

Meeting Date: Tuesday 9 May 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 11 April 2017

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/17/1/3/2 - BP17/377

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 3/17, held on 11 April 2017, be confirmed.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 11 April 2017

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 3/17**

Meeting Date: Tuesday 11 April 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

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

Apologies: Councillor Laxale.

Leave of Absence: Nil.

Absent: Councillors Maggio, Salvestro-Martin and Simon.

Staff Present: Acting General Manager, Acting Director – City Planning and Development, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, General Counsel, Acting Manager – Assessment, Acting Manager – City Planning, Senior Coordinator – Development Assessment, Senior Development Engineer, 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 14 March 2017

RESOLUTION: (Moved by Councillors Pendleton and Stott)

That the Minutes of the Planning and Environment Committee 2/17, held on 14 March 2017, be confirmed.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 1 LUMSDAINE AVENUE, EAST RYDE. LOT 435 IN DP31253. Development Application for demolition, and construction of a two (2) storey dual occupancy (attached) and strata subdivision. LDA2016/0197.

Note: Jill Shadbolt (objector), Jackson Wong (objector) and Rami Faraj (applicant) addressed the meeting in relation to this Item.

Note: Documentation and Photographs from Jackson Wong were tabled in relation to this Item and copies are ON FILE.

RESOLUTION: (Moved by Councillors Pendleton and Stott)

- (a) That LDA2016/197 at 1 Lumsdaine Avenue, East Ryde be approved subject to the **ATTACHED** conditions (**Attachment 1**), with the exception of the deletion of the condition of 1(c) to allow the alfresco to be a maximum of 3 metres in width.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That Council notes the owners willingness to comply with the neighbours request that no construction work take place on either 10 June 2017 or 17 June 2017 and thank him for his agreement to this.

Record for the Voting:

For the Motion: Unanimous

3 66 - 82 TALAVERA ROAD MACQUARIE PARK - AMENDMENT TO THE GATEWAY DETERMINATION

Note: Michael Harrison (representing Architectus) and Gavin Carrier (representing Holdmark) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 10 April 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Gavin Carrier (representing Holdmark) was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Stott)

That consideration of this matter be deferred to the Council Meeting to be held on 26 April 2017.

ITEM 1 (continued)

ATTACHMENT 1

Record for the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** as substantive changes were made to the published recommendation.

The meeting closed at 5.43pm.

CONFIRMED THIS 9TH DAY OF MAY 2017

Chairperson

2 118 BALACLAVA ROAD, MARSFIELD. LOT 8 DP 16216. Local Development Application for construction of two-storey boarding house containing 10 boarding rooms. LDA2016/0287.

Report prepared by: Creative Planning Solutions; Senior Coordinator - Development Assessment

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

File Number: GRP/09/5/6/2 - BP17/419

1. Report Summary

Applicant: Prescott Architects Pty Ltd.

Owner: Houseroom Pty Ltd.

Date lodged: 24 June 2016.

This report considers a development application (DA) the construction of a two (2) storey, ten (10) room boarding house under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP). The boarding house is to accommodate a maximum of 18 lodgers.

The DA was notified in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP2014) between 30 June and 27 July 2016. In response, three (3) submissions objecting to the proposal were received.

The issues of concern raised in the submissions are as follows:

- Waste and littering;
- Parking;
- Acoustic impacts;
- Social impacts;
- Overcrowding and overdevelopment of the site;
- Building height;
- Stormwater; and
- Reduction in property values.

Council officer's preliminary assessment of the subject DA identified the following issues requiring additional information from the applicant:

- *Floor space ratio* - Clause 4.4 of the *Ryde Local Environmental Plan 2014* (LEP2014) – at 0.52:1, the proposal exceeded the maximum 0.5:1 floor space ratio limit;
- *Room sizes* - Clause 29(2)(f) of the ARHSEPP – the plans submitted with the application illustrated that rooms within the boarding house were under the minimum area for single and double rooms;

ITEM 2 (continued)

- *Number of storeys* - Section 3.3.1(a) of Part 3.3 of DCP2014 – with a portion of the building comprising three-storeys, the maximum two-storey height limit was exceeded. This raised potential privacy and overlooking concerns regarding the balconies to the rear of the boarding house;
- *Wall plate height* - Section 2.8.1 of Part 3.3 of DCP2014 – with a maximum wall plate height of 7.9m, the proposal exceeded the 7.5m limit;
- *Internal building design* - Section 3.6 of Part 3.5 of DCP2014 – the plans indicated only one sink to be provided within the communal kitchen. As was required to be three sinks for compliance with DCP2014;
- *Motorcycle parking* - concern was raised regarding the location of the two motorcycle parking spaces within the side setback due to potential noise impacts on neighbours; and
- *Retaining walls* - insufficient detail on retaining wall heights was provided on the plans.

Following the above issues having been raised with the applicant, amended plans were received by Council on 5 September 2016. These plans are considered to have satisfactorily addressed the issues identified.

The amended plans were re-notified for a period between 8 and 22 September 2016 in accordance with the provisions of DCP2014. In response, one (1) further submission was received, raising issues of concern related to stormwater management.

The applicant's amended proposal has been assessed against the provisions of ARHSEPP, LEP2014, and DCP2014.

It is considered the proposed boarding house is generally satisfactory for approval as discussed in the body of the report and attached compliance checklists. For this reason, the subject DA is recommended for approval subject to conditions. Approval is recommended via a deferred commencement consent, subject to a drainage easement being obtained over adjoining land at No.120 Balaclava Road (Lot 9 in DP 2166). This is discussed in the referral comments from Council's Senior Co-ordinator Development Engineering Services in the body of this report.

Reason for Referral to Planning and Environment Committee: Boarding house in the R2 Low Density zone under Ryde LEP 2014.

Public Submissions:

- (a) Original DA notification – three (3) submissions Received.
- (b) Amended plan re-notification – one (1) submission received

ITEM 2 (continued)

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required.

Value of works: \$924,770.

RECOMMENDATION:

- (a) That Local Development Application No. LDA2016/0287 be approved via deferred commencement, subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Ryde Development Control Plan 2014 Compliance Check
- 3 State Environmental Planning Policy (Affordable Rental Housing SEPP) 2009 Compliance Check
- 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 Planning and Development

ITEM 2 (continued)**2. Site** (*Refer to attached map.*)

- Address** : 118 Balaclava Road, Marsfield
(LOT 8 Deposited Plan 16216)
- Site Area** : 743.2m²
Frontage to Balaclava Road of 15.24m
Rear boundary of 15.24m
Eastern side boundary of 48.77m
Western side boundary: 48.77m
Note: All areas and dimensions obtained from the Deposited Plan or submitted Survey Plan.
- Topography and Vegetation** : The submitted site survey shows that the site falls from a height of RL80.64 at Balaclava Road to a height of RL75.68 at the rear boundary. The fall occurs over a distance of 52m for an average gradient of approximately 1:10.5.
- Existing Buildings** : The site currently includes a single storey weatherboard dwelling house and a carport. Vehicular access to be property is via an existing crossover from Balaclava Road adjacent to the western boundary. The proposed boarding house, garage and driveway cross-over are to be located in a similar location to the existing arrangements.
- Planning Controls Zoning** : R2 – Low Density Residential under *Ryde Local Environmental Plan 2014*; and *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- Other** : *Ryde Development Control Plan 2014*.

ITEM 2 (continued)



**Aerial Image of subject site, including location of the three (3) objector's properties to original notification (119 Balaclava, 2/121 and 3/121 Balaclava opposite the subject site). The amended plans attracted one (1) submission No 3/121 Balaclava Road.
Source: www.google.com – edited by CPS for diagrammatic purposes.**



**Photograph from the Balaclava Road frontage showing the dwelling house at 118 Balaclava Road which forms the part of the improvements on subject site.
Source: googlemaps.com – August 2014**

ITEM 2 (continued)

3. Councillor Representations

Nil.

4. Political Donations or Gifts

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

5. Proposal

The development proposes the demolition of the existing dwelling house, and construction of a two-storey, ten (10) room boarding house with a total capacity of eighteen (18) lodgers.

Details of the proposed development are as follows:

- Ten (10) boarding rooms:
 - Two (2) single rooms;
 - Eight (8) double rooms;
 - This includes four (4) boarding rooms on the lower ground and ground floor, and two (2) boarding rooms on the first floor of the building; and
 - Each boarding room comprises a kitchenette and en-suite bathroom.
- Of the (10) boarding rooms, one (1) room has been designed as being capable for occupation by a disabled person. This room is located on the ground floor of the building adjacent to the front entry.
- The boarding house is to include a common water-closet/powder room, communal living area with full kitchen and enclosable winter garden. A common laundry is also located on the lower ground floor.
- The open plan communal lounge and kitchen is provided on the ground floor. The kitchen includes a four (4) burner cooktop, along with a single and a separate double sink. Although stairs are required to reach the communal area, this is made accessible via a stair lift.
- Access to the rear of the site is available via a path along the eastern setback and via a rear door from the lower ground floor.
- Associated works include access pathways at the front and to the side of the building, general site landscaping works, along with new stormwater drainage arrangements via a piped easement over adjoining land at 120 Balaclava Road. No on-site detention is proposed due to the land being located within a flood affected area.

ITEM 2 (continued)

- The development includes two (2) car spaces within an attached double garage, two (2) motor cycle spaces in an open hard stand area adjacent to the driveway, and up to four (4) bicycle spaces within a dedicated area along the eastern setback.
- An office room is included on the lower ground floor for the boarding house manager who will visit the site quarterly to undertake inspections. No live in manager is proposed.

Ground Floor

The ground floor of the boarding house is entered via a front door that addresses Balaclava Road and includes single storey entrance portico/alcove.

The ground floor includes a main corridor with four (4) boarding rooms of which one (1) is accessible. The ground floor also includes an open plan communal lounge and kitchen, with an enclosable winter garden, along with stairs to the first floor and lower ground floor of the boarding house. Of the four (4) boarding rooms on the ground floor, all contain en-suite bathrooms and kitchenettes.

An attached double garage with internal access adjoins the boarding house to the west. The garage has been designed to accommodate parking for two vehicles along with a bin storage area.

Lower Ground Floor

The lower ground floor of the boarding house is reached internally via the staircase, or externally via a rear door from the backyard verandah. The lower ground floor includes a main corridor with four (4) boarding rooms, a communal laundry and storage area, an office, and stairs to the ground level above. The four (4) boarding rooms on the ground floor are all double rooms, and all contain an en-suite bathroom, and kitchenettes.

First Floor

The first floor of the boarding house consists of two (2) double boarding rooms, both of which contain an en-suite bathroom and kitchenette. The first floor also includes stairs to the ground floor below.

