Emu Street. Despite this however the setbacks of the proposed additional storey being located within the centre of the building footprint, and the two storey appearance as viewed from Emu Street, will result in minimal additional view reduction to what will be caused by the existing approved development.

While the proposal may result in some reduction in outlook currently enjoyed by the adjoining properties over the applicant's property, it is considered that the extent of the impact will be minimal compared with the existing approved development.

(c) Acoustic impacts from the potential use of the terrace

The proposed terrace is for use for entertainment and will cause acoustic impacts through being an open terrace that sits higher than neighbouring properties. The proposed terrace will provide an additional location with potential for socialising which is without walls and a roof to stop noise to that already approved on the upper floor level.

Assessment Officer Comments:

The approved development has a balcony area on the upper floor level that looks generally in the same direction as the proposed roof terrace as shown at **Figure 8**, facing south-east toward No. 1 Jayne Street and No. 10 Emu Street.

ITEM 2 (continued)



Figure 8. Upper Floor and Roof / Terrace Plans

It is highlighted that the proposed modification relates only to the roof top terrace with no modification to the upper level balcony or internal layout of living areas on the lower or upper levels, therefore the assessment is only able to review the *proposed works* with no scope to revisit already approved works under the original consent.

Section 2.14.3 Acoustic Privacy of Part 3.3 of Ryde DCP 2014 relates predominately to noise of an air conditioner, pump, or other mechanical equipment, dwellings along arterial roads and dual occupancies. In relation to acoustic privacy between dwellings this Section states, “*Setbacks, separation between dwellings, and the appropriate location of external living areas, provide the primary method of ensuring acoustic privacy*”.

ITEM 2 (continued)

The proposed terrace will sit a minimum 13m from the side boundary with No. 10 Emu Street and 8.79m from the boundary with No. 13 Emu Street, which is considered to provide an appropriate level of separation with adjoining properties – particularly considering that Council’s DCP requires the outside walls of a two storey dwelling to be set back from side boundaries not less than 1.5m.

Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7 established the ‘Revised planning principle: criteria for assessing impact on neighbouring properties’. The case is specifically regarding the refusal of a Section 96 application which sought to add a new roof top terrace, plunge pool and privacy screen to an existing dwelling. The case related to the impacts on neighbouring properties as a result of the roof terrace and privacy screen and specifically looked at the use of landscaping to protect privacy.

The case states that as the proposed roof terrace was a new element in the area, the roof terrace “*should be assessed with heightened sensitivity*” and “*a roof terrace would be acceptable only if its impact were minor or negligible*”.

Similar to the *Super Studio v Waverley Council* case, the surrounding houses do not have roof terraces, so a roof terrace will be a new element in the area, with the development acceptable only if the impact is ‘minor or negligible’. It is acknowledged in its current form, acoustic impacts that are more than ‘minor or negligible’ may occur due to the orientation and lack of acoustic barriers between the terrace and adjoining properties. Despite this however, the acoustic impacts are capable of being mitigated through design changes to prevent direct acoustic impact on No. 10 Emu Street, and reduce the impact to being ‘minor’.

It is considered that the acoustic impacts to No. 10 Emu Street will be minimised through the replacement of the proposed privacy screen with a fixed wall along the north eastern elevation as shown at **Figure 9**.

It is recommended that this be achieved through the inclusion of the following condition on the consent (see Condition 1(b) at **ATTACHMENT 1**):

1(b) Roof/Terrace North East Elevation – Privacy Screen. *The proposed ‘powder coated aluminium decorative screening’ privacy screen along the north eastern elevation is to be replaced with a fixed wall for the full length of the terrace. The full length of the north-east elevation wall of the roof/terrace is to be provided with articulation or textured treatment to reduce the bulky appearance of the addition.*

It is considered that while the roof terrace may still cause acoustic impacts to the neighbouring properties, the recommended condition will serve to reduce the impacts to being minor and the proposed development is supported in this regard.

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It is also noted that no objections were provided from No. 1 Jayne Street being owned by the same owners as the subject site, nor were any submissions received from No. 13 Emu Street to the west of the site, thus no recommended conditions are included with regard to these elevations.

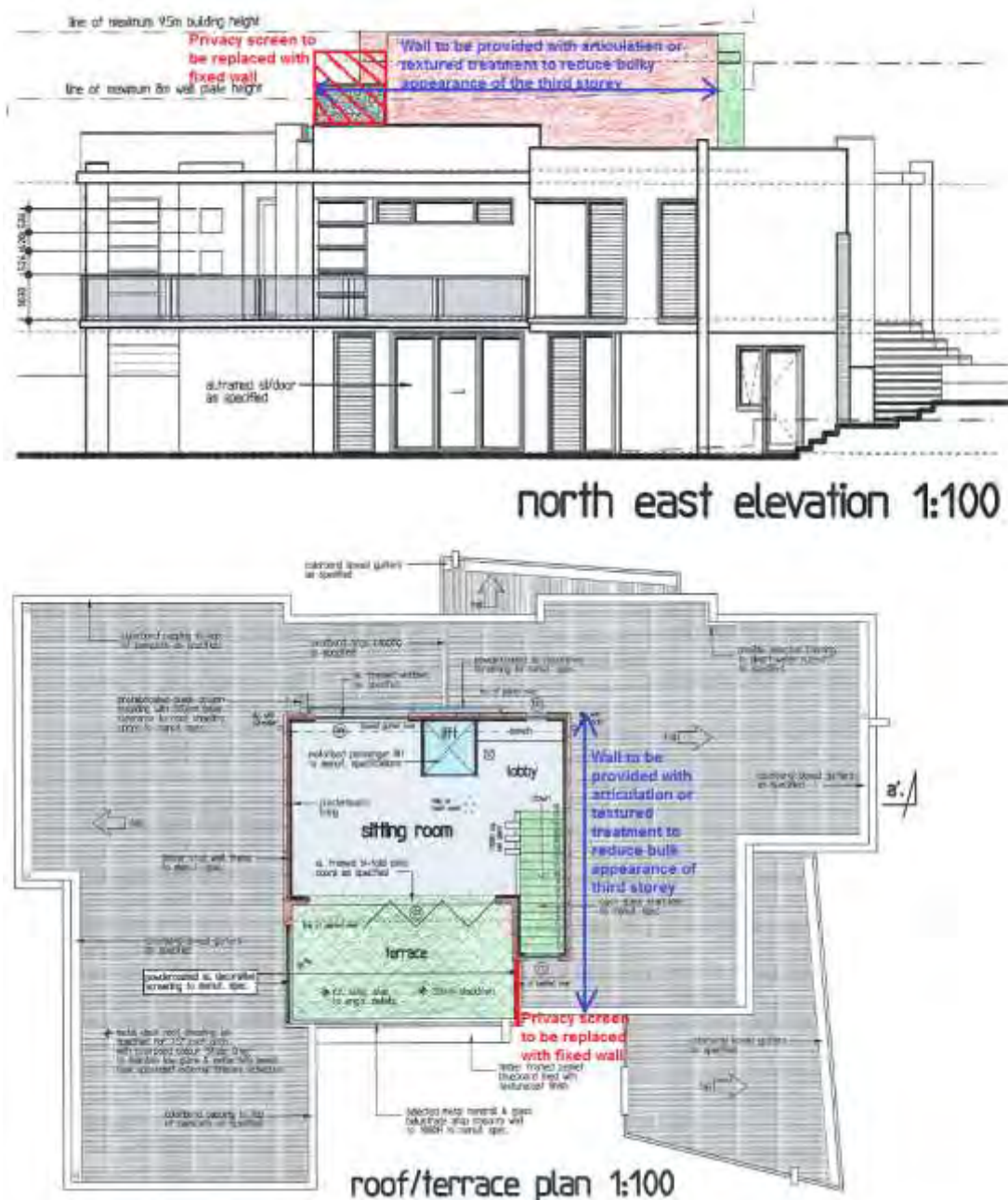


Figure 9. North east elevation and roof terrace plan showing recommended amendment to design to reduce acoustic impacts to neighbouring properties

ITEM 2 (continued)

(d) Visual Privacy Impacts

The terrace will overlook the rear private open space and have direct viewing opportunities into the windows of No. 10 Emu Street.

Assessment Officer Comments:

The abovementioned recommended '*Roof/Terrace North East Elevation – Privacy Screen*' condition will serve to prevent overlooking of the windows and private open space of No. 10 Emu Street as shown at **Figure 10** below. Previously the privacy screen was semi-transparent/open allowing partial viewing towards No. 10 Emu Street, however a fixed wall which will prevent acoustic impacts will also serve to prevent any viewing opportunities in this direction.

The privacy screen along the Upper Floor Balcony North Eastern Elevation will also mitigate viewing opportunities towards the side facing windows of No. 10 Emu Street.

It is noted that the proposed roof top terrace finished floor level sits at RL96.786 while the natural ground level adjoining the subject site declines such that the rear yard of No. 10 Emu Street and No. 1 Jayne Street sit at RL88.00 to RL89.00 as shown at **Figure 11 & 12**. Despite the amended design, the orientation of the terrace and the 8.786m height difference means that the terrace will sit much higher and will allow a direct line of sight to the rear yard of No. 1 Jayne Street. However no objection has been received from No. 1 Jayne Street being owned by the same owner as the subject site.

ITEM 2 (continued)



Figure 10. Site plan with proposed roof terrace and viewing line towards No. 10 Emu Street

ITEM 2 (continued)



**Figure 11. Aerial photograph showing 1m contour lines
(Source: Ryde Maps)**



Figure 12. Photograph of site under construction showing approximate location of addition in the context of surrounding streetscape

ITEM 2 (continued)

(e) Heritage impacts

The proposed development will impact the heritage significance of the local heritage listed dwelling at No. 94 Winbourne Street. The objection states that the heritage significance of No. 94 Winbourne Street is partially due to the district views achieved by the location of the heritage house at the tip of the ridge.

Assessment Officer Comments:

The submission from the owner of No. 94 Winbourne Street in regard to the original Section 96 plans as notified in the first notification period, was referred to Council's Heritage Officer who made the following comments:

“Due to the topography of the land, the heritage item sits on a plateau and experiences some distant views over the subject site (which is currently empty except for the approved building's foundations) down the valley, over the Parramatta River. It was observed that views towards the taller buildings of the CBD are largely obscured by a number of mature street trees on Emu Street, as well as the roof tops of the residential dwellings and the mature trees located within the vicinity, off Winbourne St East.

Due to the pattern of development within West Ryde overtime, views to and from the item have been significantly compromised. While the item continues to be primarily appreciated from Emu Street, a high solid boundary fence along the western elevation obscures any closer views to the item from Winbourne Street.

It is anticipated the existing distant valley views experienced from the item will be largely compromised by the new approved dwelling (which will appear single-storey from Emu Street). The proposed roof addition will be orientated towards the south eastern portion of the building, and occupy a small part of the roof to house a lift overrun, stairs and lobby area. It is anticipated that there will be some loss of additional views from the item towards the mature trees and roof tops on Winbourne Street East as well as some loss of outlook to the sky.

While the proposed design of the extension is of contemporary architectural language and consistent with the style and form of the approved building, it is advised that consideration be given to the architectural treatment of the north western elevation to remove the 'blank wall' appearance when viewed from Emu Street.

Overall, the scale, height and setback of the extension from Emu Street frontage will sit comfortably within the approved built form, and will not tower over the nearby heritage item. The item's aesthetic significance will continue to be appreciated from Emu Street. No objections are raised to the proposed modifications.

The following condition is recommended:

To assist in the visual interest of the north western elevation of the extension and to remove its 'blank wall' appearance, consideration should be given to the provision of articulation or textured treatment of the wall.

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A revised plan showing articulation or treatment to the north western elevation shall be submitted to and approved by Council's Heritage Advisor, prior to the issue of a Construction Certificate."

The recommended treatment is included on the amended plans as notified in the second notification period. The submission made by the owner of No. 94 Winbourne Street in response to the notification period relates predominantly to view loss and the amended length of the addition facing Emu Street, rather than heritage concerns. Nonetheless, Council's Heritage Officer has advised that the amended design and the additional height to the approved dwelling will not adversely impact on the heritage item and no objections are raised to the proposal.

(f) Parking impacts

The terrace which will be used for entertaining purposes will increase the number of visitors to the street and further impact parking in the street which is already limited.

Assessment Officer Comments:

The proposed development is a roof top terrace within a residential dwelling. The use of the development, while anticipated will be for socialising and passive recreation, cannot be attributed to a distinct increase in parking any more than existing dwellings in the area.

Council's parking controls under Ryde DCP 2014 Part 9.3 permits 'up to 2 spaces / dwelling'. The existing approved dwelling includes a double garage on the lower ground floor, in addition to a large driveway area for additional parking should it be required. The development has two frontages to Winbourne Street East and Emu Street, with pedestrian access from both streets meaning that any visitors would be able to park within the surrounding streets and not solely Emu Street where the objections have originated.

With regard to the above, the proposed development is considered satisfactory with regards to parking impacts.

(g) Ancillary development on the terrace

Concern is raised regarding potential future development of an awning, shade cloth covering, or placing pots or tall trees on the terrace.

Assessment Officer Comments:

The plans as notified in the first notification period included a large outdoor terrace area to the north-east of the dwelling (refer **Figure 6**). Submissions stated that while the overall length of the building facing Emu Street was only 5.83m, the terrace extended a further 4.24m to the east, raising concern for any ancillary development such as an awning, or tall plantings may be installed in this area without requiring development

ITEM 2 (continued)

consent from Council. Concerns related to resultant view loss, overshadowing and increased activity and privacy impacts.

The amended design as notified in the second notification period faces to the south. Should ancillary development or planting be installed or located on the terrace, it would not cause impact to any surrounding properties with regard to view loss, overshadowing or privacy due to the revised orientation of the terrace.

(h) Out of character with the area & setting an undesirable precedent

The proposed modification “looks like a shed stuck on the top of the residence” and is not in keeping with other homes in the street.

Assessment Officer Comments:

The site is located within an area of mixed dwelling styles. **Figure 13** below and over page provides photographs of housing within the vicinity of the site displaying the range of styles and characteristics of the neighbourhood.



Location of images



A. 94 Winbourne Street (from Emu Street)



B. 13 Emu Street (from Winbourne Street East)



C. 10 Emu Street to the east of the site

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Figure 13. Photographs of properties surrounding the site
(Source: Council site visit and Google)

Section 2.1 of Part 3.3 of Ryde DCP 2014 relates to the desired future character of dwelling houses and includes criteria which outlines the desired future character of the low density residential areas of the City of Ryde. The following **Table 1** provides an assessment against this criteria.

Table 1. Assessment against Section 2.1 of Part 3.3 of Ryde DCP 2014 – Desired Future Character

Criteria	Comment	Compliance
<i>The desired future character of the low density residential areas of the City of Ryde is one that:</i>		
<i>Has a low scale determined by a maximum 2 storey height limit;</i>	The proposal will result in a three storey dwelling. Despite this the dwelling will predominantly have a two storey presentation to Emu Street, and will be similar to the three storey development at No 13 Emu Street when viewed from Winbourne Street East.	No – See assessment under Part 9 of this report.
<i>Has a low density with free-standing dwellings;</i>	The development complies with Ryde LEP 2014 FSR and height controls for low density development and will be a free standing dwelling.	Yes

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Criteria	Comment	Compliance
<i>Has a limited number of dual occupancy (attached) buildings, and these buildings look similar to detached dwellings;</i>	Not applicable.	Not applicable.
<i>Has dwellings located in a landscape setting which includes a clearly defined front garden and back yard;</i>	Original approval included a landscaping plan. This is not proposed to be amended under this proposal.	Not applicable to this application.
<i>Has buildings which are well designed and have a high degree of amenity;</i>	The proposed development is designed to achieve amenity for the residents of the dwelling. Additionally through the amended design, the design takes into consideration impacts of privacy and overlooking of neighbouring dwellings.	Yes - satisfactory
<i>Has streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials;</i>	The proposed development complies with Council's DCP and LEP controls with regard to wall plate heights, floor space and dwelling height. The streetscape is made up of a range of single, two and three storey brick and brick render homes. The proposed materials are modern and are consistent with the style of the dwelling. The dwelling will be no higher than the dwelling at No. 13 Emu Street and is compatible with the modern and changing nature of the area.	Yes - satisfactory
<i>Has streetscapes with dwellings that have a generally consistent front setback and consistent street orientation;</i>	The existing development complies with Council's DCP setback controls. The proposed addition sits within the existing building footprint and provides an orientation towards by Winbourne Street East and Emu Street.	Yes
<i>Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling;</i>	The garage was approved under the original LDA2015/217.	Not applicable to this application.
<i>Requires minimal disturbance to the natural topography, which means that excavation is to be minimised;</i>	The excavation and alterations to the topography were approved under the original LDA2015/217.	Not applicable to this application.
<i>Has backyards, which are maximised in size;</i>	The backyard and private open space areas were approved under the original LDA2015/217.	Not applicable to this application.
<i>Has backyards which form a connected strip of vegetation in neighbourhoods and which include large trees;</i>	The backyard and landscaping were approved under the original LDA2015/217.	Not applicable to this application.
<i>Has allotments with large deep soil areas which allow rainwater to be absorbed and trees to be planted;</i>	The landscaping and deep soil areas were approved under the original LDA2015/217.	Not applicable to this application.

ITEM 2 (continued)

Criteria	Comment	Compliance
<i>Has mature trees in streets, front gardens and backyards (existing mature trees are retained and new tree plantings encouraged); and</i>	The proposed tree planting was approved under the original LDA2015/217.	Not applicable to this application.
<i>Has character areas where special features are retained and enhanced.</i>	The proposal is not in a special character area however sits opposite the Brush Farm Park Heritage Conservation Area and No. 94 Winbourne St which is a local heritage item. Council's Heritage Officer has raised no concern in regard to the heritage impacts of the proposal.	Yes

In light of the above assessment, while the proposed development is three storeys in height, the dwelling is consistent with the criteria for the desired future character of the low density residential areas of the City of Ryde, and is compatible within the mixed architectural styles of the area.

(i) Tree removal and replacement

A large number of trees have been removed across the site and No. 13 Emu Street. What tree replacement and planting is proposed.

Assessment Officer Comments:

The proposed development under this Section 96 application does not propose any amendments to the approved landscaping plan under LDA2015/217. The approved tree removal under the original application was supported by Council as the species were not of particular significance or size (less than 5m in height). The approved landscape plan comprised a well-designed and variety of species type which was an improvement to the previous landscaping works on the site. Significant tree planting includes 1 x Claret Ash within the south-eastern corner of the site, plantings up to 2.7m along the eastern side boundary, and 2 x Water Gums within the Emu Street front setback.

(j) Safety fencing

Objections raised concern that the proposed terrace would require safety fencing however the notified plans did not provide any information.

Assessment Officer Comments:

The amended plans have provided for a 3.45m x 6.66m terrace which faces in a southerly direction. The proposal includes 1m high safety fencing along the southern elevation, a 1.8m high privacy screen along the western elevation and will have a fixed wall along the eastern elevation. These barriers comply with BCA safety requirements and are not considered to cause any detrimental impacts to the appearance of the proposal or impacts on neighbouring properties.

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(k) Pavilion

Concern is raised that the footings of the pavilion located along the side boundary are not in the correct location.

Assessment Officer Comments:

As detailed earlier in this report, the PCA of the proposal is responsible for all construction standards and site controls during the construction period.

Condition 55 of the approved development states:

*55. **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.*

Evidence of compliance with this condition was requested from the PCA. At the time of writing of this report, the PCA had advised that the survey undertaken by the registered surveyor to meet the requirements of this condition had occurred prior to commencement of the pavilion. The PCA stated that a set survey to show that the pavilion is located in accordance with the Council stamped plans was currently being undertaken and would be submitted to Council in due course.

8. SEPP1 Objection received? If yes, provide details and percentage variation.

Not required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

Ryde Local Environmental Plan 2014

Zoning

The modification of the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing is permissible within the R2 Low Density Residential zone, subject to the approval of Council.

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Mandatory Requirements

Table 2. Assessment against relevant controls of Ryde LEP 2014

<i>Ryde LEP 2014</i>	<i>Proposal</i>	<i>Compliance</i>
Clause 4.3(2) Height		
9.5m	9.356m	Yes
Clause 4.4(2) & 4.4A(1) FSR		
0.5:1	0.448:1	Yes

Matters for consideration pursuant to Section 96(2) EPAA:

The provisions of Section 96(2) of the Environmental Planning and Assessment Act, 1979 allow a consent authority to modify the consent where the application meets the following criteria: -

- (a) The development to which the consent as modified relates is substantially the same development.
- (b) Any concurrence authority has been consulted and has not objected.
- (c) The application has been notified in accordance with the regulations.
- (d) Submissions made during the prescribed notification period have been considered.

Under s96 (2) (a) Council must be satisfied that the development as modified is substantially the same as was approved in the original consent. In arriving at this determination there should be no consideration of the merits of the proposal but rather a straight before and after comparison. If it is determined to be substantially the same then the proposed modifications need to be assessed on their merits having regard to submissions received and any relevant council planning controls.

The **current approval** provides for demolition, new two-storey dwelling, pavillion, landscaping and fencing.

The **proposed modifications** relate to a third storey consisting of 'lobby' with bench space, sitting room with bifold doors which open to a roof top terrace, a new lift servicing all three storeys and minor internal changes on the lower and upper floor plans to accommodate the new lift. While the height of the dwelling will change from a maximum height of 6.7m to 9.356m and will become a three-storey dwelling, the building footprint remains the same and none of the other key elements of the development are changed.

It is the opinion of Council's assessing officer that the modified development is substantially the same as the original and therefore the application can be considered on its merits.

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Section 96(2) (b) is not relevant to the current application, as concurrence was not required for the original approval. The proposal meets the requirements of 96(2) (c) and 96(2) (d) listed above, with the submissions received being considered earlier in this report.

Relevant SEPPs

SEPP BASIX

An updated BASIX Certificate has been submitted with the application to reflect the proposed amendments. Conditions 3 and 63 at **ATTACHMENT 1** have been updated to reflect the new BASIX Certificate number and date.

Relevant REPs

There are none that affect this application

Any draft Local Environmental Plans (LEPs)

There are no relevant Draft Environmental Planning Instruments for the subject site

Any DCP

The following sections of Ryde DCP 2014 were assessed under the original development application:

- Part 3.3 – Dwelling Houses and Dual Occupancy (attached)
- Part 7.1 – Energy Smart, Water Wise
- Part 7.2 – Waste Minimisation and Management
- Part 8.2 – Stormwater Management
- Part 8.3 – Driveways
- Part 9.2 – Access for People with Disabilities
- Part 9.4 – Fencing
- Part 9.6 – Tree Preservation

Only those Parts affected by the proposed modification are assessed below.

Part 3.3 Dwelling Houses and Dual Occupancy (attached)

The compliance with Part 3.3 Dwelling Houses and Dual Occupancy (attached) of Ryde DCP 2014 is illustrated by the development standards below in **Table 3**. Any areas of noncompliance are further assessed below.

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Table 3. Assessment against applicable sections of Part 3.3 of Ryde DCP 2014

DCP 2014 Part 3.3	Proposed modification	Compliance
2.2.2 Alterations and additions to Dwelling Houses		
a) <i>Alterations and additions visible from the public domain are to be designed so that the finished building appears as an integrated whole. This may require the addition to have a façade and materials consistent with the existing house.</i>	The finished building will appear as an integrated whole through the use of the same architectural style and materials as the existing approved house.	Yes
b) <i>Alterations and additions are to improve the amenity and liveability of dwellings and sites, including practical and useable external spaces.</i>	The proposed addition will provide an additional outdoor entertaining area for the approved dwelling and will improve the liveability of the dwelling through the provision of a lift.	Yes
c) <i>Alterations and additions are to meet the controls for dwelling houses set out in section 2.2.1.</i> <u>Section 2.2.1 New Dwelling Houses</u> <i>a. Dwelling houses are to have a landscaped setting which includes significant deep soil areas at the front and rear.</i> <i>b. Residential dwellings are to be a maximum of two storeys high.</i> <i>c. Dwellings are to address the street.</i> <i>d. The boundary between public and private space is to be clearly articulated.</i> <i>e. Garages and carports are not to be visually prominent features.</i> <i>f. Dwellings are to respond appropriately to the site's constraints and opportunities as identified in the site analysis.</i>	a. Includes a landscaped setting with significant deep soil areas at the front and rear b. Three storeys in height. c. Dwelling addresses both Emu Street and Winbourne Street. d. Boundary articulated through garden walls and planting. e. Garage is prominent however this is approved under the existing approval. f. Dwelling responds to the site's constraints and opportunities through providing an additional viewing area to see the city.	Yes No Yes Yes Yes Yes
2.8.1 Building Height		
a) Building heights are to be in accordance with the Building Height Table below. Building Height Table Dwelling House And Dual Occupancy (Attached) Building Maximum building height 9.5 m Maximum wall plate height 7.5 m or 8 m for a roof which has a continuous parapet Maximum number of storeys 2, but a maximum of 1 floor level of the building including car parking level can be located above a garage which is attached to a dwelling, whether a semi-basement garage or a garage at grade.	The proposed modification will create a three (3) storey dwelling with a maximum height of 9.356m.	No

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<i>DCP 2014 Part 3.3</i>	<i>Proposed modification</i>	<i>Compliance</i>
2.14.1 Daylight and Sunlight Access		
a) <i>Living areas are to be located predominantly to the north where the orientation of the allotment makes this possible.</i>	The approved development and proposed addition is oriented towards the south to take advantage of the views in that direction. Despite this windows are still located along the northern elevation to allow for natural sunlight.	Yes
b) <i>Dwellings on allotments which have a side boundary with a northerly aspect are to be designed to maximise sunlight access to internal living areas by increasing the setback of these areas. In these cases a minimum side setback of 4 m is preferred.</i>	Site does not have a northern side boundary.	N/A
c) <i>Windows to north-facing living areas of the subject dwelling are to receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface.</i>	Dwelling will receive unimpeded solar access from a northerly direction for more than 3 hours.	Yes
d) <i>Private open space of the subject dwelling is to receive at least two hours sunlight between 9 am and 3 pm on June 21.</i>	Overshadowing from the proposed addition will not impact the developments compliance with this control.	Yes
e) <i>For neighbouring properties ensure:</i> <i>i. sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21; and</i> <i>ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.</i>	Additional overshadowing caused by the proposed third storey addition will be cast to the south towards the driveway and private open space of the subject site. No additional overshadowing impacts will be caused to neighbouring dwellings as a result of the proposal.	Yes
2.14.2 Visual Privacy		
a) <i>Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments</i>	Windows of the addition will be oriented to the south with the abovementioned recommended conditions preventing viewing into neighbouring properties.	Yes – via condition
b) <i>Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries</i>	Terrace faces the front/rear of the property.	Yes – via condition
c) <i>Terraces and balconies are not to overlook neighbour's living areas and private open space</i>	With the abovementioned recommended conditions viewing into neighbouring properties will be prevented.	Yes – via condition

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DCP 2014 Part 3.3	Proposed modification	Compliance
d) <i>Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.</i>	With the abovementioned recommended conditions viewing into neighbouring properties will be prevented.	Yes – via condition
e) <i>Side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of the neighbouring dwelling.</i>	No side windows proposed on the proposed addition.	Yes
f) <i>Splayed walls with windows are not to be located above ground level where the windows will provide views into neighbouring allotments.</i>		N/A
2.15 External Building Elements		
2.15.1 Roofs		
a) <i>Relate roof design to the desired built form by:</i> i. <i>Articulating the roof;</i> ii. <i>Ensuring that the roof form is consistent with the architectural character of the dwelling;</i> iii. <i>Providing eaves with a minimum overhang of 450 mm to pitched roofs;</i> iv. <i>Using a compatible roof form, slope, material and colour to adjacent buildings; and</i> v. <i>Ensuring the roof height is in proportion to the wall height of the building.</i>	Design of the addition is to have a flat roof which is consistent with the dwelling. The parapet roof form is compatible with the overall design of the dwelling and other modern dwellings within the streetscape.	Yes
b) <i>The main roof is not to be a trafficable terrace.</i>	The proposed terrace is part of the main roof and will be trafficable.	No
c) <i>An attic, where provided, is to be contained within the volume of the roof space.</i>	No attic.	N/A
d) <i>The number of skylights is to be minimised on roof planes visible from the public domain. Skylights are to be arranged symmetrically.</i>	No skylights.	N/A
e) <i>The front roof plane is not to have both dormer windows and skylights. Dormers are preferred.</i>	No dormers.	N/A
f) <i>Balconies and terraces are not to be set into roofs.</i>	Balcony not set into the roof.	Yes
g) <i>The scale of the roof is to be in proportion with the scale of the walls below.</i>	Roof is concealed behind the parapet roof form.	Yes
h) <i>Attics may be located in the garage roofs if the garage is located next to the dwelling. Garages located within the front or rear setbacks, are not to have attics.</i>	No attic.	N/A

Part 3.3 – Section 2.8.1 Building Height

This Section of the Ryde DCP requires that the maximum number of storeys permitted for a dwelling house is two (2) storeys.

ITEM 2 (continued)

Proposal

The proposed sitting room and lobby of the proposed addition will form an additional storey, thus resulting in a three (3) storey dwelling, shown at **Figure 13**, which does not comply with this development control.



Figure 13. Section plan showing number of storeys of proposed development

Applicant justification

The submitted SEE (to the original Section 96 proposal) provides an assessment of this non-compliance stating:

“Compliance with the control is unreasonable and unnecessary for the following reasons:

- The inclusion of the rooftop terrace in this application for modification of development consent is a reasonable proposition in that views available could be accessed without unacceptable impact to the environment, including amenity to neighbouring properties.*
- The rooftop terraced area mostly concealed from public view except for the small enclosing structure to provide weatherproofed access from the main dwelling.*
- The enclosure will appear as a second storey from the primary frontage being Emu Street.*
- Despite the enclosure appearing as a third storey from the parallel road frontage (Winbourne Street East), the size of the structure is minor being only 5.83m width compared to the total building width of 25.8m which equates to 22.6% of the building Width.*
- The general discouragement of rooftop terrace areas is likely to stem from protection of amenity to neighbouring properties. However, in this particular case, the rooftop terrace area will direct views towards the South being towards the parallel road frontage Winbourne St East, and not towards neighbouring property private open space areas.”*

ITEM 2 (continued)

The amended plans were submitted with a supporting assessment which stated the following with regard to the three storey noncompliance:

“Number of Storeys

- 1. The proposal will meet LEP Height of Building Standards.*
- 2. The proposal will not be dissimilar to its recently constructed neighbouring development at 13 Emu Street, in that it will be 3 storeys like No. 13.*
- 3. The top floor in our case, will be significantly less bulky than that of the neighbour.*
- 4. Another example of a 3 storey dwelling is at the end of Emu Street located at 89 Winbourne Street. Although the development does appear to be much older, the development is considered bulky and unarticulated. We demonstrate that 3 storey dwellings are not uncommon to the immediate vicinity.”*

Precedents

Other examples of dwellings with three storeys are shown below at **Figure 14**. Noting in particular that neighbouring No. 13 Emu Street to the west of the site has 3-storeys as approved under LDA2015/107, as amended by MOD2015/143 dated 8 October 2015 (see **Figure 15**).

It is clear that the development of three storey dwellings within the local area is not uncommon, and on individual merit, considered a satisfactory response to the topography of land and view opportunities towards the city and broader district.

ITEM 2 (continued)

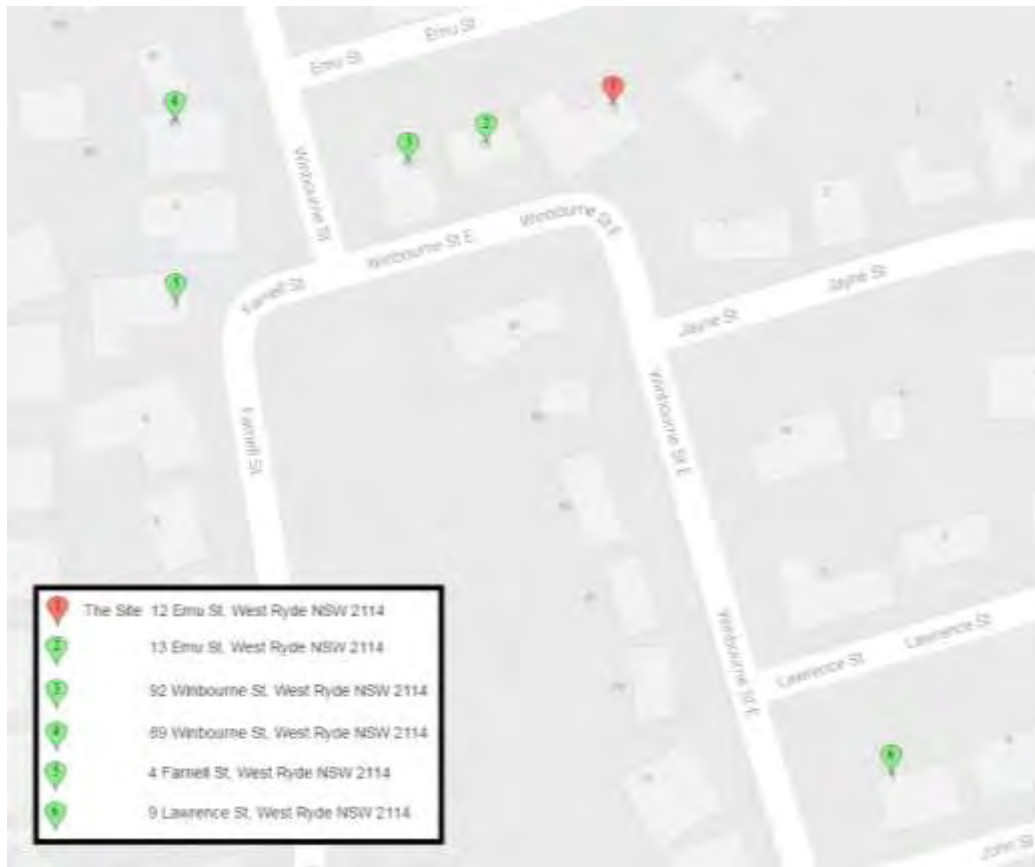


Figure 14. Map of 3 storey dwellings near the subject site.



Taken 24.10.2016

Figure 15. Photograph of 13 Emu Street from Winbourne Street

ITEM 2 (continued)

Assessment

The objectives relating to building height in this Section of Ryde DCP 2014 are outlined below:

- 1. To ensure that the height of development is consistent with the desired future character of the low density residential areas and is compatible with the streetscape.*
- 2. To ensure that the height of dwellings does not exceed 2 storeys.*

Although not complying with controls relating to building height, this non-compliance with Council's numerical controls can be supported, and meets the above objectives, for the following reasons:

- The proposed dwelling is generally compliant with all the other key bulk and scale related controls such as overall height, FSR and setbacks.
- Existing development within the locality includes examples of three storey dwellings; as such the proposed development is considered consistent with the existing character of the area.
- When viewed from Emu Street, the proposed dwelling will appear as a two storey dwelling and will not present as visually dominant or as being unduly inconsistent with other dwellings within Emu Street.
- The development when viewed from Winbourne Street will appear similar to the development at No. 13 Emu Street
- The wall plate height of the proposed development complies by setting the additional storey back from the façade of levels below.

Given the above, the proposed non-compliance with the height controls contained within Ryde DCP 2014 is considered justifiable in this instance.

Part 3.3 – Section 2.15.1 Roofs

This Section of the Ryde DCP requires that the main roof is not to be a trafficable terrace.

Proposal

The proposal is for a roof top terrace which will include a trafficable roof terrace on the third level.

Applicant justification

The submitted SEE (to the original Section 96 proposal) provides an assessment of this non-compliance stating:

“Compliance with the control is unreasonable and unnecessary for the following reasons:

ITEM 2 (continued)

- *The rooftop terraced area mostly concealed from public view except for the small enclosing structure to provide weatherproofed access from the main dwelling.*
- *The inclusion of the rooftop terrace in this application for modification of development consent is a reasonable proposition in that views available could be accessed without unacceptable impact to the environment, including streetscape impacts and amenity to neighbouring properties.*
- *The enclosure will appear as a second storey from the primary frontage being Emu Street.*
- *Despite the enclosure appearing as a third storey from the parallel road frontage (Winbourne Street East), the size of the structure is minor being only 5.83m width compared to the total building width of 25.8m which equates to 22.6% of the building width.*
- *Consideration of deletion of the enclosing structure has been made, however, in so doing, waterproofed and practical access to the viewing deck would be problematic and seemingly unnecessary.*
- *On merit, it is apparent that the extent of variation does not hinder the proposal in achieving the relevant design control objectives. Accordingly, we are of the view that the proposal should be supported and warrants development consent.”*

Assessment

The objectives relating to dwelling roofs in this Section of Ryde DCP 2014 are outlined below:

1. *To contribute to the design and performance of buildings.*
2. *To integrate the design of the roof, including roof elements such as dormer windows, into the overall elevation and building composition.*
3. *To contribute to a consistent and attractive streetscape.*
4. *To provide shading and weather protection.*

Although not complying with controls relating roofs, and not all points of the applicant's justification are supported, this non-compliance with Council's control can be supported, and meets the above objectives, for the following reasons:

- Impacts relating to the trafficable terrace, including acoustic and privacy impacts have been discussed at length earlier in this report and are not considered to warrant refusal of the application;
- The trafficable terrace on the third level will appear as a balcony from Winbourne Street and will not appear as an open or trafficable roof;
- The proposal is integrated in the overall elevation of the building from both street frontages; and
- The terrace provides an appropriate level of shade and weather protection for the outdoor area of the third level.

ITEM 2 (continued)

Given the above, the proposed non-compliance with the dwelling roof controls contained within Ryde DCP 2014 is considered justifiable in this instance.

10. Likely impacts of the Development

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014 and Submissions sections). The development is considered satisfactory in terms of environmental impacts.

(b) Natural Environment

The proposed development is permitted in the zone and is located within an established urban area. The proposed modifications do not impact on the landscaping and other measures included in the original consent.

11. Suitability of the site for the development

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

Land Slip: Council's Consultant Structural Engineer supported the original approved subject to the works being in accordance with the submitted Geotech report. The conditions requiring compliance with the report are still applicable and a further referral of the proposal was not required due to the works being within the existing approved building footprint.

Bushfire: The development is capable of complying with the bushfire regulations and standards for buildings in bushfire prone areas.

Heritage (within 100m of a heritage item): Council's Heritage Officer raised no concern with the proposal.

12. The Public Interest

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

13. Consultation – Internal and External

Heritage Officer: The subject DA was referred to Council's Heritage Officer for heritage consideration as the subject site is located opposite the Brush Farm Park Heritage Conservation Area and No. 94 Winbourne Street which is a local heritage item Council's Heritage Officer has raised no issue with the subject application.

ITEM 2 (continued)

Tree Management Officer: The subject DA was referred to Council's Tree Management Officer following the unauthorised tree removal of a mature Cockspur (*Erythrina cristagalli*) from the Emu Street frontage within Council's verge. The referral has recommended conditions to require the replacement of the tree with two (2) water gum (*Tristaniopsis laurina* "lushious") trees with a minimum size of 300 litres to be planted in the nature strip. The conditions also require maintenance and security bond for the replacement of the tree. See Conditions 75A and 75B at **ATTACHMENT 1**.

14. Critical Dates

There are no critical dates or deadlines to be met

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

The Section 96(2) application is recommended for approval subject to the amendment of three (3) conditions, Condition 1, 3 and 63, and inclusion of two (2) additional conditions, Conditions 75A and 75B.

ITEM 2 (continued)

ATTACHMENT 1

Proposed Modified Consent conditions
LDA2015/0217 – MOD2016/0110
 12 EMU ST WEST RYDE

That the Section 96 application No. MOD2016/0110 to modify Local Development Application No. LDA2015/0217 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be approved subject to the following conditions:

The description of the development be amended to read as follows:

Development: Demolition, new ~~three two~~-storey dwelling, pavillion, landscaping and fencing.

The following conditions are to be amended as outlined below with ***bold italics*** identifying additional wording and ~~**bold strikethrough**~~ identifying words to be deleted:

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 & Elevations	18/08/15 21/09/16	Issue F, 1 of 3 <i>Dwg N. 1552-08CCj, Issue J, Sheet 1 of 3</i>
Floor Plans	18/08/15 21/09/16	Issue F, 2 of 3 <i>Dwg N. 1552-08CCj, Issue J, Sheet 2 of 3</i>
Roof Plan, Section, Elevation and Pavilion	18/08/15 21/09/16	Issue F, 3 of 3 <i>Dwg N. 1552-08CCj, Issue J, Sheet 3 of 3</i>
Landscape Plan	18/08/15	Issue B, 1 of 3
Landscape Detail Plan	18/08/15	Issue B, 2 of 3
Landscape Specification Plan	18/08/15	Issue B, 3 of 3
Stormwater Management Plan	22/03/15	1 of 3
Stormwater and Sediment Management Plan	22/03/15	2 of 3
Stormwater and Sediment Management Plan	22/03/15	3 of 3

ITEM 2 (continued)

ATTACHMENT 1

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

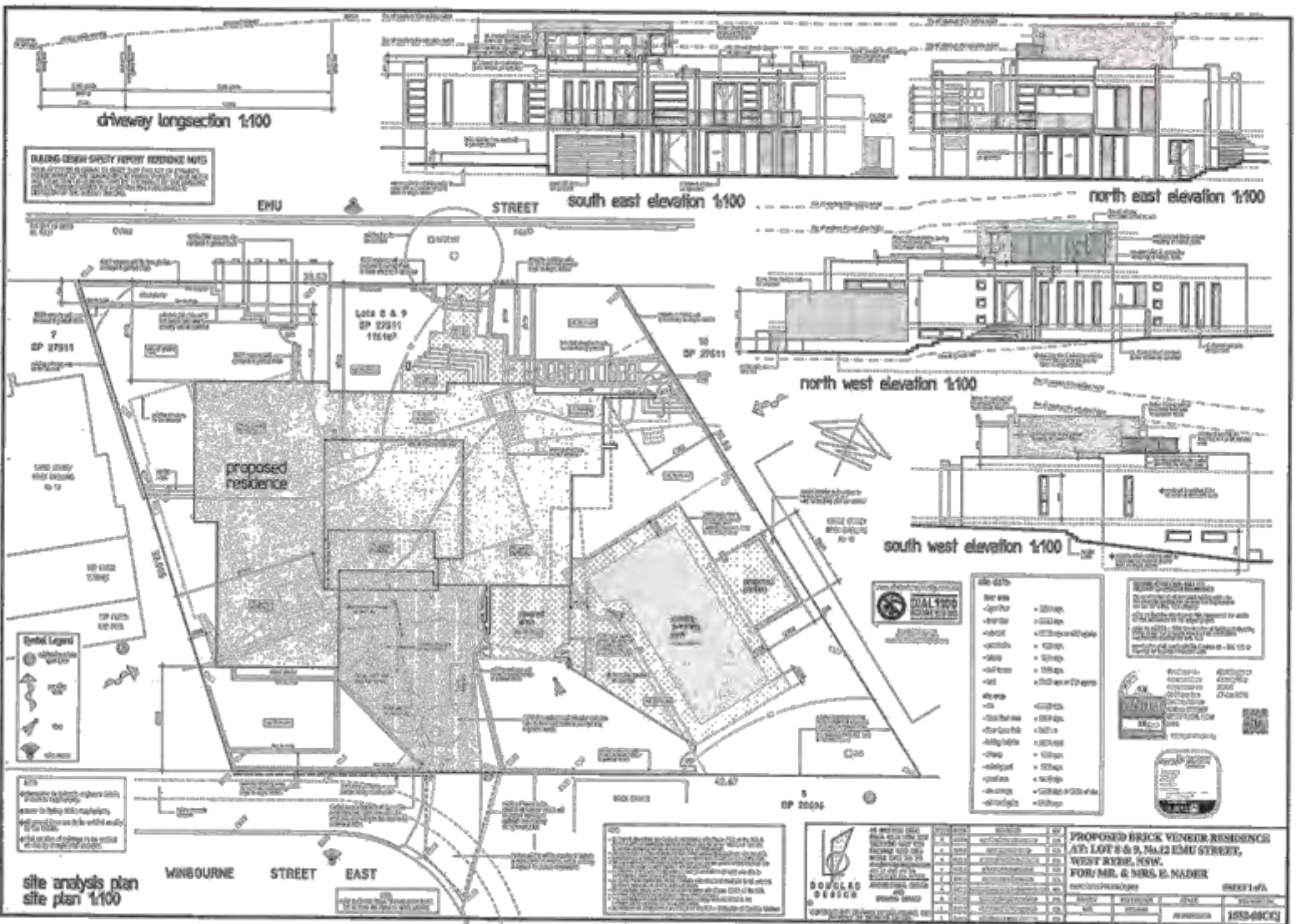
- (a) The proposed screen planting along the eastern side boundary comprising *Elaeocarpus* (Blueberry Ash) is to be replaced with a species of screen planting that has a maximum mature height of 2.7m.
- (b) ***Roof/Terrace North East Elevation – Privacy Screen. The proposed ‘powder coated aluminium decorative screening’ privacy screen along the north eastern elevation is to be replaced with a fixed wall for the full length of the terrace. The full length of the north-east elevation wall of the roof/terrace is to be provided with articulation or textured treatment to reduce the bulky appearance of the addition.***

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

- 3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered ~~604700S_02, dated 06/05/15~~ **604700S_04, dated 10/05/16.**
- 63. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered ~~604700S_02, dated 06/05/15~~ **604700S_04, dated 10/05/16.**
- 75A. Tree planting – street trees. Two (2) water gum (*Tristaniopsis laurina* “lushious”) tree with a minimum size of 300 litres to be planted in the nature strip. Landscape plans are to be amended to reflect a suitable location.**
- 75B. Security deposit. The Council must be provided with security for the purposes in a sum \$3000 prior to the release of any Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street trees.**

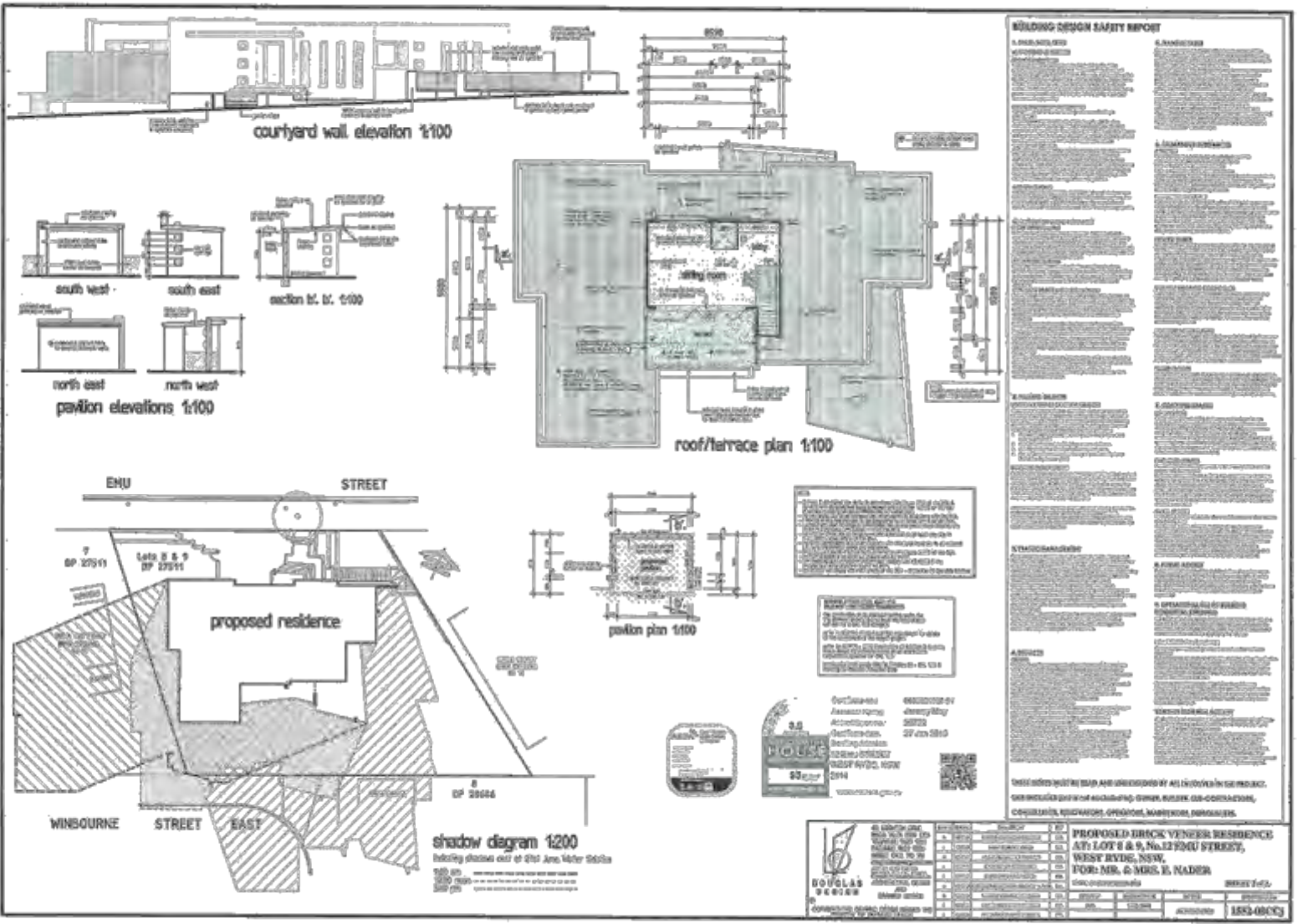
ITEM 2 (continued)

ATTACHMENT 2



ITEM 2 (continued)

ATTACHMENT 2



The architectural drawings include:

- courtyard wall elevation 1:100**: Shows the profile of the courtyard wall with various heights and openings.
- pavilion elevations 1:100**: Four elevations labeled 'south west', 'south east', 'north east', and 'north west' showing the pavilion's structure and roof.
- section B-B' 1:100**: A cross-section of the pavilion showing its internal structure and roof pitch.
- roof/terrace plan 1:100**: A detailed plan of the roof and terrace areas with dimensions and structural details.
- pavilion plan 1:100**: A plan view of the pavilion showing its footprint and internal layout.
- shadow diagram 1:200**: A site plan showing the 'proposed residence' on 'LOT 8 & 9' and 'LOT 10'. It includes 'ENJ STREET' and 'WINSOURNE STREET EAST'. A sun symbol indicates the sun's position, and hatched areas show shadows cast by the buildings. A note states: 'Indicating shadows cast at 01:00 Am, Winter Solstice'.

BUILDING DESIGN SAFETY REPORT

1. PROJECT INFO

1.1 PROJECT NAME

1.2 PROJECT ADDRESS

1.3 PROJECT CONTACT

1.4 PROJECT STATUS

1.5 PROJECT DATE

1.6 PROJECT LOCATION

1.7 PROJECT DESCRIPTION

1.8 PROJECT DRAWING NO.

1.9 PROJECT DRAWING DATE

1.10 PROJECT DRAWING SCALE

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3 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. (APL2016/0003 to LDA2015/0274).

Report prepared by: Senior Coordinator - Major Development

Report approved by: Acting Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP17/75

1. Report Summary

Applicant: Mawad Investments Pty Ltd

Owner: Mawad Investments Pty Ltd

Date lodged: 11 October 2016

This report has been prepared in relation to an application submitted under Section 82A of the Environmental Planning & Assessment Act 1979, requesting Council to review its determination to refuse a development application (LDA2015/274) for a boarding house at the subject property. Council determined the original DA at its Ordinary Meeting on 23 August 2016.

The Section 82A application contains no design changes to the proposal (compared to the DA that was previously considered by Council). However in support of the Section 82A application, the applicant has provided a detailed written submission in response to the reasons for the refusal of the original DA (**ATTACHED** to this report), and Council officers have provided a response for Council's consideration as part of this report.

The Section 82A application has been notified to neighbours (and all previous objectors to the original DA) in accordance with Part 2.1 DCP 2014 (Notification of Development Applications), and one (1) submission was received, raising issues of concern regarding:

- Proposed design (bulk and scale) being out of character with existing development
- Inadequate car parking, and lack of on-street parking in the area
- Loss of privacy from second storey balconies and internal rooms on the second storey of the building
- Social impacts – including increased risk of social conflict, anti-social behaviour and crime, transient residents who do not identify with the area and threaten the local sense of community, increased concentration of low income housing, and there are already a large number of social housing residences in West Ryde.

ITEM 3 (continued)

These issues of concern were similar to those raised during the original DA for this property, and were considered in the previous report to Council.

In terms of the merits of the application, the proposal is considered to be suitable for approval, as the subject site is considered to be in a suitable location for a boarding house that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (as the site adjoins Lions Park to the west and north, and to the east is a former service station currently used as a Midas car service centre).

The proposed development has minor areas of non-compliance with the applicable planning controls (State Environmental Planning Policy (Affordable Rental Housing) 2009; as well as Ryde LEP 2014 and Ryde DCP 2014), which are summarised as follows:

Non-compliances (justifiable)

- Front setbacks
- Rear setbacks

Non-compliances (addressed via proposed conditions)

- Internal Building Design – safety and security.
- Internal Building Design – Communal Kitchen and Dining Areas
- Clothes Drying Facilities
- Boarding House Management
- Waste minimisation and management

Following the lodgement of the subject Section 82A application on 11 October 2016, the applicant has lodged an appeal to the Land and Environment Court on 9 December 2016 against Council's refusal of the DA.

In terms of timeframe for this appeal, the First Directions Hearing in the Court was on 17 January 2017, and Council is required to file a Statement of Facts and Contentions in the Court by 7 February 2017, identifying why the DA should be refused. Council has sought to engage external consultants to prepare the Statement of Facts and Contentions, and to assist in Council's defence of the appeal lodged in the Court.

As noted in the previous report to Planning and Environment Committee, the proposal is considered suitable for approval despite these areas of non-compliance, and accordingly the DA was recommended for approval subject to conditions. It was recommended that any such approval be in the form of a Deferred Commencement consent requiring the submission of amended plans for the provision of adequate communal kitchen facilities, waste storage area and a detailed site investigation report in relation to the potential contamination of the site.

ITEM 3 (continued)

Accordingly it is recommended that the current Section 82A application be approved subject to the same recommended conditions as the original DA.

Reason for Referral to Planning and Environment Committee: Previously considered by the Planning and Environment Committee and Council.

Public Submissions: One (1) submission to current Section 82A application.

(Original DA had ten (10) submissions and a petition with 196 signatures to the original DA plans; and no further submissions to the re-notification of amended plans received during the original DA).

Clause 4.6 Ryde LEP 2010 objection required? None required.

Value of works: \$550,000

RECOMMENDATION:

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

ATTACHMENTS

- 1 Previous Report to Planning and Environment Committee - 9 August 2016
- 2 Applicant's Submission in Support of Section 82A Application - dated 27 September 2016
- 3 Proposed Conditions of Consent
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sandra Bailey
Senior Coordinator - Major Development

Report Approved By:

Vince Galletto
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 3 (continued)

2. Site (Refer to attached map.)

- Address** : 1139 Victoria Road, West Ryde (LOT 1 DP34953).
- Site Area** : 666.56m² (Deposited Plan)
Frontage to Victoria Road 15.24m
Eastern and Western side boundaries of 43.13m
Rear southern boundary of 15.29m
- Topography and Vegetation** : The subject site is relatively flat, falling gently to the street. No vegetation currently exists on the site.
- Existing Buildings** : A single storey building exists at the rear of the site for the purpose of operating a car and truck hire business.
- Planning Controls Zoning** : State Environmental Planning Policy (Affordable Rental Housing) 2009
Ryde Local Environmental Plan 2014:
Zone R2 Low Density Residential
- Other** : Ryde Development Control Plan 2014



ITEM 3 (continued)

3. Background

The previous report to Planning and Environment Committee meeting of 9 August 2016 contains an assessment of the proposal as originally submitted, and details of the background to the DA up until that point in time. The previous report to the Committee is held at **ATTACHMENT 1**.

At this meeting, the Planning and Environment Committee recommended that this matter be deferred to full Council for consideration.

On 23 August 2016, Council considered this DA and resolved as follows:

That Local Development Application No. LDA2015/0274 at 1139 Victoria Road, West Ryde is refused for the following reasons:

- 1. The development is unsatisfactory in terms of traffic and vehicle access arrangements. Specifically, the site is not suitable for the proposed boarding house development given it's location on a main road, as safe vehicle access to and from Victoria Road (which is a classified road) cannot be provided.*
- 2. The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014. Specifically, the development is unsatisfactory in terms of front and rear setbacks; safety and security (lack of lighting details for common areas); internal building design (communal kitchen and dining areas); clothes drying facilities; details of the boarding house management and details of waste minimisation and management.*
- 3. The proposal will have unacceptable impacts on the amenity of residential properties, due to noise impacts and waste disposal arrangements.*
- 4. The proposal is not in the public interest due to the number of submissions received from the local community.*

The Notice of Determination was then sent to the applicant to formally advise them of Council's determination of the DA, and resident objectors were advised of Council's decision.

4. Actions Following Council's Resolution

(a) Section 82A Application Lodged

The applicant has lodged an application under Section 82A of the Environmental Planning & Assessment Act 1979, for a Review of Determination for this development proposal.

ITEM 3 (continued)

Importantly, there were no design changes to the proposal compared to the DA that was considered by Council (in August 2016), and therefore the assessment of the proposal (in terms of compliance with applicable Planning Controls) remains as per the report to Planning & Environment Committee in relation to the original DA. However, the applicant's solicitors (Omniwealth Legal) have prepared a detailed submission to support the Section 82A application. This submission is attached to this report (see **ATTACHMENT 2**).

Statutory Procedures under Section 82A of the Environmental Planning and Assessment Act 1979

Applications under Section 82A of the Environmental Planning & Assessment Act 1979 are subject to a number of procedures. These are stated below, together with a brief comment on how Council has complied with the statutory procedures in relation to this Section 82A application.

- a) **S82A(2A)**: A determination cannot be reviewed after the time limited for the making of an appeal expires (this period is 6 months from determination);

Assessment Officer's Comment:

There is a six (6) month period from date of determination within which the Applicant has a right of review. The DA was determined on 23 August 2016. The Applicant lodged the Application for Review of Determination on 10 October 2016 which allows for it to be determined by 23 February 2017.

However, this six (6) month time period in which to determine the Section 82A application no longer applies, now that the applicant has lodged an appeal to the Land and Environment Court against Council's decision to refuse the DA.

- b) **S82(3A)**: In requesting a review, the applicant may make amendments to the development described in the original application;

Assessment Officer's Comment:

There have been no design amendments to the proposal, however the applicant has submitted a detailed response to the reasons for refusal, and this is assessed in this report.

- c) **S83A(4)**: The council may review the determination if:

- i. it has notified/ advertised the request for review in accordance with regulations and the Development Control Plan;

ITEM 3 (continued)

Assessment Officer's Comment:

The Section 82A Review Application was notified and advertised in accordance with Council's Development Control Plan.

- ii. it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

Assessment Officer's Comment:

One (1) submission was received to the notification of the Section 82A application, which is discussed in detail earlier in the 'Submissions' section of this report.

- iii. the development, as amended, is substantially the same development as the development described in the original application.

Assessment Officer's Comment:

There have been no design changes to the current Section 82A proposal (compared to the original DA), so the development is "substantially the same" as original application for the purposes of this clause.

Applicant's submission from Omniwealth Legal

The Section 82A application was accompanied by a letter from Omniwealth Legal, which addresses each of the reasons for refusal of the original DA. The submissions made in the Omniwealth letter in support of the Section 82A application are stated below, together with a brief comment:

1. Reason for refusal No 1. The development is unsatisfactory in terms of traffic and vehicle access arrangements.

Applicant submission:

Firstly, we note that the site is currently being used for the purpose of operating a car and truck hire business which has constant flow of trucks and vehicles arriving and departing from the site. We further note that the adjoining property to the east comprises a two storey building used as an auto garage and car servicing centre which also has a regular flow of vehicles entering and leaving the property.

Section 2.2 Part 9.3 of DCP 2014 prescribes the car parking requirements for boarding house developments and states that for boarding houses in an "accessible area" there must be at least 0.2 parking spaces per boarding room which equates to:

ITEM 3 (continued)

- *at least 0.2 parking spaces/dwelling containing 1 bedroom; and*
- *at least 0.5 parking spaces /dwelling containing 2 bedrooms.*

Section 2.3 Part 3.5 of DCP 2014 requires that for every 5 boarding rooms or part thereof, an area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking.

The Committee has noted in its Report that the proposed development provided three (3) car parking spaces, 3 bicycle parking spaces and 3 motorcycle parking spaces, and therefore fully complies with the vehicle parking requirement of DCP 2014 (page 229 PEC Report).

Further, the Report also notes that clause 29 of the ARHSEPP provides "Standards that cannot be used to refuse consent". In particular, Clause 29(2) indicates that a consent authority must not refuse consent to development for a boarding house undertaken pursuant to the ARHSEPP if at least 0.2 parking spaces are provided for each boarding room if the site is located within an accessible area.

The site is located within an "accessible area" (the development is located approximately 10 m walking distance from a bus stop located on the northern side of Victoria Road near the corner of Shaftsbury Road) and Council has clearly stated that, as such, the City of Ryde must not and cannot refuse consent to the subject boarding house on the basis of parking if it achieves the minimum 3 car parking spaces required by the ARHSEPP. [page 229-230 of the PEC Report].

Further, the Committee has noted that given the demographic profile of the average boarding house lodger, car ownership and usage by occupants of boarding house developments is typically relatively low and is of the view that the proposed boarding house will not result or cause significant problems in terms of excessive vehicle parking. [page 230 of the PEC Report].

In terms of traffic, again the Committee was of the view that the proposed construction of a boarding house is not expected to compromise the effectiveness and ongoing operation and function of Victoria Road. The proposal provides three off street car parking spaces, three motorcycle and three bicycle spaces. The proposal provides adequate room for vehicles to enter and exit the site in a forward direction, ensuring the safety of pedestrians and other road users is maintained. [page 242 of the PEC Report].

The ARHSEPP provides that a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of parking if the minimum standards outlined within the ARHSEPP are met.

We note that the proposed development meets the minimum standards.

ITEM 3 (continued)

Comment:

Much of the applicant's submission above refers to the proposal's compliance with car parking requirements (contained in the applicable planning controls), rather than traffic and vehicle access arrangements.

In terms of traffic generation, this has been discussed with Council's Senior Development Engineer, and it is considered that the current use of the site (as a car/truck hire business) would be likely to generate higher traffic volumes than the proposed boarding house.

The original DA was referred to Council's Senior Development Engineer, who made an assessment of the proposal in terms of parking and on-site vehicle manoeuvring. In this assessment, it was noted that the proposal complies with the applicable car parking requirements, and also the internal design of the parking area was generally satisfactory to enable vehicles to leave the site in a forward direction (subject to conditions regarding adjustment to the aisle width and the vehicle turning bay).

Despite the location of the site on Victoria Road, the site has good sight distances (when approaching from the west), and is also located near the signalised intersection with Shaftsbury Road, which will help to minimise vehicle speeds as drivers approach this intersection. Having regard to these existing traffic conditions and the provision of sufficient on-site vehicle manoeuvring, it is considered that the proposal is acceptable in terms of traffic and vehicle access arrangements.

2. Reason for refusal No 2. The development is unsatisfactory in terms of Ryde DCP 2014.

This reason for refusal contained a number of individual issues in terms of Ryde DCP 2014, including:

- front setbacks;
- rear setbacks;
- safety and security (lack of lighting details for common areas);
- internal building design (communal kitchen and dining areas);
- clothes drying facilities;
- details of the boarding house management; and
- details of waste minimisation and management.

ITEM 3 (continued)

The applicant's submission has addressed each of these as follows:

(a) Front Setbacks

Applicant's submission:

Ryde DCP 2014 requires that garages and carports are to be setback a minimum of 1m from the dwelling's front façade. The Committee noted that despite the proposal not complying with this requirement of DCP 2014, it is of the view that the proposal can be supported for the reasons set out at page 249 of the PEC Report.

Comment:

There are no new comments provided by the applicant in relation to front setbacks, relying only on the officer's assessment in the report to Council regarding the original DA.

In terms of compliance with DCP compliance, the issue in relation to front setbacks was that Ryde DCP 2014 contains a requirement that garages and carports are required to be setback a minimum of 1m from the dwelling's front façade. The development proposes an open "carport" at ground floor level of the building with no front garage door or rear wall, but which is not setback 1m from the façade, and therefore does not comply with this requirement of DCP 2014.

As noted in the report to Council for the original DA, the development proposes the side wall of the carport to face the front, so there would be no issues in terms of visual dominance of garage doors facing the street. The side wall of the carport has 2 windows with similar sizes to the windows at the first floor of the building, so the visual presentation of the development to the street will therefore be typical of a residential dwelling.

Accordingly, the proposal is considered to be acceptable in terms of front setback, despite non-compliance with Ryde DCP 2014.

(b) Rear Setbacks

Applicant's submission:

The DCP 2014 prescribes that the rear of the dwelling is to be setback from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is greater. The site has a length of 44.35 and therefore the minimum required rear setback is 11.09m.

ITEM 3 (continued)

We note that the rear ground floor deck is setback 8.6m from the rear boundary while the rear wall of the building is setback between 11-12.5m from the boundary, which complies with the control. Despite not meeting all the rear setback requirements as set out in DCP 2014, the Committee expressed the view that the proposal can be supported in this instance for the reasons set out at page 250 of the PEC Report.

Further Council goes on to conclude that "the proposed development meets the objectives of the setback controls set out in the Ryde DCP 2014".

Comment:

The applicant notes that the proposed development would comply with the DCP requirement at first floor level, however does not comply at ground floor level.

As noted in the report to Council for the original DA, the rear setbacks was considered to be acceptable because the property adjoins a vehicle accessway (leading to Lions Park, to the north/rear), and so the impact of the reduced rear setback would be considerably less than if the property adjoined another residential property.

Accordingly the proposal is considered to be acceptable in terms of rear setback despite non-compliance with Ryde DCP 2014.

(c) Safety and security (lack of lighting details for common areas)

Applicant's submission:

The Committee observed in its Report that the proposed plans did not provide sufficient lighting details for the common areas. However, the Committee noted that this is a minor matter which can be shown on the construction certificate plans and can be addressed via conditions of consent.

The Committee accordingly proposed the following conditions of consent to ensure that the safety and lighting arrangements are designed to comply with the provisions of the Ryde DCP 2014:

- (a) The installation of sensor lighting to the side entry gates. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate;*
- (b) Lockable side entry gates to prevent unauthorised access to the private open space areas of the boarding house. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate;*
and

ITEM 3 (continued)

(c) Lighting of common areas such as driveways. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate.

We refer you to page 252 of the PEC Report for further information.

In light of the above, the applicant submits that the Council's refusal of the application on this issue is without merit and without good planning grounds.

Comment:

There are also no new comments provided by the applicant in relation to safety and security issues for the development, nor are there any specific details provided by the applicant in regard to the matters that were proposed to be addressed via conditions of consent.

However, despite this lack of detail provided with the current Section 82A application, it is still considered that these issues could be resolved via conditions of consent, as recommended in the previous report to Council for the original DA.

(d) Internal building design (communal kitchen and dining areas)

Applicant's submission:

Section 3.6 of Part 3.5 of the DCP 2014 prescribes development controls relating to the internal building design of board house developments.

We note here that the proposed internal building design provides a communal kitchen of 8.3m² however the required area is 15.6m². Also one sink and one stove is provided instead of the required two of each as stipulated in Section 3.6 of Part 3.5 of DCP 2014.

Again, we note that the Committee has advised that the applicant will have to reconfigure the ground floor plan to accommodate the above. This again is a minor matter and can be addressed via conditions of consent as recommended by the Council at page 220 of the PEC Report.

We note that the Committee has clearly pointed out that "it will be possible to provide a kitchen that meets the required size by adjusting the size of the common living area adjacent to the kitchen" [page 253 of the PEC Report] and the Committee has accordingly recommended the following deferred commencement condition of consent to address this issue:

ITEM 3 (continued)

Communal Kitchen Facilities: A communal kitchen area is to be provided with a minimum area of 15.6m² and that contains a minimum of two sinks, two stove cookers and that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details area to be submitted to and approved by the Council prior to the activation of this consent.

In light of the above, the applicant submits that Council's refusal of the application on this issue is without merit and without good planning grounds.

Comment:

There are also no new comments provided by the applicant in relation to internal building design, nor are there any specific details provided by the applicant in regard to the matters that were proposed to be addressed via conditions of consent.

However, despite this lack of detail provided with the current Section 82A application, it is still considered that these issues could be resolved via conditions of consent, as recommended in the previous report to Council for the original DA.

(e) Clothes drying facilities

Applicant's submission

The Report noted that an assessment of the submitted plans has revealed that both external and internal clothes drying areas were not shown on plans. This again is a minor matter that can be addressed via conditions of consent as recommended by the Committee in its Report.

We note that DCP 2014 requires that external and internal drying facilities are to be provided as follows:

- *15m² external clothes drying area for every 12 residents in on outdoor area (can be retractable)*
- *Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.*

The Committee has recommended that this issue be addressed by the following conditions of consent:

- ***Clothes Drying Facilities (external).*** *An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.*

ITEM 3 (continued)

- ***Clothes Drying Facilities (internal).*** *An Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by Council prior to the issue of a Construction Certificate.*

In light of the above, the applicant submits that Council's refusal of the application on this issue is without merit and without good planning grounds.

Comment:

It is considered that these issues could be resolved via conditions of consent, as recommended in the previous report to Council for the original DA.

(f) Details of the boarding house management

Applicant's submission:

Section 4 of Part 3.5 of the DCP2014 provides development controls relating to the management of boarding houses to ensure they are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for adjoining residents.

It is noted that the subject DA does not detail on the plans or within the accompanying documentation that these management controls will be satisfactorily complied with.

However, to address the above, the Committee states in its Report that the following conditions be included as an operational condition of consent:

(a) Display of name and contact details of manager;

Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance an the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency. [page 254 of the PEC Report]

(b) Occupiers of adjacent properties to be provided with 24 hr contact number for the boarding house; [page 254 of the PEC Report] and

ITEM 3 (continued)

(c) Incident register/complaints procedure to be provided. The Committee proposed the following amendment to section 5 of the Plan of Management as submitted:

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain-

- Complaint date and time*
- Name of person/police/council making the complaint*
- Contact details*
- Nature of the complaint*
- Action taken (by whom and when)*
- Outcome and/or further action required*

All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

In addition, the Committee recommended that the following operational condition be imposed to reiterate house rules to occupants of the premises:

House Rules - A copy of the 'House Rules' contained within the approved Plan of Management are must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

Each of the above issues is considered minor by the Committee in its Report and easily rectifiable through deferred commencement conditions as set out above - they are not, in the circumstances, reasonable grounds for refusal of the proposed application.

Comment:

These are also matters which can be addressed via conditions of consent, as recommended in the previous report to Council for the original DA.

ITEM 3 (continued)

(g) Waste minimisation and management

Applicant's submission:

The Committee has noted that details of the waste storage and handling facilities submitted with the DA do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014 - as a bin storage area has not been indicated on the site plan.

However, despite the non-compliance, the Committee considered that "the proposal is generally satisfactory for approval" and that the "subject DA is recommended for approval subject to conditions... in the form of a Deferred commencement consent requiring the submission of amended plans for the provision of adequate communal kitchen facilities [and] waste storage area...." [page 221 of the PEC Report]

The Committee held the view that space on-site was available for the sorting and storage of waste and therefore, considered that the following deferred commencement condition be recommended as per Council's Senior Environmental Health Officer's recommendation:

Amended details must be submitted for Council's approval. The amended details must include:

- (a) Design and location of the waste storage facilities for the garbage and recycling bins*
- (b) The number of garbage and recycling bins proposed to ensure that any proposed enclosure large enough to contain all required bins*

Details are to be submitted to and approved by the Council prior to the activation of this consent.

Further we note that section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 states that if a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

The Committee noted that with "the above in mind... those aspects of the proposal which have been assessed as non-compliant... have been determined acceptable as they are able to achieve the objects of those standards". [page 248 of the PEC Report]

ITEM 3 (continued)

Given the above issues are easily rectifiable through deferred commencement conditions as recommended by the Committee, they are not, in the circumstances, reasonable grounds for refusal of the proposed application.

Comment:

It is considered that these issues could be resolved via conditions of consent, as recommended in the previous report to Council for the original DA.

3. ***Reason for refusal No 3. Unacceptable impacts on the amenity of residential properties, due to noise and waste disposal.***

Applicant's submission:

In relation to Noise and Acoustic Privacy, the applicant states as follows:

We note that occupancy levels will be managed by restricting the maximum occupancy of the premises to 13 lodgers and the Committee has noted that Council has enforcement powers under the EPAA to ensure compliance with the consent [page 231 of the PEC Report].

In relation to noise, the Committee has noted that the "proposal remains a residential land use, and accordingly is considered to be generally consistent with other forms of residential development such as dwelling houses and dual occupancy developments" [page 231 of the PEC Report].

Further, the Committee goes on to state that "the premises will be subject to conditions of consent, house rules and Plan of Management relevant to the boarding house". The Plan of Management provides details on operation, number of lodgers, house rules, fire safety, site cleaning, furniture and facilities, waste management, safety and security.

The submitted Plan of Management includes various house rules at section 6 which include:

- (a) No loud music or TV noise after 10.00pm;*
- (b) No parties or gatherings are permitted upon the premises after 10.00pm;*
- (c) No visitors other than residents of the property after 10.00pm;*
- (d) No use of outdoor areas after 10pm; and*
- (e) No smoking in areas which may affect the amenity of other residents of the boarding house or residents.*

ITEM 3 (continued)

The Plan of Management also notes that a copy of the Plan will be provided to each new lodger who will be required to sign an occupancy and house rules agreement. The plan notes that breaches will result in cessation of occupation. In addition, additional operational conditions have been imposed to reiterate the house rules to occupants of the premises. We refer to condition 33 of the Report which requires that "a copy of the House Rules" contained within the approved Plan of Management must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules". [page 290 of the PEC Report]

We note that the Committee also pointed out that the premises "fronts Victoria Road, a classified arterial road used by more than 40,000 vehicles per day" and "ambient noise levels in the area are likely to be higher than a traditional low density suburban area" [page 231 of the PEC Report].

Overall, the Committee was of the view that "the subject site for this development is considered to be in a suitable location that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours" [page 232 of the Report].

This issue is therefore not a real concern.

Comment:

It is considered that amenity impacts could be resolved by conditions of consent, as indicated in the report to Council for the original DA. Some of the conditions of consent aimed at addressing noise issues include:

- Deferred Commencement condition 1(b) – Amended Plan of Management required (with details regarding complaints management).
- Condition 101 – Compliance with approved/amended Plan of Management.
- Condition 102 – Use of communal outdoor areas. This condition will restrict the hours of use of the communal outdoor area as well as preventing loud or amplified music being played.
- Condition 103 – Boarding house management (display of manager/managing agent to be displayed externally; also neighbours to be provided with a 24 hour contact telephone number).
- Condition 116 – offensive noise. This condition will require the use of the premises not to cause the emission of offensive noise as defined in the Protection of the Environment Operations Act, 1997.
- Condition 117 – no public entertainment or speaker systems to be installed on the premises.

ITEM 3 (continued)

- Condition 118 – Noise and vibration from plant and equipment is to be restricted so that it does not exceed the background noise level by more than 5dBA.
- Condition 133 – House rules to be displayed within the main entry area and all communal areas so that all occupants are aware of the house rules.

Furthermore, it is noted that the property has no immediate residential neighbours, as the property adjoins Lions Park (to the west), the vehicle access to that park (to the north), and a Midas Vehicle Service Centre (to the east).

In relation to Waste Management, the applicant has addressed this issue by their comments in reason for refusal Number 2(g) (above).

Comment:

As noted above, it is considered that issues of concern regarding waste management can be addressed via conditions of consent.

It is considered that there is sufficient space on-site for the storage of waste disposal bins (both garbage and recycling), and that there is sufficient room at the front of the property to enable these to be collected (on collection night).

4. Reason for refusal No 4. Not in the public interest due to number of submissions received from the local community.

Applicant Submission:

The DA was lodged with Council on 15 June 2015 and notified to surrounding properties on 24 June 2015. In response, 10 submissions and a petition of 196 signatories were received objecting to the proposed development. The applicant understands that most of the signatures to the petition were obtained by stopping locals passing through or using Lions Park, the adjoining property.

In any event, an initial assessment of the proposal identified a number of non-compliances with the provisions of DCP 2014. Those issues were included in an additional information letter to the applicant on 30 June 2015.

Amended plans were received by Council on 16 September 2015 which included a number of changes addressing the issues raised by council in its letter of 30 June 2015. The amended plans were then renotified to neighbours and previous objectors.

We note that no submissions were received in response to the amended plans.

ITEM 3 (continued)

It is therefore somewhat nonsensical that Council would rely on original submissions raised as a ground of refusal in circumstances where firstly, no further submissions or objections were received by Council to the applicant's amended plans AND where each of the submissions were held by the Committee in its Report to either have no merit, no relevance or could and would be addressed with conditions of consent.

Comment:

In addition to the comments above, the applicant has provided their response to the issues of concern raised in the submissions received to the original DA.

As noted above, the original DA was notified to neighbours, and 10 submissions were received (and a petition with 196 signatories). When amended plans for the original DA were received by Council, these were re-notified and no further submissions were received.

The current Section 82A application was re-notified to adjoining owners and all previous objectors to the DA, and one (1) further submission was received, from an adjoining owner at No 1088 Victoria Road (on the southern side of Victoria Road opposite the subject site). It is noted that this adjoining owner made a submission to the original DA.

The issues of concern raised in the submission to the Section 82A application are discussed below.

Neighbour Notification of the current Section 82A application:

The current Section 82A application was notified to neighbours in accordance with Ryde DCP 2014 Part 2.1 – Neighbour Notification of Development Applications. This notification included adjoining owners and all previous objectors to the DA.

One (1) submission was received, from the owner of No 1088 Victoria Road (opposite and on the southern side of Victoria Road).

The issues of concern raised in the submission are summarised and discussed as follows:

A. Design and character. *The proposal is an over-development of the site. The proposed design, bulk and scale of the boarding house is excessive and out of character with existing development.*

Comment: These issues of concern were raised and addressed in the report to Council for the original DA, and it is noted that there have been no design changes submitted with the current Section 82A application.

ITEM 3 (continued)

The previous report to Council for this proposal is **ATTACHED** to this report.

In summary, it is noted that the proposal fully complies with the maximum 0.5:1 floor space ratio (0.498:1 proposed), and with the 9.5m maximum height (8.4m proposed), while the proposal generally complies with the requirements of DCP2014 for front, side and rear side setbacks (justifiable non-compliance with rear setback as discussed in this report).

Accordingly, as the proposal has been designed to generally comply with the requirements in Ryde DCP 2014 for residential development, it is considered that it will have a similar bulk and scale to that which could be developed under the local planning controls for a dwelling house, and as such is acceptable.

- B. Car parking.** *The number of car spaces is inadequate for the proposed development. There is a shortage of street parking, which will increase on-street parking in adjoining streets, which are already in demand with people attending Lions Park.*

Comment: These issues of concern were also addressed in the report to Council for the original DA.

The development provides 3 car parking spaces, 3 bicycle parking spaces, and 3 motorcycle parking spaces, and therefore fully complies with the vehicle parking requirements of DCP2014 and the ARHSEPP.

It must be noted that the provisions of the ARHSEPP provides 'Standards that cannot be used to refuse consent', which include compliance with the car parking requirements discussed above. Given that the proposal fully complies with these ARHSEPP requirements, the proposal cannot be refused on the basis of parking.

- C. Privacy.** *The proposal would have adverse impacts on adjoining properties (including the park to the rear and side) due to loss of privacy and overlooking from second storey balconies, windows and stair areas.*

Comment: These issues of concern were also addressed in the report to Council for the original DA.

As noted previously, the proposal does not include any first floor balconies, and there is only a small landing at the top of the rear external stairway which would not cause significant overlooking due to the small size and the fact that it only looks out over the vehicle access to the Park.

ITEM 3 (continued)

The windows on the first floor level are associated with the boarding rooms at that level, however, these do not result in overlooking of other residential properties, because the site adjoins Lions Park (the park itself is to the west, and the vehicle access to the Park is to the north) and a Midas vehicle service centre to the east.

The windows on the first floor along the western elevation would be able to overlook the adjoining park. This however is not considered to be a significant impact and is unlikely to affect the amenity of the adjoining park. These windows are restricted to 4 boarding house rooms and the internal stairs. The layout of the rooms results in the bed being located closest to the window. This layout will assist in preventing overlooking to the park.

D. Social impacts. *The proposed concentration of low income transient residents has the potential to cause social impacts, including social conflict, antisocial behaviour and crime, reduction in the sense of community. Concentration of low income housing in the area is undesirable, and there are already a large number of social housing residences in West Ryde.*

Comment: The application does not specify the nature of the intended occupants of the boarding house. Generally it is expected that this type of accommodation will be occupied by students or other members of the community seeking housing at an affordable level. These issues of concern are considered to be largely based on fears and perception, and there is nothing to suggest that the proposal will cause adverse social impacts.

(b) Appeal Lodged in the Land and Environment Court

Council received notice of an appeal lodged in the Land and Environment Court on 9 December 2016 against Council's refusal of this DA.

The First Directions hearing for this appeal was on 17 January 2017. At this First Directions Hearing, the Court made a direction requiring Council to file a Statement of Facts and Contentions in the Court by 7 February 2017, identifying why the DA should be refused. Council has sought to engage external consultants to prepare the Statement of Facts and Contentions, and to assist in Council's defence of the appeal lodged in the Court.

5. Financial Impact

Given that an appeal has now been lodged in relation to this development proposal, there are possible financial impacts for Council, which vary according to how Council determines this application.

ITEM 3 (continued)

If Council decides to approve the Section 82A application, then the applicant would “discontinue” the appeal in the Court upon confirmation of Council’s approval, which would end the matter relatively quickly. Costs for Council in this scenario would normally be limited to under \$5000.

Conversely, if Council decides to refuse the Section 82A application, then costs will be incurred in Council’s defence of the appeal. External consultants will need to be engaged to support any recommendation of refusal, including in this case town planning consultants, should this matter proceed to a full hearing. Past experience indicates that the total costs of Council’s defence of this appeal could be in the order of \$20,000 to \$35,000 to cover costs of a town planning consultant. If additional experts are required such as traffic and parking consultants, then this cost would escalate.

6. Other Options

The officer’s recommendation in the report to Council for this original DA was approval (Deferred Commencement) subject to conditions. If Council is of a mind to approve this application, appropriate conditions of consent have been included in **ATTACHMENT 3**.

The only practical alternative to this recommendation of approval would be for Council to re-affirm it’s decision of refusal.

Further details on prospects of success in this matter can be provided by Council’s General Counsel (in closed session).

7. Conclusion

This is an application under Section 82A of the Environmental Planning & Assessment Act 1979. In lodging the application, there have been no design changes to the proposed building. However, the application has been supported by a detailed submission from their solicitor (Omniwealth Legal) which addresses the reasons for refusal of the original DA.

The Section 82A application has been notified to the neighbours (and all previous objectors to the original DA), and one (1) submission was received. The issues of concern raised in the submission were similar to those raised during the original DA for this property.

ITEM 3 (continued)

The proposed development has minor areas of non-compliance with the applicable planning controls (State Environmental Planning Policy (Affordable Rental Housing) 2009; as well as Ryde LEP 2014 and Ryde DCP 2014), which include front and rear setbacks (justifiable non-compliances); and internal building design (safety and security, and design of communal kitchen and dining areas), clothes drying facilities, boarding house management, and waste minimisation and management (which can be addressed via conditions of consent).

The proposal is considered to be suitable for approval, as the subject site is considered to be in a suitable location for a boarding house that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (it the site adjoins Lions Park to the west and north, and to the east is a former service station currently used as a Midas car service centre).

ITEM 3 (continued)

ATTACHMENT 1

4 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2015/0274.

Report prepared by: Senior Coordinator - Development Assessment

Report approved by: Acting Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP16/945

1. Report Summary

Applicant: Mawad Investments Pty Ltd.

Owner: Mawad Investments Pty Ltd.

Date lodged: 15 June 2015 (amended plans received 16 September 2015 and 10 May 2016).

This report considers a development application (DA) for the construction of a new two-storey boarding house development comprising twelve (12) boarding rooms pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). Of the twelve (12) boarding rooms, eleven (11) are to be single rooms, and one (1) is to be a double room for a total capacity of thirteen (13) lodgers.

The subject site for this development is considered to be in a suitable location for a boarding house that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (ie the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre).

The DA was notified to surrounding properties in accordance with Ryde DCP 2014, and as a result, ten (10) submissions and a petition with (196) signatories were received objecting to the proposed development. When amended plans were received and re-notified to neighbours, no further submissions were received.

The issues of concern raised by the objectors are summarised as follows:

- Visual Privacy
- Car parking
- Noise and Acoustic Privacy
- Operation and Management
- Anti-social behaviour of tenants
- Safety and security of surrounding residents

ITEM 3 (continued)

ATTACHMENT 1

- Increase in localised crime
- Use of adjacent park by tenants of boarding house to consume alcohol/drugs
- Proposed land use along with scale, built form density and visual impact
- Proximity to other boarding houses
- Inconsistency with planning controls
- Insufficient notification area

The proposal has been assessed against the provisions of the ARHSEPP, and where relevant, the provisions of Ryde LEP2014 and DCP2014. The areas of non-compliance can be summarised as follows:

Non compliances justifiable:

1. **Front Setbacks** – Ryde DCP 2014 contains a requirement that garages (and carports etc) are to be setback a minimum 1m from the building façade. The development proposes an open “carport” at ground floor level of the building with no front garage door or rear wall, but which is not setback 1m from the front façade.
2. **Rear Setbacks** – Ryde DCP 2014 prescribes a rear setback requirement of 8m or 25% of the site length (site is 44.35m long which would require a rear setback of 11.09m). The setback is 11m to the rear wall and 8.6m to the rear deck which is roofed and enclosed with a wall and therefore part of the building.

Non compliances/issues to be addressed via conditions:

3. **Internal Building Design – safety and security.** No lighting details shown on plans for common areas; and storage area for each occupant has not been clearly shown (minor matters which can be shown on the construction certificate plans).
4. **Internal Building Design – Communal Kitchen and Dining Areas**
 - The communal kitchen is 8.3m² in area, however the required area is 15.6m² (ie 1.2m² per resident)
 - One sink is provided in the kitchen, however two sinks are required.
 - One stove cooker is provided in the kitchen, however two stove cookers are required.(Note: it is likely that the applicant will have to reconfigure the ground floor plan to accommodate the changes described above and to ensure the provision of an internal clothes drying facility highlighted below).
5. **Clothes Drying Facilities**
 - Both the external clothes drying area and internal clothes drying area needs to be shown on plans

ITEM 3 (continued)

ATTACHMENT 1

6. Boarding House Management

- Name and contact details of the manager to be displayed at all times.
- Occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.
- Incident register/complaints procedure to be provided.

7. Waste minimisation and management

- Space on-site is available for the sorting and storage of waste, however details of the waste storage and handling facilities submitted with the DA do not meet the requirements of Section 7.2 of Ryde DCP 2014.

Despite the non-compliances outlined above and the issues of concern raised in submissions, it is considered the proposal is generally satisfactory for approval as discussed in the body of the report. For this reason, the subject DA is recommended for approval subject to conditions. It is recommended that any such approval be in the form of a Deferred Commencement consent requiring the submission of amended plans for the provision of adequate communal kitchen facilities, waste storage area and a detailed site investigation report in relation to the potential contamination of the site.

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

Public Submissions:

- (a) Original Notification: ten (10) submissions and a petition with 196 signatories were received objecting to the proposed development.
- (b) Amended Plan Notification: No further submissions received.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? None required.

Value of works: \$550,000

RECOMMENDATION:

- (a) That Local Development Application No. 2015/274 is approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 3 (continued)

ATTACHMENT 1

ATTACHMENTS

- 1** Draft Conditions of Consent
- 2** Compliance Table (Affordable Rental Housing SEPP 2009)
- 3** Compliance Table - Ryde DCP 2014
- 4** Map
- 5** A4 Plans
- 6** A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Chris Young
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 3 (continued)

ATTACHMENT 1

2. Site (Refer to attached map.)

Address : 1139 Victoria Road, West Ryde (LOT 1 DP34953).

Site Area : 666.56m² (Deposited Plan)
Frontage to Victoria Road 15.24m
Eastern and Western side boundaries of 43.13m
Rear southern boundary of 15.29m

Topography and Vegetation : The subject site is relatively flat, falling gently to the street. No vegetation currently exists on the site.

Existing Buildings : A single storey building exists at the rear of the site for the purpose of operating a car and truck hire business.

Planning Controls Zoning : State Environmental Planning Policy (Affordable Rental Housing) 2009
Ryde Local Environmental Plan 2014:
Zone R2 Low Density Residential

Other : Ryde Development Control Plan 2014



ITEM 3 (continued)

ATTACHMENT 1



ITEM 3 (continued)

ATTACHMENT 1



3. Councillor Representations

Name of Councillor: Councillor Etmekdjian.

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

Date: 25 July 2015

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

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

4. Political Donations or Gifts

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

ITEM 3 (continued)

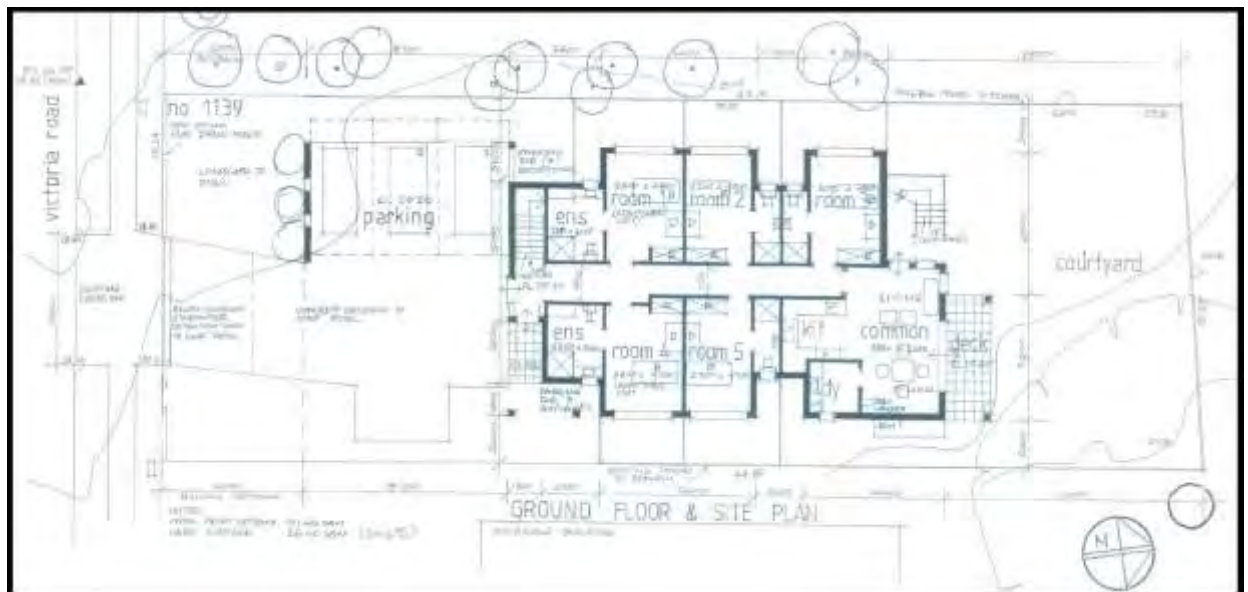
ATTACHMENT 1

5. Proposal

The proposed development includes the construction of a new two-storey boarding house with the following attributes:

- Twelve (12) boarding rooms – eleven (11) single rooms, one (1) double room for a total capacity of thirteen (13) lodgers.
- Two of the twelve (12) boarding rooms have been designed as being capable for occupation by a disabled person.
- Access to the rear of the site is available via a gate to the side setback areas.
- The rear yard of the site is to include a landscaped common open space area and deep soil planting area.
- Associated works include new stormwater drainage and OSD, general site landscaping, and new 1800mm high fencing to the western and eastern side boundary and southern rear boundary. A 900mm high masonry fence will be provided along the front boundary of the site.

The following is the site plan/ground floor plan of the proposed development:



6. Background

LDA2015/274 was lodged with Council 15 June 2015. The DA was notified to surrounding properties in accordance with the DCP2014 on 24 June 2015, and advertised in the Northern District Times on 24 June 2015 (closing date for submissions 8 July 2015).

In response to the notification/advertisement of the subject DA, ten (10) submissions and a petition with 196 signatories were received objecting to the proposed development.

ITEM 3 (continued)

ATTACHMENT 1

An initial assessment identified a number of non-compliances with the provisions of the DCP2014. The following issues were included in an additional information letter sent to the applicant on 30 June 2015:

- Excessive density of occupants being proposed, being thirteen (13) rooms within an R2 Low Density Residential Zone.
- Internal building design and compliance with Section 3.6, Part 3.5 Boarding House DCP 2014.
- Inadequate Local Character Area Assessment, Plan of Management and Statement of Environmental Effects.
- Inaccurate architectural plans and inaccurate information detailed on plans.
- Hard paving within front setback in excess of Council's control of 40%.
- Non-compliant car parking arrangement including number of spaces and parking located within the front setback.
- Building Code of Australia - No Section J Report submitted.
- Acoustic and Air Quality - No Acoustic Assessment or Air Quality reports were submitted.
- Accessibility - No Access Report submitted.

Amended plans were received on 16 September 2015 which included the following changes:

- The number of boarding rooms was reduced to a maximum of twelve (12) from thirteen (13).
- Two (2) of the ground floor boarding rooms were reconfigured to be adaptable dwellings.
- Further details on the architectural plans were provided with regards to internal building design/layout of each room, communal kitchen and living room.
- Landscaping has been added within the front setback area to reduce the overall percentage of hard surfaces.
- Revised SEE
- Amended Plan of Management
- BCA report provided
- Access report provided
- Acoustic report provided
- Air quality assessment report provided
- Waste Management Plan provided.

The amended plans were re-notified to neighbours and previous objectors. **No submissions** were received. The assessment of the submissions (in the following section) is of the submissions received to the original round of notification.

ITEM 3 (continued)

ATTACHMENT 1

It should be noted that the amended plans submitted on 16 September 2015 required clarification in relation to the provision of disabled car parking. Recent (2015) amendments to AS2890.1 now require that disabled car parking spaces must have a space (called a “shared space”) of an equivalent size next to a disabled parking space to provide sufficient space for persons with a disability to physically enter/exit their vehicle.

The amended plans submitted 16 September 2015 provided a “shared space” in between two other car spaces within the car port. However, this is not permitted to be used for two purposes (ie a car space or access space for people with a disability to enter/leave their vehicle), and so the applicant was requested to review this requirement and undertake amendments to the plan if required.

On 10 May 2016, the applicant provided further amended plans, as well as an updated access report from their access consultant, Egron Consulting. This access report cites the provisions of Clause 3.5 of the Building Code of Australia (BCA) which states that “accessible car parking spaces... need not be designated where there is a total of not more than 5 car parking spaces, so as to restrict the use of the car parking space only for people with a disability”.

The car park of the proposed development contains only 3 car spaces, and therefore an accessible car space is not required for the development. As an accessible car space is not required, then a “shared space” is also not required, and it is acceptable for the development to provide the 3 car spaces as shown on the amended plans submitted 10 May 2016.

7. Submissions

The subject DA was notified to adjoining property owners in accordance with DCP2014 – Part 2.1, Notification of Development Applications for a period from 24 June 2015 to 8 July 2015.

In response to the notification/advertisement of the subject DA, ten (10) submissions and a petition with 196 signatories were received objecting to the proposed development.

The amended plans were re-notified to neighbours and previous objectors. **No submissions** were received. The assessment of the submissions (below) is of the submissions received to the original round of notification.

ITEM 3 (continued)

ATTACHMENT 1

The key planning issues raised in the submissions regarding the notification of the original plans are summarised and discussed as follows.

- a) Car Parking and Traffic Impacts** – concerns that the proposed development provides inadequate parking and that there is insufficient capacity within the surrounding streets to accommodate the additional parking traffic impacts that will result from the boarding house development.

Comment: Section 2.2 Part 9.3 of DCP2014 prescribes the car parking requirements for boarding house developments within the City of Ryde. Specifically, it states that for boarding house developments in an ‘accessible area’ (ie within close proximity of public transport) the following parking rates apply:

*At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms).
In terms of dwelling size this equates to:*

- *At least 0.2 parking spaces/dwelling containing 1 bedroom*
- *At least 0.5 parking spaces / dwelling containing 2 bedrooms*
- *At least 1 parking space / dwelling containing 3 or more bedrooms*

Not more than 1 parking space for each person employed in connection with the development.

Furthermore, Section 2.3 Part 3.5 of DCP2014 indicates the following requirements for motorcycle and bicycle parking:

For every 5 boarding rooms or part thereof, area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking.

The proposed development provides 3 car parking spaces, 3 bicycle parking spaces, and 3 motorcycle parking spaces, and therefore fully complies with the vehicle parking requirements of DCP2014.

In addition, it is noted that clause 29 of the ARHSEPP provides ‘Standards that cannot be used to refuse consent’. In particular, Clause 29(2)(e) indicates that a consent authority must not refuse consent to development for a boarding house undertaken pursuant to the ARHSEPP if at least 0.2 parking spaces are provided for each boarding room if the site is located within an accessible area.

As detailed later in this report, the subject site is located within an ‘accessible area’ and as such, the City of Ryde must not refuse consent to the subject boarding house on the basis of parking if it achieves the minimum 3 car parking spaces required by the ARHSEPP.

ITEM 3 (continued)

ATTACHMENT 1

Given the proposed development provides three (3) vehicular parking spaces, the proposal cannot be refused on the basis of parking.

Given the above, while the concerns raised in the public submissions are understood, it is noted that the proposal fully complies with the car parking requirements in the ARHSEPP and therefore consent cannot be refused on the basis of parking. The car parking requirements in ARHSEPP were formulated based on the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation. Accordingly, car ownership and usage by occupants of boarding house developments is typically relatively low. It is considered the proposed boarding house will not result cause significant problems in terms of excessive vehicle parking.

b) The safety of children and the elderly who frequently utilise Lions Park will be impacted as a result of the type of residents who reside in such a development.

Comment: There is no evidence to suggest that the safety of surrounding residents/persons using Lions Park would be compromised as a result of approval to this proposal. The bona fides of the future occupants of the boarding house is not a relevant planning consideration under the Environmental Planning & Assessment Act 1979 (The Act). This type of concern appears to be based on perception rather than fact, and anecdotal evidence would suggest that the typical occupants of a boarding house within a suburban location such as Ryde are people who require affordable accommodation close to employment opportunities, or students.

It is also noted that direct access to Lions Park has been proposed from the rear yard of the subject site, however this is not supported and any access shown on the site plan will be deleted and the following condition of consent (see condition 13) is recommended to prohibit such access.

No access is permitted via Lions Park to 1139 Victoria Road during construction works or throughout the life of the development. No construction materials or machinery is to be stored in Lions Park during construction works.

c) Who will determine the suitability of the lodgers and the eligibility of the lodgers for low cost affordable housing

A **Boarding House** is defined as a 'a building or part of a building let in lodgings or a hostel which provides lodgers with a principal place of residence, but does not include backpackers' accommodation, a guest house or serviced apartment.

ITEM 3 (continued)

ATTACHMENT 1

Comment: There is no specific selection criteria for potential occupants of boarding house developments. One of the aims of the ARHSEPP is to enable a broader range of housing choice and more affordable housing options within established areas, and developments such as the subject proposal have been lodged pursuant to the provisions of the ARHSEPP, and in response to a community need for more affordable housing options.