External

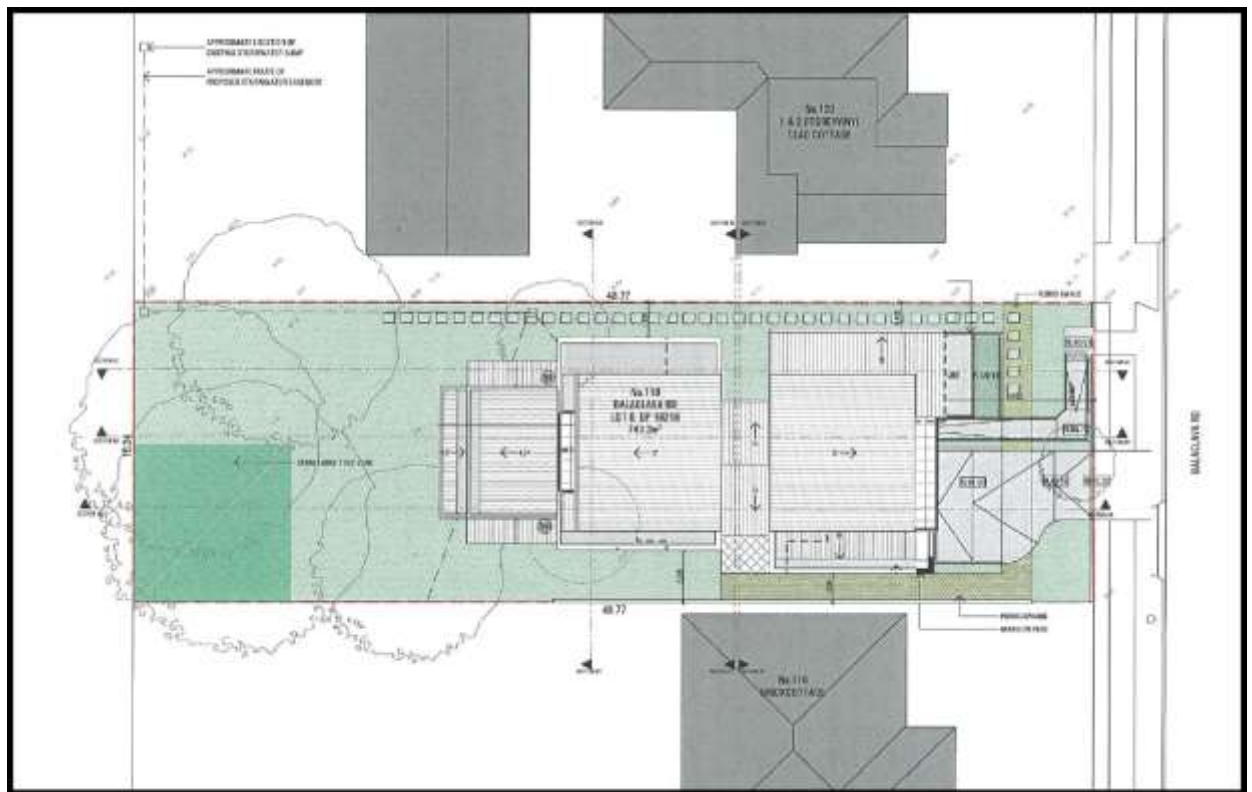
Externally the front setback area consists of boundary planting beds, a flood swale, open lawn, a tree to be planted, a pathway to the building entry, motorcycle parking areas, and a driveway to the attached double garage.

ITEM 2 (continued)

A front fence measuring 1.2m in height is proposed. The front fence is broken up by an opening for pedestrians and also a separate opening for the vehicle entrance point.

The rear yard principally includes an open lawn area, boundary planting beds, and clothes drying lines. The retention of a large tree in the rear corner of the site is also proposed. Adjacent to the building is a small elevated porch and stairs providing access to the lower ground level of the boarding house.

The following drawings are the Site Plan and Front Elevation of the proposed development:



Site Plan of proposed development, including depiction of neighbouring buildings.
Source: Applicant DA plans.

ITEM 2 (continued)



Front Elevation drawing of proposed development, including depiction of neighbouring buildings.

Source: Applicant DA plans.

6. Background

A pre-DA meeting was held with Council's planning and engineering officers on the 2 March 2016. In principle, Council officers had no objection to the proposal, subject to design amendments that addressed amenity concerns to neighbouring properties and responded to flood impacts caused by overland flow. The design amendments were to include raised floor levels to provide a compliant freeboard above the overland flow path traversing the site, enclosure of the rear balcony to create a winter garden and removal of balconies that were positioned on the side of the building to address visual and acoustic privacy concerns.

The DA was lodged with Council on 24 June 2016, then notified and advertised in accordance with the provisions of DCP2014 from 30 June to 27 July 2016. In response, three (3) submissions objecting to the proposal were received, from the properties at No 119 Balaclava and No 2/121 and 3/121 Balaclava Road (both across Balaclava Road and opposite the subject site).

The issues of concern raised by the objectors in their submissions were as follows:

- Waste and littering;
- Parking;
- Acoustic impacts;
- Social impact;
- Overcrowding;
- Building height;
- Stormwater; and
- Reduction in property values.

ITEM 2 (continued)

Following a preliminary assessment of the DA, Council officers requested additional information by email 29 August 2016, requesting the following areas of concern be addressed, as well as the above issues raised by objectors:

- **Floor Space Ratio**

Clause 4.4 of the LEP2014 prescribes that the maximum floor space ratio (FSR) for buildings on the subject site is to be 0.5:1 (371.6m²). This requirement is reiterated in section 2.7 of the DCP2014.

When applying the definition of 'gross floor area' (GFA) and 'basement' as per the Dictionary in LEP2014, the FSR of the originally submitted proposal was assessed as being 0.52:1 (388.94m²).

The proposed FSR of 0.52:1 was not supported as there appeared to be no valid justification why compliance with this development standard is unreasonable or unnecessary in the circumstances of the case. Accordingly, Council requested that revised plans be submitted, reducing the GFA by at least 17.5m² to comply with the LEP2014 and DCP2014.

- **Accommodation size**

Clause 29(2)(f) of the ARHSEPP prescribes that each single lodger boarding room is to have a minimum gross floor area of 12m², and 16m² in any other case.

The originally submitted plans with the DA illustrated that rooms within the boarding house were under the minimum area for single and double rooms when excluding the areas used for the purposes of private in-room kitchens and bathrooms, as directed by the ARHSEPP.

In this regard the applicant was encouraged to revisit the boarding house design so as to ensure each boarding room complied with the minimum accommodation sizes under the ARHSEPP.

- **Height - number of stories and wall plate height**

Section 3.3 of the DCP2014 ensures that the scale of development is consistent with that of surrounding streetscape and the desired future character of the area. Section 3.3.1 (a) of the DCP2014 limits the height of dwellings to two-storeys.

In addition, Section 2.8.1 of the DCP2014 prescribes that the maximum wall plate height to be 7.5m.

ITEM 2 (continued)

The originally submitted plans for the proposed development included a three-storey component to the building, along with a non-compliant wall plate height of 7.9m. Aside from the visual impact of the increase building bulk, concerns relating to overlooking were also raised in relation to third storey balconies to the rear of the development.

Accordingly, amended plans were requested to ensure that no part of the building constitutes three stories, upper level balconies be deleted, and also to ensure the wall plate height is compliant at 7.5m.

- **Motorcycle Parking**

Although the originally proposal complied with the number of on-site motorcycle parking spaces, concern was raised over the location of two motorcycle spaces within the side setback adjacent to the western boundary. In particular undue noise impacts that may occur to the neighbouring property to the west from vehicular movements.

In this regard, revised plans were requested to identify a more suitable location for the required motorcycle parking spaces.

- **Internal Building Design**

Section 3.6 of Part 3.5 of DCP2014 requires communal kitchens are to include one sink for every six (6) people, or part thereof, with running hot and cold water.

The plans submitted indicated that only one sink was to be provided within the communal kitchen, therefore failing to achieve compliance with the above control. Revised plans ensuring compliance with this control were requested.

- **Retaining Wall**

The originally submitted plans indicated a retaining wall along a section of the western boundary. These plans however provided have no specific details regarding this retaining wall. As such, details of the proposed retaining wall including, elevations, height and lengths were requested.

Following the aforementioned additional information request, amended plans were received by Council on 5 September 2016.

The amended plans removed two (2) boarding rooms from the upper floor and relocated them to the lower ground floor. This enabled internal rearrangements of the stairs and an overall reduction in floor levels and height from 9.5m to 8m which resulted in a two-storey development.

ITEM 2 (continued)

The amendments also resulted in the following changes to address Council officer's concern with regard to the original design:

- Reduced floor space ratio from 0.52:1 to a compliant 0.48:1;
- Reduced wall plate height from 7.9m to a compliant 7.5m;
- Reduction in the number of storeys from three to a compliant two;
- Modifications to the boarding rooms to ensure compliance with the minimum accommodation size requirements of the ARHSEPP;
- Deletion of upper level balconies to the rear of the proposal to reduce overlooking impacts;
- Relocation of motorcycle parking from the side setback to the front setback so as to reduce potential noise impacts on neighbours; and
- Deletion of retaining wall along the western boundary which was apparently left on the originally submitted plans in error.

The applicant's submitted plans were considered to satisfactorily address the issues raised in the additional information letter, and also respond to relevant issues raised by the objectors.

In this regard, the amended proposal was re-notified by Council from 8 September to 22 September 2016 in accordance with the provisions of DCP2014. As a result of the re-notification, one (1) submission was received raising concerns in relation to stormwater drainage.

Having regard to the above, the assessment contained herein is based on these revised plans submitted to Council on 5 September 2016.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications for a period between 30 June and 27 July 2016. **Three (3) submissions** were received as a result of this neighbour notification process, from the owners of 119 Balaclava, and 2/121 and 3/121 Balaclava Road (both across Balaclava Road and opposite the subject site).

When amended plans were received, these were re-notified for a period from 8 to 22 September 2016. One (1) further submission was received, from the owner of No 3/121 Balaclava Road (opposite the subject site).

ITEM 2 (continued)

The key planning objections/issues that were raised in the submissions are summarised below, followed by a response from the Assessing Officer.

- A. **Waste Management.** *Concerns were raised by objectors in relation to waste and an increase in illegal dumping and littering associated with the use of bus stop opposite the site.*

Assessing Officer's Comment: Submitted with the DA is a detailed Plan of Management for the proposed boarding house, which includes waste management and recycling measures, cleaning and maintenance procedures, house rules and duties of the manager all aimed at ensuring operation waste associated with the boarding house is appropriately managed.

The Plan of Management submitted by the applicant states the following in relation to waste management and storage:

Residents are encouraged to take advantage of Council's waste recycling facilities. It is the responsibility of each lodger to sort their own garbage and recyclable waste and place it into the appropriate waste bin. The recycling bins shall be used only for the items identified on the lid of the bin and other waste shall be placed in the general waste bin.

The manager is responsible for waste collection arrangements, including making sure that bins are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing of special waste such as "sharps" and/or sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and cleaned on a regular basis.

Collection responsibilities of the manager include all regular garbage, recycling, and green waste collection services, as well as household clean-up collection, and ensuring good for collection are managed in accordance with Council's collection requirements.

It is outlined above that the manager will be responsible for household clean-up collections. This will ensure that items such as televisions, computers, furniture and the like are not illegally dumped. This adequately addresses the concern of the objectors that the boarding house will increase littering and illegal dumping in the area. The Plan of Management is intended to be included as a condition of consent, thus ensuring the above commitments will be binding to the boarding house proposal.

ITEM 2 (continued)

As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officer who has indicated the proposal will be satisfactory subject to conditions of consent. These conditions cover waste storage and handling facilities, as well as cleaning and maintenance.

With regard to boarders exacerbating problems associated with illegal dumping, it is considered that an increase in people and passive surveillance from within the site to the street would deter illegal dumping and littering. The applicant has stated the following in response to these concerns:

An increase in people using the bus stop is more likely to reduce littering, as people will be less inclined to litter if there are others present who may object.

The development will substantially increase casual surveillance of the bus stop which will reduce the likelihood of littering, dumping, interference with mail and other anti-social behaviour.

Given the above, the objectors concerns with regard to the operational waste and maintenance of the boarding house are considered to have been satisfactorily addressed by the commitments made within the Plan of Management, and the recommended conditions by Council's Environmental Health Officer.

- B. *Parking.*** *Concerns were raised that insufficient parking has been provided for the boarding house. This is of particular concern to objectors as on-street parking on Balaclava Road is limited.*

Assessing Officer's Comment: Clause 29 of the ARHSEPP provides development standards that cannot be used to refuse consent for boarding houses made pursuant to the ARHSEPP. In relation to parking, if a site is located within an 'accessible area' (i.e. within the specified proximity to public transport), consent cannot be refused on the basis of parking if at least 0.2 parking spaces are provided for each boarding room.

Given the proposal includes ten (10) boarding rooms, a minimum of 2 parking spaces is required. The proposal is to include two (2) car parking spaces, in the form of a double garage.

It is noted that the ARHSEPP also requires one (1) parking space be provided for each employed person in conjunction with the boarding house who is a resident on site. Although the proposal outlines that a boarding house manager is proposed to attend the site from time to time, the manager will not reside on site, and therefore is not required to have a dedicated parking space.

ITEM 2 (continued)

Having regard to the above, the proposal achieves compliance with the parking provisions of clause 29, and the proposal cannot be refused on the basis of parking.

It is also noted that clause 30 of the ARHSEPP provides standards for bicycle and motorcycle parking. Specifically, that one bicycle space and one motorcycle space is to be provided for every five (5) boarding rooms.

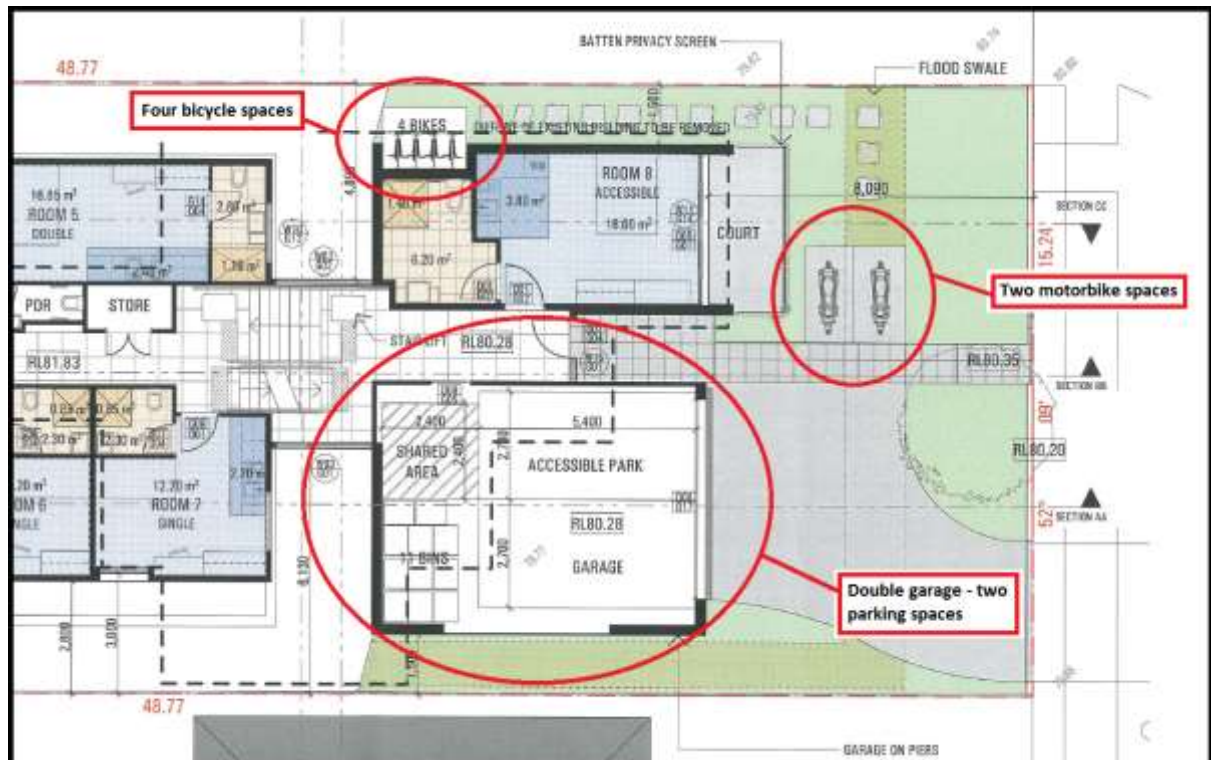
Given the proposal includes ten (10) boarding rooms, a total of two (2) motorcycle and bicycle parking spaces are required.

The proposal will provide for two (2) motorcycle parking spaces and four (4) bicycle parking spaces. Accordingly, compliance with the balance of the parking provisions contained within the ARHSEPP is also achieved.

It is noted the parking requirements outlined within DCP2014 for boarding houses in accessible areas generally reflect the same parking provisions contained within the ARHSEPP. The exception being that unlike the ARHSEPP, DCP2014 requires a parking space for each person employed in connection with the development, whether or not they reside on site.

The following is an extract of the ground floor plan, showing the location of the car parking spaces, motorcycle spaces and bicycle parking spaces for this development.

ITEM 2 (continued)



**Extract of ground floor plan showing location of car parking spaces, motorcycle spaces and bicycle space for this development.
Source: Applicant DA plans, marked up.**

In this circumstance one may argue a third parking space for the boarding house manager is required. However, given the proposal includes less than 20 lodgers, a boarding house manager is not a requirement under the planning controls. Further, the applicant has stated that the boarding house manager is to only attend the site for weekly garbage collection purposes, and for general inspections once every three (3) months. In this regard, it is considered onerous to require a parking space for the boarding house manager given one is not otherwise required for the development, and the little time the manager will be onsite.

Further it is noted that given compliance is achieved with the parking provisions of the ARHSEPP, the parking provisions of DCP2014 are dismissed in this instance.

Submitted with the applicant's DA is a traffic and parking impact assessment prepared by a suitably qualified traffic and parking engineer. The assessment report concludes that the subject proposal is endorsed in a traffic and parking context due to the minimal impacts the proposed boarding house development will impose on such matters.

ITEM 2 (continued)

As part of the assessment of the DA, the proposal was referred to Council's Senior Co-ordinator Development Engineering Services, including the applicant's traffic and parking report – and no objection was raised to the approval of the DA subject to conditions of consent (see Referrals section of this report for more details).

Having regard to the above matters, the proposal is considered to be acceptable in terms of car parking.

- C. *Acoustic Impact.*** *Concerns have been raised by objectors over the noise generated from the proposed boarding house and the subsequent acoustic impacts on adjoining residences.*

Assessing Officer's Comment:

The *Boarding House Act 2012* requires local Council oversight of the safety, management and amenity of boarding houses. It requires lodgers and landlords to enter into Occupancy Agreement which set out the rights and responsibilities of the lodger and landlord, including the right of lodgers to the quiet enjoyment of their accommodation and the right of the landlord to evict lodgers who breach the house rules.

Submitted with the DA is a detailed Plan of Management, and compliance with which is to be included as a condition of consent for the DA. This Plan of Management details house rules for minimising impact on residents, both internally and on adjoining properties. Some of these rules include the following:

- No loud music or television noise is permitted after 10pm;
- No parties or gatherings are permitted on the premises after 10pm;
- No visitors other than residents of the property are permitted after 10pm;
- No use of the outdoor areas is permitted after 10pm; and
- No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.
- Lodgers are to respect the right of other lodgers and neighbours to the quiet enjoyment of their premises.
- Lodgers shall not make noise by any means (including by voice, music player, computer, TV, or musical instruments) at a level that would disturb the quiet enjoyment of other lodgers or neighbours.

As this Plan of Management will form part of Council's conditions of consent, the above noise mitigation measures and house rules will become binding.

ITEM 2 (continued)

Notwithstanding, it is recommended that the following specific conditions of consent are imposed to safeguard the acoustic amenity of adjacent residential properties and to ensure that the boarding house operates consistently in accordance with its plan of management and good neighbour obligations therein.

Approved number of lodgers – *The approved number of lodgers within the boarding house must not exceed 18 persons at any time.*

Use of Communal Outdoor Areas – *The use of the communal outdoor areas of the boarding house are restricted to 7am to 10pm.*

In addition to the above, the applicant's amended plans have relocated the originally position motorcycle parking area from the side boundary to the front setback. This was specifically requested by Council Officers in the additional information letter to reduce potential noise impact on adjoining property.

With the applicant's design, recommended conditions, and nominated boarding house rules and Plan of Management, the acoustic amenity issues raised by the objectors are considered to have been satisfactorily addressed.

- D. *Social Impacts.*** *Concerns have been raised over the negative social impacts this will arise from the boarding house on the local area, including anti-social behaviour, loss of privacy through loitering and that boarding houses degrade the neighbourhood.*

Assessing Officer Comments: On the topic of social impact, it is also necessary to consider what positive social impacts may arise from the proposed affordable rental housing development.

In this regard, it is well reported that Sydney has a shortage of affordable housing which gives rise to significant social impacts.

A review of recent available online data¹ has revealed that rental affordability within the Greater Sydney region has reached a critical position, whereby the average household is required to spend 28% of their household income on rent in order to access a rental dwelling.

In Marsfield, rental affordability fares even worse, whereby at least 38% of an average household's income is required to be spent to access a rental dwelling. This effectively places Marsfield in a category of severely unaffordable rents.

¹ Rental Affordability Index – RAI Release Report – Community Sector Banking, Shelter Australia and SGS Economic and Planning, November 2015

ITEM 2 (continued)

The City of Ryde Affordable Housing Policy 2016-2031 outlines that there is a significant lack of affordable housing in the City of Ryde. The Policy goes on to outline that the shortfall has reached crisis levels, and is having a significant negative impact on communities and the local economy through the loss of key workers. It is estimated that by 2031, the Ryde local government area will be in need of 10,700 affordable housing dwellings for key workers.