Potential tenants will be selected by the owner/operator of the boarding house and are not subject to a means income/assets test criteria when applying for residency within a boarding house. Tenants within a boarding house can occupy a room for three months or more.

d) Concerns are raised that occupancy levels will be difficult to manage by Council.

Comment: Conditions of consent will restrict the maximum occupancy of the premises to thirteen (13) lodgers. Of the twelve (12) boarding rooms, eleven (11) are to be single rooms, one (1) is to be double room for a total capacity of thirteen (13) lodgers. Should the premise be occupied by more than 13 persons, Council has enforcement powers under the Environmental Planning & Assessment Act 1979 to ensure compliance with the consent.

The following condition (see condition 6) is recommended:

Approved number of residents. *The approved number of occupants within the Boarding House must not exceed thirteen (13) persons at any time.*

e) The noise generated by the occupants of the boarding house is likely to cause nuisance to adjoining properties.

Comment: In relation to noise associated with the operation of the proposed boarding house, it is important to note that the proposal remains a residential land use, and accordingly is considered to be generally consistent with other forms of residential development such as dwelling houses and dual occupancy developments.

It is also noted that the use of the premises will be subject to conditions of consent, house rules and Plan of Management relevant to the boarding house. It is also noted that the premises fronts Victoria Road, a classified arterial road which is used by more than 40,000 vehicles per day. Given this, ambient noise levels in the area are likely to be higher than a traditional low density suburban area.

ITEM 3 (continued)

ATTACHMENT 1

It is noted that a Plan of Management has been submitted, which includes various “house rules” to apply to residents within the boarding house. These rules include:

- a) *No loud music or television noise is permitted after 10.00pm.*
- b) *No parties or gatherings are permitted upon the premises after 10.00pm*
- c) *No visitors other than residents of the property are permitted after 10.00pm*
- d) *No use of the outdoor areas is permitted after 10.00pm.*
- e) *No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.*

Although it is noted that concerns have been previously raised regarding boarding house developments in residential zones, the subject site for this development is considered to be in a suitable location that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (ie the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre).

f) The proposed boarding house will reduce the value of surrounding properties.

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

g) Operation and Management – Concerns are raised that the details provided in Plan of Management are unsatisfactory and that there is no ability for Council to enforce its compliance. Residents have also raised concerns that the lack of an on-site manager will lead to the property falling into a state of disrepair, overgrown in much the same way as other student accommodation share houses have within the area.

Comment: This issue of concern from the residents was made in relation to the Plan of Management as originally submitted by the applicant. As noted in the Background section of this report, a revised Plan of Management was submitted with the package of additional information received on 16 September 2015, which was re-notified by Council to the neighbours and previous objectors.

ITEM 3 (continued)

ATTACHMENT 1

The details provided within the amended Plan of Management of the proposed boarding house is sufficient to ensure that the boarding house operates with minimal impact on neighbouring residential properties. It is considered that the plan provides adequate safeguards to mitigate and address any impacts of the proposed boarding house on surrounding residents. The Plan of Management provides details on operation, number of lodgers, house rules, fire safety, site cleaning, furniture and facilities, waste management, safety, and security.

It is noted that there is no requirement for an on-site (resident) manager to reside at the premises. This requirement only applies to boarding house developments of 20 or more residents (this development proposes 13 residents).

House Rules are provided in section 6 of the submitted Plan of Management. The Plan of Management notes that a copy of the Plan of Management will be provided to each new lodger who will be required to sign an occupancy and house rules agreement. The plan notes that breaches will result in cessation of occupation. Nevertheless it is considered that the following operational condition (see condition 133) be imposed to reiterate the house rules to occupants of the premises.

House Rules – A copy of the ‘House Rules’ contained within the approved Plan of Management must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

It is noted that whilst the submitted Plan of Management intends to provide internal signage indicating the property manager and contact numbers, this is not provided externally. As such the following condition of consent (see condition 103) is recommended to ensure that residents are able to obtain up to date contact details in the event of any concerns or complaints.

Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

In relation to the property falling into a state of disrepair, the Plan of Management notes the following.

“Twice/month mowing and garden maintenance during spring and summer and once/ month mowing and garden maintenance during autumn and winter. The rooms, common areas, communal room and communal courtyard are to be professionally cleaned by a contractor at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area.

ITEM 3 (continued)

ATTACHMENT 1

In addition all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility”

In regard to enforcement, the submitted Plan of Management and use of the communal outdoor areas has been included within the Conditions of Consent and as such must be complied with. Should any complaints arise in relation to non-compliance with this Plan of Management, Council may investigate and where a non-compliance is identified, impose an order on the operator to rectify the non-compliance. Should repeated breaches occur Council has the power to take appropriate action to enforce compliance. It is also noted that Schedule 2 Part 1 of the *Local Government (General) Regulation 2005* also imposes certain enforceable standards for shared accommodation.

Having regard to the above it is considered that the objector concerns in relation to the inadequacy of detail provided within the Plan of Management are unfounded. Nevertheless two (2) additional conditions are proposed and the plan will also be included within the approved documents. As such the applicant is considered to have a legal responsibility to comply with all commitments made therein.

- h) It will be difficult to prohibit the use of illicit drugs or abuse of alcohol by residents within the boarding house, which in turn will impact upon the safety and amenity of the local community.**

Comment: As discussed in the previous point of objection, a detailed Plan of Management has been submitted in relation to the proposed development. This Plan of Management includes a section regarding “Display of House Rules” which includes a zero tolerance policy on illegal drugs.

As previously discussed, the submitted Plan of Management has been included within the Conditions of Consent and as such must be complied with. Should any complaints arise in relation to non-compliance with this Plan of Management, Council may investigate and where a non-compliance is identified, impose an order on the operator to rectify the non-compliance. Should repeated breaches occur Council has the power to take appropriate action to enforce compliance. It is also noted that Schedule 2 Part 1 of the *Local Government (General) Regulation 2005* also imposes certain enforceable standards for shared accommodation.

ITEM 3 (continued)

ATTACHMENT 1

This is another issue that appears to be based on perception, and anecdotal evidence would suggest illegal drug use within a boarding house within a suburban location such as Ryde is minimal. It is noted that the use of illegal drugs is a crime in NSW, and therefore is a matter for enforcement by the NSW Police. Whilst alcohol consumption is legal within NSW, the abuse of alcohol can result in amenity impacts for surrounding properties. However, this is a broader issue of society that is beyond the scope of assessment of an individual development application, and is not a relevant matter for consideration under Section 79C of the Environmental Planning & Assessment Act 1979. It is considered that the submitted Plan of Management as referenced above would also contain sufficient measures to minimise the incidence of illegal drug use and alcohol abuse within the premises.

- i) Proposed land use along with scale, built form density and visual impact** – there is general concern over the commercial nature of the proposed development being for the purposes of a boarding house, and also concerns that the proposed development, particularly with twelve (12) boarding rooms, is an overdevelopment of the subject site. Concerns have also been raised in relation to visual impacts of the proposal.

Comment: In relation to the proposed land use, it is important to acknowledge that under the R2 Low Density Residential zone of the subject site, the LEP2014 identifies boarding houses as being permissible with consent. In this regard, any objection to boarding house developments within the R2 Low Density Zone is taken to be an objection to the provisions of the LEP2014, and not related specifically to the subject DA.

With regard to the physical (built form) scale of the proposed development, it is noted that the LEP2014 provides a maximum floor space ratio of 0.5:1 for buildings on the subject site, along with a maximum building height of 9.5m. These, along with Council's setback controls contained within the DCP2014 are the key controls governing the scale of buildings.

The assessment of the proposal has revealed the boarding house will have a floor space ratio of 0.498:1 and building height of 8.4m, and the proposal generally complies with the requirements of DCP2014 for front, side and rear side setbacks (justifiable non-compliance with rear setback as discussed later in this report). Accordingly, it is considered that the subject building to accommodate the boarding house is of a similar bulk and scale to that which could be developed under the local planning controls for a dwelling house, and as such is acceptable.

When looking at the number of boarding rooms proposed, it is noted that both single and double rooms is to be included. The boarding room mix is to comprise of eleven (11) single rooms and one (1) double room. The proposal will also include compliant common areas, storage, parking, and circulation areas all within a compliant building envelope.

ITEM 3 (continued)

ATTACHMENT 1

Given the above, it is considered that the density of boarding rooms within the subject building is appropriate for the subject site.

In summary, the proposal is permissible within the R2 Low Density Residential zone, is well within the bulk and scale permitted by Council's planning controls, and further provides a balanced density of boarding rooms. For these reasons, the objector's issues are not supported on these matters.

Further, it is noted that Clause 29(1)(a) of the ARHSEPP states that a consent authority must not refuse consent to development for a boarding house development undertaken pursuant to the ARHSEPP on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land.

As outlined above, the floor space ratio of the proposal complies with the maximum permitted for residential development on the site, and as such, Council could not refuse the DA on the grounds of density or scale. In any case, this is not recommended as the development complies with the development controls which govern density and scale.

- j) Visual Privacy** – concerns have been raised in relation to visual privacy impacts to adjoining residential properties.

Comment: A submission has raised concerns in relation to the impacts on visual privacy from the proposed development. More specifically, the first floor balcony, windows and external stair case to the rear of the development.

Firstly, the development does not propose any first floor balconies. The development does propose an external stair at the rear, however this external stair has a landing of approx. 1.25m² in area and will overlook the vehicle access way to Lions Park to the rear of the site. The windows on the first floor are associated with boarding rooms, however significant overlooking of adjoining residential properties will not occur as there are no residential properties immediately adjoining the subject site (ie the properties to west is Lions Park, the property to the north is used for vehicle access to Lions Park, whilst the property to the east is a Midas Vehicle Service Centre).

ITEM 3 (continued)

ATTACHMENT 1

k) The increase in housing density will overburden utilities such as fire, water, and electricity services.

Comment: Increased density in residential areas (whether this results from dual occupancy or multi-dwelling housing developments, or non-residential developments such as child care centres, or boarding houses) will lead to some increased demand for public utilities. However, the applicant will be required to ensure that adequate utility services are available to the site, and where necessary, make monetary contribution or undertake physical work to the utility authority (eg Sydney Water etc) to ensure that services are available.

The following conditions of consent (see conditions 89-90) are recommended in relation to the provision of utility services.

- **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.

- **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 Occupation Certificate.

ITEM 3 (continued)

ATTACHMENT 1

l) The site is located on a floodplain and currently experiences drainage and sewage issues.

Comment: This matter has been discussed with Council's Senior Development Engineer, who has advised that Council adopted a Floodplain Management Plan for the Parramatta River Catchment in June 2015. The flood modelling undertaken as part of this Floodplain Management Plan provided a far more accurate portrayal of flood conditions for the catchment than the previous flood maps. For the site in question, the study revealed that the extent of flooding no longer enters the property and on this basis, no concerns were raised or conditions warranted in regard to flood protection.

In relation to issues of how stormwater disposal will be disposed of from the proposed development, the proposed development provides a stormwater management system that will discharge stormwater directly to a kerb inlet pit fronting the property in Victoria Road, and the drainage system incorporates on-site detention (OSD) designed in accordance with Council's requirements.

Also, as noted in objection (k) above, the applicant will be required to obtain a Section 73 compliance certificate from Sydney Water, to ensure that water and sewerage services are available to the site to the satisfaction of Sydney Water.

m) The applicant *Mawad Investments* is a very small company and may not build to a high standard.

Comment: This is not considered to be a valid issue of concern. There is nothing to suggest the proposal will be substandard in terms of quality of construction or external finishes.

The development will be required to be constructed in accordance with the Building Code of Australia 2016 as well as any conditions contained within any development consent and maintain the property in accordance with the Plan of Management.

n) Communal kitchens within boarding houses pose health and social issues.

Comment: The communal kitchen and all common areas are to be cleaned to a professional standard at least once a week as specified in the Plan of Management. However, it is recommended that an additional clause be added within the Plan of Management requiring each lodger to clean the kitchen and all utensils used in the preparation, cooking and consumption for each every meal they prepare, to ensure the next user has clean and readily available cooking utensils. See condition 101.

ITEM 3 (continued)

ATTACHMENT 1

With regard to social issues, communal kitchens and communal living within boarding houses involves people of different ages and background sharing spaces and facilities. From time to time issues may arise, however this is the responsibility of the manager to address and take action.

- o) The subject site of the proposed boarding house is contrary to Section 1.1, Part 3.5 Boarding House DCP 2014, in that a direct bus within walking distance is not available for lodgers within the proposed boarding house that attend Macquarie University.**

Comment: Section 1.1, Part 3.5 Boarding House DCP 2014 states the following:

Boarding houses play a key role in providing affordable housing for many people on lower incomes needing accommodation close to work, study, transport, and services.

*The State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing in NSW. In particular, the City of Ryde has seen a **significant increase in demand for low rental housing for student accommodation in proximity to Macquarie University**. This Part includes controls for a new generation of boarding houses providing affordable housing options including for students and key workers in areas close to tertiary education facilities, hospitals, and centres.*

This section does not specifically require boarding houses to be located on direct transport routes to Macquarie University. The proposed development is very conveniently located to public transport services, in particular there is a bus stop approximately 10m away from the site with regular bus services (500, X00, 508, 510, 520, M52 STA bus service).

- p) Concern is raised that some residents (in Shaftesbury Road) were not directly notified by mail in relation to the proposed development.**

Comment: The proposed boarding house was notified in accordance with section 2.5 'extended adjoining land', Part 2.1 Notification of Development Applications, DCP 2014. In addition to the direct notification of properties by mail, it is also noted that this development was advertised in the local press (Northern District Times), and part of the reason why developments are advertised in the press is that it is not always practical to send letters to all residential properties outside the immediate vicinity.

ITEM 3 (continued)

ATTACHMENT 1

The map below highlights the notification area for the proposed boarding house:



It is considered that the notification area (shown above), is sufficient for direct mail notification of this development. Advertisement of the development in the local press has assisted to enable other residents (not directly notified by mail) to make comment and raise issues of concern about the development, which has been addressed throughout this report.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

None required.

ITEM 3 (continued)

ATTACHMENT 1

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.

The subject site has previously been used for the purposes of:

- the sale and hire of caravans, including minor repairs
- the erection of a brick garage in connection with the caravan sales/hire business
- the sale of swimming and spa pools
- the display and sale of patterned concrete paving (including advertising signs)
- the rental and hire of motor vehicles.

The subject site is situated adjacent to a service station (1135 Victoria Road – LOT 5 and LOT 6 DP 128920) which has been continuously in operation since 1954, including the use as a motor vehicle repair business. The service station site is considered a potentially contaminating industry particularly when considering the age and unknown condition of the underground petrol tanks. It is possible that contamination could have migrated from the service station site and affected the subject site of the proposed boarding house.

Also, the site is known to have previously contained two in-ground swimming pools that were removed and filled in around 1986. At that time, it was not a requirement to use virgin fill so there is a possibility that the material used to fill in the pools may have been contaminated.

The applicant has not provided a contamination report or any site investigation report with the application. Therefore, Council's Senior Environmental Health Officer has recommended that a suitably qualified and experienced consultant be engaged to conduct a detailed ("Phase 2") contamination assessment of the site including the potential for contaminated fill and for the site to be affected by offsite migration of contaminants from adjoining premises, as part of two deferred commencement conditions as detailed below:

Detailed site investigation report - The proponent must engage a suitably qualified and experienced consultant to conduct a phase 2 contamination assessment of this site and determine if the subject site is affected by offsite migration of contaminants from adjoining premises and contains any potentially contaminated fill throughout the whole site.

ITEM 3 (continued)

ATTACHMENT 1

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

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

Details are to be submitted to and approved by the Council prior to the activation of this consent.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The application is subject to clause 101 of the SEPP as the site has a frontage to a classified road and clause 102 of the SEPP as the average daily traffic volume of Victoria Road is greater than 40,000 vehicles.

Clause 101 – Development with frontage to classified road

The proposed construction of a boarding house is not expected to compromise the effectiveness and ongoing operation and function of Victoria Road. The proposal provides three off street car parking spaces, three motorcycle and three bicycle spaces. The proposal provides adequate room for vehicles to enter and exit the site in a forward direction, ensuring the safety of pedestrians and other road users is maintained.

Further, the applicant submitted an Air Quality Assessment Report which demonstrated that the pollution levels which the future tenants of the boarding house will be exposed to, is within acceptable limits.

ITEM 3 (continued)

ATTACHMENT 1

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

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building-35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)-40 dB(A) at any time.*

(4) In this clause, freeway, tollway and transit way have the same meanings as they have in the Roads Act 1993.

The proposal is for the construction of a boarding house containing 12 self-contained rooms with a maximum of 13 lodgers on the premises. The subject site is located on the northern side of Victoria Road which is a classified road and has a traffic volume greater than 40,000 vehicles per day. The application has been accompanied by an Acoustic report which details construction methods to achieve the minimum LAeq levels throughout the bedrooms and other rooms of the boarding house. A condition will be imposed requiring compliance with the recommendations of the Acoustic Report prepared by BGMA Pty Ltd, ref: 150715 A, dated 23 July 2015 (see condition 86).

State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARHSEPP allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

ITEM 3 (continued)

ATTACHMENT 1

The proposed development is for a new generation boarding house and has been lodged pursuant to the provisions of the ARHSEPP. Given the ARHSEPP is an environmental planning instrument, it becomes a matter for consideration in the assessment of the subject DA.

It is important to note that Clause 8 of the ARHSEPP indicates where there is an inconsistency between the ARHSEPP and any other environmental planning instrument (i.e. the Ryde LEP 2014), whether made before or after the commencement of this ARHSEPP, the ARHSEPP prevails to the extent of the inconsistency.

A full assessment of the proposed development is contained within the Compliance Check table contained in **Attachment 2**. The following provides a brief overview of the proposed development performance against the key provisions of the ARHSEPP relating to new generation boarding house developments.

- **Clause 26** prescribes those zones to which the boarding house provisions of the ARHSEPP applies. The subject site is identified as being within the R2 Low Density Residential zone under the provisions of the Ryde LEP 2014. The R2 Low Density Residential zone is a prescribed zone under Clause 26, and as such the subject site is within land to which the ARHSEPP boarding house provisions apply.
- **Clause 27(1)** outlines development to which the boarding house provisions of the ARHSEPP apply. A boarding house is defined within the Dictionary of the Ryde LEP 2014 as:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The proposal would meet the above definition for a 'boarding house'. As such the provisions of the ARHSEPP apply to this DA.

ITEM 3 (continued)

ATTACHMENT 1

- **Clause 27(2)** and **Clause 27(3)** indicate that despite the provisions of Clause 27(1) the boarding house provisions of the ARHSEPP do not apply to development on land within the R2 Low Density Residential zone unless it is located within an 'accessible area' and secondly within the Sydney region.

An accessible area is defined under the ARHSEPP as:

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The development is located approximately 10m walking distance from a bus stop located on the northern side of Victoria Road near the corner of Shaftsbury Road.

This bus stop is serviced by the Sydney Buses routes 500, X00, 508, 510, 520, M52 STA bus service). At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm.

On the basis of the above, the boarding house provisions of the ARHSEPP apply to the proposed development.

- **Clause 28** indicates that development for the purposes of a boarding house to which the ARHSEPP applies may be carried out with consent. In this regard it is noted that the subject DA has been lodged with Council seeking consent. As such, this is consistent with the provisions of Clause 28.
- **Clause 29** provides standards that cannot be used to refuse consent. For example, a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of bulk and scale, building height, landscaped area, solar access, private open space, parking, or accommodation size if minimum standards outlined within the ARHSEPP are met.

ITEM 3 (continued)

ATTACHMENT 1

As indicated in the Compliance Check contained in **Attachment 2**, the proposed development achieves the minimum standards established by the ARHSEPP, so in this regard, it is acknowledged that development consent for the proposed development cannot be refused on the basis of any of the following:

- bulk and scale,
 - building height,
 - landscaped area,
 - solar access,
 - private open space,
 - parking, or
 - accommodation size.
- **Clause 30** provides minimum standards for boarding house developments under the ARHSEPP. Specifically, it states that unless the listed standards are met, a consent authority must not grant consent to an ARHSEPP boarding house development.

Again, the Compliance Check contained in **Attachment 2** provides a detailed assessment of how the proposed development performs against each of these development standards. The outcome of this assessment has determined that the proposed boarding house development satisfactorily complies with each of the specified standards.

- **Clause 30A** outlines that a consent authority must not consent to development under the ARHSEPP unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

A Local Area Character Assessment has been prepared by the applicant's town planner and is included within the submitted Statement of Environmental Effects that accompanies the subject DA.

This assessment has been reviewed as part of the assessment of the subject DA and it has been determined that it appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of the DCP2014.

It is also important to note that the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, front and side setbacks, floor space ratio, and landscaped area. The result is a building that is considered to be compatible with the character of the local area in the required sense of it being capable of existing in harmony with the current and likely future development in the area.

ITEM 3 (continued)

ATTACHMENT 1

SEPP BASIX

A compliant BASIX Certificate (No 592147M) has been submitted with the DA. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.

(b) Ryde Local Environmental Plan 2014

Zoning

Under Ryde LEP 2014, the zoning of the subject site is R2 Low Density Residential. Despite the proposal being lodged pursuant to the ARHSEPP, it is noted that boarding houses are a permissible form of development within the R2 Low Density Residential zone.

Aims and objectives for residential zones:

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

The proposed development is considered to satisfy the objectives for residential developments as it will provide a range of housing types for the community within a low density residential environment, and ensures the general low scale of the surrounding area is maintained via compliant building heights, floor space ratio, and satisfactory setbacks.

The proposal is not considered to detract from the streetscape and includes a form and modern appearance consistent with new and recently approved residential development in the local area.

Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the Ryde Local Environmental Plan 2014 (LEP2014) is illustrated in the Compliance Check held in **Attachment 2**.

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RYDE LEP 2014	PROPOSAL	COMPLIANCE
Clause 4.3(2) - Height • 9.5m overall	8.4m	Yes
Clauses 4.4(2) & 4.4A(1) - FSR - 0.5:1 Site Area: 666.56m ²	152.67m ² 179.9m ² 332.57m ² 0.498:1	Yes

(c) Any draft environmental planning instruments (i.e. LEPs)

No draft environmental planning instruments are applicable to the proposed development.

(e) The provisions of any development control plan applying to the site

Part 3.3 Dwelling Houses and Part 3.5 Boarding Houses

The proposal has been assessed using the development controls contained in Ryde Development Control Plan 2014 (DCP2014) and a full assessment is detailed in the Compliance Checks contained in **Attachment 2**. The following is an assessment of the non-compliances of the subject DA against the key components of the DCP2014.

Non-Compliances justifiable:

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), if a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

With the above in mind, the following outlines those aspects of the proposal which have been assessed as non-compliant with the applicable development controls under DCP2014, but nonetheless have been determined acceptable as they are able to achieve the objects of those standards.

Front Setbacks

Section 2.9.1 of Part 3.3 of Ryde DCP 2014 contains a requirement that garages and carports are to be setback a minimum of 1m from the dwelling's front façade. The development proposes an open "carport" at ground floor level of the building with no front garage door or rear wall, but which is not setback 1m from the façade, and therefore does not comply with this requirement of DCP 2014.

ITEM 3 (continued)

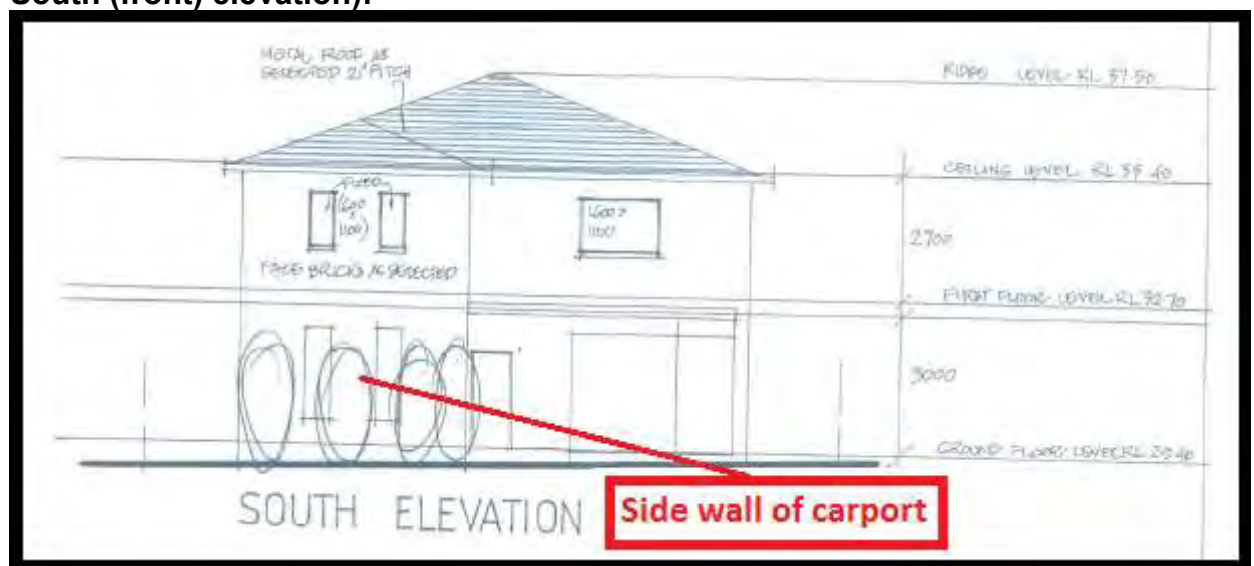
ATTACHMENT 1

Although the proposal does not comply with this requirement of DCP 2014, it can be supported for the following reasons:

- This control of the DCP aims to minimise the visual dominance of the front door of garages/carports that face the street. In this development, the front of the carport is accessed from the internal driveway, so it is the side wall of the carport which faces the street. Therefore this development does not involve a garage door facing the street, which this DCP control aims to minimise.
- The side wall of the carport has two windows with similar sizes of the windows at first floor level. The visual presentation of the development to the street will therefore be typical of a residential dwelling.
- The front setback area between the side wall of the carport and the front boundary is to be extensively landscaped in accordance with the submitted landscaping plan, in particular there will be a row of *Acmena smithii* (dwarf lilly pilli) planted along the front boundary which will provide landscape screening of the front wall of the dwelling.

The following is the south front elevation showing the position of the carport and how it presents to the street (Victoria Road):

South (front) elevation):



Rear Setbacks

Section 2.9.2 of Part 3.3 of the DCP2014 prescribes controls for rear setbacks. Specifically, that the rear of the dwelling is to be setback from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is greater. The subject site has a length of 44.35m, and therefore the minimum required rear setback is 11.09m.

ITEM 3 (continued)

ATTACHMENT 1

The plans submitted with the DA indicate that the rear ground floor deck is setback 8.6m from the rear boundary, while the rear wall of the building is setback between 11 – 12.5m from the boundary, which complies with the control. Thus, although not meeting the rear setback requirement as set out in DCP2014, the minor non-compliance can be supported for the following reasons:

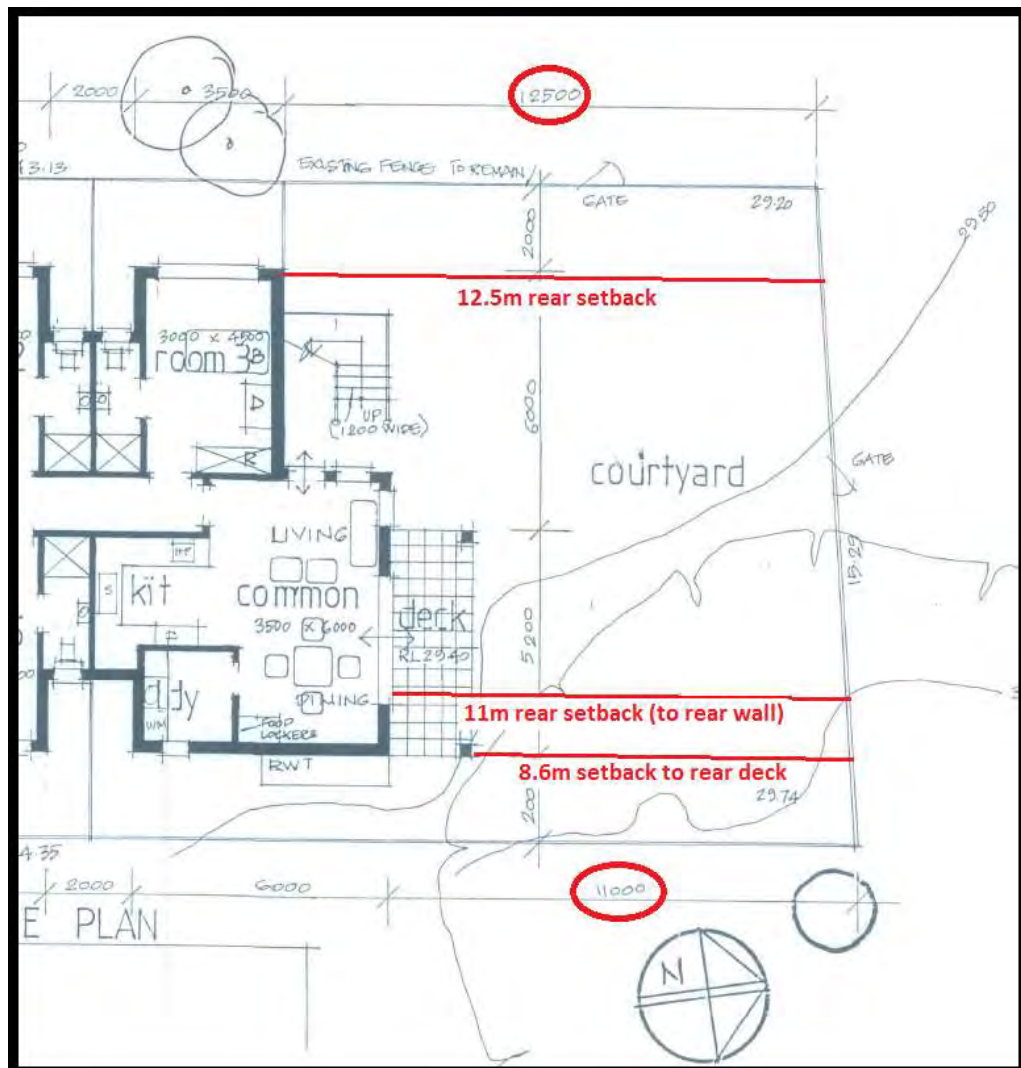
- No unacceptable privacy or overlooking impacts are anticipated from the minor non-compliance. In particular, it is noted that the immediately adjoining property to the north is a vehicle accessway within Lions Park, as shown in the air photo earlier in this report;
- The impact of the reduced rear setback affecting the adjoining rear property is considered to be negligible as are overshadowing and privacy impacts.
- Sufficient site area still exists to provide an area for outdoor communal and private open space and landscaping within the side setbacks.
- It is considered that the proposed development meets the objectives of the setback controls set out in the Ryde DCP 2014, specifically as the proposed development still provides an adequate area for private outdoor recreation and relaxation, provides for space for vegetation, mature trees and deep soil zones, provides adequate separation between dwellings to achieve privacy, and enables contiguous vegetation corridors across the residential blocks.

Given the above it is considered that this non-compliance can be supported in this instance.

The following drawing is an extract of the site plan showing the rear setbacks of the development.

ITEM 3 (continued)

ATTACHMENT 1



Non-Compliances / Issues Resolved via Conditions:

Internal Building Design

Section 3.6 of Part 3.5 of the DCP2014 prescribes development controls relating to the internal building design of boarding house developments. This is to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties. Particular components of this control seek to avoid dark and less visible areas, and locate communal and common areas in safe and accessible locations. Also outlined are provisions for lighting to common areas be provided in a fashion that maintains safety and security, without compromising on the amenity of occupants or properties adjoining the development.

ITEM 3 (continued)

ATTACHMENT 1

An assessment of the subject DA has revealed that whilst gates are shown to be provided to the side and rear these gates are not shown to be lockable. Furthermore these areas may potentially provide dark and non-visible areas. In addition the subject DA has failed to identify specific details on the common area lighting arrangements for the proposed development.

Accordingly, the following conditions of consent (see conditions 34, 35 and 37) are recommended to ensure that proposed side entry gates are lockable, sensor lighting is provided to these concealed side setback entry points and that the lighting arrangements for the proposed development are designed to comply with the provisions of the Ryde DCP 2014, and achieve the performance criteria outlined above:

Lockable side entry gates. *The side gates shown on the submitted ground floor plans within the eastern and western side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

Sensor Lighting – *Sensor lighting is to be provided to the side entry gates within the eastern and western side setback areas. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.*

Lighting of common areas (driveways etc). *Details of lighting for internal driveways, common 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 or boarding rooms within the development.*

Communal Kitchen and Dining Areas

The table within Section 3.6 of Part 3.5 of DCP2014 also prescribes development controls relating to communal kitchens and dining areas for boarding houses. Specifically, they are to be provided as follows:

8. *A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain:*
 - *One sink for every 6 people, or part thereof, with running hot and cold water; and*
 - *One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation.*

ITEM 3 (continued)

ATTACHMENT 1

An assessment of the submitted plans has revealed that the communal kitchen is 8.3m² in area. Given the proposed development includes up to thirteen (13) residents without a kitchenette in their room, the size of the kitchen area is considered to be insufficient and should a minimum of 15.6m² (1.2m² x13 residents). Further, the plans do not indicate an adequate number of sinks and stove cookers within the kitchen area for the thirteen (13) residents.

Accordingly, the following deferred commencement condition of consent is recommended to address this issue.

Communal Kitchen Facilities. A communal kitchen area is to be provided with a minimum area of 15.6m² and that contains a minimum of two sinks, two stove cookers and that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Council prior to the activation of this consent.

It should be noted that it will be possible to provide a kitchen that meets the required size by adjusting the size of the common living area adjacent to the kitchen.

Clothes Drying Facilities

Similar to communal kitchens, the Table within Section 3.6 of Part 3.5 of DCP2014 also prescribes development controls relating to drying facilities for boarding houses. Specifically, external and internal drying facilities are to be provided as follows:

- 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).

An assessment of the submitted plans has revealed that the external clothes drying area has not been indicated. Accordingly, the following condition of consent (see condition 36) is recommended to address this issue:

Clothes Drying Facilities (external). An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

Internal drying facilities are also required to be provided, specifically:

9. *Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.*

ITEM 3 (continued)

ATTACHMENT 1

An assessment of the submitted plans has revealed that the internal drying facilities have not been indicated. Accordingly, the following condition of consent (see condition 36A) is recommended to address this issue:

Clothes Drying Facilities (internal). *An Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by Council prior to the issue of a **Construction Certificate**.*

Boarding House Management

Section 4 of Part 3.5 of the DCP2014 provides development controls relating to the management of boarding houses to ensure they are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for adjoining residents.

Specifically it is indicated that the name and contact details of the boarding house manager or managing agent be displayed all times externally at the front entrance on the boarding house.

It is also specified that occupiers of adjacent properties be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

It is noted that that subject DA does not detail on the plans or within the accompanying documentation that these management controls will be satisfactorily complied with. As such, it is considered appropriate that the following condition (see condition 103) be included as an operational condition of consent:

Boarding House Management. *The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.*

Further, section 5 of the Plan of Management does not include any details of the complaints procedure/incident register. Therefore, the following amendment to section 5 of the Plan of Management is detailed below (see Deferred Commencement condition 1(b)):

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

ITEM 3 (continued)

ATTACHMENT 1

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain –

- *Complaint date and time*
- *Name of person/police/council making the complaint*
- *Contact details*
- *Nature of the complaint*
- *Action taken (by whom and when)*
- *Outcome and/or further action required*

All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

House Rules are provided in section 6 of the submitted Plan of Management. The Plan of Management notes that a copy of the Plan of Management will be provided to each new lodger who will be required to sign an occupancy and house rules agreement. The plan notes that breaches will result in cessation of occupation. Nevertheless it is considered that the following operational condition (see condition 103) be imposed to reiterate the house rules to occupants of the premises.

House Rules – *A copy of the ‘House Rules’ contained within the approved Plan of Management are must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.*

Waste Minimisation and Management

Section 2.3 of Part 7.2 of the DCP2014 provides development controls relating to waste minimisation and management to ensure the boarding house encourages source separation of waste, reuse, and recycling by ensuring appropriate storage and ensure appropriate, well-designed waste storage and collection facilities are provided and are accessible to occupants and service providers.

An assessment of the proposed development reveals that details of the waste storage and handling facilities submitted with the DA do not meet the requirements of Section 7.2 of Council’s Development Control Plan 2014 – as a bin storage area has not been indicated on the site plan. However, space on-site is available for the sorting and storage of waste. Therefore, it is considered that the following deferred commencement condition be recommended as per Councils Senior Environmental Health Officers recommendation:

ITEM 3 (continued)

ATTACHMENT 1

Details of waste storage and handling facilities - *The details of the waste storage and handling facilities submitted with the development application do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014.*

Amended details must be submitted for Council's approval. The amended details must include:

- (a) Design and location of the waste storage facilities for the garbage and recycling bins*
- (b) The number of garbage and recycling bins proposed to ensure that any proposed enclosure large enough to contain all required bins*

Details are to be submitted to and approved by the Council prior to the activation of this consent.

Section 94 of the Environmental Planning and Assessment Act 1979

Council' Section 94 Development Contributions Plan

Council's Section 94 Development Contributions Plan requires a contribution for the provision of various additional services required as a result of increased development. Boarding house developments are charged at a rate of \$7100.34 per bedroom (ie total of \$85204.08 for this development), minus a credit (of \$20,000) for one residential dwelling which could be erected on this residentially-zoned property without attracting Section 94 contributions.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$13,783.30
Open Space & Recreation Facilities	\$33,931.67
Civic & Urban Improvements	\$11,540.85
Roads & Traffic Management Facilities	\$1,574.30
Cycleways	\$983.34
Stormwater Management Facilities	\$3,125.50
Plan Administration	\$265.12
The total contribution is	\$65,204.08

A condition for the payment of a Section 94 Contribution of **\$65,204.08** has been included in the draft conditions of consent.

ITEM 3 (continued)

ATTACHMENT 1

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development.

Although it is noted that concerns have been previously raised regarding boarding house developments in residential zones, the subject site for this development is considered to be in a suitable location that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (ie the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre).

The resultant impacts of the proposed boarding house on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential area, and consistent with the nature of development in Ryde and the wider local government area.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment, subject to the recommended conditions of consent.

(b) Natural Environment

Given the nature of the proposed development being for the construction of a new boarding house that within an existing suburban environment, and given the development currently comprises no landscaping or any vegetation, it is considered there will be no significant negative impact upon the natural environment as a result of the proposal.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no environmental constraint affecting the subject property.

12. The Public Interest

The development substantially complies with the provisions of the ARHSEPP and also Council's current development controls. Additionally, it has been determined that the proposed built form is in keeping with the existing and desired future character of the low density residential area.

In this regard, it is considered that approval of the subject DA would be in the public interest.

ITEM 3 (continued)

ATTACHMENT 1

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: The proposed boarding house development was referred to Council's Senior Development Engineer who has reviewed the revised plans and provided the following comment.

Stormwater Management

The proposed stormwater management system for the development will discharge directly to a kerb inlet pit fronting the property in Victoria Road. The system integrates OSD designed in accordance with Councils requirements. Standard conditions apply.

Vehicle Access and Parking

The proposed development is made under the provisions of the SEPP for Affordable Housing (Boarding Houses), which has reduced requirements for carparking in comparison to development of similar scope. The SEPP requires 0.2 parking spaces per boarding room. In the case of the 12 rooms proposed, this would warrant 3 parking spaces be provided and thereby satisfies this requirement.

The proposal is noted to accommodate 2 adaptable units and would (normally) require disabled parking spaces to be designed in accordance with AS 2890.6. This would require the provision of a shared area (access prevented with a bollard) resulting in the removal of 1 of the spaces.

As per Section D3.5 (Accessible Carparking) National Construction Code Vol. 1 – 2015, clause (d) specifies in relation to the requirement for disabled spaces;

“need not be designated where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.”

In the case of this development, the warrant for offstreet parking is very high given the very limited onstreet capacity in the vicinity of the site. As such, it is advised that the provision of disabled parking is not required.

In regards to the design of the parking area, the following matters are noted;

- *The access aisle to the spaces is only some 5m. wide and short of the 5.8m required. This would require some adjustment to the internal width of the driveway but could be addressed by a condition of consent.*

ITEM 3 (continued)

ATTACHMENT 1

- *The applicant has provided a bay opposite the spaces and it appears this is intended for vehicles to reverse into. Despite this, the bay is not aligned with parking space number 3, which lacks a “blind aisle extension” (extending the parking aisle beyond the end of the space to enable a vehicle to reverse out and exit in a forward manner). This could be addressed by offsetting the bay to adjoin the new development footprint and is addressed by condition of consent.*

Consultant Landscape Architect: The proposed development was referred to Council’s Consultant Landscape Architect who has provided no objection to the proposed development subject to conditions concerning tree protection, landscaping details, screen planting, fencing and pedestrian access.

Executive Building Surveyor: The proposed development was referred to Council’s Building Surveyor who has provided no objection to the proposed development subject to conditions.

Senior Environmental Health Officer: The development application was referred to Council’s Senior Environmental Health Officer who has provided the following comments.

Contamination

- 1) *The subject site is situated adjacent to a service station which has been continuously in operation since 1954, including the use as a motor vehicle repair business. Therefore given the use of the site adjacent to the subject site, being the service station which by its use is considered a potentially contaminating industry and the likely age of the underground petrol tanks, then there is the potential for the contamination to have migrated from the adjacent site and affected the subject site.*

- 2) *There is a note on the property file of 1139 Victoria Road, West Ryde, dated 30 October 1986 referring to landscape plans for the car rental and hire of motor vehicles and the existing underground swimming pools which states:*

“It is now proposed to retain the kidney shaped pool. It will be necessary to ensure that the square pool when filled is maintained to the same level as the surrounding paved area.”

“The area currently occupied by the swimming pool when filled and paved for parking is to retain the same level as the surrounding paved area”.

ITEM 3 (continued)

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It is therefore evident that there is likely still 2 in-ground swimming pools below the existing paved areas of this site which contain fill of an unknown material. Alternatively, if these pools were removed and the remaining area filled, the fill used also would have consisted of an unknown material. In 1986, it was not a requirement to use VENM when using fill on a site, so there is the likelihood that any such fill material may be contaminated.

- 3) *Furthermore, SEPP 55 requires Council consider the previous use of a property in regards to the likelihood of contamination and in this instance the previous site use was a less sensitive commercial use which under this development proposal will be used for a more sensitive use and therefore a contamination report, as previously discussed is required for this proposal.*

However, in order to conduct any detailed phase 2 contamination assessment of this site, which is necessary given the potential for the site to be affected by offsite migration of contamination and potentially contaminated fill, then the concrete hardstand surface may need to be removed unless the consultant is able to assess the site by drilling through the hardstand in the correct locations.

Therefore I recommend that a suitably qualified and experienced consultant be engaged to conduct a detailed (phase 2) contamination assessment of the site including the potential for contaminated fill and for the site to be affected by offsite migration of contaminants from adjoining premises, as part of a deferred commencement condition to allow for the hardstand surface to be removed. This shall be submitted to Council for written approval.

Noise

The applicant has submitted an acoustic assessment with the application, which has been prepared by BGMA Pty Ltd Consulting Acoustical Engineers "Boarding House Development 1139 Victoria Road West Ryde, BGMA 150715A dated 23 July 2015". This report provides recommendations for acoustic treatments throughout the premises to achieve appropriate Rw ratings suitable for residential developments on main roads and in consideration with the requirements of the NSW Protection of Environment Operations Act, 1997 which should be adopted for this development.

Food/Kitchen and Communal Laundry

I note that the subject development has a common kitchen and laundry. There is no note on the application which advises that the residents of the premises will be served meals as part of the accommodation arrangements. Therefore this premises is not considered a food premises under the Food Act, 2003 and it is assumed that residents will be providing their own meals.

ITEM 3 (continued)

ATTACHMENT 1

In addition, the communal kitchen shall be of a size to ensure the following facilities are included:

- *a minimum of one sink per six occupants with hot and cold running water provided to the sink,*
- *one stove top cooker per 6 occupants with adequate ventilation,*
- *one oven per 12 occupants*
- *a refrigerator with storage space of 0.13m³ per person unless one bar fridge is provided in each bedroom,*
- *one freezer with storage space of 0.05m³ per occupant, storage for dry goods of 0.03m³ per person and exhaust ventilation,*
- *A lockable drawer or cupboards for food storage shall be provided in the kitchen per guest.*

Laundry facilities shall include washing machines and sinks at a rate of one tub per ten rooms or one tub per twelve occupants (whichever is the greater) with a minimum WELS rating of 4 stars on the washing machines, internal clothes drying facilities shall be provided at a rate of one dryer per 10 rooms with a minimum energy star rating of 4 stars and shall be rated no less than one star below the maximum available energy star rating available at the time of installation.

Waste

There is no garbage bin storage area proposed on the submitted plan and therefore the application does not comply with Council's DCP 2014 Section 7.2 Waste Management. It is recommended that the applicant submit to Council details regarding the design and construction of the waste storage area to ensure compliance with Council's DCP with the deferred commencement.

The waste management plan for the demolition waste indicates the type of waste that is expected to be found but not where it will be disposed. This can be modified and resubmitted under a condition of consent with the information forwarded to Council.

Boarding House

It is understood that this premises is proposed to be used as a "general boarding house" not a back packers accommodation as defined by the Boarding Houses Act 2012. Therefore under this Act it is also considered a Registerable Boarding House and therefore shall comply with the relevant requirements of the Boarding Houses Act 2012 and Regulations. In addition, they shall also comply with the Local Government Act, 1993 and Local Government (General) Regulation 2005.

Comment: Appropriate conditions of consent have been recommended by Council's Senior Environmental Health Officer and these are included in the Draft Conditions at **Attachment 1**.

ITEM 3 (continued)

ATTACHMENT 1

External Referrals

Nil.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

The recommendation in this report is approval (Deferred Commencement) subject to conditions.

The only practical alternative to this recommendation of approval would be refusal. In this regard, various issues of concern raised in neighbour's submissions (as outlined above) and the areas of non-compliance with DCP 2014 could form the basis for reasons for refusal. However, this option of refusal is not recommended because (overall) the development is considered to be satisfactory, the areas of non-compliance with Council's planning controls are justifiable and the neighbours' concerns have been addressed as noted in the assessment above, and can be addressed via conditions of consent.

In particular, the subject site is considered to be in a suitable location for a boarding house that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (ie the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre).

17. Conclusion

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

It is noted that although some non-compliances with the DCP2014 were identified, these were either considered to either be justifiable given the circumstances of the subject site and the nature of the boarding house development proposed, or alternatively addressed via imposition of consent conditions.

ITEM 3 (continued)

ATTACHMENT 1

Despite the proposed boarding house development being lodged pursuant to the provisions of the ARHSEPP, the design of the boarding house is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of modern development in the Ryde and wider local government area.

Although it is noted that concerns have been previously raised regarding boarding house developments in residential zones, the subject site for this development is considered to be in a suitable location that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (ie the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre).

On the above basis, LDA2015/274 at 1139 Victoria Road, Ryde is recommended for approval subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

Attachment 1

**DRAFT Conditions of Consent
1139 Victoria Road, West Ryde
LDA2015/274**

DEFERRED COMMENCEMENT

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

1. **Amended Plans.** The submission of amended plans that comply with the following requirements. These changes will result in changes to the design of the approved development:
 - (a) **Communal Kitchen Facilities.** A communal kitchen area is to be provided with a minimum area of 15.6m² and that contains a minimum of two sinks, two stove cookers and that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. The amended plan is to ensure that the communal living area and laundries also complies with the requirements of Part 3.5 of Ryde DCP 2014.
 - (b) **Amendment to Plan of Management.** The following amendment shall be made to the Plan of Management for the boarding house:

Record of Complaints:

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain:

- Complaint date and time
- Name of person/police/council making the complaint
- Contact details
- Nature of the complaint
- Action taken (by whom and when)
- Outcome and/or further action required

ITEM 3 (continued)

ATTACHMENT 1

All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

- (c) **Detailed site investigation report** - The proponent must engage a suitably qualified and experienced consultant to conduct a phase 2 contamination assessment of this site and determine if the subject site is affected by offsite migration of contaminants from adjoining premises and contains any potentially contaminated fill throughout the whole site.

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

- (d) **Council may require site audit of detailed investigation report** - If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997, verifying the information contained in the detailed site investigation report.
- (e) **Details of waste storage and handling facilities** - The details of the waste storage and handling facilities submitted with the development application do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014.

Amended details must be submitted for Council's approval. The amended details must include:

- Design and location of the waste storage facilities for the garbage and recycling bins.
- The number of garbage and recycling bins proposed to ensure that any proposed enclosure large enough to contain all required bins.
- Green Waste. Allowance must be made within the garbage area for the storage of Green Waste in accordance with the Ryde Development Control Plan 2014.

Details are to be submitted to and approved by the Council prior to the activation of this consent.

ITEM 3 (continued)

ATTACHMENT 1

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan, Ground Floor, First Floor and South Elevation	TBA	TBA (refer to Deferred Commencement condition above)
Section AA	TBA	TBA (refer to Deferred Commencement condition above)
East, North, West Elevation and Roof plan		TBA (refer to Deferred Commencement condition above)
Stormwater Drainage Plan Details and Notes	22/04/15	D1 Issue A 1 of 3
Stormwater Drainage Plan	22/04/15	D2 Issue A 2 of 3
Erosion & sediment control plan	22/04/15	D3 Issue A 3 of 3
Landscape Plan	20/08/15	Issue B 1 of 2
Landscape notes	20/05/15	Issue A 2 of 2
Plan of Management	August 2015	GM Planning Services
BCA Compliance Assessment	09/09/15	Peter Rowan Consulting
Accessibility Report	10/09/15	Ergon Consulting
Acoustic Assessment Report	23/07/15	Consulting Acoustical Engineers
Air Quality Assessment Report	17/08/15	SLR Consulting Australia

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.

ITEM 3 (continued)

ATTACHMENT 1

3. **BASIX.** (Unless an amended BASIX Certificate is required to comply with the Deferred Commencement requirements of this consent). Compliance with all commitments listed in BASIX Certificate(s) numbered 664581M, dated 09 September 2015.
4. The proposed development must incorporate the recommendations of the Acoustic Assessment Report prepared by BGMA Pty Ltd – Consulting Acoustical Engineers, Ref: BGMA 150715 A, dated 23/07/15. Full details of compliance with these requirements shall be shown on the **Construction Certificate** plans.
5. The proposed development must incorporate the recommendations of the Air Quality Assessment Report prepared by SLR Consulting Australia Pty Ltd, Ref: 610.15561 AQA 20150817.docx, dated 17/08/15. Full details of compliance with these requirements shall be shown on the **Construction Certificate** plans.
6. **Approved number of residents.** The approved number of occupants within the Boarding House must not exceed thirteen (13) persons at any time.
7. **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.
8. **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.
9. **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.
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.

ITEM 3 (continued)

ATTACHMENT 1

11. **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.
12. **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.
13. No access is permitted via Lions Park to 1139 Victoria Road during construction works or throughout the life of the development. No construction materials or machinery is to be stored in Lions Park during construction works.
14. **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.
15. **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.

Engineering Conditions

16. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.

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ATTACHMENT 1

19. **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) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Environmental Health Conditions

20. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
21. **Construction of the Communal Kitchen** -The walls of communal kitchens must be constructed of solid construction and finished in a surface which can be easily and effectively cleaned.
- a) The ceiling shall be designed and constructed such that it is free from cracks and crevices where pests can breed and finished in a surface which can be easily and effectively cleaned.
 - b) The floor of all communal kitchens shall be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned with water.
 - c) The kitchen shall be adequately ventilated in compliance with AS1668.
 - d) The kitchen shall be separated from all sanitary and waste facilities and not open to the external environment and maintained free from pests, dirt and dust.
 - e) Provided with a minimum of one hand wash basin which is supplied with warm running water mixed through a common spout
22. **Construction of the Communal Laundry** - The floors of all laundry areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned. The laundry areas shall be adequately ventilated in compliance with AS 1668.
23. **External garbage storage areas** - External areas used for the storage of garbage must comply with Council's Development Control Plan 2014:
- a) be roofed and paved with concrete
 - b) graded to a grated drain connected to the sewerage system

ITEM 3 (continued)

ATTACHMENT 1

- c) Provided with a hose cock adjacent to the garbage storage area to facilitate cleaning of the containers and storage area
- d) Not create a nuisance to neighbouring properties, therefore be located away from window and doors of the neighbouring premises so as to reduce odour.

24. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading and comply with the Plumbing and Drainage Code.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

25. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$13,783.30
Open Space & Recreation Facilities	\$33,931.67
Civic & Urban Improvements	\$11,540.85
Roads & Traffic Management Facilities	\$1,574.30
Cycleways	\$983.34
Stormwater Management Facilities	\$3,125.50
Plan Administration	\$265.12
The total contribution is	\$65,204.08

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 Interim Update (2014), effective from 10 December 2014.

ITEM 3 (continued)

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

26. **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**.
27. **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**.
28. **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**. (other buildings with delivery of bricks or concrete or machine excavation)
29. **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
30. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

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ATTACHMENT 1

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

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

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

Or telephone 13 20 92.

32. **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**.
33. **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**.
34. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, common 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 or boarding rooms within the development.
35. **Sensor Lighting –** Sensor lighting is to be provided to the side entry gates within the eastern and western side setback areas. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.
36. **Clothes Drying Facilities (external).** An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

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- 36A. **Clothes Drying Facilities (internal).** An Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by Council prior to the issue of a **Construction Certificate**.
37. **Lockable Side Entry Gates.** The side gates shown on the submitted ground floor plans within the eastern and western side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**
38. **Landscape plan.** The Landscape Plan prepared by Horticultural Resource Consulting Group is considered acceptable however the following items are to be addressed prior to issuing a Construction Certificate:
- Provide additional screening plants along the side boundary fences in the rear yards. The species selected should have a maximum maintained height of 2.7m in accordance with the City of Ryde DCP 2014. Proposed screen planting along the northern boundary is to be planted at a minimum of 1m spacing.
 - The landscape plan proposes the planting of 3 Turpentine across the site as part of the development. It is recommended that all proposed trees be located a minimum of 3m from the site boundary and installed clear of underground services.
39. **Bicycle parking.** Bicycle parking is to be designed in accordance with AS 2890.3 *Parking facilities – Bicycle parking facilities*.
40. **Car parking.** The internal width of the carport must be increased to a minimum of 8.9m, while maintaining a minimum front setback of 6m from the front boundary. The carport must be able to accommodate one (1) accessible car space with a minimum width of 3.8m and two standard spaces as per AS 2890 2009. Details are to be submitted prior to the issue of the construction certificate.

Engineering Conditions

41. **Reconstruction of Footpath Crossing and Adjoining Kerb Inlet Lintel.** The existing footpath crossing and adjoining kerb lintel is in a dilapidated state, likely to degrade further during construction works. To ensure that the serviceable life of this infrastructure is uniform with that of the development, the driveway crossover and kerb lintel must be replaced with a crossing which conforms with Council's requirements (in terms of design, materials and construction details). Accordingly,

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prior to issue of Construction Certificate an application shall be made to Council's Public Works division for the issue of boundary levels and reconstruction of the driveway. The issued levels are to be incorporated into the design of the driveway access and clearly delineated on plans submitted with the Construction Certificate application.

42. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The proposed access aisle (internal driveway approaching the car spaces) must be increased to a minimum 5.8m wide, in order to comply with the aforementioned standard.
- b) The manoeuvring bay provided opposite the parking spaces must be offset north so as to adjoin the dwelling, enabling carspace 1 to reverse into the area and exit the site in a forward manner.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate to demonstrate compliance with this condition.

43. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb inlet pit in Victoria Road, generally in accordance with the plans by Storm Civil Consulting Engineers Pty Ltd. (Refer to Job No. 110294 Dwgs D1 & D2 Iss. A dated 22 April 2015).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and are to be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated 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 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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44. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Victoria Road will require the inspection by Council's Public Works section to ensure the integrity of this asset is maintained. The method of connection must comply with Council's DCP and Technical Standards. An inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
45. **Stormwater Management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area and store this flow off line to allow infiltration to the surrounding soil

Environmental Health Conditions

46. **Remediation of land following detailed site investigation** - If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

47. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

48. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

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49. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
 - (c) any council policy or development control plan relating to the remediation of land.
50. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
51. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

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.

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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).

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.

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57. **Project Arborist** - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

Hold points and certification

The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

58. **Fencing.** The proposed boundary fence (northern and western boundary) will result in a minor encroachment into the TPZ of Trees 1-17 and protective measures are recommended. Fence footings can be designed to span over roots to minimise the impact of root disturbance to a level that is considered acceptable. It is recommended that the Project Arborist be onsite during the installation of any fencing, to ensure compliance with the tree protection measures.

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59. **Stormwater management.** The location of underground services and any onsite detention tanks is to be coordinated in consultation with the Project Arborist to minimise the potential impact on site trees. The location of pipes documented within the Storm Civil plans notes SW lines in close proximity to trees nominated for retention. It is recommended that the Project Arborist be onsite during the excavation of the trenches for the SW pipes, to ensure compliance with the tree protection measures.
60. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

Environmental Health Conditions

61. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2014*.

Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be maximised.

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.

62. **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*.
63. **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.
64. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

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65. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
66. **Construction materials.** All materials associated with construction must be retained within the site.
67. **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.
68. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
69. **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".
70. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
71. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
72. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
73. **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.

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74. **Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days.
75. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Engineering Conditions

76. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. 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.
77. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Storm Civil Consulting Engineers Pty Ltd. (Refer to Job No. 110294 Dwgs D1 & D2 Iss. A dated 22 April 2015) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system

Environmental Health Conditions

78. **Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the RCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
79. **Identification and removal of hazardous materials -** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
80. **Storage and removal of wastes -** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

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81. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
82. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
83. **Disposal of asbestos wastes** - All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.
84. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
85. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
86. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report prepared by BGMA Pty Ltd Consulting Acoustical Engineers "Boarding House Development 1139 Victoria Road West Ryde, BGMA 150715A" dated 23 July 2015 and any related project documentation must be implemented during construction.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

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87. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in the BASIX Certificate(s) for this development.
88. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
89. **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.

90. **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 Occupation Certificate.

91. **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.

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Engineering Conditions

92. **Stormwater Management - Work-as-Executed 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.
93. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention 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(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - 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 the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.
94. **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. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

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- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) 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 DCP 2014, Part 8.1 "Construction Activities".
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

95. **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 DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

Environmental Health Conditions

96. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria nominated in the report prepared by BGMA Pty Ltd Consulting Acoustical Engineers "Boarding House Development 1139 Victoria Road West Ryde, BGMA 150715A" dated 23 July 2015 must be submitted to the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate.
Note: Where Council is not the PCA, a copy of the compliance report shall be submitted to Council.
97. **Compliance report** - A report from a qualified Air quality consultant demonstrating compliance with the relevant emission and pollutants criteria nominated in the report prepared by SLR Consulting Australia Pty Ltd, Ref:610.15561 AQA 20150817.docx, dated 17/08/15 must be submitted to the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate.
Note: Where Council is not the PCA, a copy of the compliance report shall be submitted to Council.
98. **Laundry facilities** - Washing machines and sinks shall be provided at a rate of one tub per ten rooms or one tub per twelve occupants (whichever is the greater) with a minimum WELS rating of 4 stars on the washing machines. Hot and Cold water shall be supplied to all washing machines and sinks.

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Internal clothes drying facilities shall be provided at a rate of one dryer per 10 rooms with a minimum energy star rating of 4 stars and shall be rated no less than one star below the maximum available energy star rating available at the time of installation

99. **Kitchen facilities**— The communal kitchen facilities must include:

- a) A minimum of one sink per six occupants with hot and cold running water provided to the sink,
- b) One stove top cooker per 6 occupants with adequate ventilation,
- c) One oven per 12 occupants
- d) A refrigerator with storage space of 0.13m³ per person unless one bar fridge is provided in each bedroom,
- e) One freezer with storage space of 0.05m³ per occupant, storage for dry goods of 0.03m³ per person and exhaust ventilation,
- f) A lockable drawer or cupboards for food storage shall be provided in the kitchen per guest.

100. **Notification of boarding house details** - The proprietor of the Boarding House shall notify the particulars of the Boarding House in accordance with the Boarding Houses Act 2012 and subsequent Regulations. A copy of the Notification and particulars shall be submitted to Council.

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.

101. **Plan of Management.** The operation of the approved Boarding House shall fully comply with the Plan of Management dated August 2015 and any amendments required as part of this development consent. In particular, the Plan of Management shall be amended to include the following requirements:

- (a) Each lodger is required to clean the kitchen and all utensils used in the preparation, cooking and consumption for each every meal they prepare, to ensure the next user has clean and readily available cooking utensils.

102. **Use of Communal Outdoor Areas**

- (a) The use of the communal outdoor areas the boarding house are restricted to the hours stipulated within the approved plan of management as detailed within Condition 1 of this consent being 6am to 10pm Monday to Saturday and 8am – 10pm on Sundays and Public Holidays

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- (b) No loud or amplified music is to be played at any time within the communal outdoor areas,
 - (c) The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.
103. **Boarding House Management.** The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.
104. **Standards for places of shared accommodation** - The premises must comply with the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*.
105. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
106. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
107. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
108. **Hazardous wastes** - All wastes classified as hazardous wastes under the Protection of the Environment Operations Act 1997 must be transported to an appropriately licensed waste facility for disposal.
109. **Transfer of waste containers to emptying point** - Staff or contractors must be employed to take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.
110. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
111. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

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112. **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.
113. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
114. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
115. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
116. **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*.
117. **Noise from public entertainment** — NO public entertainment systems or speaker systems shall be installed on the premises without the prior approval of Council.
118. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.
119. **Notification of boarding house details** - The proprietor of the Boarding House shall notify the particulars of the Boarding House in accordance with the Boarding Houses Act 2012 and subsequent Regulations. A copy of the Notification and particulars shall be submitted to Council.

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120. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
121. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
122. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
123. **Duty to notify** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
124. **Public Health:** The premises shall be maintained in accordance with the requirements of the Public Health Regulation 2012.
125. **Standards for places of shared accommodation** - The premises must comply with the Boarding House Act 2012, Boarding House Regulation 2013 and the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*. The maximum number of lodgers shall not exceed the requirements of *Local Government (General) Regulation 2005*.
 - A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
 - A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.
126. Adequate light and ventilation must be maintained in the premises.
127. Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
128. The floor of any kitchen must have an approved impervious surface.

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129. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
130. Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.
131. Appropriate furniture and fittings must be provided and maintained in good repair.
132. If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.
133. **House Rules** – A copy of the ‘House Rules’ contained within the approved Plan of Management must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

ADVISORY NOTES

Health Inspection Services:

134. **Inspections and fees** - 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.

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Attachment 2
COMPLIANCE TABLE (Affordable Rental Housing SEPP 2009)

ARH SEPP 2009 Division 3	Proposed	Compliance
26 Land to which Division applies		
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	Subject site is identified as being zoned R2 Low Density Residential under the Ryde LEP 2014.	Yes
27 Development to which Division applies		
(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. A 'boarding house' is defined under the RLEP2014 as: <i>boarding house means a building that:</i> <i>(a) is wholly or partly let in lodgings, and</i> <i>(b) provides lodgers with a principal place of residence for 3 months or more, and</i> <i>(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i> <i>(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers'</i>	(1) The SEE submitted with the subject development application specifies that the proposal is for the purposes of a 'boarding house'. A review of the plans submitted as part of the proposed development indicates the proposal would meet the definition for a 'boarding house' under the provisions of the 'Standard Instrument'. Note: Pursuant to clause 4 of the ARHSEPP a word or expression used in the ARHSEPP generally has the same meaning as it has in the standard instrument (as in force immediately before the commencement of the Standard Instrument (Local Environmental Plans) Amendment Order 2011)	Yes

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ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p>	<p>unless it is otherwise defined in this Policy.</p>	
<p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>accessible area means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p> <p>walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable,</p>	<p>(2) Subject site is within zone R2 Low Density Residential under the Ryde LEP 2014. It is however within an 'accessible area' for the following reasons:</p> <ul style="list-style-type: none"> The development is located approximately 10m walking distance from a bus stop (Victoria Road) and a regular bus service (500, X00, 508, 510, 520, M52 STA bus service). 	<p>Yes</p>

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ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>public footpaths and pedestrian crossings.</i></p> <p>regular bus service means any regular passenger service conducted by bus (including any transitway service).</p> <p>regular passenger service means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.</p>		
<p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>(3) Subject site is located within the Sydney region, therefore this clause does not apply.</p>	<p>N/A</p>
<p>28 Development may be carried out with consent</p>		
<p>Development to which this division applies may be carried out with consent.</p>	<p>Noted, the proposed boarding house is the subject of a development application (LDA2015/0274) and as such is seeking development consent.</p>	<p>Noted.</p>
<p>29 Standards that cannot be used to refuse consent</p>		
<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p>		

ITEM 3 (continued)

ATTACHMENT 1

ARH SEPP 2009 Division 3	Proposed	Compliance
(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or	(a) The maximum floor space ratio for residential accommodation permitted on the subject site, per the Ryde LEP 2014 is 0.5:1, as is detailed in the DCP Compliance Table an FSR of 0.498:1 is proposed by the subject development application.	Yes
(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or	(b) Proposed development is not within a zone in which no residential accommodation is permitted.	N/A
(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.	(c) Proposed development is not within a zone in which residential flat buildings are permitted.	N/A
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		

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ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(a) Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>(a) Under the Ryde LEP 2014, the maximum height allowed on the subject site is 9.5m. The proposal is for a building with a maximum height of 8.4m as detailed in the Ryde DCP 2014.</p>	<p>Yes</p>
<p>(b) Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>(b) the landscape treatment of the front setback area is considered to be compatible with the streetscape as it will include open lawn and hard paving consistent with that of the appearance of single dwellings houses along Victoria Road, West Ryde. The development will be setback 6m from Victoria Road. This setback is consistent with other residential properties.</p>	<p>Yes</p>
<p>(c) Solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>(c) One communal living room on the ground floor is proposed in the subject development application. The submitted shadow diagrams indicate that the proposed communal living room can receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>Yes</p>
<p>(d) Private Open Space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p>	<p>- (d) (i) One area of POS in excess of 20m² is provided to the lodgers with minimum dimension of 8.5m x 15.29m in the rear yard.</p>	<p>Yes</p>

ITEM 3 (continued)

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ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) Parking If: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) Accommodation size If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.</p>	<p>(ii)N/A</p> <p>(e) (i) 2.4 car parking spaces required for 12 boarding rooms. Three (3) car parking spaces provided. (ii) Proposed development is in an accessible area.</p> <p>(iii)N/A.</p> <p>(f) (ii) Rooms 1 – 5 & 7-12 are single boarding rooms and a minimum of 12.69m². Room 6 is double boarding room and has a maximum size of 24.75m²</p>	<p>Yes</p> <p>Yes</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>(3) Private bathroom facilities are provided in each room, however a communal kitchen is provided for the use by all lodgers.</p>	<p>Yes</p>

ITEM 3 (continued)

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ARH SEPP 2009 Division 3	Proposed	Compliance
(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	(4) Noted, the proposed boarding house is the subject of a development application (LDA2015/274) and will be determined against the standards within subclause (1), (2), the Ryde LEP 2014, and Ryde DCP 2014.	Noted.
30 Standards for boarding houses		
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following: <ul style="list-style-type: none"> <li data-bbox="233 837 687 981">(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided, <li data-bbox="233 1061 703 1272">(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres, <li data-bbox="233 1317 635 1420">(c) no boarding room will be occupied by more than 2 adult lodgers, <li data-bbox="233 1464 687 1644">(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger, <li data-bbox="233 1720 687 1935">(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager, 	(1) <ul style="list-style-type: none"> <li data-bbox="735 837 1158 1016">(a) Proposed boarding house with 12 rooms. One (1) communal living room is provided to the rear at ground floor level. <li data-bbox="735 1061 1182 1160">(b) No boarding room proposed to have a floor area of more than 25m² <li data-bbox="735 1317 1182 1420">(c) No boarding room proposed to be occupied by more than 2 adult lodgers. <li data-bbox="735 1464 1190 1644">(d) Adequate bathroom facilities are provided for all lodgers in each boarding room along with common kitchen adjacent to the living/dining room. <li data-bbox="735 1688 1190 1868">(e) Boarding house proposed to house a maximum of 13 lodgers. Therefore an on-site boarding house manager and accommodation is not required. 	<ul style="list-style-type: none"> <li data-bbox="1294 837 1350 869">Yes <li data-bbox="1294 1061 1350 1093">Yes <li data-bbox="1294 1317 1350 1348">Yes <li data-bbox="1294 1505 1350 1536">Yes <li data-bbox="1294 1756 1350 1787">Yes

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ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(f) (Repealed)</p> <p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</p> <p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>(g) Proposed boarding house is not on land zoned primarily for commercial purposes.</p> <p>(h) 12 boarding rooms proposed. <u>Requirement:</u> 3 bicycle and 3 motorcycle spaces. <u>Proposed:</u> Parking space for 3 bicycles and 3 motorcycles.</p>	<p>N/A</p> <p>Yes</p>
<p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>(2) Proposed development is not for purposes of minor alterations or additions to an existing boarding house.</p>	<p>N/A</p>
30A Character of local area		
<p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>A Local Area Character Assessment has been prepared by the applicant's town planner and is included within the submitted SEE that accompanies the subject development application.</p> <p>This assessment has been reviewed as part of the assessment of the subject development application and it has been determined that it appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014.</p>	<p>Yes</p>

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ARH SEPP 2009 Division 3	Proposed	Compliance
	<p>It is also important to note that the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, floor space ratio, and landscaped area. The result is a building that is considered to be compatible with the character of the local area in the required sense of it being capable of existing in harmony with the current and likely future development in the area.</p>	

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Attachment 3:

COMPLIANCE TABLE Ryde DCP 2014

Part 3.5 of the Ryde DCP 2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of the Part, applicable controls for boarding houses are also contained within:

- Part 3.3 Dwelling Houses and Dual Occupancy (Attached),
- Part 3.4 Multi Dwelling Housing [for Low Density Residential zone] in 3.0 Development Types, all parts in 4.0 Urban Centres, and all parts in 5.0 Special Areas with respect to local area character; and
- Part 7.1 Energy Smart, Water Wise;
- Part 7.2 Waste Minimisation and Management; and
- Part 9.3 Parking Controls.

As such, the following table brings together the applicable development controls from across all Parts of the Ryde DCP 2014 and assesses the proposed development performance against each of these controls.

Ryde DCP 2014	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Section 2.1 Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is considered to be consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Section 2.2 Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed, including adequate deep soil areas within the front and rear yard.	Yes
- Maximum 2 storeys.	Proposal is two storeys.	Yes
- Dwellings to address street	The boarding house development is considered to	Yes

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	<p>adequately address Victoria Road through the provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door. Proposal therefore appears consistent with other dwelling houses within the street.</p> <p>Proposed triple car width carport (attached) is located at the front of the development, beyond the front building line of the main building, however it is not considered to be visually prominent as the entrance to the carport is to the east and the hip roof addresses the street. Two large windows are also located within the street elevation of the carport which further disguises the carport as a parking structure and reduce its overall dominance.</p>	<p style="text-align: center;">Yes</p>
Section 2.4 Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>The entrance to the boarding is house is via a front entry within the southern elevation.</p> <p>N/A Proposed development is considered to have a well articulated street facade.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> • Public Views and Vistas <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. 	<p>No water views are available from the street across the site.</p>	<p style="text-align: center;">N/A</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
Landscaping is not to restrict views. – Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. – Fence 70% open where height is >900mm	N/A see above. N/A see above.	N/A N/A
<ul style="list-style-type: none"> ● Pedestrian & Vehicle Safety – Car parking located to accommodate sightlines to footpath & road. – Fencing that blocks sight line is to be splayed. 	Proposed car parking is located within an attached triple car width carport. The driveway design will allow for adequate sightlines. Driveway gradient will not restrict sight lines. A masonry front fence up to 900mm in height has been proposed.	Yes Yes
Section 2.5 Site Configuration		
<ul style="list-style-type: none"> ● Deep Soil Areas – 35% of site area min. – Min 8x8m deep soil area in backyard. – Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	271.5m ² approx. (40% of site area). Proposal includes a deep soil area in the backyard with min dimensions of 8m x 8m. The front yard consists of a two deep soil areas and paved areas for car parking and vehicle manoeuvring. The landscaping treatment within the front setback is consistent for single dwellings along Victoria Road.	Yes Yes Yes
<ul style="list-style-type: none"> ● Topography & Excavation Within building footprint: – Max cut: 1.2m	Max. cut: Nil	Yes

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path <ul style="list-style-type: none"> - Max ht retaining wall 900mm 	Max fill: 400mm Max. cut: 100mm Max. fill: 100mm No fill between side of building and boundary or close to rear boundary. Site is not flood prone. No retaining walls have been proposed.	Yes Yes Yes N/A Yes
Section 2.7 Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking FSR (max 0.5:1) Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	152.67m ² 179.9m ² 332.57m ² (Nil – car parking spaces are provided within an open carport) 0.498:1 (area from Survey Plan – 655.6m ²)	Yes.
Section 2.8 Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	Proposal is for a two storey boarding house. One (1) storey is proposed above the attached carport.	Yes Yes

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>Wall plate</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p> <ul style="list-style-type: none"> - 9.5m Overall Height <p>NB: <i>EGL – Existing ground Level</i></p> <ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	<p>TOW RL: 35.4 FGL below (lowest point): RL: 28.1 TOW Height = 6.3m</p> <p>Max point of dwelling RL: 37.6 EGL below ridge (lowest point) RL: 29.2</p> <p>Overall Height (max)= 8.4m</p> <p>Ground floor: 3m First floor: 2.7m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Section 2.9 Setbacks		
<ul style="list-style-type: none"> • Front - 6m to façade (generally) - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C 	<p>6m to the carport (attached) and 14.7m to the boarding house.</p> <p>No garage proposed. The development proposes an open car parking area within the building (under the first floor above) but with no rear wall or front garage doors. This does not extend in front of the building line which is 6m from the front boundary.</p> <p>N/A.</p> <p>Front setback is free of ancillary elements.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Two storey dwelling 1.5m to wall, includes balconies etc. • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 11.09m is 25% of site length. 	<p>A minimum 2000mm setback is provided from both side boundaries.</p> <p><u>Rear deck: 8.6m</u></p> <p><u>Rear wall: 11 – 12.5m</u></p>	<p>Yes</p> <p>No – justifiable.</p> <p>No - justifiable</p>
Section 2.10 Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. Garage or carport may be in front if no other suitable position, no vehicular access to side or rear - Max 6m wide or 50% of frontage, whichever is less where garage / carport face the street. - Behind building façade. • Garages <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and not be recessed more than 300mm 	<p>3 spaces proposed in triple car width carport.</p> <p>No secondary street frontages or laneways are available to subject site.</p> <p>Car port is behind the building line (under part of the first floor above)</p> <p>Attached carport does not address the street.</p> <p>Car port is behind the building line (under part of the first floor above)</p> <p>Car port is behind the building line, but with the same front setback as the first floor above</p> <p>N/A.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>No – justifiable.</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>behind the outside face of the building element immediately above.</p> <ul style="list-style-type: none"> - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m². - Solid doors required - Materials in keeping or complementary to dwelling. <ul style="list-style-type: none"> • Parking Space Sizes (AS) <ul style="list-style-type: none"> - Double garages: 5.4m w (min) - Internal length: 5.4m (min) • Driveways <ul style="list-style-type: none"> - Extent of driveways minimised 	<p>N/A.</p> <p>N/A – attached carport.</p> <p>Proposed materials complement contemporary style of boarding house.</p> <p>8.7m 6m</p> <p>Extent of driveway has been minimised.</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Section 2.12 Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping <ul style="list-style-type: none"> - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary. - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	<p>No trees are located within the site.</p> <p>N/A – Adjacent to Lions Park.</p> <p>Proposal includes physical connection between boarding house and outdoor spaces.</p> <p>Obstruction free pathway provided on both sides of the boarding house.</p> <p>Yes</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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<ul style="list-style-type: none"> - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	Yes	Yes
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	Yes – 2.1 to 2.4m high screen planting is proposed along the rear boundary.	Yes
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	OSD tank located under driveway	Yes
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	Front garden will consist of less than 40% hard paving.	Yes
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints 	No urban bushland or overland flow constraints identified on site.	
<ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. 	N/A – Adjacent to Lions Park.	N/A
<ul style="list-style-type: none"> - No fill allowed in overland flow areas. 	As above.	N/A
<ul style="list-style-type: none"> - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	As above.	N/A
Section 2.13 Dwelling Amenity		
<ul style="list-style-type: none"> • Daylight and Sunlight Access 		
<ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. 	North is primarily directed towards the rear. The common room and outdoor area are orientated towards the north.	Yes
<ul style="list-style-type: none"> - Increase side setback for side living areas (4m preferred) where north is the side boundary. 	N/A.	N/A
<p><u>Subject Dwelling:</u></p>		
<ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their 	North facing windows have capacity to receive 3hrs sunlight between 9am and	Yes

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<p>surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. <ul style="list-style-type: none"> • Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>3pm.</p> <p>The submitted shadow diagrams indicate that the rear private open space of the subject boarding house can receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>N/A - The neighbouring property to the east is a car repair and tyre change workshop and to the west is Lions Park.</p> <p>Living area (ie common rooms, kitchen and living/dining) windows orientated to the front and rear of the boarding house.</p> <p>N/A - The neighbouring property to the east is a car repair/tyre change workshop and to the west is Lions Park.</p> <p>As above.</p> <p>No impact.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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<ul style="list-style-type: none"> • Acoustic Privacy <ul style="list-style-type: none"> - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other. • View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. • Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Proposed development is not dual occupancy, but rather a boarding house development. Nevertheless, boarding rooms have been designed to correlate communal kitchen areas etc. to minimise transmission of noise to quieter areas of the boarding rooms.</p> <p>No significant views have been observed from the subject site.</p> <p>Opportunities exist for cross-ventilation given the design of the proposed building to accommodate the boarding house.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
Section 2.14 External Building Elements		
<ul style="list-style-type: none"> • Roof <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space 	<p>Articulated roof proposed. 450mm eaves overhang.</p> <p>No proposed trafficable terrace.</p> <p>No skylights proposed</p> <p>No dormer windows proposed.</p> <p>No attic proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Section 2.15 Fences		
<ul style="list-style-type: none"> • Front/return: <ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid 	<p>900mm high solid brick fence is proposed.</p>	<p>Yes</p>

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(picket can be 1m). – Max 1.8m high if 50% open (any solid base max 900mm). – Retaining walls on front building max 900mm. – No colourbond or paling – Max pier width 350mm. • Side/rear fencing: – 1.8m max o/a height.	1.8m lapped and capped timber fencing is proposed along the side and rear property boundaries.	Yes
Part 3.5: Boarding Houses		
Section 2.3 Development subject to provisions of Part 2 of the ARHSEPP		
(a) All boarding house developments are to be designed to be compatible with the character of the local area.	The proposal is considered to be consistent with the character of the local area.	Yes
(b) Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application.	A Local Area Character Assessment is contained within the Statement of Environmental Effects submitted with the development application.	Yes
(c) Boarding house development located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the significance of the Heritage Conservation Area/Item.	N/A	Yes
(d) The design of boarding house development is to take into consideration any desired future character objectives of urban centres identified under the	The proposed site is not within any of the urban centres identified in the Ryde LEP 2014 or Ryde DCP 2014.	N/A

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<p>RLEP2014, RLEP (Gladesville Town Centre and Victoria Road Corridor) 2014 and Part 4 Urban Centres of this DCP.</p> <p>Size and Scale</p> <p>(e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms per boarding house will be permitted.</p> <p>(f) Notwithstanding compliance with numerical standards under the ARHSEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:</p> <p>(i) Overshadowing and privacy</p> <p>(ii) Streetscape (bulk and scale)</p> <p>(iii) Building setbacks</p> <p>(iv) Parking and traffic generation</p> <p>(v) Landscape requirements</p> <p>(vi) Visual impact and impact on existing views (this must address view sharing)</p> <p>(vii) Any significant trees on site, and</p> <p>(viii) Lot size, shape and topography.</p> <p>Parking and Traffic</p> <p>(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.</p> <p>(h) Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a Traffic and Parking Impact Assessment</p>	<p>12 bedrooms proposed.</p> <p>See Part 3.3 of Ryde DCP 2014 Compliance check above.</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>Parking is not located within communal open space areas or landscaped areas.</p> <p>Proposal is for boarding house with 12 bedrooms.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No- justifiable Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

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Report, prepared by a suitably qualified person.		
Section 3.2 Privacy (Acoustic and Visual) and Amenity		
(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.	The building is considered to adequately address Victoria Road through the provision of appropriate windows and doors on both the first and ground floor facing the street. As such it appears consistent with other dwelling houses within the street.	Yes
(b) Access ways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.	Complies	Yes
(c) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.	See Part 3.3 of the Ryde DCP 2014 Compliance Check above. Additionally, the neighbouring properties are both non-residential uses and will not impacted by the proposed use.	Yes
(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.	The subject site fronts Victoria Road, which is a classified road. Thus, an acoustic report was submitted as per the requirements contained within the Infrastructure SEPP for sensitive uses, which include any type of residential accommodation. Further, discussion of this will be provided in the report. However for the purposes of this section, the development is unlikely to result in unacceptable noise impacts onto the directly adjacent neighbouring non-residential	Yes

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	properties, nor the surrounding residential properties.	
Section 3.3 Accessibility		
(a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and Disability (Access to Premises – Buildings) Standards 2010.	Accessibility Report submitted, prepared by Ergon Consulting. The report indicates the proposal can comply with the access standard subject to further details being provided at the CC stage.	Yes
Section 3.4 Waste Minimisation and Management		
(a) Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP.	See Part 7.2 below.	
Section 3.5 Sustainability and Energy Efficiency		
A BASIX Certificate is to be submitted with the Development Application.	BASIX Certificate and BCA report submitted that demonstrates compliance with thermal, energy and water. Additionally, the subject development application has been referred to Council's Environmental Health Officers/Building Surveyors who have indicated that the proposed development is satisfactory subject to conditions.	Yes

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Section 3.6 Internal Building Design		
<p>(b) As a minimum, in all other cases boarding houses shall make provision for the following facilities within each building;</p> <p>(i) Manager / operator accommodation where there are 20 or more lodgers;</p> <p>(ii) laundry facilities;</p> <p>(iii) communal food preparation facilities (in addition to private provision where required);</p> <p>(iv) storage area for each occupant.</p> <p>(d) All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:</p> <p>(i) maximising overlooking of public and communal spaces while maintaining internal privacy;</p> <p>(ii) avoiding dark and non-visible areas;</p> <p>(iii) locating communal and common areas in safe and accessible locations;</p>	<p>12 lodgers.</p> <p>A laundry room is proposed. Communal kitchen provided.</p> <p>This level detail has not been provided and will be addressed as a condition of consent.</p> <p>Boarding house design maximises overlooking of public and communal spaces to ensure appropriate passive surveillance of such areas while maintaining internal and cross boundary privacy through utilisation of privacy screens where necessary. Dark and non-visible areas however can be mitigated via conditions of consent for lockable side access gates plus sensor lighting to ensure front of site is adequately lit. Communal and common areas are considered to be safe and accessible subject to conditions stated above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes.</p> <p>Yes</p> <p>Yes, subject to conditions of consent</p> <p>Yes, subject to conditions of consent</p>

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(iv) providing lighting appropriate to the location and desired activities;	No lighting details provided. To be conditioned utilising Council's standard conditions.	Yes, subject to conditions of consent
(v) providing clear definition between public and private spaces.	Clear definition between public and private spaces provided. The building typically takes on the appearance of a two storey dwelling house, and as such the typical public and private land definitions associated with dwelling houses are inherent in the design of the proposed development.	Yes
Specific Rooms, Areas and Facilities		
(e) The development is to be designed to meet the requirements identified in the following table.	See assessment below.	
(i) Bedrooms / Boarding Rooms:		
(a) Boarding rooms are to be designed as the principal place of residence for occupants.	Boarding house has been designed as a principal place of residence for occupants, including bedrooms with bathrooms, along with communal kitchen, common living/dining room, laundry, private open space and storage. This design is considered to cater to the needs of occupants to ensure the boarding house is capable of being used as a place of residence.	Yes
(b) No boarding rooms shall open directly onto communal living, dining and kitchen areas.	Boarding rooms do not open onto kitchen, living / dining areas.	Yes
(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified	All boarding rooms excluding any private bathroom facilities have a minimum of 12m ² for single lodgers.	Yes

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<p>in the ARHSEPP. Plans shall clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported.</p> <p>(d) Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply:</p> <p>(i) Minimum 2.1m² for any ensuite, which must comprise a hand basin and toilet; plus</p> <p>(ii) 0.8m² for any shower in the ensuite (in addition to above); plus</p> <p>(iii) 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus</p> <p>(iv) 2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area.</p> <p>(ii) Communal Living Rooms</p> <p>(a) Indoor communal living rooms/areas are to be located:</p> <p>(i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office;</p> <p>(ii) adjacent to the communal open space; and</p> <p>(iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.</p>	<p>All ensuites within each of the rooms are a minimum of 3sqm.</p> <p>Yes</p> <p>No laundry provided to any room – communal laundry proposed only.</p> <p>No kitchenettes provided – communal kitchen provided.</p> <p>Common living/dining room is located adjacent to the rear communal outdoor area.</p> <p>Living/dining room is adjacent to the communal open space.</p> <p>The location of the proposed living/dining room will have a minimal impact on the bedrooms within the development and the adjoining properties as it is situated at the rear of the development.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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<p>(b) Class 3 Boarding Houses must provide a common living area a minimum 15m² in area, with a further 15m² provided for each additional 12 persons thereafter.</p>	<p>The proposal is a Class 3 boarding house as the floor area exceeds 300sqm, however only 12 lodgers are proposed. A living area of 24.6sqm is provided. <u>Required: 15m².</u></p>	<p>Yes</p>
<p>(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</p>	<p>The communal room is located to the rear on the ground floor and will not overlook the surrounding residential properties.</p>	<p>Yes</p>
<p>(iii) Communal Kitchen and Dining Areas</p>		
<p>(a) Where communal kitchens are provided, they are to be in a location accessible to all residents.</p>	<p>Communal kitchen is accessible.</p>	<p>Yes</p>
<p>(b) A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain:</p>	<p>The communal kitchen is 8.3sqm in area. <u>Required: 15.6sqm</u></p>	<p>No – compliance to be addressed via condition of consent.</p>
<p>(i) One sink for every 6 people, or part thereof, with running hot and cold water; and</p>	<p>One sink proposed. <u>Required: Two (2) sinks (12 people).</u></p>	<p>No – compliance to be addressed via condition of consent</p>
<p>(ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation.</p>	<p>One stove cooker is proposed. <u>Required: Two (2) stove cookers (12 people).</u></p>	<p>No – compliance to be addressed via condition of consent</p>

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(c) A combined kitchen and dining area must have a minimum area of 15m ² with an additional 1m ² per room in a development that contains 12 or more bedrooms.	Greater than 15sqm is provided.	Yes
(d) No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.	Complies.	Yes
(e) Where food is proposed to be provided as part of Boarding House operations, or is for sale, kitchen and food areas shall comply with the National Code for the Construction and Fitout of Food Premises and be provided with sufficient ventilation in accordance with the BCA.	To be addressed via condition.	Yes
(f) Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.	To be addressed via condition and prescribed within the plan of management.	Yes
(iv) Bathroom Facilities		
(a) In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day.	The proposed development includes en-suite bathrooms in each of the boarding rooms, but no communal bathroom area.	N/A
(b) Bathrooms should be a minimum of 5m ² .	No communal bathrooms proposed – see above.	N/A
(c) Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.	The proposed development includes en-suite bathrooms in each of the boarding rooms. As demonstrated above, the en-suite bathrooms comply with the facility requirements previously in this table – i.e. minimum hand wash basin and shower.	Yes.

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<p>(v) Laundries and Drying Facilities</p> <p>(a) Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided:</p> <p>(i) A minimum space of 4m² for every 12 lodgers; an additional 3m² for every additional 12 lodgers or part thereof;</p> <p>(ii) 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).</p> <p>(b) Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised.</p> <p>(c) Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p> <p>(vi) Management Office Design</p> <p>(a) Where management offices are to be provided, they are to be located at a central, visible point which is convenient to occupants of and visitors to the boarding house.</p>	<p>4.41m² of laundry facilities is provided (4m² required).</p> <p>Well in excess of 15m² of external clothes line space is available, however it has not been shown on the site plan. An outside drying area is available within the rear POS, however it has not been shown on the site plan.</p> <p>Internal drying facilities are not indicated on the plans. Condition recommended.</p> <p>N/A – No office is required.</p>	<p>Yes</p> <p>Yes – to be addressed via condition.</p> <p>Yes - to be addressed via condition.</p> <p>Yes - to be addressed via condition.</p> <p>Yes</p>
Section 4.0 Management		
<p>(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are</p>	<p>Boarding house proposed to be managed by off-site manager, as covered in the Plan of Management submitted by the applicant. Condition to be imposed binding the Plan of Management.</p>	<p>Yes</p>

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<p>to be set out in a Plan of Management.</p> <p>(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part (refer Schedule 2 Template for Plan of Management).</p> <p>(c) The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.</p> <p>(d) Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.</p>	<p>A Plan of Management (POM) has been submitted as part of the proposed development. However it is not satisfactory and not consistent with the template contained within Schedule 2 of Part 3.5 of the Ryde DCP 2014.</p> <p>No details provided in Plan of Management. Condition imposed to ensure this information is available during operation of the boarding house.</p> <p>No details provided to confirm this.</p>	<p>No – revised POM to be provided as a condition of consent.</p> <p>No - revised POM to be provided as a condition of consent.</p> <p>No - revised POM to be provided as a condition of consent.</p>
Part 7.2 – Waste Minimisation and Management		
Section 2.3 All Developments		
<p>(a) Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.</p> <p>(b) The size of storage areas and number of storage containers required must be sufficient to handle and store the waste likely to be generated and stored on the premises between collections.</p>	<p>Space on-site is available for the sorting and storage of waste, however a bin storage area has not been indicated on the site plan.</p> <p>Council’s Environmental Health Officer has assessed the proposed development and determined the proposed waste arrangements to be satisfactory, subject to specific conditions of consent. In this regard, the proposal is considered to satisfactorily comply.</p>	<p>No – to be addressed as a condition of consent.</p> <p>No – to be addressed as a condition of consent..</p>

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<p>(c) Additional space must be provided for the storage of bulky wastes where appropriate.</p> <p>(d) Allowance must be made for the storage of green waste where relevant.</p>	<p>No significant bulky waste likely to be generated by proposed boarding house. Not shown on site plan.</p>	<p>N/A</p>
<p>(e) All waste containers must be stored within the boundaries of the site unless otherwise approved by Council under Section 68 of the Local Government Act 1993.</p>	<p>Not shown on site plan.</p>	<p>No - to be addressed as a condition of consent.</p>
<p>(f) All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by:</p> <p>(i) a Site Waste Minimisation and Management Plan (SWMMP);</p> <p>(ii) location and design details of waste storage facilities on the site.</p>	<p>Not shown on site plan.</p>	<p>No - to be addressed as a condition of consent.</p>
<p>(g) In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:</p>	<p>A SWMMP has been submitted.</p>	<p>Yes</p>
<p>(i) provide easy, direct and convenient access for the users of the facility;</p> <p>(ii) permit easy transfer of bins to the collection point if relocation of bins is required;</p> <p>(iii) permit easy, direct and convenient access for collection service providers;</p> <p>(iv) do not intrude on car parking, landscaping, access and turning areas required for the</p>	<p>Location details of waste storage facilities have not been provided.</p>	<p>No - to be addressed as a condition of consent.</p>
<p>(i) provide easy, direct and convenient access for the users of the facility;</p> <p>(ii) permit easy transfer of bins to the collection point if relocation of bins is required;</p> <p>(iii) permit easy, direct and convenient access for collection service providers;</p> <p>(iv) do not intrude on car parking, landscaping, access and turning areas required for the</p>	<p>Details of a bin storage area have not been provided. Councils Environmental Health Officer has recommended this information be addressed via a deferred commencement condition.</p>	<p>No - to be addressed as a condition of consent.</p>

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<p>type and scale of development;</p> <p>(v) do not reduce amenity (minimises the potential for noise, odour and other amenity and environmental impacts on residents and other occupants);</p> <p>(vi) maximize protection of trees and significant vegetation.</p> <p>(h) In cases where the waste storage areas and facilities are likely to be visible from the street, the design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape. Design elements such as fencing, landscaping and roof treatments may be used.</p> <p>(i) No incineration devices are permitted.</p> <p>(j) A collection point for waste collection is to be identified on the plans submitted with the development application. The collection point must be conveniently located for users and services purposes and sited so that waste collection vehicles do not impede the access to the site or car parking facilities when servicing the bins so that waste can be safely and easily collected.</p> <p>(k) The path for wheeling bins between the waste and recycling storage room/area and the vehicle collection point must be free of steps and kerbs and, in the case of residential development, of a gradient of less than 14:1, and for all other development types, of a grade to the satisfaction of Council. The</p>	<p>Details of a bin storage area have not been provided.</p> <p>No incineration devices proposed.</p> <p>Garbage collection will utilise street kerb collection.</p> <p>Details of a bin storage area have not been provided, however the site is relative flat. Thus, any path from the bin storage area to the kerb will be a gentle slope that can comply with the control.</p>	<p>No - to be addressed as a condition of consent.</p> <p>N/A</p> <p>No - to be addressed as a condition of consent.</p> <p>Yes.</p>

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ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>waste storage area must be as close as practicable to the collection point.</p> <p>(l) Access driveways and service areas for waste collection vehicles must be designed in accordance with Australian Standard AS 2890.2-2002 <i>Parking Facilities – Part 2: Off-street commercial vehicle facilities</i>.</p> <p>(m) All waste facilities must comply with the Building Code of Australia (BCA) and all relevant Australian Standards (AS).</p> <p>(n) Heritage conservation considerations may alter requirements of this Part in the refurbishment of existing buildings. Designs should be discussed with Council’s Heritage Advisor.</p> <p>(o) Any equipment, such as volume reducing equipment, will be required to be installed in accordance with the manufacturer’s instructions.</p> <p>(p) Where commercial food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be readily accessible for servicing and suitably screened from public view.</p>	<p>No waste collection vehicles entering the site.</p> <p>The proposal has been referred to Council’s Building Surveyor and Environmental Health Officers who have indicated no objection to the proposed development subject to conditions.</p> <p>N/A</p> <p>No equipment required to be installed.</p> <p>No commercial food preparation proposed to be carried out on site.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
Section 2.4 – Demolition and Construction		
(a) Demolition activity must comply with relevant Australian Standards and WorkCover requirements.	Demolition is not proposed as part of the subject application.	N/A
(b) Demolition is to be carried out using the process of deconstruction where materials are carefully dismantled and sorted. A Demolition Work Plan is required to be submitted.	As above.	N/A
(c) A dedicated area is to be allocated on-site for the stockpile of materials for reuse, recycling or disposal and for site waste bins (for surplus and unwanted materials).	Noted, to be covered by Standard Condition.	Yes
(d) Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.	Noted, to be covered by Standard Condition.	Yes
Section 2.6 Multi Dwelling Housing developments (3 or more dwellings) and Residential Flat Buildings (up to 3 storeys)		
<ul style="list-style-type: none"> • All Developments (a) Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials. • Individual Bin Storage – smaller scale developments (b) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed 	<p>Details of a bin storage area have not been provided. Councils Environmental Health Officer has recommended this information be addressed via a deferred commencement condition.</p> <p>As above.</p>	<p>No - to be addressed as a condition of consent.</p> <p>No - to be addressed as a condition of consent.</p>

ITEM 3 (continued)

ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>in accordance with Schedule 4: S4.1. Residential Bin Storage Areas.</p> <ul style="list-style-type: none"> <p>• Communal Bin Storage – larger scale developments</p> <p>(c) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with Schedule 4: S4.1. Residential Bin Storage Areas.</p> <p>(d) Communal bin storage areas are to be located so as they can be screened from the street and in a position which is convenient for users and waste collection staff.</p> <p>(e) To facilitate servicing by waste collection staff, communal bin storage areas must not be more than 15 metres from the street kerb.</p> <p>(f) For developments where bulk bins are provided for waste (i.e. 660/1100 litre skip bins) the bulk bins should be contained within waste and recycling storage rooms designed and constructed in accordance with the requirements of Schedule 4 (refer S4.2 Waste and Recycling Storage Rooms).</p> <p>(g) For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white</p> 	<p>As above.</p> <p>As above.</p> <p>As above.</p> <p>Bulk bins not provided.</p> <p>Not applicable to subject proposal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.</p> <p>(h) Where collection vehicles are required to drive into a property to collect waste and recycling, adequate access must be provided for the users, waste collection staff and collection vehicles, and:</p> <p>(i) the site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and</p> <p>(ii) the access and manoeuvring space are to be suitable for the collection vehicle in terms of pavement strength, spatial design, access width and clearances. Appendix C Collection Vehicles and Appendix D Vehicle access/Turning Circles under the Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008 are to be used as a guide.</p>	<p>Collection vehicles not required to drive into property.</p>	<p>N/A</p>
Part 8.2 – Stormwater Management		
<p>• Stormwater</p> <p>- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.</p>	<p>Application has been referred to Council’s Development Engineer who has supported the application subject to conditions.</p>	<p>Yes</p>
Part 9.2 – Access for People with Disabilities		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>Accessible path from the street to the front door has been provided.</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
Part 9.3 – Parking Controls		
Section 2.2 Residential Land-Uses		
<ul style="list-style-type: none"> • Boarding Houses – accessible area: (a) At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms). In terms of dwelling size this equates to: <ul style="list-style-type: none"> (i) At least 0.2 parking spaces/dwelling containing 1 bedroom (ii) At least 0.5 parking spaces / dwelling containing 2 bedrooms (iii) At least 1 parking space / dwelling containing 3 or more bedrooms (b) Not more than 1 parking space for each person employed in connection with the development. 	<p>2.4 spaces required for 12 boarding rooms. Three (3) spaces proposed.</p> <p>N/A.</p>	<p>Yes</p> <p>Yes</p>
Section 2.7 Bicycle Parking		
<ul style="list-style-type: none"> (b) Bicycle and motor cycle parking is to be provided for boarding house development in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP. (c) Bicycle parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities. (d) Bicycle parking and access should ensure that potential conflicts with vehicles are minimised. (e) Bicycle parking is to be secure and located undercover with easy access from the street and building entries. 	<p>ARHSEPP requires 3 motorcycle parking spaces and 3 bicycle parking spaces.</p> <p>3 motorcycle spaces are proposed and 3 bicycle spaces are proposed.</p> <p>To be addressed via standard condition.</p> <p>Bicycle parking and access will not conflict with vehicles.</p> <p>Bicycle parking is located satisfactorily undercover and is considered to be a secure location outside of the view from the public domain.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>(f) Bicycle parking is to be located in accordance with Safer by Design principles</p> <p>(h) Provide secure bicycle storage in all residential developments except for developments with a minimum of 600m², dwelling houses and multi-unit (villa) housing.</p>	<p>Bicycle parking is considered to be safe and in a secure located outside of the view from the public domain.</p> <p>Not applicable as subject site exceeds 600m².</p>	<p>Yes</p> <p>N/A</p>
Part 9.5 – Tree Preservation		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to</p>	<p>No tree removal is proposed.</p>	<p>Yes</p>

ITEM 3 (continued)

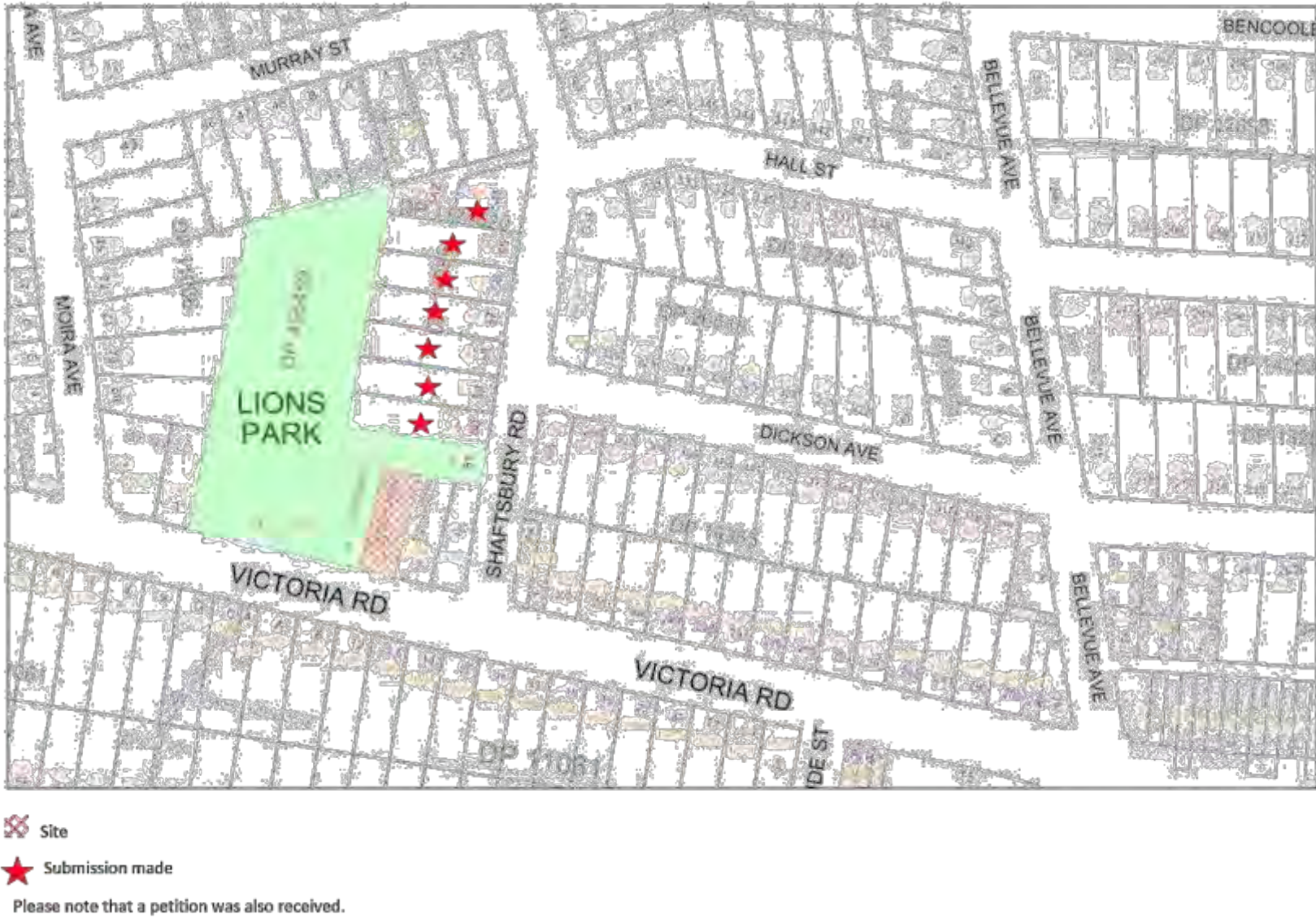
ATTACHMENT 1

Ryde DCP 2014	PROPOSED	COMPLIANCE
the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.		