The guiding principles of this Policy is to increase the amount of affordable housing available in the City of Ryde, and to encourage a diverse range of housing in the City of Ryde. Boarding houses are recognised within the Policy as contributing to this housing diversity.

The notion that boarding houses only exist to house the unemployed or socially disadvantaged is not necessarily correct. New boarding houses under the ARHSEPP will provide essential housing for key workers on low lower income levels and also potentially students seeking to live closer to educational establishments.

The site is in close proximity to Macquarie University, Macquarie Hospital, the Macquarie Centre, and public transport which makes it an ideal site for a boarding house. The development is likely to be occupied by low to moderate income workers and students within the area seeking affordable, flexible accommodation with excellent access to, the university, the hospital, and other employment nodes such as Epping, Eastwood and Macquarie Park. The proposal will also likely facilitate accommodation to those students and professionals seeking to live closer to work or studies.

The proposal satisfactorily complies with Council's DCP2014 and provisions of the ARHSEPP in relation to safety and security, and as such is considered to be a design that minimises safety or security risks. In addition, the applicant has provided a well-founded Plan of Management which details safety and security measures for the boarding house which are to form part of the recommended conditions of consent.

Having regard to the above, the proposal is considered suitable for the subject site with regard to neighbourhood safety.

- E. *Overcrowding and overdevelopment of the site.*** *Concerns have been raised by the objectors in relation to the proposal constituting an overcrowded and overdevelopment of the site.*

Assessing Officer Comments: The size of boarding houses within the City of Ryde's R2 Low Density Residential zones are regulated by the provisions of DCP2014, which under Section 2.3 of Part 3.5 stipulate that a maximum number of 12 bedrooms for boarding house will be permitted.

ITEM 2 (continued)

Given the boarding house includes 10 bedrooms, the proposal achieves compliance with the boarding house size and scale controls under DCP2014.

In addition, DCP2014 generally considered large boarding houses to be those which accommodate 20 or more lodgers, and as such require a live-in manager/operator. The proposal will include a maximum of 18 lodgers, and as such does not constitute a large boarding house under DCP2014.

To ensure no more than no more than 18 lodgers occupy the boarding house, the following condition of consent is recommended:

Approved number of lodgers – *The approved number of lodgers within the boarding house must not exceed ten (18) persons at any time.*

The physical size of boarding houses is also governed by the building envelope development standards and controls under LEP2014 and DCP2014.

Clause 4.4(2) of LEP2014 prescribes the maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map. The Floor Space Ratio Map under LEP2014 indicates a maximum FSR of 0.5:1 applies to the subject site.

The proposal has been assessed as having a gross floor area of 356.m². This equates to an FSR of 0.48:1 which complies with the 0.5:1 maximum under LEP2014.

By achieving compliance with this numerical standard, the proposal is able to satisfy the objectives of the control which is to provide effective control over the bulk of development, and allow appropriate levels of development for specific areas.

With a building height of 8m, it is also noted the proposal achieves satisfactory compliance with Council's 9.5m building height limit under LEP2014. By achieving compliance with this control, the proposal is able to satisfy the building height objectives which are to ensure buildings are in keeping with the character of the local area, and minimise impacts on adjoining development.

Given the proposal's ability to achieve compliance with Council's key development standards governing the size and scale of boarding houses, along with the general bulk and scale of buildings, the proposal is not considered to represent an overdevelopment of the site.

ITEM 2 (continued)

Further, with the imposition of the above condition in relation to the number of lodgers residing at the development, objectors can be satisfied the boarding house will not become overcrowded

- F. ***Compatibility with the character of the local area.*** *Concerns were raised that the proposed boarding house was incompatible with the character of the local area, particularly due to its bulk and scale and also non-compatible land use.*

Assessing Officer's Comment: The local area is typically low density residential neighbourhood of Marsfield. It predominantly comprises single dwelling houses, with some dual occupancy development and other development in the form of education establishments.

The proposal seeks to construct a new two-storey boarding house. In this regard, the proposal is considered to result in a built form outcome that is consistent with the local area.

The layout of the proposed development is considered to be generally consistent with that of typical residential development and that of surrounding dwellings houses. For example, the proposed boarding house will include the main common living areas, kitchen, and laundry on the lower ground and ground floors, along with some boarding rooms, and then only boarding rooms located on the first floor of the building. Externally, the boarding house includes a front door facing the street, private open space areas to the rear of the building within the backyard, side access paths, and vehicular parking arrangements to the front of the site.

The proposed development is considered to include materials and finishes which would not place it out of character with the local area and that of emerging development in Marsfield. Further, the proposal is not located within a view corridor, and as such will not impact on any views, vistas or skylines.

It is acknowledged the front setback area is to include an open hard-stand parking area for motorcycles. The provisions of DCP2014 typically do not permit such vehicular parking within the front setback, however, given numerous examples of vehicular parking within the front setback exist along Balaclava Road, the proposed arrangement is therefore not considered to be out of character with the streetscape – see photos below.

Reference is made to the DCP2014 compliance assessment later in this report for further discussion on this point.

ITEM 2 (continued)

Having regard to the above, and the guidelines for local area character assessment contained in Schedule 1 of Part 3.5 of DCP2014, it is considered the proposal is compatible with the character of the local area. For this reason, neighbour objections on the basis of character are considered to have been satisfactorily addressed via the applicant's amended plans.



**Street view from the Balaclava Road frontage showing the informal parking area at 114 Balaclava Road which is to the south-west of the subject site.
Source: googlemaps.com.au – August 2014**

ITEM 2 (continued)



Street view from the Balaclava Road frontage showing the informal parking area at 116 Balaclava Road which adjoins to the south-west of the subject site.

Source: googlemaps.com.au – August 2014



Street view from the Balaclava Road frontage showing the multi dwelling house at 121 Balaclava Road which is opposite the subject site to the south-east.

Source: googlemaps.com.au – August 2014

ITEM 2 (continued)

- G. *Stormwater drainage.*** Concerns were raised in regard to the drainage design of the proposed development.

Assessing Officer's Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Co-ordinator – Development Engineering Services for comment. In the referral response dated 23 October 2016, it is outlined that Council's Senior Co-ordinator – Development Engineering Services has no objections to the proposed development with respect to the engineering components, subject to the application of the conditions being applied to any development consent.

These conditions cover the proposed public drainage easement being relied upon by the development, along with construction standards, flood and overland flow protection, stormwater management, and compliance certificates.

These recommended conditions by the Senior Co-ordinator – Development Engineering Services have been included in the draft consent – including a deferred commencement condition pending the registration of the drainage easement.

Accordingly, given the Senior Co-ordinator – Development Engineering Services support for the proposal, the stormwater drainage arrangements for the site are considered to have been assessed as satisfactory.

- H. *Reduction in Property Value*** – Objectors raised concerns that their property value would decrease.

Assessing Officer's Comment: There is no evidence that boarding houses and loss of property value are interconnected. The Land and Environment Court have constantly rejected that boarding houses decrease property value. The boarding house is permissible with consent in the zone, the development has been designed to be compatible with the character of the locality and its operation will be regulated.

Furthermore, property values are not a valid planning consideration. Council cannot refuse a DA based on speculative impacts of property value.

As outlined earlier, the applicant's amended plans received by Council on 5 September 2016 were re-notified between 8 September and 22 September 2016. In response, one (1) submission was received in raising issue with the notification plans not indicating how stormwater across the site will be collected and directed into the drainage easement. Concern was also raised that stormwater would cause a flood at the low end of easement.

ITEM 2 (continued)

Once again, as part of the assessment of the DA, the proposal was referred to Council's Senior Co-ordinator – Development Engineering Services for comment. In the referral response, Council's Senior Co-ordinator – Development Engineering Services has provided support for the proposal, subject to the imposition of the recommended conditions of consent. The consent conditions have been included in the draft consent, and are therefore considered to mitigate any stormwater drainage impacts. (See the Referrals section of this report for further detail).

For this reason, the objectors concerns are taken to be satisfied through the imposition of the recommended consent conditions.

Having regard to the above, all matters raised by the objectors are considered to either have been satisfied by the applicant's amended plans, addressed by way of condition, or are otherwise not justified in the circumstances of the case.

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

None required as the assessment of the subject development application has not identified any development standards that are required to be varied.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

Under the *Ryde Local Environmental Plan 2014* (LEP2014), 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, and encouraged via Part 3.5 of the *Ryde Development Control Plan 2014*, and *City of Ryde Affordable Housing Policy 2016-2031*.

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.*

ITEM 2 (continued)

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 appearance consistent with the existing and emerging character of buildings recently approved in the local area.

Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the LEP2014 is illustrated in the Compliance Check held in **Attachment 2**. A summary of the key development standards is provided below:

LEP 2014	PROPOSAL	COMPLIANCE
Clause 4.3(2) - Height • 9.5m overall	8.0m	Yes
Clauses 4.4(2) & 4.4A(1) - FSR • 0.5:1	0.48:1	Yes

(b) Relevant State Environmental Planning Policies

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

The proposed development is for a new 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. LEP 2014), whether made before or after the commencement of this ARHSEPP, the ARHSEPP prevails to the extent of the inconsistency.

ITEM 2 (continued)

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

- **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 LEP 2014. The R2 Low Density Residential zone is a prescribed zone under Clause 26, and as such the subject site is considered to be 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 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.

A review of the plans submitted as part of the proposed development indicates the proposal would meet the above definition for a 'boarding house'. As such the proposal is considered to be development to which the boarding house provisions of the ARHSEPP apply.

- **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

ITEM 2 (continued)

- (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 (see map below) from a bus stop that meets the frequency requirements of the ARHSEPP. This is because the bus stop is serviced by Sydney Buses routes 544, 545 and 550 with at least one bus per hour Monday to Friday between 6am to 9pm and Saturday and Sunday 8am to 6pm.

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



Site is 10m from two bus stops indicating that the site is located within an accessible area pursuant to the ARHSEPP.

Source: www.maps.google.com.au

- **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.

ITEM 2 (continued)

- **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.

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 any of the following grounds:

- 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 1 of Part 3.5 of the DCP2014.

ITEM 2 (continued)

This is because the proposed boarding house essentially maintains the appearance of a two-storey dwelling house when viewed from Balaclava Road. The proposal complies with 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.

State Environmental Planning Policy (BASIX):

A compliant BASIX Certificate (No.723283M dated 27 May 2016) has been submitted with the DA. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.

In conjunction with the submitted BASIX Certificate, the applicant has submitted a Building Code of Australia 2015 – Section J Report prepared by Australian Energy Efficiency Consulting.

The subject DA has also been referred to Council's Building Surveyor who has advised there are no objections to the proposed development subject to the inclusion of standard conditions of consent.