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 673714M dated 13 October 2015	BASIX Cert correct.	Yes
Water Target - 40	40	Yes
Thermal Comfort – pass	Pass	Yes
Energy Target - 35	36	Yes
Correct description of property/proposal on 1 st page of Certificate.	BASIX certificate correct	Yes

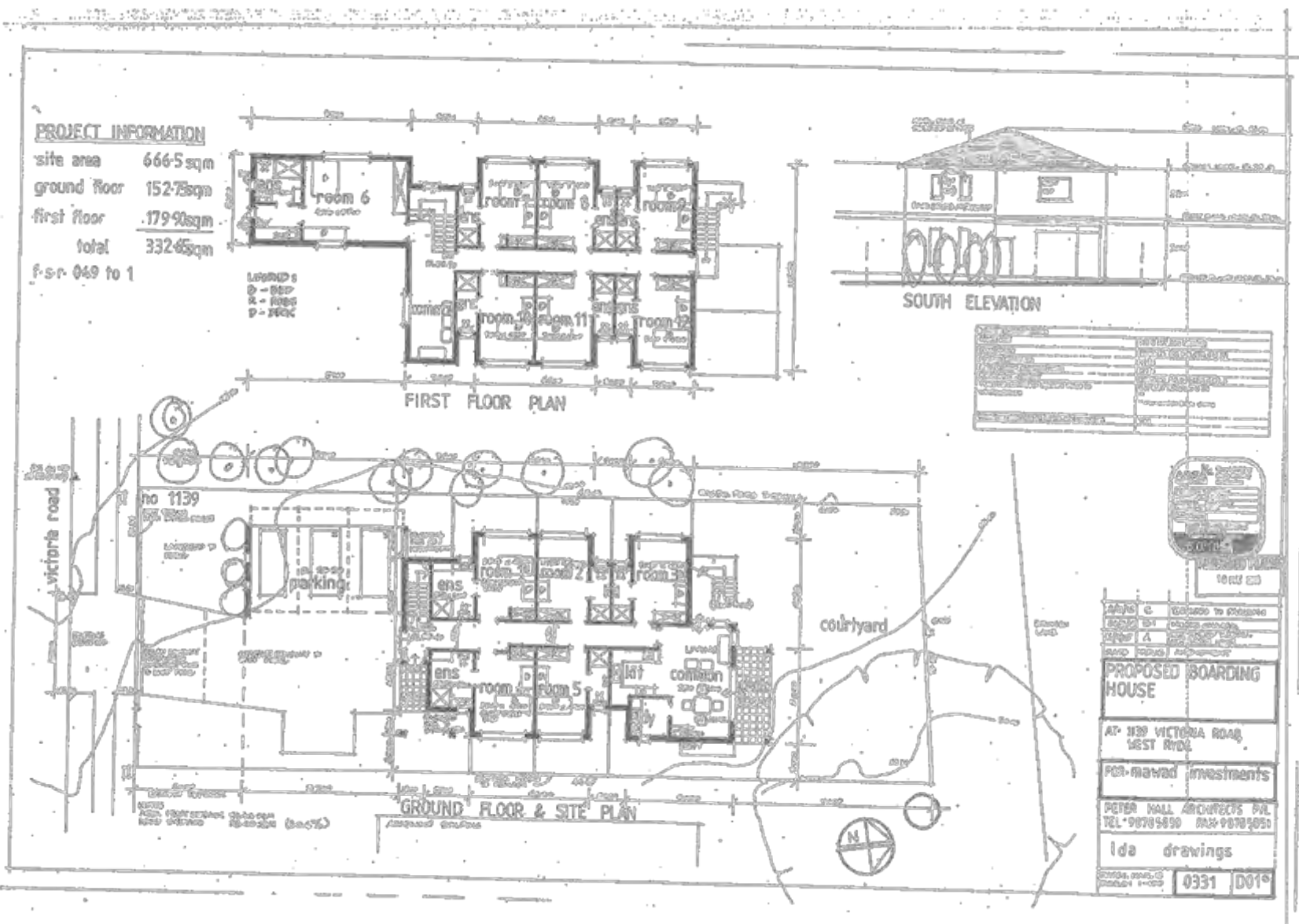
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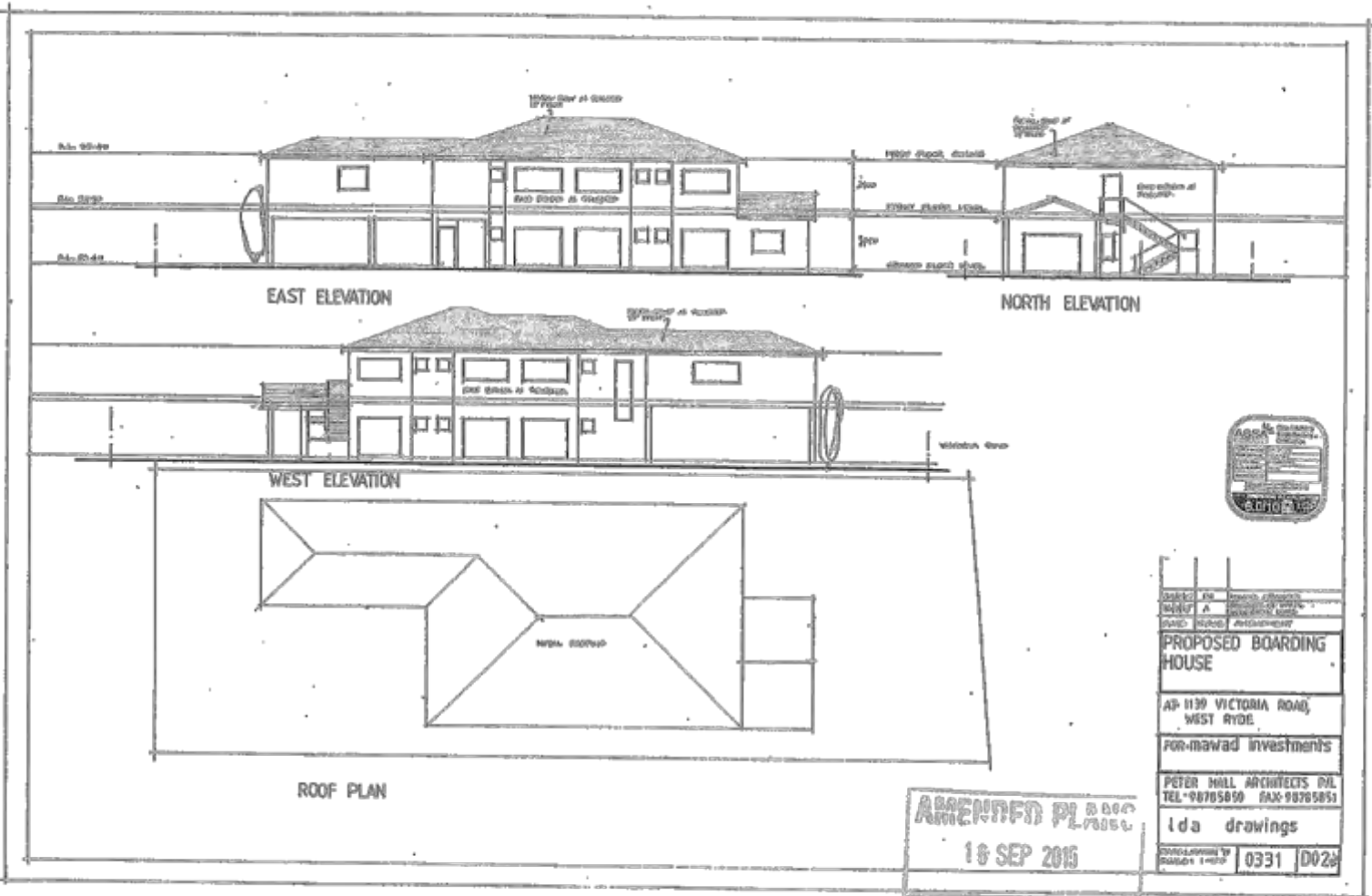
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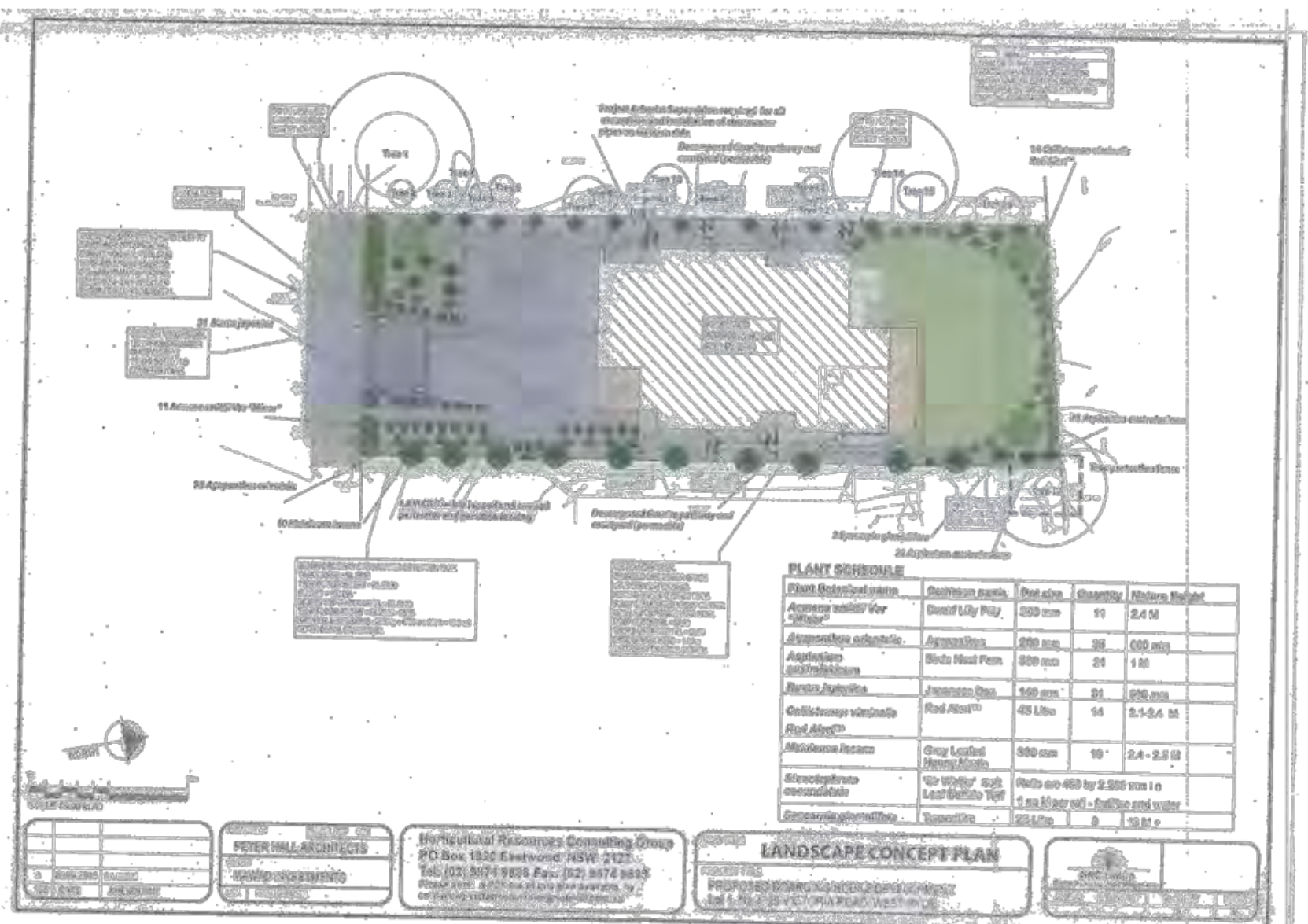
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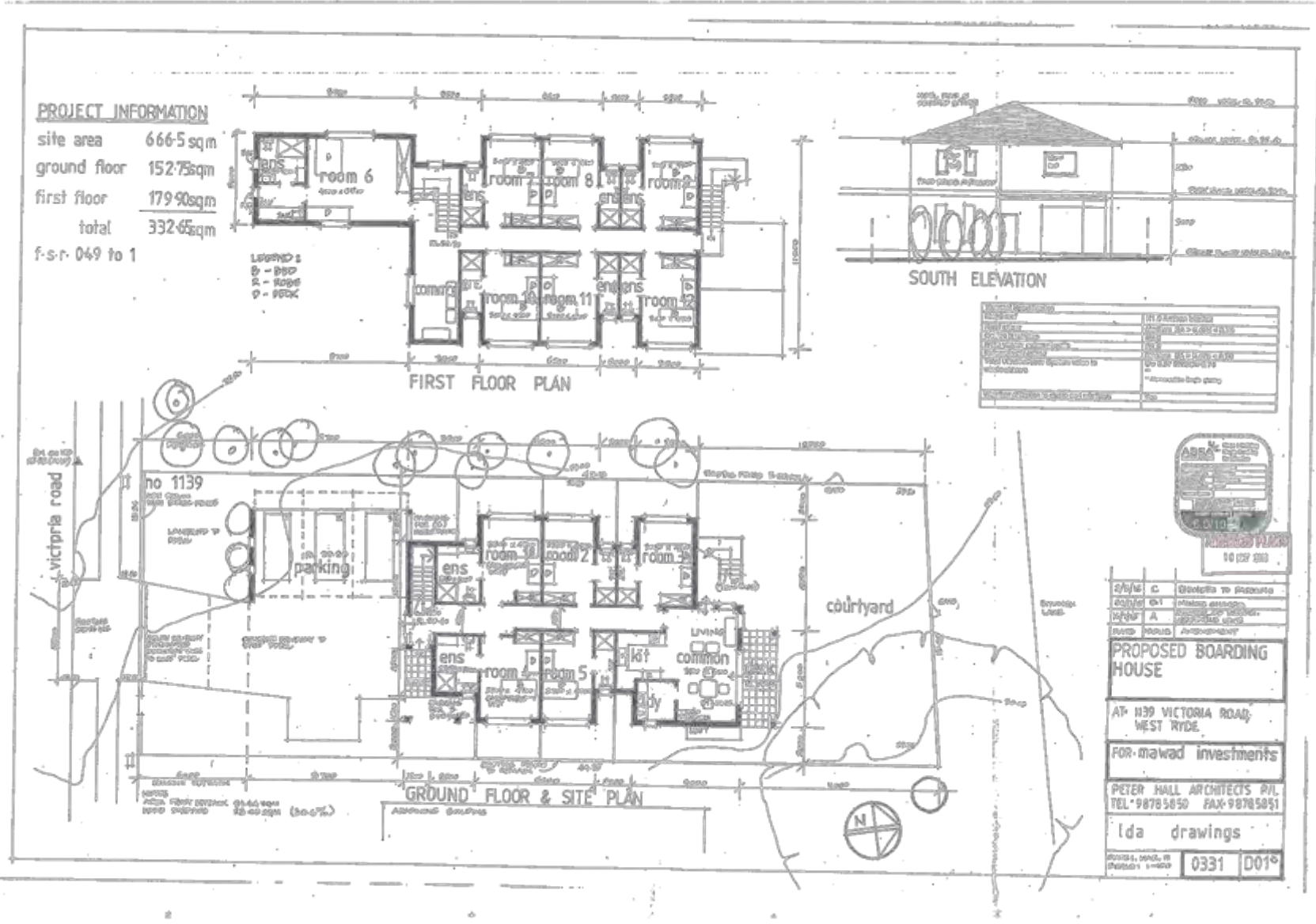
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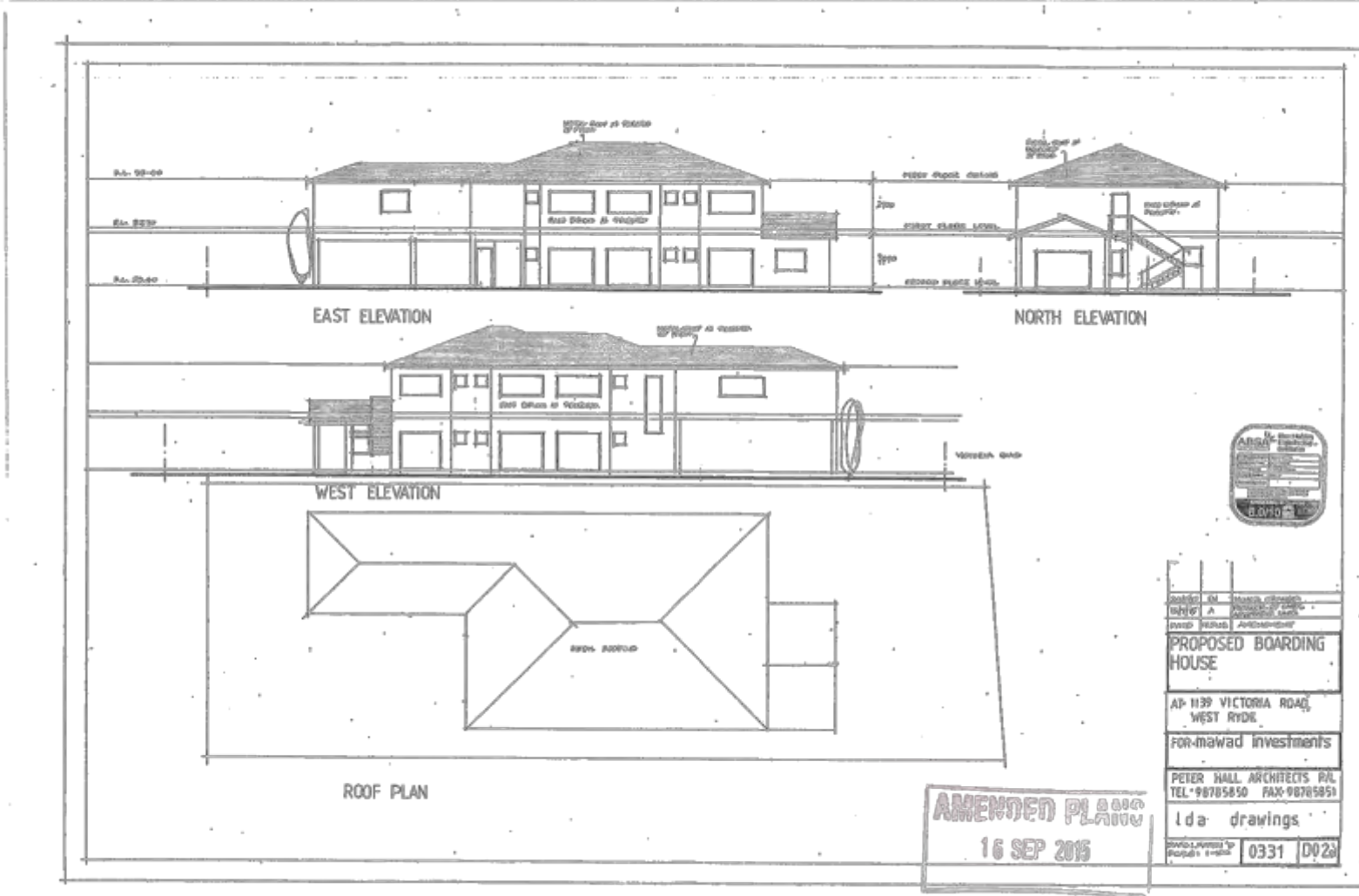
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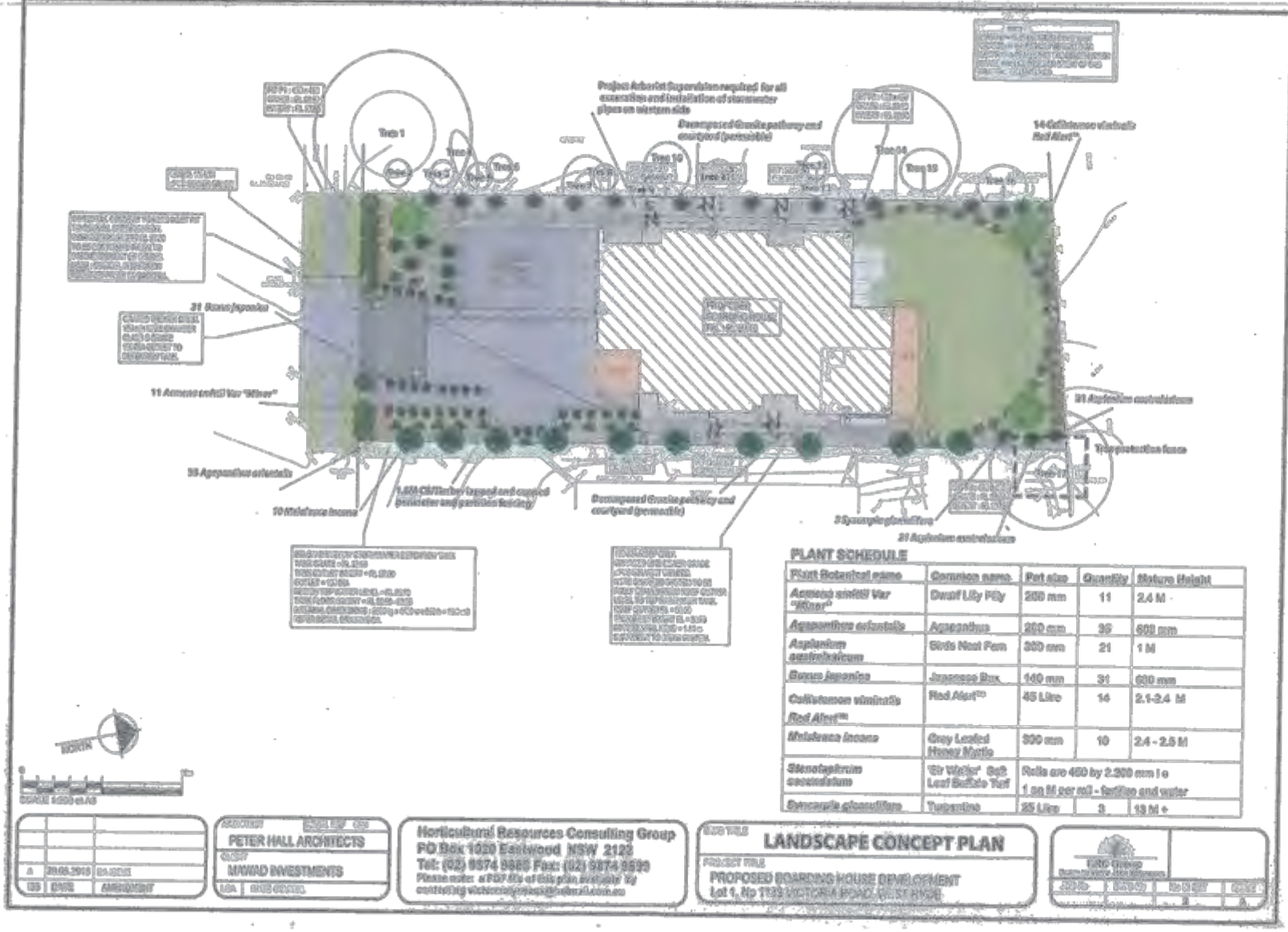
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ITEM 3 (continued)

ATTACHMENT 1



ITEM 3 (continued)

ATTACHMENT 2



Our Ref: GL260518

27 September 2016

The General Manager
City of Ryde
Locked Bag 2069
North Ryde NSW 1670

Attn: The General Manager

Dear Sir,

**RE: SECTION 82A REVIEW OF DETERMINATION
DEVELOPMENT APPLICATION NO. 2015/0274
1135 VICTORIA ROAD, WEST RYDE**

We act on behalf of the applicant, Mawad Investments Pty Limited.

We note that Development Application No. 2015/0274 for the demolition of existing structures and the construction of a two-storey boarding house development under State Environmental Planning Policy (Affordable Rental Housing) 2009 was refused on 23 August 2016.

The current application seeks a review of Council's refusal pursuant to Section 82(A) of the *Environmental Planning and Assessment Act 1979*.

Generally, we note that the proposed development complies with the provisions of the relevant planning instruments, or where a variation is proposed, is otherwise acceptable on merits. Council is now requested to consider this letter in support of the applicant's request for review, noting that the development had been recommended for approval by Council's own internal officers in the report prepared and approved by Council's Senior Coordinator for Development Assessment, Acting Manager for Assessments and Acting Director for City Strategy and Planning (the "Report").

Council's recommendation for approval of the proposal

We note that the application was originally lodged by the applicant on 15 June 2015 and amended plans were submitted on 16 September 2015 with further minor revisions on 10 May 2016.

The development was assessed by Council officers using the heads of consideration listed in section 79 of the *Environmental Planning and Assessment Act 1979* and was generally considered to be satisfactory for approval. In particular, Council did not recommend the refusal of the application "because (overall) the development is considered to be satisfactory; the areas of non-compliance with Council's planning controls

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are justifiable and the neighbours' concerns have been addressed as noted in the assessment above, and can be addressed via conditions of consent". [page 262 of the Agenda of the Planning and Environment Committee Report No. 6/16, dated 9 August 2016 ("PEC Report")]

We further note that the Planning and Environment Committee (the "Committee") expressly stated that:

"...the subject site is considered to be in a suitable location for a boarding house that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours (i.e. the site adjoins Lions Park to the west and north; and to the east is a former service station currently used as a Midas car service centre)". [page 262 of the PEC Report]

The application then went before Council where the Councillors refused the proposal without merit or any good planning grounds.

The applicant questions the basis of Council's refusal in circumstances where there were no further changes to the proposed plans, no further objections or submissions had been raised and no fresh or additional issues had arisen that required further consideration by Council or the Committee or that could in any event warrant or justify the refusal of the application.

We now turn to Council's Determination Notice and in particular to its grounds for refusal of the application. For ease of reference we shall adopt the same sequence of numbering as contained in that Notice in responding to each of the issues raised.

1. The development is unsatisfactory in terms of traffic and vehicle access arrangements

Firstly, we note that the site is currently being used for the purpose of operating a car and truck hire business which has constant flow of trucks and vehicles arriving and departing from the site. We further note that the adjoining property to the east comprises a two storey building used as an auto garage and carservicing centre which also has a regular flow of vehicles entering and leaving the property.

Section 202 Part 903 of DCP 2014 prescribes the car parking requirements for boarding house developments and states that for boarding houses in an "accessible area" there must be at least 0.2 parking spaces per boarding room which equates to:

- at least 0.2 parking spaces/dwelling containing 1 bedroom; and
- at least 0.5 parking spaces/dwelling containing 2 bedrooms.

Section 2.3 Part 3.3 of DCP 2014 requires that for every 5 boarding rooms or part thereof, an area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking.

The Committee has noted in its Report that the proposed development provided three (3) car parking spaces, 3 bicycle parking spaces, and 3 motorcycle parking spaces, and therefore fully complies with the vehicle parking requirement of DCP 2014 (page 229-PEC Report).

Further, the Report also notes that clause 29 of the ARHSEPP provides "Standards that cannot be used to refuse consent". In particular, Clause 29(2) indicates that a consent authority must not refuse consent to development for a boarding house undertaken pursuant to the ARHSEPP if at least 0.2 parking spaces are provided for each boarding room if the site is located within an accessible area.

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The site is located within an "accessible area" (the development is located approximately 10 m walking distance from a bus stop located on the northern side of Victoria Road near the corner of Shaffsbury Road) and Council has clearly stated that as such, the City of Ryde must not and cannot refuse consent to the subject boarding house on the basis of parking if it achieves the minimum 3 car parking spaces required by the ARHSEPP. [page 229-230 of the PEC Report]

Further, the Committee has noted that given the demographic profile of the average boarding house lodger, car ownership and usage by occupants of boarding house developments is typically relatively low and is of the view that the proposed boarding house will not result or cause significant problems in terms of excessive vehicle parking. [page 230 of the PEC Report]

In terms of traffic, again the Committee was of the view that the proposed construction of a boarding house is not expected to compromise the effectiveness and ongoing operation and function of Victoria Road. The proposal provides three off street car parking spaces, three motorcycle and three bicycle spaces. The proposal provides adequate room for vehicles to enter and exit the site in a forward direction, ensuring the safety of pedestrians and other road users is maintained. [page 242 of the PEC Report]

The ARHSEPP provides that a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of parking if the minimum standards outlined within the ARHSEPP are met.

We note that the proposed development meets the minimum standards.

2. The development is unsatisfactory in terms of Ryde DCP 2014

(a) Front and rear setbacks

We note that the Committee stated in its Report that the non-compliances with regard to setbacks are justifiable. [page 220]

Front Setbacks:

Ryde DCP 2014 requires that garages and carports are to be setback a minimum of 1m from the dwelling's front facade. The Committee noted that despite the proposal not complying with this requirement of DCP 2014, it is of the view that the proposal can be supported for the reasons set out at page 249 of the PEC Report.

Rear Setbacks:

The DCP 2014 prescribes that the rear of the dwelling is to be setback from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is greater. The site has a length of 44.35 and therefore the minimum required rear setback is 11.09m.

We note that the rear ground floor deck is setback 8.6m from the rear boundary while the rear wall of the building is setback between 11-12.5m from the boundary, which complies with the control. Despite not meeting all the rear setback requirements as set out in DCP 2014, the Committee expressed the view that the proposal can be supported in this instance for the reasons set out at page 250 of the PEC Report.

Further Council goes on to conclude that "the proposed development meets the objectives of the setback controls set out in the Ryde DCP 2014".

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In light of the above, and in the absence of any changes to the proposed plans, planning policies, regulations and control plans, the applicant submits that the Committee's refusal of the application on this issue is without merit and without good planning grounds.

(6) Safety and security (lack of lighting details in common area)

The Committee observed in its Report that the proposed plans did not provide sufficient lighting details for the common areas. However, the Committee noted that this is a minor matter which can be shown on the construction certificate plans and can be addressed via conditions of consent.

The Committee accordingly proposed the following conditions of consent to ensure that the safety and lighting arrangements are designed to comply with the provisions of the Ryde DCP 2014:

(a) The installation of sensor lighting to the side entry gates. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate;

(b) Lockable side entry gates to prevent unauthorised access to the private open space areas of the boarding house. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate; and

(c) Lighting of common areas such as driveways. Details to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate.

We refer you to page 252 of the PEC Report for further information.

In light of the above, the applicant submits that the Council's refusal of the application on this issue is without merit and without good planning grounds.

(c) Internal building design (communal kitchen and dining areas)

Section 3.6 of Part 3.5 of the DCP 2014 prescribes development controls relating to the internal building design of board house developments.

We note here that the proposed internal building design provides a communal kitchen of 8.3m² however the required area is 15.6m². Also one sink and one stove is provided instead of the required two of each as stipulated in Section 3.6 of Part 3.5 of DCP 2014.

Again, we note that the Committee has advised that the applicant will have to reconfigure the ground floor plan to accommodate the above. This again is a minor matter and can be addressed via conditions of consent as recommended by the Council at page 220 of the PEC Report.

We note that the Committee has clearly pointed out that "it will be possible to provide a kitchen that meets the required size by adjusting the size of the common living area adjacent to the kitchen" (page 253 of the PEC Report) and the Committee has accordingly recommended the following deferred commencement condition of consent to address this issue:

Communal Kitchen Facilities: A communal kitchen area is to be provided with a minimum area of 15.6m² and that contains a minimum of two sinks, two stove cookers and that is accessible

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for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Council prior to the activation of this consent.

In light of the above, the applicant submits that Council's refusal of the application on this issue is without merit and without good planning grounds.

(d) Clothes drying facilities

The Report noted that an assessment of the submitted plans has revealed that both external and internal clothes drying areas were not shown on plans. This again is a minor matter that can be addressed via conditions of consent as recommended by the Committee in its Report.

We note that DCP 2014 requires that external and internal drying facilities are to be provided as follows:

- 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable)
- Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.

The Committee has recommended that this issue be addressed by the following conditions of consent:

Clothes Drying Facilities (external). An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Clothes Drying Facilities (internal). An internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by Council prior to the issue of a Construction Certificate.

In light of the above, the applicant submits that Council's refusal of the application on this issue is without merit and without good planning grounds.

(e) Boarding House Management

Section 4 of Part 3.5 of the DCP2014 provides development controls relating to the management of boarding houses to ensure they are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for adjoining residents.

It is noted that the subject DA does not detail on the plans or within the accompanying documentation that these management controls will be satisfactorily complied with;

However, to address the above, the Committee states in its Report that the following conditions be included as an operational condition of consent:

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(a) Display of name and contact details of manager;

Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency. [page 254 of the PEC Report]

(b) Occupiers of adjacent properties to be provided with 24 hr contact number for the boarding house; [page 254 of the PEC Report] and

(c) Incident register/complaints procedure to be provided. The Committee proposed the following amendment to section 5 of the Plan of Management as submitted:

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. This register shall detail how and when any complaints are dealt with.

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain—

- Complaint date and time*
- Name of person/police/council making the complaint*
- Contact details*
- Nature of the complaint*
- Action taken (by whom and when)*
- Outcome and/or further action required*

All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

In addition, the Committee recommended that the following operational condition be imposed to reiterate house rules to occupants of the premises:

House Rules—A copy of the 'House Rules' contained within the approved Plan of Management are must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

Each of the above issues is considered minor by the Committee in its Report and easily rectifiable through deferred commencement conditions as set out above - they are not, in the circumstances, reasonable grounds for refusal of the proposed application.

(f) Waste minimisation and management

The Committee has noted that details of the waste storage and handling facilities submitted with the DA do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014 - as a bin storage area has not been indicated on the site plan.

09/09/2016 10:00:00 AM

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However, despite the non-compliance, the Committee considered that "the proposal is generally satisfactory for approval" and that the "subject DA is recommended for approval subject to conditions...in the form of a Deferred commencement consent requiring the submission of amended plans for the provision of adequate communal kitchen facilities (and) waste storage area..." (page 221 of the PEC Report)

The Committee held the view that space on-site was available for the sorting and storage of waste and therefore, considered that the following deferred commencement condition be recommended as per Council's Senior Environmental Health Officer's recommendation:

Amended details must be submitted for Council's approval. The amended details must include:

- (a) Design and location of the waste storage facilities for the garbage and recycling bins*
- (b) The number of garbage and recycling bins proposed to ensure that any proposed enclosure large enough to contain all required bins*

Details are to be submitted to and approved by the Council prior to the activation of this consent.

Further we note that section 79C(3A)(b) of the *Environmental Planning and Assessment Act 1979* states that if a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

The Committee noted that with "the above in mind...those aspects of the proposal which have been assessed as non-compliant...have been determined acceptable as they are able to achieve the objects of those standards". (page 248 of the PEC Report)

Given the above issues are easily rectifiable through deferred commencement conditions as recommended by the Committee, they are not, in the circumstances, reasonable grounds for refusal of the proposed application.

3. Unacceptable impacts on amenity of residential properties due to noise impacts and waste disposal arrangements.

We refer you to section 5(c) for the applicant's submissions on Noise and Acoustic Privacy.

We refer you to section 2(f) for the applicant's submissions on Waste Management.

4. Not in public interest due to number of submissions received from the local community.

Refer to Submissions section below at section 5.

Under Ryde LEP 2014, the zoning of the site is R2 Low Density Residential. Boarding houses are a permissible form of development within the R2 Low Density Residential Zone. We note that the aims and objectives of residential zones are to:

- * Provide for the housing needs of the community within a low density residential environment.

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- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The Committee noted in its Report at page 247 that the *"proposed development is considered to satisfy the objectives for residential developments as it will provide a range of housing types for the community within a low density residential environment, and ensures the general low scale of the surrounding area is maintained via compliant building heights, floor space ratio and satisfactory setbacks"*.

The Committee continued that:

"The development substantially complies with the provisions of the ARHSEPP and also Council's current development controls. Additionally, it has been determined that the proposed built form is in keeping with the existing and desired future character of the low density residential area.

In this regard, it is considered that approval of the subject DA would be in the public interest."

5. Submissions received from local community

The DA was lodged with Council on 15 June 2015 and notified to surrounding properties on 24 June 2015. In response, 10 submissions and a petition of 196 signatories were received objecting to the proposed development. The applicant understands that most of the signatures to the petition were obtained by stopping locals passing through or using Lions Park, the adjoining property.

In any event, an initial assessment of the proposal identified a number of non-compliances with the provisions of DCP 2014. Those issues were included in an additional information letter to the applicant on 30 June 2015.

Amended plans were received by Council on 15 September 2015 which included a number of changes addressing the issues raised by council in its letter of 30 June 2015. The amended plans were then re-notified to neighbours and previous objectors.

We note that no submissions were received in response to the amended plans.

It is therefore somewhat nonsensical that Council would rely on original submissions raised as a ground of refusal in circumstances where firstly, no further submissions or objections were received by Council to the applicant's amended plans AND where each of the submissions were held by the Committee in its Report to either have no merit, no relevance or could and would be addressed with conditions of consent. This is discussed in more detail below.

We note that the main issues of concern raised by the objectors in the first round of notifications included:

(a) Visual Privacy

We note that concerns were raised in relation to the impacts on visual privacy from the proposed development. The Committee Report notes that there are no proposed first floor balconies and the windows on the first floor will not cause significant overlooking of

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adjoining residential properties as there are no residential properties immediately adjoining the site (i.e. the property to the west is Lions Park, the property to the north is used for vehicle access to Lions Park and the property to the east is a Midas Vehicle Service Centre).

This is therefore not a real concern.

(b) Car Parking

We note that the Report clearly states that the proposed development provides 3 car parking spaces, 3 bicycle parking spaces and 3 motor bike parking spaces and therefore fully complies with the vehicle parking requirements of DCP 2014. Where there is compliance with this requirement, the ARHSEPP provides that a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of parking if the minimum standards outlined within the ARHSEPP are met. We refer you to section 1 of this letter for our submissions on this issue.

(c) Noise and Acoustic Privacy

We note that occupancy levels will be managed by restricting the maximum occupancy of the premises to 13 lodgers and the Committee has noted that Council has enforcement powers under the EPAA to ensure compliance with the consent (page 233 of the PEC Report).

In relation to noise, the Committee has noted that the *“proposal remains a residential land use, and accordingly is considered to be generally consistent with other forms of residential development such as dwelling houses and dual occupancy developments”* (page 231 of the PEC Report).

Further, the Committee goes on to state that: *“the premises will be subject to conditions of consent, house rules and Plan of Management relevant to the boarding house”*.

The Plan of Management provides details on operation, number of lodgers, house rules, fire safety, site cleaning, furniture and facilities, waste management, safety and security.

The submitted Plan of Management includes various house rules at section 6 which include:

- (a) *No loud music or TV noise after 10.00pm;*
- (b) *No parties or gatherings are permitted upon the premises after 10.00pm;*
- (c) *No visitors other than residents of the property after 10.00pm;*
- (d) *No use of outdoor areas after 10pm; and*
- (e) *No smoking in areas which may affect the amenity of other residents of the boarding house or residents;*

The Plan of Management also notes that a copy of the Plan will be provided to each new lodger who will be required to sign an occupancy and house rules agreement. The plan notes that breaches will result in cessation of occupation. In addition, additional operational conditions have been imposed to reiterate the house rules to occupants of the premises. We refer to condition 33 of the Report which requires that *“a copy of the House Rules” contained within the approved Plan of Management must be clearly displayed*

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within the main entry area and all communal areas to ensure all occupants are aware of the house rules, [page 230 of the PEC Report]

We note that the Committee also pointed out that the premises *"fronts Victoria Road, a classified arterial road used by more than 40,000 vehicles per day"* and *"ambient noise levels in the area are likely to be higher than a traditional low density suburban area"* [page 231 of the PEC Report].

Overall, the Committee was of the view that *"the subject site for this development is considered to be in a suitable location that would have minimal impact on the amenity of adjoining properties. In particular, the site has no immediate residential neighbours"* [page 232 of the Report].

This issue is therefore not a real concern.

(d) Operations and Management

The Committee noted that concerns were raised that the details provided in the Plan of Management are *unsatisfactory* and there was no ability for Council to enforce compliance.

However, this issue of concern was made in relation to the Plan of Management as originally submitted by the applicant. The Committee noted that *"a revised Plan of Management was submitted with the package of original information received on 16 September 2015, which was re-notified by Council to the neighbours and previous objectors"*. We note that no further submissions or objections were made.

The Committee concludes at page 234 that *"it is considered that the objector concerns in relation to the inadequacy of detail provided within the Plan of Management are unfounded. Nevertheless two (2) additional conditions are proposed and the plan will also be included within the approved documents"*.

(e) Anti-social behaviour of tenants/ Use of adjacent park by tenants to consume alcohol and drugs

The Committee's Report noted that the detailed Plan of Management submitted includes a zero tolerance policy on illegal drugs and this Plan of Management has been included within the Conditions of Consent. The Committee also noted that Schedule 2 Part 1 of the Local Government (General) Regulations 2005 imposes certain enforcement standards for shared accommodation and that Council has the power to take appropriate action to enforce compliance through the issue of orders for rectification. [page 234 of the PEC Report]

The Committee also makes note at page 235 that this is another issue that *"appears to be based on perception, and anecdotal evidence would suggest illegal drug use within a boarding house within a suburban location such as Ryde is minimal"*.

This issue is therefore of no real concern.

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(f) Safety and security of surrounding suburbs/ Increase in local crime

The Report states that there is no evidence to suggest that the safety of residents using Lions Park would be compromised as a result of approval of the development application. The Committee went on to say that the "bone fides of the future occupants of the boarding houses" is not a relevant planning consideration under the Environmental Planning and Assessment Act 1979 and that "this type of concern appears to be based on perception rather than fact." [page 230 of the PEC Report]

(g) Internal Referrals

We note that the development application was referred to Council's internal sections for comments. Below is a summary of the comments received:

Senior Development Engineer

Council's Development Engineer has assessed the application to be acceptable and has recommended "Deferred Commencement" conditions be imposed on any consent that is issued in respect of stormwater management and vehicle access and parking. [page 258-259 of the PEC Report]

Landscaping

Council's Consultant Landscape Architect has provided no objections and has recommended conditions to be imposed on any consent issued.

Senior Building Surveyor

Council's Building Surveyor has provided no objections to the proposal subject to conditions.

Environmental Health

Council's Environmental Health Officer has assessed the application to be acceptable and has recommended conditions be imposed on any consent that is issued.

Concluding Remarks

The applicant's proposal was assessed by Council against the provisions of the ARHSPP, RYDE LEP 2014 and DCP 2014 and a Report was submitted recommending the development for approval. The areas of non-compliance were either justifiable or could be addressed via conditions/deferred commencement conditions.

The Committee expressly stated in its Report that "refusal [of the proposal] is not recommended because (overall) the development is considered to be satisfactory, the areas of non-compliance with Council's planning controls are justifiable and the neighbours' concerns have been addressed and can be addressed via conditions of consent". [page 262]

The applicant respectfully requests that the Council review its decision and implement the recommendations as set out in the Report prepared and approved by its own internal officers.

We advise that in addition to the request for a review under section 82A, our client is also in the process of lodging an appeal with the Land and Environment Court. Our client is of course eager to reach an agreement with Council without the need to resort to protracted and expensive litigation and would welcome the opportunity to discuss this matter in person if Council were minded to do so.

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In the meantime, should you have any queries in relation to the above, please do not hesitate to contact our office.

Yours faithfully
Omniwealth Legal

Greg Leather
Partner
greg.leather@omniwealthlegal.com.au

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DRAFT Conditions of Consent

**1139 Victoria Road, West Ryde
LDA2015/274**

DEFERRED COMMENCEMENT

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

1. **Amended Plans.** The submission of amended plans that comply with the following requirements. These changes will result in changes to the design of the approved development:
 - (a) **Communal Kitchen Facilities.** A communal kitchen area is to be provided with a minimum area of 15.6m² and that contains a minimum of two sinks, two stove cookers and that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. The amended plan is to ensure that the communal living area and laundries also complies with the requirements of Part 3.5 of Ryde DCP 2014.
 - (b) **Amendment to Plan of Management.** The following amendment shall be made to the Plan of Management for the boarding house:

Record of Complaints:

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain:

- Complaint date and time
- Name of person/police/council making the complaint
- Contact details
- Nature of the complaint
- Action taken (by whom and when)
- Outcome and/or further action required

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All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

- (c) **Detailed site investigation report** - The proponent must engage a suitably qualified and experienced consultant to conduct a phase 2 contamination assessment of this site and determine if the subject site is affected by offsite migration of contaminants from adjoining premises and contains any potentially contaminated fill throughout the whole site.

The applicant shall submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.

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

- (e) **Details of waste storage and handling facilities** - The details of the waste storage and handling facilities submitted with the development application do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014.

Amended details must be submitted for Council's approval. The amended details must include:

- Design and location of the waste storage facilities for the garbage and recycling bins.
- The number of garbage and recycling bins proposed to ensure that any proposed enclosure large enough to contain all required bins.
- Green Waste. Allowance must be made within the garbage area for the storage of Green Waste in accordance with the Ryde Development Control Plan 2014.

Details are to be submitted to and approved by the Council prior to the activation of this consent.

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PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan, Ground Floor, First Floor and South Elevation	TBA	TBA (refer to Deferred Commencement condition above)
Section AA	TBA	TBA (refer to Deferred Commencement condition above)
East, North, West Elevation and Roof plan		TBA (refer to Deferred Commencement condition above)
Stormwater Drainage Plan Details and Notes	22/04/15	D1 Issue A 1 of 3
Stormwater Drainage Plan	22/04/15	D2 Issue A 2 of 3
Erosion & sediment control plan	22/04/15	D3 Issue A 3 of 3
Landscape Plan	20/08/15	Issue B 1 of 2
Landscape notes	20/05/15	Issue A 2 of 2
Plan of Management	August 2015	GM Planning Services
BCA Compliance Assessment	09/09/15	Peter Rowan Consulting
Accessibility Report	10/09/15	Ergon Consulting
Acoustic Assessment Report	23/07/15	Consulting Acoustical Engineers
Air Quality Assessment Report	17/08/15	SLR Consulting Australia

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.

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3. **BASIX.** (Unless an amended BASIX Certificate is required to comply with the Deferred Commencement requirements of this consent). Compliance with all commitments listed in BASIX Certificate(s) numbered 664581M, dated 09 September 2015.
4. The proposed development must incorporate the recommendations of the Acoustic Assessment Report prepared by BGMA Pty Ltd – Consulting Acoustical Engineers, Ref: BGMA 150715 A, dated 23/07/15. Full details of compliance with these requirements shall be shown on the **Construction Certificate** plans.
5. The proposed development must incorporate the recommendations of the Air Quality Assessment Report prepared by SLR Consulting Australia Pty Ltd, Ref: 610.15561 AQA 20150817.docx, dated 17/08/15. Full details of compliance with these requirements shall be shown on the **Construction Certificate** plans.
6. **Approved number of residents.** The approved number of occupants within the Boarding House must not exceed thirteen (13) persons at any time.
7. **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.
8. **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.
9. **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.
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.

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11. **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.
12. **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.
13. No access is permitted via Lions Park to 1139 Victoria Road during construction works or throughout the life of the development. No construction materials or machinery is to be stored in Lions Park during construction works.
14. **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.
15. **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.

Engineering Conditions

16. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.

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19. **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) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Environmental Health Conditions

20. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
21. **Construction of the Communal Kitchen** -The walls of communal kitchens must be constructed of solid construction and finished in a surface which can be easily and effectively cleaned.
- a) The ceiling shall be designed and constructed such that it is free from cracks and crevices where pests can breed and finished in a surface which can be easily and effectively cleaned.
 - b) The floor of all communal kitchens shall be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned with water.
 - c) The kitchen shall be adequately ventilated in compliance with AS1668.
 - d) The kitchen shall be separated from all sanitary and waste facilities and not open to the external environment and maintained free from pests, dirt and dust.
 - e) Provided with a minimum of one hand wash basin which is supplied with warm running water mixed through a common spout
22. **Construction of the Communal Laundry** - The floors of all laundry areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned. The laundry areas shall be adequately ventilated in compliance with AS 1668.
23. **External garbage storage areas** - External areas used for the storage of garbage must comply with Council's Development Control Plan 2014:
- a) be roofed and paved with concrete
 - b) graded to a grated drain connected to the sewerage system

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- c) Provided with a hose cock adjacent to the garbage storage area to facilitate cleaning of the containers and storage area
- d) Not create a nuisance to neighbouring properties, therefore be located away from window and doors of the neighbouring premises so as to reduce odour.

24. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading and comply with the Plumbing and Drainage Code.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

25. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$13,783.30
Open Space & Recreation Facilities	\$33,931.67
Civic & Urban Improvements	\$11,540.85
Roads & Traffic Management Facilities	\$1,574.30
Cycleways	\$983.34
Stormwater Management Facilities	\$3,125.50
Plan Administration	\$265.12
The total contribution is	\$65,204.08

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 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

26. **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**.
27. **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**.
28. **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**. (other buildings with delivery of bricks or concrete or machine excavation)
29. **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
30. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

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

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

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

Or telephone 13 20 92.

32. **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**.
33. **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**.
34. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, common 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 or boarding rooms within the development.
35. **Sensor Lighting –** Sensor lighting is to be provided to the side entry gates within the eastern and western side setback areas. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.
36. **Clothes Drying Facilities (external).** An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

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- 36A. **Clothes Drying Facilities (internal).** An Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2014. Details are to be submitted to and approved by Council prior to the issue of a **Construction Certificate**.
37. **Lockable Side Entry Gates.** The side gates shown on the submitted ground floor plans within the eastern and western side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**
38. **Landscape plan.** The Landscape Plan prepared by Horticultural Resource Consulting Group is considered acceptable however the following items are to be addressed prior to issuing a Construction Certificate:
- Provide additional screening plants along the side boundary fences in the rear yards. The species selected should have a maximum maintained height of 2.7m in accordance with the City of Ryde DCP 2014. Proposed screen planting along the northern boundary is to be planted at a minimum of 1m spacing.
 - The landscape plan proposes the planting of 3 Turpentine across the site as part of the development. It is recommended that all proposed trees be located a minimum of 3m from the site boundary and installed clear of underground services.
39. **Bicycle parking.** Bicycle parking is to be designed in accordance with AS 2890.3 *Parking facilities – Bicycle parking facilities*.
40. **Car parking.** The internal width of the carport must be increased to a minimum of 8.9m, while maintaining a minimum front setback of 6m from the front boundary. The carport must be able to accommodate one (1) accessible car space with a minimum width of 3.8m and two standard spaces as per AS 2890 2009. Details are to be submitted prior to the issue of the construction certificate.

Engineering Conditions

41. **Reconstruction of Footpath Crossing and Adjoining Kerb Inlet Lintel.** The existing footpath crossing and adjoining kerb lintel is in a dilapidated state, likely to degrade further during construction works. To ensure that the serviceable life of this infrastructure is uniform with that of the development, the driveway crossover and kerb lintel must be replaced with a crossing which conforms with Council's requirements (in terms of design, materials and construction details). Accordingly,

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prior to issue of Construction Certificate an application shall be made to Council's Public Works division for the issue of boundary levels and reconstruction of the driveway. The issued levels are to be incorporated into the design of the driveway access and clearly delineated on plans submitted with the Construction Certificate application.

42. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The proposed access aisle (internal driveway approaching the car spaces) must be increased to a minimum 5.8m wide, in order to comply with the aforementioned standard.
- b) The manoeuvring bay provided opposite the parking spaces must be offset north so as to adjoin the dwelling, enabling carspace 1 to reverse into the area and exit the site in a forward manner.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate to demonstrate compliance with this condition.

43. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb inlet pit in Victoria Road, generally in accordance with the plans by Storm Civil Consulting Engineers Pty Ltd. (Refer to Job No. 110294 Dwgs D1 & D2 Iss. A dated 22 April 2015).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and are to be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated 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 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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44. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Victoria Road will require the inspection by Council's Public Works section to ensure the integrity of this asset is maintained. The method of connection must comply with Council's DCP and Technical Standards. An inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
45. **Stormwater Management - Quality.** A first flush infiltration system is to be designed and installed to capture the initial runoff from the paved parking area and store this flow off line to allow infiltration to the surrounding soil

Environmental Health Conditions

46. **Remediation of land following detailed site investigation** - If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

47. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

48. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

ITEM 3 (continued)

ATTACHMENT 3

49. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
 - (c) any council policy or development control plan relating to the remediation of land.
50. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
51. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

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.

ITEM 3 (continued)

ATTACHMENT 3

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).

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.

ITEM 3 (continued)

ATTACHMENT 3

57. **Project Arborist** - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

Hold points and certification

The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

58. **Fencing.** The proposed boundary fence (northern and western boundary) will result in a minor encroachment into the TPZ of Trees 1-17 and protective measures are recommended. Fence footings can be designed to span over roots to minimise the impact of root disturbance to a level that is considered acceptable. It is recommended that the Project Arborist be onsite during the installation of any fencing, to ensure compliance with the tree protection measures.

ITEM 3 (continued)

ATTACHMENT 3

59. **Stormwater management.** The location of underground services and any onsite detention tanks is to be coordinated in consultation with the Project Arborist to minimise the potential impact on site trees. The location of pipes documented within the Storm Civil plans notes SW lines in close proximity to trees nominated for retention. It is recommended that the Project Arborist be onsite during the excavation of the trenches for the SW pipes, to ensure compliance with the tree protection measures.
60. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

Environmental Health Conditions

61. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2014*.

Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be maximised.

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.

62. **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*.
63. **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.
64. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 3 (continued)

ATTACHMENT 3

65. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
66. **Construction materials.** All materials associated with construction must be retained within the site.
67. **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.
68. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
69. **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".
70. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
71. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
72. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
73. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.

ITEM 3 (continued)

ATTACHMENT 3

74. **Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days.
75. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Engineering Conditions

76. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. 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.
77. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Storm Civil Consulting Engineers Pty Ltd. (Refer to Job No. 110294 Dwgs D1 & D2 Iss. A dated 22 April 2015) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system

Environmental Health Conditions

78. **Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the RCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
79. **Identification and removal of hazardous materials -** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
80. **Storage and removal of wastes -** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

ITEM 3 (continued)

ATTACHMENT 3

81. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
82. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
83. **Disposal of asbestos wastes** - All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.
84. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
85. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
86. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report prepared by BGMA Pty Ltd Consulting Acoustical Engineers "Boarding House Development 1139 Victoria Road West Ryde, BGMA 150715A" dated 23 July 2015 and any related project documentation must be implemented during construction.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

ITEM 3 (continued)

ATTACHMENT 3

87. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in the BASIX Certificate(s) for this development.
88. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
89. **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.

90. **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 Occupation Certificate.

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

ITEM 3 (continued)

ATTACHMENT 3

Engineering Conditions

92. **Stormwater Management - Work-as-Executed 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.
93. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention 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(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - 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 the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.
94. **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. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

ITEM 3 (continued)

ATTACHMENT 3

- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) 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 DCP 2014, Part 8.1 "Construction Activities".
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

95. **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 DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

Environmental Health Conditions

96. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria nominated in the report prepared by BGMA Pty Ltd Consulting Acoustical Engineers "Boarding House Development 1139 Victoria Road West Ryde, BGMA 150715A" dated 23 July 2015 must be submitted to the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate.
Note: Where Council is not the PCA, a copy of the compliance report shall be submitted to Council.
97. **Compliance report** - A report from a qualified Air quality consultant demonstrating compliance with the relevant emission and pollutants criteria nominated in the report prepared by SLR Consulting Australia Pty Ltd, Ref:610.15561 AQA 20150817.docx, dated 17/08/15 must be submitted to the Principal Certifying Authority (PCA) before the issue of an Occupation Certificate.
Note: Where Council is not the PCA, a copy of the compliance report shall be submitted to Council.
98. **Laundry facilities** - Washing machines and sinks shall be provided at a rate of one tub per ten rooms or one tub per twelve occupants (whichever is the greater) with a minimum WELS rating of 4 stars on the washing machines. Hot and Cold water shall be supplied to all washing machines and sinks.

ITEM 3 (continued)

ATTACHMENT 3

Internal clothes drying facilities shall be provided at a rate of one dryer per 10 rooms with a minimum energy star rating of 4 stars and shall be rated no less than one star below the maximum available energy star rating available at the time of installation

99. **Kitchen facilities**— The communal kitchen facilities must include:

- a) A minimum of one sink per six occupants with hot and cold running water provided to the sink,
- b) One stove top cooker per 6 occupants with adequate ventilation,
- c) One oven per 12 occupants
- d) A refrigerator with storage space of 0.13m³ per person unless one bar fridge is provided in each bedroom,
- e) One freezer with storage space of 0.05m³ per occupant, storage for dry goods of 0.03m³ per person and exhaust ventilation,
- f) A lockable drawer or cupboards for food storage shall be provided in the kitchen per guest.

100. **Notification of boarding house details** - The proprietor of the Boarding House shall notify the particulars of the Boarding House in accordance with the Boarding Houses Act 2012 and subsequent Regulations. A copy of the Notification and particulars shall be submitted to Council.

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.

101. **Plan of Management.** The operation of the approved Boarding House shall fully comply with the Plan of Management dated August 2015 and any amendments required as part of this development consent. In particular, the Plan of Management shall be amended to include the following requirements:

- (a) Each lodger is required to clean the kitchen and all utensils used in the preparation, cooking and consumption for each every meal they prepare, to ensure the next user has clean and readily available cooking utensils.

102. **Use of Communal Outdoor Areas**

- (a) The use of the communal outdoor areas the boarding house are restricted to the hours stipulated within the approved plan of management as detailed within Condition 1 of this consent being 6am to 10pm Monday to Saturday and 8am – 10pm on Sundays and Public Holidays

ITEM 3 (continued)

ATTACHMENT 3

- (b) No loud or amplified music is to be played at any time within the communal outdoor areas,
 - (c) The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.
103. **Boarding House Management.** The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.
104. **Standards for places of shared accommodation** - The premises must comply with the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*.
105. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
106. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
107. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
108. **Hazardous wastes** - All wastes classified as hazardous wastes under the Protection of the Environment Operations Act 1997 must be transported to an appropriately licensed waste facility for disposal.
109. **Transfer of waste containers to emptying point** - Staff or contractors must be employed to take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.
110. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
111. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

ITEM 3 (continued)

ATTACHMENT 3

112. **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.
113. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
114. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
115. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
116. **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*.
117. **Noise from public entertainment** — NO public entertainment systems or speaker systems shall be installed on the premises without the prior approval of Council.
118. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.
119. **Notification of boarding house details** - The proprietor of the Boarding House shall notify the particulars of the Boarding House in accordance with the Boarding Houses Act 2012 and subsequent Regulations. A copy of the Notification and particulars shall be submitted to Council.

ITEM 3 (continued)

ATTACHMENT 3

120. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
121. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
122. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
123. **Duty to notify** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.
124. **Public Health:** The premises shall be maintained in accordance with the requirements of the Public Health Regulation 2012.
125. **Standards for places of shared accommodation** - The premises must comply with the Boarding House Act 2012, Boarding House Regulation 2013 and the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*. The maximum number of lodgers shall not exceed the requirements of *Local Government (General) Regulation 2005*.
 - A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
 - A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.
126. Adequate light and ventilation must be maintained in the premises.
127. Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
128. The floor of any kitchen must have an approved impervious surface.

ITEM 3 (continued)

ATTACHMENT 3

129. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
130. Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.
131. Appropriate furniture and fittings must be provided and maintained in good repair.
132. If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.
133. **House Rules** – A copy of the ‘House Rules’ contained within the approved Plan of Management must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

ADVISORY NOTES

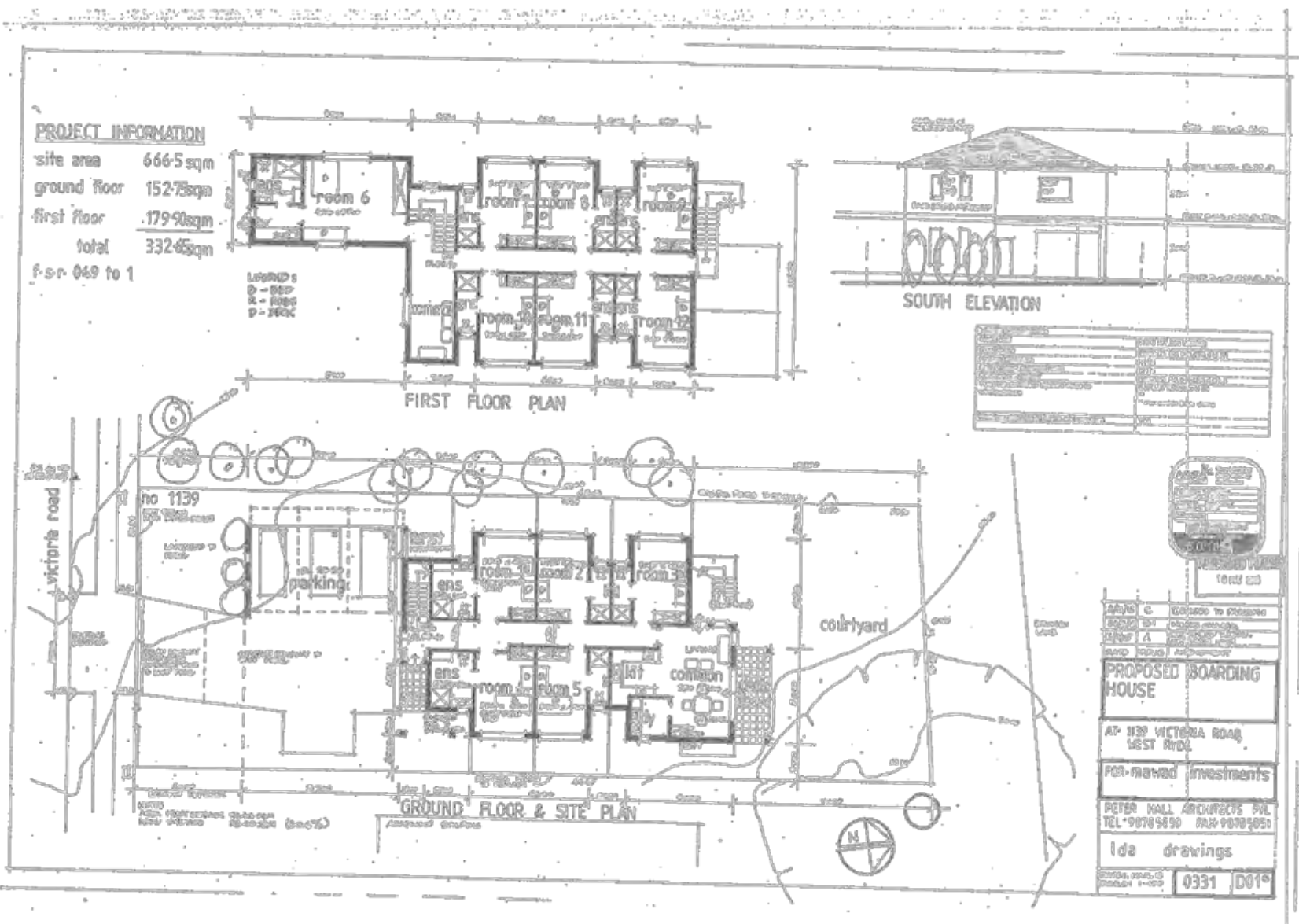
Health Inspection Services:

134. **Inspections and fees** - 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.

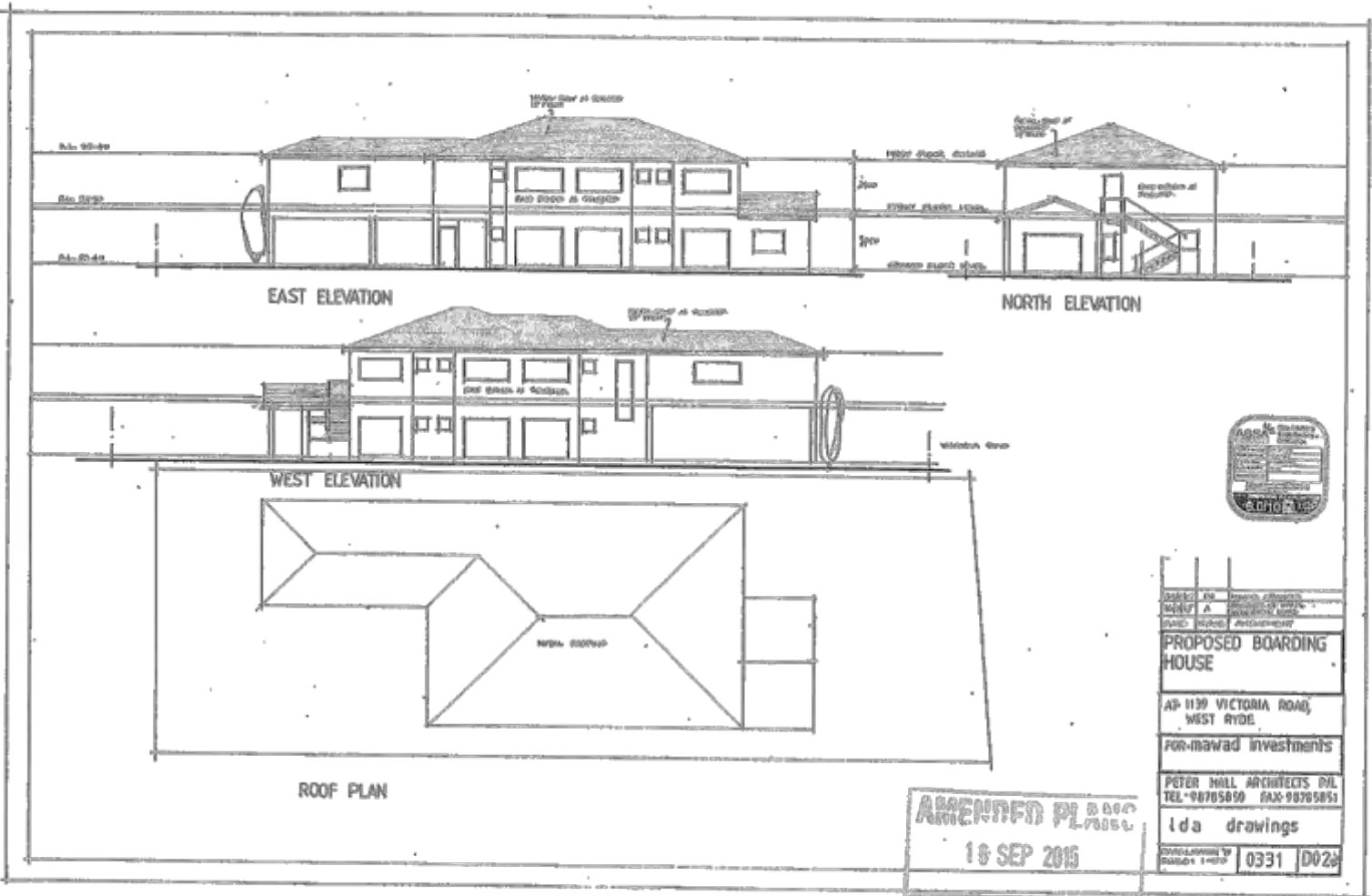
ITEM 3 (continued)

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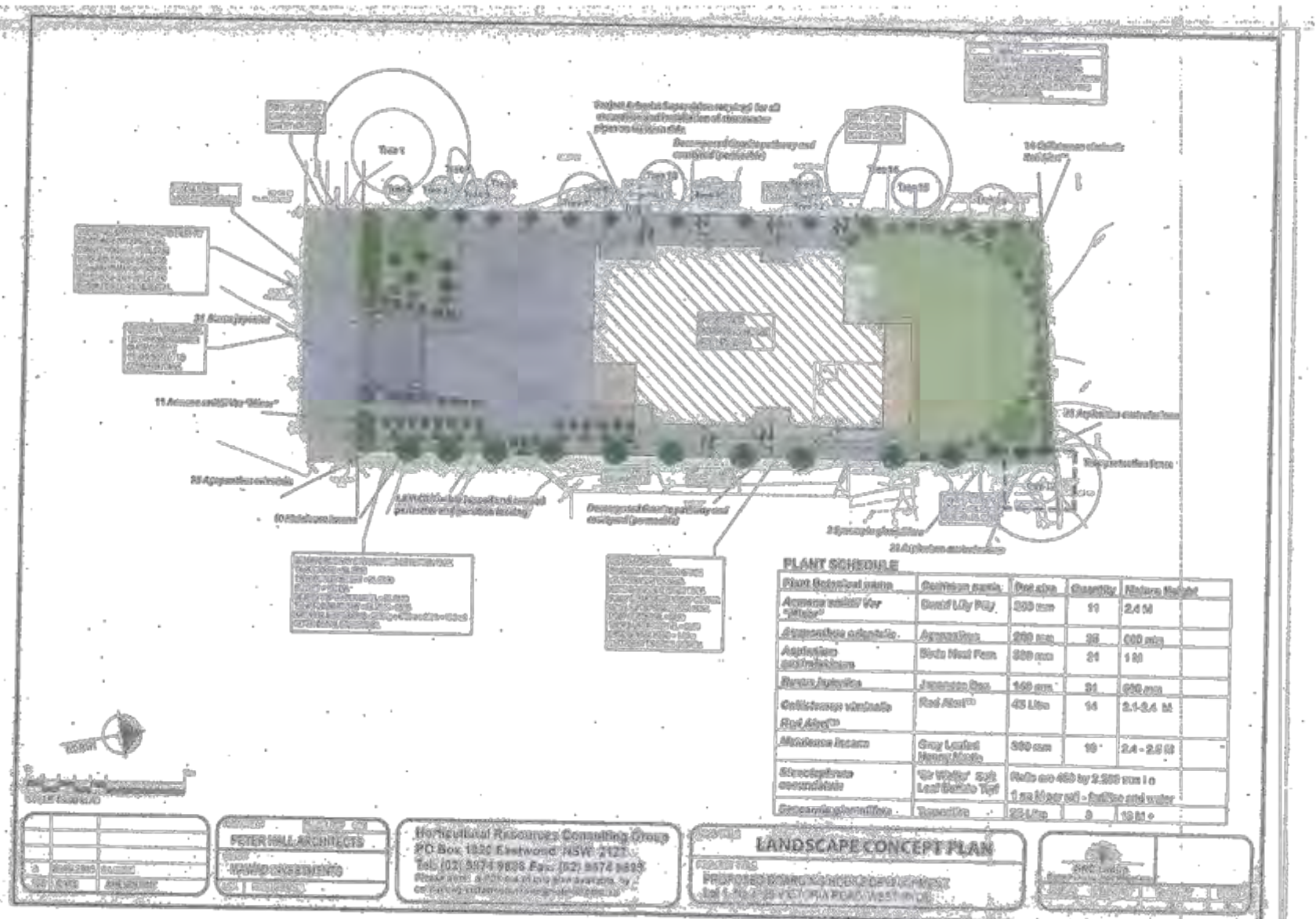
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ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



4 24 CHAMPION ROAD, TENNYSON POINT. LOT B DP 387809. Local Development Application for Demolition, new two storey dwelling. LDA2016/0144.

Report prepared by: Senior Coordinator - Development Assessment

Report approved by: Acting Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP17/79

1. Report Summary

Applicant: B K Batshon.

Owner: B K Batshon, R Batshon.

Date lodged: 30 March 2016 (amended plans/additional information received 17 and 22 June 2016; 12 September 2016; and 25 October 2016)

This report considers a development application (DA) for the demolition of the existing dwelling and construction of a new dwelling at 24 Champion Road, Tennyson Point.

The proposal has been assessed against the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Ryde Local Environmental Plan 2014 (Ryde LEP 2014), and Ryde Development Control Plan 2014 (Ryde DCP 2014).

The DA (original DA plans) was notified to neighbours in accordance with Ryde DCP 2014, with four (4) written objections received. The issues of concern raised by the objectors are summarised as follows:

- Overshadowing/ solar access impacts (on adjoining property at No 28 Champion Road to the south)
- Reduction of significant outlook and view sharing (when viewed from No 20A Champion Road to the north)
- Visual privacy
- Non-compliance with Ryde DCP 2014 in regards to rear setback
- Concerns regarding existing powerlines in the access handle leading to the subject site, with a request for these to be placed underground as part of the development.
- Excessive building bulk
- Overland water flow
- Loss of trees/vegetation

ITEM 4 (continued)

When amended plans were received, these were re-notified to neighbours, and a further two (2) submissions were received from the owners of the properties on either side (No 20A Champion and No 28 Champion), re-iterating concerns raised with the original proposal and advising that they feel the amended plans did not address their concerns (regarding overshadowing for No 28 Champion and view loss for No 20A Champion).

Prior to submitting this report to the Planning & Environment Committee for consideration, a site meeting was held on 15 December 2016 between the applicant, the neighbour at No 28 Champion Road, and Council's Senior Co-ordinator Assessment – to discuss whether further amendments could be undertaken to improve solar access to the internal living areas of that neighbour's property. The applicant indicated that as they have already made a number of design amendments made throughout the DA process, they are not prepared to make further amendments.

The proposal fully complies with the mandatory requirements of Ryde LEP 2014 (ie height and floor space ratio); and is considered to be satisfactory in terms of the development controls in Ryde DCP 2014 (Part 3.3: Dwelling Houses and Dual Occupancy), despite some areas of non-compliance with Ryde DCP 2014, which are summarised as follows:

- Rear Setbacks – Ryde DCP 2014 requires a rear setback of 8m or 25% of the length of the site (ie this site has length of 52.22m (northern side) and 40.33m (southern side), so a rear setback of between 10.1m and 13m would be required). The proposed rear setback ranges from 5m (southern side of dwelling) to 13.2m (northern side) which does not comply.
- Overshadowing of neighbouring properties. Ryde DCP 2014 prescribes requirements for solar access for neighbouring properties – both in terms of solar access to north-facing living room windows and also to private open space areas. The proposal would result in significant overshadowing of the internal living areas of the neighbouring property at No 28 Champion Road which is directly to the south of the subject site.
- Topography and excavation controls. Within the building footprint, Ryde DCP 2014 prescribes a maximum fill of 900mm. The proposal exceeds this maximum fill in various locations due to the topography of the site (1020mm proposed at the entry/foyer; 1400mm at the rear wall of the living/dining room; and 2300mm proposed at the rear alfresco).

ITEM 4 (continued)

Overall, the proposal as currently submitted is considered to be acceptable despite these areas of non-compliance, and despite the concerns raised in the submissions from the neighbours. However it is considered that if the rear of the dwelling was lowered (finished floor levels and/or overall height), further improvements could be achieved both to the solar access for No 28 Champion Road to the south and also to views enjoyed from No 20A Champion to the north.

The DA is recommended for approval subject to conditions.

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

Public Submissions: Original DA plans: Four (4) submissions were received objecting to the development.

Amended Plans: Two (2) further submissions were received objecting to the development.

Value of works: \$600,000

RECOMMENDATION:

- (a) That Local Development Application No. LDA2016/144 at 24 Champion Road, Tennyson Point being LOT B DP 387809 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be notified of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Compliance Table - Ryde DCP 2014
- 3 Compliance Table - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Chris Young

Senior Coordinator - Development Assessment

Report Approved By:

Vince Galletto

Acting Manager - Assessment

Liz Coad

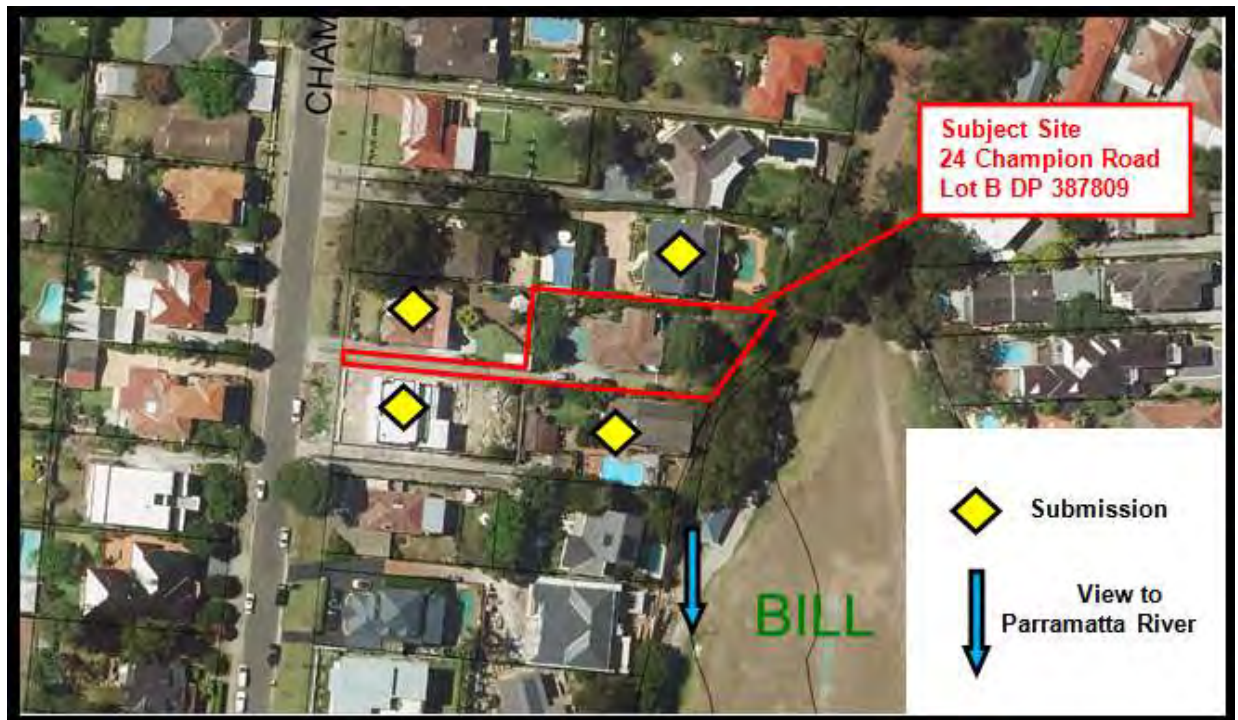
Acting Director - City Strategy and Planning

ITEM 4 (continued)

2. Site (Refer to attached map)

Address	: 24 Champion Road, Tennyson Point
Site Area	: 1052m ² (Survey Plan) – battle axe shaped (931.15m ² not including access handle) Frontage at street (access handle) 3.05m Site width of site 20.12m Side boundary from street of 79.96m Side boundary of site 52.22m and 40.33m Depth of 45.8 metres (average)
Topography and Vegetation	: The subject site (excluding the access handle) has a fall of approximately 7.1 metres from the access handle opening to the boundary with Bill Mitchel Park. This occurs over a distance of 40.3m, the average gradient down the site has been calculated at approximately 17.6% or 1:5.68 In terms of vegetation, six (6) existing trees are located on the site. Only two (2) trees are proposed to be removed.
Existing Buildings	: A single storey brick /weatherboard tiled dwelling house and a double carport currently exists on the subject site.
Planning Controls	Ryde Local Environmental Plan 2014 Ryde Development Control Plan 2014
Zoning	: Zone R2 Low Density Residential

ITEM 4 (continued)



Aerial image of subject site, including location of objectors properties and the direction of views to the Parramatta River

Source: Ryde Maps – edited by Assessment Officer

3. Councillor Representations

Name of Councillor: The Mayor, Councillor Pickering

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

Date: 27 May 2016

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

On behalf of applicant or objectors? Objector

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

4. Political Donations or Gifts

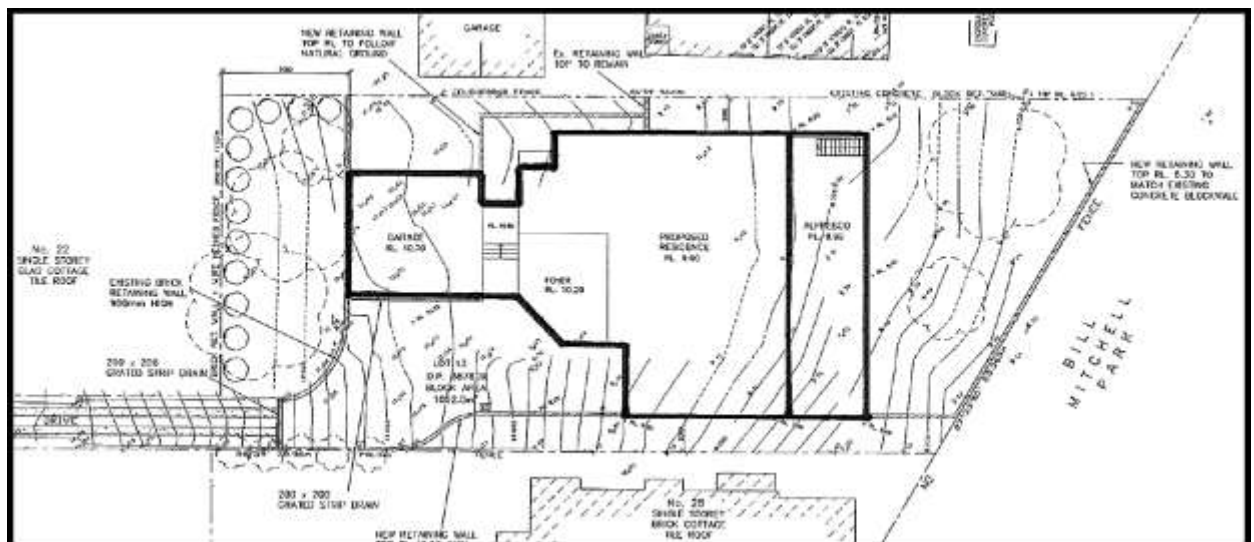
Any political donations or gifts disclosed? No

ITEM 4 (continued)

5. Proposal

The proposed development includes the demolition of the existing single storey detached dwelling, and construction of a new two storey dwelling house comprising:

- 4 bedrooms (1 with an ensuite and walk in robe)
- 3 bathrooms
- 1 study
- Kitchen, dining and lounge room combined
- Alfresco balcony
- Internal laundry
- Upper family room / TV room
- Foyer / entry room
- Upper balcony
- Double garage with internal access



Site plan of proposed development
Source: Applicant DA plans

6. Background

The following is a brief overview of the development history relating to the proposed two storey dwelling house:

- 30 March 2016. The subject DA was lodged. It was then referred to internal and external officers, and notified to neighbours for a period from 4 to 22 April 2016. Four (4) submissions were received from adjoining owners. Details of the Referrals and Submissions are discussed later in this report.

ITEM 4 (continued)

- 25 May 2016. Additional information letter sent to applicant, including a request for response to the following issues:
 - Non-compliance with DCP planning provisions – rear setback, visual privacy, and roof articulation.
 - Additional information required regarding stormwater disposal – including details of the stormwater disposal trench, on-site detention system, retaining walls and fill in the rear yard (see Referrals section of report below for more details).
 - Additional information regarding geotechnical assessment, as requested by Council's Consultant Structural Engineer.

- 17 June 2016. The applicant provided amended plans and additional information in response to Council's letter 25 May 2016. Then on 22 June 2016, the applicant provided a response to the request for additional information in relation to geotechnical matters. This information was then referred back to Council's Consultant Structural Engineer. In terms of design amendments, the amended plans included a minor change (reduction in size) to the first floor balcony and removal of a privacy screen that would have caused view loss to the neighbouring property to the north.

- 1 September 2016. The applicant was requested to provide further amended plans to attempt to minimise impacts on neighbouring properties. The requested amendments included:
 - Reduction in overall height of the dwelling (ie reduction in finished floor levels and overall roof level).
 - Set the first floor level in on the southern side by at least 1m to try to improve solar access for the neighbour.

- 12 September 2016. Amended plans were submitted by the applicant, and also the amended plans included details of reduction in size of the first floor balcony as noted above. These amended plans were re-notified to neighbours for a period from 13 to 28 September 2016. Two (2) further submissions were received following this re-notification.

The amended plans included the following changes:

- *reduction in finished floor level and overall roof height by 500mm. The ground floor FFL is reduced from RL9.5 in the original plans to RL 9.0 in the amended plans, and the overall roof height is reduced from RL 15.6 in the original plans to RL 15.1 in the amended plans.*
- *the first floor level has been set in by 1.0m (1000mm) on the southern side; and the side setback from the northern boundary is now proposed to be 2.0m (2000mm)*

ITEM 4 (continued)

The following plans (east elevation) shows the difference between the original DA plans and the amended plans for comparison purposes:



Original Plans – East Elevation, showing original overall height of RL 15.6, and first floor level not set in on southern side.

Source: Applicant’s Original DA plans, marked up.



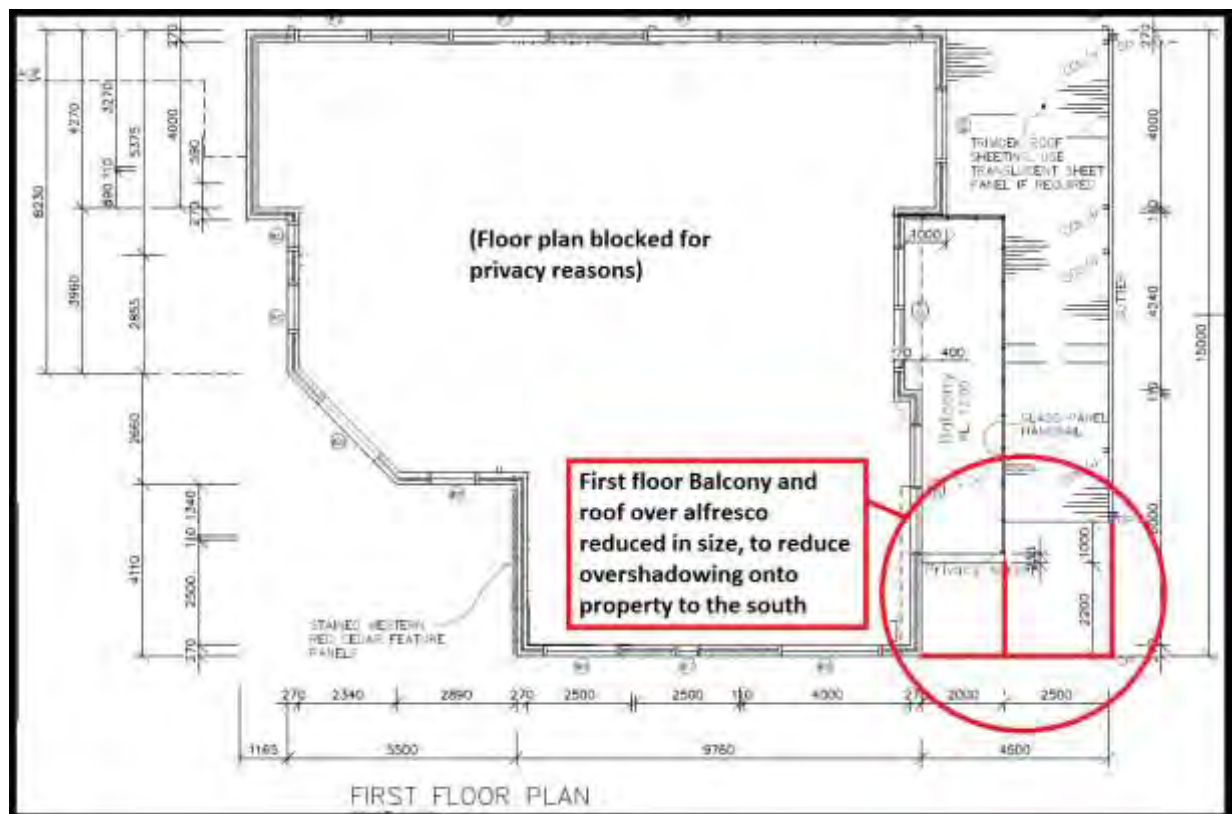
Amended Plans – East elevation, showing first floor level set in by 1m on southern side, and finished floor levels reduced by 500mm.

Source: Applicant’s Amended DA plans, marked up.

ITEM 4 (continued)

- On 25 October 2016, further amended plans were received, showing changes to the southern side of the first floor balcony and alfresco roof. These were emailed to the immediately affected neighbour at No 28 Champion Road on 28 October 2016, with a request to provide any further comments to Council by 8 November 2016. Due to the relatively minor nature of the changes, and given that the changes were proposed to specifically try to improve solar access to No 28 to the south, these were not required to be formally re-notified to all neighbours, however as noted above they were emailed to the neighbour at No 28 for their comments.

These changes are shown in the following plan.



Amended plans – First floor plan, showing reduction in size of balcony and roof over alfresco area.

Source: Applicant's Amended DA Plans, marked up.

- Prior to submitting this report to the Planning & Environment Committee, a site meeting was held on 15 December 2016 between the applicant, the neighbour at No 28 Champion Road, and Council's Senior Co-ordinator Assessment – to discuss whether further amendments could be undertaken to improve solar access to the internal living areas of that neighbour's property. The following is a summary of the matters discussed at the site meeting:

ITEM 4 (continued)

- (a) *A draft report was prepared to be considered by Council's Planning & Environment Committee at the December meeting, however because the neighbour's concerns about overshadowing were un-resolved, it was instead decided to arrange discussions between the applicant and the neighbour to further attempt to reach a mutually agreeable position. If agreement could be reached, then it may be possible to avoid the need to refer the DA to the Planning & Environment Committee, which is now next scheduled to be held in February 2017.*
- (b) *Due to the slope of the land, although proposed dwelling is at/near natural ground level at the western side (approx. RL 10.2), on the eastern side it is elevated above ground level by approximately 1.4m (finished floor level RL 9.0 above natural ground level RL 7.6). The applicant was asked if it is possible to lower the eastern side of the dwelling further either through additional steps from the upper foyer level (RL 10.2) or split level design, or additional excavation (or a combination of these). The neighbour noted that his lower floor level is RL6.6 on his property, and asked if the dwelling could be lowered to a similar level. (This would be a reduction in level of up to 2.4m).*
- (c) *The applicant advised that he is not willing to undertake further design modifications and has already made enough design modifications during the DA process. He said he could not reduce the level of the dwelling through excavation as this would cause a non-compliance with Council's controls for topography and excavation (maximum 1.2m excavation within the building footprint). Council's Senior Co-ordinator – Assessment noted that as this is a DCP control, Council may be prepared vary this requirement to help achieve an outcome such as reduced overshadowing to a neighbour's property.*
- (d) *The applicant noted that the neighbour's property is already significantly affected by overshadowing from existing vegetation (trees on No 24 Champion), and there was some discussion on how much overshadowing is caused by these trees. Also discussed were other issues including previous vegetation on the neighbour's property that had apparently caused significant overshadowing to his own dwelling, but had since been removed by the neighbour. These were un-related to the main issue intended to be discussed at the site meeting, which was ways of improving solar access to the neighbour's property in relation to the proposed dwelling.*

ITEM 4 (continued)

- (e) *The applicant was again asked if he is willing to consider further design modifications to the dwelling (as mentioned in Point (b) above). It was suggested that lowering the dwelling to RL 6.6 may be excessive, but would it be possible to lower the eastern side of the dwelling to RL 7.6 (lower the dwelling by 1.4m on the eastern side) so that it would be at/near natural ground level at the eastern side. The applicant replied again that he is not willing to consider further design modifications.*
- (f) *As the applicant made it clear on two occasions that he is not willing to consider further design modifications to the proposed dwelling, the discussions were brought to a close. It was noted that it was now Council officer's intention to refer this matter to Council's Planning & Environment Committee at the first available opportunity.*

7. Submissions

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal to neighbours was for a period from 4 to 22 April 2016. **Four (4) submissions** were received to the original notification process, from the neighbours at No 20A Champion, No 22 Champion, No 26 Champion and No 28 Champion. Refer to the aerial photograph earlier in this report for location of the objector's properties.

The amended plans received were re-notified for a period from 13 to 28 September 2016. **Two (2) additional submissions** were received to the amended plans (from 2 of the owners at No 20A Champion and No 28 Champion Road, who made submissions to the original DA notification).

The key planning issues raised in the submissions are summarised and discussed as follows.

A. Overshadowing. *Concern is raised from the owners of No 28 Champion Road to the south, that the proposal causes significant overshadowing onto the living and dining areas of their property and specifically to a bay window that is located on the northern side. Also, concern is raised regarding shadowing of the pool, solar heating on their roof, and their rear gardens.*

Further, the amended plans that have been submitted (as re-notified to the neighbours) do not adequately address the concerns previously raised in relation to overshadowing.

ITEM 4 (continued)

Assessment Officer's Comment: This is considered to be the main issue of concern in the submissions received from neighbours, and has not only been raised by the owner of the affected property (No 28 Champion), but also a number of other property owners have raised concerns about potential impacts of overshadowing of No 28 Champion in their submissions.

Council officers have undertaken a site inspection of the property at No 28 Champion with the adjoining owner, including inside the adjoining dwelling, to determine the nature of rooms with north-facing windows. It was observed that on the northern side of the adjoining dwelling, there is a kitchen (standard window) and dining room (large bay window) at the eastern end of the adjoining dwelling. Also, there are 2 bedrooms and a bathroom towards the western end. The kitchen window and dining room bay window are shown in the following photo:

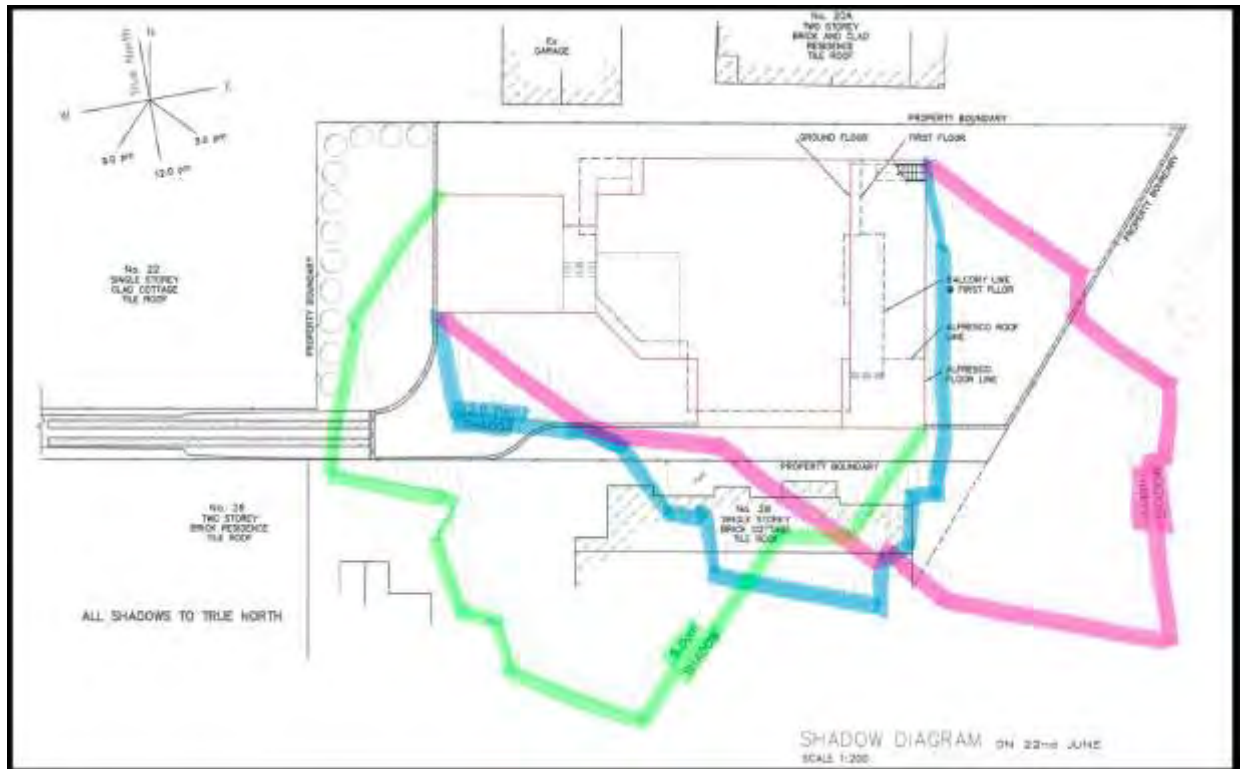


Photo of No 28 Champion Road, taken from rear yard of subject site, showing location of kitchen and dining room windows on the north elevation (eastern end).

Source: Applicant Statement of Environmental Effects, submitted with DA documents.

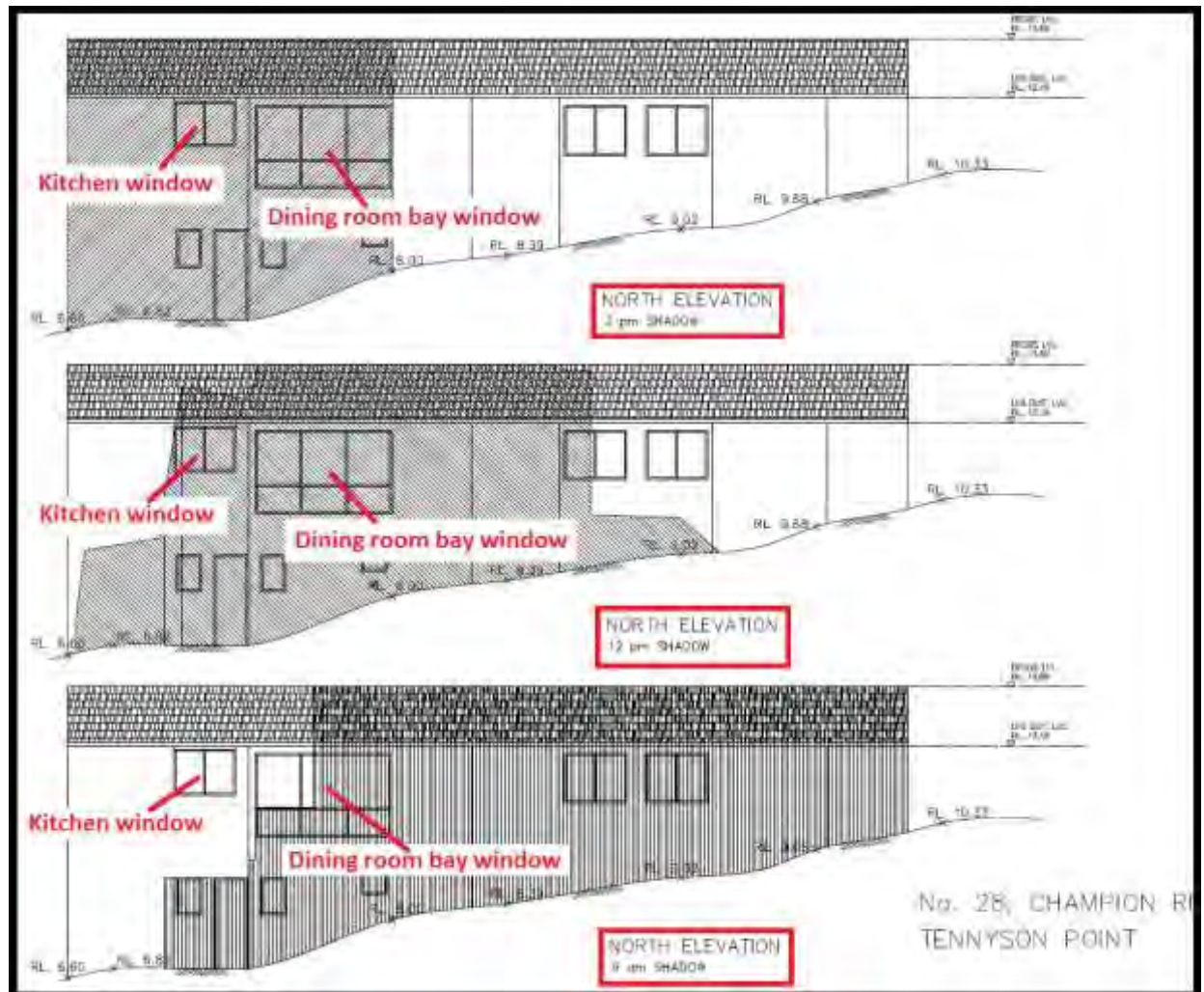
ITEM 4 (continued)

The following are the shadow diagrams submitted with the latest amended plans. It is noted that these have been provided to the adjoining owner at No 28 Champion for their comment. Both plan-version and elevation-version shadow diagrams have been provided:



**Plan-version shadow diagrams of proposed development, showing impacts on adjoining property at No 28 Champion Road.
Source: Applicant DA plans.**

ITEM 4 (continued)



Elevation-version shadow diagrams of proposed development, showing impacts on adjoining property at No 28 Champion Road.
Source: Applicant DA plans, edited.

Ryde DCP 2014 contains the following requirements in relation to solar access impacts on neighbouring properties:

For neighbouring properties ensure:

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

ITEM 4 (continued)

In terms of impacts on the principal area of the ground level private open space at No 28 Champion, this is mainly located on the southern/western side of that property. The shadow diagrams show that the proposed dwelling would not significantly affect these parts of the property, and therefore it is considered that the development would comply with the DCP requirement in terms of impacts on the private open space. Given the location of the neighbour's private open space, any overshadowing would be caused by the neighbour's own dwelling rather than the subject proposed dwelling.

In terms of impacts on the windows of the north-facing living room windows, the shadow diagrams show that whilst some solar access would be available to the north-facing (kitchen and dining room) windows between 9am and 12noon, after 12noon these windows would be completely overshadowed and therefore would not receive 3 hours of sunlight (ie they are overshadowed between 12noon and 3pm), and thus the proposal does not comply with the provisions of Ryde DCP 2014 in relation to overshadowing of neighbouring properties.

Also, what the shadow diagrams do not show is the shadow impact of existing trees on No 24 Champion upon the adjoining dwelling at No 28 Champion Road. These trees are located on the eastern side of No 24 Champion, and cause significant overshadowing onto the neighbour's kitchen and dining room windows before 12noon (see photo below).



**Photo (taken 10am 21 May) showing overshadowing of kitchen and dining room windows at No 28 Champion by existing trees on No 24 Champion.
Source: Photo provided by applicant.**

ITEM 4 (continued)

Despite this non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The affected dwelling (No 28 Champion) is located due south of the subject property. Therefore, it is unavoidable that even a compliant 2 storey dwelling will cause some overshadowing onto this property to the south.
2. The dwelling has been designed to minimise overshadowing impacts on the neighbour. For example, the dwelling has been designed with a flat/parapet roof rather than a pitched roof.
3. The proposal as originally lodged fully complied with the height control (9.5m maximum; 8m originally proposed) and side setback control (1.5m minimum; 2m proposed to southern side) in Ryde DCP 2014. Despite the original proposal fully complying in these areas, the applicant has agreed to requests by Council officers for amendments to improve solar access for the neighbouring property. As noted in the Background section of this report, these requests were:
 - Reduction in finished floor level and overall height by 500mm, resulting in an overall height reduction from RL15.6 to RL15.1;
 - The first floor level has been set in by 1m from the southern boundary, and so the proposed dwelling now has a southern side setback of 2m (to ground floor) and 3m (to first floor). As a result of these changes, the overall height is now 7.3m.
 - Also, the applicant has reduced the size of the rear balcony and the roof over the ground floor alfresco area to further assist in provision of solar access to the neighbouring property.

It is noted that these amended plans (received 25 October 2016) were emailed to the affected neighbour at No 28 Champion Road, and they have advised that the amended plans have not resolved their issues of concern in relation to overshadowing. The neighbours have noted that the proposal does not comply with the requirements of Council's DCP 2014 in relation to overshadowing of neighbouring properties, and that the proposal should be lowered further to improve solar access into the internal living areas of their home.

The Land and Environment Court has established a *Planning Principle* regarding general impacts of development proposals, to assist in the consideration and assessment of issues including overshadowing of neighbouring properties. This Planning Principle was established in the Court's consideration of *Davies v Penrith Council (2013)* – which revised the Court's previous Planning Principle established in *Pafburn v North Sydney (2005)*.

ITEM 4 (continued)

The following is an assessment of the subject proposal using the *Planning Principles* laid down in the *Davies* case.

Principle 1: How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?

Assessment Officer's Comment: The increased overshadowing caused by the proposal significantly impacts on the amenity of the neighbouring property at No 28 Champion. Presently, the north-facing windows receive good solar access although the existing trees on the eastern end of the subject property cause some overshadowing to No 28 Champion in the morning. As noted, the proposal would result in overshadowing from 12noon onwards. Presently (given the location of the existing dwelling on the site), the adjoining dwelling at No 28 Champion would receive good solar access after 12noon, and so the proposal would result in a significant reduction in solar access available.

It should be noted, however, that the amount of solar access presently available to the adjoining dwelling at No 28 Champion Road is largely related to the nature of the existing dwelling, which is an older-style elevated single storey dwelling with setbacks of 5m to 6m from the southern boundary. The applicant claims that the subject property is under-developed relative to its potential, and that the existing dwelling has reached the end of its economic life, and further that the adjoining dwelling at No 28 Champion relies on the existing under-developed nature of the subject site for solar access into their living rooms.

Principle 2: How reasonable is the proposal causing the impact?

Assessment Officer's Comment: Notwithstanding the comments on Principle 1 above, it is considered that the proposal has reasonably attempted to maintain solar access to the adjoining property at No 28 Champion. As noted above, the applicant has agreed to a number of design amendments to improve solar access to this adjoining property.

Further, in terms of positioning of the proposed dwelling on the property, it is noted that the subject site is one of a number of "battle-axe" allotments on this side of Champion Road, and the proposed dwelling is in a similar position on the block as those on either side. Also, the rear wall is set further in than those of the adjoining dwellings as shown in the marked-up site plan below.

ITEM 4 (continued)



**Site Plan – showing position of rear wall of proposed dwelling relative to those on adjoining properties to the North (No 20A Champion) and South (No 28 Champion).
Source: Applicant DA plans, edited.**

Principle 3: How vulnerable to the impact is the property receiving the impact?
Would it require the loss of reasonable development potential to avoid the impact?

Assessment Officer's Comment: The adjoining property (No 28 Champion) is extremely vulnerable to overshadowing impacts. As noted above, it is due south of the subject site, and also the most affected windows in question are very close to the northern boundary. In particular, the bay window to the dining room is 1m from the boundary and the kitchen window is approximately 1.8m from the boundary (based on the applicant's survey plan submitted with the DA which shows the location of these windows).

These setbacks of the existing dwelling windows of No 28 Champion leave little opportunity for solar access to be maintained if the subject property No 24 Champion is re-developed as in the current DA proposal. Also, the orientation and topography means it is unavoidable that a proposal for a 2-storey dwelling will cause some overshadowing onto the north-facing living room windows of the neighbour's dwelling at No 28 Champion.

ITEM 4 (continued)

Principle 4: Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?

Assessment Officer's Comment: It is not considered that the impact arises out of poor design. As noted above, the applicant has undertaken several amendments to the plans to improve solar access into the adjoining property at No 28 Champion Road.

In particular, the design amendments have already lowered the finished floor level and overall height (roof level) of the dwelling. Further reduction in floor levels/height could begin to adversely impact on the internal amenity of the proposed dwelling for the occupant, for example through additional internal steps that would adversely impact accessibility.

Principle 5: Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?

Assessment Officer's Comment: As noted in the DCP compliance assessment, the proposal fully complies with the controls in DCP 2014 in relation to height and side boundary setbacks. In this regard, the height of the proposed dwelling (7.3m at highest point) is significantly lower than the maximum prescribed in DCP 2014 (9.5m); and the side boundary setback (2m proposed to ground floor, 3m proposed to first floor) also exceeds the minimum prescribed in DCP 2014 (1.5m for a 2-storey dwelling).

It is noted that the proposal does not comply with the DCP controls relating to topography and excavation, and rear setbacks (as discussed in the DCP Compliance section later in this report).

In terms of topography and excavation, the finished floor level of the dwelling is proposed to be raised by up to 2300mm above natural ground level, and this non-compliance does contribute to overshadowing of the neighbouring property to the south. However, it is also considered that the slope of the land means that it is difficult to fully comply with the topography and excavation requirements, and it is noted that the overall height fully complies with Council's DCP requirements.

In terms of rear setbacks, as noted in more detail (see Objection numbered (H) below), the rear setback is 5m to the single storey portion and 9.5m to the 2-storey portion when measured on the southern side. These setbacks will help to provide a reasonable level of solar access to the neighbour's property.

ITEM 4 (continued)

Conclusion – Overshadowing Impacts: Although the proposal does not comply with the requirements of Ryde DCP 2014 in relation to overshadowing impacts onto the neighbouring property at No 28 Champion, it is considered that such overshadowing is largely unavoidable given the orientation of the allotments and the position of both the existing dwelling on No 28 Champion and the proposed dwelling on the subject site.

The applicant has made several design amendments to try to improve solar access to the neighbouring property at No 28 Champion, as noted above. It is re-iterated that prior to submitting this report to the Planning & Environment Committee, a site meeting was held between the applicant, the neighbour at No 28 Champion, and Council officers to discuss whether further amendments could be undertaken to improve solar access to the internal living areas of that neighbour's property. The applicant has advised that they are not willing to make further design amendments.

Overall, the proposal is considered to be acceptable despite the non-compliance with the controls relating to overshadowing of neighbouring properties.

Finally, concerns have also been raised in relation to solar access for the adjoining property at No 20A Champion Road. As this adjoining property is located to the north of the subject site, there will be no overshadowing impacts from the proposed development onto this adjoining property.

B. Loss of view due to height and size. *Concerns were raised from the owners of the properties at No 20A and No 22 Champion Road. Firstly, concerns were raised that the proposal will cause significant view loss in terms of the greenery (in Bill Mitchell Park) and water views south to Parramatta River from No 20A Champion Road. Secondly, concerns are raised that the proposal will reduce the outlook from No 22 Champion Road.*

Assessment Officer's Comment: Along with overshadowing impacts (see Objection A. above), concerns regarding view loss are the main issues of concern raised in the neighbour's submissions.

Concerns regarding impacts on views/outlook were raised by two separate property owners, and so consideration is given to the impacts of the proposed development from both of those properties.

Impacts on views/outlook from No 20A Champion Road

No 20A Champion Road is located to the north of the subject site. The type of issues of concern raised by this adjoining owner relate to impacts on greenery and on water views, so a detailed view assessment is required.

ITEM 4 (continued)

The Land and Environment Court has considered view sharing/view impacts in development proposals and has established a *Planning Principle* to assist in the consideration and assessment of these issues. This is known as the *Tenacity* principle following the Court's consideration of *Tenacity vs Warringah Council (2004)*.

The following is an assessment of the subject proposal using the 4 *Planning Principles* laid down in *Tenacity*:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

*The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Assessment Officer's Comment: The adjoining property (at No 20A Champion Road) presently has very limited water views to the south, that are available over adjoining properties and through existing vegetation that exists between 20A Champion Road and Glades Bay.

ITEM 4 (continued)

Although the views are water views, they are mostly obscured (both by existing vegetation and by other existing dwelling houses), as shown in the following photo:



Photo showing views from No 20A Champion Road looking south towards Glades Bay. Note photo was taken from a standing position at the upstairs lounge room window.
Source: Assessment Officer site inspection photo.

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

Assessment Officer's Comment: The views at No 20A Champion Road are available from a standing position at the upstairs lounge room window of that dwelling – the photo above was taken from a standing position.

ITEM 4 (continued)

When in a sitting position, the water views from the upstairs lounge room are completely obscured by vegetation and the existing dwelling at No 28 Champion, as shown in the following photo:



**Photo showing views from No 20A Champion Road looking south towards Glades Bay. Note photo was taken from a sitting position through the upstairs lounge room window.
Source: Assessment Officer site inspection photo.**

There are other south-facing living room windows at No 20A Champion Road (namely from a dining and kitchen), and also from a rear deck, however no water views are available from these windows or the deck, as they are completely obscured by vegetation.

The *Tenacity* Planning Principle also considers what part of the property the views are obtained from. In this regard, in terms of the relationship between the objector's property (No 20A Champion) and the subject property (No 24 Champion), the views are obtained from the side boundary of No 20A, across the subject property at No 24 (refer to the air photo earlier in this report).

ITEM 4 (continued)

*The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Assessment Officer's Comment: In terms of the extent of the impact on water views from No 20A Champion Road, although the proposed dwelling at No 24 would remove the remaining water view, this existing water view is largely obscured by existing vegetation and neighbouring dwellings. Therefore, the impacts on water view is considered to be negligible.

*The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Assessment Officer's Comment: As shown in the Compliance Table (assessment against the controls in DCP 2014), the proposal is acceptable in terms of the controls in DCP 2014, and in particular when assessed against the key planning controls that have the most influence on view impacts. In particular, these are summarised below:

- Overall Height: DCP 2014 = max 9.5m. Proposal = 7.3m
- Side setbacks: DCP 2014 = min 1.5m. Proposal = 2m from north boundary; 2m from south boundary

Also, as noted in the *Tenacity* assessment, with a compliant development proposal the question that should be asked whether a more skilful design could ensure the same development potential for the applicant while reducing impacts on the neighbours. In this regard, it is noted that in addition to the situation regarding DCP compliance (as discussed throughout this report), the applicant has also undertaken various design amendments during the assessment of the DA, which include:

- Reduction in height of the proposal by 500mm (both to try to improve impacts on views from No 20A Champion, and also overshadowing on No 28 Champion);

ITEM 4 (continued)

- A reduction in size to the first floor balcony and removal of a privacy screen from the northern side that would have caused view loss to No 20A Champion.

Conclusion re View Impacts: The above assessment has focussed on water view impacts on No 20A Champion from the current proposal. The *Tenacity* Planning Principle also requires assessment in terms of views enjoyed from the entire property. In this regard, the adjoining property at No 20A Champion has an outlook towards the north-east to south-east directions to Bill Mitchell Park. These view will be unaffected by the proposal given the orientation of the sites in relation to each other.

Overall, having regard to the preceding assessment, it is considered that the proposal will have an acceptable impact in terms of views from No 20A Champion Road when assessed using the *Tenacity* Planning Principle established by the Land and Environment Court. If the dwelling were to be reduced in height (through reduction in finished floor levels and/or overall roof height), then some minor improvement in views available to the adjoining property at No 20A Champion Road may result.

Impacts on views/outlook from No 22 Champion Road

The concerns raised by the adjoining owner at No 22 Champion are that the proposal will reduce the outlook from their property. In this regard, No 22 Champion has an outlook over the subject site in an easterly direction towards Bill Mitchell Park.

According to survey levels provided with this application, the floor level of the adjoining residence at No 22 Champion is approximately RL16, and so the seated eye level would be approximately RL17.2. This is some 2.1m higher than the roof level of the proposed dwelling (which is RL15.1). It is considered that the proposed dwelling would not have a significant impact on the outlook currently enjoyed from No 22 Champion Road. Whilst it may obscure some of the outlook in the foreground, there will still be some outlook over the top of the proposed dwelling.

The existing outlook is shown in the following photo. Also shown in this photo is the existing dwelling. An appreciation can also be gained in terms of the topography of the area with the subject site being considerably lower than No 22 Champion Road as the land slopes away from Champion Road.

ITEM 4 (continued)



Photo showing outlook from No 22 Champion Road over the Subject Site.
Source: Google Street View.

C. Privacy. *Concern is raised that the proposal will cause privacy impacts. In particular, general concerns are raised regarding privacy impacts onto the adjoining dwelling at No 20A Champion to the north, and more specific concerns are raised regarding privacy impacts from the rear deck (ie the alfresco area) onto No 28 Champion to the south.*

Assessment Officer's Comment: It is generally considered that the proposal has been designed to maintain privacy for the neighbours, however further improvements are required which can be addressed via conditions of consent.

The first floor level consists mostly of bedrooms, ensuites and bathrooms on the northern and southern sides which face the neighbouring properties, and so privacy impacts are not as significant from these rooms. There is an upstairs family/TV room with a balcony attached, however a privacy screen has been provided on the southern side to prevent overlooking into the neighbour at No 28 Champion (there was a privacy screen also on the northern side however this was deleted in order to improve views to the neighbour at No 20A Champion).

At ground floor level, there would be minimal privacy impacts on the property to the north (No 20A Champion) because the proposed ground floor level (FFL RL 9.0) is slightly below natural ground level (RL9.28) – and therefore privacy impacts would be able to be resolved via boundary fencing. In terms of privacy impacts on the property to the south (28 Champion), possible impacts have been addressed by the provision of 1.5m high sill height windows to the study and bathroom. However, concerns are raised regarding possible impacts from the rear alfresco – which will be up to 2.3m above natural ground level as shown in the following drawing:

ITEM 4 (continued)



South elevation showing height of alfresco above natural ground level. Note that although the plans state the NGL is RL7.6, the survey plan submitted with the DA shows that the NGL is RL 6.6 at the lowest point, resulting in a height above ground level of 2.3m.

Source: Applicant DA plans, marked up.

It is considered that privacy concerns could be resolved by the following draft condition of consent for the provision of a privacy screen to the southern side of the alfresco:

Privacy screen. *The provision of a 1.8m high privacy screen to the southern side of the ground floor alfresco. Details shall be submitted for approval with the Construction Certificate.*

D. Overland Flow. *Concerns are raised that the development could result in overland flow of stormwater onto the neighbour's property at No 28 Champion Road, which is lower than the subject site.*

Assessment Officer's Comment: The development has been designed to capture stormwater from all impervious areas (dwelling roof, adjacent driveways and paths etc) and dispose of the stormwater via an on-site detention system into an on-site dispersal system at the rear of the site.

Council's Senior Development Engineer has provided the following comments in their referral, in relation to stormwater disposal, indicating that the development is satisfactory:

The amended drainage plan now shows all impervious areas are directed to an onsite dispersal system via an underground OSD tank under the proposed alfresco area. The outflow from the OSD tank towards the dispersal system (14.0 l/s) is similar to the uncontrolled flow (16.0 l/s) from the existing dwelling towards the existing dispersal system. Council's DCP allows onsite dispersal system to be located minimum 2.0m from the rear boundary if site backs onto a public reserve. As site is located adjoining Bill Mitchell Park, the 2.8m distance is acceptable.

ITEM 4 (continued)

E. Tree Removal. Concern is raised regarding removal of trees from the rear yard of the adjoining property, which provide privacy and amenity to neighbouring properties.

Assessment Officer's Comment: The rear yard of the subject property contains 3 trees – a Eucalyptus (to be retained, outside the building footprint), a palm tree (to be removed, non-significant tree), and a Japanese cedar (to be removed, within the building footprint), and these trees are shown in the following photos:



Photo of palm tree and Japanese Cedar tree to be removed.
Source: Assessment Officer site inspection photos.

ITEM 4 (continued)



**Photo of Eucalyptus tree to be retained.
Source: Assessment Officer site inspection photos.**

No planning objections are raised to the removal of the palm tree and the Japanese Cedar. The palm tree is not of a significant size and is largely ornamental in nature. The Japanese Cedar is larger, however it is located more towards the centre of the site and therefore is located where a dwelling would be reasonably expected to be located in a re-development of the site.

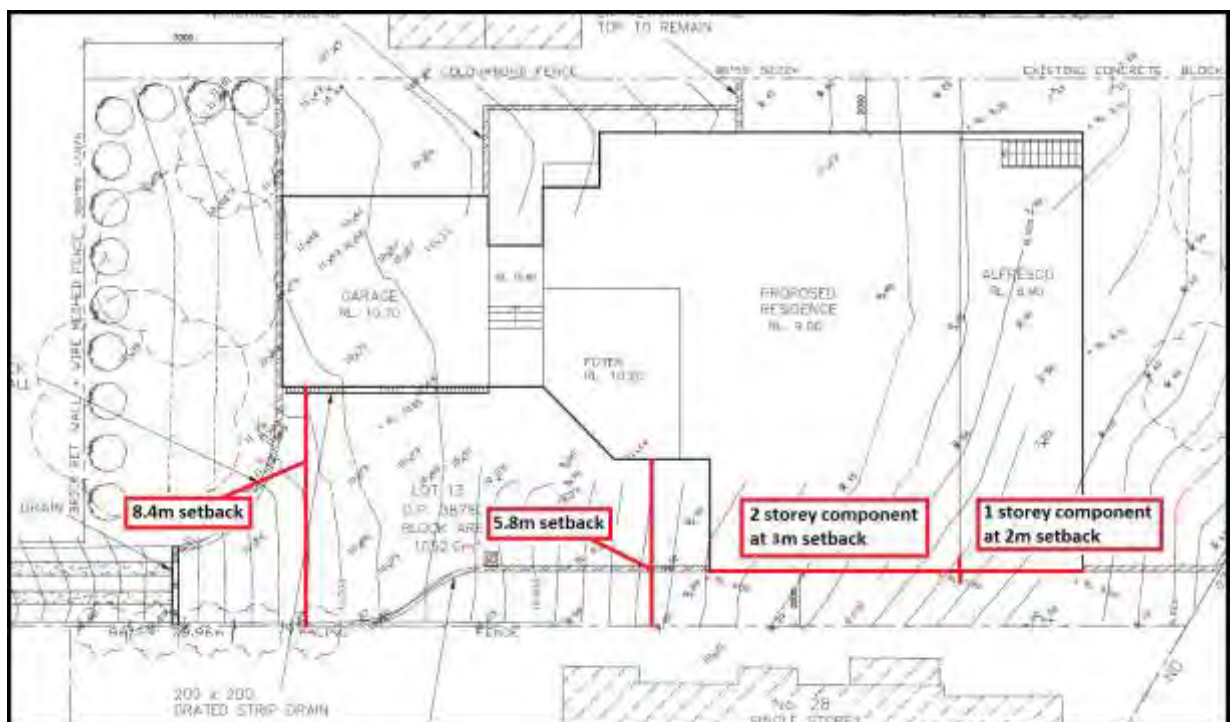
The DA has been accompanied by a landscape plan which shows adequate compensatory planting. On this basis, the proposed tree removal is considered to be acceptable, and it is noted that the Eucalyptus tree (located near the north-eastern boundary) is proposed to be retained.

F. Excessive Building Bulk. Concerns are raised that the proposal is raised significantly above natural ground level and results in excessive building bulk when viewed from No 28 Champion Road.

ITEM 4 (continued)

Assessment Officer's Comments: It is not considered that the proposal will result in excessive building bulk. The dwelling has been stepped down to respect the natural topography, and the applicant has amended the plans to further reduce floor levels inside the dwelling so that they are not significantly above natural ground level.

In relation to impacts on No 28, the visual bulk is minimised by setting the first floor level in by 1m (to provide a 3m setback). The rest of the dwelling is either single storey only, or with a greater setback from the southern boundary (either 5.8m or 8.4m) as shown in the following drawing:



Site Plan showing side setbacks from the southern boundary.

Source: Applicant DA plan, marked up.

G. Overhead powerlines. Concerns have been raised from the owner of the adjoining property at No 26 Champion Road, that the overhead power lines running down the driveway to the property frequently loosen (sag), and it is requested that these be placed underground.

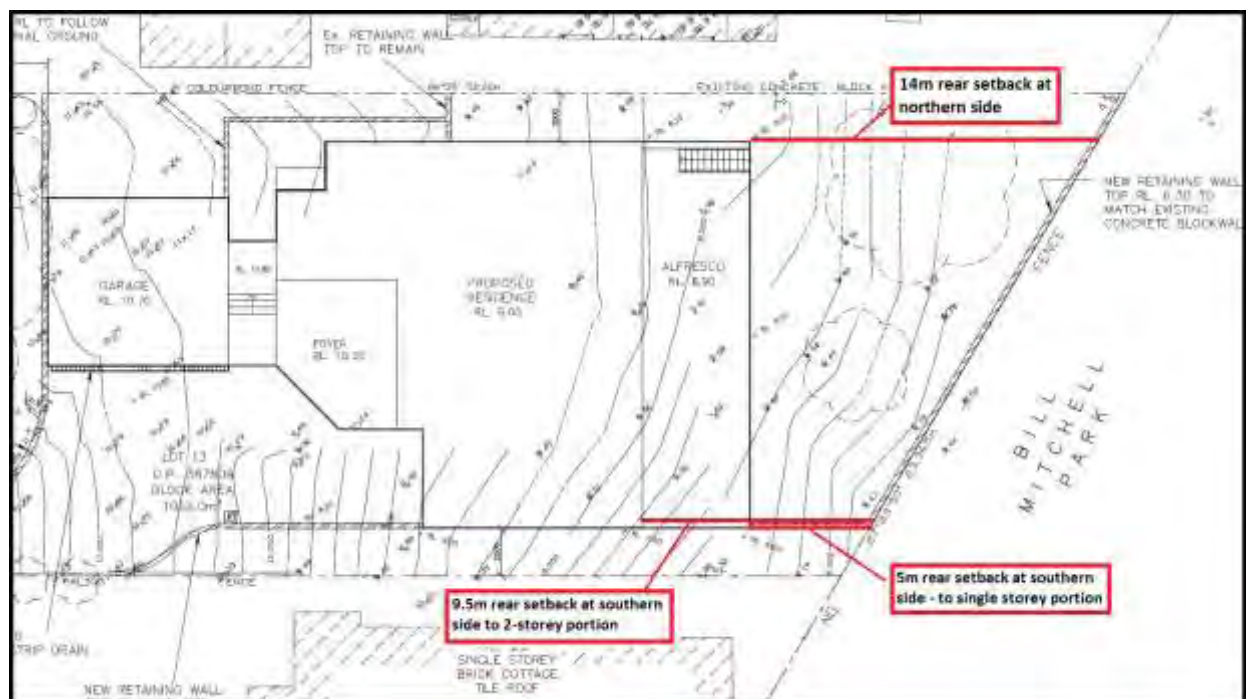
Assessment Officer's Comment: This matter has been verbally discussed with the applicant, who has advised that he is likely to place the overhead powerlines underground. This is covered by the standard conditions of consent (as attached to this report) requiring compliance with the requirements (including financial costs) of any relevant utility provider.

ITEM 4 (continued)

H. Rear Setback. Concerns are raised that the proposal does not comply with the rear setback controls in Ryde LEP 2014.

Assessment Officer's Comment: Ryde DCP 2014 prescribes a rear setback of 8m or 25% of the length of the site, whichever is the greater. The subject site has an irregular length of 52.22m (northern boundary) and 40m (southern boundary, measured from the end of the access handle to the rear boundary), and therefore a rear setback of between 10m and 13.05m would be required at this site.

The proposal has a rear setback varying from 14m (at the northern side) to 5m (at the southern side), which does not comply with the rear setback controls in Ryde DCP 2014. This is shown in the diagram below:



**Rear setbacks of proposed dwelling.
Source: Applicant DA plans, marked up.**

Although the proposal does not comply with the rear setback requirements of Ryde DCP 2014, the proposal is considered acceptable for the following reasons:

1. The proposal satisfies the objectives of the rear setback requirement in Ryde DCP 2014, which are listed below:
 - To provide an area for private outdoor recreation and relaxation.
 - To allow space for vegetation, mature trees and deep soil zones.
 - To separate dwellings to achieve privacy.
 - To enable contiguous vegetation corridors across blocks.

ITEM 4 (continued)

In particular, the proposal will provide a generous area for outdoor recreation and relaxation, and will allow space for vegetation, mature trees and deep soil zones (the proposal provides for retention of the most significant existing vegetation, as well as replacement landscaping). The objective to separation of dwellings to achieve privacy is not considered to be relevant in this instance, because there are no dwellings to the rear (as the site backs onto Bill Mitchell Park).

2. The average rear setback is 9.3m which may be considered more appropriate method of determining the rear setback (given the shape of the site, and the significant difference between the 5m rear setback at the northern side compared to the 14m southern side).
3. The proposed dwelling is in a similar position on this site to those dwellings on neighbouring sites (as shown in the rear setbacks drawing above, which also shows the position of dwellings on neighbouring sites).
4. The 5m rear setback (at the southern side) is measured to a single storey portion of the proposed dwelling. The proposed dwelling has a 9.5m rear setback when measured to the 2-storey portion of the dwelling.

Overall, the proposal is considered to be acceptable for the reasons above, despite the non-compliance with the rear setback requirement of DCP 2014.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required? None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

The proposed detached, two storey dwelling house is permissible within the R2 Low Density Residential zone subject to approval of Council.

The objectives of the R2 Low Density Residential zone are:

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

The proposed development is consistent with the objectives of the zone.

ITEM 4 (continued)

Mandatory Requirements

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Clause 4.3(2) – Height: Ryde LEP 2014 prescribes a maximum height of 9.5m for the subject site. The proposal has a maximum height of 7.3m which fully complies with this clause in of Ryde LEP 2014.

Clause 4.4 – Floor Space Ratio: Ryde LEP 2014 prescribes a maximum floor space ratio (FSR) of 0.5:1. The proposal has a floor space ratio of 0.452:1 which fully complies with this clause in Ryde LEP 2014.

Clause 6.1 – Acid Sulphate Soils

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

As identified on the Acid Sulphate Soil maps within Ryde LEP 2014, the subject site is identified as within class 5 land. Subclause (2) of clause 6.1 in Ryde LEP 2014 is as follows:

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Comment: Development consent is sought in the subject DA, to comply with the requirements of this clause. The proposal involves minimal excavation, and therefore it is not expected that the proposal will lower the water table below 1m AHD on adjacent Class 1, 2, 3, or 4 land. Accordingly, no further assessment is required in respect of Acid Sulphate Soils.

(b) Relevant State Environmental Planning Policies and Regional Environmental Plans

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

A compliant BASIX Certificate (Number 712607S dated 22 March 2016) has been submitted and the development satisfies the commitments listed in the schedule. The proposal therefore complies with the requirements of SEPP (BASIX) 2004.

ITEM 4 (continued)

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is within land affected by this Sydney REP. A full assessment of the proposal under this Sydney REP has been undertaken and is illustrated in the compliance table held in **ATTACHMENT 3** to this report. The proposed development has been assessed as being fully compliant with the provisions of SREP (Sydney Harbour Catchment) 2005.

(d) Any draft LEPs

There are no relevant Draft Environmental Planning Instruments for the subject site.

(e) The provisions of any Development Control Plan applying to the land

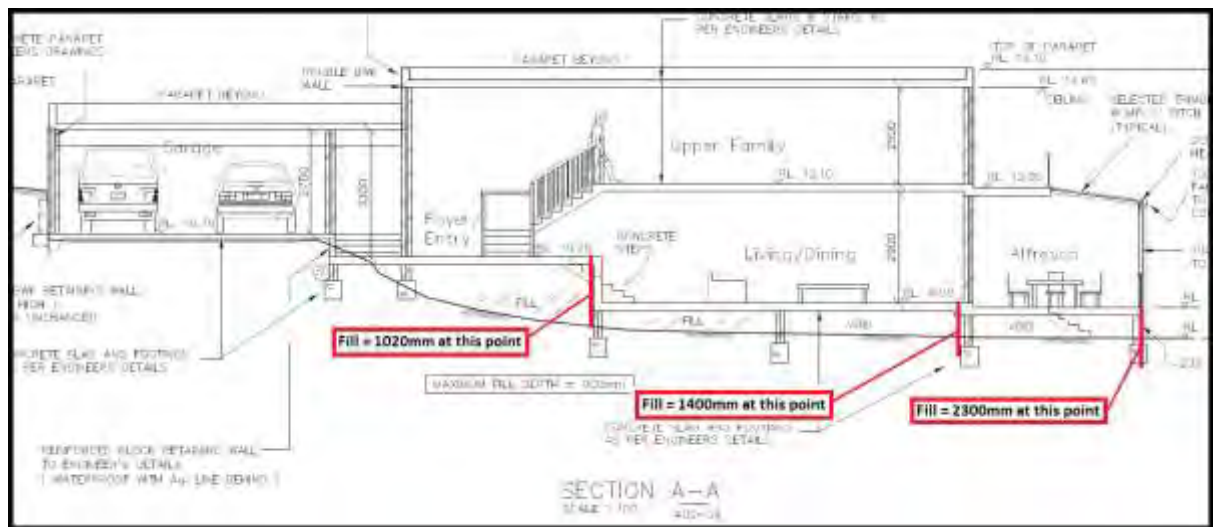
Ryde DCP 2014

A full assessment of the proposal under DCP 2014 is illustrated in the Compliance Table held at **ATTACHMENT 2**. The areas of non-compliance identified in the Compliance Table are further discussed below.

Topography & Excavation

Section 2.6 Part 3.3 DCP 2014 prescribes controls in relation to topography and excavation. Specifically, in relation to the area under the dwelling footprint, DCP 2014 prescribes a maximum depth of excavation of 1.2m (1200mm) and a maximum height of fill of 900mm. At the highest points, the development proposes fill of 1020mm at the entry foyer, 1400mm at the rear of the living/dining room, and 2300mm at the rear alfresco (see diagram below), which does not comply with the DCP requirement. It is noted that the proposal fully complies with the DCP controls for excavation and/or fill outside the dwelling footprint.

ITEM 4 (continued)



Section drawing showing proposed fill at various locations.

Source: Applicant DA drawings, marked up.

Although the proposed development does not comply with the DCP controls, it is considered acceptable for the following reasons:

1. Only the area below the foyer/entry (at the western side of the dwelling) is nominated as “fill”, the parts of the dwelling at the eastern side is actually a suspended slab rather than being filled area.
2. The subject site has a significant slope down towards the south-eastern corner, with a 5m change in level over a lateral distance of some 35m (slope = 1:7). This makes full compliance with the topography and excavation controls difficult to achieve.
3. Despite the significant slope, the development has been designed to respect the natural topography as much as possible. In this regard, as noted from the above drawing, there are 3 distinct level changes, firstly the garage, then stepping down to the entry/foyer level, and then stepping down further to the main living area.
4. The non-compliance does not give rise to unacceptable privacy impacts on neighbouring properties. As discussed in the Submissions section of this report (see Objection numbered C.), privacy impacts from the windows of the dwelling upon the dwellings on either side are considered to be acceptable. Possible concerns from the rear alfresco area are proposed to be addressed via a condition requiring a privacy screen to the southern side.
5. The part of the building where the maximum 2300mm fill is proposed is single storey in height. Where the proposal is 2-storeys in height, the amount of fill proposed is only 1400mm.

ITEM 4 (continued)

Daylight and Sunlight Access

Section 2.14 Part 3.3 DCP 2014 prescribes controls in relation to daylight and sunlight access. The proposal does not comply with control (b) regarding dwellings on allotments which have a side boundary with a northerly aspect, and control (e) which relates to overshadowing of neighbouring properties.

Control (b) – dwellings on allotments which have a side boundary with a northerly aspect:

Control (b) states the following:

“Dwellings on allotments which have a side boundary with a northerly aspect are to be designed to maximise sunlight access to internal living areas by increasing the setback of these areas. In these cases a minimum side setback of 4m is preferred.”

The proposal has a side setback with a northerly aspect, of 2m which therefore does not comply with the above control. However, the non-compliance is considered to be acceptable in this instance because:

1. Given the proximity of the neighbouring dwelling to the north, the north-facing windows of the proposed dwelling are relatively small in order to ensure that privacy/overlooking opportunities into the neighbouring property are minimised; and
2. The larger of the living room windows face towards the east (towards Bill Mitchell Reserve) in order to minimise privacy impacts on properties to the north and south. Good natural light is available from those windows.

Overall, the proposal is considered to be acceptable in terms of solar access into its own living areas.

Control (e) – overshadowing of neighbouring properties:

The issue of solar access and overshadowing of neighbouring properties (control (e) in this Part of DCP 2014) has been discussed extensively in the Submissions section of this report (above) – see Objection numbered (A).

Rear Setback

Section 2.9 Part 3.3 DCP 2014 prescribes controls in relation to rear setbacks. This issue has also been discussed in the Submissions section of this report (above) – see Objection numbered (H).

ITEM 4 (continued)

10. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP2014 and Submissions sections). The development is considered satisfactory in terms of environmental impacts.

11. Suitability of the site for the development

A review of Council's maps of environmentally sensitive areas indicates the following constraints affecting the subject site.

Slope Instability: See the Consultation section of this report (below) for the referral to Council's Consultant Structural Engineer.

Acid Sulphate Soils: See comments in relation to Clause 6.1 of Ryde LEP 2014 (see earlier in this report).

12. The Public Interest

Having regard to the circumstances of the case, approval of the development is considered to be in the public interest.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: Initially, Council's Senior Development Engineer provided the following comments in relation to this development:

The subject property slopes towards the back on to Bill Mitchell Park. The rear part of the land is affected by unstable land.

The applicant claimed that there is an existing absorption trench at the back of the property to which existing dwelling currently drains into. The geotechnical report prepared by Douglas Partners indicated that existing absorption trench is going to be upgraded. However, the plans do not indicate this.

It is noted that application has been referred to Council's Structural Engineer Cardno.

The driveway in front of the garage and the access handle drains into the pit located within the low point of the proposed driveway. The driveway area adjoining the bathroom/linen will require fill up to 1.2m. This front wall should be designed as a structural wall to withstand the fill.

ITEM 4 (continued)

Following issues are to be addressed:

- 1. The geotechnical report indicates that existing trench is going to be upgraded. The plans (Sheet 4) show a system which is quite different to what is at site. No details are provided indicating what applicant is proposed to do with the existing trench.*
- 2. The trenches should be 3.0m from a structure and minimum 2.0m from the side boundary. The length of the trench should be maximised to increase the degree of dispersal.*
- 3. No levels have been provided for the OSD system. The underground on-site detention tank appears to be submerged which is not acceptable. It is suggested that applicant provide the OSD tank under the alfresco area to achieve a free outfall from the orifice and to provide active volume within the tank.*
- 4. The roof area/down pipes should be connected to the water recycling tanks as per the BASIX report. Plans do not show any down pipes connected to the water tanks.*
- 5. It is not clear how the runoff from the concrete roof area is connected to the down pipes.*
- 6. The retaining wall adjoining the side boundary as shown on the west elevation appears to at the wrong location.*
- 7. The driveway in front of the garage and the access handle drains into the pit located within the low point in the paved area. The entry/foyer area should be above the external ground levels to comply with BCA requirements. Levels indicate that this floor level is almost the same as external paved area.*
- 8. The adjoining bathroom/linen area will be lower than the adjoining driveway area. It is assumed the wall between the dwelling and the driveway is a structurally designed wall with suitable agg lines to withstand the loads from the fill proposed outside.*
- 9. A retaining wall is proposed between the alfresco area and the rear boundary. Will there be any fill in this area?*

Additional drainage information was submitted by the applicant in relation to the above matters. This information was referred to Council's Senior Development Engineer for further assessment. The following comments were provided in relation to this amended information.

The amended drainage plan and geotechnical report have been submitted by the applicant. Council's structural engineer has assessed the geotechnical report and is satisfied with the level of information provided.

ITEM 4 (continued)

The amended drainage plan now shows all impervious areas are directed to an onsite dispersal system via an underground OSD tank under the proposed alfresco area. The outflow from the OSD tank towards the dispersal system (14.0 l/s) is similar to the uncontrolled flow (16.0 l/s) from the existing dwelling towards the existing dispersal system. Council's DCP allows onsite dispersal system to be located minimum 2.0m from the rear boundary if site backs onto a public reserve. As site is located adjoining Bill Mitchell Park, the 2.8m distance is acceptable.

The BASIX report requires a 2000litre water tank with 180m² of roof area connected into it. The drainage plans show three 2000 litre water tanks and one 1000 litre water tank for the development. These water tanks have been connected to the OSD tank provided.

The front Foyer area of the dwelling has been now raised to RL 10.2.

A retaining wall is proposed along the rear boundary which is at RL 6.93m. It is assumed that applicant will fill the rear yard to match the height of this wall.

The existing vehicular crossover is in good condition and therefore the construction of a new driveway crossing is not required. The driveway gradients can be achieved to comply with AS 2890.1.

There are no objections to the proposed development with respect to the engineering components.

Conditions of consent have been provided by Council's Senior Development Engineer, which are included in the Draft conditions of consent (Attachment 1).

External Referrals

Consultant Structural Engineer: Initially, Council's Consultant Structural Engineer (Cardno) raised issues of concern that the geotechnical report submitted with the DA (by Douglas Partners) did not meet Council's requirements for sites affected by slope instability. In particular, the following concerns were raised:

Cardno recommends that Douglas Partners should be provided with architectural drawings A01 to A07 and note that the retaining wall shown on Drawing A01 as being 600 mm in height is incorrect, in that the top of the wall is shown as RL7.5 whereas the existing ground levels vary between RL5.8 and RL5.3, i.e. wall between 2.2 to 1.7 m high and not 0.6 m high.

Further, Douglas Partners should be provided with stormwater drainage drawings SD2, SD3 and SD4 that show the proposed absorption/dispersal trench and associated proposed retaining walls.

ITEM 4 (continued)

Once in possession of this additional information, Douglas Partners can amend their report to include all the additional risks shown on these drawings.

The applicant was requested to provide amended plans/additional information to address these issues. In response, the applicant provided a revised Geotechnical report by Douglas Partners, which was referred back to Council's Consultant Structural Engineer for further assessment.

In response, Council's Consultant Structural Engineer has provided the following comments, which are included in the Draft conditions of consent (Attachment 1):

As requested the revised geotechnical report dated 21 June 2016 from Douglas Partners Geotechnical Engineers (DP's) has been reviewed and we comment as follows:

- 1. The revised report notes the various retaining walls that are to be constructed and the proposal to use an absorption trench to dispose of stormwater after it has passed through an on-site detention tank.*
- 2. DP's assess that pre and post construction risks to both property and life are low and hence acceptable. Cardno assesses that the revised DP's report satisfies Council's normal requirements for geotechnical report submitted in relation to developments on sites indicated on Council's maps as being potentially at risk of slope instability.*
- 3. Should Council's officers decide to approve this application, the Cardno recommends that this approval be conditional on the following:*
 - (a) All works shall be conducted in accordance with all recommendations in the Douglas Partners report dated 21 June 2016.*
 - (b) The proposed absorption trench be located 5 m off the rear boundary.*
 - (c) At the base of the retaining wall weep holes of 20 mm minimum width be provided at 1.2 m maximum centres and that a geotextile fabric be laid at the back face of the wall and extending 1 m minimum up the wall and turned out 150 mm onto the wall footing.*
 - (d) That a drainage layer 300 mm minimum width be provided behind all retaining walls and capped off with 200 mm of compacted clay.*

14. Critical Dates

There are no critical dates or deadlines to be met.

ITEM 4 (continued)

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

A number of submissions have been received from neighbours, raising issues of concern, particularly in relation to overshadowing of No 28 Champion Road to the south, and also impacts on views (from No 20A Champion Road to the north). Other concerns relate to privacy, overland flow, tree removal and building bulk. The concerns have been fully considered and it is considered that the proposal is acceptable for approval despite the issues of concern raised in the submissions.

The design of the proposed development is considered to be consistent with the desired and future character of the low density residential areas, and consistent with the nature of modern development in the Ryde and wider local government area.

On the above basis, LDA2016/144 at 24 Champion Road, Tennyson Point is recommended for approval subject to conditions.

ITEM 4 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
24 CHAMPION ROAD, TENNYSON POINT
LDA2016/144**

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	11/09/2016	07032016 A01 Rev B
Ground Floor Plan	11/09/2016	07032016 A02 Rev B
First Floor Plan	25/10/2016	07032016 A03 Rev C
Roof Plan	11/09/2016	07032016 A04 Rev B
Section AA	11/09/2016	07032016 A05 Rev B
East and West Elevations	25/10/2016	07032016 A06 Rev C
North and South Elevations	25/10/2016	07032016 A07 Rev C

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

- (a) **Privacy screen.** The provision of a 1.8m high privacy screen to the southern side of the ground floor alfresco. Details shall be submitted for approval with the **Construction Certificate**.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 712607S dated 22 March 2016.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 4 (continued)

ATTACHMENT 1

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Protection of Adjoining and Public Land

- 5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
- 6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

- 9. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
- 11. **Geotechnical conditions**
 - (a) All works shall be conducted in accordance with all recommendations in the Douglas Partners report dated 21 June 2016.

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- (b) The proposed absorption trench be located 5 m off the rear boundary.
- (c) At the base of the retaining wall weep holes of 20 mm minimum width be provided at 1.2 m maximum centres and that a geotextile fabric be laid at the back face of the wall and extending 1 m minimum up the wall and turned out 150 mm onto the wall footing.
- (d) That a drainage layer 300 mm minimum width be provided behind all retaining walls and capped off with 200 mm of compacted clay.

Engineering Conditions

- 12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard *and City of Ryde Development Control Plan 2014 Section 8* 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. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

16. **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**.
17. **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**.
18. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
19. **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
20. **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**.
21. **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**.
22. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams

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- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

23. **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**.
24. **Tree planting – location.** These trees are to be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

Engineering Conditions

25. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
26. **Control of Stormwater Runoff.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to absorption trenches located at the rear of the site via an onsite detention system in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by B K Batshon Design & Engineering Job No 07032016 Drawing SD1 to SD 4 Revision A shall be amended to incorporate but not be limited to the following:
- a. A minimum two access grates for the OSD tank with one grate over the discharge control pit

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- b. Provide the debris screen and the sump within the OSD tank as per Council's DCP requirements
- c. The design of the absorption trenches as per the requirements in the geo-technical report prepared by Douglas & Partners dated 21 June 2016.
- d. All gutters, downpipes and pipeline conveying stormwater runoff to the OSD tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

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

- 27. **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.
- 28. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

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PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

29. 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.

30. 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.

31. 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.

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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).

32. 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.

- 33. 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.

Engineering Conditions

- 34. 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.
- 35. 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 2014: - Part 8.1; Construction Activities

DURING CONSTRUCTION

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

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36. **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*.
37. **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.
38. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
39. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
40. **Construction materials.** All materials associated with construction must be retained within the site.
41. **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.
42. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
43. **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".

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44. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
45. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

46. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 712607S, dated 22 March 2016.
47. **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.

Engineering Conditions

48. **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 2014: - 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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49. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention & absorption system constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
50. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No07032016 Drawing No SD1 to SD4 Revision A dated 5/6/16 prepared by B K Batshon Design & Engineering and as amended in red by Council and conditions of this consent.
51. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA**:
- Confirming that the site drainage system (including the on-site detention & absorption system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
52. **Positive Covenant, Dispersal.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal Systems and to the satisfaction of Council.
53. **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.

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ATTACHMENT 2

Compliance Check

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

LDA No: LDA2016/0144	Date Plans Rec'd: 30 March 2016
Address: 24 Champion Rd Tennyson Point	
Proposal: Demolition existing house, new two storey dwelling.	
Constraints Identified: Unstable Land, Acid Sulfate Soil	

COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	7.3m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	0.452:1	Yes

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	N/A Battle axe lot	N/A

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
- Garage not visually prominent features.	N/A Battle axe lot	Yes
Alterations and Additions		
- Design of finished building appears as integrated whole.	Garage and dwelling integrated as one building.	Yes
- Development to improve amenity and liveability of dwelling and site.	Currently outdated single storey dwelling.	Yes
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face battle axe handle entry.	Yes
- Single storey entrance porticos.	No portico	N/A
- Articulated street facades.	Battleaxe lot	N/A
Public Views and Vistas		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views.	North boundary setback: 3.0m South boundary setback: 2.0m	Yes
Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.	Landscaping commensurate with proposed dwelling and does not restrict views.	Yes
Fence 70% open where height is >900mm.	Proposed garage setback 4.23m from north boundary	Yes
	Battleaxe lot	N/A
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Battleaxe lot	N/A

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
- Fencing that blocks sight lines is to be splayed.	Battleaxe lot	N/A
Site Configuration		
Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Permeable (deep soil) area: 441m ² approx (48% of site area). [site area 920m ²] Rear DSA: 8 X 13.2m Driveway only in front yard	Yes Yes Yes Yes
Topography & Excavation Within building footprint: - Max cut: 1.2m - Max fill: 900mm	Within BF Max cut: 1.0m at garage and garage rear Max fill: 1020mm at foyer/entry; and 2300mm at the rear alfresco	Yes Yes No
Floor Space Ratio		
Ground floor	233m ²	
First floor	180m ²	
Attached car parking structures	44m ²	
Outbuildings (incl covered pergolas, sheds etc)	0m ²	
Total (Gross Floor Area)	457m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	421m ²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas. Site Area excluding battleaxe handle: 931.15m ²	0.452:1	Yes

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	2 storeys	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL <i>or</i> - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 15.1m FGL below (lowest point): RL: 7.8m FGL below (highest point): RL: 10.7m TOW Height (min)= 5.1m TOW Height (max)= 7.3m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	As above (parapet style roof proposed) 7.3m maximum height	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.5m min room heights upper family room.	Yes
Setbacks		
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	Northern side setback: minimum 2m Southern side setback: minimum 2m	Yes Yes
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Front setback free of ancillary elements eg RWT, A/C	Note: Battle-axe lot so normal front setback controls do not apply.	NA

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p>Rear</p> <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. <p>Note: average 11.25m is 25% of site length. [average 45m X 25%]</p>	<p>Closest point is 5.0m from rear boundary, Longest point is 14m from rear boundary. Average is 9.3m</p>	<p>No</p>
<ul style="list-style-type: none"> - Dwellings on battle-axe lots are to be setback from the rear boundary of the front allotment a minimum of 8m. A single storey garage or outbuilding may be located within this setback. 	<p>Dwelling component is setback 14.4m from western boundary, which is the rear boundary of the front allotment.</p> <p>A single storey garage is proposed within this setback as permitted by the DCP, and this garage has a setback of 7m from the rear boundary of the front allotment.</p>	<p>Yes</p>
<p>Outbuildings – no proposed outbuildings</p>		
<p>Car Parking & Access</p>		
<p>General</p> <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	<p>Number/location of car spaces: 2</p> <p>NB: Battleaxe Lot</p> <p>Access from: Access handle</p> <p>Garage behind building side entry facade</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
<p>Garages</p> <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be 	<p>Setback from angled dwelling facade</p> <p>Garage not visible from public space</p> <p>Garage rear sliding door</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
at least 900mm away from boundary. - Materials in keeping or complimentary to dwelling.	setback: 4.23m, side windows 7.0m setback Materials: face brick same as dwelling	Yes
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Internal length: 5.4m (min)	Internal measurements: 7.0m wide X 6.5m deep	Yes
Driveways Extent of driveways minimised	Driveway on access handle, Existing driveway has concrete wheel lines, and turf in middle and handle side boundaries.	Yes
Landscaping		
Trees & Landscaping - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting	One large Japanese maple and on palm tree in rear yard to be removed. One large gum tree to remain. Liquid amber, mulberry tree and palm tree to remain in front yard. Stairs from alfresco decking to rear turf area. North and south sides of dwelling are obstruction free. Three existing trees to remain ie liquid amber (10-15m), mulberry (8-12m) and palm tree (10-15m). One gum tree to remain North east and eastern	Yes Yes Yes Yes Yes

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway.	boundary: photinia hedging 2-3m height depending on species OSD in rear yard along with 11m ³ dispersal trenching	Yes
- Landscaped front garden, with max 40% hard paving	Hard Paving: 12%	Yes
Dwelling Amenity		
Daylight and Sunlight Access		
- Living areas to face north where orientation makes this possible.	Living areas on ground floor face east and north	Yes
- 4m side setback for side living areas where north is to the side allotment boundary.	2m side setback to dining area. NB: 7.5m X 2.3m glazing along lounge and dining room facing east	No
<u>Subject Dwelling:</u>		
- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.	All north facing windows are 3.0m set back from boundary. A further 2.8m setback of adjoining 9m high dwelling	Yes
- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.	Rear private open space is located at eastern side of property	Yes
<u>Neighbouring properties are to receive:</u>		
- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.	Northerly property: no Southerly property: 30% affected at 9am, no impact at midday to 3pm	Yes
- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between	Shadow diagrams indicate that adjoining north-facing living room windows would not receive 3 hours sunlight	No

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ATTACHMENT 2

DCP 2014	Proposed	Compliance
9am and 3pm on June 21.		
Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Lounge, dining, alfresco areas facing rear of property.</p> <p>Northern dining area facing side boundary at ground level elevation. Alfresco area has northerly privacy screen.</p> <p>Side windows are sufficiently off-set</p> <p>20A is protected with proposed privacy screen. 28 is protect by its own building</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	Possible impacts on No 20A and 22 Champion. Addressed as satisfactory in assessment report	Yes
Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	Sliding glazing facing south by south east on ground floor Sliding glazing and window facing south by south-east on first floor	Yes
External Building Elements		
Roof <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. 	<p>Parapet with flat roof behind.</p> <p>Sufficient articulation</p> <p>No eaves</p> <p>First floor balcony not trafficable</p> <p>Ground floor alfresco decking is trafficable from rear yard.</p> <p>No sky lights, concrete roof</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>Address via condition</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Fencing –		
Front/return:	No fencing proposed or needed at front or side due to battle axe lot	N/A
Side/rear fencing: - 1.8m max o/a height.	Rear fencing/retaining wall 0.6m high	Yes
Special requirements for Battleaxe Lots		
Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback.	7.0m for garage, otherwise 16.4m from house	Yes
Must have hard paved area in front setback for turning, so vehicles can enter & exit in a forward direction.	Hardstand turning area indicated	Yes
View corridor to water coordinated with that of front allotment or along access handle.	N/A	N/A
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
Part 8.2 - Stormwater Management		
Stormwater & Floodplain Management		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	Satisfactory according to Development Engineer's comments.	Yes

ITEM 4 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Direct access from access driveway to dwelling entrance with ramp or steps is indicated.	Yes
Part 9.5 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	No arborist report supplied or required. Two at the front of site are to be retained, one gum tree at north-eastern corner is to be retained. One palm tree and one Japanese Cedar are to be removed. No objections as these are non-native, ornamental species	Yes

BASIX		
BASIX Cert 712607S dated 22/3/2016 ABSA Cert 14691316 <ul style="list-style-type: none"> • RWT 2000L • Thermal Comfort Commitments – Construction. • HWS Gas Instantaneous 5 star. • Natural Lighting <ol style="list-style-type: none"> 1. kitchen 2. bathrooms (3) 	7000l. shown on SD2 Flooring commitments only Shown Windowed Windowed	Y Y Y Y Y
Water Target 40	Water: 40	Y
Energy Target 40	Energy: 51	Y
Correct description of property/proposal on 1 st page of Certificate.	Details checked, correct lot and DP	Y

ITEM 4 (continued)

ATTACHMENT 2

Demolition		
Plan showing all structures to be removed	Plan A09 indicates position of existing single storey dwelling house	Y
Demolition Work Plan	Demolition Plan submitted	Y
Waste Management Plan	Included in above and in SWMMP	Y

ITEM 4 (continued)

ATTACHMENT 3

SYDNEY REGIONAL ENVIRONMENTAL PLAN COMPLIANCE TABLE

Provision	Proposal	Compliance
<i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	The proposed development will see a new single dwelling house replace an existing single dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and natural environment impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	With all works associated with the proposed development occurring well above the MWHM it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities. Additionally it is noted the there is no proposal to remove any aquatic vegetation. The shadow diagrams submitted with the subject development application indicate the proposed development will slightly increase shadowing over land and will not impact aquatic areas therefore it is considered unlikely that it will negatively impact on terrestrial and aquatic vegetation.	Yes

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	All works are to be located well above the MHWM. Accordingly, the proposed development is not considered to have a negative impact on ecological connectivity of aquatic vegetation.	N/A
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access.	All works are to be located well above the MHWM. Accordingly, the proposed development is not considered to have any indirect impact on aquatic vegetation. It is noted that the proposed development is considered minor in terms of causing any indirect impacts on the natural environment.	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	All works are to be located above the MHWM. Accordingly, the proposed development is considered to protect the natural intertidal foreshore, natural landforms & native vegetation with minimal adverse impacts on the natural environment.	Yes
(f) Development should retain, rehabilitate and restore riparian land	All works are to be located above the MHWM. Therefore all riparian land is retained and the proposed development is not considered to have any adverse impacts. The proposed development does not aim to rehabilitate or restore riparian land.	N/A
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible,	The subject site adjoins a wetlands protection area. All works are proposed above the MHWM, as such an	Yes

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
should provide a vegetation buffer to protect the wetlands	acceptable buffer is considered to be provided to maintain all ecological integrity.	
(h) The cumulative environmental impact of development	With all works proposed to be located above the MHWM, it is considered the cumulative environmental impact of development to be minimal. Additionally, the proposal will see new single dwelling house to an existing dwelling, therefore seeing no change in land use and thus negligible impacts on the natural environment.	Yes
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Sediments in the nearby waterway are not proposed to be disturbed during proposed works. Sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.	Yes
<i>Cl. 22 Public Access to, and Use of, Foreshores and Waterways</i>		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	There is no existing public use of the foreshore on the subject site. Access to public will not be restricted any further than existing as result of the proposed new single dwelling house. No adverse impacts on watercourses, wetlands, riparian lands or remnant vegetation has been identified.	Yes
(b) Development should maintain and improve public access to and from the waterways for recreational	The proposal will not impede or alter existing public access to the river.	Yes

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation</p>		
<p>(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land</p>	<p>Proposal presents no change from the existing relationship in terms of access to the foreshore.</p>	<p>N/A</p>
<p>(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided.</p>	<p>Not proposed</p>	<p>N/A</p>
<p>(e) The need to minimise disturbance of contaminated sediments</p>	<p>All works are proposed well above MHW and is considered not to disturb any contaminants in water/sediments. Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.</p>	<p>Yes</p>
<p>Cl. 24 Interrelationship of Waterway and Foreshore Uses (a) Development should promote equitable use of the waterway, including use by passive recreation craft</p>	<p>Proposal will not inhibit or prevent equitable use of waterway by passive recreation craft and presents no change from the existing relationship with the waterway.</p>	<p>Yes</p>
<p>(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway</p>	<p>Proposal will not inhibit or prevent equitable use of waterway for commercial or recreational uses and</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
for commercial and recreational uses	presents no change from the existing relationship with the waterway.	
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Development does not seek to increase or impede any existing traffic conditions in the waterway or along the foreshore and presents no change from the existing relationship with the waterway.	Yes
(d) Water-dependent land uses should have propriety over other uses	Not applicable.	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site and waterway as part of the proposed development. It is therefore considered conflicts between various uses in the waterways & along the foreshore will be avoided.	Yes
Cl. 25 Foreshore and Waterways Scenic Quality		
(a) The scale, form, design and siting of any building should be based on an analysis of:		
(I) the land on which it is to be erected, and	The proposal is considered to respect the existing topography, vegetation and foreshore of the subject site and surrounding land.	Yes
(II) the adjoining land, and	No adverse effect identified upon adjoining residential land or nearby waterway as the proposal adheres to all controls set out in the Ryde DCP 2014 which aim to mitigate any adverse effects resulting from proposed development.	Yes
(III) the likely future character of the locality	The proposal will not adversely affect the likely future character of the locality due to the proposed	Yes

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
	<p>new single dwelling house having a design and character that is consistent and in line with that of the surrounding locality and the desired future character of the low density residential zone.</p>	
<p>(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries</p>	<p>Proposed development is considered compatible with surrounding development and is not proposing any design that is inconsistent with the existing foreshore character. It is therefore considered the proposed development will not have any adverse impacts on visual qualities on Sydney Harbour and its islands, foreshores & tributaries.</p>	<p>Yes</p>
<p>(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores</p>	<p>Proposed development is totally land based and proposes no water based development. It is therefore considered that proposed development does not detract from the character of the waterways and adjoining foreshores.</p>	<p>Yes</p>
<p><i>Cl. 26 Maintenance, Protection and Enhancement of Views</i> (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour</p>	<p>Views to and from Sydney Harbour will be generally maintained.</p>	<p>Yes</p>
<p>(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items</p>	<p>Views and vistas to and from public places, landmarks and heritage items have generally been maintained through appropriate setbacks, heights and terracing of</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
	building form. It is considered that adverse impacts have been minimised.	
(c) The cumulative impact of development on views should be minimised	The cumulative impact on views is considered to be acceptable as all major views have been maintained through appropriate design of the proposed new single dwelling house.	Yes
<p>Cl. 29 Consultation required for certain development applications</p> <p>(1) The consent authority must not grant development consent to the carrying out in the Foreshores and Waterways Area of development listed in Schedule 2, unless:</p> <p>(a) it has referred the development application to the Advisory Committee, and</p> <p>(b) it has taken into consideration any submission received from the Advisory Committee within 30 days after the date on which the application was forwarded to the Committee.</p>	<p>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area as depicted below.</p> <p>The proposed development does not include any items included in relation to Schedule 2 of the SREPSHC 2005.</p> <p>(a) As per Cl.29(3) (see below), it is the opinion of the assessment officer working on behalf of the consent authority (Ryde City Council) that the proposed development is minor and does not, to any significant extent, increase the scale, size or intensity of the use of the proposed buildings and works over that of the existing arrangements on site. Accordingly, the</p>	N/A

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
	development application has not been referred to the Advisory Committee. (b) Noted.	
(2) In the case of an application to carry out development for more than one purpose, of which one or more is listed in Schedule 2 and one or more is not, the consent authority is only required to refer to the Advisory Committee that part of the application relating to development for a purpose so listed.	(2) Noted.	Noted.
(3) This clause does not apply to development that consists solely of alterations or additions to existing buildings or works and that, in the opinion of the consent authority, is minor and does not, to any significant extent, increase the scale, size or intensity of use of those buildings or works.	(3) As the proposed works are not identified under Schedule 2 of the SHCREP this clause does not apply.	N/A
Part 6 Wetlands protection		
Wetlands Protection Area along Lane Cove / Parramatta River frontage	As depicted on the Wetlands Protection Area map below the subject site is not located within a Wetlands Protection Area. See attached.	Yes
Cl. 62 Requirement for Development Consent		
(2) Development may be carried out only with development consent	The proposed development is currently seeking development consent via the subject DA	Yes
(3) Development consent is not required by this clause:	Not applicable.	N/A

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or	Not applicable.	N/A
(b) For any works that restore or enhance the natural values of wetlands being works:	Not applicable	N/A
(i) that are carried out to rectify damage arising from a contravention of this plan, and	Not applicable.	N/A
(ii) that are not carried out in association with another development, and	Not applicable.	N/A
(iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable.	N/A
<p>Cl. 63 Matters for Consideration</p> <p>(2) The matters to be taken into consideration are as:</p> <p>(a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,</p> <p>(b) The environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p>	<p>The proposed development will see a new single dwelling house replace an existing single dwelling house. As there is no change in land-use proposed and works are considered minor in terms of biodiversity, ecology and environmental impacts it is considered the proposed development will have a neutral effect on the quality of water entering waterways.</p> <p>No impact on the growth of native plant communities due to all existing vegetation being retained and all proposed works to be located above the MHWM.</p>	<p>Yes</p> <p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(ii) the survival of native wildlife populations,	Wildlife populations are considered to be unharmed as result of the proposed development due to all existing habitats being retained.	Yes
(iii) the provision and quality of habitats for both indigenous and migratory species,	The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.	Yes
(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,	The proposed development is considered to have no adverse affects on surface and groundwater characteristics of the site and surrounding areas due to there being no significant change to land use and the development being in compliance with the stormwater controls set out in the Ryde DCP 2014.	Yes
(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.	Plans submitted as part of the proposal indicate that safeguards have been put in place to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment. Rehabilitation measures are not considered necessary due to no works being undertaken below the MHWM.	Yes
(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).	The development is identified as being within a wetland protection area. With all works associated with the proposed development occurring well above the MHWM and the fact that the additions will only be on a small portion of	Yes

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>(e) Whether the development adequately preserves and enhances local native vegetation,</p> <p>(f) Whether the development application adequately demonstrates:</p> <p>(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and</p>	<p>the site that is currently a driveway and a manicured lawn it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development is consistent with the principles set out in <i>The NSW Wetlands Management Policy</i>.</p> <p>The development is considered to adequately preserve the local native vegetation through retaining all existing local native vegetation.</p> <p>The development is identified as being within a wetland protection area. With all works associated with the proposed development occurring well above the MHWM and the fact that the additions will only be on a small portion of the site that is currently a driveway and a manicured lawn it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development is unlikely to have any direct or indirect impacts on the wetland. The development will not enhance the wetlands.</p>	<p>N/A</p> <p>Yes</p>
<p>(ii) how the development will preserve and enhance the continuity and integrity of the</p>	<p>The development is identified as being within a wetland protection area.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
<p>wetlands, and</p>	<p>With all works associated with the proposed development occurring well above the MHWM and the fact that the additions will only be on a small portion of the site that is currently a driveway and a manicured lawn it is considered there will be minimal impacts on the wetland area. As such, it is considered that the proposed development will be unlikely to adversely impact the continuity and integrity of the wetlands. The development will not enhance the wetlands.</p>	
<p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p>	<p>Soil erosion and siltation is not considered to be an issue as the works are minor and will not involve any major excavation or disturbance of soil. Following construction all existing stormwater controls will remain unchanged.</p>	<p>Yes</p>
<p>(iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and</p>	<p>The plans submitted as part of the proposal indicate there will be minimal ground disturbance therefore ensuring the intertidal zone is kept free from pollutants.</p>	<p>Yes</p>
<p>(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and</p>	<p>The development is identified as being within a wetland protection areas, however the proposal will not lead to an increase in nutrient levels in the adjoining wetlands.</p>	<p>Yes</p>

ITEM 4 (continued)

ATTACHMENT 3

Provision	Proposal	Compliance
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	No development is proposed within the stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.	N/A
(vii) that the development minimises physical damage to aquatic ecological communities, and	The development has aimed to minimise any adverse impacts on the aquatic ecological communities through ensuring no works are undertaken below the MHWM.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	With all development works being located above the MHWM, it is considered that no physical damage to aquatic ecological communities will occur as result of the proposed development.	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

ITEM 4 (continued)

ATTACHMENT 3

Attachment 1: Maps



The map above illustrates the subject site at 24 Champion Road, lies within the Foreshores and Waterways Area boundary that is governed by the Sydney Harbour Catchment REP.

Source: Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Foreshores and Waterways Area Maps Sheet 1



The map above illustrates that according to the Sydney Harbour Foreshore Authority REP the subject site at 24 Champion Road is NOT located within a Wetlands Protection Area.

Source: Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Wetlands Protection Area Maps Sheet 2

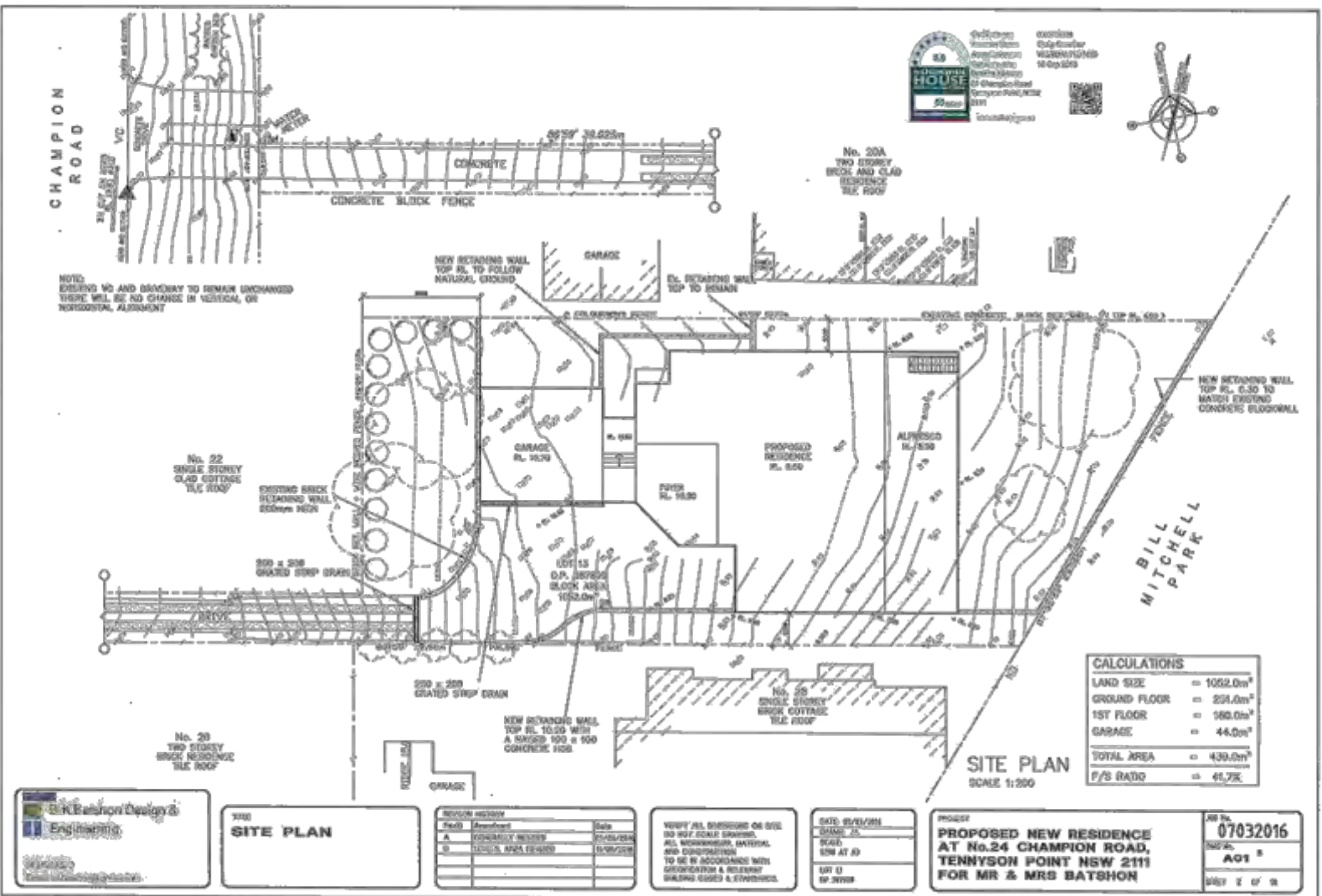
ITEM 4 (continued)

ATTACHMENT 4



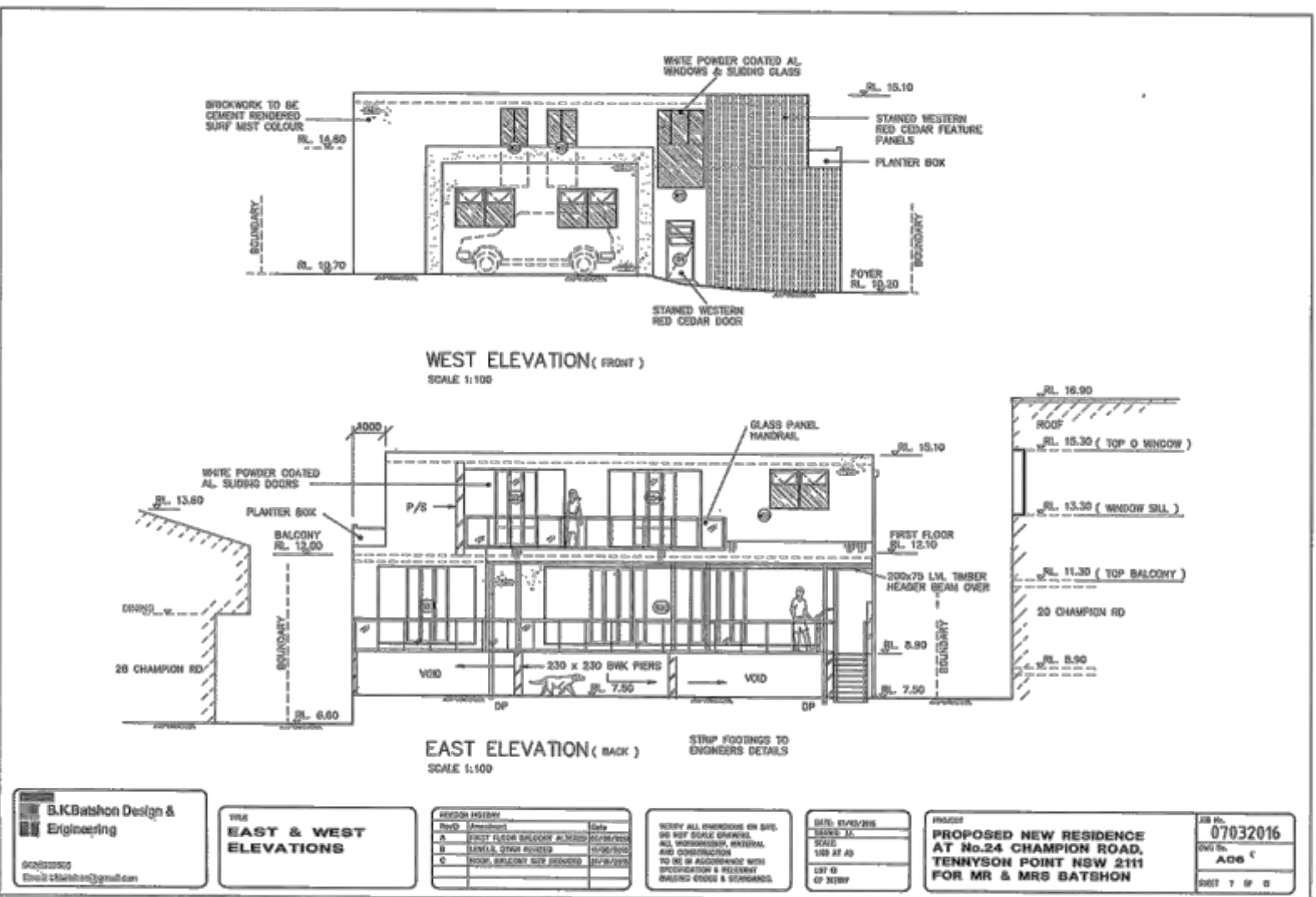
ITEM 4 (continued)

ATTACHMENT 5



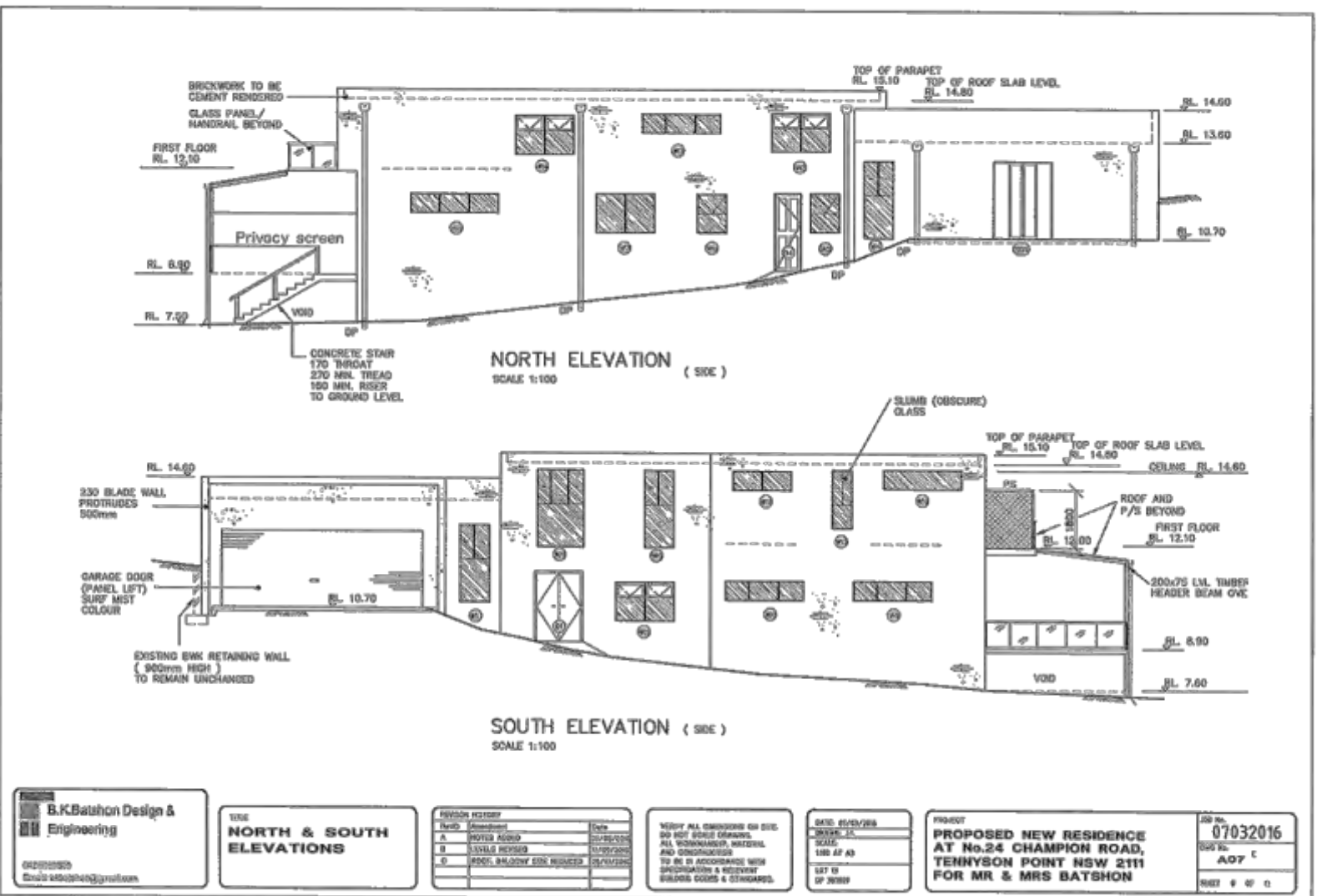
ITEM 4 (continued)

ATTACHMENT 5



ITEM 4 (continued)

ATTACHMENT 5



- 5 6 AND 10 CLERMONT AVENUE AND 7, 8 AND 9 JENNIFER STREET, RYDE - LOT Y AND X IN DP 418160 AND LOTS 7, 8 AND 9 DP 28069. Development Application – Demolition including tree removal; staged construction of seniors housing development comprising a residential care facility and in-fill self-care housing over basement parking. LDA2016/0051.**

Report prepared by: Senior Coordinator - Development Assessment

Report approved by: Senior Coordinator - Major Development; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP17/82

1. Report Summary

Applicant: Engine Room Venture Management Pty Ltd

Owner: D. Gordon Pty Ltd, D. Gordon Pty Ltd as Trustee of Clermont Trust, Clermont Aged Care Pty Ltd

Date lodged: 9 February 2016

This report has been prepared to enable Council's further consideration of a development application (DA) for demolition of all existing structures, tree removal, and construction of a staged seniors housing development comprising of a residential care facility, and also in-fill self-care housing ("independent living units") over a basement car park.

Council at its Ordinary Meeting of 22 November 2016 resolved to defer consideration of this DA to allow for a mediation to occur between the applicant and the objectors.

A Mediation Meeting for this DA was held on 21 December 2016 (mediation meeting notes are attached to this report). At this meeting, the neighbours stated their issues of concern (as noted in the previous report to Planning & Environment Committee), and the applicant provided a verbal response in clarifying those items. As a result, many of the previous issues of concern have been satisfied via the verbal clarification provided by the applicant at the Mediation Meeting. There were no amended plans submitted following the mediation meeting.

One major issue of concern that was not resolved is the location of an electrical substation (proposed to be located near boundary with No 4 Clermont Ave on the south-eastern side of the property). The applicant has stated that it cannot be completely re-located away from its current proposed location due to Ausgrid requirements, however they have adjusted its position to be as far away as possible (11.492m) from the neighbour's dwelling, and have advised that the substation can be screened with landscaping and/or a physical screen to minimise its visual impact. The immediate neighbour (No 4 Clermont) remains concerned about the substation location so close to their property.

ITEM 5 (continued)

From a town planning perspective, Council officers have no objection to the location of the substation. The proposed separation distance from the neighbour's dwelling (11.492m) is sufficient to ensure visual impacts are minimised, and as noted by the applicant, the structure can also be screened with landscaping and/or a physical screen. Substation structures are typically sealed and enclosed so they emit minimal noise and do not pose an excessive health risk.

Specific comment has been sought from Council's Environmental Health Officer in relation to the concerns raised regarding noise and electromagnetic radiation from the substation.

In relation to noise, it is advised that the substation may produce a low level hum, but would be unlikely to produce "offensive noise" (inside the adjoining residence).

In relation to concerns about electromagnetic radiation, the Environmental Health Officer has provided advice from the Australian Government's Australian Radiation Protection and Nuclear Safety Agency website (www.arpana.gov.au): that *"there is no established evidence that electric and magnetic fields at any distance from a substation/transformer cause health effects. At more than about 5-10 m away, the typical electric and magnetic fields from substations and transformers are indistinguishable from normal background levels in the home."*

Appropriate conditions of consent have been provided in relation to both of these matters, and are included in the Draft Conditions of Consent.

Accordingly, this DA is now referred back to enable the Planning & Environment Committee's further consideration.

Reason for Referral to Planning and Environment Committee: Previously considered by the Committee.

Public Submissions: Seven (7) submissions received.

Clause 4.6 Ryde LEP 2010 objection required? None required.

Value of works: \$16,064,616

RECOMMENDATION:

- (a) That LDA2016/51 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Avenue, Ryde be approved subject to the **ATTACHED** conditions (**Attachment 1**):
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 5 (continued)

ATTACHMENTS

- 1** Proposed Conditions of Consent - Revised Following Mediation Meeting
- 2** Mediation Meeting Notes - 21 December 2016
- 3** Previous Report to Planning and Environment Committee - 8 November 2016
(includes all attachments and plans)

Report Prepared By:

Chris Young
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Senior Coordinator - Major Development

Liz Coad
Acting Director - City Strategy and Planning

ITEM 5 (continued)

2. Background

The previous report to Planning and Environment Committee 8 November 2016 contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

At this meeting, the Planning & Environment Committee recommended the following in relation to this DA:

That consideration of this matter be deferred until either the next Planning and Environment Committee Meeting or the first Planning and Environment Committee Meeting in 2017 to allow for a mediation to occur between the applicant and the objectors who addressed the Planning and Environment Committee Meeting on the 8 November 2016.

The Planning and Environment Committee's recommendation was considered and adopted as a formal resolution of Council at Council's Ordinary Meeting of 22 November 2016.

3. Actions Following Council's Resolution

Mediation Meeting Arrangements

In accordance with Council's resolution, a Mediation Meeting was held on 21 December 2016, attended by Council's Acting Manager – Assessment, and Senior Co-ordinator Assessment; the applicant (Engine Room Venture Management) and the property owner; and the neighbours at No 4 Clermont Ave and 6 Jennifer Ave (owners of No 4 Jennifer Ave were also invited, but were unable to attend).

Notes from the Mediation Meeting have been prepared and were circulated to the neighbours and the applicant (a copy of the Mediation Meeting Notes are **ATTACHED** to this report). At this meeting, the neighbours stated their issues of concern (generally as noted in the previous report to Planning & Environment Committee), and the applicant provided a verbal response to clarify to those items. As a result, many of the previous issues of concern have been satisfied.

There were no amended plans submitted following the mediation meeting.

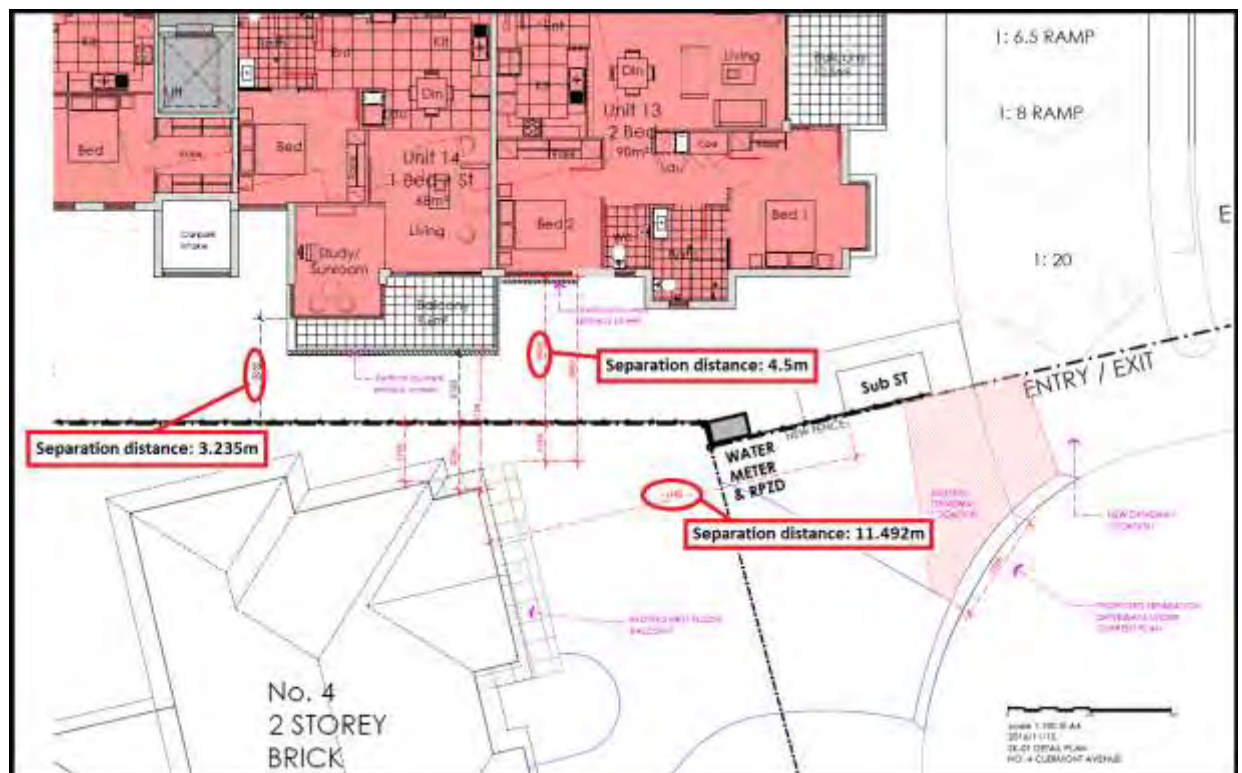
Proposed substation

One key issue of concern for the neighbour (at No 4 Clermont Ave) was the location of the electricity substation (proposed to be located near boundary with No 4 Clermont Ave on the south-eastern side of the property), and this was not adequately resolved at the Mediation Meeting.

ITEM 5 (continued)

The applicant has stated that it cannot be completely re-located away from its current proposed location due to Ausgrid requirements, however they have adjusted its position to be as far away as possible (11.492m) from the neighbour's dwelling, and have advised that the substation can be screened with landscaping and/or a physical screen to minimise its visual impact. The immediate neighbour remains concerned about the substation in terms of its visual impact, noise (humming noise) and also possible health risks (including electromagnetic radiation), and they are not satisfied with its location so close to their property.

The applicant has provided a detail plan showing the separation distances of the substation from the neighbour's dwelling (11.492m). Also shown on this plan are the proposed boundary setbacks of the unit 14 study/sunroom (3.235m), and unit 13 bedroom 2 (4.5m) as these were previously raised as issues of concern by the neighbour. It is also noted that the applicant has now offered to provide louvred privacy screens to the balcony of unit 14 and also the bedroom 2 window of unit 13, and these are also shown on the plan below:



From a town planning perspective, Council officers have no objection to the location of the substation. The proposed separation distance from the neighbour's dwelling (11.492m) is sufficient to ensure visual impacts are minimised, and as noted by the applicant, the structure can also be screened with landscaping and/or a physical screen. Substation structures are typically sealed and enclosed so they emit minimal noise and do not pose an excessive health risk.

ITEM 5 (continued)

Specific comment has been sought from Council's Environmental Health Officer in relation to the concerns raised regarding noise and electromagnetic radiation from the substation.

In relation to noise, it is advised that the substation may produce a low level hum, but would be unlikely to produce "offensive noise" (inside the adjoining residence).

In relation to concerns about electromagnetic radiation, the Environmental Health Officer has provided advice from the Australian Government's Australian Radiation Protection and Nuclear Safety Agency website (www.arpana.gov.au): that *"there is no established evidence that electric and magnetic fields at any distance from a substation/transformer cause health effects. At more than about 5-10 m away, the typical electric and magnetic fields from substations and transformers are indistinguishable from normal background levels in the home."*

Appropriate conditions of consent have been provided in relation to both of these matters, and are included in the Draft Conditions of Consent.

There were also a number of other matters discussed at the Mediation Meeting, as detailed in the Mediation Meeting Notes which are attached to this report. Many of these matters are able to be resolved via additional conditions of consent – and the previous list of draft conditions have been revised where required following the Mediation Meeting. The following table is a summarised list of the issues discussed at the Mediation Meeting, together with an indication of how each issue has been resolved:

Issue:	Resolution:
Substation	<p><u>Unresolved</u>, as discussed earlier in report. (Council officer's recommendation is approval in current location as per DA plans).</p> <p>Detailed plan showing 11.492m separation from neighbour's dwelling now included in Condition 1 (approved plans) in draft conditions. Also a new Condition (Deferred Commencement Condition 2) is provided for details of landscaping and/or screening of the substation to be submitted to Council for approval before the consent becomes operational.</p> <p>See also condition 62A regarding electromagnetic radiation assessment, condition 137 regarding offensive noise, and condition 147 regarding noise and vibration from plant or equipment.</p>

ITEM 5 (continued)

Issue:	Resolution:
Driveway location (relative to driveway of 4 Clermont)	<u>Resolved</u> , neighbours satisfied with location. Detailed plan showing 3.336m separation now included in Condition 1 in draft conditions.
Water meter and hydrant location	<u>Resolved</u> through discussions in Mediation. No condition required.
Privacy from unit 14 balcony and unit 13 bedroom 2	<u>Resolved</u> . Privacy screen now also provided to bedroom 2 unit 13 (was previously required also for unit 14 balcony). Detailed plan includes this detail – see amended Condition 1 and amended condition 60 .
Basement carpark ventilation	<u>Resolved</u> through clarification/discussions in Mediation. No condition required.
Waste Management/collection	<u>Resolved</u> through discussions in Mediation (private collection vehicles to enter basement for collection). No condition required.
Sandstone wall/driveway entrance	<u>Resolved</u> through discussions in Mediation (as much of the existing wall as possible to be retained). No condition required.
Overshadowing onto garage/workshop of No 4 Clermont	<u>Unresolved</u> , neighbour not satisfied as to overshadowing impacts. Previous report to Council made an assessment of the development overall in terms of overshadowing impacts, which Council officers consider to be acceptable. Overshadowing impacts onto a garage/workshop is acceptable as this is not a primary living area of the dwelling. No condition required.
Tree Removal/noise and construction issues during removal works	<u>Resolved</u> through clarification/discussions in Mediation. No condition required.
Stormwater drainage design	<u>Resolved</u> through discussions in Mediation (existing drainage design assessed as satisfactory by Council's Senior Development Engineer, subject to further technical amendments which are included in the draft deferred commencement conditions).

ITEM 5 (continued)

Issue:	Resolution:
Possible damage to telephone lines and other public infrastructure.	<u>Resolved</u> through discussions in Mediation. Various conditions were imposed to ensure protection of services, including Conditions 12, 37, 65, 66, and 83 . In particular, these include road opening permit conditions, which assist to ensure services are not disrupted during construction. There are also substantial fines imposed by the infrastructure authority for any such service disruption.
Construction vehicle parking and construction disturbance issues	<u>Resolved</u> through discussions in Mediation. Draft conditions include Demolition Traffic Management Plan (Condition 49), and Construction Traffic Management Plan (Condition 64). Also, staging plan makes provision for construction vehicle parking for the first stage, and the basement will be completed to be available for construction vehicles for later stages. Also, condition 115 makes provision for a complaints register for any issues raised during construction.
Section 94	Although not discussed during mediation, condition 50 will need to be updated, as the figures previously used in this condition are now out of date. New Section 94 contribution amounts based on the most recently updated CPI figure released from the Australian Bureau of Statistics (around 27 January 2017) will be provided at the Planning & Environment Committee meeting.

4. Other Options

None relevant.

5. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 as outlined in the previous report to Planning & Environment Committee.

Following Council's resolution of 22 November 2016, a Mediation Meeting has been conducted in relation to this development. Many of the issues of concern have been resolved via the applicant's clarification as provided at the Mediation Meeting, although it is noted that the issue regarding the location of the electrical substation was not satisfactorily resolved.

ITEM 5 (continued)

Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination. Approval is recommended subject to the conditions in Attachment 1. It is noted that this previous approval recommendation was for a Deferred Commencement consent requiring revised drainage plans, as noted in the conditions of consent (attached).

ITEM 5 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
6 & 10 CLERMONT AVE AND 7, 8 & 9 JENNIFER STREET RYDE
LDA2016/51**

DEFERRED COMMENCEMENT

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

1. **Stormwater Management.** The stormwater management plan must be amended to provide a drainage system compliant with Council's DCP throughout all stages of the development. The original plan also contained a number of deficiencies which are to be rectified in the reconfiguration of the system.

The following revisions are required;

- (a) The drainage system is to separate the onsite detention system into two separate systems, each serving a respective stage of the development and having a net PSD from the site equal to that as derived in the Stormwater Management Report by Wood and Grieve Engineers dated 2 October 2015. Stage 1 catchment area is cover the western portion of the site. Stage 2 obviously captures the remaining area.
- (b) The onsite detention unit for Stage 1 must be located under the entry lobby with external access grates on the north and south sides of the lobby. The Stage 1 detention system must discharge to the existing kerb inlet pit fronting No. 6 Jennifer Street.
- (c) The onsite detention unit for Stage 2 is to be located on the northwest side of the new RCF building, generally in the vicinity of the kerb inlet pit located at the bend in Jennifer Street, in which the system is to discharge to.
- (d) In both stages, the connection to the kerb inlet pit is to be in a manner which presents a hydraulically efficient connection (the angle of discharge is aligned with the dominant flow path), is elevated as high in the pit as possible and the diameter of the discharge line is minimised (ie a 375mm RFC pipe will not be accepted for a development of this scope).
- (e) Due to the level topography of the site and the inability to direct overflow to the point of discharge, the system should be designed to minimise upwelling wherever possible.

The reconfiguration will warrant the submission of a revised DRAINS analysis. The plans and analysis (including input files for review) must be submitted to Council City Strategy and Planning Department for approval prior to activation of this development consent.

ITEM 5 (continued)

ATTACHMENT 1

2. **Electricity Substation.** The submission of full details of landscaping and/or screening of the electricity substation to Council. Details shall include:
- (a) Details of the landscaping to be used to screen the substation, including species type, and number to be planted, expected height at maturity, and pot sizes.
 - (b) Details of any structure to be erected to provide a physical screen to the substation, including colours and external materials to be used in construction.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Existing Demolition Site Plan	15.10.2015	A-050, Revision DA01
Proposed Site Plan	15.10.2015	A-060, Revision DA01
Staging Plan	15.10.2015	A-070, Revision DA01
Stage 1 – Temp RACF Proposed Floor Plan	15.10.2015	A-075, Revision DA01
Concept Plan Basement Floor Level	18.08.2016	A100, Revision DA04
Ground Floor Level Concept Plan	30.05.2016	A-101, Revisions DA-04
First Floor Level Concept Plan	25.05.2016	A-102, Revisions DA-03
Roof Plan	16.10.2015	A-110, DA01
ILU Elevations	16.10.2015	A200, DA01
RACF Elevations 1	16.10.2015	A201, DA01
RACF Elevations 2	16.10.2015	A201, DA01
Site Elevations	16.10.2015	A203, DA01
Site Sections	27.05.2015	A300, Revision DA03
Adjacent Buildings Concept Plans and Sections	30.05.2016	A-905 DA-03
Landscape Masterplan	01.09.2015	101, Revision A
Landscape Plan - West	01.09.2015	102, Revision A
Landscape Plan - East	01.09.2015	103, Revision A
Landscape Details	01.09.2015	501, Revision A

ITEM 5 (continued)

ATTACHMENT 1

Document Description	Date	Plan No/Reference
Specification, Existing Tree Schedule & Indicative Plant Schedule	01.09.2015	501, Revision A
Pedestrian Access	30.05.2016	A-061, Revisions B
Assessment of Compliance with Clause 26 of SEPP Seniors Living, as amended by the Memorandum	Original report dated 6 October 2015 – memorandum dated 24 May 2016	Prepared by Accessible Building Solutions
Traffic Impact Assessment, as modified by the addendum letter.	Original report dated 4 December 2016 – addendum letter dated 3 August 2016	Prepared by Traffix, Revision Report V03, Job Number 15.273
Arboricultural Impact Appraisal and Method Statement, as amended by the Tree Impact Statement Addendum	Original report undated – addendum dated 6 June 2016	Prepared by Naturally Trees
Waste Management Plan	14.10.2015	Prepared by Engine Room Venture Management
Operational Management Statement	16.12.2015	Prepared by Clermont Aged Care
Building Code of Australia Capability Statement	01.12.2015	Prepared by Blackett Maguire + Goldsmith
Statement of Compliance Access for People with a Disability	01.12.2015	Prepared by Accessible Building Solutions
Provisional JV3 Analysis	30.11.2015	Prepared by Inhabit, Revision 00
Stormwater Management Report	02.10.2015	Prepared by Wood & Grieve Engineers
Noise Impact Assessment	13.10.2015	Prepared by Inhabit, dated 13 October 2016
Detailed Plan – showing substation location, driveway separation, building setbacks and privacy screening	15.11.2016	SK-01 Detail Plan

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.