It is noted that although amended plans were submitted with as part of the DA, a new BASIX certificate is not considered necessary. Consistent with Regulation 55A of the *Environmental Planning and Assessment Regulation 2000*, the applicant's plan amendments do not differ in a material respect from the description contained in a current BASIX certificate for the development.

(c) Any draft LEPs

None relevant.

(d) The provisions of any Development Control Plan applying to the land

Ryde Development Control Plan 2014

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.

ITEM 2 (continued)

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 development application, 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.

Topography and Excavation

Sections 2.6.2 of Part 3.3 of the DCP2014 prescribes development controls relating to excavation and fill, specifically the DCP2014 stipulates the following:

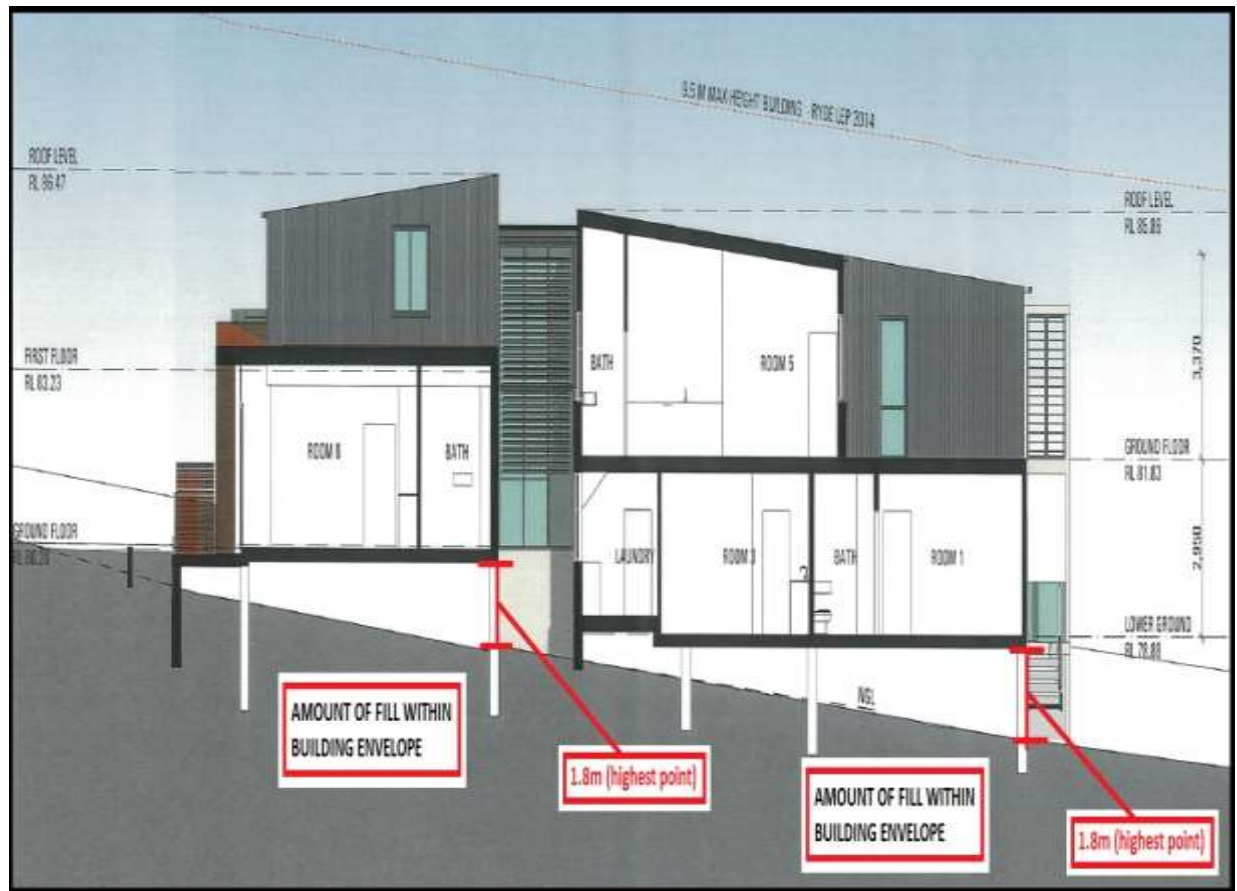
b. The area under the dwelling footprint may be excavated or filled so long as:

- i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling*
- iii. the maximum height of fill is 900 mm.*

As assessment of the submitted architectural and landscape plans have revealed the following:

- The amount of fill within the building envelope is up to 1.8m. This exceeds the 900mm limit by 900mm. This is illustrated in the following drawing (cross-section through building):

ITEM 2 (continued)



Section CC through building, showing location and extent of non-compliance with fill requirements.

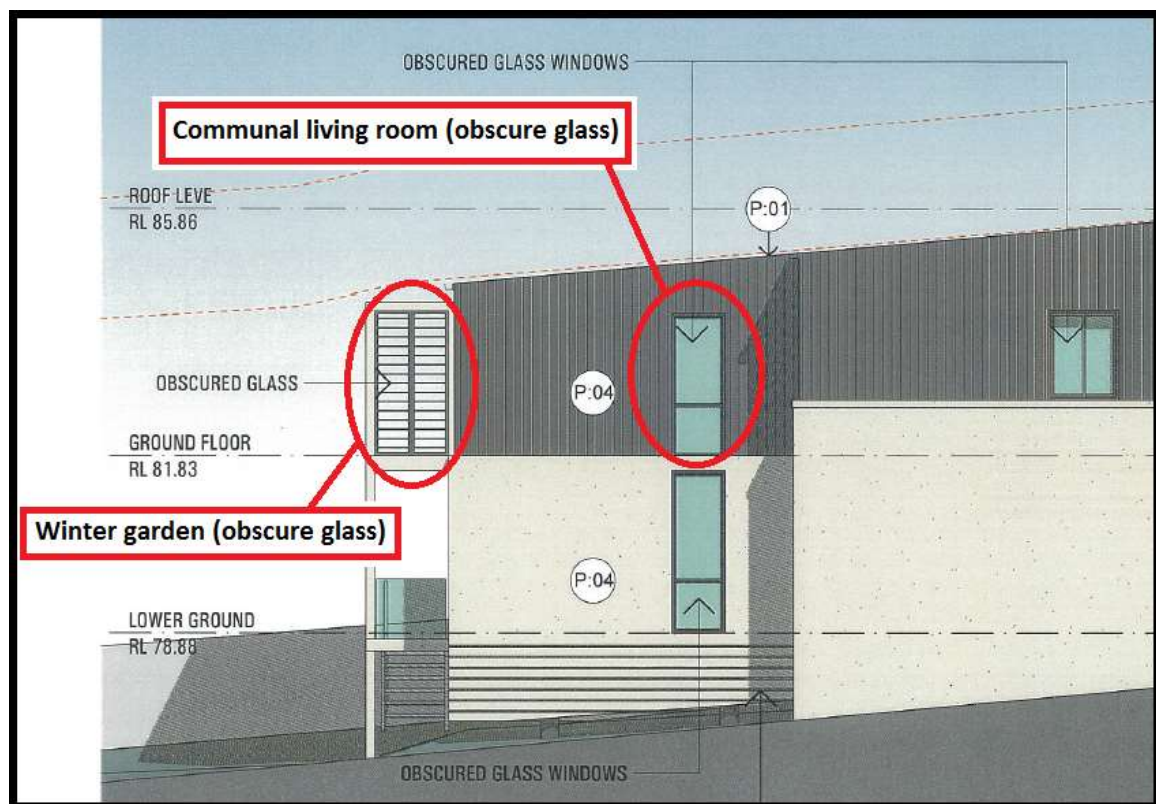
Source: Applicant DA plans, marked up.

Although exceeding the maximum levels of fill within the building envelope, this non-compliance can be supported for the following reasons:

- The site is subject to overland flow. As such the proposal is subject to *Part 8.2 Floodplain Management* of the DCP2014. The site has been identified as being in a medium risk flooding category and as such the finished floor levels shall be 0.5m and 0.3m higher than the 100year ARI flood level for habitable and non-habitable areas respectively.
- In order to satisfy the flood controls, finished floor levels have been designed to comply with the minimum levels, as such exceeding the maximum 900mm of fill. In this instance the floor levels are considered acceptable to satisfy Council's requirements freeboard levels.
- The proposed 'fill' is not achieved via introduction of soil to the site, but rather via a suspended slab on piers. As such, the proposed works are considered to satisfactorily allow for the free passage of water flow.

ITEM 2 (continued)

- The proposal has compliant building and wall plate heights, along with front, side and rear setbacks. This demonstrates that the built form outcome does not result in excessive cut or fill which leads to non-compliances with other key planning controls.
- A review of other developments along the western side of Balaclava Road reveals that similar levels of fill have been undertaken to accommodate the implications associated with the gradient of the land and importantly the medium level flood risk. As such, the proposal is not considered to result in an inconsistency along the western side of Balaclava Road.
- As has been demonstrated earlier in this assessment report, the fill associated with the proposed boarding house development does not result in an unreasonable loss of privacy or security for neighbours. This is because the proposal orientates its common living areas to the rear of the site. Where side-facing living rooms windows are included, obscure glazing has been proposed by the applicant to limit overlooking potential. This includes the side elevations of the rear winter garden which is raised above natural ground level also (see drawing below)



**Extract of Western side elevation – showing winter garden and communal living room at upper level to be provided with obscure glass.
Source: Applicant DA plans, marked up.**

ITEM 2 (continued)

For the reasons outlined above it is considered the proposal satisfactorily achieves compliance with the objectives of the topography and excavation controls, and as such, the variation to Council's cut and fill controls are justifiable in this instance.

Visual Privacy

Section 2.14.2 of Part 3.3, and Section 3.2 of Part 3.5 prescribes development controls relating to the maintenance of visual privacy. In particular, these controls require communal living area windows not to be included on the side elevations of the building.

The proposed development will include windows on the side elevations of the building for the communal living area, and also the adjoining enclosable winter garden.

Despite this being a non-compliance with the controls contained within the above sections of DCP2014, the variation is considered acceptable for the following reasons:

- The plans indicate all side facing windows to the communal living room and the winter garden are to include obscure glass. In addition, the rear facing windows of the elevated winter garden are also to comprise of obscure glazing.
- The limited boarding room windows on the side elevations are to also include obscure glazing so as to reduce overlooking potential.
- The windows which are located on the side elevations of the communal areas are smaller in size, and as such these would not give rise to significant overlooking in any event.

Having regard to the above, the proposal's non-compliance with the above controls is considered justifiable in the circumstances of the case. This is because despite not achieving compliance with the control the objective to maintain visual privacy to neighbours is still achieved.

ITEM 2 (continued)

The following drawings are the east and west side elevations, which show all windows are to be provided with obscure glass:



East elevation of proposed development. Note – all windows provided with obscure glass.
Source: Applicant DA plans.



West elevation of proposed development. Note – all windows provided with obscure glass.
Source: Applicant DA plans.