ITEM 5 (continued)

ATTACHMENT 1

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

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

6. **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".

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) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

ITEM 5 (continued)

ATTACHMENT 1

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, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.

Environmental Health Conditions

14. **Connection by gravity flow** - All sanitary fixtures must be connected to the sewerage system by gravity flow.
15. **Construction and fit-out of food premises** – All proposed food premises must be constructed and fitted-out in accordance with the requirements of:
 - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
16. **Standards for hairdresser's shops** - All proposed hairdressers shops must comply with the standards for hairdresser's shops set out in Schedule 2 of the *Local Government (General) Regulation 2005*.
17. **Floors of work areas** - The floors of all work areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.

ITEM 5 (continued)

ATTACHMENT 1

18. **Tiling of walls** - All walls adjoining wash basins, sinks and similar fixtures must be finished with glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur.
19. **Hand washing facilities in work area** - A hand basin supplied with hot and cold running water through a common spout, together with an adequate supply of soap and clean single-use towels, must be provided in a readily accessible location within the work area.
20. **Equipment cleaning sink** - A sink of adequate size to enable equipment to be scrubbed under water and supplied with adequate hot and cold running water must be provided on the premises for washing equipment.
21. **Shelves, fittings and furniture** - All shelves, fittings and furniture in work areas must be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.
22. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
23. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
24. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
25. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8 metres from any cooling tower.
26. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.

ITEM 5 (continued)

ATTACHMENT 1

27. **Registration of water-cooling and warm water systems** - All water-cooling systems and warm water systems regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

28. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
29. **Construction of garbage rooms** - All garbage 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 cock must be provided in or adjacent to the room to facilitate cleaning.

ITEM 5 (continued)

ATTACHMENT 1

30. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

31. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
32. **Installation of 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 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.

Engineering Conditions

33. **Design and Construction Standards** - All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions here within.
34. **Service Alterations** - All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
35. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
36. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

ITEM 5 (continued)

ATTACHMENT 1

37. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

ITEM 5 (continued)

ATTACHMENT 1

- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

38. **Noise – Validation Report.** A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the completion and operation of the residential care facility and occupation of the self-contained dwellings, and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

39. **Disabled Access & Mobility** - The building must be provided with "access and facilities for people with disabilities" to comply with all the requirements of Part D3 of the Building Code of Australia, relevant provisions of AS1428 and the applicable provisions of Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
40. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

ITEM 5 (continued)

ATTACHMENT 1

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.

41. **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.
42. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
43. **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.
44. **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.
45. **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.

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ATTACHMENT 1

46. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
47. **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.
48. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
49. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works & Infrastructure Directorate
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

ITEM 5 (continued)

ATTACHMENT 1

- viii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- ix. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

50. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$16,983.79
Open Space & Recreation Facilities	\$41,810.45
Civic & Urban Improvements	\$14,220.51
Roads & Traffic Management Facilities	\$1,939.76
Cycleways	\$1,211.67
Stormwater Management Facilities	\$3,851.35
Plan Administration	\$326.62
The total contribution is	\$80,344.15

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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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

51. **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**.
52. **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**.
53. **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)
54. **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

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55. **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**.
56. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

57. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
58. **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**.
59. **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.

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60. **Privacy screen – Independent Living Unit No 13 and 14.** The vertical louvred privacy screen shall be provided for the window of bedroom 2 unit 13, and also the full length of the first floor balcony of Unit 14. Details shall be provided for approval with the **Construction Certificate**.
61. **Privacy screens and boundary fencing.** The privacy screens and boundary fencing shown on approved plan A-905 DA-03 shall be constructed in consultation with the owners of all immediately adjoining property. Full details of the type of privacy screens and fencing (including details of materials and type of construction as agreed with the adjoining property owners) shall be submitted for approval with the **Construction Certificate**.

Environmental Health Conditions

62. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.
- 62A. **Electromagnetic Radiation Assessment.** A report from a suitably qualified electromagnetic radiation consultant must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) demonstrating that the radiation levels, from the proposed electrical substation, will comply with the exposure limits recommended by the Australian Radiation and Protection and Nuclear Safety Agency (ARPANSA).

Engineering Conditions

63. **Waste and Service Vehicle Access.** The access to the on-site basement manoeuvring area including ramp grades, transitions and height clearance shall be designed to comply with 8.8m waste vehicle, as a minimum requirement. The waste vehicle length is 7.7m in transit. The height clearance required is 3.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 7.7m vehicle shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.
64. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.
The CTMP must:-
- i. Make provision for all construction materials to be stored on site, at all times.
 - ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.

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- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- v. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- vi. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- vii. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual – "Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities).
- viii. All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

65. **Public domain improvements** - The public domain is to be upgraded in both Jennifer Street and Clermont Avenue frontages of the development site. A public domain plan for the following works shall be submitted to, and approved by, Council's City Works & Infrastructure prior to the issue of the Stage 2 Construction Certificate.
- (a) Footpath paving as specified in the condition of consent for public infrastructure works.

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- (b) Street trees to be provided in consultation with Council's Open Space Planning and Development Team.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Jennifer Street and Clermont Avenue frontages.
- (d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category P3 along Jennifer Street and Clermont Ave frontages. The street lighting will remain on the Ausgrid street lighting network.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council's City Works & Infrastructure for approval prior to lodgement of the scheme with Ausgrid for their approval.

66. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the Stage 2 Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council's City Works and Infrastructure for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 *Part 8.2 - Stormwater Management, Part 8.3 Driveways and Part 8.5 Public Civil Works*.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed road works into the remaining street scape.

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.

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- (b) The re-construction of any damaged existing kerb and gutter where necessary along both the Jennifer Street and Clermont Avenue frontages.
- (c) The full reconstruction of the road pavement for a minimum width of 500mm from the lip of the gutter, where new kerb and gutter and vehicular crossings are installed.
- (d) Construction of concrete footpath 1.2 metre wide along the Jennifer Street and Clermont Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 Public Civil Works.
- (e) Re-construction of the existing concrete footpath (where required) in front of Nos 9 & 11 Clermont Avenue as part of the easy access pedestrian path from the new development to the bus stops in Quarry Road.
- (f) Construction of new 1.2 metre wide concrete footpath along the northern side of the access road from the existing footpath in Clermont Avenue to the carpark in Yamble Reserve, and construction of a connecting footpath from the carpark to the existing footpath in the Reserve. The connecting pathway works within Yamble Reserve are required to be a minimum of 2000mm width to match the existing pathway.

The footpath connection to the existing pathway shall take into account Councils intention to increase the accessible car parking spaces within the car park.

- (g) Planting is required to provide screening to the adjoining properties and shade to this new section of pathway through Yamble Reserve.
- (h) A formalised entrance to the reserve adjoining the pathway from Clermont Avenue. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.
- (i) Construction of kerb ramps where required, to enable continuity of access paths.

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- (j) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.
 - (k) Any other works required to make the construction effective.
67. **Driveway Access and boundary alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Stage 1 Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontages of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
68. **Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Stage 1 Construction Certificate.

69. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.

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70. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. 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 \$20,000 shall be lodged with the City of Ryde prior to the issue of the Stage 1 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. **The maintenance bond period does not commence until after the stage three**
71. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
72. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) Separate driveway crossovers must be provided fronting the entry to the portico and main basement garage ramp in lieu of the single, wide driveway crossover as depicted on the approved plans. This is to ensure that vehicles entering/ exiting the property to travel askew to the footpath area and that the pedestrian exposure time is reduced. In this respect, the crossovers must be separated by a minimum 2m. length of upright kerb, grass verge and concrete footpath so as to clearly designate this as a pedestrian refuge point.
- b) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle utilising the facility.

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- c) The parking space labelled “R1” adjoins a wall and therefore must provide a further 300mm clearance for access to the vehicle (min. space width is to be 2.7m).

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of the relevant Construction Certificate.

73. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage network generally in accordance with the plans approved under the condition of deferred consent.

Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council’s Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate and prepared by a chartered civil engineer to comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, 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 Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

74. **Energy Provider requirements for Substations.** Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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.

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75. 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.

76. 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.

77. 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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78. 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.

79. 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.

80. Work Zones and Permits. The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

81. Notice of Intention to Commence Work – Prior to commencement of the public domain works, a *Notice of Intention to Commence Work* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and copies of all Road Activity Permits issued for the works.

82. Pre-Construction Dilapidation Report. To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

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The report is to be submitted to, and approved by Council's City Works & Infrastructure Directorate, prior to any work commencing.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

83. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

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- e) Crane Airspace Permit - The applicant shall obtain a Crane over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
 - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
84. **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. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
85. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2014*. Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off-site. Reuse and recycling must be maximised.
86. **Noise Management Plan - Demolition, Excavation, & Construction.** A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

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The plan must include, but not be limited to the following:

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

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.

87. **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*.
88. **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.
89. **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.

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90. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
91. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
92. **Construction materials.** All materials associated with construction must be retained within the site.
93. **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.
94. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
95. **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".
96. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
97. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
98. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

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99. **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.
100. **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.
101. **Excavation in TPZ.** Any excavations required within the Tree Protection Zone (TPZ) are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >20 mm diameter). Further, in order to prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling under the supervision of the Project Arborist.
102. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Environmental Health Conditions

103. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
104. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
105. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
106. **Recyclable wastes** - All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
107. **Transport and management of asbestos wastes** - All asbestos wastes must be transported to a landfill facility licensed to receive asbestos waste in accordance with the requirements of the Protection of the Environmental Operations (Waste) Regulation 2014.

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Engineering Conditions

108. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
109. Construction inspections shall be required by Council's Senior Asset Engineer, Stormwater at the following hold points: -
- Prior to the set-out on site of the position of the drainage connection works to the existing Council's pit.
 - Upon installation of any pipe connection to the existing Council's pit and other associated drainage structures.
- An inspection fee shall be paid prior to the inspection.
110. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- a. Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b. Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c. Upon compaction of the applicable sub-base course.
- d. Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).

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- e. Upon installation of any formwork and reinforcement for footpath concrete works.
- f. Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

111. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
112. **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.
113. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Wood and Grieve Engineers Pty Ltd. (Refer to Project No. 28342-SYD Dwg C-201 Rev 01 dated 14 October 2015) 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.
114. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
115. **Complaints Register.** The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- a) The date and time of the complaint;
 - b) The means by which the complaint was made;
 - c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;

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- d) Nature of the complaints;
- e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

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.

116. **Occupation Restriction.** A restriction must be registered on the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting accommodation of the seniors housing development the following kinds of people:
- a) seniors or people who have a disability,
 - b) people who live within the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
117. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.
118. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

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119. **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 Fire and Rescue NSW.

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

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

120. **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 Occupation Certificate.

121. **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 any **Occupation Certificate**.

122. **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 any **Occupation Certificate**.

123. **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.

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124. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

125. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

126. **Compliance Certificate – External Landscaping Works** – Prior to the issue of Stage 2 Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Environmental Health Conditions

127. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies 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*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

Engineering Conditions

128. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council’s Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of Stage 2 Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

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129. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

The report is to be submitted to, and approved by Council's City Works and Infrastructure Directorate, prior to issue of the Final (Stage 3) Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Stage 3 Occupation Certificate.

All fees and charges associated with the review of the report will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

130. **Decommissioning of Ground Anchors** – Prior to the issue of the Stage 2 Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

131. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

132. **Compliance Certificate – External Works** – Prior to the issue of the Stage 2 Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

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133. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for the relevant 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.
134. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of the final Occupation Certificate.

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135. **Engineering Compliance Certificates.** 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. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any 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.
 - d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - e) 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 Council's DCP 2014 Part 8.1 (Construction Activities).
 - f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
136. **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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

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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.

137. **Offensive noise.** The use of the premises – including any plant or equipment such as the electricity substation – must not cause the emission of ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997*.
138. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
139. **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.
140. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
141. **Deliveries and Waste Collection - hours.** All deliveries and waste collection to the site shall be restricted to Monday to Friday only, and between the hours of 7am and 5pm. No deliveries or waste collection is to occur on weekends or public holidays.
142. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
143. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

Environmental Health Conditions

144. **Storage of hazardous substances** - The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.
145. **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.
146. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

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147. **Noise and vibration from plant or 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.
148. **Clinical wastes** - The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.
149. **Used sharps** - Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 *‘Non-reusable containers for the collection of sharp medical items used in health care areas’* or AS 4261-1994 *‘Reusable containers for the collection of sharp medical items used in health care areas’* and be securely sealed with a lid before disposal.
150. **Non-sharps clinical wastes** - Non-sharps clinical wastes must be placed in a dedicated waste container with a yellow plastic liner clearly labelled ‘contaminated waste’.
151. **Storage of clinical wastes** - All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
152. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
153. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
154. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
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Engineering Conditions

155. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation for the relevant stages as follows;

Stage 1

- 3 Staff parking spaces
- 3 Residential Care Facility spaces

Stage 2

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- At least 6 Independent Living Unit spaces

Stage 3 (Completion)

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- 14 Independent Living Unit spaces

156. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

157. **Ambulance Bay – Stage 1.** To ensure that clear and unimpeded access is maintained at all times to the designated ambulance bay of the Stage 1 parking area, the bay is to be clearly linemarked / demarcated with signage and linemarking indicating it is a “No Stopping– Ambulances only” or words to that effect. The linemarking and signage must be installed prior to the operation of Stage 1 of the facility.

PRIOR TO SUBDIVISION CERTIFICATE

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

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

158. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.

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ATTACHMENT 1

159. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
160. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
161. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.LDA2016/0051 must be in force.
162. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.
- Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
163. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
164. **Final Occupation Certificate.** The final occupation certificate associated with Development Consent DA2016/51 and any related S96 applications, must be issued for the entire development prior to the release of the Subdivision Certificate.
165. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.
166. **Title Details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land

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167. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
168. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.
169. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
170. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).
171. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
172. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, WSUD 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(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in Council's DCP 2014 Part 8.4 (Title Encumbrances) Section 7, and to the satisfaction of Council.

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ADVISORY NOTES

Health Inspection Services:

1. **Inspections and fees** - 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.

Dietary Recommendations

2. **Saturated and 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.

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ATTACHMENT 2

Mediation Meeting Notes	
6&10 Clermont Ave and 7-9 Jennifer St, Ryde - Demolition of existing buildings, tree removal and staged construction of Independent Living Units and Residential Aged care with basement parking.	
21 December 2016 – 4:00pm to 6:00pm	
Royal Meeting Room, Level 1, Binary Centre 3 Richardson Place, North Ryde.	
In attendance:	
<u>Council Officers:</u>	VG = Vince Galletto - Acting Manager – Assessment (Chair) CY = Chris Young - Senior Coordinator – Assessment MM = Myra Malek - Senior Coordinator – Admin & Reporting (notes)
<u>Applicant:</u>	SG = Steve Gordon – owner JB = James Brooks – Project Manager (listed applicant)
<u>Neighbours:</u>	TC & TC = Tony Catalano & Tina Catalano – owners of No. 4 Clermont Avenue, Ryde KP & LP = Kevin Page & Lyn Page – owners of No. 6 Jennifer Street, Ryde <u>Note:</u> Invitation also sent to Shane & Kate Bisset (4 Jennifer Ave), but they were unable to attend. (Written Submissions provided from Mr & Mrs Bisset and Mr & Mrs Cirene of 1 Clermont Ave and handed to Council officers at the meeting).
SUMMARY OF DISCUSSIONS:	
VG	Opened the meeting and introduced those attending from Council. Explained the “rules” to be followed in the meeting including providing opportunities for both parties to speak, to explain their point of view, mutual respect for each other’s position, and an expectation that all parties will work together to reach a solution.
VG	Began by asking each of the neighbours to introduce themselves and advise of their issues of concern.
TC & TC	Advised that they have been raising concerns about this development since 2014 as part of the previous DA (which was withdrawn). Those concerns were mainly related to privacy & driveway separation.

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ATTACHMENT 2

	<p>Issues of concern with the new (current) DA remain and now include (summarised):</p> <ul style="list-style-type: none"> • Substation: It is a health hazard due to potential electromagnetic field emissions; will be noisy & is too close to their property. • Position of driveways is too close to their driveway; the two-way driveway (to the basement) is dangerous & more separation is required with the circular driveway (near the entry portico). • Water meter: should not be on their side; it's an eye sore and vehicles servicing the water meter (including fire trucks) will block their driveway. • Unit 14 balcony: looks straight into their family room & bedrooms, also not clearly shown in relation to their property so they are unable to tell its exact position. They have a full length window to their family room making it more exposed. There are also privacy issues relating to other units in the development. • Smoke stacks: the air inlet from the basement carpark will project pollutants towards their property. • Waste Management: how will waste be collected from the development, concerns that waste will be placed on street in front of Catalano property. • Sandstone pillars at front of building & its historic significance – was under the impression that they would be retained. • Noise concerns from the community room.
<p>KP & LP</p>	<p>Mr Page raised concerns about the lack of contact since they raised their initial concerns in March. He also expressed disappointment that this mediation was only happening now so close to Christmas, even though the issues with the development have been ongoing since the previous DA in 2014.</p> <p>Mr Page's concerns are summarised below:</p> <ul style="list-style-type: none"> • Continuing to live in the street while the development is under construction • Stormwater Management: drainage easement goes through their property; request for issue to be addressed in writing. Also, OSD tank size – 2014 different to current proposal even though there is now more surface and roof area.

ITEM 5 (continued)

ATTACHMENT 2

	<p>CY and VG responded that Council's Senior Development Engineer reviewed the stormwater management & found it to be acceptable. It was noted that if the application is approved, an amended stormwater plan will be required as a condition of a deferred commencement.</p> <p>Concerns continued below:</p> <ul style="list-style-type: none"> • New neighbours have moved into street; have not been notified of the development • Noise Management Plan • Tree removal plan: too large scale and only 1 tree is being retained. Tree removal process will cause massive noise issues and traffic disruption due to machinery and trucks. • Staging plan <p>CY noted that a construction traffic management plan is required by condition 64 in the draft conditions.</p> <p>Concerns continued below:</p> <ul style="list-style-type: none"> • Traffic impacts – what options are available for traffic redistribution? • Parking for construction vehicles & workers after Stage 2 starts which will cause dangerous parking along corners. This is already a problem due to school & park in area – request that Council investigate this. • Telephone lines: located within footpath; level of service is already a problem, major concerns about service disruption during construction.
<p>JB & SG</p>	<p>JB stated that they will be considerate of the neighbours during construction. SG stated that the previous 2014 application was withdrawn; not because it wasn't compliant, but due to the neighbours' concerns. An additional property (No. 7 Jennifer) was purchased to enable a re-design to help address the neighbour's concerns.</p> <p>SG – wants this to be a premier development and a great place to live. The design will be award winning & will increase the value of neighbouring properties.</p> <p>They have no choice when it comes to the water & electricity substation; it's there due to Ausgrid requirement for the development to satisfy fire safety responsibility.</p>

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ATTACHMENT 2

JB	In relation to specific issues, JB provided the following comments and clarification:
Substation and water meter	<ul style="list-style-type: none"> • Substation has been moved as far as possible from the Catalano's property (now 11.5m from their dwelling). It will be contained and so no health hazards (eg electromagnetic emissions). It cannot be located elsewhere on the property due to Ausgrid requirements. • Clarification about the water meter which is only a water supply meter • Substation can be screened by landscaping but the fire hydrant cannot.
<u>Outcome</u>	<p>TC & TC not satisfied with provided details re substation location; disagreement on Ausgrid's requirements – TC & TC state that they have consulted with Ausgrid who have advised that it can be relocated.</p> <p>Issue not resolved – TC & TC not satisfied regarding the substation location.</p>
Driveway location	JB advised that the new driveway will be re-located to be away from the Catalano's driveway and now separated by 3.336m (existing driveways are not separated and are located immediately adjoining each other).
<u>Outcome</u>	TC & TC satisfied with issue of the driveway location.
Privacy issues from balcony	<ul style="list-style-type: none"> • Vertical louvres will be inserted onto balcony of unit 14 (nearest the Catalano's property) which will be angled to prevent looking into the Catalanos' property while still allowing views out. • Vertical louvres will also be placed to bedroom 2 of Unit 13. <p>VG advised that these requirements will be addressed via conditions.</p>
<u>Outcome</u>	TC & TC satisfied with privacy issues from these units.
Smokestack	JB noted that the ground floor plan refers to a "carpark intake" near Mr and Mrs Catalano's property. This is not a smoke exhaust, but an air intake for ventilation of the basement carpark. Air will enter the car park at this point, with fans within the carpark on the other side (near the vehicle entry point) to discharge air from the carpark. Air will not be blown out of the

ITEM 5 (continued)

ATTACHMENT 2

	<p>intake at this point.</p> <p>TC & TC raised concerns regarding noise from the fans. JB advised that these are enclosed within the basement carpark, and noise issues will not occur.</p> <p>VG advised that any on-going noise issues can be addressed via enforcement action under the POEO Act.</p>
<u>Outcome</u>	TC & TC satisfied that air intake will not result in exhaust fumes towards their property, but remained concerned about possible noise from the exhaust fans. These matters can be addressed via the draft conditions.
Waste disposal	JB advised that waste bins will be located within the basement. Waste collection vehicles will enter the basement to remove them – basement has been designed with enough clearance to accommodate all vehicles. This includes all trucks including, waste, deliveries etc.
<u>Outcome</u>	TC & TC satisfied with issue of waste collection.
Sandstone wall	Although it contains no formal heritage significance, the sandstone wall is historic and part of the original/existing development of the site, and is to be retained as much as possible. Pillars to be retained to formalise entrance as part of the new entrance arrangements.
<u>Outcome</u>	TC & TC satisfied with issues regarding the sandstone wall.
Overshadowing	JB advised that overshadowing complies with Council's standards, as noted in the report to Council for this DA. VG noted that the impact is mainly on the garage/workshop of the Catalano's property and impacts on this space are less significant than impacts on the living areas of the dwelling.
<u>Outcome</u>	TC & TC not satisfied with the issue of overshadowing of their garage/workshop. To be a matter for Council to determine when considering the DA.
Stormwater Design	JB advised that OSD has been designed to comply with Council's requirements and has been amended to suit the current development (different from the previous 2014 DA).
<u>Outcome:</u>	VG noted that additional detail required as per draft conditions (Deferred Commencement requirements).

ITEM 5 (continued)

ATTACHMENT 2

Telephone lines	JB advised that due diligence will be taken during construction; measures put in place to minimise issues during works. SG mentioned that they will be going as wireless as possible to minimise the need for the phone lines.
<u>Outcome</u>	VG and CY advised that protection of telephone services will be ensured via conditions of consent (relating to road opening permits issued by Council). Also, there are substantial fines (to the applicant/their builder etc) for significant disruption to telephone services during any construction activity.
Construction vehicle parking	<ul style="list-style-type: none"> • Concerns were raised from all residents that there are already parking issues in the area due to other developments, particularly the nearby park (Yamble Reserve) and the child care centre in the park. • JB advised that the aim is to park as many vehicles as possible on site during construction, and acknowledged that on-street parking will be a disturbance for the neighbours but only temporary during the construction phase of the development. • Construction will be staged; residents will be moved to the single storey building (off Jennifer Street) after Stage 1. A temporary car park will be constructed as part of stage 1. • Once Stage 1 concludes (excavation and basement construction), vehicles will be able to park in the new basement.
<u>Outcome</u>	VG: Measures will be put in place to address safety & traffic. The draft conditions include requirement for a construction traffic management plan.
TC:	Which driveway is to be used for ambulances?
JB:	Ambulance may use both driveways – the basement car park can be used for non-emergencies, and the circular driveway leading to the main entry/foyer would be used for emergencies.
Return to Substation issue	<p>TC & TC: remained unsatisfied regarding the Substation, and as the meeting was ending they raised this issue once again. In particular, if proof is provided (eg discussions from Ausgrid) that it can go elsewhere, will it be moved?</p> <p>JB & SG: Advised that they would also prefer not to have to provide a Substation at all, but it is an Ausgrid requirement. Advised that they are not prepared to completely relocate the</p>

ITEM 5 (continued)

ATTACHMENT 2

	<p>Substation, but they have moved it as far as possible from the Catalano's property (now 11.5m from their dwelling).</p>
	<p>Summary of Outcomes & Notes</p> <ul style="list-style-type: none"> • Neighbours affirm that they are happy for the development to proceed, recognising that the existing facility is out-dated, but remain concerned regarding certain aspects. In particular, the substation is an unresolved issue – the Catalanos are not satisfied of it's location, and the applicant advised that it has been moved as far as possible from the Catalano's property but will not be completely relocated. (This will be a matter for Council to determine when considering the DA). • Applicant can provide to the neighbours what Ausgrid have provided them – regarding details on size, dimensions, as well as landscaping. • Notes from the mediation meeting to be provided to the neighbours and the applicant. • Council officers will prepare a report back to the first available Planning & Environment Committee to enable further consideration and determination, with details of the mediation meeting discussions.
<p>VG:</p>	<p>Mediation meeting concluded at 6:00pm</p>

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3 6 AND 10 CLERMONT AVENUE AND 7, 8 AND 9 JENNIFER STREET, RYDE - LOT Y & X IN DP 418160 AND LOTS 7, 8 & 9 DP 28069. Development Application – Demolition including tree removal; staged construction of seniors housing development comprising a residential care facility and in-fill self-care housing over basement parking. LDA2016/0051.

Report prepared by: Creative Planning Solutions; Senior Coordinator -
Development Assessment

Report approved by: Acting Manager - Assessment; Acting Director - City Strategy
and Planning

File Number: GRP/09/5/6/2 - BP16/1343

1. Report Summary

Applicant: Engine Room Venture Management Pty Ltd

Owners: D. Gordon Pty Ltd, D. Gordon Pty Ltd as Trustee of Clermont
Trust, Clermont Aged Care Pty Ltd.

Date lodged: 9 February 2016

This report considers a development application (DA) for demolition of all existing structures, tree removal, and construction of a staged seniors housing development comprising of a residential care facility, and also in-fill self-care housing (“independent living units”) over a basement car park. The proposed residential care facility development is to replace an existing residential care facility on the subject site which is of comparable size, but has reached the end of its economic life. The independent living units will be an addition to the seniors housing development and will be located to the west of the existing residential care facility.

Details of the staging are as follows:

- **Stage 1** – Demolition of the existing dwellings at 7, 8, and 9 Jennifer Street and 6 Clermont Avenue, and associated tree removal, construction of a single storey independent living units building with temporary fit-out as a residential care facility containing 23 beds; construction of a temporary car park off Jennifer Street for 6 vehicles for use in conjunction with the temporary residential care facility; construction of on-site detention (OSD) tank and related stormwater infrastructure; and associated landscaping.

ITEM 5 (continued)

ATTACHMENT 3

- **Stage 2** – Demolition of the existing residential care facility onsite and ancillary buildings at 10 Clermont Avenue and associated vegetation removal; site excavation to provide for one basement car parking level containing 29 car spaces and a loading bay; construction of a two-storey residential care facility containing 56 beds; construction of a two-storey residential care facility building containing 8 units; and associated landscaping.
- **Stage 3** – Conversion of the temporary residential care facility into 7 independent living units; amalgamation of the 5 existing allotments into one lot; and associated landscaping.

When complete, the development will contain a total of 56 beds (in the two-storey residential care facility building at the north/eastern side of the site), and a total of 15 independent living units (8 units in a two-storey building near the centre of the site, and 7 units in a single storey building at the south/western side of the site).

The subject DA was notified to adjoining property owners between 19 February 2016 and 16 March 2016 in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP2014). In addition, the proposal was advertised in the Northern District Times on 16 February 2016. In response, seven (7) submissions were received from surrounding properties.

The submissions objected to the proposal principally on the following grounds:

- Parking and Traffic;
- Overshadowing;
- Noise;
- Visual Privacy;
- Bulk, and Scale;
- Response to Topography;
- Safety and Amenity;
- Stormwater;
- Heritage;
- Fencing;
- Vegetation Removal;
- Telephone and Power Lines; and
- Construction Time

ITEM 5 (continued)

ATTACHMENT 3

The proposal has been assessed against the heads of consideration of Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP), and where relevant the provisions of *Ryde Local Environmental Plan 2014* (LEP2014), and DCP2014. The areas of non-compliance relate to the following (summarised, refer to body of the report for more detailed assessment):

- Clause 26 Seniors SEPP – ‘Location and access to facilities’ (addressed via conditions requiring upgrade works within Yamble Reserve to ensure provision of a “suitable access pathway”);
- Clause 40(4)(b) Seniors SEPP – ‘Height in zones where residential flat buildings are not permitted (non-compliance, supported);
- Section 3.5 of Part 3.4 of DCP2014 – Front/Secondary Setbacks (non-compliance, assessed on merit).

Despite the non-compliances outlined above and the issues of concern raised in submissions, on balance the proposal is generally satisfactory for approval as discussed in the body of the report and attached compliance checklists.

The proposal will replace an existing residential care facility that has reached the end of its economic life and which no longer provides the level of services and facilities expected of a modern residential aged care facility, in particular the development once completed will provide for both independent living units and residential care beds, including residents with dementia.

The proposal will also include a range of seniors housing accommodation to provide for ageing-in-place and therefore offer existing and future residents a range of accommodation and services that they do not currently enjoy.

Council’s Senior Co-ordinator – Cultural and Social Planning has provided a general comment in relation to this development proposal, regarding the current and likely future need for housing for older people. In this regard, Ryde has an ageing population consistent with the population across Sydney and Australia, and the existing strong demand for aged housing is likely to increase. The proposed development will assist to offer alternate housing choices such as retirement village living and age care facilities, and will therefore help meet the housing needs for this ageing population.

It is therefore considered the proposal is in the public interest. Accordingly the DA is recommended for approval subject to conditions. This includes deferred commencement conditions in relation to stormwater engineering matters.

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ATTACHMENT 3

Reason for Referral to Planning and Environment Committee: Requested by Councillor Pendleton, number of submissions received (7) and the nature of the proposed development.

Public Submissions: Seven (7) submissions were received from surrounding properties.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? Yes – ‘Height in zones where residential flat buildings are not permitted’ Clause 40(4)(b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Value of works \$16,064,616

RECOMMENDATION:

- (a) That Local Development Application No. LDA2016/0051 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Street, Ryde be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Compliance Table - Seniors SEPP
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Senior Coordinator - Development Assessment**

Report Approved By:

**Vince Galletto
Acting Manager - Assessment**

**Liz Coad
Acting Director - City Strategy and Planning**

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2. Site (Refer to attached map overleaf)

Address : 6 and 10 Clermont Avenue and 7-9 Jennifer Street, Ryde
LOTS X & Y in DP 418160 and LOTS 7, 8 & 9 in DP 28069

Site Area : 4,913m²
Southern frontage to Clermont Avenue of 67m
Eastern frontage to Clermont Avenue of 40m
Northern frontage to Jennifer Street of 108m
South-western side/rear boundary of 83m to adjoining property at 4 Clermont Avenue and 9 Eulo Parade
North-western side/rear boundary of 64m to adjoining property at 6 Jennifer Street and properties fronting North Road

Note: All areas and dimensions taken from survey and online aerial mapping measurement tools.

Topography and Vegetation : The subject site has a modest fall of approximately 3.3m from Clermont Avenue in the east to the common boundary with those properties fronting North Road in the west. It is noted the gradient in the western portion of the site steepens somewhat. The 3.3m fall occurs over a distance of 120m for an average gradient of 1:36. Forty-seven (47) trees have been identified on the subject site, ranging from trees with high significance to non-significant trees that are exempt from the City of Ryde's Tree Preservation Order.

Existing Buildings : A two-storey residential care facility containing 55 beds is currently located at 6 and 10 Clermont Avenue. Vehicular access to this existing facility is via a driveway from Clermont Avenue. Parking for twelve (12) vehicles, an ambulance and the facility's mini-bus is also located on this land.

Each of the allotments at 7, 8 and 9 Jennifer Street currently contain a single storey dwelling house of brick or weatherboard construction with tiled roofs.

**Planning Controls/
Zoning** : • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

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ATTACHMENT 3

- Ryde Local Environmental Plan 2014:
 - *Zone: R2 – Low Density Residential*

Other

- :
- Ryde Development Control Plan 2014
 - Seniors Living Policy (Urban Design Guidelines for Infill Development)



Aerial Image of subject site and immediate surrounds.

Source: www.six.nsw.gov.au – edited by CPS

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ATTACHMENT 3



Image captured from Clermont Avenue looking north at the southern boundary of 6 & 10 Clermont Avenue where the existing residential care facility is located on the site. *Source: www.google.com.au*



Image captured from Jennifer Street looking at towards the end of the cul-de-sac. Noted in the left of frame is the northern boundary of 6 & 10 Clermont Avenue where the existing residential care facility is located, and to the right of frame is the single dwelling houses at 7, 8, and 9 Jennifer Street which also form part of the subject site to be redeveloped under LDA2016/0051. *Source: www.google.com.au*

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ATTACHMENT 3

3. Councillor Representations

Name of Councillor: Councillor Pendleton

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

Date: 16 February 2016

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

On behalf of applicant or objectors? Unknown

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

4. Political Donations or Gifts

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

5. Proposal

The proposal seeks demolition of all existing structures, tree removal, and then construction of a staged seniors housing development comprising of a residential care facility, and also independent living units over a basement car park.

It is important to note that the site currently includes an existing residential care facility of comparable size to that which is to be reconstructed. The applicant has advised the existing development has reached the end of its economic life and is incapable of offering expected levels of service for such a facility.

The details of each stage within the construction process is outlined below:

Stage 1

- ***Demolition and Site Preparation*** - Demolition of the existing dwellings at 7, 8 and 9 Jennifer Street and 6 Clermont Avenue, and associated tree removal, with the exception of the large Lemon Scented Gum tree that is to be retained, near the Jennifer Street cul-de-sac frontage.

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- Temporary Residential Care Facility - In order to minimise the disturbance to existing residents at the current residential care facility on the site, the applicant proposes to construct the one-storey independent living units building and temporarily fit this out as a 23-bed residential care facility. This building will be converted to independent living units at Stage 3 when the new two-storey residential care facility building is completed.
- Vehicular Access, Car Parking and Loading - Construction of a temporary car park off Jennifer Street for 6 vehicles for use in conjunction with the temporary residential care facility.
- Stormwater - Construction of an on-site detention (OSD) tank and related stormwater infrastructure; and
- Landscaping - Limited landscaping associated with the temporary residential care facility to be provided.

Stage 2

- Demolition and Excavation - Demolition of the existing residential care facility and ancillary buildings at 10 Clermont Avenue and associated vegetation removal to provide for the one basement car parking level containing 29 car parking spaces and a loading bay.
- New Residential Care Facility - Construction of the new two-storey residential care facility, generally in the same location as the existing residential care facility on the site. The new building will generally extend along the north-eastern frontage to Clermont Avenue and the frontage to Jennifer Street. The main pedestrian and vehicular access will be from the Clermont Avenue frontage where near the existing residential care facility access point. This vehicular access area will comprise of a large landscaped entry courtyard and a porte cochère for ambulance access and drop-off.

The ground floor of the residential care facility contains an entry foyer with administration offices and a small adjoining café. Two 'wings' of the building at this level will contain 18 and 12 beds (30 total) respectively and north-facing, central dining/lounge and staff areas will be provided.

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ATTACHMENT 3

The first floor level of the residential care facility will contain 14 and 12 beds (26 total) in each wing respectively, also with north-facing, central dining/lounge and staff areas.

- *New Self-Contained Housing* - Construction of a two-storey independent living units over the basement which will contain a total of eight (8) dwellings. This includes 5 x one-bedroom dwellings and 3 x two-bedroom dwellings with pedestrian access via Jennifer Street. These independent living units will have direct access to the basement car parking via a lift and stairway.
- *Vehicular Access, Car Parking and Loading* - All vehicular access to the site is proposed via the existing access point off Clermont Avenue which will be augmented to accommodate ambulance parking bay and drop-off area. All car parking and loading is proposed to be contained within the single level basement carpark which will contain 29 car parking spaces (including 14 accessible parking spaces), a loading bay and a mini-bus bay.
- *Stormwater* - Stormwater infrastructure for Stage 2 is to be connected to the OSD that was constructed in Stage 1.
- *Landscaping* – Landscaping associated with the works for Stage 2 is proposed to be carried out.

Stage 3

- *Self-Contained Housing* - Conversion of the temporary residential care facility into 7 independent living units, comprising 5 x 1-bedroom and 2 x 2-bedroom dwellings. Pedestrian access to this building will be off Jennifer Street, while access to the basement car park is to be via a walkway joining the independent living units to the lift and stairway;
- The temporary landscaping associated with the previous stages is to be replaced with the landscaping detailed on the submitted landscape plan.
- Amalgamation of the five existing allotments into a single parcel of land to formalise the new site.

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ATTACHMENT 3

Operational Details

The proposed residential care facility will employ up to 80 full and part time staff. The maximum number of staff on the site at any one time will be 18. At the busiest time of the day this will be the Director of Nursing, the Deputy Director of Nursing, Cook, Kitchenhand, Laundry hand, Registered Nurse on 1st Floor, Registered Nurse on Ground Floor, two (2) Activities Officers, seven (7) Assistants in Nursing, a Gardener, and a Receptionist.

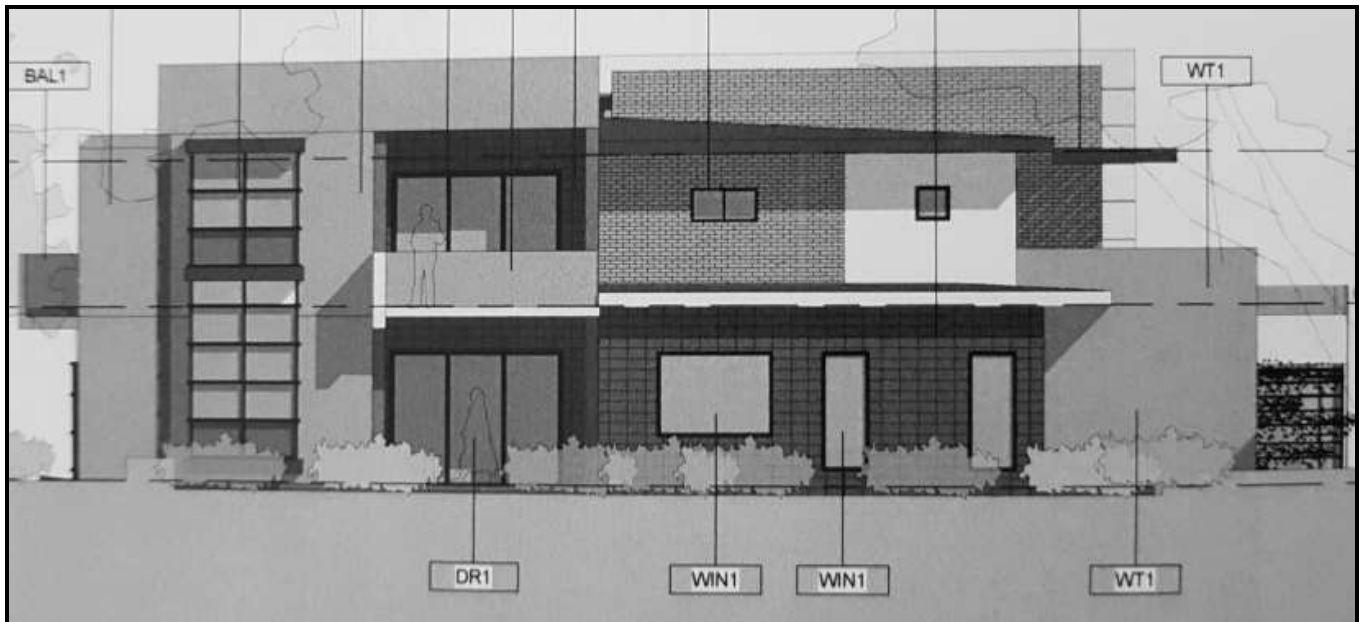
The proposed residential care facility is to operate 24 hours, 7 days a week.

The applicant proposed that delivery and service vehicles will access the development at basement level. A dedicated service parking bay is to be provided at the service lobby providing access within the basement for deliveries up to 8.8m rigid vehicles. An additional maintenance bay and bus bay are provided in the basement.

Ambulance access is to be provided so that transfers can be affected directly to the Lift Lobby on the eastern side of the basement level.

Deliveries to the site along with waste collection are proposed to be restricted between the hours of 7am to 5pm, 5 days a week.

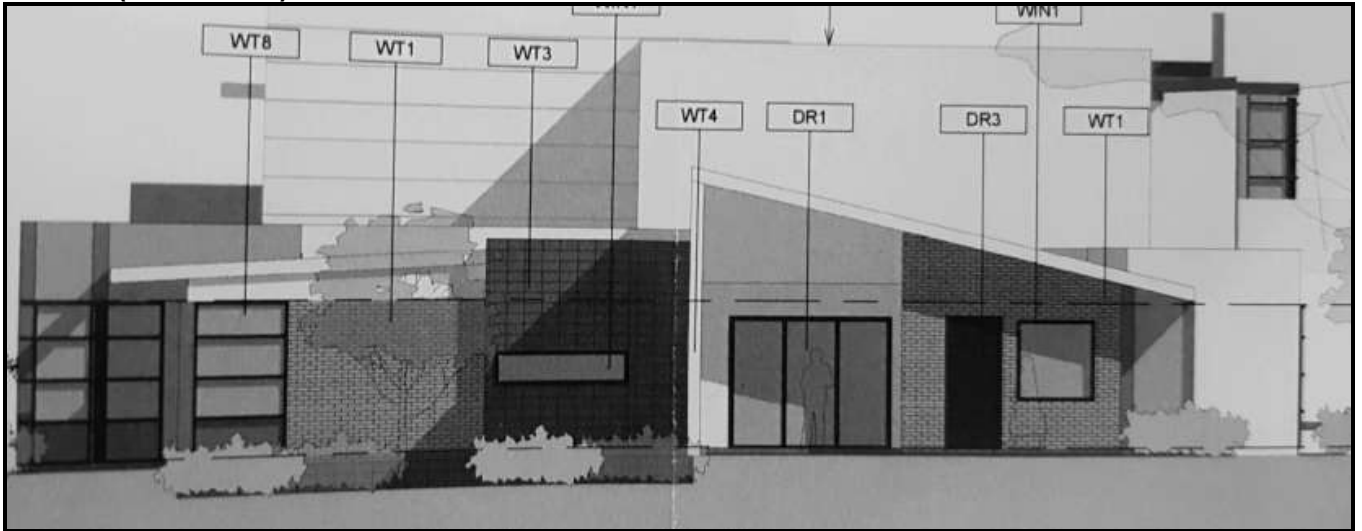
A dedicated bin and waste storage area is located adjacent to the Lobby area on the northern side of the basement level. Bins are to be collected by the current contractors servicing the existing residential care facility.



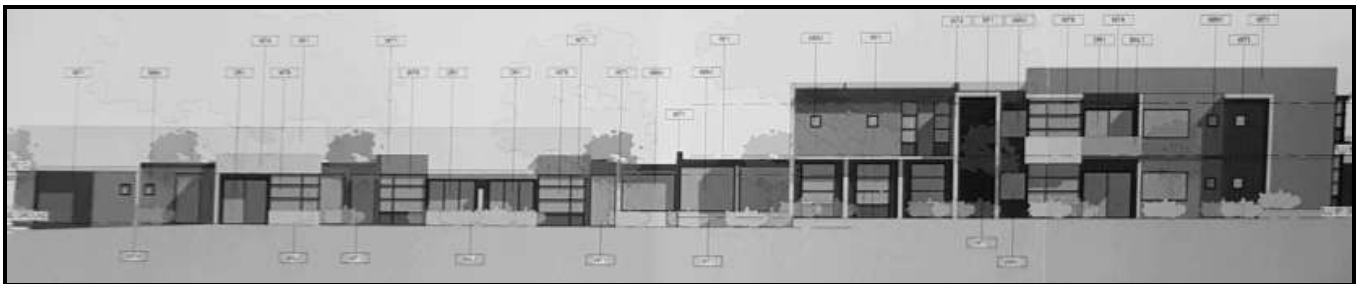
**Eastern elevation of the two-storey independent living units building nearer the residential care facility.
Source: Applicant's submitted plans.**

ITEM 5 (continued)

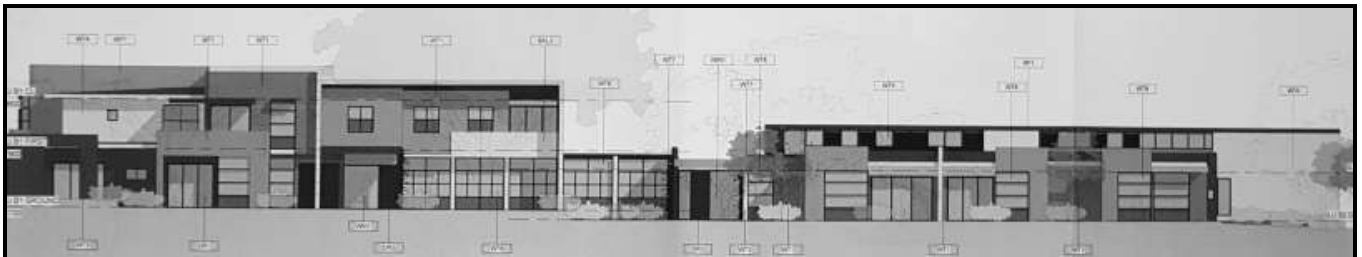
ATTACHMENT 3



Western elevation of the single-storey independent living units building nearer the rear boundary of the site adjacent to the dwellings that front North Road.
Source: Applicant's submitted plans.



Southern elevation of the entire independent living units building. Noted to the right of frame is the two-storey component nearer the front of the site, and to the left of frame the single storey component of the building nearer the boundary of the dwellings that front North Road.
Source: Applicant's submitted plans.



Northern elevation of the entire independent living units building. Noted to the left of frame is the two-storey component nearer the front of the site, and to the right of frame the single storey component of the building nearer the boundary of the dwellings that front North Road.
Source: Applicant's submitted plans.

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Northern elevation of the residential care facility building as it presents to the Clermont Street and Jennifer Street intersection
Source: Applicant's submitted plans.



Western elevation of the residential care facility building as it presents to the cul-de-sac of Jennifer Street.
Source: Applicant's submitted plans.



South-western elevation of the residential care facility building as it presents internally within the site.
Source: Applicant's submitted plans.



Southern elevation of the residential care facility building as it presents internally within the site and to the southern boundary beyond with Clermont Avenue.
Source: Applicant's submitted plans.

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6. Background

The following provides a brief overview of the background relating to the proposed development on the subject site:

Previous DA – LDA2014/82

- In 2014, a previous applicant (Milestone Australia Pty Ltd) lodged a DA with Council for a seniors housing development at 6 and 10 Clermont Avenue and 8 and 9 Jennifer Street, Ryde consisting of a 55 beds residential care facility at ground floor level, 17 assisted living units at first floor level and a basement car park level containing car parking and ancillary support facilities.
- The DA was ultimately withdrawn based on numerous non-compliances with the relevant planning controls under the Seniors SEPP, and amenity impacts the proposal imposed on adjoining properties due to its partial three-storey height.

Generally, it is considered that the previous development proposal was unsatisfactory for a number of reasons and could not be supported by Council officers, however the current proposal is a significant improvement in terms of design, and (as discussed in more detail throughout this report) and is able to be supported and recommended for approval, subject to conditions.

In particular, the following is a brief comparison table of the two development proposals, showing the situation regarding compliance with the key planning controls (in the Seniors SEPP).

Seniors SEPP control	Existing Development	Previous Proposal LDA2014/82	Current Proposal LDA2016/51
Proposed Number of Units:	Existing Residential Care Facility has 55 beds – on <u>1 site</u> being No 10 Clermont Ave.	Residential Care Facility with 55 Beds and 17 independent living units – over <u>4 sites</u> being 6 Clermont, 10 Clermont, 8 Jennifer and 9 Jennifer	Residential Care Facility with 56 beds and 15 independent living units – over <u>5 sites</u> being 6 Clermont, 10 Clermont, 7 Jennifer, 8 Jennifer and 9 Jennifer
Height (in metres)	Existing residential care facility at No 10 Clermont = 9.74m (E side) 8.42m (W side).	13.227m (at highest point) Non-compliance	7.3m (at highest point) Complies.

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Seniors SEPP control	Existing Development	Previous Proposal LDA2014/82	Current Proposal LDA2016/51
	Dwellings at: 6 Clermont = 4.83m; 7 Jennifer = 4.75m; 8 Jennifer = 6.14m; 9 Jennifer = 5.52m		
Number of Storeys	Residential care facility at 10 Clermont Ave is 2 storeys. Detached dwellings (to be demolished) on 6 Clermont, and 7, 8, and 9 Jennifer are all single storey	3 storeys (in part) Non-compliance	3 storeys (in part) Non-compliance (see discussion throughout report)
Floor Space Ratio	Existing residential care facility approx. 0.35:1. FSR of detached dwellings all approx. 0.3:1	1:1 (in one building) Complies	1:1 for residential care facility. 0.5:1 for self-contained dwellings. Complies
Landscaped Area	Existing residential care facility approx. 250m ² (not including driveways, paths and other paved areas)	Residential Care Facility – required 1375m ² / provided 915.84m ² . Self-contained dwellings – required 1196.83m ² / provided 915.84m ² . Non-compliance	Total Landscaped area – 2228m ² required / 2231m ² provided Complies.
Car Parking	Existing residential care facility has some 12 formal parking spaces and 4-5 informal spaces throughout the site.	30 car spaces required / 29 provided. Non-compliance	25 car spaces required / 29 provided. Complies.

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Seniors SEPP control	Existing Development	Previous Proposal LDA2014/82	Current Proposal LDA2016/51
	All detached dwellings have 1 formal car space (garage or carport) within each site		

Subject DA – LDA2016/51

- Throughout 2015, numerous meetings were subsequently held between Council and the applicant to discuss a new alternate design for redevelopment of the subject site that now also includes 7 Jennifer Street.
- On 9 February 2016 the subject DA was lodged with Council. As noted above, the subject site for this DA now also includes No 7 Jennifer Street.
- The application was notified to adjoining property owners from 19 February to 16 March 2016. In addition, the proposal was advertised in the Northern District Times on 16 February 2016. In response, seven (7) submissions were received from surrounding properties.
- On 29 April 2016 the applicant was provided with a list of issues associated with the development following Council’s preliminary assessment, and the closure of the notification period. These issues covering construction of a suitable access pathway to the Quarry Road bus stops (required to ensure compliance with the “Location and Access to Facilities” requirements in the Seniors SEPP), building height, solar access (compliance with requirements internal solar access within the development), private open space, visual privacy and inconsistencies/details on the plans were to form a request for additional information from the applicant.
- On 17 May 2016 a meeting was held with the applicant to discuss the issues raised in Council’s correspondence of 29 April 2016. In this meeting, the issues outlined in Council’s request for additional information were clarified, and it was resolved the applicant would submit additional information to address the issues raised.
- On 14 June 2016 the applicant submitted a response to Council’s additional information request, and also a response to some of the issues raised by objectors.

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- On 27 July 2016, a further additional information request was issued to the applicant based on the applicant's additional information submitted in June 2016, and also feedback from Council's technical officers in their referral responses. This included issues in relation to the construction of a suitable access pathway within Yamble Reserve to the Quarry Road bus stops, waste management, traffic, and solar access to independent living units. A further meeting with the applicant was held 10 August 2016 to discuss the information required to clarify the extent type of works to be undertaken within Yamble Reserve.
- On 22 August 2016, the applicant provided Council with a response to the additional information request issued by Council on 27 July 2016.

The additional information/detail related to the provision of safe pedestrian access through Yamble Reserve, and also details of fencing and privacy screening at/near the side and rear boundaries (adjoining the sites at No 4 Clermont Ave; No 29, 31 and 33 North Road; and No 6 Jennifer Ave). The nature of this additional information did not warrant formal re-notification to all neighbours – however the detail of the fencing and privacy screening has been discussed directly with the individual property owners affected. Details of such discussions are included in the Submissions Section of this report (below).

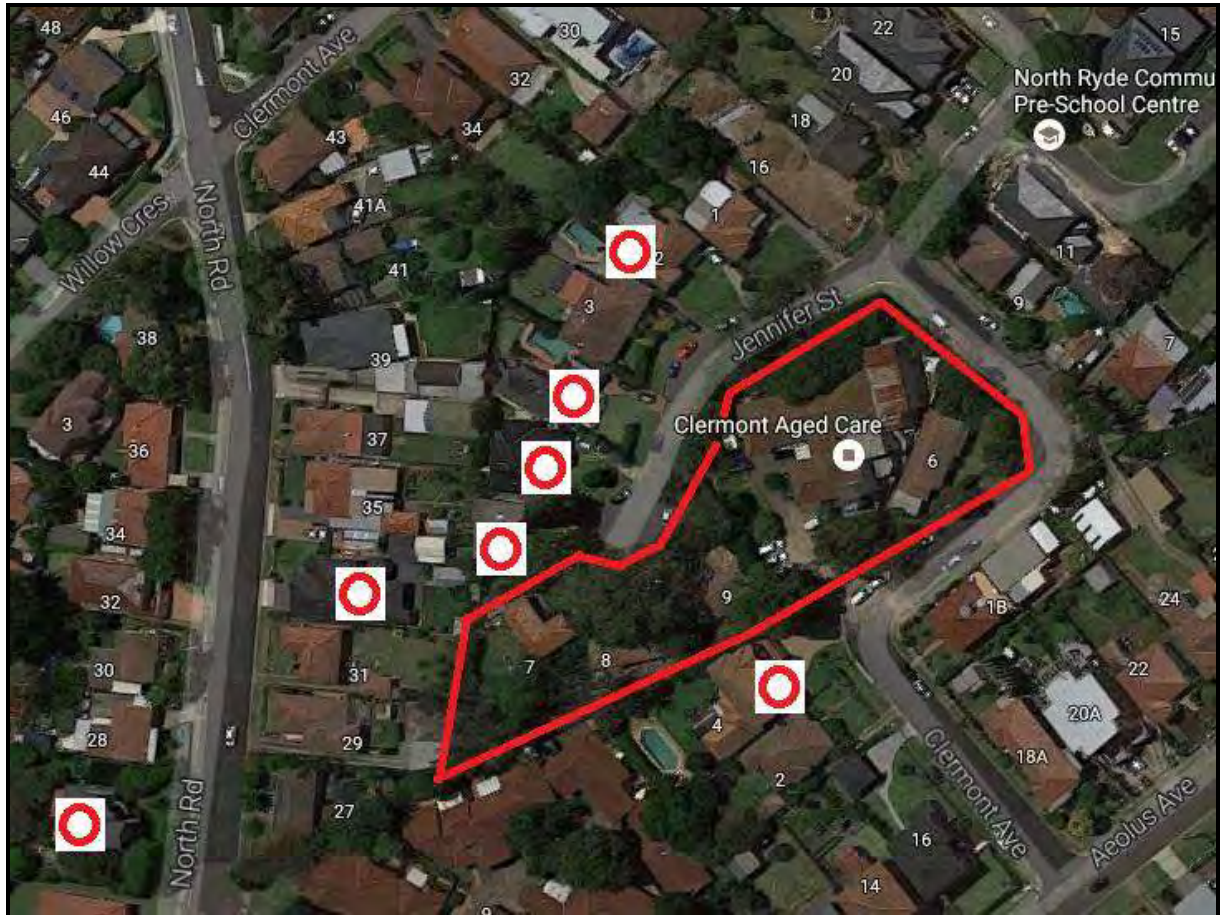
7. Submissions

The application was notified to adjoining property owners between 19 February 2016 to 16 March 2016 in accordance with the provisions of the DCP2014, – Part 2.1, Notification of Development Applications. In addition, the proposal was advertised in the Northern District Times on 16 February 2016.

In response, seven (7) submissions were received from surrounding properties, as shown on the aerial photograph below.

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Aerial image of the subject site and surrounds indicating those properties which have made a submission objecting to the proposed development. The subject site is highlighted in red.

Source: Applicant's submitted plans.

A – Parking and Traffic – Objectors have raised concerns that the proposed development will result in on-street parking being minimised, in particular Jennifer Street. Construction related traffic and parking issues have also been raised by objectors, in particular relating to the following:

- the number of trucks coming through Jennifer Street during the construction of the proposed development.
- provisions for off-street parking for work trucks and construction equipment.
- possibilities of obstruction to and from nearby residential properties during the construction of the proposed development; and
- that approved construction hours should be reduced to minimise the effect of peak hour traffic.

ITEM 5 (continued)

ATTACHMENT 3

Assessing Officer Comments:

Clause 48 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) prescribes that a consent authority (Council) must not refuse consent to a DA under the Seniors SEPP for the purpose of a residential care facility on the grounds of parking for residents and visitors if at least 1 parking space is provided per 10 beds (or 1 per 15 dementia beds) plus 1 space per 2 employees, plus 1 ambulance space.

Clause 50 of the Seniors SEPP prescribes that consent must not be refused for self-contained dwellings on the grounds of parking if at least 0.5 car spaces is provided for each bedroom.

For the residential care facility component of the development, the proposal seeks consent for 12 dementia beds, 44 other beds, 18 employees on site at any one time.

Given this and the rates outlined above, the parking requirement for the residential care facility would be 15 car parking spaces, and 1 ambulance parking space.

For the independent living units component of the development, there will be 10 single bedroom dwellings and 5 two-bedroom dwellings. This equates to a total of 20 bedrooms, and therefore a parking requirement of 10 spaces.

The overall parking requirement to achieve compliance with the provisions of the Seniors SEPP is therefore 25 spaces.

The proposal provides for 15 car parking spaces and 1 ambulance space associated with the residential care facility component, and provides 14 car parking spaces for the independent living units component, for a total of 29 car spaces. Accordingly, the proposal achieves the minimum requirements of the Seniors SEPP for parking, and therefore, the proposal cannot be refused on the basis of parking.

It is important to note that the provisions of Part 9.3 of Ryde DCP 2014 stipulate that parking for seniors housing must be provided in accordance with the Seniors SEPP. In this regard, compliance with the Seniors SEPP means compliance is also achieved with Council's DCP2014.

As part of the assessment of traffic and parking matters for the subject DA, the proposal was referred to Council's Senior Development Engineer for comment, as discussed in the Referrals Section later in this report.

ITEM 5 (continued)

ATTACHMENT 3

The Senior Development Engineer's comments make an assessment in terms of the parking requirements and traffic impacts of the proposed development. Further, given that larger development sites can have an impact on local traffic and parking arrangements, Council's Senior Development Engineer has recommended conditions to ensure any such impacts are minimised, which include conditions regarding:

- restoration of any disturbed road/footway areas;
- road activity permits (as required under the Roads Act 1993);
- traffic management during construction (to ensure the safety of pedestrians and traffic at all times when work is being undertaken, eg provisions of footpaths, security fences, parking of construction vehicles, construction parking zones, as well as preventing damage of services in the public road)
- truck shaker grid.

In terms of traffic impacts, as part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer within the City Works and Infrastructure Team. The response from the Traffic Engineer is provided below:

The traffic report prepared by Traffix dated December 2015 and subsequent responses have been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 56 beds and 15 Independent Living Units) is expected to be around 15 to 20 vehicle trips per peak hour. The existing facilities would generate about 15 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to be less than 5 additional vehicle trips per hour, which is considered negligible on the road network.

Refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision. It is noted that proposed car parking provision is considered satisfactory for all stages of the development.

Refer to Public Domain conditions for footpath requirements within the Yamble Reserve.

Given the above, the objector's concerns in relation to traffic and parking have been satisfactorily addressed through provision of compliant parking arrangements, and through the imposition of conditions of consent. The proposal would have a negligible increase in traffic compared to the existing development.

B – Overshadowing. *Concerns raised by the objectors at 4 Clermont Avenue in regards to the proposed development overshadowing the front and rear of their property.*

ITEM 5 (continued)

ATTACHMENT 3

Assessing Officer Comments: There are no controls for overshadowing of neighbouring properties under the Seniors SEPP. Under the provisions of DCP2014 (Part 3.3 Dwelling Houses and Dual Occupancy (Attached)), the following controls apply to overshadowing of neighbouring properties, and can therefore be used as a guide to making consideration of the concerns raised by the neighbour in terms of overshadowing:

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

The dwelling house at 4 Clermont Avenue is located south of the subject site. As evidenced in the extracts of the shadow diagrams below, at least 50% of the principal area of ground level private open space of 4 Clermont Avenue will receive at least two hours solar access between 9am and 3pm in mid-winter.

The shadow diagrams demonstrate that the shadows cast by the proposed development will largely impact only on the side setback area for 4 Clermont Avenue, and to a lesser extent the front setback area later in the afternoon.

Also evidenced in the shadow diagrams below is some overshadowing occurring to the northern elevation of the two-storey component of the dwelling house at 4 Clermont Avenue. The site inspection revealed the only windows on this elevation of the building are garage windows. Given the DCP2014 control only relates to north-facing living area windows, compliance with the development control is achieved.

As such the proposal is deemed satisfactory from an overshadowing perspective, given the ability to achieve compliance with the solar access development controls under DCP2014.

ITEM 5 (continued)

ATTACHMENT 3



Shadow Diagram at 9am at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely unchanged as a result of the proposed development, with the majority of overshadowing within the year yard generated from the dwelling house itself at 4 Clermont Avenue.

Source: Applicant's submitted plans.

ITEM 5 (continued)

ATTACHMENT 3



Shadow Diagram at 12pm at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely retained.

Source: Applicant's submitted plans.



Shadow Diagram at 12pm at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely retained.

Source: Applicant's submitted plans.

ITEM 5 (continued)

ATTACHMENT 3

C - Noise. *Objectors have raised concern over operational noise associated with the proposed development, in particular operational noise from plant and equipment, and also noise associated with construction of the development.*

Assessing Officer Comments: Submitted with the DA is a Noise Impact Assessment which has been prepared by Inhabit Australasia Pty Ltd.

This report has undertaken an assessment of the existing environment for the site, and then reviewed the proposal with regard to its likely noise impacts, in particular noise emitted from mechanical plant and equipment during operation of the senior's housing development.

Section 4 of this report makes a number of recommendations in order to mitigate noise emission from the site, and ensure the proposal achieves compliance with the noise assessment criteria established from the Office of Environment and Heritage's Industrial Noise Policy (INP), and relevant Australian Standards.

The recommendations include acoustic treatments to those mechanical plant and equipment items within the development that have been assessed as exceeding the noise objective. For example, treatments are recommended to the kitchen exhaust fan, kitchen makeup fan, air conditioning condensers in the basement, and the carpark supply fans. No treatments have been recommended in relation to the air-conditioning condensers adjacent to the independent living units due these elements being assessed as compliant.

It is intended that the acoustic report form part of the conditions of consent, and as such, the applicant will be bound to comply with the recommendations contained within the report.

Further to this, the following conditions have been recommended to ensure general compliance with the relevant legislation relating to noise control. Additionally, a condition has been recommended for a noise validation report (refer Condition 38) to ensure the recommended acoustic mitigation measures put forward by the applicant's acoustic engineer meet the relevant noise objectives, and ensure amenity is maintained to adjoining sensitive receivers.

Noise and vibration from plant or 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.*

ITEM 5 (continued)

ATTACHMENT 3

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.*

Noise – Validation Report. *A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the completion and operation of the residential care facility and occupation of the self-contained dwellings, and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's development consent.*

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

As part of the assessment of the subject DA, the proposal and the subject acoustic report were also referred to Council's Environmental Health Officers (EHO) for comment. In response, EHO have indicated that the proposal is supportable, subject to conditions of consent. These conditions of consent include measures to ensure noise emitted from the proposal is within acceptable limits, despite the recommendations of the acoustic report. Refer to the EHO referral response later in this report for further details.

D – Visual Privacy. *The resident at 4 Clermont Avenue has raised overlooking concerns from windows and balconies on the southern elevation of the independent living units dwellings. Concerns have been raised regarding privacy and noise impacts from the community room (and its terrace) for potential overlooking of the rear yard areas of No 4 Clermont Ave.*

Concerns have also been raised by objectors regarding the proposed trees being cut down resulting in a loss of visual privacy.

Concerns have been raised by the objectors at 33 North Road Ryde, regarding the proposed developments raised grass area resulting in a loss of visual privacy to the rear of their private open space.

Assessing Officer Comments: Council's preliminary assessment of the subject DA identified potential overlooking of adjoining property as a concern which had not adequately been addressed in the design of the independent living units. As such, additional information was requested from the applicant to address visual privacy impacts to neighbours by reducing opportunities for overlooking.

ITEM 5 (continued)

ATTACHMENT 3

Of particular concern was overlooking to 4 Clermont Avenue, properties fronting North Road (29, 31 and 33 North Road) and 9-19 Eulo Parade.

Submissions were received from the adjoining property owners at No 4 Clermont Ave, No 33 North Road, and No 6 Jennifer Street, including concerns regarding potential privacy impacts. The following section outlines the relationship of the development to each of those adjoining properties, as well as the details of measures proposed by the applicant to ameliorate any privacy impacts.

4 Clermont Avenue (adjoining to the south)

No 4 Clermont Ave immediately adjoins the subject site to the south, and contains a 2-storey dwelling. Concerns have been raised by the owner of this property in terms of privacy impacts.

The development proposes to locate one of the 2-storey buildings containing independent living units immediately adjacent to the dwelling on No 4 Clermont. Therefore, privacy impacts could result on No 4 Clermont, both to the dwelling itself and also to its rear yard area. This relationship is shown in the following drawing – of the first floor level of the development in relation to No 4 Clermont.

ITEM 5 (continued)

ATTACHMENT 3



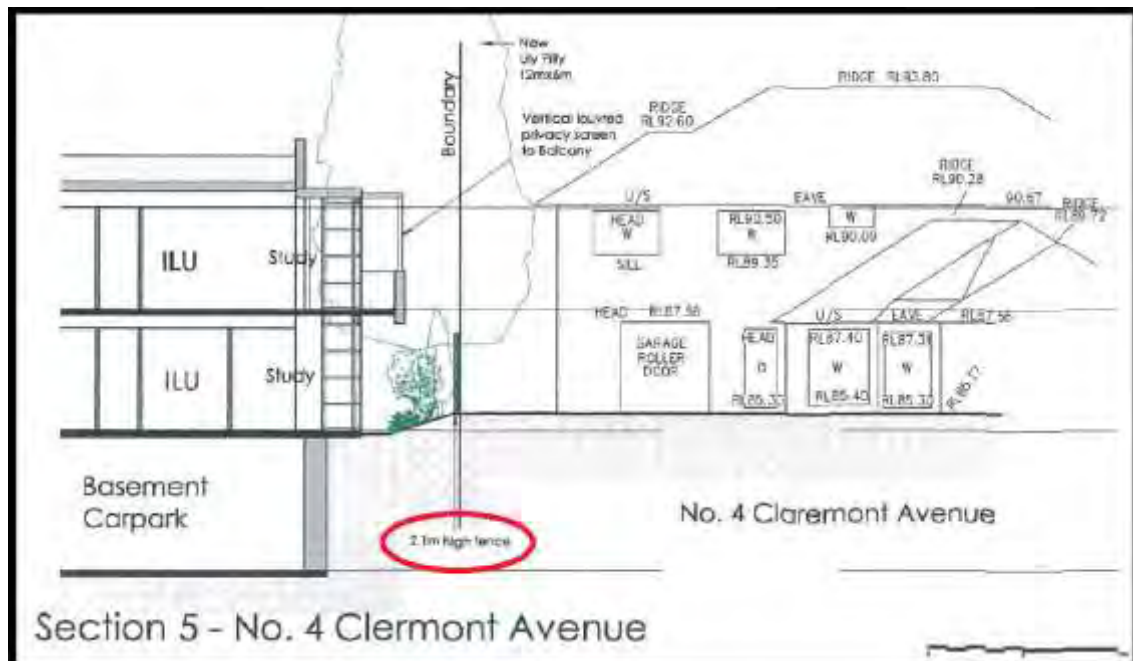
Plan showing relationship of proposed development to adjoining dwelling at No 4 Clermont.

Source: Extract of applicant DA plan, edited.

ITEM 5 (continued)

ATTACHMENT 3

In response to potential privacy impacts, the applicant has proposed a 2.1m high boundary fence. Given that the ground floor level of the development is proposed to be slightly lower than existing ground level, this provision of boundary fencing is considered to adequately address any potential privacy impacts at the ground floor level, as shown in the following drawing:



Provision of 2.1m high fence to address privacy impacts at ground floor level between the subject development and No 4 Clermont Ave.
Source: applicant's DA plans (edited)

In relation to the privacy impacts at first floor level, as shown on the earlier of the 2 previous drawings, the proposal involves a block of 4 independent living units in close proximity of the adjoining dwelling at No 4 Clermont (with 3 of these units facing the direction of this property). Although the neighbour at No 4 Clermont Ave has concerns that the development contains a first floor terrace off the communal room, this is incorrect, as the communal room and its terrace is actually proposed for the ground floor level (not the first floor level), and therefore privacy and noise impacts from the communal room and its terrace will be able to be addressed by provision of boundary fencing (2.1m proposed).

ITEM 5 (continued)

ATTACHMENT 3

The following drawing is an extract of the east elevation of the independent living units, marked up to identify the first floor windows and balcony facing onto No 4 Clermont Ave:



Extract of elevation of independent living units 13-15 which face onto No 4 Clermont Ave.

Source: applicant DA plans, edited.

Particular concern is raised regarding the balcony of Unit 14, which is to be within 3m of the boundary, and close to a window (of an upstairs living room) and front balcony of the adjoining dwelling at No 4. Although the applicant proposes a vertical louvred privacy screen for part of the balcony of unit 14 (which will address potential overlooking from the study/sunroom window), this privacy screen would only resolve privacy impacts from the study/sunroom and not the living room window or the balcony adjoining. It is therefore recommended that a condition be imposed to extend the privacy screen for the full length of the balcony at the side of independent living unit 14. It is not considered that privacy screening is required to the other windows of units 13-15, because the size of the windows and nature of the rooms (either bedrooms or bathrooms) are not likely to result in privacy impacts to the neighbour.

In addition to the above privacy measures, the proposed landscaping has been augmented to propose three *Acmena smithii* (Lilly Pilly) trees in the setback between the balcony and the boundary with 4 Clermont Avenue. These trees have a mature height of 4m and will assist in the maintenance of privacy.

The applicant's amended details (described above) have been provided to the owner of the adjoining property at No 4 Clermont Ave. In response, this adjoining owner has advised that the proposed measures to address privacy issues do not resolve their issues of concern, and serves no useful purpose as it is only a partial screen – and therefore such concerns remain as per their original submissions received by Council following the original neighbour notification period. However, notwithstanding the concerns of the neighbour, it is considered that the development is satisfactory with regard to privacy impacts on No 4 Clermont Ave, subject to the following condition included at Condition 60 at **Attachment 1**:

ITEM 5 (continued)

ATTACHMENT 3

Privacy screen – Independent Living Unit No 14. The vertical louvred privacy screen shall be provided for the full length of the first floor balcony of Unit 14. Details shall be provided for approval with the **Construction Certificate**.

The adjoining owner at No 4 Clermont has requested that that the boundary fencing be constructed of brick or a sound proofed product (ie not lapped and capped or colourbond). Another adjoining neighbour (No 6 Jennifer Ave) has also requested that they be consulted in relation to the details of the materials and type of fencing and privacy screens where these immediately adjoin neighbouring properties.

This is considered to be a reasonable requirement not only for this adjoining property (4 Clermont) and No 6 Jennifer Street, but all properties with which the subject site shares a common boundary. It is recommended that the following condition (included at Condition 61 at **Attachment 1**) be imposed in relation to consultation with all immediate neighbours regarding the construction of privacy screens and fencing at or near the property boundaries:

Privacy screens and boundary fencing. The privacy screens and boundary fencing shown on approved plan A-905 DA-03 shall be constructed in consultation with the owners of all immediately adjoining property. Full details of the type of privacy screens and fencing (including details of materials and type of construction as agreed with the adjoining property owners) shall be submitted for approval with the **Construction Certificate**.

9-19 Eulo Pde and 27, 29, 31 and 33 North Road (adjoining to the south and west).

A number of properties adjoin the site to the south and west, namely 9-19 Eulo Pde and 27, 29, 31 and 33 North Road. Of these properties, only the owner of the property at No 33 North Road has made a submission to this DA, raising concerns about privacy impacts.

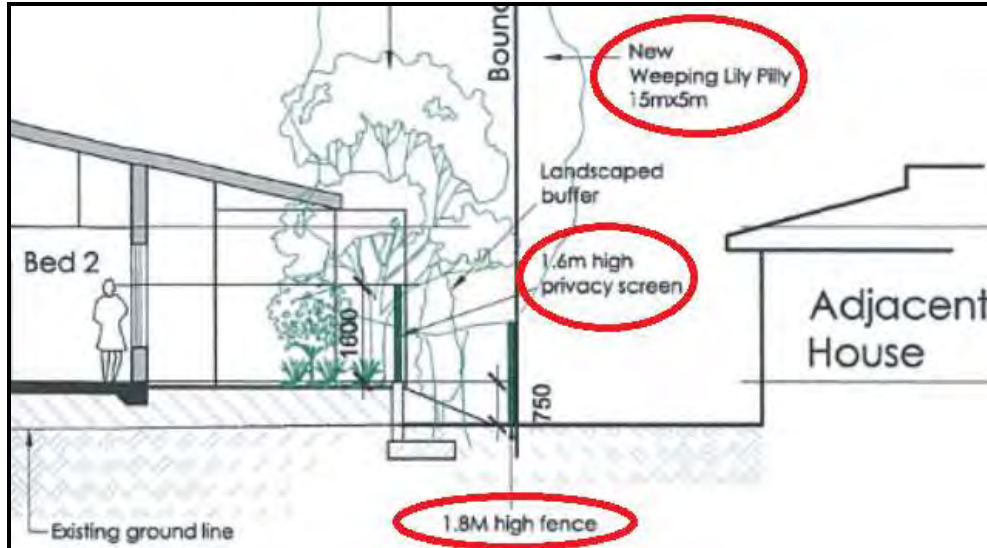
The development proposes a single storey independent living unit building (containing units 3, 4 and 5 facing in the direction of these adjoining properties). The applicant's revised plans include installation of 1.6m high privacy screens to those parts of the year yard areas of the independent living units that are elevated above ground level, and augmented vegetation buffers between the private open space areas and boundary fences. These treatments are considered to reduce viewing angles, and therefore ensure a satisfactory level of visual privacy is maintained to adjoining property. The drawings below include sections drawings submitted by the applicant demonstrating the effectiveness of the proposed privacy screens.

Given these treatments, it is now considered the proposal satisfactorily responds to the visual privacy and overlooking concerns raised by the objectors. It is noted that the applicants amended details have been provided to the adjoining owner at No 33 who made a submission regarding privacy impacts, and no further submission was received.

ITEM 5 (continued)

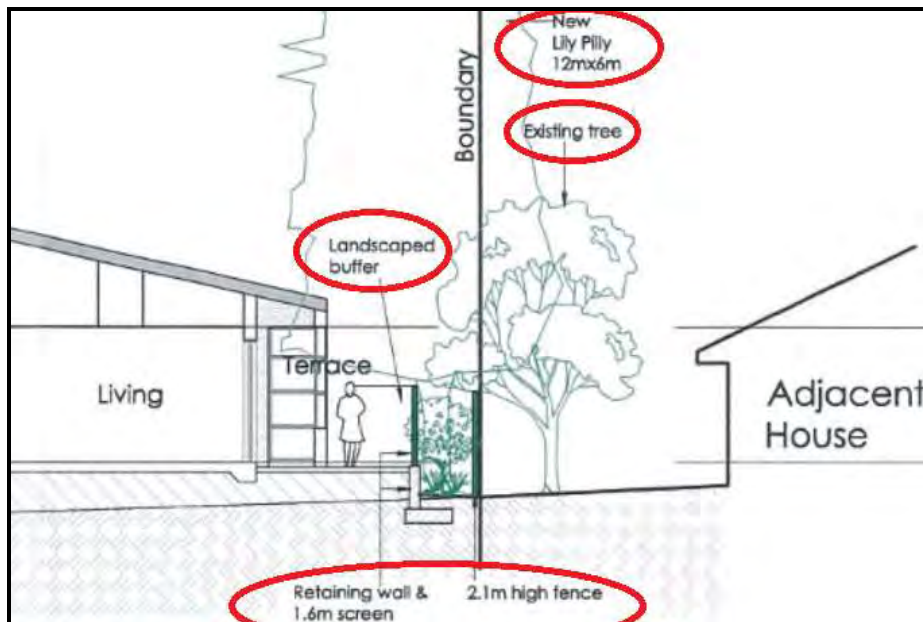
ATTACHMENT 3

The following drawings show the relationship between the proposed development and adjoining sites:



Section showing the relationship between the internal areas of the single-storey independent living units at the south of the site (Eulo Parade) with the adjacent dwelling houses. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

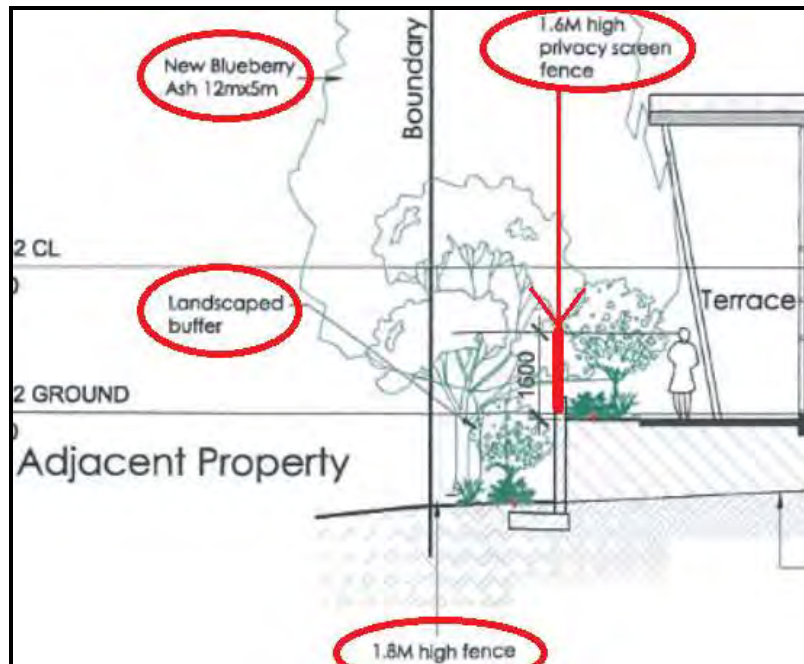


Section by applicant showing the relationship between the external areas of the single-storey independent living units at the south of the site (Eulo Parade) with the adjacent dwelling houses. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

ITEM 5 (continued)

ATTACHMENT 3



Section showing the relationship between the single-storey independent living units with the adjacent properties to the west of the site which front North Road. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

Overall, it is considered that the proposal will have an acceptable relationship to the adjoining properties in Eulo Parade and North Road in terms of privacy issues.

6 Jennifer Street (adjoining to the north-west)

No 6 Jennifer Street immediately adjoins the subject site to the north-west, and contains a 2-storey dwelling. Concerns have been raised by the owner of this property in terms of privacy impacts.

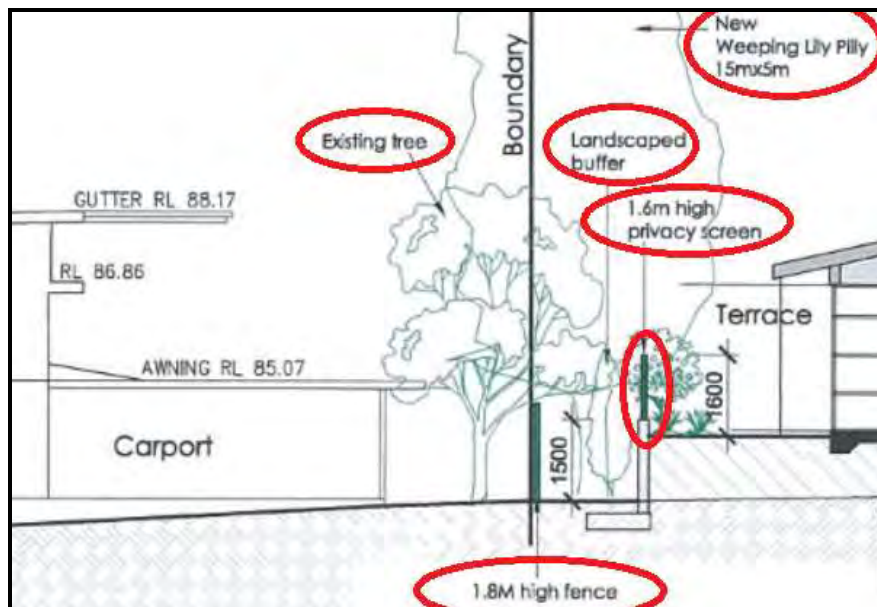
The development proposes a single storey independent living unit building (containing units 1, 2 and 3) facing in the direction of this adjoining property. The applicant's revised plans include installation of 1.6m high privacy screens to those parts of the year yard areas of the independent living units that are elevated above ground level, and augmented vegetation buffers between the private open space areas and boundary fences. These treatments are considered to reduce viewing angles, and therefore ensure a satisfactory level of visual privacy is maintained to adjoining property. Further, the adjoining dwelling contains a carport immediately adjacent to the boundary with the subject site, which will assist in maintaining privacy separation between the proposed development site and the adjoining property.

ITEM 5 (continued)

ATTACHMENT 3

Given these treatments, it is now considered the proposal satisfactorily responds to the visual privacy and overlooking concerns raised by the objectors. It is noted that the applicants' amended details have been provided to the adjoining owner of this property who originally made a submission regarding privacy impacts, and no further submission was received to the amended details.

The following image shows the relationship between the proposed development & adjoining sites:



Section showing the relationship between the single-storey independent living units at with the adjacent dwelling house at 6 Jennifer Street. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

The applicant's amended details (described above) have been provided to the owner of the adjoining property at No 6 Jennifer Street. In response, this adjoining owner has advised that the 1.6m high privacy screens will provide extra (privacy) protection for the residents of the independent living units and additional privacy for the adjacent residents. However, the details provided did not detail the material or type of construction to be used. The adjoining owners at No 6 Jennifer Street have requested that they be consulted regarding the type of fencing to be used (ie in terms of materials and type of construction). As noted above, the proposed condition of consent regarding boundary fencing will be required to be done in consultation with each adjoining owner.

E – Bulk and Scale. Concerns have been raised by objectors regarding the size of the development being too large, and the scale not being compatible with the low density residential area.

ITEM 5 (continued)

ATTACHMENT 3

Assessing Officer Comments: Clause 48 of the Seniors SEPP prescribes that a consent authority (Council) must not refuse consent to a DA under the Seniors SEPP for the purpose of a residential care facility on the grounds of density and scale if the density and scale of the buildings when expressed as a floor space ratio (FSR) is 1:1 or less.

Clause 50 of the Seniors SEPP prescribes that consent must not be refused for self-contained dwellings on the grounds of density and scale if the density and scale of the buildings when expressed as a FSR is 0.5:1 or less.

While the Seniors SEPP prescribes FSR standards for different forms of seniors housing, the Seniors SEPP does not cater for those developments which comprise of more than one form of seniors housing. As part of the assessment of the subject DA, clarification from the NSW Department of Planning was sought regarding situations where different forms of seniors housing are proposed.

The response from the Department was an acknowledgement the Seniors SEPP does not explicitly address how FSR standards should be applied for those developments which include a variety of seniors housing types. A merit based approach to application of the development standards under the Seniors SEPP was recommended by the Department.

Having regard to the above, the applicant was requested to demonstrate to Council how they had approached the design of the development having regard to the FSR development standards under the Seniors SEPP.

In a meeting held with the applicant on 17 May 2016, and in the applicant's subsequent additional information response letter dated 8 June 2016, the design approach to the FSR standard was outlined as follows:

- 1. The total number of aged care beds required by the applicant was derived (i.e. 56 beds) and after detailed design, the resulting gross floor area (GFA) within the residential care facility building to accommodate those beds was calculated as 2,151.4m².*
- 2. The GFA of the proposed residential care facility building was multiplied by the maximum FSR requirement under the Seniors SEPP for residential care facility of 1:1, providing for a site area requirement of 2,151.4m² for the residential care facility component;*
- 3. The residential care facility site area requirement was subtracted from the total site area of 4,913m² to generate a residual site area of 2,761.6m² that could be used for self-contained dwellings;*

ITEM 5 (continued)

ATTACHMENT 3

4. *The self-contained dwelling site area was multiplied by the maximum FSR requirement under the Seniors SEPP for self-contained dwellings of 0.5:1, providing a maximum GFA of 1,380.8m² for the self-contained dwellings; and*
5. *The number of self-contained dwellings was a function of Step 4 above and detailed design, resulting in a GFA for the self-contained dwellings of 1,371m², being an FSR of 0.49:1, which complies with the Seniors SEPP.*

The above approach by the applicant is considered logical in the circumstances of the case, i.e. given no direction on this matter is presented within the Seniors SEPP.

The result of the applicant's approach is the residential care facility and independent living units components of the seniors housing development comply with the aggregated numerical requirements of the Seniors SEPP. Further the built form outcome distinctly reflects this, with the north-eastern portion of the site accommodating the residential care facility including a higher built form density akin to a building with an FSR of 1:1, and the south-western portion of the site accommodating the independent living units including a lower built form density akin to a building with an FSR of 0.5:1

For this reason, the proposal is considered to satisfactorily comply with the density and scale provisions of the Seniors SEPP.

As such, objections on the basis of the proposal constituting a bulk, scale or density incompatible with the low density residential area are not supported.

F – Response to Site Topography. Objectors have claimed the building's design poorly responds to the topography of the land and that it is unsympathetic to the slope of the site.

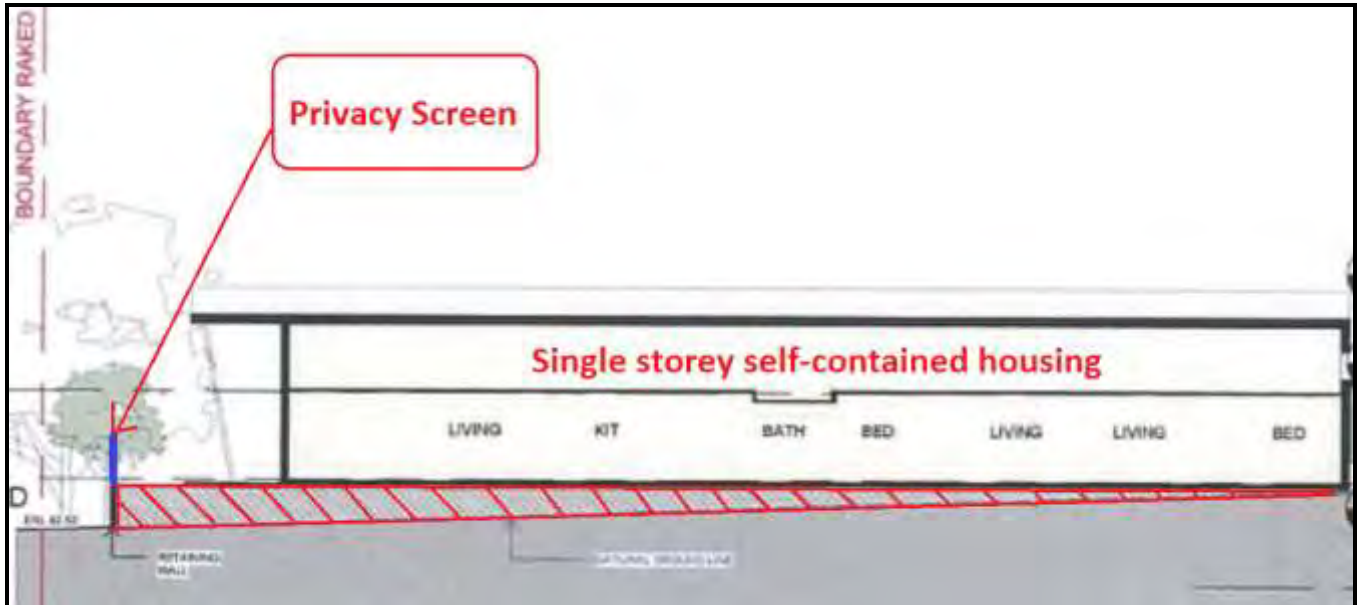
Assessing Officer Comments: Criticisms over the building's response to the site topography were raised by Council as part of the additional information request to the applicant. In particular, the resultant overlooking impacts that arose with the design of the independent living units to the rear of the site. In this area of the site, the single-storey independent living units were raised approximately 2m above existing ground level.

It was requested that the applicant revisit this building design outcome in the hope of reducing the levels of fill across the site.

Rather than modify the building form, the applicant's design response has been to introduce privacy screens, provide vegetation buffers, and augment tree planting to address potential overlooking concerns – as shown in the following drawing.

ITEM 5 (continued)

ATTACHMENT 3



Section by the applicant indicating the how fill is utilised (hatched area) towards the rear of the site to establish a level building footprint for the single storey independent living units. Noted in this image is the setbacks from the boundary, privacy screens and vegetation buffers which have been utilised to minimise overlooking potential and maintain visual privacy.

Source: Applicant's submitted plans as part of additional information request.

As discussed above (in previous point of objection regarding privacy impacts), this approach is effective in maintaining a satisfactory level of visual privacy to adjoining development by reducing overlooking potential.

Despite the fill proposed, it is important to note the independent living units maintain building heights that comply with the development standards under the Seniors SEPP – that is a building height of not more than 8m (measured from existing ground level to the ceiling). Additionally, the dwellings to the rear comply with the number of storey controls under clause 40(4) the Seniors SEPP – i.e. being single storey for the rear 25% of the site.

It is acknowledged that terracing buildings, or introducing split-levels is not a feasible design outcome for seniors housing development. This is because there is a need to maintain a higher level of accessibility for seniors housing, and in such cases, some level of excavation and fill is necessary to achieve a level building footprint.

For the above reasons, the level of fill proposed for the rear single storey dwellings is considered justifiable in the circumstances of the case, particularly given that the proposal does not result in unacceptable impacts on neighbouring properties. As such, while the objections in relation site topography are noted, the proposal's design response following Council's additional information request satisfactorily mitigates the impacts to adjoining property.

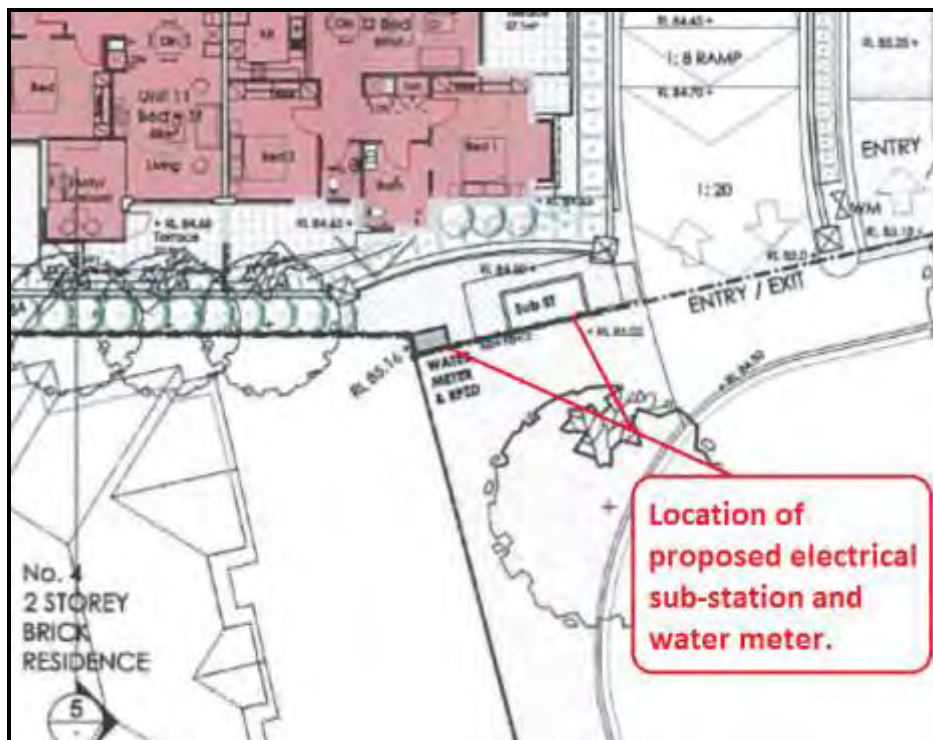
ITEM 5 (continued)

ATTACHMENT 3

G – Safety and Amenity – a number of safety concerns have been raised by the objectors at No 4 Clermont Ave, these include:

- the location of the proposed development's electrical substation and water meter and ventilation intake (for the basement car park) which is within close proximity to the objector's property at 4 Clermont Avenue.
- the location of the proposed driveway associated with the development and delivery trucks entering and exiting the underground car park;
- concerns raised in regards to trucks using the narrow streets of Clermont and Jennifer Street.
- the 3 tonne limit on Quarry Road and North Road which are the streets that lead to Clermont and Jennifer Street.

Assessing Officer Comments: The proposed electricity substation and water meter for the development is to be located adjacent to the main vehicular entry off Clermont Avenue. This is also located adjacent to the front boundary of the dwelling house at 4 Clermont Avenue – see following drawing.



Location of proposed electrical sub-station and water meter

Source: Applicant's DA plans.

ITEM 5 (continued)

ATTACHMENT 3

The electricity service provider, Ausgrid, has strict specifications on the location and design of electrical substations required to service developments. In particular, the location of substations needs to be readily accessible for the purposes of carrying out routine maintenance and repair in times where equipment may be out of service. Sydney Water has similar requirements for water meters.

For this reason, substations and water meters are typically located on the boundary, and in close proximity to vehicular access points. It should be noted that the proposed vehicle access points and utility services are in a similar location to those of the existing facility.

To ensure the developer complies with the requirements of utility providers, the following standard condition is included at Condition 12 of the draft consent:

Public Utilities. *Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.*

In addition to the above standard condition, the following additional condition of consent is recommended to ensure the electrical sub-station is designed and constructed to the satisfaction of the energy provider and included at Condition 74 at **Attachment 1**.

Energy Provider requirements for Substations. *Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.*

A number of concerns have been raised by the residents that the movement of heavy vehicles in and out of this driveway will impact on the amenity of adjacent dwellings, both in terms of noise and the obtrusive effects of headlights.

Submitted with the DA is a Noise Impact Assessment which has been prepared by Inhabit engineers. With regard to traffic noise emission, this report notes that the existing residential care facility on the site incorporates a total of 55 beds in a single building located to the north-east portion of the site. The proposal is for the demolition of this building to make way for a new upgraded facility that will incorporate 56 beds. As the number of beds will only increase by one (1), once the new building is operational the resultant increase on noise associated with vehicles servicing this facility is considered to be insignificant.

Furthermore, given all deliveries are to take place within the building's basement, noise associated with the loading and unloading of trucks is considered to be satisfactorily mitigated.

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The Operational Management Statement submitted with the DA stipulates that all deliveries to the site and waste collection will be restricted between the hours of 7am and 5pm, 5 days per week. As this is essentially limited to daylight hours, objections on the basis of headlight impacts from trucks are unsupported.

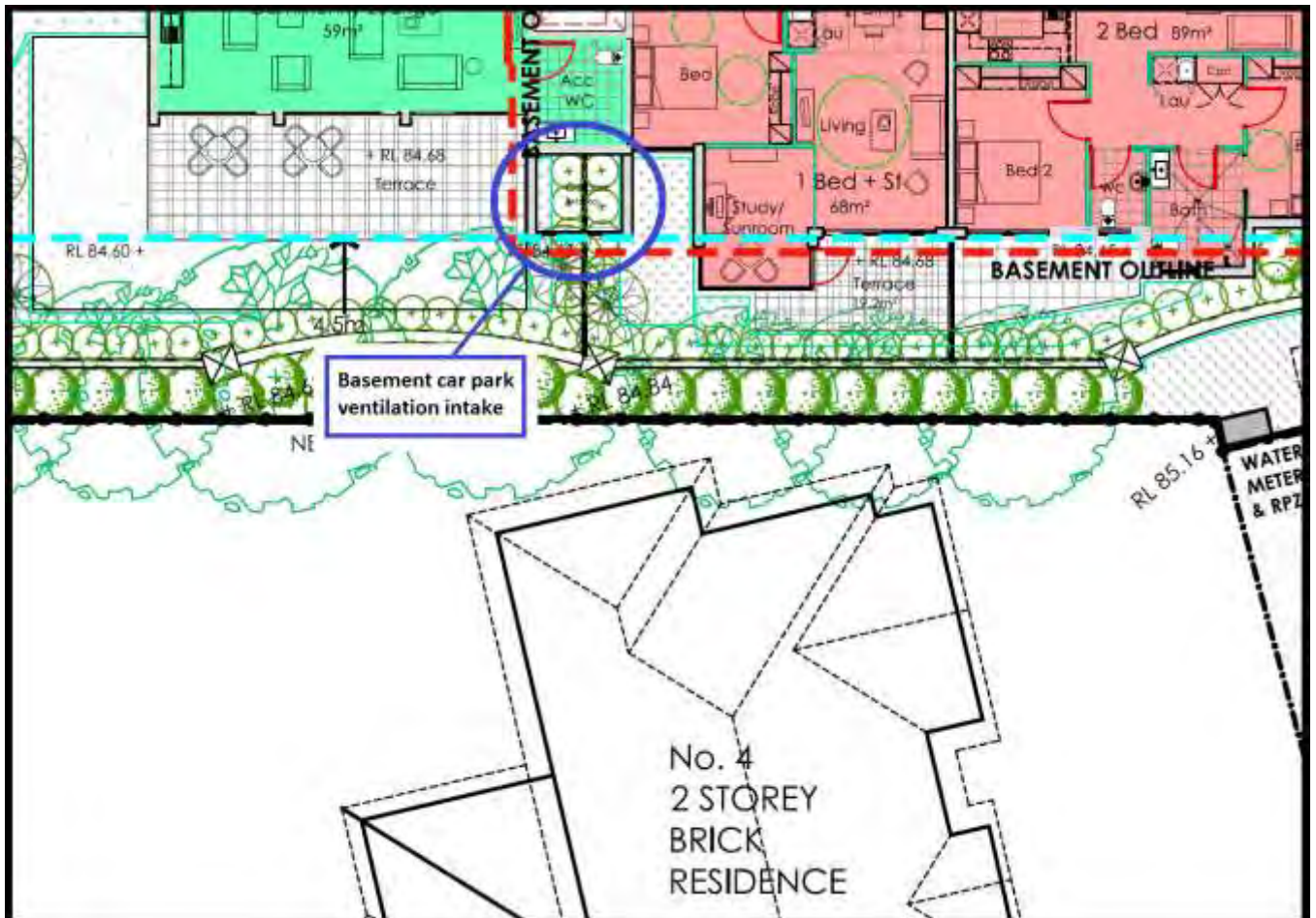
To ensure deliveries and waste collection impacts on adjoining development is minimised, the following condition of consent will be included (refer Condition 141 at **Attachment 1**):

Deliveries and Waste Collection. All deliveries and waste collection to the site shall be restricted to Monday to Friday only, and between the hours of 7am and 5pm. No deliveries or waste collection is to occur on weekends or public holidays.