Non-Compliances / Issues Resolved via Conditions:

Internal Building Design

An assessment of the subject DA has revealed that the application has not identified specific details on the common area lighting arrangements for the proposed development. This is a requirement of Section 3.6 of Part 3.5 of DCP2014.

ITEM 2 (continued)

Accordingly, the following conditions of consent are recommended to ensure sensor lighting is provided to these setback areas and that the lighting arrangements for the proposed development are designed to comply with the provisions of the DCP 2014:

Sensor Lighting – *Sensor lighting is to be provided to the side gates within the southern side setback area. 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.*

(See condition 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.*

(see condition 31)

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 details such information will be satisfactorily complied with in the Plan of Management. Nevertheless, it is considered appropriate that the following condition 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.*

(see condition 14)

ITEM 2 (continued)

Acoustic Privacy

Section 3.2 of Part 3.5 of the DCP2014 prescribes development controls relating to the Privacy (Visual and Acoustic) and Amenity. This is to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties.

It is noted that the submitted Plan of Management (POM) states the following in relation to minimising the impacts on residents.

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to apply:

- 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.*

The 'House Rules' within the POM states the outdoor communal areas shall not be used between the hours of 10pm and 7am.

The submitted POM will be included within Condition 1 of the consent and can only be amended with the agreement of Council in writing. Copies of the approved POM must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.

Notwithstanding the above it is recommended that the following specific conditions of consent are imposed to safeguard the acoustic amenity of adjacent residential properties and to ensure that the boarding house operates consistently in accordance with its plan of management and good neighbour obligations therein.

Approved number of lodgers. *The approved number of lodgers within the Boarding House must not exceed eighteen (18) persons at any time.*

(See condition 74)

Use of Communal Outdoor Areas

The use of the communal outdoor areas of the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 7am to 10pm.

ITEM 2 (continued)

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.

(See condition 75).

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 currently charged at a rate of \$7230.70 per bedroom (ie total of \$72,307.30 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	\$11,057.06
Open Space & Recreation Facilities	\$27,220.35
Civic & Urban Improvements	\$9,258.19
Roads & Traffic Management Facilities	\$1,262.84
Cycleways	\$788.88
Stormwater Management Facilities	\$2,507.30
Plan Administration	\$212.68
The total contribution is	\$52,307.30

A condition for the payment of a Section 94 Contribution of **\$52,307.30** has been included in the draft conditions of consent (see condition 15).

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. This has included a compliance check against all relevant planning controls, a character assessment, detailed assessment report, as well as referral to Council's Senior Co-ordinator – Development Engineering Services, Building Surveyor, and Environmental Health Officer.

ITEM 2 (continued)

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, consistent with the aims and objectives of the *City of Ryde Affordable Housing Policy 2016-2031*, 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 within an existing suburban environment, and given the development includes no significant vegetation removal, it is considered there will be no substantial negative impact upon the natural environment as a result of the proposal that is not otherwise mitigated by imposition of Council's standard conditions of consent.

It is noted that the proposal will require the removal of a Camphor Laurel tree within the rear yard of the subject site. However, given this tree species is listed as being exempt from requiring permission under the City of Ryde's Tree Preservation Order, this species does not require Council permission for removal.

Other trees on the subject site are to be retained and protected as part of the development. This will be achieved via imposition of Council's standard tree protection conditions.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the subject property being affected by Urban Bushland – Non Conservation, and also flood impacts from overland flow.

With regard to vegetation impacts, the proposal involves no removal of vegetation that is not otherwise exempt under Council's Tree Preservation Order – see discussion above on the proposal's impact on the natural environment. As such, the proposal is considered suitable despite part of the land comprising Urban Bushland.

In relation to the site's flood hazard, the proposal has been referred to Council's Senior Co-ordinator – Development Engineering Services who has undertaken an assessment of the site's flood implications and determined the development to be satisfactory, subject to the imposition of consent conditions. These consent conditions have been included in the draft consent document.

ITEM 2 (continued)

12. The Public Interest

The development entirely complies with the provisions of the ARHSEPP and LEP2014. Furthermore the development is substantially compliant with Council's current development controls under DCP2014. 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.

The proposal is consistent with the recently published *City of Ryde Affordable Housing Policy 2016-2031*.

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

13. Consultation – Internal and External

Internal Referrals

Senior Co-ordinator – Development Engineering Services: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Co-ordinator – Development Engineering Services for comment. In the referral response dated 23 October 2016, the following comments were provided:

Stormwater Management

The proposed stormwater management system is noted to propose discharging to the public drainage infrastructure located in the property to the rear of 120 Balaclava Road, via connecting to an existing pit located in this property. The following matters are noted in relation to this;

- The applicant has provided consent from the neighbouring property owner to discharge over the lot and connect into the system. The measure will warrant the creation of a drainage easement over 120 Balaclava Road and the potential upgrade of the junction pit. Given that the easement will need to be registered, any consent issued for the development will require a condition of deferred commencement plus the submission of any upgrade works required to undertake this.*
- The applicant has sought exemption from OSD on the basis that the site is flood affected. The DCP acknowledges that provision for OSD in flood affected areas is a difficult, onerous task with potential ramifications when trying to locate rainwater storage in areas subject to overland flow. A review of Council's flood modelling for this location indicates that the area is anticipated to be fully affected by overland flows in relatively small storm events, down to the 5yr ARI – as shown below.*

ITEM 2 (continued)



Vehicle Access and Parking

The development warrants a total of 2 parking spaces and 2 bicycle spaces in accordance with the provisions of the SEPP (Affordable Rental Housing - 2009), under clause 29 (Standards that cannot be used to refuse consent).

In regards to the design of the parking area, the proposal is noted to be fully compliant with AS 2890.1. The development is noted to provide one accessible unit, which, under the DCP and AS 4299, warrants a wide bay to be provided. Whilst the plans have detailed two spaces at 2.7m wide each, the internal width of the garage is 6.2m wide allowing for one of the spaces to be increased to 3.5m, if required. Whilst this is not fully compliant with AS 2890.6, the following matters are noted;

- AS2890.6 is intended for disabled parking in public car parks whereby the spaces are to cater for extreme cases of limited access. Its application for parking in adaptable housing is therefore very conservative.*
- The NCC (prev. BCA) permits disabled spaces not to be designated in smaller parking areas (less than 5 spaces) given that exclusive use of the space would severely limit parking capacity. Accordingly this implies that the NCC acknowledges the provision of fully compliant disabled spaces in small car parks may not be practical for development whereby the capacity of the parking area is restricted, such as this case.*

ITEM 2 (continued)

- *AS 2890.6 specifies lesser requirements for applications in New Zealand (where the same standard is also applied) permitting shared areas of only 1.1m wide (3.5m wide spaces) indicating that the shared area requirements are not essential.*

As the bay width is partly compliant with AS 2980.6 9 (Disabled Parking) and would achieve the performance requirements of this Standard, the arrangement is accepted.

There is noted to be a bus stop just south of the proposed driveway crossover. The proposed location of the driveway in proximity to the bus stop does not warrant concern as the Bus Stop restrictions provide excellent site distance to approaching traffic for any vehicle reversing from the property. This length of Balaclava Road is also noted to accommodate a wide parking lane which would enable occupants to reverse into, before entering the traffic lane. The location of the site in terms of traffic environment therefore does not warrant concern.

Flooding and Overland Flow

A review of the submitted Flood Impact Statement notes the following matters:

- *The consultant has elected to utilise the issued flood levels which generally indicate a depth of flow of 400mm over the lot. The nominated floor levels are compliant with the DCP in regards to the required levels of freeboard.*
- *The applicant has elected to minimise the level of flood effects of the design by nominating that where the developments footprint extends beyond existing, the structure is to be suspended with a clear undercroft, allowing for the conveyance of flows under the dwelling. In particular, this is the portion of garage on the southern side of the development and approximately the rear 10m. There is no objection to this arrangement however will need to be preserved in the ongoing life of the development by the implementation of a restrictive covenant to be applied on the title of the property.*
- *The application does not detail the proposed front fence however it is depicted on the street front elevation views. For unknown reason, the revised plans have proposed a solid brickwork fence. The structure is not supported from a flood perspective given that it has propensity to divert overland flows to neighbouring lots or funnel / increasing the depth of flows in driveways and pedestrian entryways. It is therefore warranted that a condition be applied requiring the front fence to be designed and constructed with a 400mm underside being clear of the ground or effectively being fully permeable.*

ITEM 2 (continued)

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent being issued for the proposed development.

Assessing Officer Comment: Some twenty-two (22) conditions of consent have been recommended by Council's Senior Co-ordinator – Development Engineering Services. These cover such matters as; the drainage easement (deferred commencement condition), design and construction standards, service alterations, restoration, road opening permits, flood and overland flow protection, boundary alignment levels, external engineering works, vehicle footpath crossing, vehicle access and parking, stormwater management, erosion and sediment control plan, traffic management, stormwater management, redundant crossings, restrictions to user on the floodway, and compliance certificates.

Each of these conditions have been included in the draft conditions (see Attachment 1).

Building Surveyor: As part of the assessment of the subject DA, the proposal was referred to Council's Building Surveyor. In the Building Surveyor's referral response dated 1 July 2016, support was granted for the proposal subject to the imposition of standard conditions, which includes a condition relating to fire safety.

These recommended conditions have been included in the draft conditions (see Attachment 1).

Environmental Health Officer: As part of the assessment of the subject DA, the proposed development was referred to Council's Environmental Health Officer for comment. In their referral response dated 15 July 2016 no objection to the subject DA was raised subject to the imposition of appropriate conditions, which are also included in the draft conditions (see Attachment 1).

External Referrals

None.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

ITEM 2 (continued)

16. Other Options

None relevant.

17. Conclusion

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

It is noted that the proposal is entirely compliant with the provisions of the ARHSEPP and LEP2014, and is substantially compliant the controls contained within DCP2014. Although some non-compliances with the DCP2014 were identified, these were either considered to 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.

Although the proposed boarding house development is 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, consistent with Council's planning controls, and also consistent with the nature of modern development in Marsfield and the wider local government area.

On the above basis, LDA2016/0287 at 118 Balaclava Road, Marsfield is recommended for approval via deferred commencement, and subject to the conditions in the draft conditions (see Attachment 1).

ITEM 2 (continued)

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DRAFT CONDITIONS OF CONSENT
118 BALACLAVA ROAD MARSFIELD
LDA2016/287

DEFERRED COMMENCEMENT

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

- 1. Drainage Easement.** An easement to drain stormwater in favour of 118 Balaclava Road (Lot 8 of DP 16216) must be created over downstream properties in order to drain to the public drainage infrastructure downstream of the site. In this case, the proposed plans nominate a proposed drainage easement over the adjoining property of No. 120 Balaclava Road (Lot 9 of DP 2166) generally in accordance with the plans by SWV Consulting Engineers Pty. Ltd. (Refer Job No. 638 Dwgs 638-1 Rev 1 dated 19 May 2016). Documentary evidence of registration with the Land & Property Information Authority comprised of a surveyed title plan on the burdened lot(s) and the terms of the drainage easement must be submitted to Council for approval prior to this Development Consent being activated.