Concerns have been raised regarding the location of the ventilation intake for the basement car park – this is located on the southern side of one of the independent living units buildings, near the centre of the site. It will be located close to the common boundary with No 4 Clermont Ave (see drawing below). Although the neighbour has referred to it as a “smoke stack” in their submission, it’s purpose is to draw air in to the basement (ie not to discharge air), to provide ventilation to the basement car park. As it is an air intake (not a point of discharge), there will be no impact on the neighbour’s property in terms of exhaust fumes or the like.

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As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officer's (EHO) for comment. In response, EHO have advised the proposal is satisfactory, subject to the imposition of conditions. Reference is made to the referral response section later in this report for further details.

H – Stormwater. Objectors have raised concerns regarding adequacy of the stormwater drainage provisions which are proposed for the development. This includes adequacy of on-site detention, drainage pits across the site, and possible stormwater seepage due to the ageing nature of stormwater infrastructure.

Assessing Officer Comments: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer to review the proposed stormwater drainage arrangements for the development. In response, the following comments have been provided:

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The proposed stormwater management system for the development discharges to an existing kerb inlet pit fronting No. 6 Jennifer Street and incorporates an onsite detention system. The general layout of the system appears satisfactory however when scrutinising the DRAINS analysis, it is noted that the system will not perform adequately from a hydraulic perspective. It would appear that the design is restricted due to the onsite detention being located at the lowest point of the site, the volume of the system and the difficulty in draining to this system from the other end of the site.

Due to the site topography, expanse of development, broad frontage to public drainage infrastructure in Jennifer Street and the separated building footprints presented by the proposal – there is merit in dividing the stormwater drainage system into two separate systems, each with their own OSD component. This will;

- *reduce the volume of each storage (and required depth),*
- *reduce the length of the drainage lines throughout the property, and,*
- *enable OSD to be provided for each stage of the development.*

Whilst this reconfiguration is feasible with negligible alteration to the architectural plan and can be designed compliant with the DCP, the amendment presents a significant reconfiguration of the drainage system that will warrant a review by Council prior to the development consent. It is therefore considered appropriate that the matter be addressed as a condition of deferred commencement.

The deferred commencement condition is copied below:

Stormwater Management. *The stormwater management plan must be amended to provide a drainage system compliant with Council's DCP throughout all stages of the development. The original plan also contained a number of deficiencies which are to be rectified in the reconfiguration of the system.*

The following revisions are required;

- (a) *The drainage system is to separate the onsite detention system into two separate systems, each serving a respective stage of the development and having a net PSD from the site equal to that as derived in the Stormwater Management Report by Wood and Grieve Engineers dated 2 October 2015. Stage 1 catchment area is cover the western portion of the site. Stage 2 obviously captures the remaining area.*

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- (b) *The onsite detention unit for Stage 1 must be located under the entry lobby with external access grates on the north and south sides of the lobby. The Stage 1 detention system must discharge to the existing kerb inlet pit fronting No. 6 Jennifer Street.*
- (c) *The onsite detention unit for Stage 2 is to be located on the northwest side of the new residential care facility building, generally in the vicinity of the kerb inlet pit located at the bend in Jennifer Street, in which the system is to discharge to.*
- (d) *In both stages, the connection to the kerb inlet pit is to be in a manner which presents a hydraulically efficient connection (the angle of discharge is aligned with the dominant flow path), is elevated as high in the pit as possible and the diameter of the discharge line is minimised (ie a 375mm RFC pipe will not be accepted for a development of this scope).*
- (e) *Due to the level topography of the site and the inability to direct overflow to the point of discharge, the system should be designed to minimise upwelling wherever possible.*

The reconfiguration will warrant the submission of a revised DRAINS analysis. The plans and analysis (including input files for review) must be submitted to Council City Strategy and Planning Department for approval prior to activation of this development consent.

Having regard to the above, objections to the proposal on the basis of stormwater drainage are considered to have been satisfactorily addressed by the required design amendments imposed by Council's Senior Development Engineer under Section 80(3) of the *Environmental Planning and Assessment Act 1979*.

I – Heritage – *Concerns have been raised that the proposed development should incorporate into its design the original gates and stone walls of the site to recognise the site's heritage.*

Assessing Officer Comments: A review of Schedule 5 within Ryde LEP 2014 has revealed the subject site does not include or comprise of any heritage items. Furthermore, no items of environmental heritage have been identified on land adjoining the subject site.

As such, the heritage conservation provisions under clause 5.10 of LEP2014 do not apply to the subject site. For this reason, the DA was not referred to Council's Heritage Officer for comment.

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It is noted that the low height fence could be demolished without the consent of Council under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Accordingly, objections in relation the demolition of the front fence cannot be supported.



Image captured from Clermont Avenue looking north toward the existing entry to the residential care facility on the site. Noted in this image is the low height wall and pillars either side of the driveway which are to be demolished in order to accommodate the new entry to the basement car park and residential care facility. As per Schedule 5 of LEP2014, the wall and entry pillars are not identified as a heritage item.

Source: <https://www.google.com.au>

J – Fencing – Concerns have been raised by objectors over the proposed boundary fencing arrangements. In particular, there has been concern over the potential use of Colorbond fencing material, and it's incompatibility with the character of the local area.

Assessing Officer Comments: The originally submitted architectural and landscape plans with the DA indicated that new 1.8m high boundary fencing is to be included for the site as part of the proposed works.

It was agreed with the objectors that a Colorbond fence would be an inappropriate presentation to the site's many street frontages, particularly given the character of the local area. This is consistent with the provisions of Ryde DCP 2014 which stipulates front fences are not to be of Colorbond material. Importantly, the DCP2014 also discourages front fencing being of timber paling material, however a timber paling fence is generally acceptable to secondary street frontages.

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A review of the originally submitted landscape plan showed considerable landscape planting along the subject site's frontages, but insufficient detail on the materials of this fencing. Similarly, landscape buffer areas were provided between the development and side/rear boundaries, but again insufficient detail is provided on the type of boundary fencing proposed.

Given the nature of the proposed development, it is acknowledged fencing to suitably secure the site from its frontages to Clermont Avenue and Jennifer Street is warranted. However such fencing should be adequately detailed to enable a proper assessment by Council of its compatibility with the local area.

For this reason, the applicant was advised of the insufficient detail relating to site fencing as part of Council's additional information request in April 2016.

The response from the applicant now details that all site boundary fencing is to be lapped and capped timber paling fencing ranging between 1.8m and 2.1m in height.

Given the applicant's additional information response, it is considered the objector's concerns in relation to the use of Colorbond fencing has been resolved.

K – Vegetation removal – concern is raised by objectors over the proposed tree removal on site.

Assessing Officer Comments: As part of the assessment of the subject DA, the proposal was referred to Council's Consultant Landscape Architect and Consultant Arborist.

Council's Consultant Arborist has acknowledged that a high level of tree removal is proposed across the site, but is generally supportive of the proposal. Of the 47 trees identified on the site, 37 are proposed to be removed and 10 are to be retained.

However, it is important to note that all but 2 of these trees to be removed have been identified as being of low or very low retention value. It also should be noted that 18 of the 37 trees to be removed are exempt from the City of Ryde's Tree Preservation Order.

It is also important to note that the most significant tree on the site, being the *Corymbia citriodora* Lemon Scented Gum, located adjacent to the Jennifer Street boundary is to be retained and protected as part of the development.

The landscape plan submitted with the DA demonstrates a comprehensive approach to revegetation of the site to compensate for the vegetation removal proposed.

As demonstrated in the referral response section later in this report, Council's Consultant Landscape Architect has undertaken a review of the proposed landscape plan and raised no objection to the landscape design and compensatory tree planting, subject to conditions of consent.

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L – Telephone and Power Lines – concern have been raised by objectors over the development's potential impact on telephone and power lines within the street.

Assessing Officer Comments: The following standard conditions of consent will be imposed on the development to ensure all works are suitably confined within the boundaries of the site, and that compliance with the relevant utility and service provider requirements is adhered to (refer Conditions 10 and 12 at **Attachment 1**).

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.*

Public Utilities. *Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.*

Further to the above, it has been assessed that the residential care facility and independent living units buildings will be located further than 5m of an exposed overhead electricity power line. As such, pursuant to the provisions of clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*, no consultation with the electricity supply authority is required.

M – Construction Time - concerns have been raised over the unspecified length of time it will take to construct the proposed development.

Assessing Officer Comments: The Statement of Environmental Effects submitted with the DA provides detail on the works associated with each stage of the development's construction. However, little detail or commitment has been made in relation to the timeframes associated with the construction of the proposed development. It is noted that the applicant has verbally advised that the demand for aged care services is generally very high, and so they intend to complete the development as soon as practicable.

Generally, construction timeframes are not controlled via development consents, however, conditions of consent can be put in place to mitigate impacts that may be associated with longer construction times, and for larger scale developments.

Council's Senior Development Engineer has included a number of conditions relating to works being undertaken in the public domain, restoration, repairs and maintenance of the public domain, road activity permits and traffic management.

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In addition to the above, the following conditions of consent are also recommended to ensure noise from the demolition, excavation and construction process is appropriately managed (refer Conditions 86 and 88). A condition requiring the developer to maintain a complaints register has also been recommended to allow the Principal Certifying Authority/Council to respond to concerns raised by the public which is included at Condition 115 of **Attachment 1**.

With these measures in place, the impacts on adjoining property are considered to be satisfactorily managed to acceptable levels during the construction of the proposed development.

Noise Management Plan - Demolition, Excavation, & Construction. *A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.*

The plan must include, but not be limited to the following:

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..*
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive*
- c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?*
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.*
- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.*

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.*

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Complaints Register. *The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:*

- a) *The date and time of the complaint;*
- b) *The means by which the complaint was made;*
- c) *Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;*
- d) *Nature of the complaints;*
- e) *Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and*
- f) *If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.*

The complaints register must be made available to Council and/or the principal certifying authority upon request.

N – Front setbacks – *concerns have been raised regarding where the front setback is measured from in this development, and that such front setbacks are inconsistent with those of adjoining buildings in the vicinity of the subject site.*

Assessing Officer Comments: The issue of front setbacks are fully discussed later in this report (refer to DCP Compliance assessment section below). In summary, the provisions of the Seniors SEPP do not contain front setback requirements, and so a merit based assessment is required, including having regard to the provisions of Ryde DCP 2014 where applicable. As indicated in later in this report, it is considered that the front setbacks of the development are acceptable having regard to the setbacks of adjoining buildings, and having regard to the provisions of Ryde DCP 2014.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

Under the provisions of clause 40 of the Seniors SEPP, a consent authority must not consent to a DA for seniors housing unless the proposed development complies with the standards specified in clause 40.

Subsection (4)(b) of clause 40 outlines that a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than two storeys in height.

The residential aged care facility adjacent to the north-eastern boundary of the site constitutes a three storey building where two levels of bedrooms and lounge rooms etc. are proposed above the lower level which comprises training/dining/laundry/kitchen rooms.

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Given the requirements of clause 40, for Council to consider this variation a clause 4.6 written request under the provisions of LEP2014 would be required from the applicant to vary the development standard.

As part of the applicant's response to Council's additional information request, a clause 4.6 written request has been submitted. This written request to vary the aforementioned development standard is assessed in detail later in this report – see Seniors SEPP assessment below.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004

The purpose of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) is to encourage the provision of housing which meets the needs of seniors or people with a disability. The Seniors SEPP aims to encourage the provision of such housing (including residential care facilities) to increase supply and make use of existing infrastructure and services.

These aims are achieved by setting aside local planning controls that would otherwise prevent the development of seniors housing, so long as a proposal meets the development criteria and standards set by the Seniors SEPP.

With the above in mind, the following is an assessment of the proposal against the relevant development criteria and standards of the Seniors SEPP.

Chapter 1 – Preliminary

Clause 4 of the Seniors SEPP outlines land to which the Seniors SEPP applies. Under this clause it is stipulated that the Seniors SEPP applies to all land in NSW that is primarily zoned for urban purposes, but only if development for the purposes of dwelling houses, residential flat buildings or hospitals are permitted on the land.

The subject site is located within the R2 Low Density Residential zone under LEP2014. In this zone, development for the purposes of dwelling houses and hospitals is permitted with consent. Accordingly, the Seniors SEPP applies to the site.

Clause 5 of the Seniors SEPP details the relationship of the Seniors SEPP with other environmental planning instruments, such as the LEP2014. In this regard it is noted that if there is an inconsistency between the Seniors SEPP and any other environmental planning instrument, the Seniors SEPP prevails to the extent of the inconsistency.

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Chapter 2 – Key Concepts

The proposal seeks consent for a seniors housing development comprising partly a 'residential care facility' and partly a 'self-contained dwellings'. The definitions of these seniors housing types are provided below:

*a **residential care facility** is 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.*

*a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The applicant's submission has outlined that the self-contained dwellings on the site intended to be independent living units. As such, these are considered to constitute 'in-fill self-care housing' under the provisions of the Seniors SEPP. This is defined as follows:

***in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

Having established the proposal is to comprise of both self-contained dwellings and a residential care facility, the relevant development criteria and standards for these forms of seniors housing are assessed below.

Chapter 3 – Development for seniors housing

Part 1 - General

Clause 18 of the Seniors SEPP provides restrictions on the occupation of seniors housing undertaken under the Seniors SEPP. Specifically, that a consent authority must not consent to a DA made for seniors housing unless:

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- a condition is imposed by the consent authority to the effect that only seniors, people who live with seniors or staff employed to assist in the administration and provision of services to seniors may occupy any accommodation to which the DA relates, and
- the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation that aforementioned.

Given the above, the following condition of consent is included at Condition 116 at **Attachment 1**:

Occupation Restriction. A restriction must be registered on the title of the property, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting accommodation of the seniors housing development the following kinds of people:

- a) *seniors or people who have a disability,*
- b) *people who live within the same household with seniors or people who have a disability,*
- c) *staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Part 2 – Site-related requirements

Clause 26 of the Seniors SEPP provides a consent authority must not consent to a DA for seniors housing unless they are satisfied, by written evidence, that residents of the proposed development will have access that complies with the requirements of clause 26 of the Seniors SEPP.

Compliance can be achieved with clause 26 if a site is within 400m of a public transport service via a 'suitable access pathway' which meets the frequency requirements of the Seniors SEPP. For the purposes of clause 26, clause 26(4) outlines that:

- a) ***a suitable access pathway*** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
- b) *distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.*

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With regard to the applicant's proposal, the distance from the site to the nominated public transport service bus stops on Quarry Road is not more than 400m. Additionally the nominated bus stops operate at the required frequencies, and will take residents to within 400m of the required facilities and services.

Importantly for the subject DA, the applicant's originally nominated path to the bus stops was not supported. The reasons for this are detailed further below:

- The access path between the site and entry to the Yamble Reserve car park contains numerous obstacles, including lack of kerb laybacks, and significant uplifting where tree roots have damaged the footpath.
- The access path between the site and the entry of the Yamble Reserve car park has a width ranging between 950mm-1000mm. This is less than the 1200mm minimum width of an access path stipulated under the Australian Standards for design for access and mobility.
- The submitted report titled 'Assessment of Compliance with Clause 26 of SEPP Seniors Living' (Clause 26 Report) and surveyed access path nominated a proposed route through the Yamble Reserve car park driveway. This car park driveway is gated, and signposted by the City of Ryde as closing on sunset. Given sunset during the winter months is as early as 5pm, the nominated route would block access between 5pm and 6pm, and therefore not provide a suitable access pathway for residents during all the required hours of the Seniors SEPP.
- The Yamble Reserve car park is utilised as the principal parking area for the North Ryde Community Preschool. This preschool has a capacity of approximately 100 children. Families and children arrive typically at 9am in the morning. During this time the car park is frequently at capacity (20 cars), and similarly in afternoon pick up times. Discussions with residents has also revealed that the Yamble Reserve car park is frequently at capacity on weekends and public holidays with cars observed parking on the grassed areas adjacent to the delineated parking area. In addition, the Yamble Street car park is designated as a mini-bus drop of and parking area for park users.

Given the proposal constitutes a significant intensification of the number of seniors or people with a disability residing on site, the originally nominated route through the Yamble Reserve car park and driveway was not considered to constitute a safe access path.

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Despite the above, it was acknowledged the Statement of Environmental Effects (SEE) submitted with the DA outlined the applicant would be prepared to rectify the existing footpath damage in Clermont Avenue (see drawing below) and provide a separate paved footpath from Clermont Avenue past the carpark within Yamble Reserve should Council so require.

Given Council was unwilling to support the originally proposed access route identified within the applicant's clause 26 Report, Council issued the applicant with an additional information request requiring a suitably detailed concept public domain plan which demonstrated the applicant's proposal to construct a 'suitable access pathway' from the site along Clermont Avenue, and then around the Yamble Reserve driveway and car park. The concept public domain plan was to include, but not be limited to the following:

- Kerb crossing/laybacks for pedestrians;
- Compliant access path widths;
- Any necessary tree removal;
- All landscaping and proposed street tree planting;
- Power poles and street lighting;
- Safety design measures to mitigate conflict with pedestrians and vehicles, i.e. bollards etc.

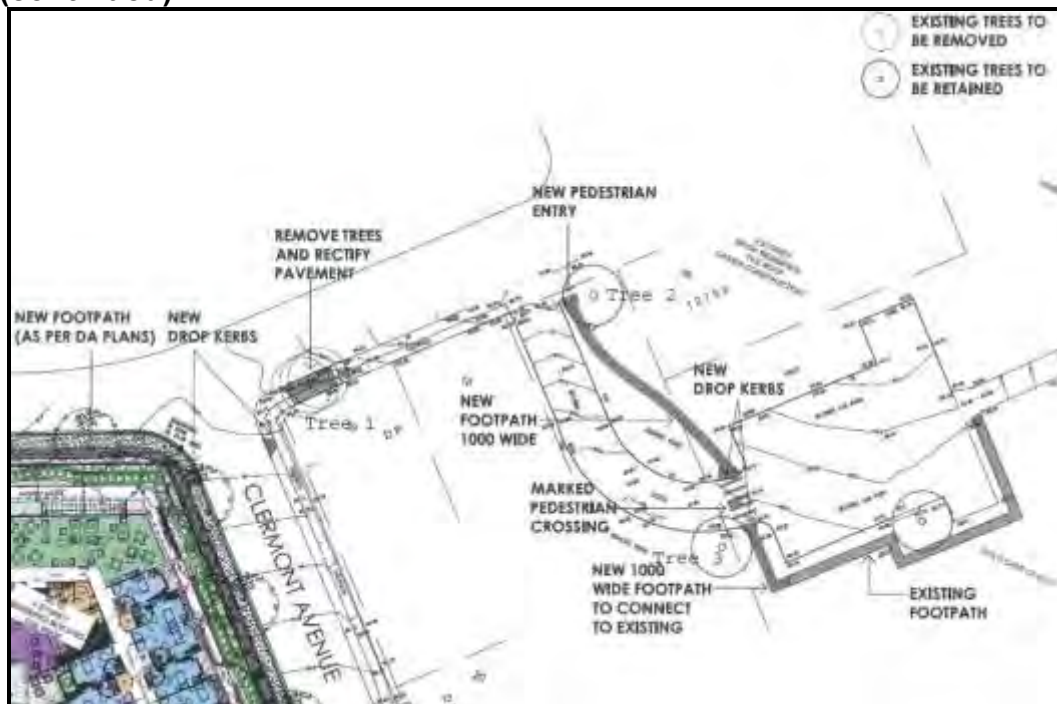
In addition to the above, a revised Arborist Report was requested by Council which took into account the street trees, and any trees within Yamble Reserve that may be impacted upon by the applicant's revised alignment for the suitable access pathway.

On 14 June 2016 Council received the applicant's response to Council's additional information request. The applicant's submission has included plans showing the construction of footpaths along the entire frontages to Clermont Avenue and Jennifer Street, along with drop kerbs to provide wheelchair/motorised cart access across Clermont Avenue. In addition, a Pedestrian Access plan (see drawing below) has been submitted for pathway works along Clermont Avenue and past the car park within Yamble Reserve, linking to the existing pathway network in the park.

An addendum to the applicant's arborist report was also submitted detailing the street trees that would need to be removed from Clermont Avenue, along with replanting and landscaping in accordance with Council requirements.

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Extract of Pedestrian Access plan submitted by the applicant in response to Council's additional information request. Noted is the proposed pathway around the Yamble Reserve car park, and upgrades along the Clermont Avenue in front of 9 and 11 Clermont Avenue.

Source: <https://www.six.nsw.gov.au> – edited by CPS for diagrammatic purposes

Due to the significant amount of works required within the public domain to achieve satisfactory compliance with the provisions of clause 26 of the Seniors SEPP, the Pedestrian Access plan submitted by the applicant as additional information was referred to Council's City Works and Infrastructure group. The following comments were made in the referral response:

- *The site is outside of the Ryde Town Centre; hence the Public Domain Technical Standards do not apply.*
- *The development would be subject to SEPP (Seniors Living), Ryde LEP and DCP2014 Parts 8.3 Driveway and Part 8.5 Public Civil Works.*
- *There is currently no paved footpath along the perimeter of this site. Drawing No A-060, Revision DA01, of Morrison Design Partnership, shows the Applicant's proposal for a new concrete footpath along the entire perimeter of the site.*
- *The alignment of the proposed footpath will be affected by the existing trees. Initial discussions with tree management staff indicate that those trees may be able to be removed and replaced with more suitable species for the location. Further advice to be sought from Council's Open Space Planning and Development Team.*
- *The exact type and position for the new street trees is to be advised by Open Space Planning and Development Team.*

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- *There are three existing vehicular crossings in Jennifer Street; these would become redundant and will be required to be removed and replaced with new kerb and gutter and concrete footpath.*
- *There are two existing vehicular crossings in Clermont Avenue. Both of them need reconstruction: one will be replaced with kerb and gutter and the other will need to be redone without the concrete block in the gutter. Council will have to issue the relevant levels for this to occur.*
- *This type of development requires proximity to public transport. “There are two bus routes that service Quarry Road. The most direct route from the subject site is a 250m (approx.) walk through Yamble Reserve.” (See page 10 of the Traffic Impact Assessment). The first part of this route is the public footpath in front of 9 and 11 Clermont Ave; this is not in good condition, due to the root intrusion of a big old tree.*
- *There will be a need for a new concrete pedestrian footpath on the northern side of the existing access road to the Council carpark.*
- *Note for the planner: In looking over the SEPP, it would appear that the Developer would be required to upgrade the footpath along Clermont Avenue in the vicinity of No. 9 & 11, as well as the northern side of the access road to the carpark at Yamble Reserve in order to comply with accessibility requirements of the SEPP. The new footpath in Yamble reserve is to be constructed at a minimum of 1.2 metres wide, however a wider path would provide for a safe travel path and interactions between mobility scooters and other park users.*
- *The street lighting around the perimeter of the development site will remain on the Ausgrid network but will require upgrading to improve illumination at pedestrian category P3.*
- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, new street trees planting, etc.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

(Note: Since these comments were provided by Council’s City Works and Infrastructure officers, Council has undertaken some footpath upgrading works in Clermont Ave, including footpath replacement and footpath tree removal. Photos are provided later in this report).

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At a meeting with the applicant on 10 August 2016, Council advised of the above public works that would be required to achieve satisfactory compliance with the provisions of the Seniors SEPP, and also Council's public domain requirements.

In a response form the applicant on 25 August 2016, it was advised Council's required public works to achieve compliance were generally onerous, and would not be complied with in full. The applicant raised particular issue with Council's required upgrades to street lighting, reconstruction of the kerb and gutter/roadway along a section of Clermont Avenue, relocation of utilities/signage at the entry to Yamble Reserve, the width of the footpath through Yamble Reserve, and new lighting in Yamble Reserve.

As such, the information submitted to date by the applicant in relation to the concept public domain works remains short of Council's technical officer expectations, and an agreement on the works required has not been achieved with Council.

Council's City Works and Infrastructure and Open Space/Landscape Planning Co-ordinator have generally recommended support for the proposed development and its nominated access alignment, subject to conditions.

In this regard, consent has been recommended, subject to the conditions prescribed by Council's technical officers within City Works and Infrastructure, and Open Space/Landscape Planning. For details on these conditions, reference should be made to the referral response section later in this report, and also the draft conditions of consent (specifically refer Conditions 65 and 66).

With the recommended conditions by Council's technical officers, it is considered that compliance with the provisions of clause 26 is achievable, and that a safe, suitable access pathway to the Quarry Road bus stops will be available to residents for the following reasons:

- The distance from the site to the nominated public transport service bus stops on Quarry Road is not more than 400m – see air photo below.
- The nominated bus stops operate at the required frequencies of the Seniors SEPP, and will take residents to within 400m of the required facilities and services.
- The site inspection of Yamble Reserve and a review of the City of Ryde's Plan of Management for Yamble Reserve identified lighting is included along the key pathways. Additionally street lighting on Quarry Road is included for that period in mid-winter between 5pm and 6pm when it may be dark. As part of the conditions of consent for the subject DA, street lighting on Clermont Avenue is to be augmented to comply with pedestrian category P3. The Action Plan for Yamble Reserve nominates additional lighting within the park which will only improve park illumination levels.

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- The accessibility report submitted by the applicant demonstrates the gradients of pathways through the park meet the requirements of the Senior SEPP, and are therefore considered safe.
- The width of the paths through the park, and those recommended by Council by way of condition, have been assessed as being satisfactory to allow safe passing of wheelchairs if necessary.
- Yamble Reserve has been observed as including a number of park users at any one time, this is due to the large children's playground, and child care centre located within the park providing good casual surveillance. The Plan of Management also outlines that the park is used during the evening by the local community for walking and dog exercising as well as several organised community events throughout the year. Again this is considered to help with safety of residents using the park for access to the bus stops.
- The Plan of Management for Yamble Reserve specifies that regular maintenance tasks are undertaken at the reserve, including pathway and pavement repairs, inspection and repair of built structures including amenities, lights and shelters etc., inspection and repair of fixtures and furniture, toilet cleaning, rubbish removal etc.
- The Plan of Management also references the Disability Action Plan 2006-2008 and the Access and Equity Policy (2003), indicating that the key aims of the park are to ensure people with disabilities need have full access to the parks and linkage routes. Park furniture and signage is also accessible.
- A review of the online Crime Maps by the NSW Bureau of Crime Statistics and Research for Yamble Reserve does not indicate any crime hotspots (assault, robbery, malicious damage (low)) for the park, and as such, it is considered to present a relatively safe location.

Given the above, once the required upgrade works have been undertaken in the public domain, it is the assessing officer's opinion a 'suitable access pathway' will appropriately connect to the site to the bus stops on Quarry Road.

Reference should be made to referral response section later in this report for details of the recommended conditions by Council's technical officers to ensure a suitable access pathway is achieved.

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Aerial image showing the walking distance via the applicants nominated suitable access pathway to be partially constructed from the subject site to the bus stops on Quarry Road is within the 400m requirement of the Seniors SEPP.

Source: <https://www.six.nsw.gov.au> – edited by CPS for diagrammatic purposes

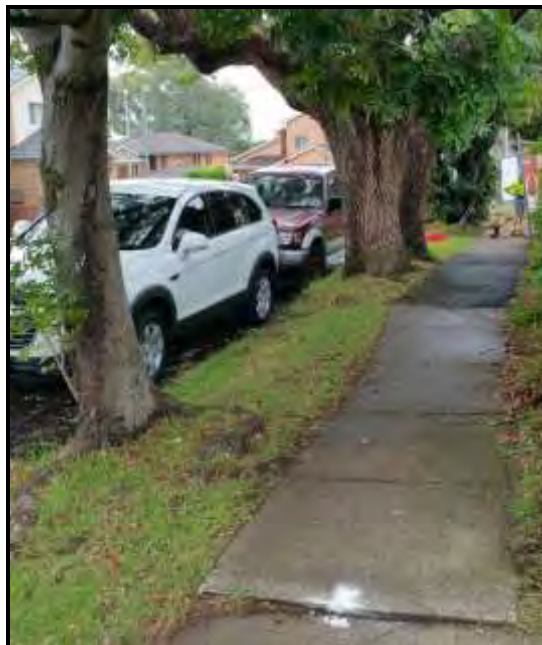


Photo (June 2016) showing the former footpath along Jennifer Street that has been partly replaced in order to accommodate a 'suitable access pathway' under the clause 26 of the Seniors SEPP. It is noted the Camphor laurel street trees to the left of frame have been removed to facilitate the footpath upgrade.

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Photo (October 2016) showing footpath works already undertaken in Clermont Ave (front of No 9), including re-construction of footpath and removal of Camphor Laurel trees.

Part 3 – Design requirements

Clause 31 of the Seniors SEPP outlines that in determining a DA for in-fill self-care housing, Council must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

Within **Attachment 2** of this report is a design compliance table outlining the proposal's performance against the provisions of the aforementioned Urban Design Guidelines. As demonstrated within table, the proposal achieves satisfactory compliance with the relevant objectives and performance criteria.

Clause 32 of the Seniors SEPP outlines that Council must not consent to a DA for seniors housing unless it is satisfied the proposal demonstrates adequate regard has been given to the principles set out in Part 3 Division 2 of the Seniors SEPP.

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ATTACHMENT 3

These principals within Division 2 cover the following:

- neighbourhood amenity and streetscape;
- visual and acoustic privacy;
- solar access and design for climate;
- stormwater;
- crime prevention;
- accessibility; and
- waste management

Covered throughout this report, in both the responses to objections raised by the applicants, and also the assessment of the proposal against the relevant planning provisions, is a demonstration on how the proposal achieves consistency with the above mentioned design principals.

The design principal in relation to 'crime prevention' has however not yet been covered. In this regard, it is noted the site planning generally allows observation of the approaches to dwelling entries, and general observation over common areas throughout the development, whether this be by way of living room window orientation, or the orientation of balconies.

The fifteen self-contained dwellings are separated into two different buildings with separate shared entries, thus reducing the number of dwellings which are accessed by the common entry points. Gates are included to these areas further assisting with security.

Given the above, the proposal is considered to be of satisfactory design to enable consistency with the crime prevention design principals outlined under clause 37 of the Seniors SEPP.

Part 4 – Development Standards to be complied with

Division 1 – General

Clause 40 of the Seniors SEPP provides development standards for seniors housing development. As covered within subsection (1) of this clause, Council must not consent to a DA for seniors housing unless the proposal complies with these standards. Each standard is outlined below, followed by a response from the assessing officer on how the proposal performs against each of these objectives:

- *Site size - The size of the site must be at least 1,000 square metres.*

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Assessing Officer Comment: The subject site has an area of approximately 4,913m².

- *Site frontage - The site frontage must be at least 20 metres wide measured at the building line.*

Assessing Officer Comment: The subject site has combined frontage of over 215m.

- *Height in zones where residential flat buildings are not permitted – height of all buildings must be 8m or less, and a building adjacent to a boundary must be not more than 2 storeys in height. Further, a building located in the rear 25% of the site must not exceed 1 storey in height.*

Assessing Officer Comment: The proposed development has been assessed as having a maximum building height of 7.04m, measured from the ceiling level RL91.34 in the north-western corner of the residential care facility and existing ground level below of RL84.3.

Note: The definition of 'height' under the Seniors SEPP differs from that under LEP2014, in the height under the Seniors SEPP means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. Under LEP2014 height is measured from ground level (existing) to the highest point of the building.

The rear 25% of the site includes the independent living units which are single storey only.

However, the residential care facility adjacent to the north-eastern boundary of the site constitutes a three storey building where two levels of bedrooms and lounge rooms etc. are proposed above the lower level which comprises training/dining/laundry/kitchen rooms.

As outlined earlier within this report, for Council to consider this variation a clause 4.6 written request under the provisions of LEP2014 was required from the applicant to vary the development standard.

As part of the applicant's response to Council's additional information request, a clause 4.6 written request has been submitted. This written request to vary the aforementioned development standard is assessed below.

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ATTACHMENT 3

Assessment of Applicant's Clause 4.6 Written Request

The provisions of clause 4.6(2) of LEP2014 stipulate the following:

*Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other **environmental planning instrument**. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

[Emphasis Added]

The Seniors SEPP is an 'other environmental planning instrument' and the development standard at clause 40(4)(b) of the Seniors SEPP is not expressly excluded from the operation of clause 4.6. Accordingly, consent may be granted to the variation.

Clause 4.6(3) indicates that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention.

A Clause 4.6 written request has been submitted by the applicant. This written request has adequately justified the contravention of the development standard. In particular, the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as well as demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, in accordance with clause 4.6(3) of LEP2014.

Further to the above, the submitted Clause 4.6 written request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the R2 Low Density Residential zone under LEP2014.

A review of the submitted Clause 4.6 written request has considered the applicant's reasoning for varying a development standard. As such, it is of the opinion of the assessing officer that it would be unreasonable and unnecessary to achieve compliance with the development standards in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

- The design of the proposed residential care facility purposely includes the majority of service rooms in the Basement Level, entirely below ground level in order to minimise the potential negative streetscape impacts of having such rooms above ground.
- The proposal includes a continuous residential presentation to Clermont Avenue and Jennifer Street frontages which provides for a better urban design outcome, such as an active integration with the existing residential streetscape;

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- By being within the building's basement, these service rooms do not contribute to the bulk and scale of the development, therefore ensuring the proposal maintains a two-storey presentation to the street;
- The two-storey presentation of the development is consistent in scale with other dwellings in the street which are also two-storeys in height.
- The proposed residential care facility complies with the overall 8 meter height limit prescribed by the Seniors SEPP;
- The residential care facility does not adversely overshadow surrounding residential property, nor will it obstruct any significant views to, from or across the site.
- The proposal achieves compliance with the FSR standards prescribed by the Seniors SEPP, and cannot therefore be refused on the basis of bulk and scale;
- The proposal will replace an existing residential care facility that has reached the end of its economic life and which no longer provides the level of services and facilities expected of a modern residential aged care facility.
- The proposal will provide a range of seniors housing accommodation to provide for ageing-in-place and therefore offer existing and future residents a range of accommodation and services that they do not currently enjoy.

For the above reasons, the clause 4.6 written request to vary the development standard under clause 40(4)(b) of the Seniors SEPP is considered to be well founded.

In this regard it is considered that enforcing compliance with the aforementioned development standard would be unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Division 3 – Hostels and self-contained dwellings – standards concerning accessibility and useability

Clause 41 of the Seniors SEPP outlines that Council must not consent to a DA for self-contained dwellings unless the proposal complies with the standards specified in Schedule 3 of the Seniors SEPP.

Contained within **Attachment 2** of this report is a compliance table assessing the proposal's performance against the standards specified in Schedule 3. Additionally, the applicant has submitted a *Statement of Compliance Access for People with a Disability* report prepared by Accessible Building Solutions outlining the proposal ability to achieve compliance with the provisions of Schedule 3 of the Seniors SEPP.

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ATTACHMENT 3

To ensure the proposal satisfactorily achieves compliance with the provisions of Schedule 3, the following condition is recommended and included at Condition 39 of the draft consent at **Attachment 1**:

Disabled Access & Mobility - The building must be provided with “access and facilities for people with disabilities” to comply with all the requirements of Part D3 of the Building Code of Australia, relevant provisions of AS1428 and the applicable provisions of Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Part 7 – Development standards that cannot be used as grounds to refuse consent

Division 2 – Residential care facilities

Clause 48 of the Seniors SEPP outlines that Council must not refuse consent to a DA made for the purpose of a residential care facility on a number of specified grounds. Each of these specified grounds is outlined below, followed by a response from the assessing officer on how the proposal performs against each item:

- *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)*

Assessing Officer Comment: As outlined earlier within this report, all buildings on the subject site have been measured as having a building height of 8 metres or less, when using the appropriate definition for building height included within clause 3 of the Seniors SEPP.

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

Assessing Officer Comment: When assessing compliance with this standard, it is also important to have regard to the correlating FSR standard for self-contained dwellings, which specifies an FSR limit of 0.5:1 – see clause 50(b). Both aspects are discussed below.

While the Seniors SEPP prescribes FSR standards for different forms of seniors housing, the Seniors SEPP does not cater for those developments which comprise more than one form of seniors housing on the same site. As part of the assessment of the subject DA, the assessing officer had discussions with the NSW Department of Planning on the matter for guidance.

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ATTACHMENT 3

The response from the Department was an acknowledgement the Seniors SEPP does not explicitly address how FSR standards should be applied for those developments which include a variety of seniors housing types. A merit based approach to application of the development standards under the Seniors SEPP was recommended by the Department.

Having regard to the above, the applicant was requested to demonstrate to Council how they had approached the design of the development having regard to the FSR development standards under the Seniors SEPP.

In a meeting held with the applicant on 17 May 2016, and in the applicant's subsequent additional information response letter dated 8 June 2016, the design approach to the FSR standard was outlined as follows:

- 1. The total number of aged care beds required by the applicant was derived (i.e. 56 beds) and after detailed design, the resulting gross floor area (GFA) within the residential care facility building to accommodate those beds was calculated as 2,151.4m².*
- 2. The GFA of the proposed residential care facility building was multiplied by the maximum FSR requirement under the Seniors SEPP for residential care facility of 1:1, providing for a site area requirement of 2,151.4m² for the residential care facility component;*
- 3. The residential care facility site area requirement was subtracted from the total site area of 4,913m² to generate a residual site area of 2,761.6m² that could be used for self-contained dwellings;*
- 4. The self-contained dwelling site area was multiplied by the maximum FSR requirement under the Seniors SEPP for self-contained dwellings of 0.5:1, providing a maximum GFA of 1,380.8m² for the self-contained dwellings; and*
- 5. The number of self-contained dwellings was a function of Step 4 above and detailed design, resulting in a GFA for the self-contained dwellings of 1,371m², being an FSR of 0.49:1, which complies with the Seniors SEPP.*

The above approach by the applicant is considered logical in the circumstances of the case, i.e. given no direction on this matter is presented within the Seniors SEPP.

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The result of the applicant's approach is the residential care facility and independent living units components of the seniors housing development comply with the aggregated numerical requirements of the Seniors SEPP. Further the built form outcome distinctly reflects this, with the north-eastern portion of the site accommodating the residential care facility including a higher built form density akin to a building with an FSR of 1:1, and the south-western portion of the site accommodating the independent living units including a lower built form density akin to a building with an FSR of 0.5:1

For this reason, the proposal is considered to satisfactorily comply with the density and scale provisions of the Seniors SEPP.

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

Assessing Officer Comment: Based on the residential care facility including 56 beds, a total landscaped area of 1,400m² would be required.

However as the site also includes 15 independent living units, and additional landscaped area equal to 30% of the site area for the independent living units is required also. Given the area for the independent living units is 2,761.6m², this would therefore require an additional landscaped area component of 828.48m².

Based on the above, a total landscaped area of 2,228.48m² is required.

The proposed development has been assessed as including a landscaped area of 2,231m², and therefore meets the minimum requirements of the Seniors SEPP.

Note: The Seniors SEPP includes a different definition for landscaped area than that contained under the Ryde Development Control Plan 2014. Notably it includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.

- *parking for residents and visitors: if at least the following is provided:*

Assessing Officer Comment: The proposed residential care facility includes 12 dementia beds, 44 other beds, 18 employees and will require 1 ambulance space. This therefore necessitates parking for 15 vehicles, plus 1 ambulance parking space.

The proposal will provide 15 car parking spaces within the basement, along with 1 ambulance parking bay. Accordingly, the residential care facility component of the proposal complies with the provisions of clause 48(d) and Council cannot refuse consent of the DA on the basis of parking for residents and visitors.

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Division 4 – Self-contained dwellings

Clause 50 of the Seniors SEPP outlines that Council must not refuse consent to a DA made for the purpose of independent living units on a number of specified grounds. Each of these specified grounds is outlined below, followed by a response from the assessing officer on how the proposal performs against each item:

- *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),*

Assessing Officer Comment: As outlined earlier within this report, all buildings on the subject site have been measured as having a building height of 8 metres or less. The independent living units component of the development is not more than 2 storeys in height.

- *Density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Assessing Officer Comment: Refer to assessment above for residential care facility.

- *Landscaped area: a minimum of 30% of the area of the site is to be landscaped,*

Assessing Officer Comment: Refer to assessment above for residential care facility.

- *Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

Assessing Officer Comment: Of the 2,761.6m² associated with the independent living units, approximately 1,370m² has been assessed as constituting 'deep soil area'. This equates to approximately 49% of the site area, and as such complies with the standard. When considering the redevelopment site as a whole, this deep soil zone is predominantly located to the rear. It is acknowledged however that due to the site's highly irregular shape, and three street frontages, the 'rear' of the site is not immediately apparent. However, the rear is generally considered to be the western portion of the site.

- *Solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

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Assessing Officer Comment: Insufficient information was submitted as part of the original DA to accurately verify compliance with the solar access provisions. In particular, concern was raised whether Unit's 1, 4, 6 and 7 would achieve the required solar access. Accordingly, revised solar access diagrams in both plan and elevation format were requested from the client to demonstrate compliance with the minimum standards of the Seniors SEPP.

Below is an extract from the applicant's additional information response demonstrating solar access is achieved to these dwellings via the high levels windows on the northern elevation of the single storey building. Other dwellings and private open space areas within the development have been assessed as receiving a satisfactory level of solar access.

The result is 73% of the dwellings achieving compliance, therefore achieving consistency with clause 50(e) of the Seniors SEPP.



Solar access plans submitted by the applicant demonstrating the living rooms of Units 1, 4, 6 and 7 will achieve adequate solar access during mid-winter in accordance with the provisions of the Seniors SEPP.
Source: Solar access plans submitted by applicant as additional information

- *Private open space for in-fill self-care housing: if:*
 - (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
 - (ii) *in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*

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Assessing Officer Comment: A review of the plans included with the original DA submission revealed that all ground floor self-contained dwellings have at least 15m² of private open space, which includes an area of at least 3m wide by 3m long and is accessible from a living area. The exception however was the dwelling adjacent the fire stair and office, which did not provide a minimum area of 15m², nor a minimum 3m x 3m dimension.

Revised plans have since been submitted by the applicant following Council's additional information request which now demonstrate all dwellings complying with the minimum private open space standards outlined under clause 50(f) of the Seniors SEPP.

- *Parking: if at least 0.5 car spaces for each bedroom is provided*

Assessing Officer Comment: A total of 20 bedrooms are provided across the independent living units dwellings as part of the proposal. This accordingly necessitates parking for 10 vehicles.

A review of the basement parking provisions reveals parking for 14 vehicles is allocated to the independent living units. As such, the development achieves compliance with clause 50(h) of the Seniors SEPP.

Note – this concludes the assessment of the proposal against the relevant provisions of the Seniors SEPP. An assessment of the relevant provisions of LEP2014 is now provided, having regard to the provisions of clause 5 of the Seniors SEPP, and the relationship the Seniors SEPP has with other environmental planning instruments – see discussion on the effects of clause 5 earlier in this report.

(b) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde LEP 2014 the zoning of the subject site is R2 Low Density Residential. The proposed development, being 'seniors housing', is identified as being prohibited under the R2 zoning. Despite this, it is acknowledged the subject development has been lodged pursuant to the provisions of the Seniors SEPP, and is made permissible on the land by clause 4(1) of this policy.

The proposal is considered capable of satisfying the objectives for residential development as it will provide for the housing needs of the community within a low density residential environment.

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The proposal satisfactorily maintains the existing general low density nature of the zone as the development achieves compliance with the relevant bulk and scale provisions for residential care facility and independent living units buildings. The modern form of the development will assist in the enhancement of the local streetscape through the provision of architectural features to the façade, such as balconies and porticos fronting the primary and secondary street frontages. These features provide articulation to the façade as well as allow passive surveillance opportunities over the street.

Principal Development Standards

It is acknowledged that the proposal includes amalgamation of the allotments forming the development site upon completion of the Stage 3 works. As such, clause 4.1 'minimum subdivision lot size' of LEP2014 is applicable to the proposal. As per Council's Lot Size Map for LEP2014, the minimum lot size for subdivision on the subject site is 580m². Given the proposed subdivision will result in an amalgamated lot with an area of 4,913m², compliance with clause 4.1 of LEP2014 is achieved.

No other development standards under LEP2014 are considered applicable to the proposed development. The relevant standards for seniors housing proposals made under the Seniors SEPP have been addressed earlier in this report.

Miscellaneous Provisions

Clause 5.9 – Preservation of trees or vegetation

It is acknowledged LEP2014 prescribes that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council

The proposal includes tree removal, and appropriately is seeking development consent for this tree removal under LDA2016/0051. Reference is made to the Landscape Referral response later in this report for further details.

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ATTACHMENT 3

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP55) applies to the entire state of New South Wales and includes planning controls for the remediation of contaminated land. It also requires an investigation to be made if land contamination is suspected.

A review of Council's environmentally sensitive land mapping has not identified that the site is impacted upon by contamination.

Standard conditions of consent relating to contamination, fill and removal of hazardous materials will be imposed to assist in mitigating any potential impacts.

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

Under the *Environmental Planning and Assessment Act 2000* (Regulations), all of the independent living units are defined as 'BASIX affected buildings', and according the provisions of the BASIX SEPP apply.

A compliant BASIX Certificate (Cert. No. 676306M, dated 30 November 2015) has been submitted with the subject DA. A standard condition of consent will be imposed to ensure compliance with the BASIX Certificate.

Note: The residential care facility component of the building has is subject to the National Construction Code 2015 – Section J via the JV3 Alternative Assessment pathway. A Section J report has been submitted with the DA by Inhabit engineering consultants.

(c) Any draft LEPs

No draft environmental planning instruments that have been identified which are considered relevant for the proposed development on the subject site.

(d) The provisions of any development control plan applying to the land

Ryde Development Control Plan 2014

Ryde DCP 2014 applies to the subject site, however only in a limited capacity due to the development being lodged pursuant to the provisions of the Seniors SEPP.

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ATTACHMENT 3

DCP2014 does not include any specific provisions for seniors housing developments, however it is appropriate to take into consideration the setback provisions contained under DCP2014, given that front setbacks are not prescribed in the Seniors SEPP. The relevant setback provisions to apply would be those relating to multi-dwelling housing, given this is the built form outcome most representative of the proposed development.

In this regard, an assessment of the proposal against the setback provisions of DCP2014 are provided below.

Front Setback

Comment: The Seniors SEPP does not contain front setback controls, and it is considered appropriate to utilise Council's setback controls for multi-dwelling housing developments (Part 3.4 DCP 2014) for guidance, in the absence of anything more specific.

For front setbacks, Part 3.4 Ryde DCP 2014 states that buildings should be setback either the average or same distance as one of the buildings on adjoining sites (generally either 6.5m to 7.5m). At this site, the distance between buildings on the sites immediately adjoining (at 4 Clermont Ave and 6 Jennifer Street) is separated by a large distance (over 200m) and a highly articulated alignment of Clermont Ave and Jennifer Street, it is very difficult to determine what the front setback should be for this development, and a merit based approach to front setbacks is appropriate.

The proposal provides an average 4.5m front setback to Clermont Ave and Jennifer Street, and while there are some parts of the building which slightly encroach within this 4.5m setback, there are other parts of the building where it significantly exceeds 4.5m.

The sites immediately opposite contain buildings with setbacks of 2-3m (for a 2 storey building to the north-east at No 9 Clermont) and 2-3m (for a single storey building to the south-east at No 1 Clermont).

The following is an aerial photo, showing the large distance between buildings on the immediately adjoining sites (4 Clermont and 6 Jennifer), the position of the existing buildings on the subject site, as well as the setbacks of buildings immediately opposite.

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Air photo showing large distance between buildings on immediately adjoining sites (4 Clermont and 6 Jennifer), the position of existing buildings on the subject site, as well as the setbacks of buildings immediately opposite.
(Source: Air Photo from Council's mapping system, edited).

The approach has demonstrated the proposal is capable of achieving satisfactory compliance with the objectives of Council's setback controls, and as such is supportable when having regard to the provisions of Section 79C(3A)(b) of the Act

A merit based approach to assessing compliance with Council's front setback provisions is appropriate. The objectives of the setback controls are provided below, followed by a response form the assessing officer on how the proposal performs against each objective.

To allow sufficient separation within the development and from adjoining properties to ensure privacy between dwellings;

Assessing Officer Comment: This objective is considered to apply more to side and rear setbacks, rather than front setbacks.

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To allow for substantial landscaping and pervious areas;

Assessing Officer Comment: The proposal has achieved compliance with the landscape area requirements of the Seniors SEPP, and as such is considered to allow for satisfactory landscaping and pervious areas.

To allow sufficient manoeuvring area for vehicles;

Assessing Officer Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In response, Council's Senior Development Engineer has provided support for the proposal, subject to the imposition of conditions. In this regard, the proposal is taken to allow sufficient manoeuvring for vehicles.

To ensure the development is in keeping with the existing streetscape; and

Assessing Officer Comment: As outlined above, the subject site essentially forms an island surrounded by the angled alignments of Clermont Avenue and Jennifer Street. As such, there is little consistency to maintain within the streetscape. Nevertheless, the proposal generally includes setbacks up to 4.5m, increases and decreasing slightly to allow for building articulation. Given the circumstances, the proposal will be satisfactorily in keeping with the existing streetscape.

To allow the retention of existing substantial trees.

Assessing Officer Comment: The proposal will result in a significant level of tree removal across the site. However as outlined earlier in this report (and also in the Landscape Referral response), the majority of these trees have been identified as non-significant/substantial. The large Lemon Scented Gum on the Jennifer Street frontage is proposed to be retained as part of the development, and this has been identified as the most substantial on the site.

Accordingly, the proposed front setbacks are considered to achieve consistency with the above objective.

Setbacks for Secondary Street Frontage

DCP2014 prescribes secondary street frontage setbacks of 4.5m for multi dwelling house developments. As covered above, the proposed development predominantly includes setbacks to Clermont Avenue and Jennifer Street of 4.5m. However, some building articulations have resulted in minor encroachments into what may be considered as the secondary street setback areas.

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Despite this, the proposal is satisfactory when having regard to the objectives of the DCP2014 setbacks controls. Accordingly, pursuant to the provisions of Section 79C(3A)(b) of the *Environmental Planning and Assessment Act 1979*, the front setback arrangements are acceptable.

Side and Rear Setbacks

DCP2014 prescribes side setbacks of 4.5m for multi dwelling housing, however this may reduce to 3m for not more than 50% of a dwelling's wall length to allow for variation and interest in building design.

The proposal includes side setback of 4.5m, with some articulations not less than 3m for 50% of the dwelling's wall length. As such, the side and rear setbacks have been assessed as compliant with the provisions of DCP2014.

Other provisions of DCP2014

The following parts of DCP2014 are also considered applicable to the proposed development:

Part 7 – Environment

- Part 7.1: Energy Smart, Water Wise
- Part 7.2: Waste Minimisation and Management

Part 8 - Engineering

- Part 8.1: Construction Activities
- Part 8.2: Stormwater and Floodplain Management
- Part 8.3: Driveways
- Part 8.5: Public Civil Works

Part 9 – Other Provisions

- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls
- Part 9.5: Tree Preservation

The above components of DCP2014 are considered to appropriately be addressed by the referral of the DA to Council's technical officer, including Development Engineers, Landscape Architect/Arborist, Environmental Health Officers, Building Surveyors, Waste Management Officers, Public Works, Traffic Engineers and Senior Co-ordinator of Design. Reference should be made to the referral response section below for further details.

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Section 94 Contributions Plan

Council's Section 94 Contributions Plan applies to a range of development types, including "seniors housing". In particular, the Contributions Plan contains the following note in relation to "seniors housing":

Seniors housing is as defined under clause 10 of State Environmental Planning Policy (Seniors Living) 2004. The occupancy rate and contribution applied relates to self-contained dwellings. The contribution for other forms of seniors housing such as hostels will be based on an assessment of the expected demand for public facilities that the development generates.

The above note in the Contributions Plan states that the occupancy rate relates to "self-contained dwellings" which (within the Contributions Plan) has an occupancy rate of 1.5 persons per dwelling. As the proposal involves self-contained dwellings (ie the independent living units at the south/western end of the site), it is appropriate to levy section 94 contributions for this type of development.

It would not be appropriate for Council to levy Section 94 contributions for the beds in the residential care facility for the following reasons:

- There is only a net increase in one (1) bed in the current proposal compared to the existing development;
- This part of the development is generally for residents requiring a higher level of care (including dementia patients), the residents are unlikely to use the range of community facilities and services for which Section 94 contributions are payable;
- The note in the Section 94 contributions Plan (as above) expressly states that the occupancy rate and contribution applies to self-contained dwellings (ie not beds in a residential care facility).

The following are the Section 94 contribution types and amounts payable for the self-contained dwellings. Contribution calculations are sought on the basis of the new 15 self-contained dwellings, minus a credit for the 3 existing detached dwellings (that could be constructed without attracting Section 94 contributions).

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

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A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$16,983.79
Open Space & Recreation Facilities	\$41,810.45
Civic & Urban Improvements	\$14,220.51
Roads & Traffic Management Facilities	\$1,939.76
Cycleways	\$1,211.67
Stormwater Management Facilities	\$3,851.35
Plan Administration	\$326.62
The total contribution is	\$80,344.15

Note: The above calculation has been reviewed by two Assessment Officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the assessment of the proposed development. This has included a compliance check against all relevant planning controls, referral of the proposal to relevant technical officers within Council, and a detailed assessment report.

The assessment of the proposal has revealed that it is unlikely to adversely impact on the existing character of the locality in terms of bulk and scale. Whilst it is acknowledged that the scale and built form density of the subject site will increase as a result of the development, the proposed seniors housing development has been appropriately designed so that the buildings maintain a two-storey height limit at the front of the site, and single storey to the rear, so as to maintain an appearance sympathetic to the surrounding dwelling houses.

It is also noted that the primary controls governing the scale of the proposed development relating to building height, floor space ratio and setbacks contained within the Seniors SEPP and Council's DCP2014 have all been achieved. Furthermore, the objectives of the R2 Low Density Residential Zone as contained within the LEP2014 have also been achieved.

Having regard to the above, the proposed development is considered unlikely to significantly impact on the streetscape or surrounding development.

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(b) Natural Environment

The proposed development is located in an established urban area, and as such is not considered to result in any significant impacts on the natural environment. Imposition of Council's standard conditions of consent, relating to protection of the natural environment, are considered to satisfactorily mitigate any adverse impacts from the proposed demolition and construction of the seniors housing development.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no constraints affecting the subject property other than those already identified within this report. The subject site currently includes an existing residential care facility containing 55 beds, which is proposed to be replaced by the new facility containing 56 beds. As such, the suitability of the eastern portion of the site is already somewhat established by the existing development.

The western portion of the subject site is to include the self-contained dwellings for seniors. This portion of the site currently comprises dwellings houses at 7, 8 and 9 Jennifer Street, and as such this self-contained seniors accommodation will simply replace existing self-contained residential accommodation, albeit to a higher density.

This report has demonstrates that the impacts of the proposal have been satisfactorily mitigated, either through design, or application of conditions of consent. In this regard, the site is considered suitable for a seniors housing development, subject to the conditions outlined within the draft consent.

12. The Public Interest

The proposed development is considered satisfactory having regard to the objectives and requirements of the Seniors SEPP, and where relevant the provisions of LEP2014 and DCP2014. Any potential impact on adjoining properties has been considered and addressed within this report. As such it is considered that the proposed development is in the public interest.

13. Consultation – Internal and External

Internal Referrals

Development Engineer: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer. The response from Council's Senior Development Engineer is provided below:

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Stormwater Management

The proposed stormwater management system for the development discharges to an existing kerb inlet pit fronting No. 6 Jennifer Street and incorporates an onsite detention system. The general layout of the system appears satisfactory however when scrutinising the DRAINS analysis, it is noted that the system will not perform adequately from a hydraulic perspective. It would appear that the design is restricted due to the onsite detention being located at the lowest point of the site, the volume of the system and the difficulty in draining to this system from the other end of the site. In particular the following issues are evident;

- A 375mm diameter drainage discharge line is proposed from the property to the point of discharge to the public drainage network. The nominated diameter is not supported given that it will impose on future and present services in the verge, is oversized for the scale of development and will require significant reconfiguration of the pit in order to accommodate the connection. It is possible the diameter of the line is to compensate for the performance deficiencies in the system.*
- The nominated invert of the discharge line will be at the base of the kerb inlet pit and it is angled against the main flow in the public drainage system. This is a poor arrangement for hydraulic performance and would result, in the very least, the outlet being submerged (reducing the rate of discharge) and, in the worst instance, potential for backflow into the private system. This does not appear to have been accounted for in the analysis.*
- The proposed drainage layout enables the entire site to discharge through the OSD system. Whilst this is in accordance with the Council's DCP controls, a proportion of the surface drainage system will have upwelling at the inlet pits (surcharge), mostly due to the limited depth of the OSD storage and the length of drainage to the OSD system. Whilst this would not be an issue if surcharge flows could be channelled to the point of discharge however this cannot be readily achieved due to the site topography. Most of the inlet pits have the same surface RL and therefore surface runoff will not be conveyed to the next pit downstream as the consultant presents in the analysis. This poses a risk to adjoining property and therefore the drainage system.*
- The nominated OSD storage location has a poor level of accessibility in providing only 2 inlet grates at one end of the pit. The detention tank is also located in a section of private courtyard which creates implications for maintenance of the system, in the event of failure (blockage) plus great imposition for the occupants of the unit when the system needs to be accessed. It is therefore warranted that OSD be located in a common area.*

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Due to the site topography, expanse of development, broad frontage to public drainage infrastructure in Jennifer Street and the separated building footprints presented by the proposal – there is merit in dividing the stormwater drainage system into two separate systems, each with their own OSD component. This will;

- *reduce the volume of each storage (and required depth),*
- *reduce the length of the drainage lines throughout the property, and,*
- *enable OSD to be provided for each stage of the development.*

Whilst this reconfiguration is feasible with negligible alteration to the architectural plan and can be designed compliant with the DCP, the amendment presents a significant reconfiguration of the drainage system that will warrant a review by Council prior to the development consent. It is therefore considered appropriate that the matter be addressed as a condition of deferred commencement.

Vehicle Access and Parking

The submitted Traffic and Parking Impact report makes note that the development application is submitted under the provisions of the SEPP (Housing for Seniors or People with a Disability), in relation to the self-contained dwellings and residential care facilities. Clauses 48 & 50 specify “Standards that cannot be used to refuse development consent...” and include sub-clauses relating to parking. Noting that the development is comprised of stages with varying uses, the parking demand of each stage is presented below;

Stage 1

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	<i>6</i>	<i>1 space per 2 employees</i>	<i>3</i>	<i>3</i>
<i>Residential Care</i>	<i>23</i>	<i>1 space per 10 beds</i>	<i>2.3 (3)</i>	<i>3</i>

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Stage 1 will maintain a residential care facility on the western side of the site whilst construction is underway for stage 2, on the eastern side of the property. A review of the temporary arrangement notes that the plan accommodates an ambulance bay on the driveway area. Whilst the applicant's traffic consultant has suggested the implementation of dedicated parking restrictions in Jennifer Street, there are difficulties in enforcing this and so the off-street bay is desirable. Given the low turnover of parking in the parking area, available sight distance, the arrangement still maintains access and egress from the parking and that the development presents only a temporary stage, the proposed ambulance bay arrangement is supported. It is recommended that the condition of consent be applied requiring the ambulance bay to be demarcated and signposted to prevent vehicles blocking this area.

Stage 2

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	18	1 space per 2 employees	9	9
<i>Residential Care</i>	44	1 space per 10 beds	4.4 (5)	
<i>Residential Care (Only for dementia patients)</i>	12	1 space per 15 beds	0.8 (1)	6
<i>Self Contained Dwellings</i>	11	0.5 space per bedroom (other than social housing provider)	5.5 (6)	14

Stage 2 provides a basement parking level on the eastern side of the site providing 29 spaces whilst construction is underway on stage 3 (western side of the property). The provided level of parking satisfies the minimum parking requirement of 25 spaces.

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Stage 3

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	18	1 space per 2 employees	9	9
<i>Residential Care</i>	44	1 space per 10 beds	4.4 (5)	
<i>Residential Care (Only for dementia patients)</i>	12	1 space per 15 beds	0.8 (1)	6
<i>Self Contained Dwellings</i>	20	0.5 space per bedroom (other than social housing provider)	10	14

Stage 3 involves the construction of 7 self-contained units on the western side of the property.

The development is noted to comply with the requirements of the SEPP throughout every stage of the development and is therefore satisfactory in this regard.

An assessment of the parking area in accordance with AS 2890.1 and the DCP notes;

- As noted above, it is warranted that the ambulance bay on the driveway entry for Stage 1 must be adequately demarcated and signposted.*
- The entry driveway to the portico on Clermont Avenue adjoins the principal driveway entrance to the basement level, resulting in a driveway crossover having an approximate width of 9m wide. This poses a safety issue due to the increased exposure time for pedestrians and therefore the driveway crossovers should be separated.*
- Space "R1" is only some 2.5m wide and adjoins a wall. As per AS 2890.1, the space is required to provide a further 300mm clearance above the minimum width (2.4m).*

These matters have been addressed by condition of consent.

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Waste and Service Requirements

All stages of the development provide an ambulance bay, designed in accordance with AS 2890.2 for an SRV vehicle.

The applicant has indicated that the development will be serviced by a private waste contractor and indicated that their waste vehicle requirements are equivalent to an SRV and so the basement manoeuvring area and clearance heights have been designed to accommodate this.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.

Landscape Architect and Arborist: As part of the assessment of the subject DA, the proposal was referred to Council's consultant landscape architect and arborist. In response, Council's consultant has acknowledged that a high level of tree removal is proposed across the site, but is generally supportive of the proposal. The following comments are extracted from the referral response:

Of the 47 trees identified on the site, 10 are to be retained, effectively meaning around 78% of site vegetation is to be removed.

However, it is important to note that all but 2 of these trees to be removed have been identified as being of low or very low retention value. It also should be noted that 18 of the 37 trees to be removed are exempt from the City of Ryde's Tree Preservation Order.

*It is also important to note that the most significant tree on the site, being the *Corymbia citriodora* Lemon Scented Gum, located adjacent to the Jennifer Street boundary is to be retained and protected as part of the development.*

The landscape plan submitted with the DA demonstrates a comprehensive approach to revegetation of the site to compensate for the vegetation removal proposed.

It is noted that the Landscape Masterplan (Drawing No. 101, Revision A, dated 1 September 2015) prepared by Site Image has been reviewed as part of this assessment. A review of the abovementioned landscape plan has revealed a generally satisfactory landscape design and open space arrangement.

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Each of the self-contained dwellings at ground level have been provided a dedicated private open space consisting of a small paved terrace, with privacy screens and boundary plantings. The landscape planting adjacent to the boundaries provides buffer planting which will assist in the maintenance of privacy. Appropriate tree planting of adequate pot sizes has been included throughout the open space areas. Accordingly, the proposal is generally considered to meet the controls and objectives of the landscaping requirements of the Seniors SEPP, and where relevant Council's planning controls.

Environmental Health Officers: As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officers. The Environmental Health Officer has advised that the proposal is satisfactory subject to conditions which are included in the draft consent.

Building Surveyor: As part of the assessment of the subject DA, the proposal was referred to Council's Building Surveyor. No objections are raised subject to compliance with the Building Code of Australia.

Senior Co-ordinator – Cultural and Social Planning: Has provided the following comments:

Ryde has a growing aged population consistent with the Australian trends. This is due to the fact that the population in general is experiencing increased longevity. In 1960 life expectancy for males at birth was around 68 years. Today it is 78 years, and in 2042 the Commonwealth Government projects it to be around 83 years. Within the NSROC and SHOROC regions 15% of the total population is people over 65 years of age. Ryde's ageing population is consistent with these trends.

By 2031, this number is expected to grow to 191,000 and older people will make up 18 per cent of the total population increasing a demand for age care facilities and services. Between 2011 and 2026 forecasts for Ryde indicates a 46.4% increase in population of retirement age. Currently the percentage over 65 on the aged pension in Ryde are is 61.4%. ABS 2011 Census information shows that in the Ryde, Lane Cove and Hunters Hill LGAs there are a combined total of total of 7,704 55 to 84 year olds in lone person households containing 2+ bedrooms that are owned outright or with a mortgage.

The data indicates that there is growing need in Ryde to offer alternate housing choices such as retirement village living and age care facilities where competitive health and wellbeing options can be provided to the aged.

City Works and Infrastructure – Waste Management Officer: As part of the assessment of the subject DA, the proposal was referred to Council's Waste Management Officer within the Public Works team. In response it was outlined that Council's Health & Building officers will make comment and include conditions on waste matters, as waste is proposed to be collected within the site.

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City Works and Infrastructure – Traffic Engineer: As part of the assessment of the subject DA, the proposal was referred to Council’s Traffic Engineer within the public works team. The response from the traffic engineer is provided below:

The traffic report prepared by Traffix dated December 2015 and subsequent responses have been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 56 beds and 15 Independent Living Units) is expected to be around 15 to 20 vehicle trips per peak hour. The existing facilities would generate about 15 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to be less than 5 additional vehicle trips per hour, which is considered negligible on the road network.

Refer to Development Engineer’s comments/conditions regarding the adequacy of car parking provision (TRIM Reference D16/94607). It is noted that proposed car parking provision is considered satisfactory for all stages of the development.

Refer to Public Domain conditions for footpath requirements within the Yamble Reserve (see Condition 66 at **Attachment 1**).

Public Works – Public Domain: As part of the assessment of the subject DA, the proposal was referred to Council’s Public Domain officer. The response from the public domain officer is provided below:

- The site is outside of the Ryde Town Centre; hence the Public Domain Technical Standards do not apply.
- The development would be subject to SEPP (Seniors Living), Ryde LEP and DCP2014 Parts 8.3 Driveway and Part 8.5 Public Civil Works.
- There is currently no paved footpath along the perimeter of this site. Drawing No A-060, Revision DA01, of Morrison Design Partnership, shows the Applicant’s proposal for a new concrete footpath along the entire perimeter of the site.
- The alignment of the proposed footpath will be affected by the existing trees. Initial discussions with tree management staff (Derek Arnaiz and team) indicate that those trees may be able to be removed and replaced with more suitable species for the location. Further advice to be sought from Council’s Open Space Planning and Development Team.
- The exact type and position for the new street trees is to be advised by Open Space Planning and Development Team.

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- There are three existing vehicular crossings in Jennifer Street; these would become redundant and will be required to be removed and replaced with new kerb and gutter and concrete footpath.
- There are two existing vehicular crossings in Clermont Avenue. Both of them need reconstruction: one will be replaced with kerb and gutter and the other will need to be redone without the concrete block in the gutter. Council will have to issue the relevant levels for this to occur.
- *This type of development requires proximity to public transport. "There are two bus routes that service Quarry Road. The most direct route from the subject site is a 250m (approx.) walk through Yamble Reserve." (See page 10 of the Traffic Impact Assessment). The first part of this route is the public footpath in front of 9 and 11 Clermont Ave; this is not in good condition, due to the root intrusion of a big old tree.*
- *There will be a need for a new concrete pedestrian footpath on the northern side of the existing access road to the Council carpark.*
- *Note for the planner: In looking over the SEPP, it would appear that the Developer would be required to upgrade the footpath along Clermont Avenue in the vicinity of No. 9 & 11, as well as the northern side of the access road to the carpark at Yamble Reserve in order to comply with accessibility requirements of the SEPP. The new footpath in Yamble reserve is to be constructed at a minimum of 1.2 metres wide, however a wider path would provide for a safe travel path and interactions between mobility scooters and other park users.*
- *The street lighting around the perimeter of the development site will remain on the Ausgrid network but will require upgrading to improve illumination at pedestrian category P3.*
- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, new street trees planting, etc.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

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Open Space/Landscape Planning Co-ordinator: As part of the assessment of the subject DA, the proposal was referred to Council's Open Space/Landscape Planning Co-ordinator, as recommended by Council's Public Works – Public Domain group. The referral response is outlined below:

Reason for review: Proposal currently does not comply with a SEPP requirement of proximity to public transport. The Proposal proposes to construct a new footpath from Jennifer St into Yamble Reserve, connecting with existing CoR footpaths within the Reserve.

Open Space Planning:

Council requires a concept for approval that provides for future works to be completed in line with the plan of management. The plan of management identifies the Clermont Ave carpark entry point as being within the carpark near the childcare facility. The proposal by the applicant seeks to relocate this formalised entry point to the kerbside on Clermont Ave. For this reason Council are requesting the following as a minimum response from the applicant.

- *Formalised entrance to the reserve adjoining the pathway from Clermont Ave. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.*
- *Footpath connection to existing pathway that takes into account Councils intention to increase the accessible car parking spaces within the car park.*
- *Kerb ramps and crossing aligned to best connect with existing pathway to eastern side of carpark.*
- *Pathway works within the park are required to be a minimum of 2000mm width to match the existing pathway.*
- *Ensure there is suitable pedestrian lighting connecting Clermont Ave to the existing lighting within Yamble Reserve.*
- *Planting is required to provide screening to the adjoining properties and shade to this new section of pathway*

The development proposed by the applicant is likely to significantly increase the visitation to Yamble Reserve. Council are requesting that the entrance and pathway connections are completed in a significant manner and not to the minimal response as suggested by the applicant.

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Having regard to the above comments from Council's Open Space/Landscape Planning Co-ordinator, the above bullet-pointed items have been added to the condition titled 'Public Infrastructure Works' by Council's Public Works/Public Domain team. The condition of consent from Council's City Works and Infrastructure team has been amended to include the requirements of Council's Open Space/Landscape Planning Co-ordinator (refer Condition 66).

Public Infrastructure Works – *Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the Stage 2 Occupation Certificate.*

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council's City Works and Infrastructure for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.2 - Stormwater Management, Part 8.3 Driveways and Part 8.5 Public Civil Works.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed road works into the remaining street scape.

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.*
- (b) The re-construction of any damaged existing kerb and gutter where necessary along both the Jennifer Street and Clermont Avenue frontages.*
- (c) The full reconstruction of the road pavement for a minimum width of 500mm from the lip of the gutter, where new kerb and gutter and vehicular crossings are installed.*
- (d) Construction of concrete footpath 1.2 metre wide along the Jennifer Street and Clermont Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 Public Civil Works.*
- (e) Removal of the existing street trees (Camphor Laurel) immediately in front of 9 Clermont Avenue.*
- (f) Re-construction of the existing concrete footpath in front of Nos 9 & 11 Clermont Avenue as part of the easy access pedestrian path from the new development to the bus stops in Quarry Road.*

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- **Note:** Some of these works referenced in (d) to (f) above have been undertaken, including re-construction of part of the footpath in front of No 9 Clermont Ave, and removal of the Camphor Laurel street trees. See photo earlier in this report.
 - The condition in the recommendation has been amended to delete the requirement for removal of the Camphor Laurel street trees, and amended to require footpath construction “where required” – given that some of the footpath construction has already been undertaken.
- (g) Construction of new 1.2 metre wide concrete footpath along the northern side of the access road from the existing footpath in Clermont Avenue to the carpark in Yamble Reserve, and construction of a connecting footpath from the carpark to the existing footpath in the Reserve. The connecting pathway works within Yamble Reserve are required to be a minimum of 2000mm width to match the existing pathway.
- The footpath connection to the existing pathway shall take into account Councils intention to increase the accessible car parking spaces within the car park.*
- (h) Planting is required to provide screening to the adjoining properties and shade to this new section of pathway through Yamble Reserve.
- (i) A formalised entrance to the reserve adjoining the pathway from Clermont Avenue. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.
- (j) Construction of kerb ramps where required, to enable continuity of access paths.
- (k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.
- (l) Any other works required to make the construction effective.

Assessment Officer’s Note: Discussions with Council’s Open Space/Landscape Planning Co-ordinator indicates that the total cost of the works required to comply with the above requirements is around \$20,000.

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External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

Although areas of non-compliance with the Seniors SEPP and DCP2014 were identified, these were either considered to be justifiable given the circumstances of the subject site and the development proposed, or alternatively addressed via imposition of consent conditions.

The proposed seniors housing development is considered to result in a development that is consistent with the objectives of the R2 Low Density Residential zone. The proposal contributes to the delivery of a variety of housing types to meet the needs of the community within the R2 zone through the provision of a seniors housing development that caters to people requiring full time care, and also those capable of independent living.

The proposal has attracted a number of submissions from the notification of DA. These issues are considered to have been addressed via the applicant's submission of additional information, or assessed and found to be unsupported. Refusal of the application is not warranted based on the reasons contained in the submissions.

On the above basis, LDA2016/0051 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Street Ryde is recommended for approval, subject to the conditions outlined within the draft consent. This includes deferred commencement conditions in relation to stormwater engineering matters.

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**ATTACHMENT 1
DRAFT CONDITIONS OF CONSENT
6 & 10 CLERMONT AVE AND 7, 8 & 9 JENNIFER STREET RYDE
LDA2016/51**

DEFERRED COMMENCEMENT

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

1. **Stormwater Management.** The stormwater management plan must be amended to provide a drainage system compliant with Council's DCP throughout all stages of the development. The original plan also contained a number of deficiencies which are to be rectified in the reconfiguration of the system.

The following revisions are required;

- (a) The drainage system is to separate the onsite detention system into two separate systems, each serving a respective stage of the development and having a net PSD from the site equal to that as derived in the Stormwater Management Report by Wood and Grieve Engineers dated 2 October 2015. Stage 1 catchment area is cover the western portion of the site. Stage 2 obviously captures the remaining area.
- (b) The onsite detention unit for Stage 1 must be located under the entry lobby with external access grates on the north and south sides of the lobby. The Stage 1 detention system must discharge to the existing kerb inlet pit fronting No. 6 Jennifer Street.
- (c) The onsite detention unit for Stage 2 is to be located on the northwest side of the new RCF building, generally in the vicinity of the kerb inlet pit located at the bend in Jennifer Street, in which the system is to discharge to.
- (d) In both stages, the connection to the kerb inlet pit is to be in a manner which presents a hydraulically efficient connection (the angle of discharge is aligned with the dominant flow path), is elevated as high in the pit as possible and the diameter of the discharge line is minimised (ie a 375mm RFC pipe will not be accepted for a development of this scope).
- (e) Due to the level topography of the site and the inability to direct overflow to the point of discharge, the system should be designed to minimise upwelling wherever possible.

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The reconfiguration will warrant the submission of a revised DRAINS analysis. The plans and analysis (including input files for review) must be submitted to Council City Strategy and Planning Department for approval prior to activation of this development consent.

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Existing Demolition Site Plan	15.10.2015	A-050, Revision DA01
Proposed Site Plan	15.10.2015	A-060, Revision DA01
Staging Plan	15.10.2015	A-070, Revision DA01
Stage 1 – Temp RACF Proposed Floor Plan	15.10.2015	A-075, Revision DA01
Concept Plan Basement Floor Level	18.08.2016	A100, Revision DA04
Ground Floor Level Concept Plan	30.05.2016	A-101, Revisions DA-04
First Floor Level Concept Plan	25.05.2016	A-102, Revisions DA-03
Roof Plan	16.10.2015	A-110, DA01
ILU Elevations	16.10.2015	A200, DA01
RACF Elevations 1	16.10.2015	A201, DA01
RACF Elevations 2	16.10.2015	A201, DA01
Site Elevations	16.10.2015	A203, DA01
Site Sections	27.05.2015	A300, Revision DA03
Adjacent Buildings Concept Plans and Sections	30.05.2016	A-905 DA-03
Landscape Masterplan	01.09.2015	101, Revision A
Landscape Plan - West	01.09.2015	102, Revision A
Landscape Plan - East	01.09.2015	103, Revision A
Landscape Details	01.09.2015	501, Revision A
Specification, Existing Tree Schedule & Indicative Plant Schedule	01.09.2015	501, Revision A
Pedestrian Access	30.05.2016	A-061, Revisions B
Assessment of Compliance with	Original report	Prepared by Accessible

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Document Description	Date	Plan No/Reference
Clause 26 of SEPP Seniors Living, as amended by the Memorandum	dated 6 October 2015 – memorandum dated 24 May 2016	Building Solutions
Traffic Impact Assessment, as modified by the addendum letter.	Original report dated 4 December 2016 – addendum letter dated 3 August 2016	Prepared by Traffix, Revision Report V03, Job Number 15.273
Arboricultural Impact Appraisal and Method Statement, as amended by the Tree Impact Statement Addendum	Original report undated – addendum dated 6 June 2016	Prepared by Naturally Trees
Waste Management Plan	14.10.2015	Prepared by Engine Room Venture Management
Operational Management Statement	16.12.2015	Prepared by Clermont Aged Care
Building Code of Australia Capability Statement	01.12.2015	Prepared by Blackett Maguire + Goldsmith
Statement of Compliance Access for People with a Disability	01.12.2015	Prepared by Accessible Building Solutions
Provisional JV3 Analysis	30.11.2015	Prepared by Inhabit, Revision 00
Stormwater Management Report	02.10.2015	Prepared by Wood & Grieve Engineers
Noise Impact Assessment	13.10.2015	Prepared by Inhabit, dated 13 October 2016

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.
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

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- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

5. Fire Safety Matters/Changes in building use

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

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

- (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
- (c) In this case clause, “Category 1 fire safety provision” has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

- 6. 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”.

- 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) 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.

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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, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.

Environmental Health Conditions

14. **Connection by gravity flow** - All sanitary fixtures must be connected to the sewerage system by gravity flow.
15. **Construction and fit-out of food premises** – All proposed food premises must be constructed and fitted-out in accordance with the requirements of:
 - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
16. **Standards for hairdresser's shops** - All proposed hairdressers shops must comply with the standards for hairdresser's shops set out in Schedule 2 of the *Local Government (General) Regulation 2005*.
17. **Floors of work areas** - The floors of all work areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.
18. **Tiling of walls** - All walls adjoining wash basins, sinks and similar fixtures must be finished with glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur.

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19. **Hand washing facilities in work area** - A hand basin supplied with hot and cold running water through a common spout, together with an adequate supply of soap and clean single-use towels, must be provided in a readily accessible location within the work area.
20. **Equipment cleaning sink** - A sink of adequate size to enable equipment to be scrubbed under water and supplied with adequate hot and cold running water must be provided on the premises for washing equipment.
21. **Shelves, fittings and furniture** - All shelves, fittings and furniture in work areas must be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.
22. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
23. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
24. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
25. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8 metres from any cooling tower.
26. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.

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27. **Registration of water-cooling and warm water systems** - All water-cooling systems and warm water systems regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

28. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
29. **Construction of garbage rooms** - All garbage 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 cock must be provided in or adjacent to the room to facilitate cleaning.

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30. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

31. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
32. **Installation of 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 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.

Engineering Conditions

33. **Design and Construction Standards** - All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions here within.
34. **Service Alterations** - All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
35. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
36. **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.

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37. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

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- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

38. **Noise – Validation Report.** A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the completion and operation of the residential care facility and occupation of the self-contained dwellings, and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

39. **Disabled Access & Mobility** - The building must be provided with "access and facilities for people with disabilities" to comply with all the requirements of Part D3 of the Building Code of Australia, relevant provisions of AS1428 and the applicable provisions of Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
40. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

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DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

41. **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.
42. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
43. **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.
44. **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.
45. **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.

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46. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
47. **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.
48. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
49. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works & Infrastructure Directorate
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

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- viii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- ix. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

50. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$16,983.79
Open Space & Recreation Facilities	\$41,810.45
Civic & Urban Improvements	\$14,220.51
Roads & Traffic Management Facilities	\$1,939.76
Cycleways	\$1,211.67
Stormwater Management Facilities	\$3,851.35
Plan Administration	\$326.62
The total contribution is	\$80,344.15

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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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

51. **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**.
52. **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**.
53. **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)
54. **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

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55. **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**.
56. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

57. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
58. **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**.
59. **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.

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60. **Privacy screen – Independent Living Unit No 14.** The vertical louvred privacy screen shall be provided for the full length of the first floor balcony of Unit 14. Details shall be provided for approval with the **Construction Certificate**.
61. **Privacy screens and boundary fencing.** The privacy screens and boundary fencing shown on approved plan A-905 DA-03 shall be constructed in consultation with the owners of all immediately adjoining property. Full details of the type of privacy screens and fencing (including details of materials and type of construction as agreed with the adjoining property owners) shall be submitted for approval with the **Construction Certificate**.

Environmental Health Conditions

62. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.

Engineering Conditions

63. **Waste and Service Vehicle Access.** The access to the on-site basement manoeuvring area including ramp grades, transitions and height clearance shall be designed to comply with 8.8m waste vehicle, as a minimum requirement. The waste vehicle length is 7.7m in transit. The height clearance required is 3.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 7.7m vehicle shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.
64. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate. The CTMP must:-
- i. Make provision for all construction materials to be stored on site, at all times.
 - ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
 - iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.

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- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- v. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- vi. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- vii. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- viii. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

65. **Public domain improvements** - The public domain is to be upgraded in both Jennifer Street and Clermont Avenue frontages of the development site. A public domain plan for the following works shall be submitted to, and approved by, Council’s City Works & Infrastructure prior to the issue of the Stage 2 Construction Certificate.
- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
 - (b) Street trees to be provided in consultation with Council’s Open Space Planning and Development Team.

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Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Jennifer Street and Clermont Avenue frontages.
- (d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category P3 along Jennifer Street and Clermont Ave frontages. The street lighting will remain on the Ausgrid street lighting network.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council's City Works & Infrastructure for approval prior to lodgement of the scheme with Ausgrid for their approval.

66. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the Stage 2 Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council's City Works and Infrastructure for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 *Part 8.2 - Stormwater Management, Part 8.3 Driveways and Part 8.5 Public Civil Works*.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed road works into the remaining street scape.

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.
- (b) The re-construction of any damaged existing kerb and gutter where necessary along both the Jennifer Street and Clermont Avenue frontages.

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- (c) The full reconstruction of the road pavement for a minimum width of 500mm from the lip of the gutter, where new kerb and gutter and vehicular crossings are installed.
- (d) Construction of concrete footpath 1.2 metre wide along the Jennifer Street and Clermont Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 Public Civil Works.
- (e) Re-construction of the existing concrete footpath (where required) in front of Nos 9 & 11 Clermont Avenue as part of the easy access pedestrian path from the new development to the bus stops in Quarry Road.
- (f) Construction of new 1.2 metre wide concrete footpath along the northern side of the access road from the existing footpath in Clermont Avenue to the carpark in Yamble Reserve, and construction of a connecting footpath from the carpark to the existing footpath in the Reserve. The connecting pathway works within Yamble Reserve are required to be a minimum of 2000mm width to match the existing pathway.

The footpath connection to the existing pathway shall take into account Councils intention to increase the accessible car parking spaces within the car park.

- (g) Planting is required to provide screening to the adjoining properties and shade to this new section of pathway through Yamble Reserve.
- (h) A formalised entrance to the reserve adjoining the pathway from Clermont Avenue. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.
- (i) Construction of kerb ramps where required, to enable continuity of access paths.
- (j) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.
- (k) Any other works required to make the construction effective.

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67. **Driveway Access and boundary alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Stage 1 Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontages of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
68. **Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Stage 1 Construction Certificate.

69. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
70. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. 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 \$20,000 shall be lodged with

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the City of Ryde prior to the issue of the Stage 1 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. **The maintenance bond period does not commence until after the stage three**

71. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
72. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) Separate driveway crossovers must be provided fronting the entry to the portico and main basement garage ramp in lieu of the single, wide driveway crossover as depicted on the approved plans. This is to ensure that vehicles entering/ exiting the property to travel askew to the footpath area and that the pedestrian exposure time is reduced. In this respect, the crossovers must be separated by a minimum 2m. length of upright kerb, grass verge and concrete footpath so as to clearly designate this as a pedestrian refuge point.
- b) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle utilising the facility.
- c) The parking space labelled "R1" adjoins a wall and therefore must provide a further 300mm clearance for access to the vehicle (min. space width is to be 2.7m).

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of the relevant Construction Certificate.

73. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage network generally in accordance with the plans approved under the condition of deferred consent.

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Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council's Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for the relevant Construction Certificate and prepared by a chartered civil engineer to comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, 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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

74. **Energy Provider requirements for Substations.** Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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.

75. **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.

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76. **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.
77. **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).

78. **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.
79. **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.

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80. **Work Zones and Permits.** The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
81. **Notice of Intention to Commence Work –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Work* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and copies of all Road Activity Permits issued for the works.
82. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's City Works & Infrastructure Directorate, prior to any work commencing.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

83. **Road Activity Permits -** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

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- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.

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- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
84. **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. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
85. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2014*. Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off-site. Reuse and recycling must be maximised.
86. **Noise Management Plan - Demolition, Excavation, & Construction.** A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.

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- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

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.

- 87. **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*.
- 88. **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.
- 89. **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.
- 90. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 91. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
- 92. **Construction materials.** All materials associated with construction must be retained within the site.
- 93. **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

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- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

94. Site maintenance

The applicant must ensure that:

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

95. 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".

96. Tree protection – no unauthorised removal. This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

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

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

99. 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.

100. 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.

101. Excavation in TPZ. Any excavations required within the Tree Protection Zone (TPZ) are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >20 mm diameter). Further, in order to prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling under the supervision of the Project Arborist.

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102. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Environmental Health Conditions

103. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
104. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
105. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
106. **Recyclable wastes** - All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
107. **Transport and management of asbestos wastes** - All asbestos wastes must be transported to a landfill facility licensed to receive asbestos waste in accordance with the requirements of the Protection of the Environmental Operations (Waste) Regulation 2014.

Engineering Conditions

108. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
109. Construction inspections shall be required by Council's Senior Asset Engineer, Stormwater at the following hold points: -
- Prior to the set-out on site of the position of the drainage connection works to the existing Council's pit.

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- Upon installation of any pipe connection to the existing Council's pit and other associated drainage structures.

An inspection fee shall be paid prior to the inspection.

110. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- a. Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b. Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c. Upon compaction of the applicable sub-base course.
- d. Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e. Upon installation of any formwork and reinforcement for footpath concrete works.
- f. Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

111. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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112. **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.
113. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Wood and Grieve Engineers Pty Ltd. (Refer to Project No. 28342-SYD Dwg C-201 Rev 01 dated 14 October 2015) 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.
114. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
115. **Complaints Register.** The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- a) The date and time of the complaint;
 - b) The means by which the complaint was made;
 - c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
 - d) Nature of the complaints;
 - e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

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.

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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.

116. **Occupation Restriction.** A restriction must be registered on the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting accommodation of the seniors housing development the following kinds of people:

- a) seniors or people who have a disability,
- b) people who live within the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

117. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.

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

119. **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 Fire and Rescue NSW.

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

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

120. **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.

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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 Occupation Certificate.

121. **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 any **Occupation Certificate**.
122. **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 any **Occupation Certificate**.
123. **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.
124. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.
125. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

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126. **Compliance Certificate – External Landscaping Works** – Prior to the issue of Stage 2 Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Environmental Health Conditions

127. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies 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*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

Engineering Conditions

128. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of Stage 2 Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

129. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,

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- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's City Works and Infrastructure Directorate, prior to issue of the Final (Stage 3) Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Stage 3 Occupation Certificate.

All fees and charges associated with the review of the report will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

130. **Decommissioning of Ground Anchors** – Prior to the issue of the Stage 2 Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
131. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.
132. **Compliance Certificate – External Works** – Prior to the issue of the Stage 2 Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
133. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for the relevant 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.

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134. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of the final Occupation Certificate.

135. **Engineering Compliance Certificates.** 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. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).

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- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any 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.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) 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 Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

136. **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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).

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.

137. **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*.

138. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

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139. **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.
140. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
141. **Deliveries and Waste Collection - hours.** All deliveries and waste collection to the site shall be restricted to Monday to Friday only, and between the hours of 7am and 5pm. No deliveries or waste collection is to occur on weekends or public holidays.
142. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
143. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

Environmental Health Conditions

144. **Storage of hazardous substances** - The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.
145. **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.
146. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
147. **Noise and vibration from plant or 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).

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- (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.
148. **Clinical wastes** - The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.
149. **Used sharps** - Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 *'Non-reusable containers for the collection of sharp medical items used in health care areas'* or AS 4261-1994 *'Reusable containers for the collection of sharp medical items used in health care areas'* and be securely sealed with a lid before disposal.
150. **Non-sharps clinical wastes** - Non-sharps clinical wastes must be placed in a dedicated waste container with a yellow plastic liner clearly labelled 'contaminated waste'.
151. **Storage of clinical wastes** - All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
152. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
153. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
154. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

Engineering Conditions

155. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation for the relevant stages as follows;

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Stage 1

- 3 Staff parking spaces
- 3 Residential Care Facility spaces

Stage 2

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- At least 6 Independent Living Unit spaces

Stage 3 (Completion)

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- 14 Independent Living Unit spaces

156. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

157. **Ambulance Bay – Stage 1.** To ensure that clear and unimpeded access is maintained at all times to the designated ambulance bay of the Stage 1 parking area, the bay is to be clearly linemarked / demarcated with signage and linemarking indicating it is a “No Stopping– Ambulances only” or words to that effect. The linemarking and signage must be installed prior to the operation of Stage 1 of the facility.

PRIOR TO SUBDIVISION CERTIFICATE

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

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

158. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.

159. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.

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160. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.

161. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.LDA2016/0051 must be in force.

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

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

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

163. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).

164. **Final Occupation Certificate.** The final occupation certificate associated with Development Consent DA2016/51 and any related S96 applications, must be issued for the entire development prior to the release of the Subdivision Certificate.

165. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.

166. **Title Details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land

167. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.

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168. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.
169. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
170. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).
171. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
172. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, WSUD 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(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in Council's DCP 2014 Part 8.4 (Title Encumbrances) Section 7, and to the satisfaction of Council.

ADVISORY NOTES

Health Inspection Services:

1. **Inspections and fees** - 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.

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Dietary Recommendations

2. **Saturated and 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.

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**SENIORS SEPP
DESIGN COMPLIANCE TABLE**

SENIORS SEPP REQUIREMENTS: In-fill Self-Care Housing comprising Self-Contained Dwellings

1. Clause 26 – Location and access to facilities requirements:

If a site does not meet these requirements the Seniors SEPP does not apply.

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Travel Route Attributes			
Distance to shops, bank service providers and other retail and commercial facilities, community facilities, and the practice of a general medical practitioner OR Distance to public transport taking residents to a place not more than 400m from above facilities, and satisfying frequency requirements below	Not more than 400 m	Site is located within 400m of bus stop providing required bus service frequencies, (Stop ID 2112158 and 2112157)	Yes
Gradient of for distance of suitable accessible pathway, ie sealed footpath or other safe means for access by an electric wheelchair, motorised cart or the like	Overall average gradient 1 in 14, although following gradients acceptable along pathway: (i) no more than 1:12 for maximum 15 m at a time (ii) no more than 1:10 for maximum 5 m at a time (iii) no more than 1:8 for maximum 1.5 m at a time.	An Assessment of Compliance with Clause 26 of SEPP Seniors Living, prepared by Accessible Building Solutions has been submitted with the development application. The report identifies the most convenient path of travel, via Clermont	No - conditions

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Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		<p>Avenue and Yamble Reserve and concludes that this route is within the 400m limit and meets the required gradients, as well as providing an accessible path.</p> <p>The report, however, advises that the 1:14 gradient is not meet where kerb ramps are located.</p> <p>Furthermore, portions of the footpath/path of travel do not appear to meet the definition of a 'suitable access pathway'</p> <p>As such the applicant has made an undertaken to complete works within the public domain to ensure a suitable access pathway is provided.</p> <p>Refer to full commentary on this matter within assessment report.</p>	
Transport Frequency			
Sydney Statistical Division (includes Gosford-Wyong)	Available to and from site at least once between 8 am and 12 pm per day and at least once between 12 pm and 6 pm Monday to Friday (both days inclusive)	Bus stops on Quarry Road (Quarry Road near Smalls Road) meet the minimum transport frequency.	Yes

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Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Other parts of NSW	Available to and from site during daylight hours at least once per day Monday to Friday (both days inclusive)	N/A	N/A

2. Clause 40 – Site size and frontage and building height:

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Site size The size of the site must be at least 1,000 square metres	At least 1,000 m ²	4,913m ²	Yes
Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site frontage must be at least 20 metres wide measured at the building line.	Total of 215m frontage when combining the Clermont Ave and Jennifer Street frontages.	Yes
Height In zones where residential flat buildings not permitted	<p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a)</p> <p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p>	<p>(a) proposed building height is 7.04m EGL: RL84.3 Ceiling level: RL91.340 (measured at north western corner of RACF)</p> <p>(b) The height of the building exceeds 2 storeys in height for the following reasons:</p> <ul style="list-style-type: none"> • Clause 3(2) of the Seniors SEPP states that <i>'in calculating the number of storeys in a development for the</i> 	<p>Yes</p> <p>No – cl.4.6 submitted</p>

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Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		<p><i>purposes of this Policy, a car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.</i> It is noted that this clause does not exclude any other use within the basement, other than a carpark.</p> <p>The basement level of the proposed development also includes, laundry rooms, kitchen area, storage rooms, staff training area, as well as WC's, which are not specifically excluded from the calculation of the number of stories.</p> <ul style="list-style-type: none"> The Dictionary of the Ryde LEP2014 defines a <i>storey</i> as described below: <p><i>storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:</i></p> <p>(a) <i>a space that contains only a lift shaft, stairway or meter room, or</i> (b) <i>a mezzanine, or</i> (c) <i>an attic.</i></p> <p>Although a basement is defined separately within the Dictionary of the Ryde LEP2014, as <i>the space of a building where the floor level of that space is predominantly below</i></p>	

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Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Buildings located in the rear of site	(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	<p><i>ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing), it is not specifically excluded from the definition of a storey, pursuant to the above-mentioned definition.</i></p> <p>Thus, the portion of the basement that is not occupied by a carpark, is defined a storey and the proposed development does not achieve compliance with this development standard.</p> <p>An assessment of the submitted plans has revealed that the portion of the building located in rear 25% of site does not exceed 1 storey.</p> <p>Due to the irregular shape of the subject site, there is not a clear rear portion of the site. This is largely due to the fact that a significant portion of the site has a boundary adjacent to Clermont Avenue or Jennifer Street.</p> <p>For the purpose of ensuring compliance with this development standard, the rear portion of the site is considered to be defined as the south western portion of the site, where it adjoins No. 6 Jennifer Street, a portion of the north-western side boundary of 4 Clermont Avenue, as well as a portion of the north-western boundary of 9 Eulo Parade.</p>	Yes

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Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		Further to the above, it is considered to be appropriate for the proposed development to transition to single storey within this portion of the site, as this is where the subject site directly adjoins existing residential development, thus minimising impact on neighbouring properties.	

3. Clause 41 & Schedule 3 – Access and useability standards for self-contained dwellings:

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
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Schedule 3 Standards applying to hostels and self-contained dwellings

<p>1. Application of standards in this Part</p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</p>	Noted.	The proposed development includes fifteen (15) self-contained dwellings. Eleven (11) self-contained dwellings are to be contained on the ground floor and four (4) self-contained dwellings are to be located on the first floor of the seniors housing development. Therefore the following standards are considered to apply.
<p>2. Siting Standards</p> <p>(1) Wheelchair Access – If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is</p>	To Comply	The applicant has submitted a Statement of Compliance: Access For People With a Disability report, which has confirmed that access has been provided to all dwellings, as well as common areas, by an accessible path of travel and that details are to be verified at CC stage of works. To ensure this, a condition is to be inserted to require compliance.

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Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>accessible to all residents.</p> <p>(3) Common Areas - Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p>		
<p>3. Security</p> <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>4. Letterboxes</p> <p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>5. Private Car Accommodation</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	To Comply	<p>The proposed development includes basement parking which comprises both car parking for employees as well as residents.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p> <p>The submitted basement plan shows that a garage includes a security shutter.</p> <p>The DA has also been referred to Council's Senior Development Engineer who has indicated the proposal complies with the relevant provisions of the Seniors SEPP and Australian Standards.</p>

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Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>6. Accessible Entry</p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p>	<p>To Comply</p>	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>7. Interior: General</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	<p>To Comply</p>	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>8. Bedroom</p> <p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>		<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>

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Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>9. Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	To Comply	<p>All self-contained dwellings are single storey.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance</p>
<p>10. Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	To Comply	<p>All self-contained dwellings are single storey.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance. Condition to be inserted which ensures appropriate compliance with all relevant toilet standards.</p>
<p>11. Surface Finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with slip resistant surface treatments.</p>
<p>12. Door Hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details</p>

ITEM 5 (continued)

ATTACHMENT 3

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
doors) must be provided in accordance with AS 4299.		<p>are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with slip resistant surface treatments.</p>
<p>13. Ancillary Items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all standards relating to switches and power points.</p>
<p>Part 2 Additional standards for self-contained dwellings</p>		
<p>14. Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings</p>	Yes	<p>The proposed development includes fifteen (15) self-contained dwellings. Eleven (11) self-contained dwellings are to be contained on the ground floor and four (4) self-contained dwellings are to be located on the first floor of the seniors housing development. Therefore the following standards are considered to apply.</p>
<p>15. Living Room and Dining Room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all relevant standards.</p>
<p>16. Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all relevant standards.</p>

ITEM 5 (continued)

ATTACHMENT 3

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>		
<p>17. Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	N/A	All self-contained dwellings proposed are located on a single level.
<p>18. Lifts in Multi-storey Buildings</p> <p>In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.</p>	Yes / To Comply	<p>The submitted Access For People With a Disability report has not addressed this standard.</p> <p>However, an assessment of the proposed development has revealed that four (4) self-contained dwellings are located on the first floor, where lift access is provided from the basement and ground level.</p> <p>A condition is to be inserted which ensures appropriate compliance with all BCA standards.</p>
<p>19. Laundry</p> <p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p>	Yes / To Comply	<p>All self-contained dwellings have been provided with a laundry.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all AS1428.1 standards.</p>

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ATTACHMENT 3

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>20. Storage for Linen</p> <p>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p>	To Comply	<p>Six (6) of the self-contained dwellings has been provided with a linen storage cupboard.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with clause 4.11.5 of AS 4299.</p>
<p>21. Garbage</p> <p>A garbage storage area must be provided in an accessible location.</p>	To Comply	<p>The submitted plans do not indicate garbage storage areas.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with this standard.</p>

4. Clause 48 – Standards that cannot be used to refuse consent for residential care facilities

Note: Non-compliance with these standards does not require a consent authority to refuse a development application (applied to Part 5 development proposals). However non-compliance requires comprehensive justification in terms of social impact and SEPP objectives.