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
Lower Ground Floor	30.08.2016	A2100, Issue J
Ground Floor	30.08.2016	A2101, Issue J
First Floor	30.08.2016	A2103, Issue J
West Elevation	30.08.2016	A3100, Issue J
South Elevation	30.08.2016	A3101, Issue J
East Elevation	30.08.2016	A3102, Issue J
North Elevation	30.08.2016	A3103, Issue J
Section A-A	30.08.2016	A3200, Issue J
Section B-B	30.08.2016	A3201, Issue J

ITEM 2 (continued)

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Document Description	Date	Plan No/Reference
Section C-C	30.08.2016	A3202, Issue J
Section D-D	30.08.2016	A3203, Issue J
Section E-E, Section F-F	30.08.2016	A3204, Issue J
Stormwater and Environmental Management Plan	19.05.2016	Drawing No. 638-1, Sheet 1 of 2, Revision 1
Notes (stormwater)	19.05.2016	Drawing No. 638-1, Sheet 2 of 2, Revision 1
Proposed Landscape Plan	08.06.2016	L/01, Revision B
Landscape Specification	13.02.2016	L/02, Revision -
Plan of Management	June 2016	Shanahan Planning
Site Waste Minimisation and Management Plan (SWMMP)	08.06.2016	Russell Prescott
Traffic and Parking Impact Assessment	May 2016	Apex Engineers
Arboricultural Statement	25.05.2016	All About Trees
Access/Compliance Report	08.06.2016	Design Confidence, report Number. P216_126-2 (ACCESS) PB
Flood Impact Statement	03.06.2016	SWV Consulting Pty. Ltd, Revision 2.
Section J Report (DTS)	27.05.2016	Australian Energy Efficiency Consulting, Job No. AE679

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 723283M, dated 27 May 2016.
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

ITEM 2 (continued)

ATTACHMENT 1

6. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
7. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **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.
10. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
11. **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.
12. **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.
13. **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.

ITEM 2 (continued)

ATTACHMENT 1

14. **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.

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.

15. **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	\$11,057.06
Open Space & Recreation Facilities	\$27,220.35
Civic & Urban Improvements	\$9,258.19
Roads & Traffic Management Facilities	\$1,262.84
Cycleways	\$788.88
Stormwater Management Facilities	\$2,507.30
Plan Administration	\$212.68
The total contribution is	\$52,307.30

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>.

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: other buildings 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. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

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21. **Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with Council's Floodplain Risk Management controls, the following measures are required to be implemented in the development.
- a) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. To this end, the underside of the front boundary fence should provide a clearance of at least 400mm above finished ground levels OR an equivalent louvre/ gate system to permit the conveyance of overland flows during large storm events.
 - b) The habitable floor levels of all dwellings encompassed under this approval must not be less than the floor levels specified in the Flood Impact Statement by SWV Consulting Pty Ltd. Rev. 2 dated 3 June 2016. Specifically, RL 78.58m (habitable lower ground floor level), RL 81.53m (habitable upper floor level) and RL 81.28m (garage floor level).
 - c) All structures subject to flooding and overland flows must be constructed of flood compatible building components,
 - d) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy. To achieve this, the structure must be designed and certified by a suitably qualified structural engineer to comply with this condition.
 - e) The approved driveway and pedestrian entry ramp must incorporate a conduit so as to permit the conveyance of overland flow around the front of the site.
 - f) The works must be designed and constructed to allow the free passage of flood waters and overland flows under the new structure, as shown in Figure 3 of the aforementioned Flood Impact Statement. Any screening elements at foundation level must be frangible and have no greater than 50% coverage to ensure there is no potential for blockage due to the accumulation of debris.
 - g) The proposed swale located in the front setback of the site is to be detailed on the plans to be submitted with a Construction Certificate, under the supervision of a Drainage/ Civil Engineer familiar with the flood affectation of the lot.

Certification of the structural design and details complying with this condition must be submitted to the Accredited Certifier for approval prior to the issue of a Construction Certificate.

22. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.

ITEM 2 (continued)

ATTACHMENT 1

- a) Construction of concrete footpath paving and replacement of all damaged kerb and gutter etc.
- b) Construction of any other associated structures across the footway if required by Council's City Works & Infrastructure Section.
- c) Relocation or adjustments of any services within the footpath area if required due to proposed works

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with Development Control Plan 2014 Part 8.5 - Public Civil Works are to be submitted to, and approved by Council.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to approval being issued by Council.

23. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
24. **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).
25. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage infrastructure located downstream of the site, generally in accordance with the plans by SWV Consulting Engineers Pty. Ltd. (Refer Job No. 638 Dwgs 638-1 Rev 1 dated 19 May 2016) and any essential revisions required in order to accommodate the proposed easement and connection to the point of discharge.

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.

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

26. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

27. **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**.

28. **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.

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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>

29. **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**.
30. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.
31. **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.
32. **Clothes Drying Facilities.** Internal and external clothes drying facilities are to be provided for the boarding house in compliance with the provisions contained within Part 3.5 of the Ryde Development Control Plan 2014. Such internal clothes drying facilities may take the form of mechanical clothes dryers provided within the internal laundry. 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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33. **Side entry gates** – Side gates are to be installed within north-western and south-western side setbacks to provide security to the side and rear of the boarding house. The gates 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**.
34. **Sensor Lighting** – Sensor lighting is to be provided to the side gates (conditioned to be installed) within the north-western and south-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.

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.

35. **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.
36. **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.
37. **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:

ITEM 2 (continued)

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- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

38. 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.

39. 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.

40. Sediment and Erosion Control. The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

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41. **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.
42. **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.
43. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety in instances where the property slopes down, away from the boundary.

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.

44. **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*.
45. **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.
46. **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.
47. **Construction materials.** All materials associated with construction must be retained within the site.

ITEM 2 (continued)

ATTACHMENT 1

48. 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.

49. 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.

50. 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".

51. 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.

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

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

54. 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.

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

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56. **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.

Engineering Conditions

57. **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.
58. **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 SWV Consulting Engineers Pty. Ltd. (Refer Job No. 638 Dwgs 638-1 Rev 1 dated 19 May 2016) submitted in compliance to the condition labelled “Stormwater Management.”.
59. **Stormwater Management – Works in the new easement.** To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services, the builder/ developer must;
- (i) provide a minimum 14 days notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
 - (ii) ensure the works are completed in a timely manner.
 - (iii) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

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.

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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.

60. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 723283M, dated 27 May 2016.
61. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
62. **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.

63. **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.

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64. **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.
65. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's terms for provision for overland flow, to the satisfaction of Council and must be registered on the title of the property prior to the release of any Occupation Certificate. Certification related to the flooding component (refer to condition "Compliance Certificates – Engineering") and WAE survey of the property must be submitted with the application, to assure Council the works will not impacted the flood regime and enable Council to endorse the restrictive covenant.
66. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of the Final Occupation certificate.
67. **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) Certification from a Hydraulic Engineer that the finished ground levels floor levels have been constructed, the overland flow path (including provision for a swale in the front setback) has been maintained as designed and the front and side boundary fences have been constructed, as required by the condition "Flooding and Overland Flow Protection".

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- c) 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.
 - d) 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”.
 - e) Compliance certificate from Council confirming that all external works in the public road reserve and any alteration to Council assets located in private property have been completed to Council’s satisfaction.
68. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
69. **Footpath Paving Construction.** The applicant shall, at no cost to Council, reconstruct any damaged concrete footpath paving, kerb and gutter across the frontage of the property in Shaftsbury Road.
70. **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.
71. **Registration of the Premises.** The owner must register the premises with Council’s Environmental Health Unit before operations commence and must renew the registration annually.
72. **Notices.** A schedule showing the numeral designating each bedroom and the number of lodgers permitted to be accommodated in each must be conspicuously displayed near the entrance of the premises. The schedule shall also include the name and contact telephone number of the owner or the current person responsible for care of the premises. Each bedroom must be clearly numbered in accordance with the schedule.

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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.

73. **Occupants.** Boarding rooms are not to be occupied by more than the following number of persons:

- Bedroom one: Two (2) persons
- Bedroom two: Two (2) persons
- Bedroom three: Two (2) persons
- Bedroom four: Two (2) persons
- Bedroom five: Two (2) persons
- Bedroom six: One (1) persons
- Bedroom seven: One (1) persons
- Bedroom eight: Two (2) persons
- Bedroom nine: Two (2) persons
- Bedroom ten: Two (2) persons

74. **Approved number of lodgers.** The approved number of lodgers within the Boarding House must not exceed eighteen (18) persons at any time.

75. **Use of Communal Outdoor Areas.** The use of the communal outdoor areas of the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 7am to 10pm.

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.

76. **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*.

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77. **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*.
78. **Noise and vibration from plant and 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.
79. **Council may require acoustical consultant's report.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
80. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
81. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and recycling waste.
82. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
83. **Boarding House Cleaning.** A cleaner is required to attend the Boarding House twice weekly to ensure that the Common Areas, Private Open Space, Car parking and outside the Boarding House are kept clean, tidy and disinfected to a professional standard.
84. **Maintenance.** Open space areas, including any lawns, gardens, or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.

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ADVISORY NOTES

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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COMPLIANCE TABLE (Ryde DCP 2014)

LDA No:	LDA2016/0287
Date Plans Rec'd	Original DA plans lodged – 24 June 2016 Additional information received – 5 September 2016
Address:	118 Balaclava Road, Marsfield
Proposal:	Demolition of the existing dwelling house and construction of a two (2) storey, ten (10) room boarding house under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (ARHSEPP).
Constraints Identified:	Flooding

Part 3.5 of the *Ryde Development Control Plan 2014* (DCP2014) 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.
- Part 8 Stormwater and flood management

As such, the following tables brings together the applicable development controls from across all Parts of the DCP 2014 and assesses the proposed development performance against each of these controls.