Development Standard	Required	Proposed	Complies (Yes/No)
Building Height	8 m or less	Building Height for RACF 7.04m EGL: RL84.3 Ceiling level: RL91.340 (measured at north western corner of RACF)	Yes
Density and Scale	Floor Space Ratio 1:1 or less	1:1 – refer to detailed discussion in assessment report.	Yes
Landscaped Area	Minimum 25 m ² per residential care facility bed	Landscaped area of 2,228.48m ² required. 2,231m ² provided – refer to detailed discussion in assessment report.	Yes

ITEM 5 (continued)

ATTACHMENT 3

Development Standard	Required	Proposed	Complies (Yes/No)
<p>Car parking</p>	<p>Minimum</p> <ul style="list-style-type: none"> (i) 1 car 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), (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 	<p><i>Requirement: 1 parking space for each 15 beds if the facility provides care only for persons with dementia</i></p> <p>Dementia beds to be provided within RACF = 12, therefore 1 car parking space is required (rounded up to the nearest whole number per Section 2.1 of Part 9.3 of Ryde DCP 2010).</p> <p><i>Requirement: 1 car space for each 10 beds in the residential care facility</i></p> <p>RACF beds = 44, therefore 5 car parking spaces are required (rounded up to the nearest whole number per Section 2.1 of Part 9.3 of Ryde DCP 2010).</p> <p><i>1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time and</i></p> <p>The submitted SEE states that a total of 18 staff are to be provided at any one time, as such 9 parking spaces are required.</p> <p>A total of 15 car parking spaces are required in association with the proposed RACF.</p> <p>Proposed:</p> <p>The submitted basement plan shows that a total of 15 car parking spaces are to be provided:</p> <ul style="list-style-type: none"> 1 space for 12 dementia beds, 5 spaces for 44 RACF beds 9 parking spaces for a total of 18 staff <p><i>1 parking space suitable for an ambulance</i></p> <p>The submitted SEE states that 1 Ambulance parking space is provided. Furthermore, the submitted Traffic Impact Assessment has stated that two ambulance parking bays will be provided. One of</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 5 (continued)

ATTACHMENT 3

Development Standard	Required	Proposed	Complies (Yes/No)
		<p>which is to be located adjacent to the main entry at ground level, and the other marked as 'truck bay' within the basement level.</p> <p>A total of 29 car parking spaces are provided, which includes 15 in association with the RACF and 14 in association with the self-contained dwellings, pursuant to clause 50 of the seniors SEPP.</p>	

Clause 50 – Standards that cannot be used to refuse consent for self-contained dwellings

Note: Non-compliance with these standards does not require a consent authority to refuse a development application (applied to Part 5 development proposals). However non-compliance requires comprehensive justification in terms of social impact and SEPP objectives.

Development Standard	Required	Proposed	Complies (Yes/No)
Building Height	8 m or less	<p>Maximum building height of self-contained dwelling: 7.3m</p> <p>EGL: RL82.4</p> <p>Ceiling level: RL89.7</p> <p>This is measured at the far south western corner of the self-contained dwellings.</p>	Yes
Density and Scale	Floor Space Ratio 0.5:1 or less	0.49:1 – refer to detailed discussion in assessment report.	Yes
Landscaped Area	Minimum 30% of the site is to be landscaped	Landscaped area of 2,228.48m ² required. 2,231m ² provided – refer to detailed discussion in assessment report.	Yes
Deep Soil Zone	<p>Minimum 15% of area of site.</p> <p>Minimum two thirds to be at rear of site.</p> <p>Minimum dimension 3 m.</p>	<p>49% of site area for self-contained dwellings to include deep soil planting.</p> <p><i>if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development</i></p>	Yes

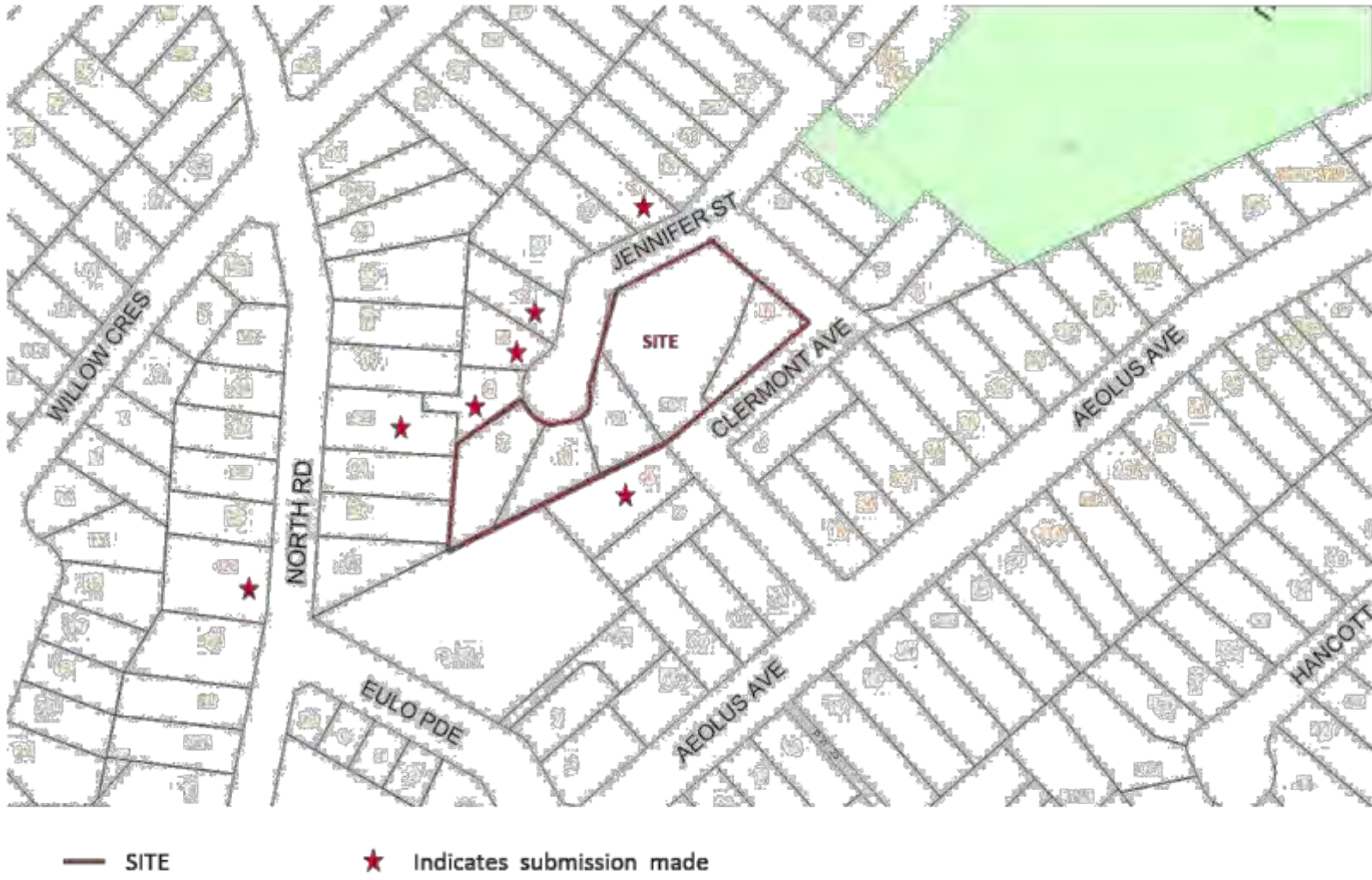
ITEM 5 (continued)

ATTACHMENT 3

Development Standard	Required	Proposed	Complies (Yes/No)
		<i>to which this Policy applies) that is not built on</i>	
Solar Access	70% of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter.	According to the solar access diagrams submitted as part of the additional information request, of the 15 dwellings, it appears as though 11 of the dwellings or 73% will receive the required levels of solar access.	Yes
Private open space for in-fill self-care housing	in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor.	A review of the applicant's revised plans has revealed that all ground floor dwellings have at least 15m ² of private open space, which includes an area of at least 3m wide by 3m long and is accessible from a living area.	Yes
	(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area, Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.	The first level of the self-contained dwelling development contains 2 x 2 bedroom dwellings and 2 x 1 bedroom dwellings. The submitted plans indicate that each of the 1 bedroom dwellings proposes a balcony with an area of at least 6m ² and each of the 2 bedroom dwellings proposes a balcony of at least 10m ² . The submitted Access For People With A Disability Report has stated that the proposal can achieve compliance with the access provisions of the BCA and SEPP Seniors Living.	Yes Yes Yes
	Car parking	0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.	<u>No. of car parking spaces required:</u> Twenty (20) bedrooms are provided across the self-contained dwellings on the site. This necessitates parking for 10 vehicles. 14 spaces have been provided within the basement.

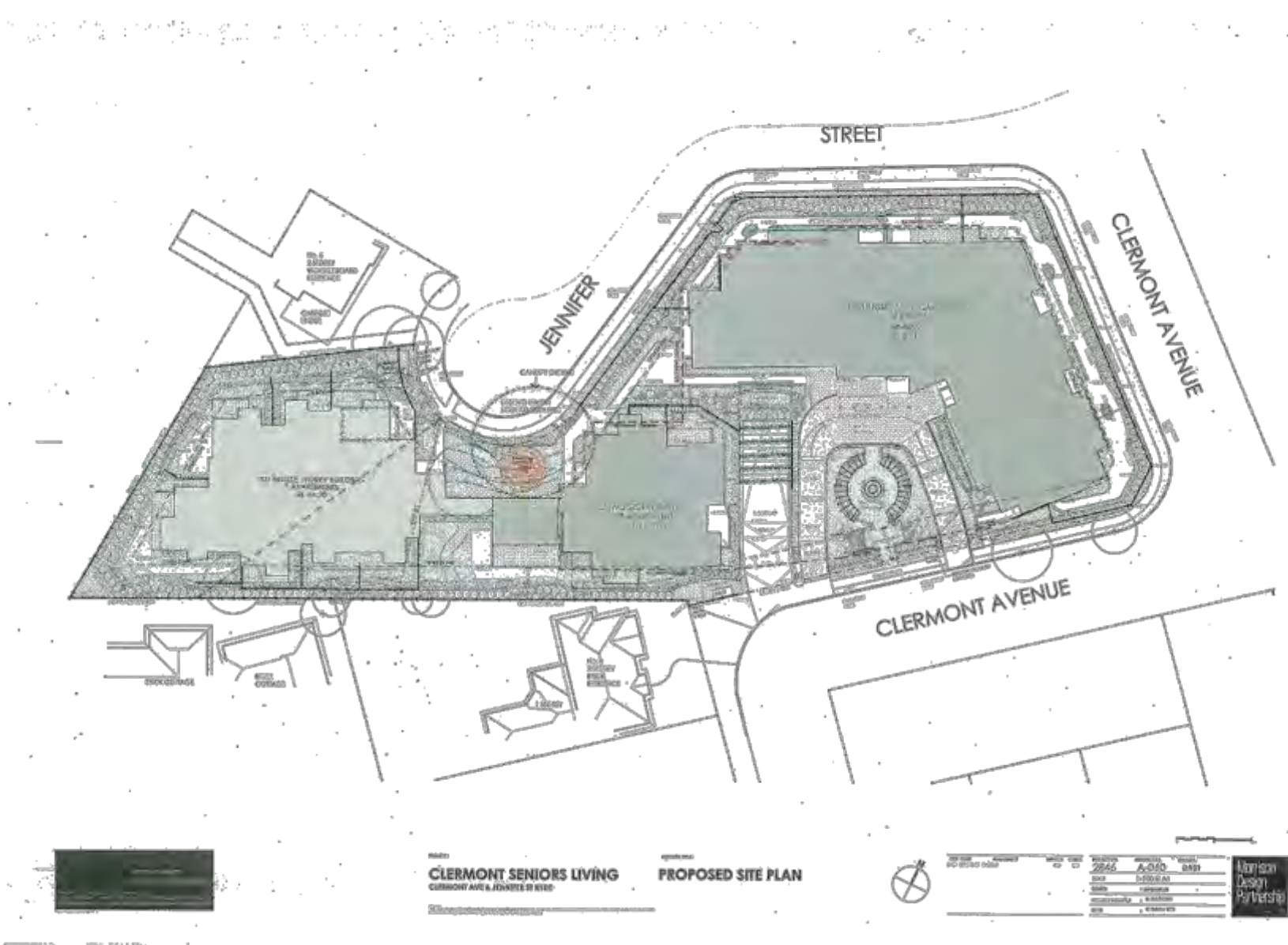
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

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ITEM 5 (continued)

ATTACHMENT 3



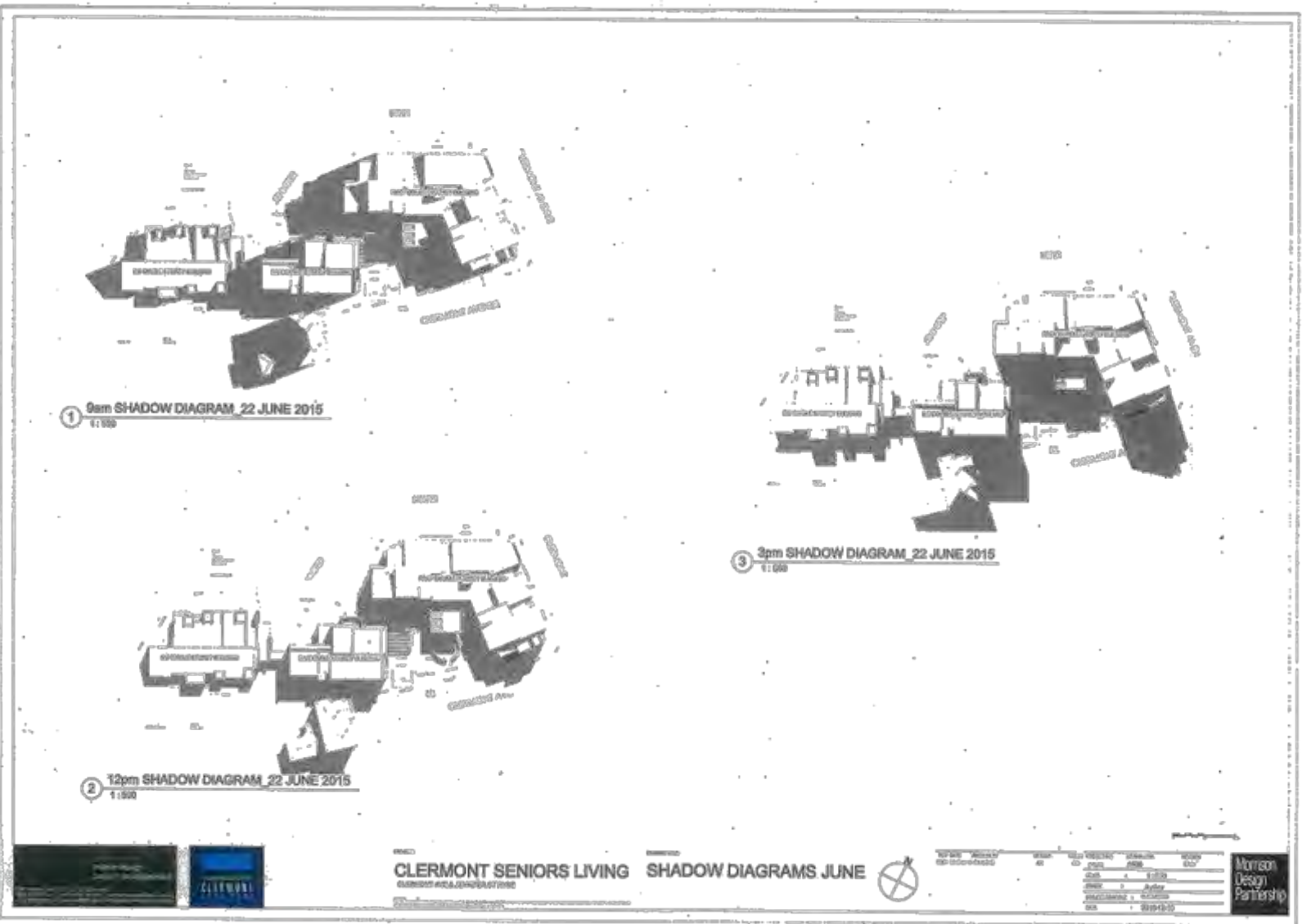
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3

CLERMONT SENIOR'S LIVING

CLERMONT AVE AND JENNIFER ST, RYDE

DEVELOPMENT APPLICATION SUBMISSION

- A001 - COVER PAGE
- A050 - EXISTING DEMOLITION SITE PLAN
- A060 - PROPOSED SITE PLAN
- A065 - SITE ANALYSIS
- A070 - STAGING PLAN
- A075 - STAGE 1 - TEMP RACF PROPOSED FLOOR PLAN
- A080 - AREAS PLAN
- A100 - BASEMENT PLAN
- A101 - GROUND FLOOR PLAN
- A102 - FIRST FLOOR PLAN
- A110 - ROOF PLAN
- A200 - SITE ELEVATIONS
- A201 - ELEVATIONS, INDEPENDENT LIVING UNITS
- A202 - ELEVATIONS, RACF
- A203 - ELEVATIONS, RACF
- A300 - SECTIONS
- A900 - SHADOW DIAGRAMS



SITE LOCATION NOT TO SCALE

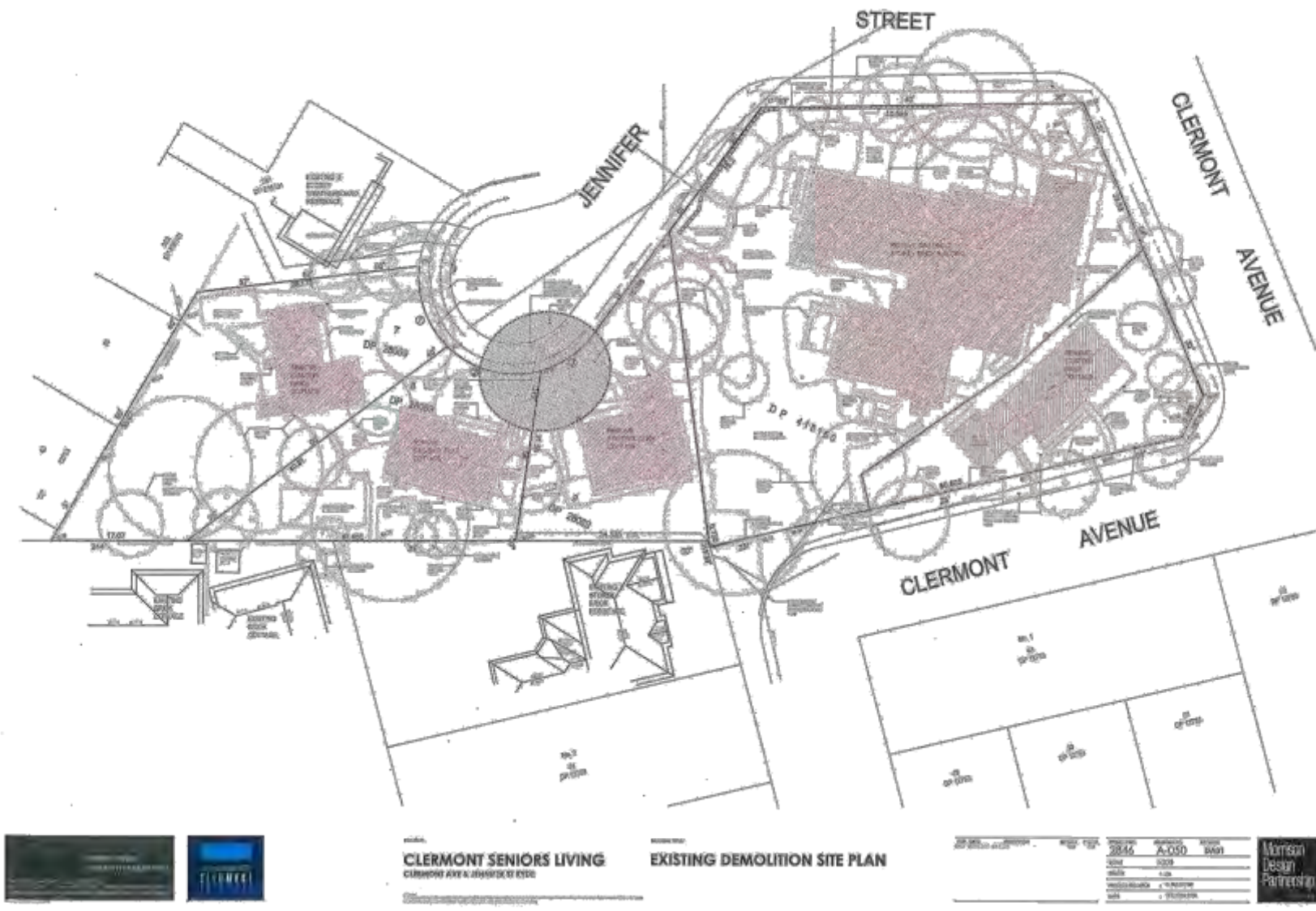


Project: **CLERMONT SENIORS LIVING**
 CLERMONT AVE & JENNIFER ST RYDE
 Drawing: **COVER PAGE**

NO	REVISED	DATE	BY	APP'D
2846	A-001	04-01		
				

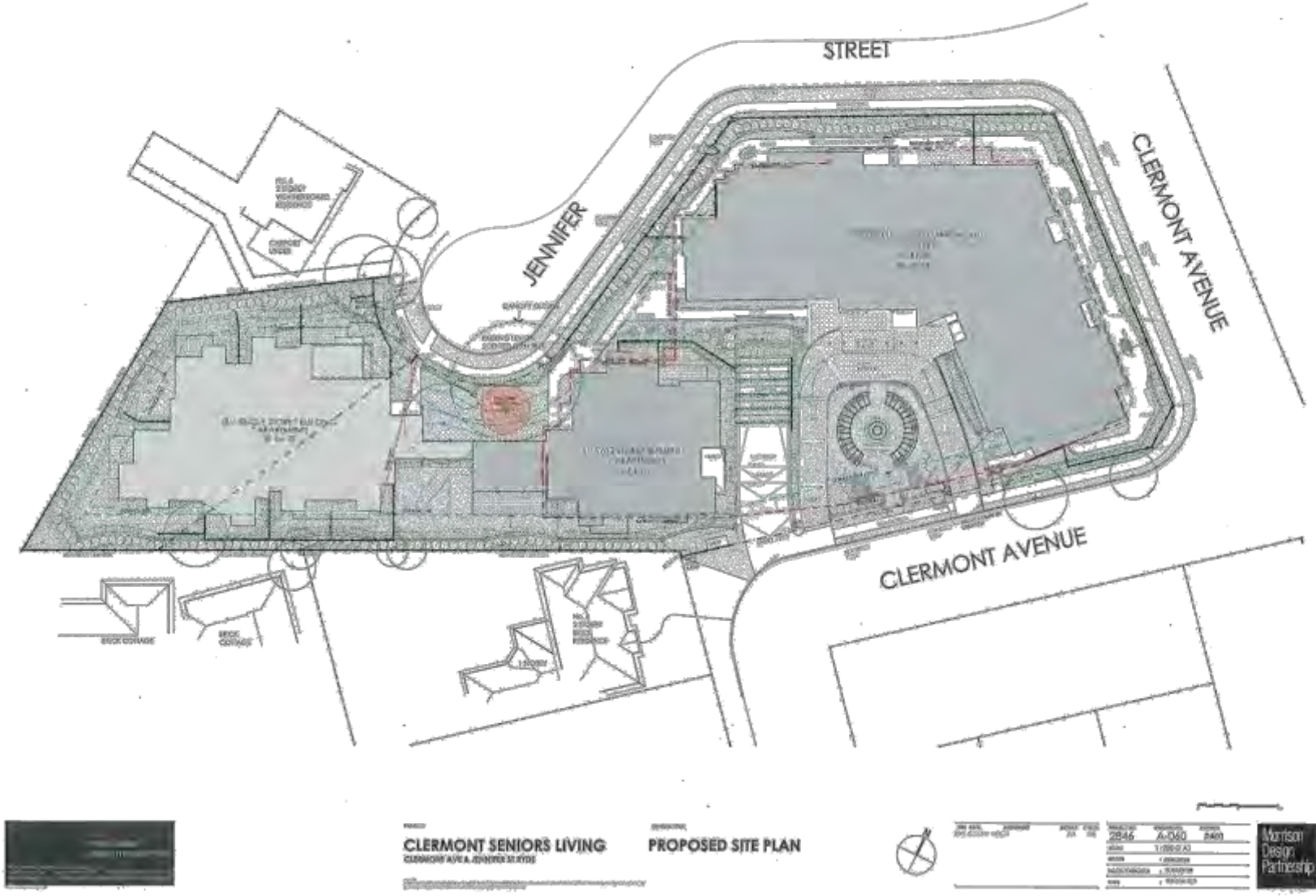
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



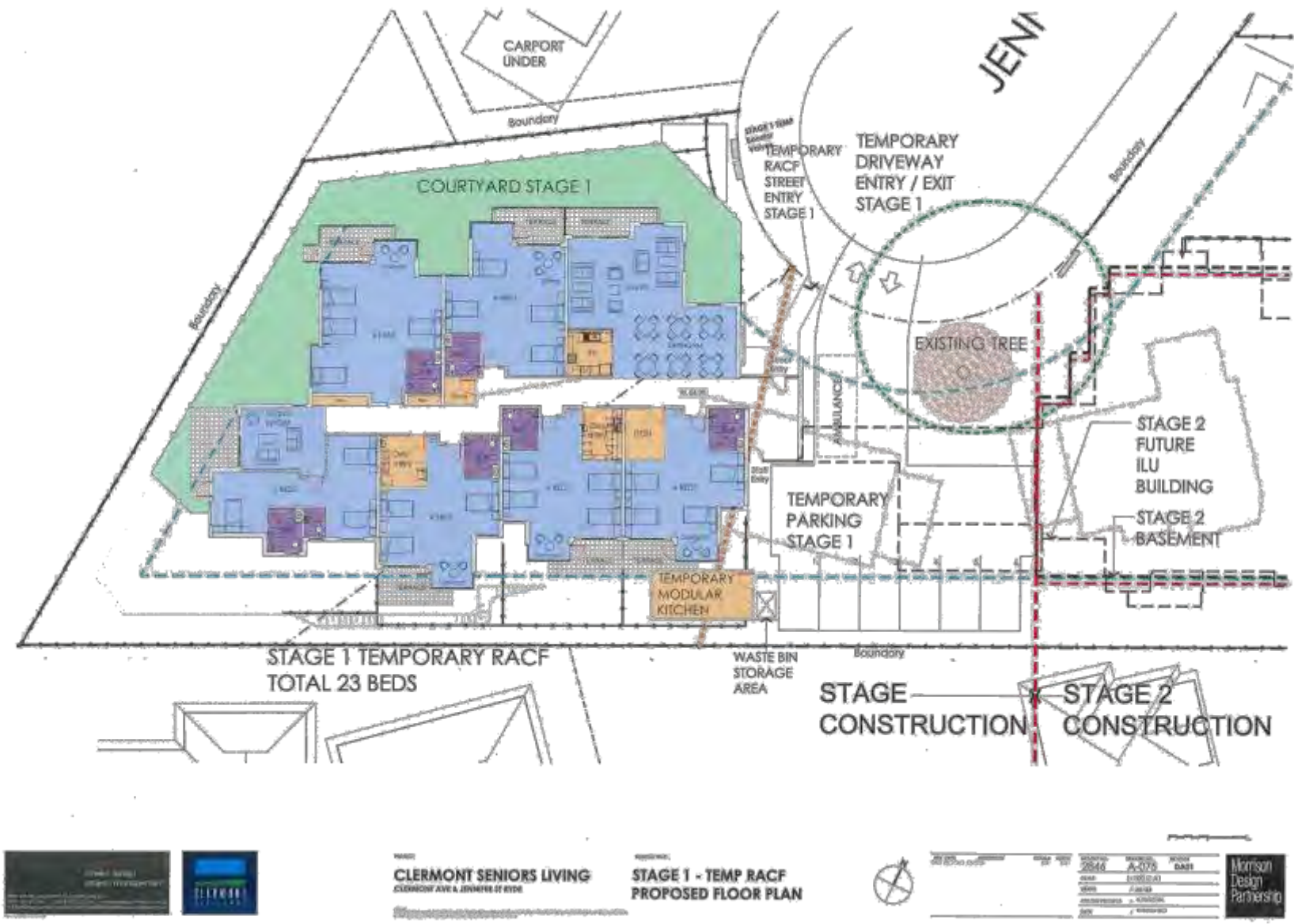
ITEM 5 (continued)

ATTACHMENT 3



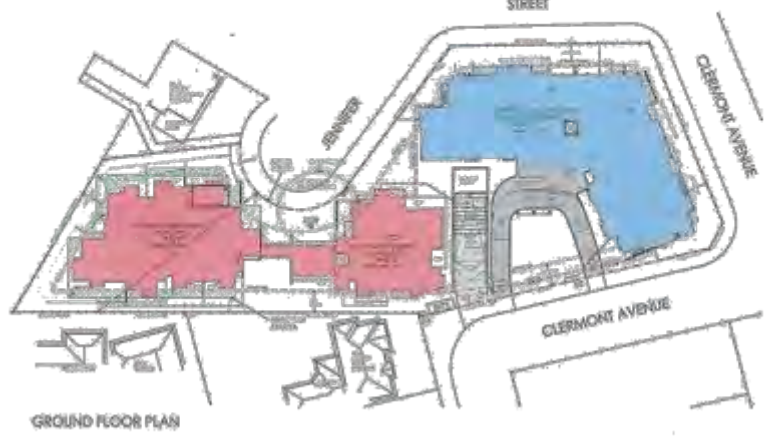
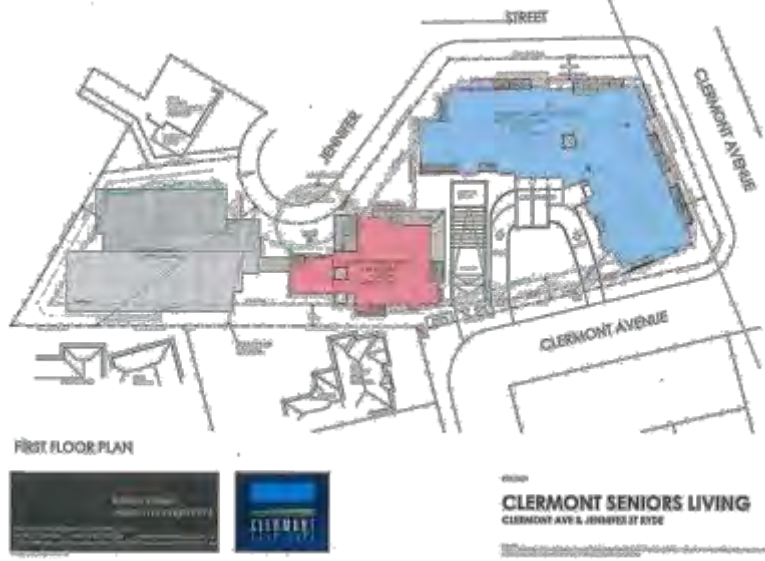
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

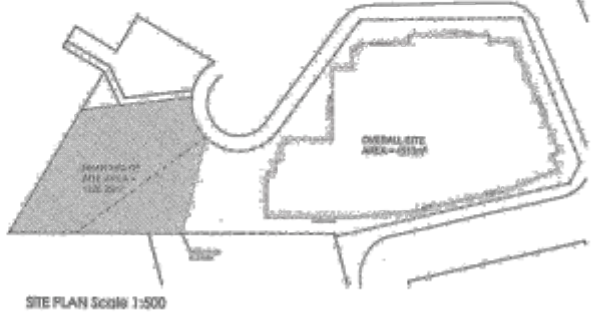
ATTACHMENT 3



PROPOSED AREA SCHEDULE SUMMARY

EXISTING DEVELOPMENT	
Lot Area	5000
Useable Area	2000
Useable Area Ratio	40%
Useable Area	1500
Useable Area Ratio	30%
Useable Area	1000
Useable Area Ratio	20%
Useable Area	500
Useable Area Ratio	10%
Useable Area	200
Useable Area Ratio	4%
Useable Area	100
Useable Area Ratio	2%
Useable Area	50
Useable Area Ratio	1%
Useable Area	25
Useable Area Ratio	0.5%
Useable Area	10
Useable Area Ratio	0.2%
Useable Area	5
Useable Area Ratio	0.1%
Useable Area	2
Useable Area Ratio	0.04%

PROPOSED DEVELOPMENT	
Useable Area	1000
Useable Area Ratio	20%
Useable Area	500
Useable Area Ratio	10%
Useable Area	250
Useable Area Ratio	5%
Useable Area	125
Useable Area Ratio	2.5%
Useable Area	62
Useable Area Ratio	1.25%
Useable Area	31
Useable Area Ratio	0.62%
Useable Area	15
Useable Area Ratio	0.31%
Useable Area	7
Useable Area Ratio	0.15%
Useable Area	3
Useable Area Ratio	0.06%
Useable Area	1
Useable Area Ratio	0.02%



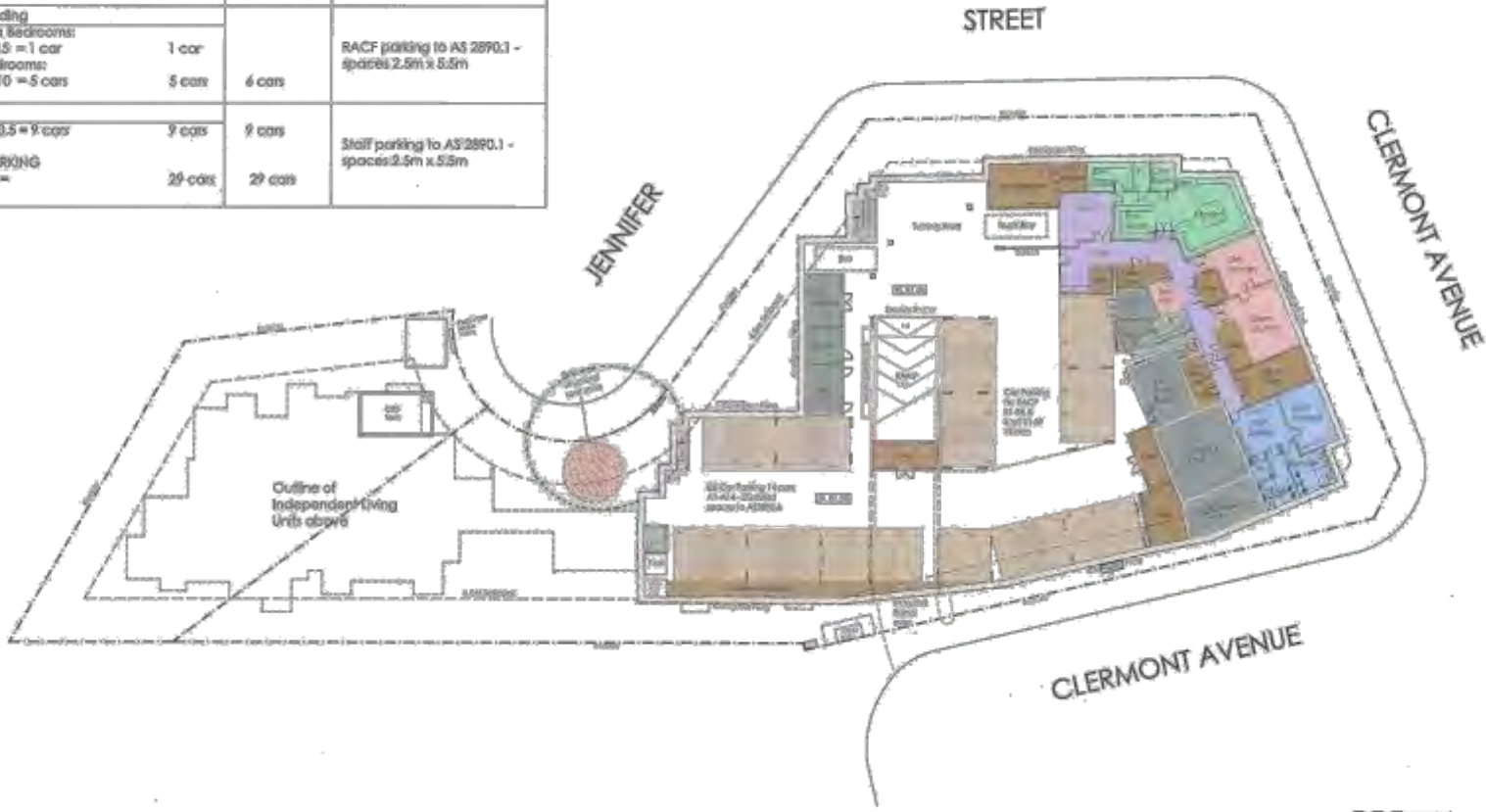
ITEM 5 (continued)

ATTACHMENT 3

CAR PARKING PROVISIONS

Car parking (SEPP Senior Living)

REQUIRED	PROVIDED	STANDARD
ILU Apartments:		
2 x 1 bed = 2 beds x 0.5 = 1 car	14 cars	Apartment car parking to AS2890.6 - spaces 2.4m x 5.4m with adjacent shared zone 2.4m x 5.4m
8 x 1 bed + Study = 16 beds x 0.5 = 8 cars		
5 x 2 bed = 10 beds x 0.5 = 5 cars		
Total ILU parking required = 14 cars		
RACF Building		
Dementia Bedrooms: 12 beds/15 = 1 car	6 cars	RACF parking to AS 2890.1 - spaces 2.5m x 5.5m
RACF Bedrooms: 44 beds/10 = 5 cars		
Staff:		
18 staff x 0.5 = 9 cars	9 cars	Staff parking to AS2890.1 - spaces 2.5m x 5.5m
TOTAL PARKING Required =	29 cars	



CLERMONT SENIORS LIVING
CLERMONT AVE & JENNIFER ST RYDE

CONCEPT PLAN
BASEMENT FLOOR LEVEL

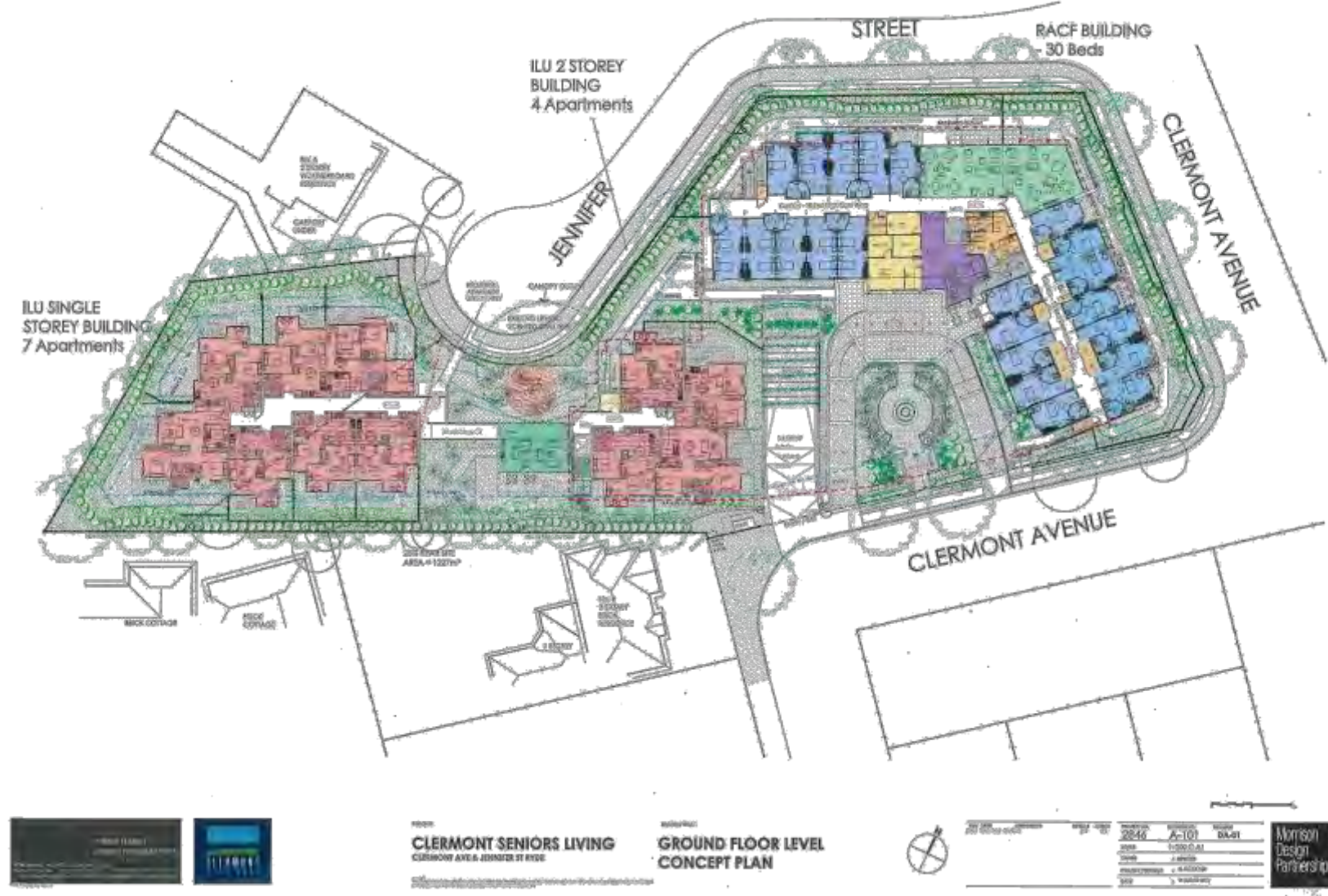


DATE	DESCRIPTION	BY	CHKD
29/01/17	ISSUED FOR PERMIT	MM	MM
29/01/17	REVISED	MM	MM
29/01/17	REVISED	MM	MM
29/01/17	REVISED	MM	MM



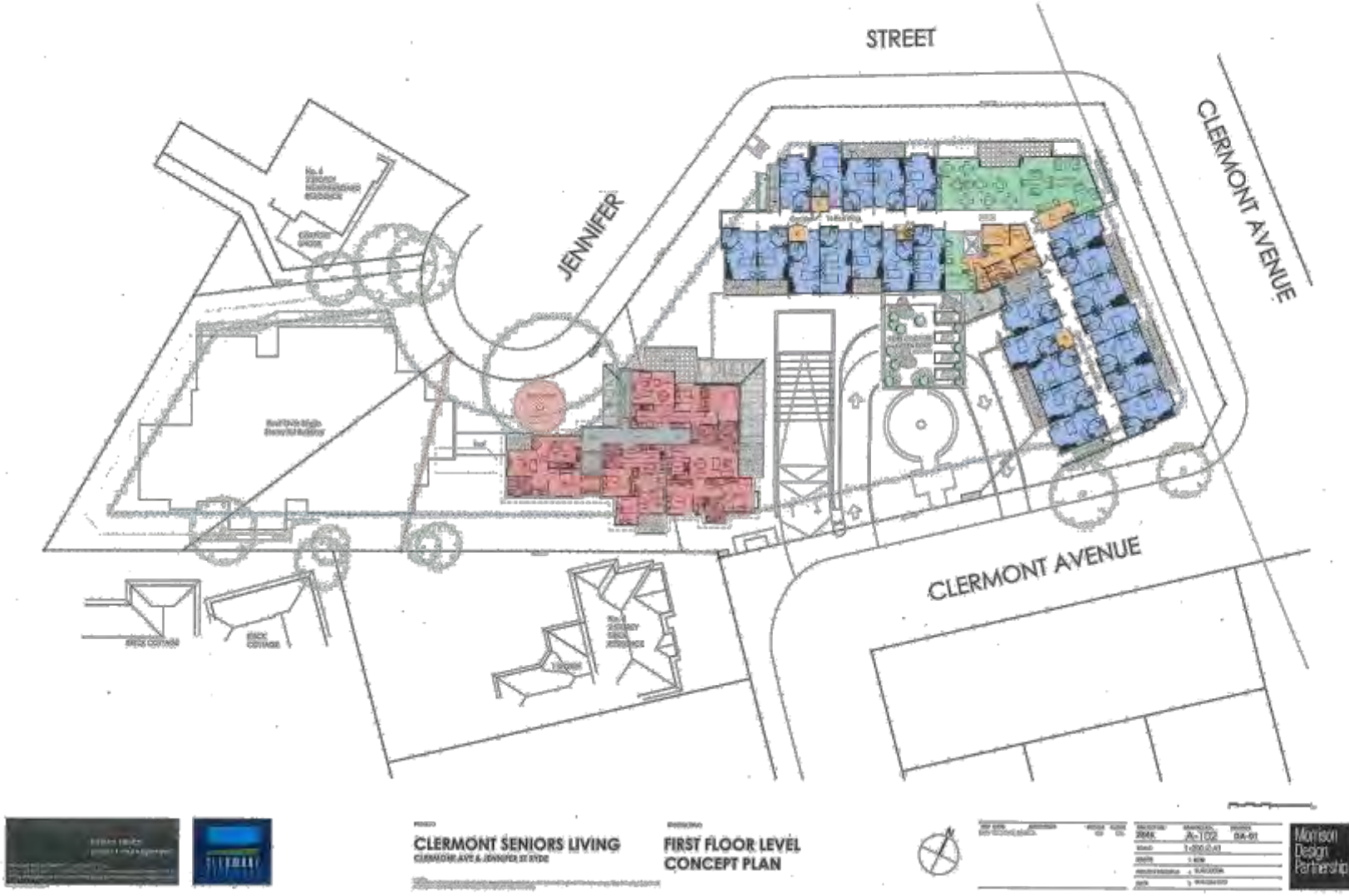
ITEM 5 (continued)

ATTACHMENT 3



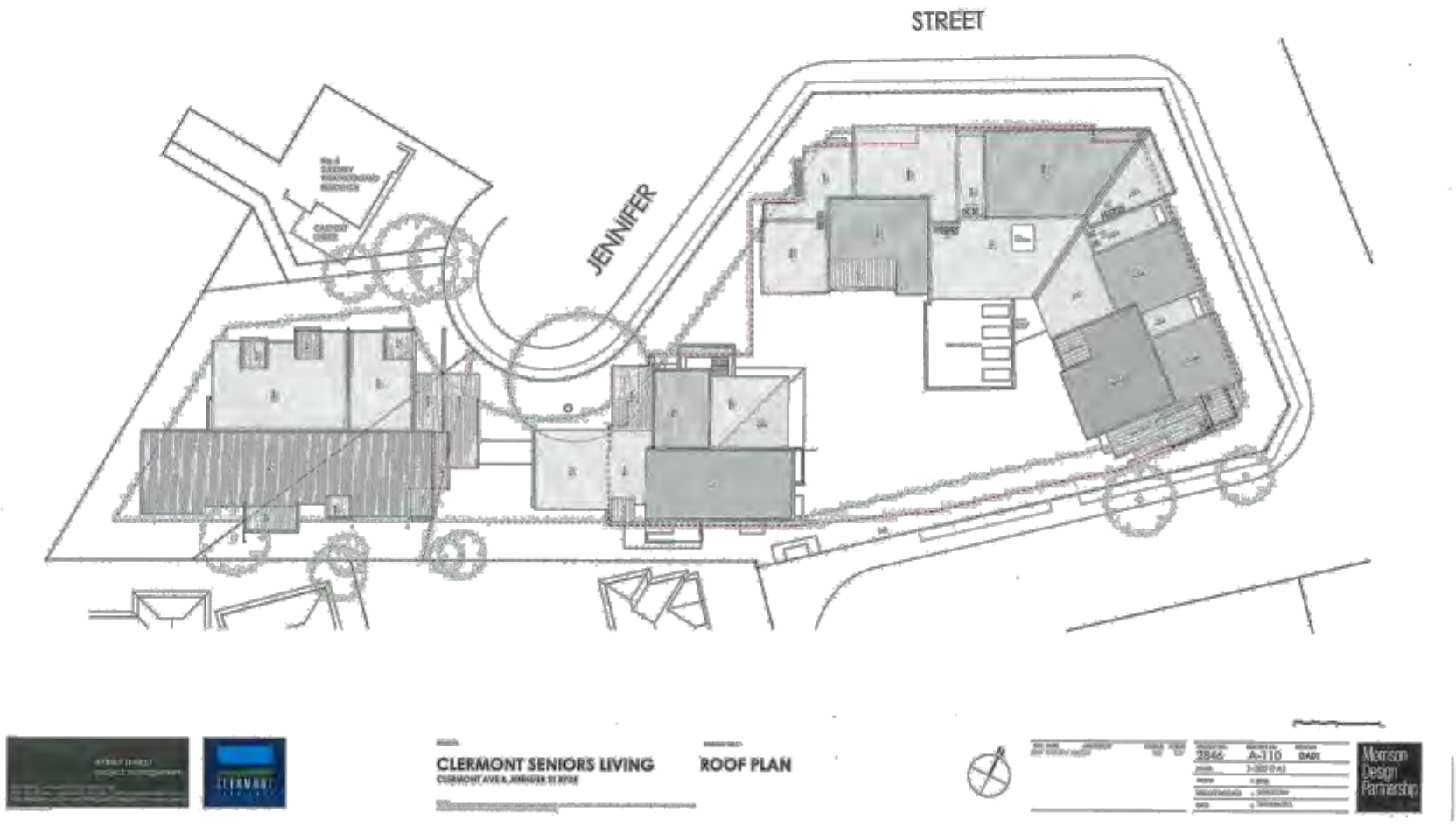
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



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ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



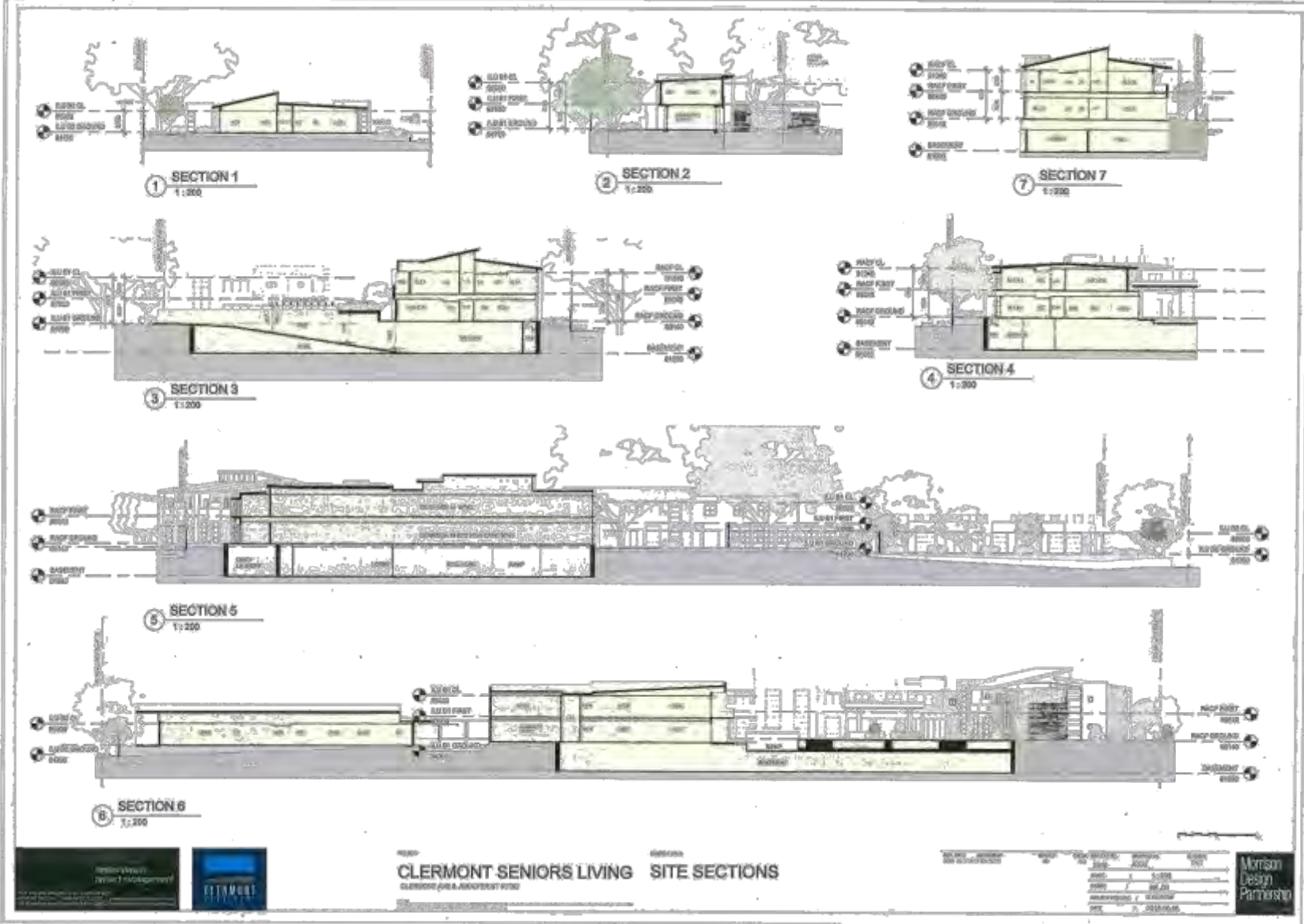
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ATTACHMENT 3



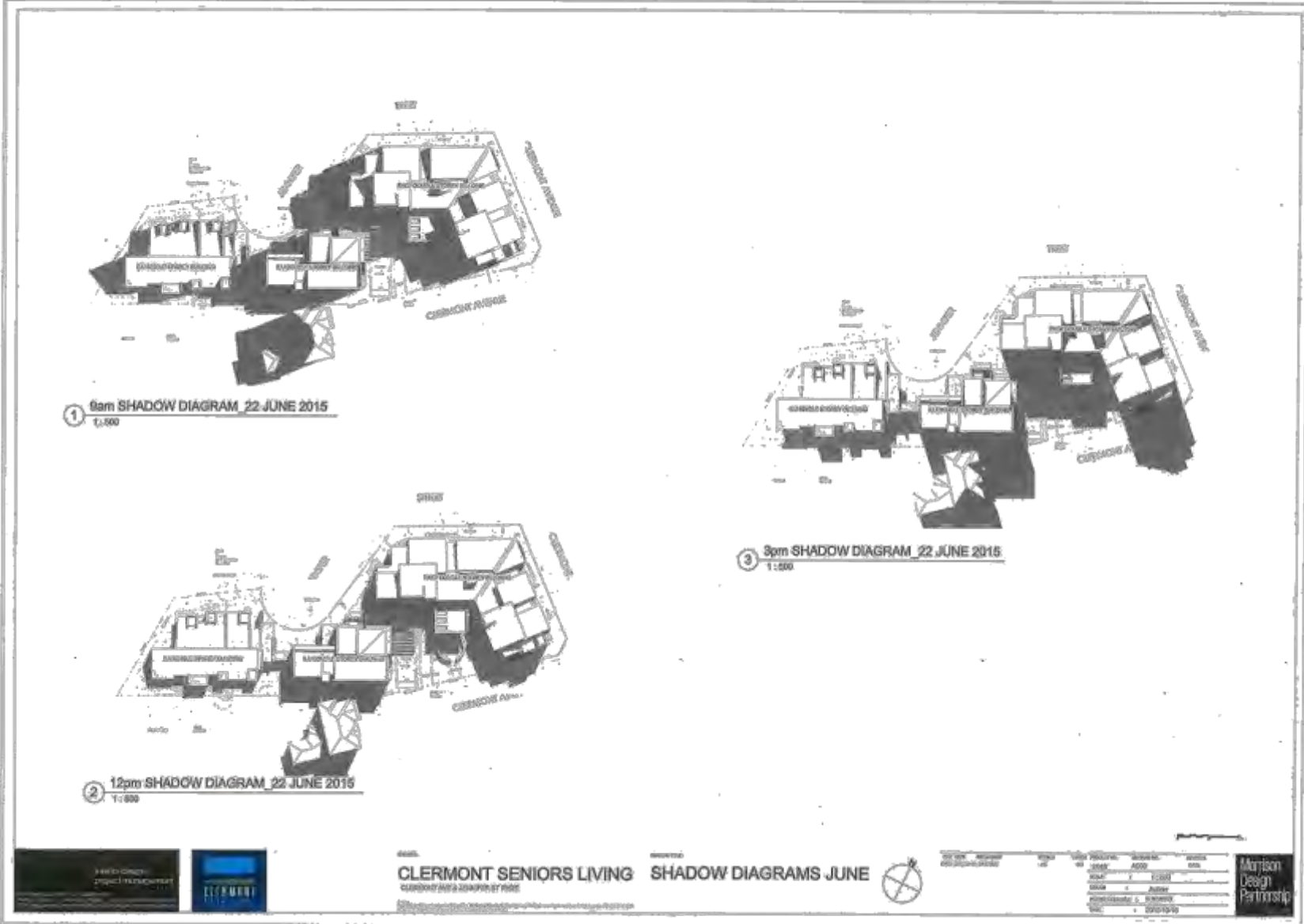
ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3



6 MACQUARIE PARK CAR PARKING CONTROLS

Report prepared by: Strategic Transport Planning
File No.: LEP2016/14/3 - BP16/1292

REPORT SUMMARY

At its meeting of 22 September 2015, Council considered a report outlining proposed reductions to commercial and industrial off-street parking controls in the Macquarie Park Corridor (MPC) – **ATTACHMENT 7**. These were based on the recommendations of the Macquarie Park Parking Rates Study by Bitzios Consulting and aimed to achieve a reduction in private vehicle usage by 2031. While Council's adopted long-term target is to achieve a mode share of 60% private vehicle use and 40% public transport use for journey's to work by 2031, review of the projections provided by the Parking Rates study indicated a staged approach would be beneficial and more acceptable to the landowners and business community. Accordingly, Council resolved to implement car parking rates that are projected to achieve a 70/30 mode share split by 2031 in the first instance, to sustain continued commercial development in Macquarie Park. As development continues, the rates will be reviewed with a view to adopting further changes to achieve the 60/40 mode share target. The proposed controls only apply to new commercial and industrial floor space and as a result will be implemented gradually through new development.

At this meeting, Council resolved to prepare a Planning Proposal to amend Ryde Local Environmental Plan (RLEP) 2014 and an amending Development Control Plan to amend car parking controls accordingly.

On 8 December 2015, Council considered the proposed amendments to Ryde Local Environmental Plan 2014 (the Planning Proposal) and draft amendments to Ryde Development Control Plan (RDCP) 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls to implement the previous Council resolution. This report recommended that Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. Council resolved to defer consideration of this matter pending further consultation.

Council on 14 June 2016 considered the results of the consultation and the Planning Proposal. The proposed changes to the parking controls are:

- Reducing current parking controls from 1/46m², 1/70m² and 1/80m² to a maximum parking control of 1/60m² and 1/100m² for commercial and industrial development;
- Remove the parking controls from RLEP2014 (Clause 4.5B); and
- Include the parking controls in the RDCP as per other parking controls.

ITEM 6 (continued)

The Planning Proposal also involves addressing minor drafting LEP errors as follows:

- Including properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park on the RLEP2014 Centres Map; and
- Removing Clause 4.5B subclause (4)(b) which restricts function centres, neighbourhood shops, registered clubs, restaurants and cafes within Macquarie Park to locations within single storey buildings.

On 14 June 2016 Council resolved:

- That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 1**.*
- That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
- That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.*
- That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.*
- That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.*

The Planning Proposal and draft amendments to Ryde DCP 2014 Part 4.5 – Macquarie Park Corridor and Part 9.3 – Parking Controls were exhibited from 21 September to 28 October 2016. Notification was by newspaper advertisement, Council website and direct mail. Three consultation events were held. During the exhibition period, Council received 9 submissions with 4 submissions supporting the changes and 1 submission objecting to the proposed amendments. The remaining 4 submission provided general comments to the Planning Proposal.

It is recommended that Council support the Planning Proposal as exhibited and adopt the relevant changes to Ryde LEP 2014 and the changes to Ryde DCP 2014 Parts 4.5 and 9.3 as per the exhibited version with amendments to Ryde DCP 2014 Part 9.3, Section 2.2 to include the term 'maximum' for residential parking rates in the Macquarie Park Corridor.

ITEM 6 (continued)

The recommendations are based on the following:

- The Planning Proposal and changes to Ryde DCP are aligned with City of Ryde 2021 Community Strategic Plan 'A City of Connections', and the strategy 'to encourage the use of environmentally friendly transport options'.
- The Planning Proposal is consistent with Council's adopted approach to a staged progression to a mode share target of 60% private vehicle use and 40% by public transport for the journey to work by 2031 (Refer Ryde Integrated Transport and Land Use Strategy, 2007; Draft Integrated Transport Strategy, 2016-2031; and Council Report dated 22 September 2015 – Strengthening Ryde – Macquarie Park Staged Review of Car Parking Rates). Council has supported this aim through the establishment of MPC Transport Management Association (Connect) and other actions including amendments to the on-street parking provisions in the MPC.
- The proposed changes are based on and supported by the 'Macquarie Park Parking Rates Study' prepared by Bitzios Consulting and will assist in a staged progression toward a mode share target of 60% by 2031.
- Submissions received during the exhibition period have not identified any major issues with the Planning Proposal and amendments to Ryde DCP.

RECOMMENDATION:

- (a) That Council adopt and exercise the delegation issued by the Minister for Planning to make the amendments described in this report to Ryde Local Environmental Plan 2014.
- (b) That Council adopt amendments to Ryde Development Control Plan Part 4.5 and Part 9.3 as shown in **ATTACHMENT 2** and **ATTACHMENT 3**.
- (c) That Council give public notice in the local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (d) That the adopted amendments to the RDCP come into effect 14 days from publication of the public notice.
- (e) That Council notify all community members who made a submission regarding the planning proposal of its decision.

ITEM 6 (continued)

ATTACHMENTS

- 1 Planning Proposal Macquarie Park 2016 with Updated Centre Maps
- 2 Changes to DCP Part 4-5
- 3 Changes to DCP Part 9-3 Update
- 4 Bitzios Executive Summary
- 5 Map Showing Changes to Parking Rates for Commercial and Industrial Development
- 6 Submission Report Update
- 7 Strengthening Ryde - Macquarie Park Staged Review of Car Parking Rates

Report Prepared By:

Henning Bracker
Strategic Transport Planning

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Dyalan Govender
Acting Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

ITEM 6 (continued)

History

In 2009, a 'Macquarie Park Corridor Parking Study' was undertaken by ARUP Consulting and outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

Council subsequently engaged Bitzios Consulting to undertake a review of the commercial and industrial off street car parking rates. The 'Macquarie Park Parking Rates Study' (see Executive Summary at **ATTACHMENT 4**) was presented to Council at its meeting of 22 September 2015 and proposed to introduce new reduced car parking rates for commercial and industrial development in Macquarie Park.

At its meeting of 8 December 2015, Council's Planning and Environment Committee considered a report outlining the proposed amendments to Ryde Local Environmental Plan 2014 (the Planning Proposal) and draft amendments to Ryde Development Control Plan (RDCP) 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls to implement the previous Council resolution. The proposed changes to the parking controls are:

- Reducing current industrial and commercial parking controls from 1/46m², 1/70m² and 1/80m² to a maximum parking control of 1/60m² and 1/100m² depending on location (**ATTACHMENT 5**);
- Remove the parking controls from RLEP2014 (Clause 4.5B); and
- Include the parking controls in the RDCP as per other parking controls.

The current car parking rates for commercial and industrial development in the Macquarie Park Corridor are generally higher than that of other centres in Sydney which for example are 1/100m² in Parramatta, 1/200m² in Chatswood and 1/400m² in North Sydney. The current level of parking supply encourages workers to drive to and from the precinct contributing to congestion levels. The 2011 mode split was 75% private vehicle trips and Council's adopted long-term target is to reduce this to 60% by 2031. The proposed changes to the parking controls are based on a staged reduction of the parking rates to ensure the ongoing competitiveness of the MPC as a business location while still seeking to address congestion in the precinct. The proposed parking controls are based on achieving a mode split of 70% in the first instance, with a further reduction to the planning controls to be undertaken in approximately 5 years in order to achieve Council's adopted 60/40 mode split.

The Planning Proposal also involves addressing minor drafting errors as follows:

- Including properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park on the RLEP2014 Centres Map; and
- Removing Clause 4.5B subclause (4)(b) which restricts function centres, neighbourhood shops, registered clubs, restaurants and cafes within Macquarie Park to locations within single storey buildings.

ITEM 6 (continued)

On 15 December 2015 Council's decision on the Planning Proposal was deferred pending community consultation regarding proposed changes to parking meter fees in the Macquarie Park Corridor which was occurring concurrently. This consultation occurred in March 2016.

On 14 June 2016 Council considered the Planning Proposal in detail and resolved:

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in ATTACHMENT 1.*
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.*
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.*
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.*

A Gateway Determination was received from the DPE on 31 August 2016.

Exhibition

The draft amendments were exhibited from 21 September to 28 October 2016 in accordance with the Gateway and the Relevant Act. The exhibition was advertised in the Northern District Times and on Council's webpage and affected landowners were notified by direct mail. Three consultation events were held. The exhibition material was available:

- On Council's website;
- At the Customer Service Centre, 1 Pope St Ryde;
- At Council's North Ryde Office, 3 Richardson Place, North Ryde; and
- North Ryde and Ryde libraries.

ITEM 6 (continued)

During the exhibition period, Council received 9 submissions with 4 submissions supporting the changes and 1 submission objecting the proposed amendments. The remaining 4 submissions provided general comments to Planning Proposal.

The objecting submission raised the issue that reduced commercial and industrial parking rates might result in Macquarie Park losing its 'point of difference'.

In response to this issue Council staff note that congestion levels in the study area have increased significantly in recent years. The Strategic Employment Review: Macquarie Park 2015 by BIS Shrapnel highlights traffic congestion as a major concern for MPC businesses and an impediment to growth. As the Macquarie Park Precinct continues to grow and redevelop, transport usage will need to move away from predominantly private vehicle access to having sustainable levels of accessibility so that it can remain competitive and continue to attract investment.

Council proposes an interim car mode share target of 70% for the Macquarie Park Corridor. This mode share target will see a modest total increase in spaces from the current 32,500 to 35,500 in 2031.

A submission by the Roads and Maritime Services (RMS) pointed out that the residential parking controls proposed to be relocated (unchanged) from RDCP Part 4.5 to Part 9.3 included a transposing error missing the stipulation that the Macquarie Park residential parking controls were a "maximum." This drafting error has been addressed.

All submissions and Council's responses are summarised in **ATTACHMENT 6**.

Conclusion

The proposed changes to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls aim to reduce commercial and industrial car parking to assist in achieving a mode share target of 60% by 2031. The Macquarie Park Corridor has experienced significant growth and is expected to double in floor space and workers by 2031. Parking provisions will play a decisive role in managing congestion and influencing transport mode share in the future.

The Planning Proposal involves removing the parking controls for commercial and industrial development in Macquarie Park from Ryde LEP 2014 by deleting the Macquarie Park Corridor Parking Restrictions Maps and placing them in Ryde Development Control Plan 2014 (RDCP).

ITEM 6 (continued)

The Draft DCP was exhibited from 21 September to 28 October 2016. As a result of submissions and issues identified by City of Ryde staff, the following changes to the exhibited Ryde DCP2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls are recommended:

- Amend RDCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls as per the exhibited version;
- Amend RDCP Part 9.3 as per the exhibited version except for the addition of the word 'maximum' to 'Residential Development – Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)' Section 2.2. This addresses a transposing error picked up by the RMS in their submission.

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

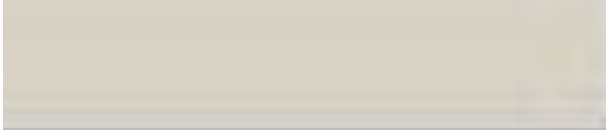
1. Do not proceed with amending Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls of Ryde DCP 2014. This option would result in maintaining the current parking rates, which would result in an increase of 10,000 parking spaces for the Macquarie Corridor. This would result in additional vehicle use and exacerbate current congestion issues, which is likely to negatively impact on the precinct attractiveness. There is anecdotal evidence that congestion is emerging as a growth inhibitor for the MPC.
2. Proceed with amending RDCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls as outlined in this report. This option would see the implementation of two parking rates of 1/60m² or 1/100m² for commercial and industrial development. This provides a balanced approach between achieving a mode share target of 70% motor vehicle traffic and minimising potential impacts on precinct attractiveness as a business location.

Option 2 is the preferred option.

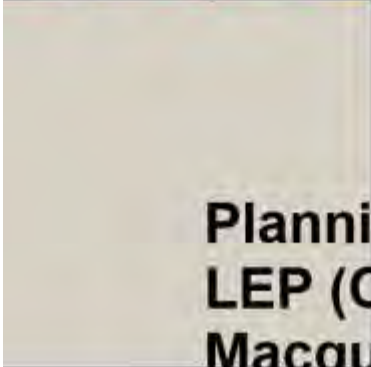
Should Council adopt Ryde DCP Part 4.5 Macquarie Park and Part 9.3 Parking Controls amendments as outlined in this report, the Development Control Plan amendments will come into force on the date the advertisement appears in the newspaper

ITEM 6 (continued)

ATTACHMENT 1



 City of Ryde
Lifestyle and opportunity @ your doorstep



Strategic City Department

**Planning Proposal
LEP (Car parking in
Macquarie Park) 2016**

ITEM 6 (continued)

ATTACHMENT 1



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ITEM 6 (continued)

ATTACHMENT 1



Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular Section 55) and relevant guidelines produced by the Department of Planning and Environment, including "A Guide to preparing Planning Proposals".

The Department of Planning and Environment requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP
- Part 2 – Explanation of the Provisions to be included in the LEP
- Part 3 – Justification of objectives, outcomes and process for implementation
- Part 4 – Maps to identify intent and applicable area
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP

Background

At its meeting on the 22 September 2015 Council resolved (inter-alia):

- (a) *That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.*

Ryde Local Environmental Plan 2014 (RLEP2014) Clause 4.5B outlines objectives for car parking in the Macquarie Park Corridor. The car parking requirements for commercial and industrial development are specified on the RLEP2014 Macquarie Park Corridor Parking Restrictions Maps, and include three parking rates depending on site location:

- 1/46m² gross floor area
- 1/ 70m² gross floor area
- 1/ 80m² gross floor area

ITEM 6 (continued)

ATTACHMENT 1



1.0 Objectives or Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP2014.

The intent of this Planning Proposal (PP) is to:

1. Remove the parking rates from RLEP2014 and insert them into Ryde Development Control Plan 2014 (RDCP2014). This PP involves the following amendments to RLEP2014:
 - a. Delete the Macquarie Park Corridor Parking Restrictions Maps;
 - b. Amend Clause 4.5B Macquarie Park Corridor to remove subclause (1) and (2); and
 - c. Remove the definition of the Macquarie Park Corridor Parking Requirements Map from the Dictionary.
2. Include properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park on the RLEP2014 Centres Map; and
3. Remove Clause 4.5B subclause (4)(b) to correct a drafting error.

This is considered appropriate for the following reasons:

1. Including car parking requirements in a Local Environmental Plan is not consistent with the Standard Instrument LEP and is contrary to advice from the Department of Planning and Environment that car parking controls are a local matter which should be included in a Development Control Plan;
2. This will be consistent with the car parking requirements for all other development types/ in all other parts of City of Ryde which are within the RDCP2014;
3. The Bitzios study recommends a number of incremental changes to the parking requirements to be implemented over the next decade. Implementing these amendments would be more easily facilitated amendments to RDCP2014 than as individual PPs.
4. To correct some existing anomalies.

ITEM 6 (continued)

ATTACHMENT 1



2.0 Explanation of Provisions

The proposed outcomes identified in the previous part of the PP of removing the car parking rates for the Macquarie Park Corridor from RLEP2014.

Schedule of amendments to RLEP2014

LEP part	Proposed change
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor
Clause 4.5B Macquarie Park Corridor	<p>Amend by deleting Clause 4.5B subclause (1), (2) and (4)(b) as shown below:</p> <p>4.5B Macquarie Park Corridor</p> <p>(1) Off-street car parking controls The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:</p> <p>(a) to encourage the use of alternative types of transport by providing for accessibility by pedestrian, cycling and public transport,</p> <p>(b) to ensure that local car parking is available.</p> <p>(2) The maximum number of off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor is the number identified on the <u>Macquarie Park Corridor Parking Restrictions Map</u>.</p> <p>(3) Land uses in Zone B7 The objectives for development on land in Zone B7 Business Park within the Macquarie Park Corridor are as follows:</p> <p>(a) to provide for the daily convenience needs of employees and visitors,</p> <p>(b) to ensure that development supports the needs of businesses and organisations in the area.</p> <p>(4) Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building:</p> <p>— (a) will not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land, and</p>

ITEM 6 (continued)

ATTACHMENT 1



	<p>— (b) the building is a single-storey building.</p> <p>(5) Despite any other provision of this Plan, development consent must not be granted for carrying out development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purposes of a serviced apartment unless:</p> <p>(a) the development comprises at least 2 self-contained dwellings, and</p> <p>(b) all of the dwellings are on the same lot.</p>
Dictionary	<p>Delete the definition of Macquarie Park Corridor Parking Restrictions Map:</p> <p><i>Macquarie Park Corridor Parking Restrictions Map</i> means the <u>Ryde Local Environmental Plan 2014 Macquarie Park Corridor Parking Restrictions Map.</u></p>

Properties in Delhi Road and Plassey Road

A number of existing commercial properties on the northern side of Delhi Road, Macquarie Park (as shown in Figure 1 below) are not currently identified as being part of the Macquarie Park Corridor on the RLEP2014 Centres Map. This was a drafting oversight.



Figure 1: Location of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park

These sites have historically been identified as part of the Macquarie Park Corridor. They are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map.

This Planning Proposal seeks to amend the RLEP2014 Centres Map to include the properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the 'Macquarie Park Corridor'.



ITEM 6 (continued)

ATTACHMENT 1



3.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a PP. This section responds to all matters to be addressed in a PP – including Director-General's requirements for the justification of all PPs (other than those that solely reclassify public land).

3.1 Need for the Planning Proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

The PP has been prepared in response to a study of the car parking rates in the Macquarie Park Corridor conducted by Bitzios Traffic Consulting. This study recommended amending Council's car parking controls to move toward achieving a 70% private vehicle modal split by 2031, by having a staged approach to the reduction of parking requirements. This PP implements the recommendation of that study by removing the parking controls from RLEP2014 and including new reduced parking rates in Ryde DCP2014.

The sites at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map. These sites are intended to be included in the Macquarie Park Corridor on the RLEP2014 Centres Map to correct an anomaly.

The amendments to Clause 4.5B subclause (4)(b) are also required to correct an anomaly.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

A PP under the Environmental Planning and Assessment Act which proceeds as an amendment to RLEP2014 is the only means to achieve the removal of the car parking controls from RLEP2014 and the inclusion of additional sites on the Centres Map. Incorporating the car parking controls in RDCP2014 will allow future changes to the car parking rate to be implemented (as recommended in the Bitzios study) without the need for a PP.

3.2 Relationship to strategic planning framework

This section discusses relevant strategic planning documents and their relationship to the PP.

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3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

In December 2014 the NSW Government released Sydney's Metropolitan Plan "A Plan for Growing Sydney". The PP is consistent with this Plan.

The proposed amendments to RDCP2014 to reduce the amount of parking provided is consistent with Action 1.6.2 "Invest to improve infrastructure and remove bottlenecks to grow economic activity".

3.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The outcomes relevant to this PP is A City of Connections, and the strategy "to encourage the use of environmentally friendly transport options".

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the Action 8.4.3.6 "Planning for Parking" and in particular:

Principle: Improve parking management in centres.

Principle: Improve parking management to encourage greater use of public transport, walking and cycling, especially for commuter trips.

Direction: Review and update City of Ryde parking controls.

Action: Carry out a parking study which will inform sustainable transport and economic development and guide DCP controls.

The LPS Transport Study recommended that car dependence should be reduced through development that supports public transport, cycling and walking. The Study also recommended that a parking study be undertaken to inform sustainable transport and economic development, to facilitate a shift in modal split for the journey to work.

Macquarie Park Corridor Parking Study

The 'Macquarie Park Corridor Parking Study' (2009) outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

ITEM 6 (continued)

ATTACHMENT 1



3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the PP in terms of State Environmental Planning Policies (SEPPs) is contained in the table below (Table 1).

This assessment indicates that the draft amendments to RLEP2014 contained in this PP is consistent with all relevant SEPPs.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. Not relevant to the proposed amendment
SEPP No 33 Hazardous and Offensive Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 55 Remediation of Land			✓	Applies to the whole of the State.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 65 Design Quality of Residential Flat Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP(BASIX) 2004			✓	Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes)			✓	Applies to the whole of the State.

ITEM 6 (continued)

ATTACHMENT 1



State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
2008				
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to the whole of the State.
SEPP (Infrastructure) 2007			✓	Applies to the whole of the State.
SEPP (Major Development) 2005			✓	Applies to the whole of the State.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (State and Regional Development) 2011			✓	Not relevant to the proposed amendment
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	The PP is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment.
Draft State Environmental Planning Policies				
SEPP No 66 - Integration of Land Use and Transport 2001	✓			The PP results in car parking being included in RDCP2014. The reduced rates proposed in RDCP2014 aim to reduce car dependency and support efficient public transport use.
SEPP (Competition) 2010			✓	Applies to the whole of the State

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the PP in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

ITEM 6 (continued)

ATTACHMENT 1



These directions apply to PPs lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to PPs

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones Objectives are:- <ul style="list-style-type: none"> o Encourage employment growth in suitable locations o Protect employment land in business and industrial zones and o Support the viability of identified strategic centres. 	✓			The PP does not propose any change to the amount of employment generating land.
3. Housing, Infrastructure and Urban Development				
3.4 Integrating Land Use and Transport	✓			The DCP amendments associated with this PP are consistent with the objectives of the Direction which aims to reduce travel demand.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036.	✓			See adjacent comment

3.3 – Environmental, social and economic impact

3.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The PP will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?



ITEM 6 (continued)

ATTACHMENT 1



The PP intends to contribute positively to traffic congestion by moving towards a target of 70% private vehicle mode share by 2031 for Macquarie Park which will be a positive environmental benefit. The likely traffic impacts have been addressed in the Macquarie Park Parking Rates Study.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

The PP will not result in any social or economic impacts.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on public infrastructure.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The RMS will be consulted with as part of the consultation process associated with the exhibition of the PP.

The PP does not raise any issues that are expected to be of concern to any other State or Commonwealth public authority.

Any State or Commonwealth authority that is identified in the gateway determination will be consulted following that determination.

ITEM 6 (continued)

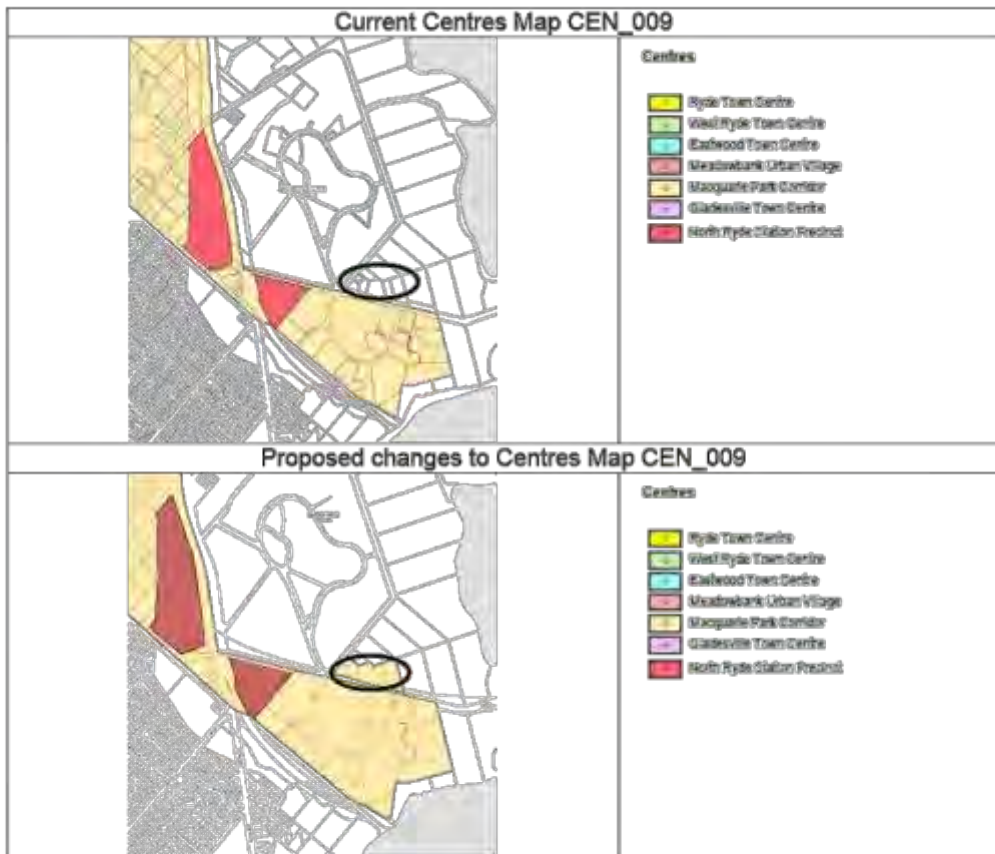
ATTACHMENT 1



4.0 Mapping

Maps identifying the intent of the PP are provided below.

Map	Proposed amendment
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009 (copy at Attachment 1)
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor (full version at Attachment 2)



ITEM 6 (continued)

ATTACHMENT 1



5.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this PP is expected to be undertaken in the following manner for a period of 4 weeks:

- o written notice given:
 - in the local newspaper circulating in the area;
 - on Council's webpage;
 - to subject landowners and key stakeholders;
 - to local state government representatives; and
 - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.

- o the written notice will:
 - provide a brief description of the objectives and intended outcomes;
 - indicate the land affected;
 - state where the planning proposal can be inspected;
 - indicate the last date for submissions; and
 - confirm whether the Minister has chosen to delegate the making of the LEP.

- o The following materials will be placed on exhibition:
 - the PP;
 - the Gateway determination; and
 - the associated draft amendments to RDCP2014.

One community drop-in session will be held during the exhibition period.

6.0 Project Timeline

1. Planning Proposal submitted to Gateway	June 2016
2. Gateway determination received by Council	August 2016
3. Community consultation (4 weeks)	Sep/ Oct 2016
4. Outcomes of Community consultation Presented to Council	December 2016
6. PP submitted to DoPE requesting notification on Government website	February 2017

ITEM 6 (continued)

ATTACHMENT 1



**Attachment 1- Current RLEP2014 Macquarie Park
Corridor Parking Restrictions Maps**

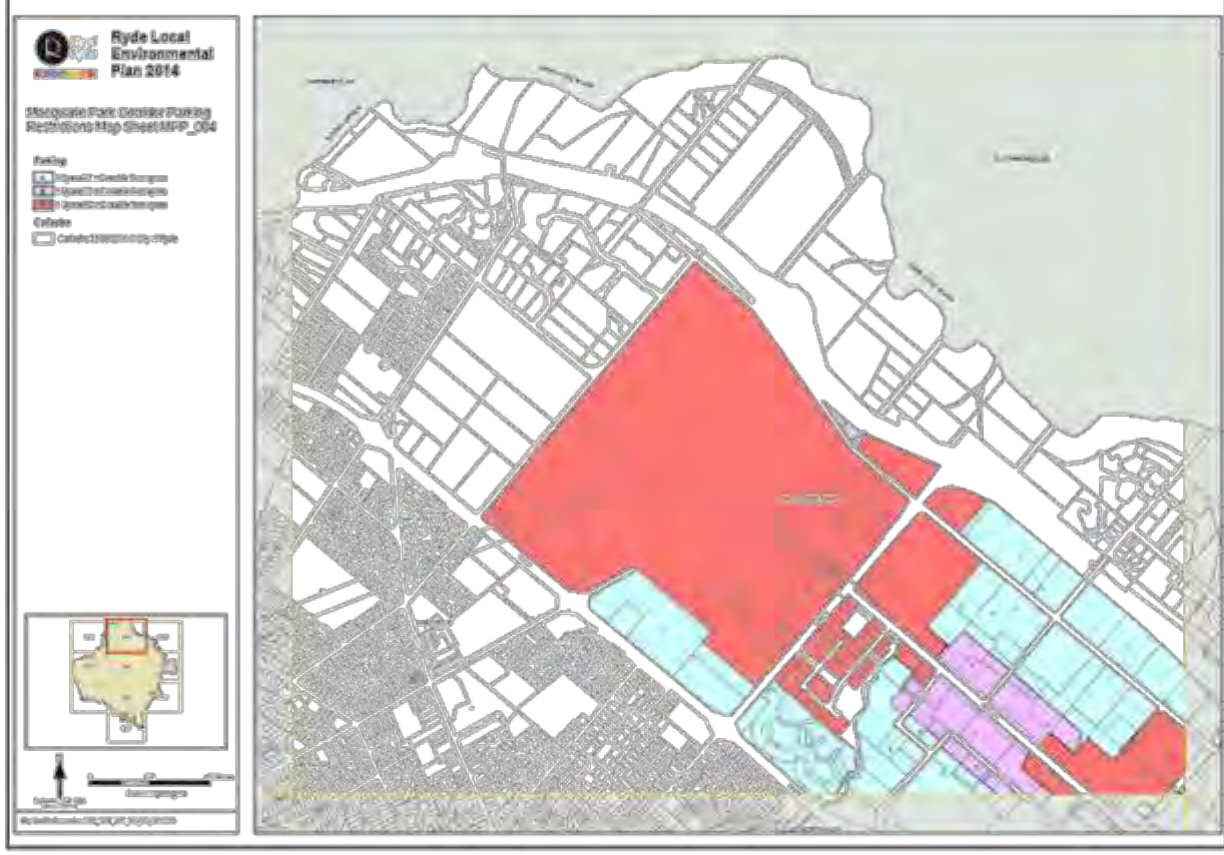
ITEM 6 (continued)

ATTACHMENT 1


Urban Planning Unit

Planning Proposal for
Car-pooling in
Macquarie Park

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Lifestyle and opportunity @ your doorstep



City of Ryde

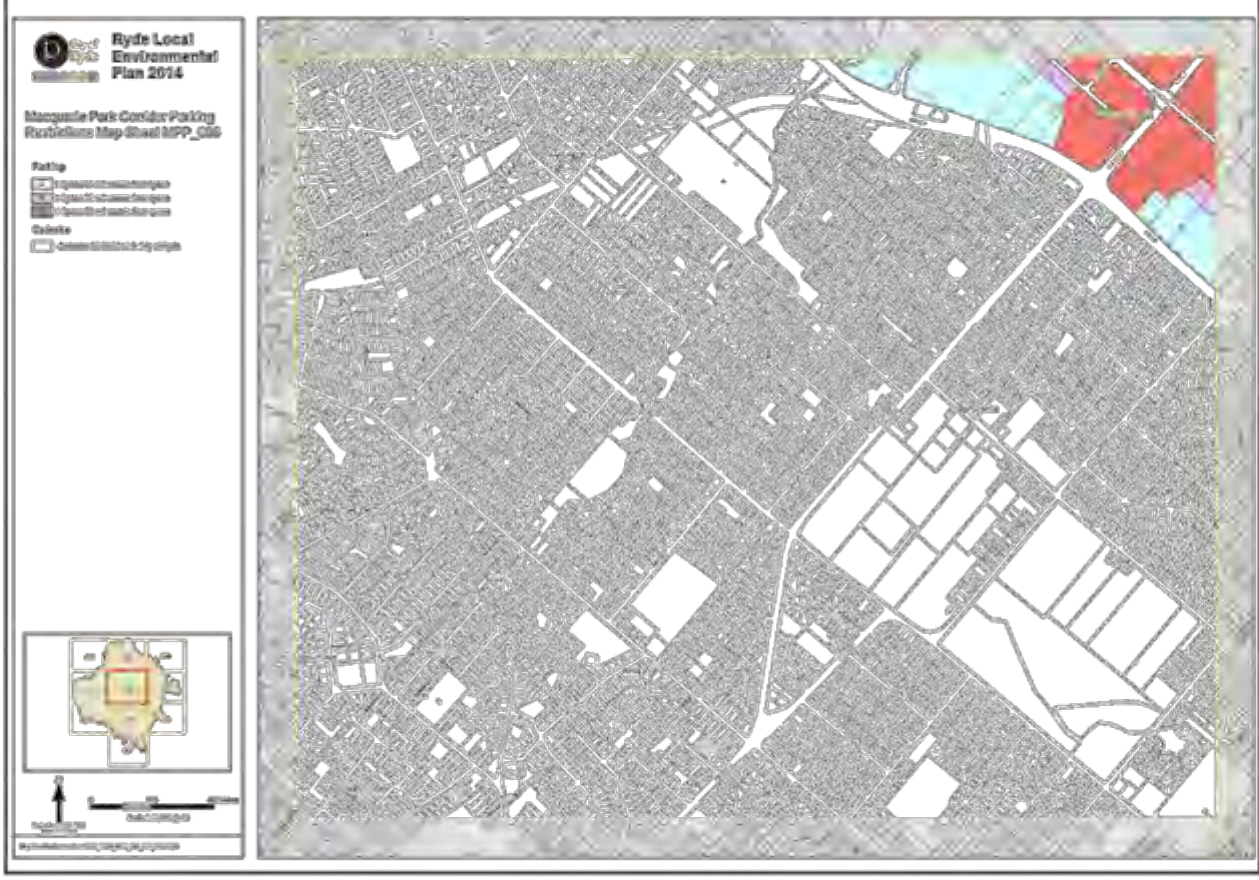
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Urban Planning Unit

Planning Proposal for
Car parking in
Macquarie Park

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Urban Planning Unit

Planning Proposal for
Carriaging in
Macquarie Park

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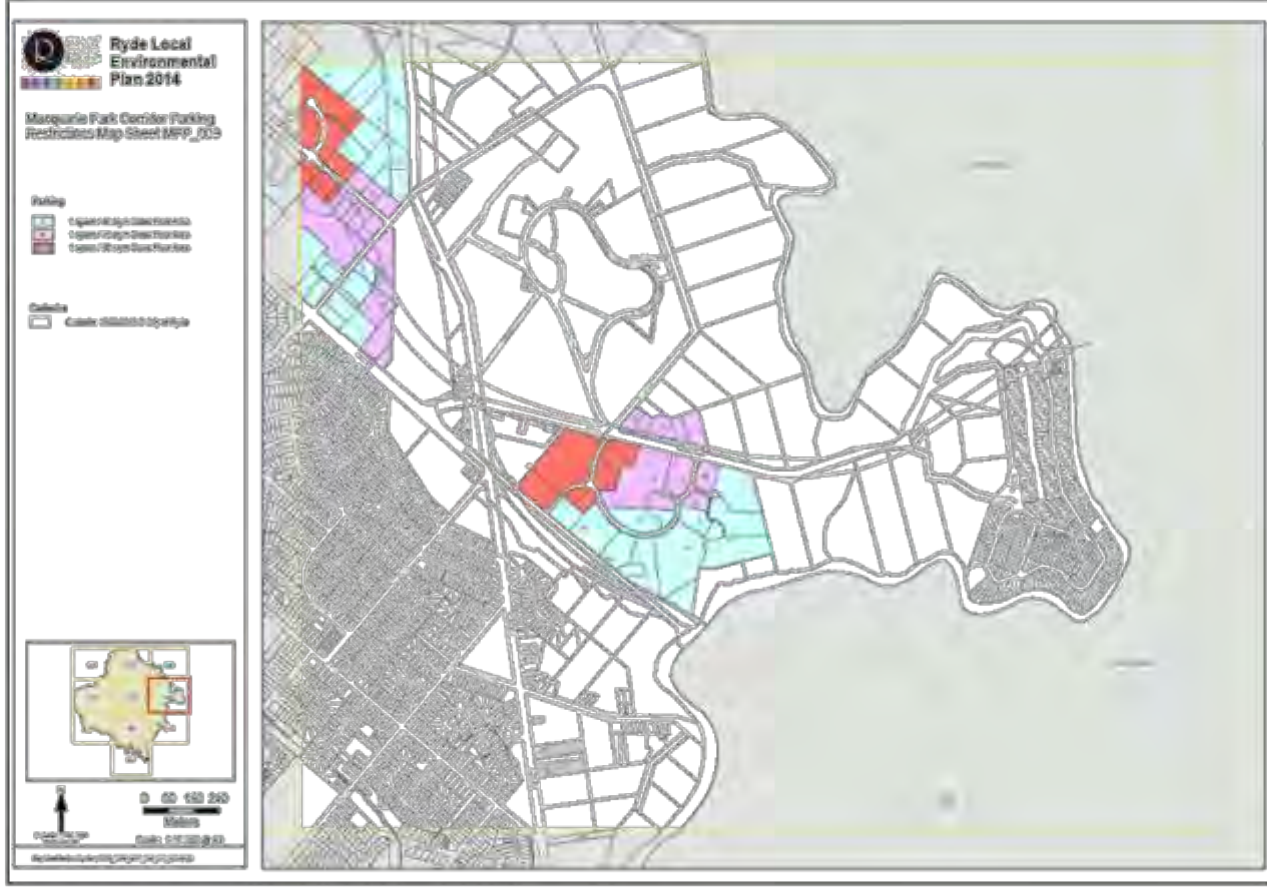
ITEM 6 (continued)

ATTACHMENT 1

Urban Planning Unit

Planning Proposal for
Car-pooling in
Marquarie Park

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ITEM 6 (continued)

ATTACHMENT 1



**Attachment 2- Current and Proposed RLEP2014 Centres
Map CEN_009**

ITEM 6 (continued)

ATTACHMENT 1

Urban Planning Unit

Planning Proposal for
Car parking in
Macquarie Park

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Current Centres Map CEN_009



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ATTACHMENT 1

Urban Planning Unit

Planning Proposal for
Carporting in
Macquarie Park

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Proposed Centres Map CEN_009



ITEM 6 (continued)

ATTACHMENT 2



**Part: 4.5
Macquarie Park Corridor**



ITEM 6 (continued)

ATTACHMENT 2

4.5

Macquarie Park Corridor

Translations

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 9.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 0622 6222.

ARABIC

إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز ريد سيتي، 1 شارع ديفلين، ريد، من الاثنين إلى الجمعة من الساعة 9:30 صباحاً إلى الساعة 4:30 مساءً، أو الاتصال بالخدمة الهاتفية والترجمة على الرقم 131 450، وتطلب من أحد الموظفين الاتصال بمكتبنا مدينة ريد على الرقم 0622 6222 نيابة عنك.

AMERICAN

หากว่าท่านไม่สามารถเข้าใจเอกสารนี้ กรุณาไปที่ Ryde Civic Centre, 1 Devlin Street, Ryde, (Ryde Civic Centre, 1 Devlin Street, Ryde) ในวันจันทร์ถึงวันศุกร์ เวลา 09:30 - 16:30 น. หรือ โทรหาหมายเลข 131 450 เพื่อขอใช้บริการล่าม หรือติดต่อฝ่ายบริการลูกค้าของเราที่หมายเลข 0622 6222

CHINESE

如果您看不懂中文，請於週一至週五上午 9 時 30 分至下午 4 時 30 分前往 Ryde 市政中心辦事處 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)，或您可以致電電話查詢服務中心，電話號碼為: 131 450。請聯絡您可以要求一位傳譯員與您訂下電話諮詢 Ryde 市政廳辦事處，電話是: 0622 6222。

FARSI

اگر این سند را نمی فهمید لطفاً از ساعت 9:30 صبح تا 4:30 عصر به مرکز شهر رید، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس ترجمه تلفنی شماره 131 450 تماس بگیرید و از پرسنل ما بخواهید که برای شما مترجم تلفنی را برای شما تماس دهد. شماره تلفن: 0622 6222

ITALIAN

Se non capite il presente documento, siete pregati di recarvi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 9.30 alle 16.30, dai lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 0622 6222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 9:30 - 오후 4:30), 전화 131 450 번호로 전화 통역 서비스의 연락처에서 통역사에게 하오신 Ryde 시청에 전화 0622 6222 번호로 연락을 부탁하십시오.

Amend #	Date Approved	Effective date	Subject of Amendment
	23 June 2015	1 July 2015	<p>Updated to</p> <ul style="list-style-type: none"> support Ryde LEP reflect NSW legislation provide amended open space and access networks support sustainable transport and consequential amendments

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Macquarie Park Corridor

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1.0 PRELIMINARY

1.1 Introduction

This Part provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The document specifies built form controls for all development within the Corridor, and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

1.2 Citation

This Part may be cited as City of Ryde Development Control Plan 2014, Part 4.5 - Macquarie Park Corridor.

1.3 Land Covered by this Part

The land covered by this Part is shown in the below figure, and is generally bounded by M2 Motorway and Delhi Road on the northeast, Epping Road on the southwest, Culloden Road on the northwest and Lane Cove River to the southeast.

This part does not apply to the North Ryde Station ~~Urban Activation Priority~~ Precinct and the Macquarie University lands.

1.4 Relationship with other Plans and Policies

Ryde Local Environmental Plan (LEP) 2014

This DCP Part supplements the Ryde Local Environmental Plan (LEP) 2014 by providing detailed development principles, controls and guidelines. This DCP was brought into effect ~~[insert date]~~ 1 July 2015 to support planning incentives contained in Ryde LEP 2014 Amendment 1 (Macquarie Park).

In addition to this Part, Ryde LEP 2014, [State Environmental Planning Policy 65 – Design Quality of Residential Flat Development \(SEPP 65\)](#) and other relevant State Environmental Planning Policies must also be taken into account when making a development application.

Herring Road Urban Activation Precinct – now known as a Priority Precinct

~~The Draft Herring Road Urban Activation Precinct (UAP) completed exhibition mid-August 2014. The exhibition documents proposed that this DCP applied to the Herring Road UAP land and suggested amendments. The suggested amendments will be incorporated in this DCP when the Herring Road UAP is finalised.~~

North Ryde Station Urban Activation Precinct – now known as a Priority Precinct

~~This DCP Part does not apply to the North Ryde Station Urban Activation Precinct – now known as a Priority Precinct~~

Macquarie University (shown pale yellow on Figure 1.3.1)

~~Under the provisions of SEPP (State and Regional Development) the university is listed as a State Significant Site, where development exceeds a capital value of \$30M. Under this SEPP the Ryde DCP does not apply.~~

~~The university has an existing Part 3A Concept Plan approval dated 2009. The Part 3A approval applies under the transitional provisions in the SEPP (Major Development). Development in the~~

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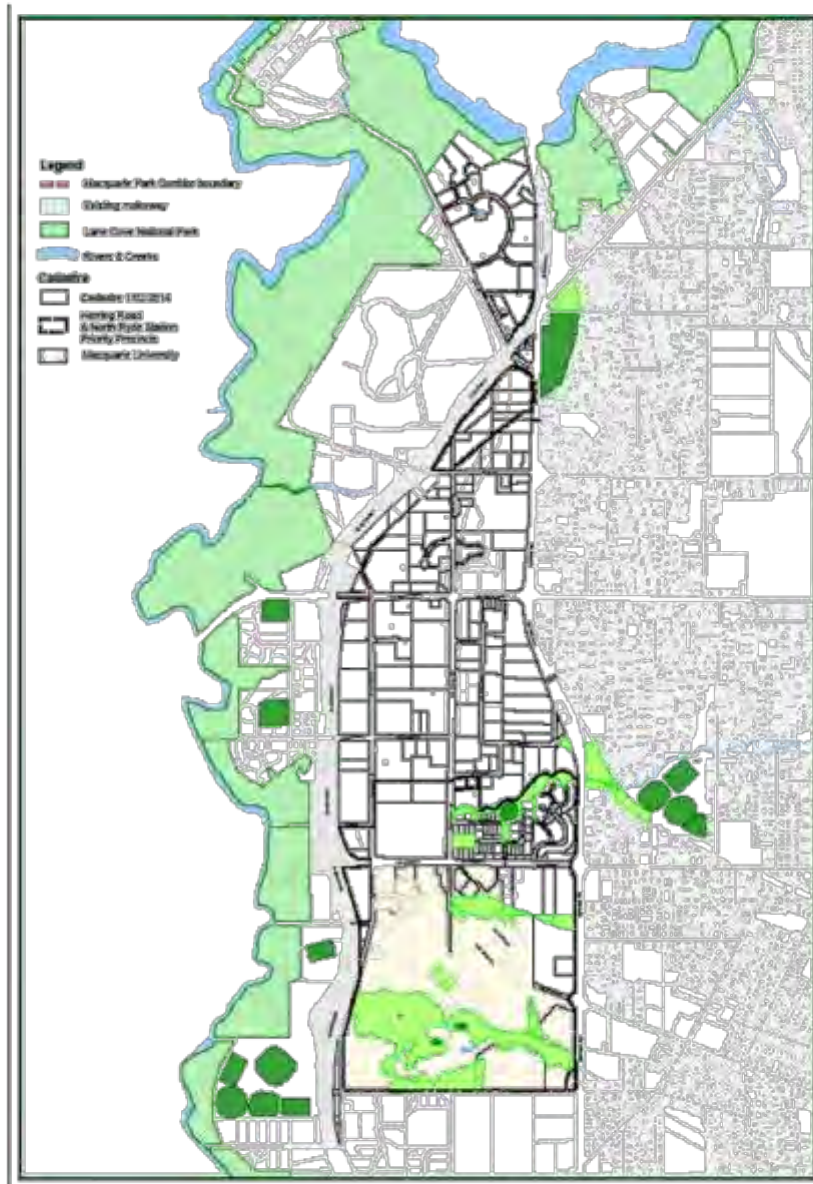
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Macquarie Park Corridor

university is governed by the Part 3A approved Concept Plan and the Macquarie University Urban Design Guidelines and Design Excellence Strategy.

Figure 1.3.1 Land covered by this part



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1.5 Aims and Purpose of this Part

The purpose of this Part is to provide objectives, controls and design criteria to achieve desirable development outcomes in line with Council's vision for the Macquarie Park Corridor.

The key aims of this Part are to:

1. To ensure that the Corridor matures into a premium location for globally competitive businesses with links to the university.
2. To ensure that the employment and educational activities within the Corridor are integrated with other businesses and activities within Sydney's global economic arc.
3. To reinforce the importance of the economic function of the Corridor and facilitate employment growth now and into the future. (This will include retaining employment lands)
4. To create a centre that is sustainable and that incorporates the principles of ecologically sustainable development
5. To ensure the Corridor will be characterised by a high-quality, well-designed and safe environment that reflects the natural setting and promotes a sense of identity.
6. To create an urban structure that will:
 - a. Promote a balance of commercial and non-commercial (such as educational and residential) uses within the corridor
 - b. Promote the commercial core and business park areas for commercial activity and employment
 - c. Provide a transition from the more intense development along the main boulevard - Waterloo Road - to peripheral areas characterised by lower scaled development
 - d. Focus street and place-making activities to create three accessible and vibrant railway station precincts.
 - e. Capitalise on magnet infrastructure, facilities and services such as the M2, Macquarie University and Macquarie Shopping Centre.
7. To create an access network that will:
 - a. Achieve a more permeable network promoting greater connectivity and integration between land uses and the station precincts.
 - b. Achieve a safe and convenient pedestrian environment that encourages public transport use and social interaction.
 - c. Create additional streets that will
 - i. Reduce pressure on the existing road and pedestrian infrastructure,
 - ii. Provide new opportunities for business and street addresses
8. To create an open space network that will:
 - a. Include a network of diverse active and passive recreation spaces to support the residential and working populations of the Corridor.
 - b. Provide safe, accessible, sustainable, well used and designed public open spaces within the Corridor.

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Macquarie Park Corridor

1.6 How to use this Plan

SECTION	INTENDED EFFECT
<p>1.0 PRELIMINARY</p> <p>1.1 Introduction</p> <p>1.2 Citation</p> <p>1.3 Land Covered by this Part</p> <p>1.4 Relationship with other Plans and Policies</p> <p>1.5 Aims and Purpose of this Part</p> <p>1.6 How to use this Plan</p>	<p><i>This section gives an overview of the Draft-DCP and its relationship with other plans</i></p>
<p>2.0 VISION</p>	<p><i>Describes the future character of the Macquarie Park Corridor (derived from consultation and the Sydney Metro Strategy)</i></p>
<p>3.0 THE STRUCTURE PLAN</p> <p>3.1 Introduction</p> <p>3.2 Urban Structure Plan</p>	<p><i>Provides an urban structure plan that articulates the land use structure of the Macquarie Park Corridor including</i></p> <ul style="list-style-type: none"> - <i>where residential communities will develop,</i> - <i>the locations of the business and retail cores</i> - <i>the lower scaled, open landscaped, business parks located on the fringes of the corridor adjoining Epping Road, the M2</i>
<p>4.0 ACCESS NETWORK</p> <p>4.1 Streets</p> <p>4.2 Pedestrian Connections</p> <p>4.3 Bicycle Network</p> <p>4.4 Sustainable Transport</p>	<p><i>This section of the draft DCP includes the Access Network Map adopted by Council on 22 October 2103 and controls which support the Access Network</i></p>
<p>5.0 PUBLIC DOMAIN</p> <p>5.1 Open Space Network</p> <p>5.2 New open space</p> <p>5.3 Central Park</p> <p>5.4 Shrimpton's Creek Park</p> <p>5.5 Riverside Park</p> <p>5.6 Thomas Holt Drive Park</p> <p>5.7 Rail Station Plaza</p> <p>5.8 Street Tree and Front Tree Planting</p> <p>5.9 Community Facilities</p> <p>5.10 Public Art</p>	<p><i>This section gives guidance to the scale, function, furniture and other requirements for proposed open space.</i></p> <p><i>Guidance is also given to the provision of public art and community facilities.</i></p>

ITEM 6 (continued)

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Macquarie Park Corridor

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<p>6.0 IMPLEMENTATION – INFRASTRUCTURE, FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS</p>	<p><i>This section includes guidelines for the implementation of planning incentives (additional building height and floor space defined in RLEP Amendment 1) in return for public infrastructure. In particular streets and parks identified in sections 4 and 5 of the DCP</i></p>
<p>7.0 BUILT FORM 7.1 Site Planning and Staging 7.2 Activity Centres Structure Plan 7.2 Active frontage 7.3 Setbacks and Build-to Lines 7.4 Awnings and Canopies 7.6 Rear Setbacks 7.7 Building Separation 7.8 Building Bulk and Design</p>	<p><i>This section of the draft-DCP provides controls that determine building design and form – such as setbacks, active frontage and building separation.</i></p> <p><i>Information regarding the zone of influence for the underground rail line (which impacts on setbacks and basement areas) has also been included in the DCP.</i></p>
<p>8.0 SITE PLANNING AND STAGING 8.1 Site Planning and staging 8.2 Site Coverage, Deep Soil Areas and private open space 8.3 Planting on Structures 8.4 Topography and Building Interface 8.5 Site Facilities 8.6 Vehicular Access 8.7 On-site Parking 8.8 Fencing</p>	<p><i>This section of the draft-DCP provides controls that determine the overall site layout and design – such as parking design requirements, site coverage and deep soil requirements and even fencing design guidelines (to provide council the basis for not accepting high security fencing (that includes razor wire) such as that around at least one existing data centre in the Macquarie Park Corridor).</i></p>
<p>9.0 ENVIRONMENTAL PERFORMANCE 9.1 Wind Impact 9.2 Noise and Vibration 9.3 Bushfire Management 9.5 Soil Management</p>	<p><i>This section of the DCP ensures that environmental comfort (wind and noise) are considered in addition to property protection and safety (bushfire).</i></p>

ITEM 6 (continued)

ATTACHMENT 2

Macquarie Park Corridor

4.5

- d. For all development (excluding residential development) the FTP must also:
- v. Identify measures in an Action Plan that will implement the 40% public transport/ 60% private transport target for the journey to work, including appointing a Travel Plan co-ordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, carpooling and public transport use.
- e. Provide a final Travel Plan to Council for certification prior to the issue of any occupation certificate.

Note: Landowners should consult with the City of Ryde for the latest Travel Plan Guidelines. Landowners can also contact the Macquarie Park Travel Management Association (Connect- Macquarie Park + North Ryde) for further information and potential assistance with the development of Travel Plans.

Administrative Guidelines will include details of information that is proposed to be provided to City of Ryde Council in an annual monitoring report. Such information will monitor how the Action Plan is implemented including the journey-to-work modal split, actions undertaken and opportunities for improvement and future action etc. The annual monitoring report is to be submitted to Council for a minimum of 5 years after the issue of any occupation certificate.

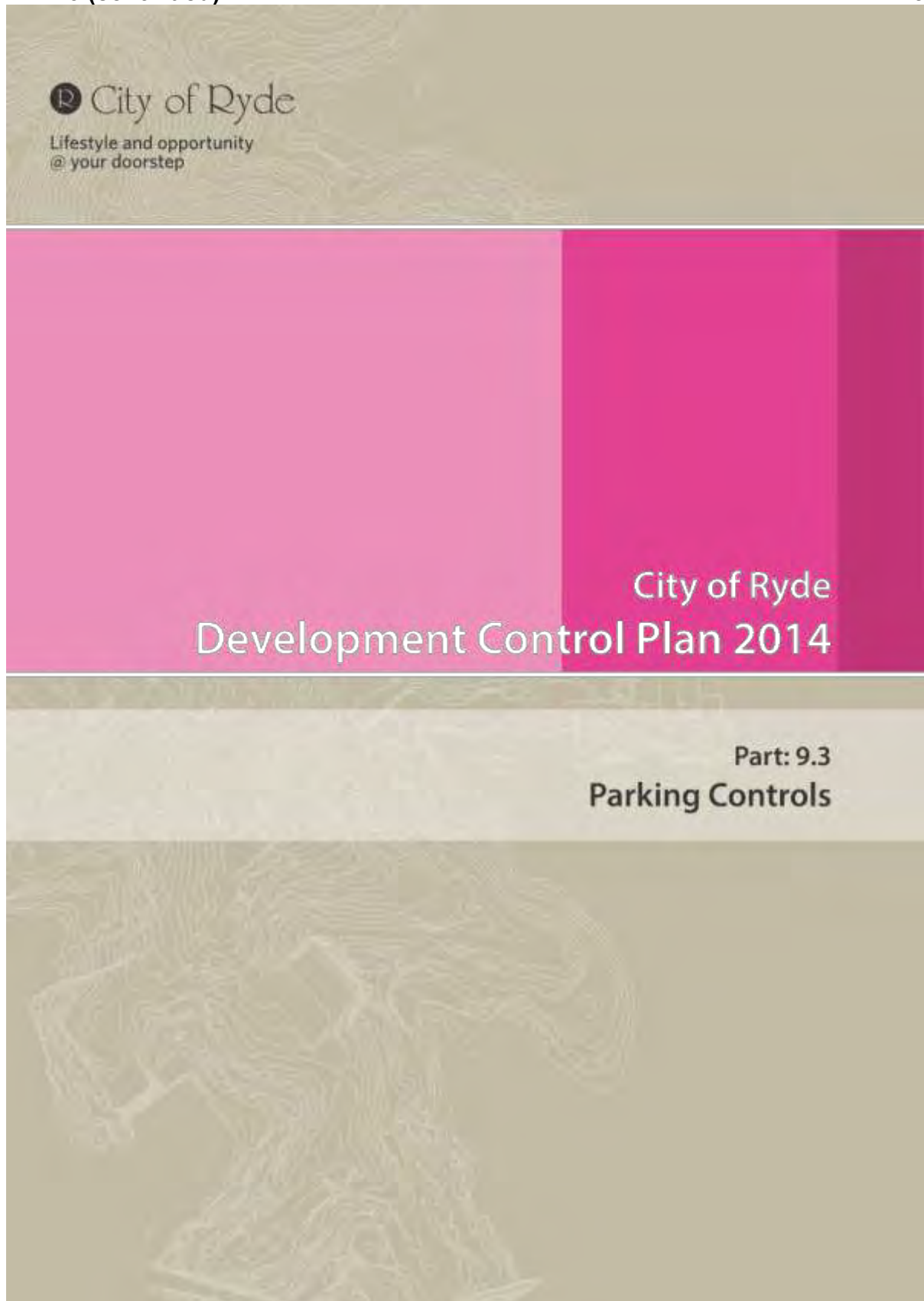
Parking Rates

- f. Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking.
- g. Parking is to be provided in accordance with DCP Part 9.3 Parking ~~and clause 4.5B (2) Ryde LEP 2014~~
- ~~h. Car parking within residential development is to be provided in accordance with the following maximums:~~
- ~~• 0.6 space / one bedroom dwelling~~
 - ~~• 0.9 spaces / two bedroom dwelling~~
 - ~~• 1.4 spaces / three bedroom dwelling~~
 - ~~• 1 visitor space / 10 dwellings~~
 - ~~• 1 car share space per 50 proposed parking spaces.~~

Note: Development approval will be conditioned to require that the proponent demonstrate that an agreement with a car-share provider is executed prior to the issue of any Occupation Certificate (including an "Interim" Occupation Certificate)

ITEM 6 (continued)

ATTACHMENT 3



ITEM 6 (continued)

ATTACHMENT 3

9.3 Parking Controls

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي نطلب من أحد المترجمين الاتصال بمجلس مدينة رايد على الرقم 9952 8222.

ARMENIAN

Եթե այս գրությունը չէք հասկանալ, խնդրեմ նկատել՝ Բայրե Արևիկի Անկարը, 1 Տեյվլին փողոց, Բայրե, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիից Բուքուր ևս. ժամը 8.30 – Կես ժամը 4.30, կամ հեռախոսակցելով Հեռախոսակի և Թարգմանաբան Անտարազգայնական՝ 131 450, և խնդրելով որ թարգմանիչ մը Բայրե Քաղաքապետարանին հետ կապ հաստատել ձեզի համար, հեռախոսակցելով՝ 9952 8222 թիվին:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後您可以要求一位傳譯員為您打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

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ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

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Amend. No.	Date approved	Effective date	Subject of amendment
1	10 March 2015	1 April 2015	Clause 2.6 to align with Ryde S94 Development Contributions Plan & Ryde LEP 2014

ITEM 6 (continued)

ATTACHMENT 3

Parking Controls
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ATTACHMENT 3

9.3 Parking Controls



ITEM 6 (continued)

ATTACHMENT 3

1.0 INTRODUCTION

1.1 Objectives of this Part

Objectives

Recognising the varying degrees of availability of public transport within Ryde, the aim of this Part of Ryde DCP is to provide a comprehensive guide for the provision of parking for new development in order:

1. To minimise traffic congestion and ensure adequate traffic safety and management;
2. To ensure an adequate environmental quality of parking areas (including both safety and amenity);
3. To minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking.
4. To provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.
5. To minimise the visual impact of car parking when viewed from the public domain and adjoining sites.
6. To maximise opportunities for consolidated areas of deep soil planting and landscaping.
7. To reduce congestion in the Macquarie Park Corridor by restricting a parking for commercial and industrial development to work towards achieving a target of a 70% private vehicle mode share by 2031.

1.2 General Principles

- a. In the event of a discrepancy between the parking rates specified in this Part of the Ryde DCP and another Part of the DCP, this Part shall prevail.
- b. Council will take the following factors into account in determining car parking provision for a particular development:
 - i. The size and type of the development and its traffic generation;
 - ii. The availability and accessibility of public parking (particularly if within or close to a shopping centre);
 - iii. Traffic volumes on the street network, including expected future traffic volumes relating to the City's road hierarchy; and
 - iv. Hours of operation and any other specific characteristics of the development proposal.
- c. Council relies upon the following when considering applications:
 - AS 2890.1 Parking facilities - Off-street car parking
 - AS 2890.2 Parking facilities - Off-street commercial vehicle facilities
 - AS 2890.3 Parking facilities - Bicycle parking facilities
 - AS 2890.6 Parking facilities - Off-street parking for people with disabilities

1.3 Application

- a. This part of Ryde DCP applies to all land identified under Ryde Local Environmental Plan 2014.
- b. This part of the DCP applies to development that includes one or more of the following:
 - i. New floor space or buildings.
 - ii. Alterations or additions to any existing building, whether or not such additions or alterations involve any change in the purpose for which such buildings are used.
 - iii. Change of use.

ITEM 6 (continued)

ATTACHMENT 3

9.3

Parking Controls

Development Control Plan 2014

2.0 PARKING REQUIRED IN RESPECT OF SPECIFIC USES

2.1 General

Controls

- a. Where the calculation of the parking required results in a fraction, the parking requirement will be rounded up to the nearest whole number.
- b. Where it is proposed to provide more parking than required, the additional parking floor space will be included in the calculation of floor space for the purposes of Floor Space Ratio calculations in accordance with Ryde Local Environmental Plan 2014.
- c. Where a change of use which, under this Part, would require the provision of a greater number of on-site parking spaces than the previous use, the amount of parking required will be the difference between the existing parking for the previous use and the amount of parking required for the proposed use.
- d. All car parking must be provided on-site.
- e. Tandem or stack parking may be carried out for a development if it is considered appropriate to the proposed development or land use/s. Tandem or stack parking will only be permitted where:
 - i. each tandem or stacked parking arrangement is limited to a maximum of two spaces;
 - ii. in residential buildings and commercial/retail developments, the spaces are attached to the same strata title;
 - iii. in residential buildings and serviced apartments, they are used for resident parking only;
 - iv. in commercial or retail development, they are used for staff parking only;
 - v. they are not used for service vehicle parking; and
 - vi. the manoeuvring of stacked vehicles is able to occur wholly within the premises.
- f. The minimum length of a tandem or stacked space is to be 10.8 m.
- g. Up to 10% of the required car spaces may be nominated as "small" car spaces within any development. Small car spaces shall comply with AS 2890.1 2004 (at least 2.3 m wide and 5.0 m long)
- h. A Traffic and Parking Impact Assessment Report will be required by Council, where:
 - i. development is likely to generate significant traffic and / or parking;
 - ii. an activity or land use is not included in Section 2.0 Parking Required In Respect of Specific Uses.

2.2 Residential Land-uses

Controls

Car parking spaces are to be provided on-site in accordance with the following requirements:

Boarding Houses

In accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 and Part 3.6 Boarding Houses under this DCP:

ITEM 6 (continued)

ATTACHMENT 3

Parking Controls

2.6 Parking Required in Respect of Specific Uses

9.3

Boarding Houses – accessible area:

- At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms). In terms of dwelling size this equates to:
 - At least 0.2 parking spaces/dwelling containing 1 bedroom
 - At least 0.5 parking spaces / dwelling containing 2 bedrooms
 - At least 1 parking space / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.

(Refer section 2.3 of Part 3.6 Boarding Houses under this DCP)

Boarding Houses – not in accessible area:

- At least 0.4 parking spaces / boarding room (2 spaces / 5 boarding rooms). In terms of dwelling size this equates to:
 - 0.5 parking spaces/dwelling containing 1 bedroom
 - 1 parking spaces / dwelling containing 2 bedrooms
 - 1.5 parking spaces / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.

(Refer section 2.4 of Part 3.6 Boarding Houses under this DCP)

Note: An "accessible area" is defined in State Environmental Planning Policy (Affordable Rental Housing) 2009 as amended. An accessible area is generally within 800m walking distance of a rail station or ferry wharf serviced by Sydney Ferries or 400m walking distance of a light rail station or bus stop that is serviced by at least one bus / hour Monday to Friday. Reference should be made to the SEPP for definitions of walking distance and the unbridged definition of "accessible area"

Note: Bicycle and motor cycle parking requirements also apply to boarding houses. (Refer section 2.7 under this part.)

Housing for aged and disabled

- Must be provided in accordance with State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004 (the Seniors Housing SEPP).

Note: The following information is provided as a guide. Please note that the Seniors Housing SEPP may be subject to change and differs from the RMS guidelines.

Self contained dwellings

0.5 spaces / bedroom OR

1 space / 5 dwellings if developed in conjunction with a social housing provider

Residential Care Facility

1 visitor space / 10 beds AND

1 space / 2 employees AND

1 space / ambulance

Hostel

1 space / 5 dwellings AND

1 space/2 employees AND

1 space / ambulance

ITEM 6 (continued)

ATTACHMENT 3

9.3

Parking Controls

9.3.1 Residential Development - High Density (Residential Flat Buildings)

Residential Development - High Density (Residential Flat Buildings)

- 0.6 to 1 space / one bedroom dwelling
- 0.9 to 1.2 spaces / two bedroom dwelling
- 1.4 to 1.6 spaces / three bedroom dwelling
- 1 visitor space / 5 dwellings

Residential Development - Medium Density (Multi Dwelling Housing)

- 1 space / one bedroom or two bedroom dwelling
- 2 spaces / three or more bedroom dwelling
- 1 visitor space / four dwellings

Residential Development - Low Density

- Dwelling houses up to 2 spaces / dwelling
- Dual Occupancy 1 space / dwelling

Residential Development - Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)

- Maximum 0.6 space / one bedroom dwelling
- Maximum 0.9 spaces / two bedroom dwelling
- Maximum 1.4 spaces / three bedroom dwelling
- Maximum 1 visitor space / 10 dwellings
- 1 car share space per 50 proposed parking spaces

2.3 Non-residential Land Uses

Note: Gross floor area (GFA) is separately defined within Ryde Local Environment Plan 2014.

Controls

a. Car parking spaces are to be provided on-site in accordance with the following requirements:

Child Care Centres

- 1 space / 8 children AND
- 1 space / 2 employees (see Part 3.2 Child Care Centres in this DCP).

Drive-in Takeaway Food Shops (a subset of Food and Drink Premises)

- Whichever is the greater of:
 - 1 space / 10 m² GFA OR
 - 1 space / 5 seats (internal & external)

Educational Establishment - other than schools

- 1 space / two employees AND
- 1 space / five students **Educational Establishment - Primary and Secondary Schools**
- 1 space / two employees AND
- 1 space / ten students over 17 years of age

ITEM 6 (continued)

ATTACHMENT 3

Parking Controls

2.0 Parking Required in Respect of Specific Uses

9.3

Entertainment Facility, Places of Public Worship / Assembly, Funeral Chapel and Funeral Home

- Whichever is the greater of:
 - 1 space / 10 seats OR
 - 1 space / 10 m² GFA

Health Consulting Rooms

- 1 space / doctor or dentist AND
- 1 space / 2 employees AND
- 1 patient's space/doctor or dentist

Health Services Facility

- 1 space / doctor likely to be on the premises at any one time; AND
- 1 space / two employees likely to be on duty at any one time; AND
- 1 space / four beds; AND
- 1 visitor space / four beds.

Hotel and Motel Accommodation, and Serviced Apartments

- 1 space / 1.5 units

Industry and Light Industry (other than within the Macquarie Park Corridor)

- 1.3 – 1.5 spaces / 100 m² GFA

Note: The upper end of the range should be applied to land uses that generate more traffic such as garden supplies and business parks. The parking provision and rate is to be addressed in the Statement of Environmental Effects.

Office and Business Premises (other than within the Macquarie Park Corridor)

- 1 space / 40 m² GFA

Industrial and commercial premises within the Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)

For new floor space:

- A maximum of 1 space / 60 m² or 1 space / 100 m² GFA as depicted in Figure 2.3.1

For alterations to existing industrial and commercial premises:

- A maximum of 1 space / 46 m², 1 space / 70 m², or 1 space / 80 m² GFA as depicted in Figure 2.3.2

Note: The purpose of the two rates is to take a staged approach to the implementation of reduced car parking rates in the Macquarie Park Corridor. Parking rates for alterations to existing industrial and commercial premises are intended to be revised at a later date to be consistent with the parking rates for new floor space.

Pub and Registered Club

- 1 space / 5 m² GFA, AND
- 1 space / 10 m² GFA auditorium and games rooms
- See also Hotel Accommodation above

Recreation Facilities (indoor) / Gymnasium

- 1 – 1.5 spaces / 20 m² GFA

Note: Squash Courts are calculated at the rate of 3 spaces / court.

Development Control Plan 2014

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January 2017

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ITEM 6 (continued)

ATTACHMENT 3

9.3

Parking Controls

9.3.1 Parking Controls (Development Applications)

Recreation Facilities (outdoor) / Tennis Courts

- 3 spaces / court

Research Station

- 1 space / 25 m² GFA

Restaurant / Function Centre

- 1 space / 5 m² GFA OR
- 1 space / 25 m² on all land zoned for Business activities

Note: Where the property does not have frontage to a Main or Classified Road and where the hours of operation are restricted to outside normal business hours, this requirement may be reduced at Council's discretion. Council may require a Traffic and Parking Impact Assessment Report

Retail Premises and Industrial Retail Outlet

- 1 space / 25 m² GFA

Service Stations, Vehicle Body Repair Workshop and Vehicle Repair Station

- 6 spaces / work bay (for vehicle servicing facilities) AND
- 1 space / 20 m² GFA for convenience store

Transport Depot

- 1 space / two employees
- 1 space / commercial vehicle

Vehicle sales or hire premises

- 0.75 spaces / 100 m² GFA AND
- 6 spaces / work bay (for vehicle servicing facilities)

Warehouse or Distribution Centre

- 1 space / 300 m² GFA

Other

To establish the parking rate for any development type not specified above, comparisons should be drawn with similar development and outlined in a Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas and be prepared in accordance with the RMS Guide to Traffic Generating Development.

Note: In preparing a Traffic and Parking Impact Assessment Report, the proponent is advised to contact Council.

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ATTACHMENT 3

Parking Controls

2.0 Parking Required in Respect of Specific Uses

9.3

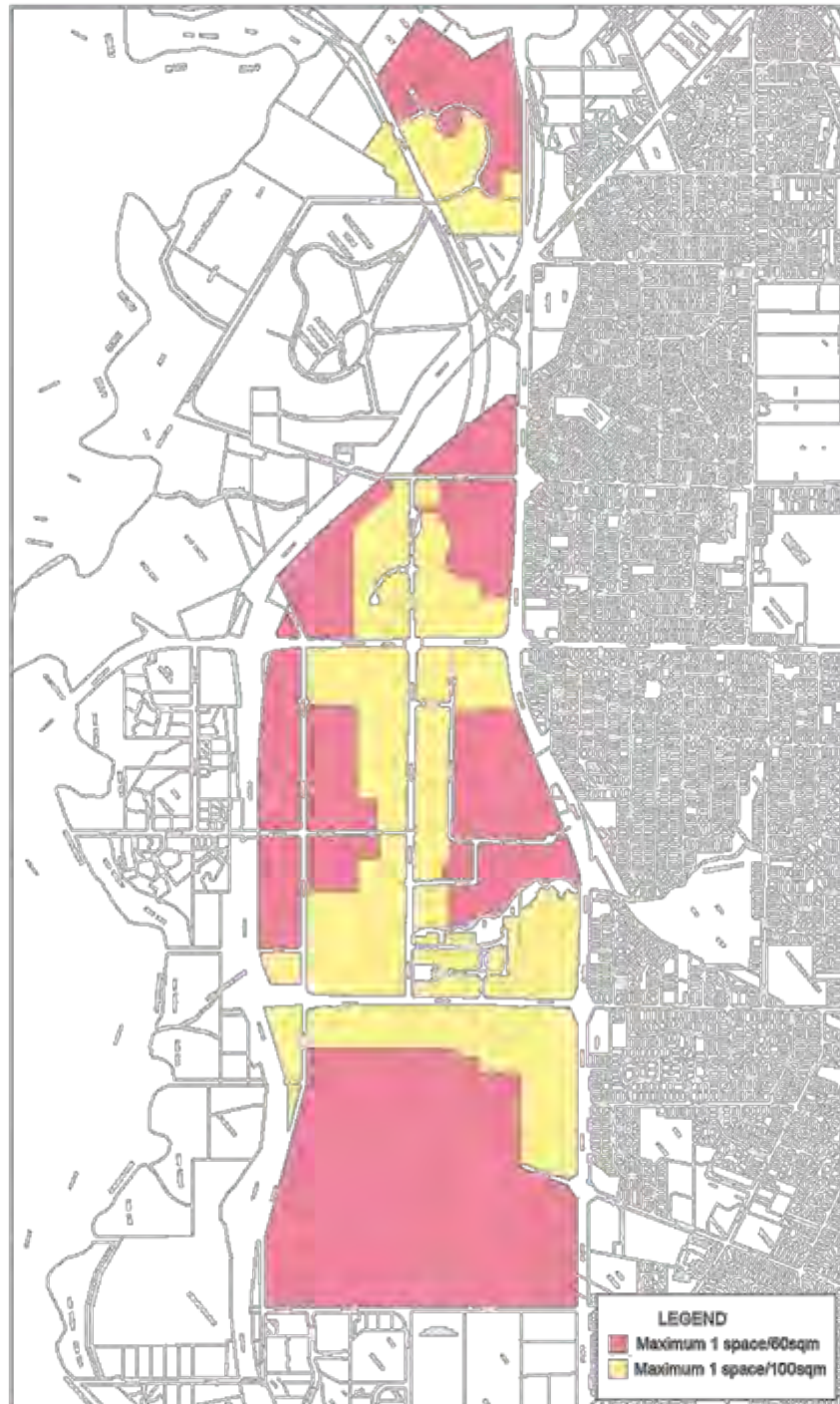


Figure 2.3.1 Maximum Parking Rates for New Industrial and Commercial Premises in the Macquarie Park Corridor

ITEM 6 (continued)

ATTACHMENT 3

9.3 Parking Controls

2.3 Parking Requirements for Commercial Premises

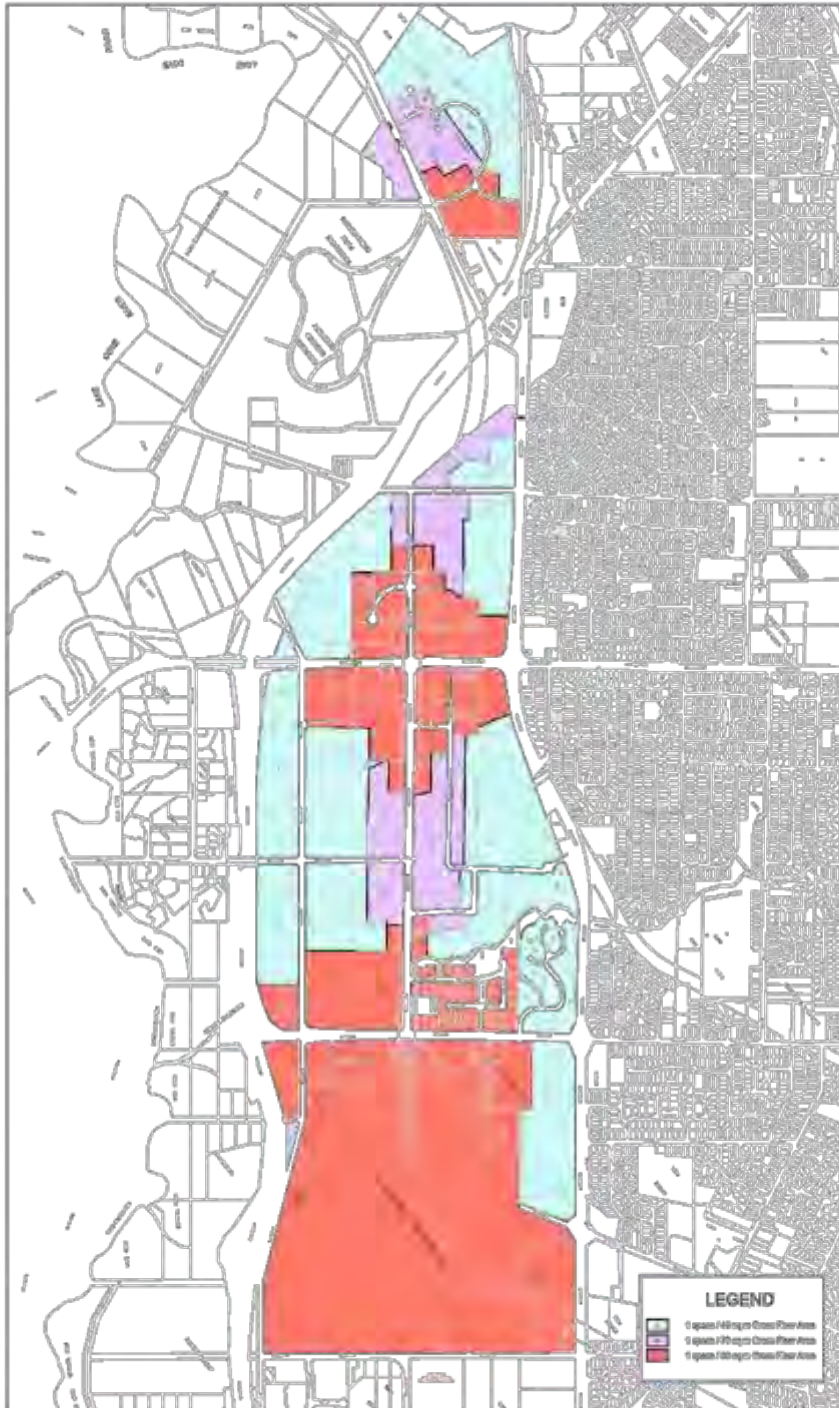


Figure 2.3.2 Parking Rates for Alterations and Additions to Existing Industrial and Commercial Premises in the Macquarie Park Corridor

ITEM 6 (continued)

ATTACHMENT 3

Parking Controls

2.0 Parking Required in Respect of Specific Uses

9.3

2.4 Mixed-use Development

- a. Where a development comprises two or more different land uses, parking provisions will be assessed as the sum of the requirements in s2.0 for each component of the mixed-use development. Calculations shall include an appropriate proportion of any common or administrative areas.
- b. Where the main usage periods for components of mixed-use development do not coincide, Council may consider a reduction in the required parking. In this case, the parking requirement will be based on whichever of the components generates the greatest parking requirement. The onus will be on the proponent to satisfy Council that the uses will not be operated concurrently.

2.5 Large Development

- a. To vary the provisions of this Part (particularly required parking) for large scaled development; comparisons should be drawn with similar development and outlined in Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas.

Note: Large scaled development will generally be defined as having a parking provision greater than 100 spaces. In considering large scaled development the proponent is advised to contact Council regarding the preparation of a Traffic and Parking Impact Assessment Report. Where a site is sufficiently large to include a local roads network Council will require the roadways to be designed to allow for two lanes of travel and one parking lane (i.e. the carriageway is to be approximately 9 metres wide). This requirement will be implemented where it is proposed that waste collection services will be carried out on-site and / or to accommodate on site loading and unloading facilities.

Note: The local roads network may include an on-site laneway or existing local roads.

- b. All large retail and commercial development shall be required to provide parking facilities and secure storage of electric scooters used by people with disabilities. Facilities should be generally in accordance with AS 2890.6.

2.6 Parking Contributions

Council may accept or require the payment of a parking contribution in lieu of the provision of off-street parking.

Note: Council may not levy or accept S94 levies in lieu of parking in relation to dwelling house, dual occupancy and villa development in the R2 zones, given the need for parking provision to meet the needs of future occupants.

2.7 Bicycle Parking

- a. In every new building, where the floor space exceeds 600 m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.

Note: Cycling is approximately 10% of the journey to work. The control provides for minimum quantum of bicycle parking to cater for anticipated increasing demand and additional space to meet current cycling rates.

- b. Bicycle and motor cycle parking is to be provided for boarding house development in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP.

Note: The requirements are at least 1 space for bicycle and 1 space for motorcycle per 5 boarding rooms.

ITEM 6 (continued)

ATTACHMENT 3

9.3 Parking Controls

- c. Bicycle Parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle Parking Facilities.
- d. Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.
Note: Minimising conflicts between vehicles and bicycles may include providing separate ramp access for bicycles within car parks and providing safe rideable approaches along road frontages to the bicycle parking area.
- e. Bicycle parking is to be secure and located undercover with easy access from the street and building entries.
- f. Bicycle parking is to be located in accordance with Safer by Design principles.
Note: Safety may be addressed by ensuring that Bicycle parking is located to ensure passive surveillance (e.g. highly visible areas such as near building entries) and where adequate lighting is provided.
- g. End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided in all commercial, industrial and retail developments.
- h. Provide secure bicycle storage in all residential developments where the floor space exceeds 600 m² GFA except for dwelling houses and multi-unit housing.
- i. Provide signage to Council's satisfaction indicating the location of bicycle parking and bicycle facilities, where provided, in all new buildings.

3.0 OTHER REQUIREMENTS

3.1 On- Site Loading and Unloading Facilities

Controls

- a. All developments involving new floor space are required to provide on-site loading and unloading facilities, except:
 - i. Dwelling houses, dual occupancies
 - ii. Residential flat buildings and multi dwelling housing with access from the local road network.
 - iii. Residential flat buildings and multi dwelling housing located on Main or County Roads are required to provide on-site loading and unloading facilities to ensure that vehicles do not stand on the road or footway.
- b. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and, that where possible, vehicles entering and leaving the site move in a forward direction.

ITEM 6 (continued)

ATTACHMENT 3

Parking Controls

3.0 Other Requirements

9.3

3.2 Design of Parking Areas

Controls

General

- a. All parking areas shall be designed in accordance with Australian Standards AS2890.1, AS2890.2 and AS2890.6
- b. The appearance of car parking and service vehicle entries and areas is to be improved by:
 - i. locating or screening visually from the street
 - ii. setting back or recessing car park entries from the main façade line
 - iii. avoiding black holes in the façade by providing security doors to car park entries
 - iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed.
- c. Provide safe (well lit and free of concealment opportunities) and direct 24 hour access between car parking areas and building entries.
- d. Where practicable car parking and loading access is to avoid areas where active frontage is required (refer Part 4 of this DCP for Active frontage requirements).

Note: This is to reduce conflict with pedestrians and promote pedestrian safety.

Basement parking

- e. Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.
- f. Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Part 4 for locations of active frontage within Urban Centres.
- g. Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.
- h. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.

At-grade parking

- i. Parking areas must not be located within the front building setbacks including for sites located along Victoria Road, Epping Road and Lane Cove Road. Refer also Part 4 Urban Centres for setbacks.
- j. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.

Construction Standards

- k. All parking areas are to be constructed in accordance with Part 8.1 Construction Activities of this DCP.

3.3 Macquarie Park Corridor

Applications within the Macquarie Park Corridor should also refer to Part 4.5 Macquarie Park Corridor and in particular Sections 4.4 Sustainable Transport and 8.7 On-site Parking.

ITEM 6 (continued)

ATTACHMENT 3



ITEM 6 (continued)

ATTACHMENT 4

Macquarie Park Parking Study



EXECUTIVE SUMMARY

The Macquarie Park precinct has experienced significant growth in recent years and is expected to continue its redevelopment and diversification with forecasts of it doubling its number of employees by 2031. Congestion levels in the study area have increased significantly in recent years. As the precinct continues to grow and redevelop, it will naturally transition to include a greater proportion of conventional, CBD-style office space. As part of this transformation, transport usage will need to move away from predominantly private vehicle access to both support the centre's transformation into a more diverse commercial precinct and to simply facilitate the centre having sustainable levels of accessibility so that it can remain competitive for attracting investment. Parking provision will play a decisive role in this transformation as a key factor that can influence the transport mode share.

Three commercial/industrial parking rates are currently applicable, as follows:

- 1 space / 46m² Gross Floor Area, FSR of 1:1 in Area A;
- 1 space / 70m² Gross Floor Area, FSR 1.5:1 in Area B; and
- 1 space / 80m² Gross Floor Area, FSR 2:1 and 3:1, in Area C (within 400m of a rail station).

Residential parking rates have been excluded from this study. The residential parking rates currently applicable in the precinct are outlined in the recently approved DCP.

In general, the parking rates and parking characteristics in Macquarie Park sit somewhere between a car-dominated business park and a traditional non-CBD business centre with office towers (i.e. like Chatswood and Green Square). However, the scale of employment and traffic in Macquarie Park far exceeds other "secondary" centres in Sydney and any parking supply policy change will therefore have a significant effect on future traffic congestion levels.

Stakeholder feedback is mixed but there is a general consensus that whilst parking supply is an important commercial feature, there is some "room to move" in reducing rates in the 1/46m² GFA area (i.e. Macquarie Park Area A) before parking limitations actually affect the competitiveness of leasing space and further investment in the area.

The key issue for changing parking rates in Macquarie Park appears to be the rate of transition over time related to how quickly public transport services can be added to provide a practical alternative, and how quickly land use change can occur in Macquarie Park office space product type and in employees moving closer (on average) to Macquarie Park. Parking supply rate changes should be seen as one factor, albeit an important factor in encouraging land use and public transport changes but managed carefully as Macquarie Park transforms to a slightly different product mix.

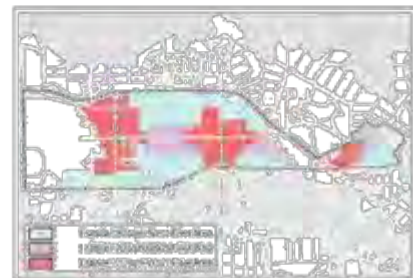
The Business as Usual (BAU) case is estimated to result in an increase of total parking supply of approximately 10,000 spaces by 2031 to accompany the increase in GFA. As a result, the current private vehicle mode share (75%) would experience a negligible reduction (to 74%) which is insufficient to generate improvements to the current and future road network performance issues and would likely worsen current congestion levels.

The two private vehicle mode share targets investigated produced a reduced total parking supply when compared to the BAU case. With an increase in GFA of approximately 1,070,000m² and redevelopment of 50% of the existing floor space, the results indicate that:

- Achieving a 70% mode share target by 2031 would require the total increase in parking supply to be limited to approximately 3,000 to 4,000 spaces. This represents a parking space growth of 1 space per 355m² of new or redeveloped floor space, approximately; and
- Achieving a 60% mode share target by 2031 would require a total decrease in current parking supply in the order of 9,000 spaces. This means that sites that are re-developed would have their parking reduced substantially and new developments/infill would have far more restrictive parking rates.

An evaluation framework was formulated to appraise and compare various parking provision scenarios. The evaluation was based on five main criteria, as follows:

- Progress to reach the preferred mode share target of 60% by private vehicle;
- Alignment with planned building densities and areas of existing and potential PT accessibility;
- Impacts on commercial viability of continued development and competitiveness with other centres;
- Staging and implementation of parking rate changes (e.g. in line with PT upgrades); and
- Differential impacts of using significantly different rates in adjacent precincts within Macquarie Park.



ITEM 6 (continued)

ATTACHMENT 4

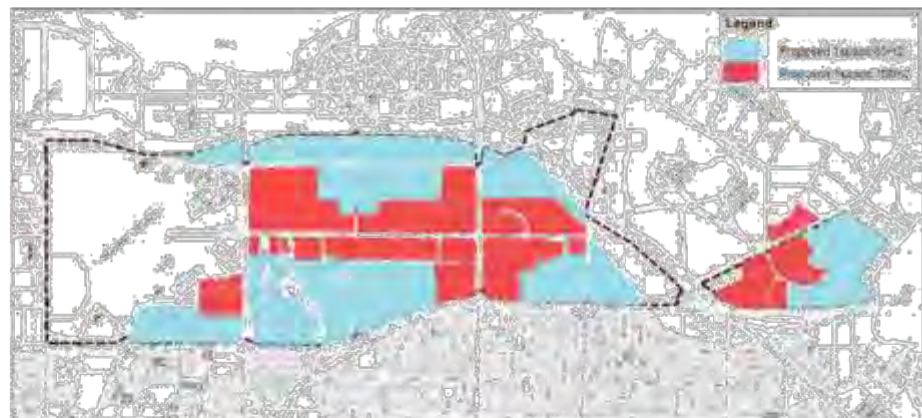
Macquarie Park Parking Rates Study



Following the scenario evaluation and feedback received from Council, it was determined that the 60% private vehicle mode share scenarios involved measures considered to be too aggressive and that this could eventually affect the precinct's competitiveness and viability.

The 70% private vehicle mode share target scenarios produced a more reasonable change in total supply, allowing overall parking supply to grow as floor space grows to 2031, while doing so at a much lower rate.

Three scenarios were evaluated to help achieve the 70% private vehicle mode share target by 2031 ("Even reduction of parking rates throughout the precinct", "Bias around stations" and "Two Zones Only"). The outcome of the evaluation process and consultation with Council was that the preferred scenario was the "Two Zones Only – 70% Private Vehicle Mode Share". This scenario consists of a parking rate of 1/60m² for commercial and industrial floor space on the outer areas and 1/100m² in the core (closer to the train stations).



The key reasons to select this scenario are as follows:

- It allows a certain differentiation between areas with better public transport provision (namely those in close proximity to the rail station);
- The differentiation introduced is not as aggressive as "Bias Around Stations" scenario, which would have the higher rate approximately four times higher than the lower rate, therefore having the potential to discourage development in the core areas and/or introduce differential impacts for sites in close proximity to one another;
- Spatially, it is aligned with Council's "Floor Height Map" for Macquarie Park which would simplify the implementation and improve consistency for different planning instruments; and
- The proposed scheme does not include any sectors with rates above 1/100 (i.e. the changes are not as pronounced when compared with other scenarios which include sections with rates of 1/150 or 1/200);

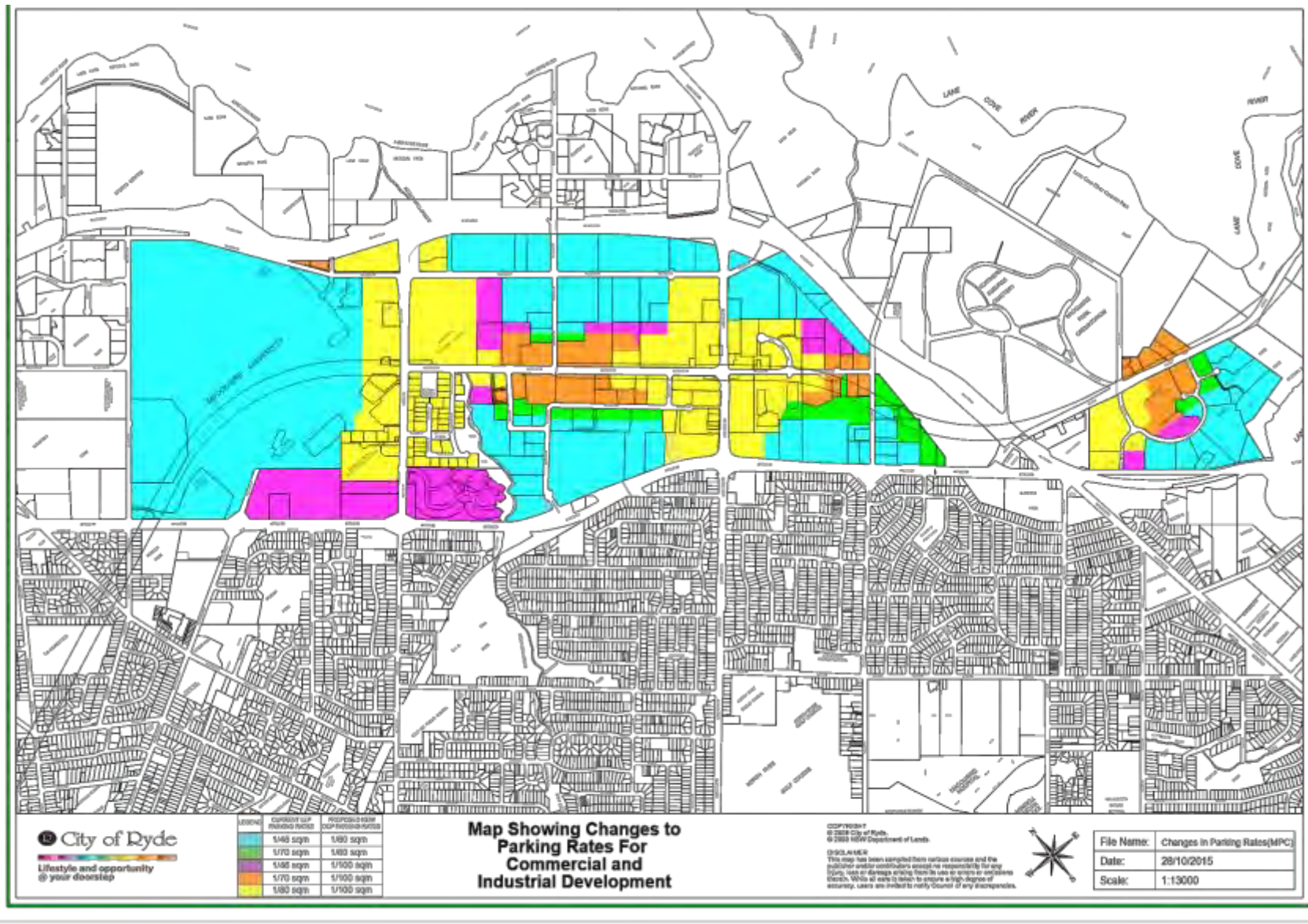
While the mode share estimations and scenarios evaluation were based on introducing the new rates now and maintaining them until 2031, the proposed strategy would benefit from having a transition / staging program to assist in gradually delivering the modified parking rates. It is also logical to combine the full implementation of the revised parking rates with improvements to the public transport service in the area, so that workers who decide to make the transition from private vehicle have an adequate alternative in public transport. This will help in gaining support from the community and stakeholders.

The implementation of the North West Rail Link (with completion estimated by early 2019) will constitute a significant improvement to public transport services in the area. Not only will it directly connect Macquarie Park with residential catchments to the west of Epping, but it will also increase train frequency in the Epping to Chatswood Rail Link (claimed to be converted to "one train every four minutes during the peak periods"). This upgrade is a logical trigger after which the modified parking rates could be made fully operational. Until then, a transition period could be applied in which the new rates would only apply to "new development". Any re-development would be allowed to maintain current parking supply (that is, where the new rates would result in a reduction of parking spaces, this would be waived so that current supply could be kept).

A staged implementation also allows other initiatives to be planned and delivered such as bus service improvements and walking / cycling facilities, which would assist achieving a successful balance of different mode shares while overall parking provision is reduced (in proportion to the overall floor area).

ITEM 6 (continued)

ATTACHMENT 5



ITEM 6 (continued)

ATTACHMENT 6

Resident TRIM Ref: D16/131831		
Issue	Response	Action
Developments continue to grow without sufficient transport infrastructure supply. This includes new units, which are built with no set requirement of car spaces while the average household owns at least 2 cars.	The proposed parking rate is consistent with the rate for Metropolitan sub-regional centres in the RMS Guide and is consistent with the residential parking rate for the rest of the Macquarie Park Corridor (including the Macquarie University Station Precinct). Further the recent amendments to SEPP65 also specify lower minimum parking rates than the current North Ryde Station Precinct DCP.	None
New units being built as it will clean up some of the dole bludgers in the area though there comes a time when someone has to be held accountable for the backwards decisions being made. For this reason, the author voted against liberal, which resulted in wins for Pauline Henson, David Hinch and Nick Xenophon.	Noted	None
There is no enforcement for on-street parking over-stayers in Macquarie Park.	The City of Ryde recognises that on-street parking is a public space and acknowledges the importance of managing on-street parking. Council's rangers patrol the Macquarie Park area in regular intervals and issue infringement notices to parked cars that overstay or have not paid the correct fee.	None

Resident TRIM Ref: D16/128484		
Issue	Response	Action
Does not understand recent rise of on-street parking fees	The City of Ryde recognises on-street parking as public space and acknowledges the importance of managing on-street parking. Council reviewed and implemented changes to the parking duration as well as the meter charges to ensure sufficient turn-over of on-street parking. In its decision to change meter charges and duration of parking, Council considered all submissions received during consultation.	None
The proposed parking plan for Macquarie Park should be formulated in lay terms to comment on the planning proposal	The City of Ryde provided 'Explanatory Note' and a pictogram brochure with the exhibit to explain the Planning Proposal. The City of Ryde held one information session and two drop-in sessions to explain the process, intent and stages of the Planning Proposal. In addition, costumers had the opportunity to call Council to ask for clarification.	None
Resident		

ITEM 6 (continued)

ATTACHMENT 6

TRIM Ref: D16/194729		
Issue	Response	Action
Parking demand will dramatically change in the future and proposed parking rate are too high.	<p>The Planning Proposal considers a staged implementation process to allow a gradually delivery of modified parking rates. Future revision of parking rates will depend on:</p> <ul style="list-style-type: none"> • A commuter mode share of 60% vehicle traffic by 2031 for Macquarie Park corridor • The availability of improved public transport provision for the Macquarie Park corridor • Commercial viability and competitiveness of the Macquarie Park corridor <p>Depending on these performance criteria future parking rates may be further reduced.</p>	None
Every all-day on-street parking should be timed and charged for accordingly as on-street parking is a public space.	<p>The City of Ryde recognises that on-street parking is a public space and acknowledges the importance of managing on-street parking.</p> <p>Council reviewed and implemented changes to the parking duration as well as the meter charges to ensure sufficient turn-over of on-street parking.</p>	None
The City of Ryde should encourage businesses and employees to use non-car transport options in Macquarie Park.	<p>The City of Ryde is a founding member of the Macquarie Park Transport Management Association. Since 2013, Connect has progressively tailored a suite of policies, programs, tools and information to offer a mix of transport solutions for their journey to work.</p> <p>The programs are informed by employee insights and metrics, designed to influence transport decision-making. These programs have been tested with individual member businesses and been provided to all business members.</p>	None

Traffic and transport consultant TRIM Ref: D16/146500		
Issue	Response	Action
Supports the deletion of car parking requirements for Macquarie Park Corridor from the LEP and inclusion of these requirements.	Noted	None
Requests to include refurbished existing buildings and residential developments in the control.	<p>The Planning Proposals considers a staged implementation process to allow a gradually delivery of modified parking rates.</p> <p>Future revision of parking rates, which may include residential developments, will depend on:</p> <ul style="list-style-type: none"> • Mode share target of 60% vehicle traffic by 2031 for Macquarie Park corridor • The availability of improved public transport provision for the Macquarie Park corridor • Commercial viability and competitiveness of the Macquarie Park corridor 	None

ITEM 6 (continued)

ATTACHMENT 6

TfNSW - Government agency TRIM Ref: D16/146379		
Issue	Response	Action
Reviewed the Planning Proposals and has objections with the proposed car parking changes.	Noted	None

RMS - Government agency TRIM Ref: D17/3145		
Issue	Response	Action
Generally supportive of the principle 'improve parking management to encourage greater use of public transport, walking and cycling. However, questioning changes of the 'green zone', where current parking rates allow 1space/70m ² to a more generous rate of 1space/60m ² .	The current parking rate zone definitions include some locations with more than one rate applying to different parts of the same site. Council Identified benefits in applying adjustments to the preferred parking rate distribution and used the opportunity to update the parking rates to remove these inconsistencies and improve certainty for both applicant and Council staff for the DA process.	None
Parking controls for residential developments were stated as 'maximums'. However, after relocation into Ryde DCP Part 9.3 Parking Controls, there is no longer any mentioning of these parking controls being a 'maximum'.	Council acknowledges the raised issue and will amend Ryde Development Control Plan (RDCP) 2014 Part 9.3 Parking Controls to include the term 'maximum'.	Amend RDCP Part 9.3 as per the exhibited version except with the addition of the word 'maximum' to 'Residential Development – Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)' Section 2.2.

Developer TRIM Ref: D16/146608		
Issue	Response	Action
Supports the deletion of car parking requirements from RLEP 2014 and the inclusion of these requirements into RDCP2014	Noted	None
Request to amend the Ryde DCP 2014 Part 9.3, Section 2.3 to include 'retail premises' alongside 'business premises' and 'office premises' to clarify that different rate for each item applies.	'Retail premises' are outlined as a separate item in RDCP 9.3 Parking Controls. A parking rate of 1space/25m ² applies. Following the request would add unnecessary wording.	None

ITEM 6 (continued)

ATTACHMENT 6

Developer TRIM Ref: D15/149981		
Issue	Response	Action
<p>Objects the Planning Proposal as the one of the key factors driving companies to locate in Macquarie Park is the ability to provide adequate car parking for employees and visitors.</p> <p>This would severely impact on the unique offer that the Macquarie Park location can provide to existing and future tenants.</p>	<p>Congestion levels in the study area have increased significantly in recent years. As the Macquarie Park Precinct continues to grow and redevelop, it will naturally transition to include a greater proportion of conventional, CBD-style office space. As part of this transformation, transport usage will need to move away from predominantly private vehicle access to both support the centre's transformation into a more diverse commercial precinct and to simply facilitate the centre having sustainable levels of accessibility so that it can remain competitive for attracting investment.</p> <p>The Business as Usual case (no change scenario) is estimated to result in an increase of total parking supply of approximately 10,000 spaces by 2031 to accompany the increase in GFA. As a result, the private vehicle mode share would experience a negligible reduction which is insufficient to generate improvements to the current and future road network performance issues and would likely worsen current congestion levels.</p> <p>Council proposes a car mode share target of 70% for the Macquarie Park Corridor. This mode share target produces a modest total increase in spaces from the current 32,500 to 35,500 in 2031. This is a growth of 1 space/355m² renewed floor space.</p> <p>A report commissioned by Council suggests that the precinct is still considered a viable option.</p>	None
<p>There is a gap in the public transport servicing Macquarie Park</p>	<p>The implementation of Sydney Metro will constitute a significant improvement to public transport service in the area. This will directly connect Macquarie Park with residential catchments to the west of Epping and increase train frequency in the Epping to Chatswood Rail Link.</p>	None
<p>The implementation of reduced car parking rates proposed by the Planning Proposal is premature and will pre-empt the outcome of the Strategic Review of the corridor.</p>	<p>The objective of the Macquarie Park Strategic Review is to assess opportunities for new community facilities, vibrant public spaces and homes closed to transport links and jobs.</p> <p>This allows State Government to better plan and deliver regional infrastructure. The Strategic Review will not amend the commercial parking rates as this is outside the scope of the project.</p> <p>Therefore, any development within the Macquarie Park corridor is subject to comply with all relevant Council planning controls.</p>	None

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Educational facility TRIM Ref: D16/14146635		
Issue	Response	Action
Supportive of Planning Proposals intent to reduce the reliance on private vehicles	Noted	None
Request to exclude Macquarie University Campus from the Planning Proposal as an approved Concept Plan for Macquarie University would prevail over Council's LEP2014 and Ryde DCP.	<p>The City of Ryde's DCP 4.5, Chapter 1.4 'Relationship with other Plans and Policies' states:</p> <ul style="list-style-type: none"> That the university has an existing Part 3A Concept Plan approval dated 2009. The Part 3A approval applies under the transitional provisions in the SEPP (Major Development). Development in the university is governed by the Part 3A approved Concept Plan and the Macquarie University Urban Design Guidelines and Design Excellence Strategy. <p>The Planning Proposal and amendments to RDCP 2014 Part 4.5 Macquarie Park, Section 1.4, acknowledges that the University's concept plan supersedes RDCP 2014.</p>	None

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**9 STRENGTHENING RYDE - MACQUARIE PARK STAGED
REVIEW OF CAR PARKING RATES**

Report prepared by: Acting Manager - Urban Planning; Section Manager - Traffic
File No.: PM14/30595 - BP15/927

REPORT SUMMARY

This report proposes a staged review of commercial and on-street car parking rates in Macquarie Park as the precincts grows and develops. The Macquarie Park corridor has experienced significant growth in recent years and is expected to double floor space and worker numbers by 2031. Congestion levels have increased significantly in recent years and parking provision will play a decisive role in managing congestion and influencing transport mode share.

The situation has now reached a point that unless some significant changes are made to the off-street and on-street parking rates, long-term growth in the Macquarie Park Corridor could be compromised by traffic congestion.

In 2009, a 'Macquarie Park Corridor Parking Study' was undertaken by ARUP Consulting which outlined a number of short and medium term actions; including a review of the commercial (off-street) parking rates within five years. Council engaged Bitzios Consulting to undertake this review and the completed report is attached as **ATTACHMENT 1**.

The review was limited to the commercial car parking rates (B4, B3 and B7 zones) and changes to off-street parking rates are being recommended in this report. In addition, Council traffic and transport engineers also recommend the staged implementation of some additional on-street parking controls across the Macquarie Park Corridor to compliment these changes.

In respect to commercial (off-street) parking rates, Bitzios Consulting modelled three scenarios:

Scenario 1: "Even Reduction"

Aims to achieve mode share targets using an even reduction in required parking supply across Precincts A, B and C as shown in the current 'Macquarie Park Corridor Parking Restrictions Map'.

Scenario 2: "Bias Around Stations"

Imposes more stringent parking rates on developments in close proximity to the existing rail stations.

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Scenario 3: “Two Zones Only”

Combines existing Precincts B and C as a single inner-zone for the purposes of parking rates only. This new precinct would then have more restrictive parking rates allocated to it compared to the outer area (Precinct A).

After consultation with key stakeholders and a comparison of parking rates in other similar commercial centres, Scenario 3 (“Two Zones Only”) was considered the most appropriate strategy to manage future parking demand; while not adversely impacting the economic viability of the Corridor.

Current off-street car parking rates for Macquarie Park commercial zones are:

- 1 space / 46m² Gross Floor Area (GFA) , FSR of 1:1 in Area A;
- 1 space / 70m².GFA, FSR 1.5:1 in Area B; and
- 1 space / 80m² GFA, FSR 2:1 and 3:1, in Area C (within 400m of a rail station).

Under Scenario 3 (“Two Zones Only”) commercial car parking rates would be amended to:

- Area A 1 space / 60m² GFA
- Area B and C (combined) to 1 space / 100m² GFA

In respect to any substantive change to on-street parking rates, it is considered that this is best dealt under the City wide Ryde Integrated Transport Strategy (RITS) which is currently being prepared for the Ryde LGA. This approach will enable any substantive changes to on-street parking controls (i.e. meter parking; parking limits; residential preferential parking schemes; upgrade of parking meters; active transport opportunities) to be more holistically considered within a RITS.

One on-street parking measure that does not need to wait for the RITS and is recommended at this stage is the lifting of the heavily discounted all-day on-street parking rate. Under the current rate, commuters who choose to park all day on-street can do so at a heavily discounted rate and this is contributing to the low turn-over in spaces.

This report proposes to remove the cap and adjust the hourly rate from \$2.50 per hour to \$3.50 per hour which would mean that in an 8 hour work day, the cost to park on the street would be \$28; still substantially less than the rate for equivalent parking at the nearby Macquarie University or the Macquarie Shopping Centre, Parramatta CBD or Sydney CBD.

It is recommended that Council approve the matter proceeding to a Planning Proposal in order to pursue changes in the commercial (off-street) parking rates in the B4, B3 and B7 zones of Macquarie Park as outlined under Scenario 3.

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Furthermore, that the Council support the amendment in fees and charges from 1 December 2015 so as to remove the capped daily parking rate in Macquarie Park and to increase the hourly charge from \$2.50 to \$3.50 per hour. Any other substantive changes to on-street parking would be considered as part of the RITS.

RECOMMENDATION:

- (a) That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.
- (b) That Council authorize the preparation of an amending Development Control Plan to effect this change.
- (c) That officers report back to Council on the draft Planning Proposal, draft Development Control Plan amendments and proposed community consultation.
- (d) That Council endorses the removal of the 'all day' (12P) parking rate and lift the hourly rate from \$2.50 per hour to \$3.50 per hour, and that this be incorporated into the Fees and Charges schedule for 2015/2016, by advertising the new fee for 28 days from 30 September 2015, and should there be no objections, the fee to commence from 1 December 2015.

ATTACHMENTS

1 Macquarie Park Parking Study Report

Report Prepared By:

John Brown
Acting Manager - Urban Planning

Harry Muker
Section Manager - Traffic

Report Approved By:

Sam Cappelli
Acting Group Manager - Environment and Planning

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Context

The Macquarie Park precinct has been identified in the Sydney Metropolitan Strategy as a Specialised Centre of significant commercial and research activity within the Global Economic Corridor. In addition, the North Ryde Station and Herring Road precincts have been earmarked for significant housing growth by the State Government.

Macquarie Park has outperformed all non CBD business parks in Sydney and is expected to double in size from 40,000 workers to 80,000 by 2031. However, future growth is at risk due to traffic congestion; the car culture that has been created is not sustainable if City of Ryde is to develop a thriving, vibrant and connected precinct.

Currently over 30,000 off-road parking spaces are available which has encouraged workers to continue to drive; this has been further encouraged by on-street 12P parking provisions; in the long term these practices will need to change. In addition, there are only approximately 800 on-street car spaces available across the Corridor.

In 2009, a 'Macquarie Park Corridor Parking Study' was undertaken by ARUP Consulting and outlined a number of short and medium term actions; including a review of the commercial parking rates within five years.

Council engaged Bitzios Consulting to undertake this review. The review was limited to the commercial car parking rates (B4, B3 and B7 zones) and would recommend parking rates that are appropriate to manage future demand, while not adversely impacting the economic viability of the Corridor. Residential car parking rates were not considered part of this review and are outlined in the recently endorsed Macquarie Park Development Control Plan (2015).

The review will inform the Planning Proposal that will amend the commercial parking rates in the Ryde LEP and provide the justification for these rates from an economic, equity and comparative perspective.

Any substantive review of on-street parking rate will be considered in the Ryde Integrated Transport Strategy (RITS) which is currently being prepared.

Discussion

Background

Macquarie Park is a thriving business precinct; outperforming all Sydney non-CBD centres in terms of its growth. Macquarie Park has diversified from its original technology and research focus into more of a general office and "corporate headquarters" area. It is forecast to increase by approximately 1,000,000 m² of office floor space over the next 20 years.

The study area for the Macquarie Park off-street car parking review is noted below.

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Existing Car Parking Rates – Macquarie Park

Relatively high parking rates for new commercial development have been in place in Macquarie Park (compared to other employment centres within 20 km of the Sydney CBD) and parking availability has historically been a catalyst for attracting new development into the area and for attracting tenants to existing developments.

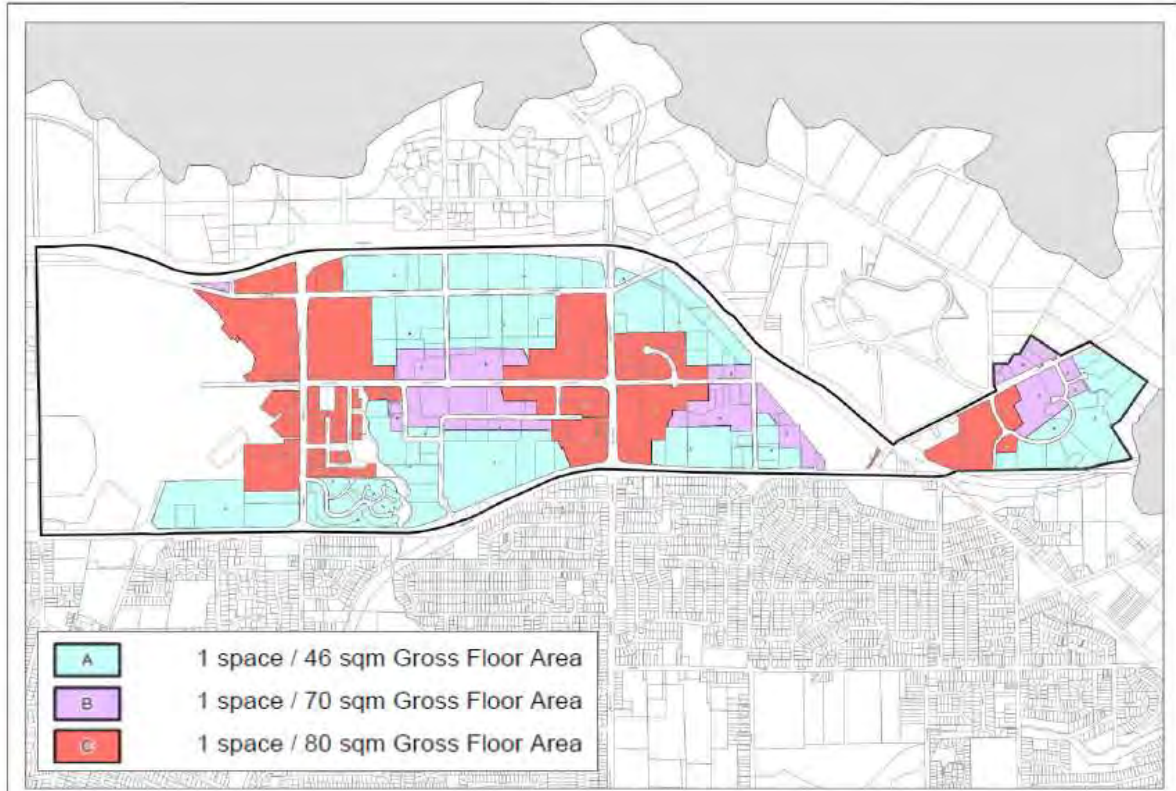
The Macquarie Park Precinct is covered separately to the City of Ryde DCP office rate via Clause 4.5B (2) of the Ryde LEP 2014. The three applicable commercial rates include:

- 1 space / 46m² GFA, FSR of 1:1 in Area A;
- 1 space / 70m² GFA, FSR 1.5:1 in Area B; and
- 1 space / 80m² GFA, FSR 2:1 and 3:1, in Area C (within 400m of a rail station).

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The applicable areas (inclusive of the 'study area') are defined in the Ryde LEP 2014 as shown below.



Source: Ryde LEP 2014, Macquarie Park Corridor Parking Restrictions Map.

Comparative Analysis

A comparison with the parking rates applicable in other commercial centres was undertaken to better understand how Macquarie Park is positioned in relation to its competitors. The key factors considered as part of this comparison were the total floor space and existing mode share from Journey to Work data. Qualitative considerations were also considered including: the overall transport context, business specialization, area character, zoning and presence of residential areas (and consequent local trips).

The locations included in this comparison were:

- Chatswood;
- Green Square;
- North Sydney;
- Rhodes;
- Norwest;
- Olympic Park; and
- Parramatta.

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Parking Rates and 2011 Journey to Work Centre Comparison

Centre	Parking Rate	Area (km ²)	Trip Totals	IN/OUT	Total Mode Share			
					Vehicle*	PT	Walk	Other
Macquarie Park	1/46m ² 1/70m ² 1/80m ²	4.8	44,847	98% / 2%	75%	20%	2%	3%
Chatswood	1/200m ²	0.56	18,207	86% / 14%	46%	42%	10%	2%
North Sydney	1/400m ²	0.53	30,130	95% / 5%	29%	61%	7%	3%
Green Square	1/125m ²	0.76	7,513	82% / 18%	65%	26%	4%	5%
Rhodes	1/40m ²	1	11,763	78% / 22%	66%	28%	3%	3%
Norwest	1/25m ²	4.39	23,646	97% / 3%	93%	5%	1%	1%
Olympic Park	1/80m ²	4.1	8,188	100%	72%	25%	1%	2%
Parramatta	1/100m ²	0.94	36,873	93% / 7%	51%	41%	5%	3%

* Includes drivers and passengers

It was noted that Macquarie Park attracts a total number of journey to work trips (approximately 45,000), much higher than any other centre included in this comparison; greater than North Sydney + Chatswood or even Green Square + Rhodes + Norwest. This factor, combined with the high proportion of car trips puts in perspective the congestion issues observed in the precinct and the importance of using appropriate parking rates as one lever to manage congestion effects into the future.

In general, the parking rates and parking characteristics in Macquarie Park sit somewhere between a car-dominated business park and a traditional non-CBD business centre with office towers (i.e. like Chatswood and Green Square). However, the scale of employment and traffic in Macquarie Park far exceeds other “secondary” centres in Sydney and any parking supply policy change will therefore have a significant effect on future traffic congestion levels.

In respect to on-street parking, it is also important to acknowledge the need for a strategy to review the existing on-street parking system in Macquarie Park and make recommendations to better manage the transition of Macquarie Park from a business park into a regional CBD.

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While the more substantive changes can wait for the RITS, there are anomalies that can be addressed at this time that will have a positive influence on commuter behavior. It is proposed that the removal of the 'all day' parking rate (12P) could be implemented immediately; a first step in addressing the increased demand for on-street parking spaces. Such a decision would send a clear signal to businesses and the boarder community that the availability of parking must be controlled to support the long term viability of Macquarie Park.

A comparison of on-street parking rates in neighbouring Council LGAs (City of Sydney, North Sydney, Willoughby, Lane Cove and Parramatta) shows that none of these Councils have 'all day' parking rates. Ryde's existing daily cap has encouraged a 'drive, pay and stay' mentality which reduces the opportunity for on-street parking turnover and street activation.

In addition, Macquarie Park's on-street parking cost of \$2.50 per hour is capped at \$11/ \$7 per day (dependent on the metered street). This daily cap provides commuters with a significantly discounted parking fee per day. By comparison, the 8 hr parking rate at Macquarie University and Macquarie Shopping Centre is \$30 and \$45 respectively. While these could be considered as commercial parking sites, it does highlight the significant discount currently being given to commuters to fill our Council streets.

Furthermore, centres such as the Parramatta CBD and Sydney CBD have in place peak hour charge rates (between the hours of 8am to 6pm, weekdays) of \$3.50 per hour and \$7.00 per hour respectively. This arguably reinforces a review of Council's parking meter price point for Macquarie Park (per hour) at its first iteration to be within close proximity to Parramatta CBD. The price change from \$2.50 to \$3.50 will bring Macquarie Business Park parking price towards par with similar centres and is anticipated to have minimal effect on patronage.

In summary this subtle change will result in:

1. A fairer and more consistent fee structure where short term stays pay the same hourly rate as long term stays.
2. An increased turnover of vehicles resulting in additional opportunities to utilize the limited spaces as long term stays no longer would receive a discounted fee.
3. Will reduce the level of vehicle recirculation that is occurring, when looking for short-term on-street parking.
4. Will encourage commuters to reassess their transport options as the cost of using public transport becomes more viable compared to the cost of on-street parking.

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Stakeholder Consultation

When Council exhibited the Four Year Delivery Plan 2015-2019 approximately 60% of submissions received related to Parking in Macquarie Park. Consultation with key stakeholders took place during the initial part of this study to gather parking and traffic issues (as perceived by stakeholders) as well as testing attitudes towards the importance of parking supply on different types of development in Macquarie Park. This consultation provided a better understanding of where Macquarie Park is positioned in terms of its competitive advantage now and into the future.

The consultation process took place during late December 2014 and in January 2015. A representative cohort of organisations (property owners, major tenants and transport associations) were identified. The list of organisations is noted below.

Organisation	Representative	Description
Jones Lang LaSalle	Denys Bizinger	Real estate firm
Goodman	Will Dwyer	Property owner
Stockland	Simon Botterill	Property owner
AMP Capital	Jeff Peers	Property owner
Optus	Andrew Parker	Tenants
Connect Macquarie Park + North Ryde	Rebecca Lehman	Non-profit association
Macquarie University	Cameron Kline	University

Please note: Johnson & Johnson, Novartis and Colliers Commercial were to be interviewed – however a convenient time was not able to be secured.

Questions asked and representative responses are noted below. Detailed minutes of these discussions are noted within the consultant’s attached report.

What attracts development to Macquarie Park as opposed to other centres?

Responses:

- value for money - brand new buildings compared to other centres, “cheaper than Sydney and North Sydney”;
- large floor plates / developable sites available - business consolidation opportunities;
- location - still quite close to CBD, “better located than Homebush and Parramatta”;

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- competing businesses want to be "where their competitors are"; networking opportunities are present. "They like being there". Good interplay between technology, medical and university;
- good train links;
- some level of "social infrastructure" in place compared to other centres and a development density that is gradually intensifying.

Are the congestion levels currently experienced in the precinct affecting its attractiveness for development?

Responses:

- traffic congestion is not seen as big an issue as parking availability by the majority of stakeholders. Some sites have privileged location to avoid congestion hotspots ("pole position" factor);
- people tend to accept that congestion "is everywhere you go in Sydney". Some improvements occurred recently (M2 upgrade, new ramps, etc.);
- congestion was still believed to be a factor influencing workers on their decision to work in the precinct. Some believe that congestion is definitely an issue for prospective tenants;
- Connect (TMA) stated its research indicated congestion is the "number one issue" for businesses in Macquarie Park.

With the precinct's workforce earmarked to double by 2031, what do you think can be done to better manage accessibility to/from the precinct?

Responses:

- North West Rail Link will have some positive effect but it will also lead to increased competition from other future business parks on that line;
- the proposed Parramatta to Macquarie Park light rail line could be helpful;
- more flexibility in land use – i.e. more opportunities for mixed use development;
- the 'drive to work' paradigm must change but viable alternatives must be in place first;
- landowners (and workers) need to change their outlook...not to expect free parking.

If the congestion levels surrounding the precinct double will Macquarie Park continue to be competitive as a place to locate or expand businesses? That is, how important will congestion and access be in this decision?

Responses:

- some stakeholders believe that Macquarie Park should still be competitive on a price basis for companies that require large spaces;
- others think that there would be serious problems - both for workers/businesses and for University and Shopping Centre - competing centres would benefit;

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- traffic and transport issues are in the top two or three issues for tenants; and
- congestion can't double (many parts of the network already operate beyond capacity).

In your view, is the current public transport provision adequate and how could it be improved?

Responses:

- the current rail provision is not adequate and/or not servicing the right locations. A lot of people come from the north / west. It is not convenient for a large proportion of the Macquarie Park workforce;
- other stakeholders mentioned that train services are adequate in peak periods but off-peak frequency (30 minutes) is not good enough;
- the network is not designed for commuting – rather for shoppers, students, and locals;
- there is significant demand for express bus and train services between Parramatta and Macquarie Park; and
- not enough bus priority schemes in place.

Are the current parking rates appropriate? (i.e. number of off-street parking bays to be supplied by each development/site)? Do you think there is too much parking provided on sites or not enough?

Responses:

- there is currently a lot of interest in the fringe areas with a parking rate of 1space/46m²;
- parking is involved in every deal and there is not enough supply compared to what tenants want or expect;
- existing ratios OK until such time better public transport alternatives are available;
- there is support for differential rates in proximity to rail stations, but they need to be "realistic";
- Connect (TMA) stated that 'free parking' for workers comes at a cost in the form of traffic.

How much do current businesses depend on parking for their staff? And for their customers?

Responses:

- "parking availability is of key importance" in Macquarie Park;
- this is of particular importance for businesses moving within the precinct;
- strongly dependent for staff;
- customer parking is critical for some businesses, but currently employees are favoured over visitors;

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- Connect (TMA) acknowledged that some parking is necessary for staff, especially for those where public transport is non-viable.

Could more “restrictive” parking rates be applied over time? What else would need to happen to ensure reduced parking rates did not affect the viability of commercial development?

Responses:

- there would need to be a strong connection between improved public transport and more restrictive rates;
- further reducing current parking rates would be ‘extremely courageous’. Some commented that more restrictive parking rates over time makes sense for changing mode share in favour of public transport.

Summary /Key Issues for Consideration

Stakeholder feedback was varied; which depended on their perspective as a property owner, tenant or transport advocate. There however was a general consensus that whilst parking supply is an important commercial feature, there is some “room to move” in reducing rates in the 1/46m² GFA area (i.e. Macquarie Park Area A) before parking limitations actually affect the competitiveness of leasing space and further investment in the area. Overall, feedback from stakeholders supported the higher target of 70% car mode share, as it wouldn’t require a reduction of the existing quantum of car parking.

The key issue for changing parking rates in Macquarie Park appears to be the rate of transition over time related to how quickly public transport services can be added to provide a practical alternative to car use.

Scenario Testing

Modelling predicts that by 2031 total commercial floor space will be more than 2 million m² (assuming 50% of the existing floor space will be redeveloped by 2031). This consists of approximately 1 million m² of new floor space; GFA typically increasing by of 50,000m² per year.

The Business as Usual (BAU) case is estimated to result in an increase of total parking supply of approximately 10,000 spaces by 2031 to accompany the increase in GFA. As a result, the private vehicle mode share would experience a negligible reduction (75% to 74%) which is insufficient to generate improvements to the current and future road network performance issues and would likely worsen current congestion levels. Therefore, maintaining the current parking rates over the timeframe of development and redevelopment assumed is therefore ineffective in influencing private vehicle mode share.

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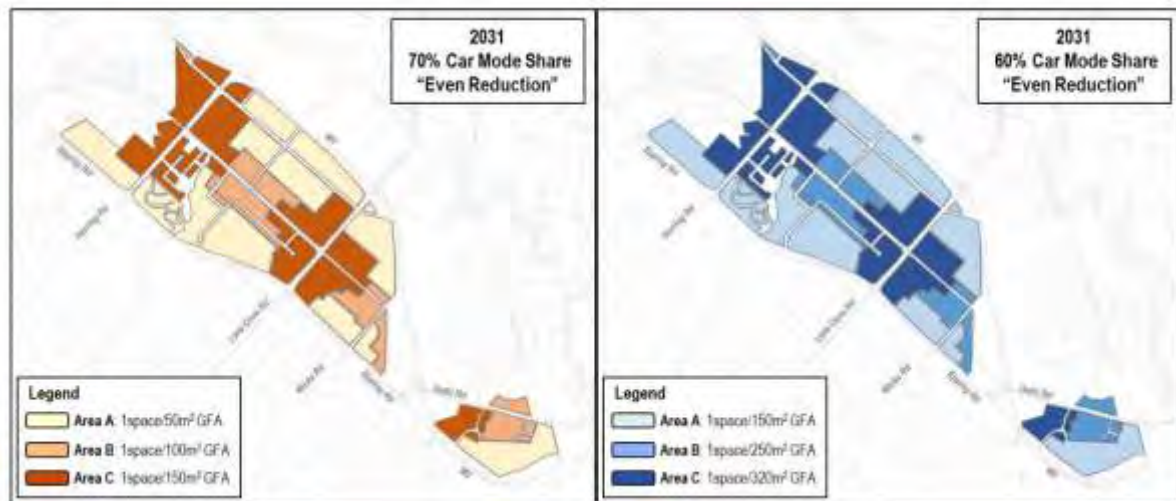
The Consultant modelled three scenarios to reduce private vehicle mode share and therefore reduce traffic congestions and deliver more sustainable modal split between car use and more sustainable modes (public transport, walking and cycling).

- “Even Reduction”
- “Bias Around Stations”
- “Two Zones Only”

Scenario 1: Even Reduction

Scenario 1 sought to achieve the two target mode shares of 70% and 60% using an even reduction in required parking supply across Precincts A, B and C. The results, being the rates required to achieve the targeted car modal shares are shown below.

Target Share	Mode	Gross Rate		Total Spaces 2031	Parking Rates		
		m ² / Space	Space / m ²		A	B	C
70%		1.57	1/63m ²	35,228	1/50	1/100	1/150
60%		1.05	1/95m ²	23,556	1/150	1/250	1/321



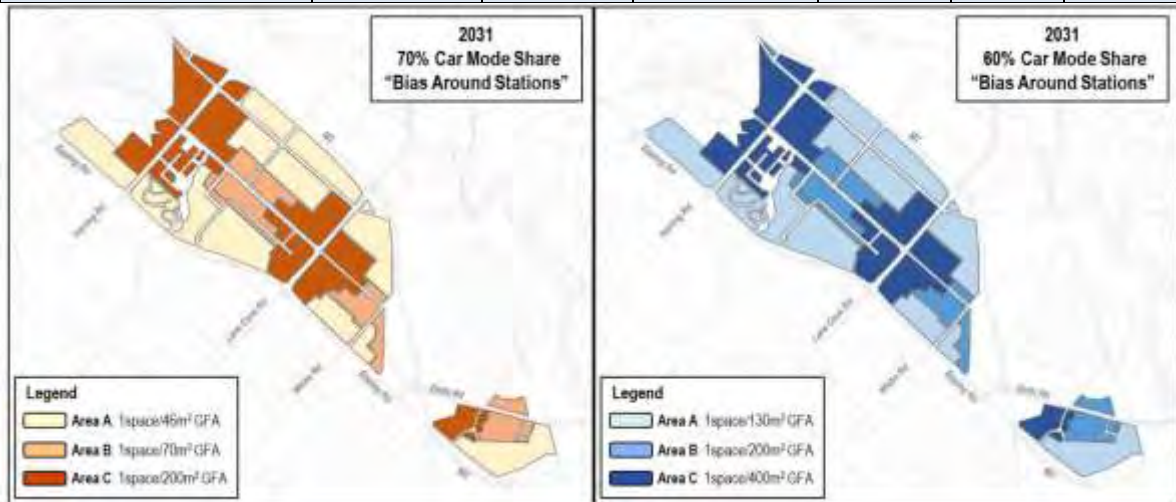
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Scenario 2: “Bias Around Stations”

Scenario 2 imposes more stringent parking rates on developments in close proximity to the existing rail stations (especially Precinct C). This area already accommodates more restrictive parking rates compared to the other two areas. The required parking rates under this scenario to achieve the targeted maximum car mode shares are shown below.

Target Share	Mode	Gross Rate		Total Spaces 2031	Parking Rates		
		m ² / Space	Space / m ²		A	B	C
70%		1.61	1/62m ²	36,012	1/46	1/70	1/200
60%		1.06	1/94m ²	23,863	1/130	1/200	1/400



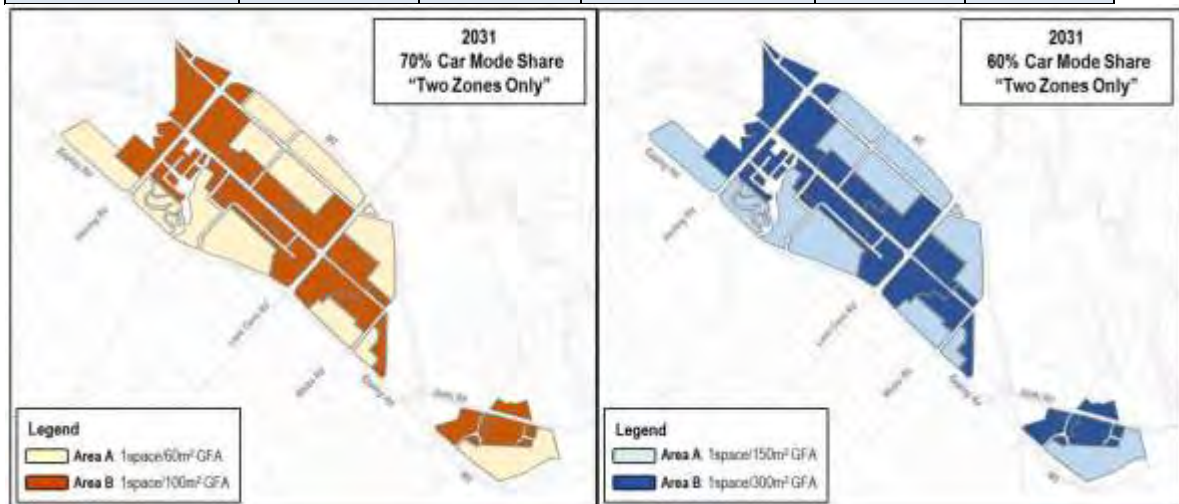
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Scenario 3: “Two Zones Only”

Scenario 3 combines Precincts B and C as a single inner-zone, (hereby named and “New Precinct B”). This new precinct would then have more restrictive parking rates allocated to it compared to outer area (Precinct A). The results of this scenario are shown below.

Target Mode Share	Gross Rate		Total Spaces 2031	Parking Rates	
	m ² Space	Space / m ²		A	B & C
70%	1.62	1/61m ²	36,380	1/60m ²	1/100m ²
60%	1.05	1/95m ²	23,551	1/150m ²	1/300m ²



Scenario Evaluation Criterion

An evaluation framework was developed to appraise and compare the parking provision scenarios. The evaluation was based on five key criteria:

Criterion 1 Mode Share Target

This criterion considered the impact on modal split i.e. the percentage of car drivers to those using more sustainable modes of transport.

Criterion 2: Alignment with Building Densities & Public Transport Accessibility

This evaluation criterion addressed this factor by assessing the average densities for the areas where stricter parking rates are proposed and the opportunities to link them with current or future alternative transport mode provision.

Criterion 3: Commercial Viability and Competitiveness

This criterion balanced stricter mode share targets to resolve traffic congestion issues with the likelihood of discouraging development and slowing floor space turnover.

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Criterion 4: Implementation/Staging of Parking Rate Changes

This criterion evaluated both the need for this transition to be applied and the ability to do so based on the proposed rates and potential staged initiatives.

Criterion 5: Differential Impacts within Macquarie Park

This criterion assessed the differential impact of imposing the three car parking rate scenarios. An effective scheme will minimise localised impacts where adjacent sites (or sites in close proximity) have pronounced differences in the applicable parking provision.

Scenario Analysis

While Council's long term goal is to achieve 40/60 modal split (40% sustainable transport modes/60% car use), based on the review undertaken it is recommended that the 60% mode share scenarios would require measures considered too aggressive and that this may adversely impact the precinct's competitiveness. All the scenarios tested (at the 60% modal target) would lead to an overall reduction of parking supply throughout the precinct (from 32,500 to 26,000; a 20% reduction) while floor space is expected to almost double over a 15 year period. Moreover, these parking rates could discourage new development and re-development within the study area.

The 70% private vehicle mode share target scenarios would produce a more acceptable change in total supply, allowing overall parking supply to grow as floor space grows to 2031. As such, it was determined that the preferred scenario should be derived from one of the three options investigated for the 70% private vehicle mode share target.

As part of the scenario evaluation process, it was found that the "Bias around Stations" scenario would have the potential to discourage development in the core areas and/or introduce differential impacts for sites in close proximity to one another. This is due to the disparity in parking rates for different sub-areas, with the higher rate (1/200m²) approximately four times higher than the lower rate (1/46m²).

Both the "Bias around Stations" and "Even Reduction" scenarios include parking rates beyond the 1/100m² threshold which is already considered to be a very tight parking rate based on feedback received from stakeholders. The "Two Zones Only" scenario is more measured with the 1/100m² rate applied as a maximum to the areas in the core of the precinct (better serviced by public transport infrastructure).

As such, the "Two Zones Only" scenario was found to allow a certain differentiation between areas with better public transport provision, namely those in close proximity to the rail stations (which was one of the key evaluation criteria) while applying parking rates that do not introduce a significant disparity between adjacent sites.

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More importantly, the parking rates proposed under the “Two Zones Only” scenario achieve a better overall precinct balance, avoiding a disparity in parking rates that could discourage development in certain areas.

The “Even Reduction” scenario moved parking rates beyond 1/100m², and introduced potential differential impacts with the “third tier” rates (1/50m²) corresponding to triple of those in the core precinct (1/150m²).

Another benefit associated with the “Two Zones Only” scenario consists of its zonal distribution generally aligning with that of the floor space ratio (FSR) maps been developed for Macquarie Park. This would simplify the implementation of both maps and improve consistency for different planning instruments.

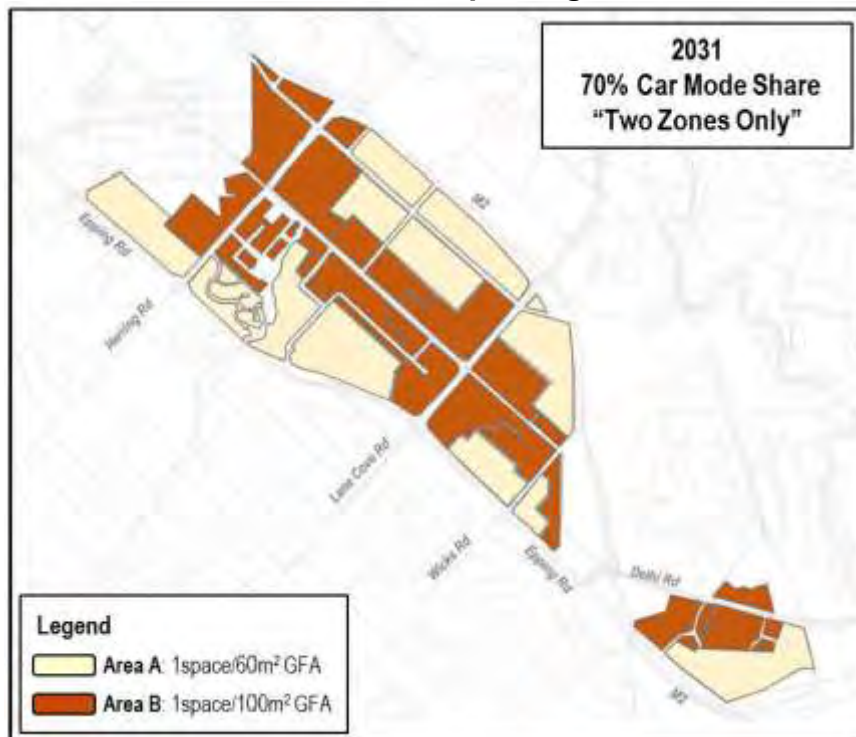
Overall, the “Two Zones Only” scenario was found to have higher compliance levels with the evaluation criteria. It consists of a balanced approach that minimises potential issues associated with the other two options, namely, the likely differential impacts, and impacts on precinct attractiveness.

The “Two Zones Only - 70% Private Vehicle Mode Share” was therefore selected as the preferred scenario and is highlighted below.

ITEM 6 (continued)

ATTACHMENT 7

Preferred Mode Share and car parking rates



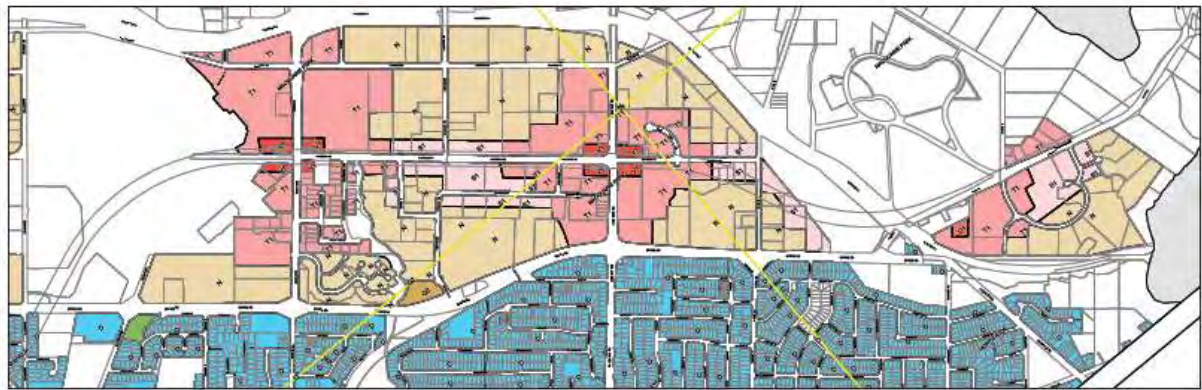
Conclusions

The scenario selected (“70% car mode share/ Two Zones Only”) achieves a balance between minimising the effects of traffic congestion growth in the precinct and the impacts that the modified rates will have on the competitiveness of the precinct against other centres with a similar offering. Both excessive traffic congestion and insufficient parking reduce the competitiveness of centres like Macquarie Park. The rate of transition is the key and striking the right balance at the right time between reducing private car usage and discouraging the leasing of commercial space in the area (and hence discouraging re-development) due to insufficient parking being available.

The Final Draft Parking Rates Map has been refined to align with the boundaries of draft Ryde Local Environmental Plan Amendment 1 FSR Map as highlighted below. This approach will provide greater consistency in the application of planning instruments in the Macquarie Park Corridor.

ITEM 6 (continued)

ATTACHMENT 7



In a highly competitive commercial space market, parking availability is very important for Macquarie Park and other comparable centres. The proposed changes to commercial parking rates will marginally impact the attractiveness of some sites; but this is not expected to be to an extent that will encourage tenants / developers to relocate to alternative locations on masse, or to discourage redevelopment. While the proposed parking rates will be more restrictive to those currently applied to other centres (such as Norwest or Rhodes), it is important to recognize Macquarie Park is the second biggest business centre in the Sydney region with a substantial number of trips to/from the precinct on a daily basis.

Macquarie Park has many strategic location advantages with the availability of large floor plates, its central location, quality of infrastructure, current/future residential catchment, etc. These attributes go some way to offset some of the perceived impacts due to reduced parking availability for certain types of businesses. Moreover, other centres are likely to have their parking rates revised and adjusted over the upcoming years which will inevitably reduce the parking rate differences between Macquarie Park and its competitors.

ITEM 6 (continued)

ATTACHMENT 7

The challenge for Macquarie Park is to ensure that it is future proofed and that the redevelopment rate is not adversely impacted. This can only be achieved with a combination of improved traffic network operations (to which a modified mode share is crucial), improved public transport service and an increased residential catchment. The proposed scheme takes this in consideration and allows the implementation of a “period of adjustment” to ensure that the transition is gradual and has minimal impacts on the precinct’s competitiveness.

Staged Implementation

While the mode share estimations and scenarios evaluation were based on introducing the new rates now and maintaining them until 2031, the proposed strategy would benefit from having a transition / staging program to assist in gradually delivering the modified parking rates. It is also logical to combine the full implementation of the revised parking rates with improvements to the public transport service in the area, so that workers who decide to make the transition from private vehicle have an attractive, viable alternative in public transport. This will help in gaining support from the community and stakeholders.

The implementation of the North West Rail Link (with completion estimated by 2019) will constitute a significant improvement to public transport service in the area. This upgrade is a logical trigger after which the modified parking rates could be made fully operational. Until then, a transition period could be applied in which the new rates would only apply to “new development”. Any re-development would be allowed to maintain current parking supply (that is, where the new rates would result in a reduction of parking spaces, this would be waived so that current supply could be kept).

A staged implementation allows for other initiatives to be planned and delivered such as bus service improvements and walking / cycling facilities, which would assist in achieving a successful balance of different mode shares while overall parking provision is reduced (in proportion to the overall floor area).

ITEM 6 (continued)

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The proposed implementation strategy is summarised below.

Indicative Date	Action
2015	Seek community comment through the planning controls review process. For the purpose of this implementation strategy, it is assumed that Council will adopt the planning controls following exhibition.
2016	Apply the revised parking rates to “new developments” (i.e.: “Two Zones” at 1/60 & 1/100) through the DA process; Re-development would have the new rates waived if these resulted in a reduction of current parking supply.
2016-2019	Investigate and implement measures that can assist modal shift such as improved bus services / bus priority, improved walking and cycling facilities, etc.
2019	Apply the revised rates to re-development as well as new developments (i.e.: “Two Zones” at 1/60 & 1/100); This would coincide with the delivery of the North West Rail Link and improved frequency along the Chatswood – Epping Rail line.
2020	Undertake a review of commercial off-street parking rates and evaluate the outcomes of the 2015 – 2020 period.

Financial Implications

The Bitzios Report undertaken in 2014-15 cost \$50,000. Following endorsement by Council of the proposed amendments to the commercial car parking rates, City of Ryde staff will prepare a Planning Proposal to be submitted to the Department of Planning and Environment; estimated cost of \$5,000. The costs incurred will be funded from the Urban Planning budget.

ITEM 6 (continued)

ATTACHMENT 7

Options

1. Do Nothing

Council could elect to leave the commercial car parking rates at their current levels (1/46, 1/60, 1/70) and continue to allow all day parking at a capped rate; status quo would remain. However such a decision could place the future growth of the Corridor at risk. Traffic congestion is already an issue for businesses, in particular, attracting a skilled workforce. The Macquarie Park Transport Management Association (Connect Macquarie Park + North Ryde) was established to assist businesses by improving travel choices and thereby reduce traffic congestions. Should Council not pull this lever, workers will continue to drive and congestion will become worse over time. With development expected to double by 2031, this level of traffic would not be sustainable. For these reasons, this option is not recommended.

2. Implement the proposed commercial car parking rates (only)

The proposed commercial car parking rates would be introduced; however the capped rate for all day parking would remain. Whilst this would be a positive step forward in managing commercial car parking (off street); it would be a lost opportunity to send a signal that driving to work comes at a cost and is discouraged in preference of more sustainable modes of transport.

Council staff would report back to Council on a draft Planning Proposal, draft Development Control Plan amendments and proposed community consultation required to effect this change.

3. Implement the proposed commercial car parking rates and remove the cap on all-day parking (recommended option)

The recommended scenario (70% car mode share/ 'Two Zones Only' /1 to 60 and 1 to 100 GFA) achieves a balance between minimising the effects of traffic congestion growth in the precinct and the impacts that the modified rates will have on the competitiveness of the precinct against other centres with a similar offering. This amendment to the commercial car parking rates would be supported by the removal of the all-day parking rate cap; replacing with an hourly car parking rate.

Council staff would report back to Council on a draft Planning Proposal, draft Development Control Plan amendments and proposed community consultation required to effect this change.