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 because the proposal is low scale, as established by its two-storey height, compliant overall	Yes

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
	<p>building height, compliant FSR, landscaped setting, and compatible streetscape presentation.</p> <p>Furthermore, the desired future character is also maintained as the proposed development is considered to be consistent when responding to Condition 30A of <i>the</i> ARHSEPP, and also Clause 2.1 and Schedule 2 of Part 3.5 of DCP2014.</p>	
Section 2.2 Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. 	<p>Front and rear gardens proposed. Plans reveal that deep soil areas have been provided within the front yard in addition to the areas provided within the rear garden capable of supporting a variety of vegetation including trees with a mature height of 10-15m.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Maximum 2 storeys. 	<p>Proposal is for a two-storey boarding house.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Dwellings to address street 	<p>The boarding house development is considered to adequately address Balaclava Road through provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door which also fronts the street. As such it appears consistent with other dwelling houses on Balaclava Road.</p>	<p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	<p>Two (2) car parking spaces are located within an attached garage.</p> <p>The garage is not considered to be visually prominent as it is setback over 8m from the street, is located behind the building line, and occupies less than 50% of the frontage. As such the visual bulk of the parking area is considered to be satisfactorily minimised.</p> <p>It is acknowledged that parking for two (2) motorcycles is allowed for within the front setback, however given this is for motorcycles and not cars, it is not considered to be visually prominent.</p>	<p>Yes</p>
Section 2.4 Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>Front door of the boarding house faces Balaclava Road and is clearly apparent from the street frontage. A side entry on the north-eastern elevation is also proposed into the laundry area, the eastern side setback is also easily distinguishable from the front entry.</p> <p>No side entry proposed.</p> <p>The proposal provides articulation to the front façade, incorporating a mix of colours and materials. It is considered that the building</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
	facade is satisfactorily articulated to reduce the appearance of the building bulk.	
<ul style="list-style-type: none"> • 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. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. - Fence 70% open where height is >900mm 	<p>No water views are available from the street across the site.</p> <p>N/A, see above.</p> <p>N/A, see above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<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. 	<p>Proposed car parking is located behind the building line and setback 8m from the front boundary. Council's Development Engineer has assessed the proposal a deemed it to be satisfactory, subject to conditions.</p> <p>The front fence has a height ranging between 900mm and 1.2m where the driveway meets the front boundary. This is considered low enough not to block sightlines. Council's Development Engineer has assessed the proposal a deemed it to be satisfactory, subject to conditions.</p>	<p>Yes</p> <p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
Section 2.5 Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas <ul style="list-style-type: none"> - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>393m² approx. (53% of site area).</p> <p>The proposal includes a deep soil area in the backyard with min dimensions of 8m x 8m.</p> <p>Plans submitted as part of the additional information package have revealed that the front yard consists of adequate deep soil areas. The driveway, pedestrian access, and two small motorcycle parking spaces are the only hard paved areas within the front setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: - Max cut: 1.2m - Max fill: 900mm 	<p>The methods of construction for the proposed boarding house is a suspended slab on piers. As a result, there will be no cut. However, the maximum fill (by virtue of an elevated floor level on piers) within the building envelope is measured to be 1.9m.</p> <p>There is no proposed cut.</p> <p>1.8m. The site is located on land subject to flooding. As such the finished floor levels are required to be 500mm above the 1 in 100year ARI flood level. It is noted the elevated floor levels is not a result of introduction of soil to the site, but rather a suspended slab on piers.</p>	<p>N/A</p> <p>No – Justifiable.</p>

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DCP 2014	PROPOSED	COMPLIANCE
<p>Outside building footprint:</p> <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 - Max ht retaining wall 900mm 	<p>The floor level at the lower ground level is at RL 78.88 which is 0.8m higher than the 100 year ARI flood level at the front of the site.</p> <p>The floor level at the ground level is at RL 81.83 which is 2.2m higher than the 100 year ARI flood level at the front part of the house.</p> <p>There is no proposed cut. There is no proposed fill outside the building footprint. No fill proposed between side of building and boundary.</p> <p>The site is subject to overland flow. Councils Development Engineer has assessed the proposal and deemed it to be satisfactory, subject to conditions</p> <p>There are no retaining walls as part of the proposal. This has been clarified as part of the applicant's submitted additional information.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
Section 2.7 Floor Space Ratio		
<ul style="list-style-type: none"> - Lower Ground - Ground floor - First floor - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking and 2.76m² for the shared zone <p>FSR (max 0.5:1)</p>	<p>114.75m²</p> <p>209.5m²</p> <p>106.36m²</p> <p>430.61m²</p> <p>41.67m²</p> <p>0.48:1 or 3565.7m² (area from DP16216 – 743.2m²)</p>	<p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.		
Section 2.8 Height		
- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).	Proposal is for a two-storey boarding house Note: This has been reduced down from three-storeys as part of the applicant's amended plans.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	One storey above the garage proposed.	Yes
Wall plate - 7.5m max above FGL or - 8m max to top of parapet.	TOW RL: 85.86 FGL below (lowest point): RL: 78.88 TOW Height = 6.98m maximum	Yes
NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>		
- 9.5m Overall Height	Max point of dwelling RL: 86.47m.	Yes
NB: <i>EGL – Existing ground Level</i>	EGL below ridge (lowest point) RL: 78.47 Overall Height (max)= 8.0m Note: This has been reduced down from 9.5m as part of the applicant's amended plans.	

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DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	Habitable rooms have a minimum ceiling height of 2.4m.	Yes
Section 2.9 Setbacks		
<ul style="list-style-type: none"> • Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling façade. - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT, A/C • Side <ul style="list-style-type: none"> ○ Two storey dwelling <ul style="list-style-type: none"> - 1.5m to wall, includes balconies etc. 	<p>The proposal includes a front setback that varies between 6m-8m.</p> <p>Garage setback 2m from outside façade of the boarding house courtyard located off boarding room 8. The wall above the garage. Aligns with the face of the garage.</p> <p>Front setback is free of ancillary elements and structures, however it is noted that parking for two motorcycles is proposed. Despite this, the provisions of DCP2014 include an exception for parking within the front setback so long as compliance with clause 2.11 is achieved. The motorcycle parking spaces have been assessed as compliant when having regard to clause 2.11 and as such compliance with Section 2.9.1 is therefore also achieved.</p> <p>Side setbacks range from 1.5m – 1.82m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 12.19m is 25% of site length. 	<p>The rear setback is 13.8m</p>	<p>Yes</p>
<p>Section 2.11 Car Parking & Access</p>		
<ul style="list-style-type: none"> • General - 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. Note: 7.64m is 50% of site frontage. - Behind building façade. • Garages - Garages setback 1m from façade. 	<p>Proposal is subject to parking rates for boarding houses as detailed in the ARH SEPP and Part 3.5 of DCP 2014 No secondary street frontages or laneways are available to subject site.</p> <p>Two car parking spaces have been provided within the double garage.</p> <p>The garage is 6m wide.</p> <p>The garage is located 2m behind the building façade.</p> <p>The garage is setback approximately 2m from the building line and approximately 2m behind the front façade of the courtyard to boarding room 8.</p> <p>It is acknowledged that two motorcycle parking spaces are located within the front setback, however as per development control 2.11.1(d) this is permitted where there is no other suitable positions on the allotment for such parking, there is no vehicular access</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Total width of garage doors visible from public space must not exceed 5.7m and not be recessed more than 300mm behind the outside face of the building element immediately above. - 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. • Parking Space Sizes (AS) - Double garages: 5.4m w (min) - Internal length: 5.4m (min)\ 	<p>to the rear or side of the allotment, and it is of single car width.</p> <p>Having regard to the above, the amended plans have moved the motorcycle parking from the side setback as recommended by Council for acoustic benefits. Additionally there is no side or rear access proposed, and the combined parking spaces have an area of 6m², less than half of a single car parking space which has an area of 13m².</p> <p>Given the above, the parking spaces within the front setback are considered compliant with the DCP2014 controls.</p> <p>The garage door visible from the street is measured to be 4.9m wide.</p> <p>The window on the western elevation of the garage is setback 1.5m from the boundary</p> <p>No, a double attached garage is proposed.</p> <p>The garage door is solid.</p> <p>Refer above</p> <p>2.7m widths 5.4 length 6.3m 6.0m</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Driveways - Extent of driveways minimised 	<p>Extent of driveway is considered minimal, it is noted that the proposed driveway is for a double garage.</p>	<p>Yes</p>
Section 2.12 Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - 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. - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	<p>The proposed development has been referred to Council's Landscape Architect and Arborist for comment who has raised no issues with the development, subject to the imposition of consent conditions.</p> <p>No bushland adjoining the site</p> <p>Proposal includes a physical connection between the boarding house and outdoor spaces in the form of an outdoor patio</p> <p>Obstruction free pathway provided on the western and eastern side of the dwelling.</p> <p>Landscape plan shows that front yard has a tree capable of complying.</p> <p>Existing mature tree to be retained in addition the proposed development has been referred to Council's Consultant Landscape Architect who has provide one condition of consent in relation to its retention.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	<p>The proposed development has been referred to Council's Consultant Landscape Architect who has provided no objection to the proposed landscaping subject to the imposition of specific conditions of consent.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	<p>No OSD provided due to entire site being subject to flooding.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	<p>Front garden will be 50% (58m²) hard paving. The proposed development provides more than the required deep soil area on the subject site and is considered acceptable.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints 	<p>Refer above, urban bushland non conservation identified.</p>	
<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. 	<p>The lot is not adjoining bushland.</p>	<p>N/A</p>
<ul style="list-style-type: none"> - No fill allowed in overland flow areas. 	<p>The site is subject to flooding and overland flow. A suspended slab on piers is proposed to reduce any works that may obstruct the flow of waters.</p>	<p>Yes</p>
<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. 	<p>The fence is considered not to impede on the flow of flood waters. See referral response from Council's Development Engineer.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Section 2.13 Dwelling Amenity		
<p>• Daylight and Sunlight Access</p> <p>- Living areas to face north where orientation makes this possible.</p> <p>- Increase side setback for side living areas (4m preferred) where north is the side boundary.</p> <p><u>Subject Dwelling:</u></p> <p>- Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p>	<p>North is the front corner boundary. The living area to the side of the boarding house includes multiple north-east facing windows and is considered to allow sufficient sunlight and daylight access to this area.</p> <p>The ground floor side facing living area faces north-east. It is noted that the ground floor side facing living area is setback 4.3m and as such considered to comply.</p> <p>Proposed development does not include any north facing living room windows. Living room windows are orientated north-east. These north-east facing windows would however receive a minimum 3 hours of solar access between 9am and 3pm midwinter. This is because of their favourable orientation, and also because they are setback from the side boundary by 4.3m – i.e. sufficiently separated from the shadow cast by the adjoining two-storey dwelling.</p> <p>The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<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. • 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. 	<p>The submitted shadow diagrams indicate that more than 2 hours of sunlight to at least 50% of the principal open space of adjoining properties between 9am and 3pm on June 22 is received.</p> <p>The submitted shadow diagrams indicate that the adjoining N-E facing windows of 116 Balaclava Road receive at least 3 hours sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>The main living areas are located to the rear of the boarding house. The common room and enclosed winter garden balcony are setback 4.3m from each side boundary, and include only small obscure glazed windows on their side elevations to reduce overlooking potential.</p> <p>Windows on the north-eastern and south-western elevations are mainly bedroom windows. Obscured glass and privacy screen louvers have been provided to minimise any overlooking issues.</p> <p>At upper floor, there are no side facing windows that align with adjoining windows.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - justifiable</p> <p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. <ul style="list-style-type: none"> • Acoustic Privacy - 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. <ul style="list-style-type: none"> • View Sharing - The siting of development is to provide for view sharing. <ul style="list-style-type: none"> • Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Proposed balconies have been located to the front of the property. It is noted the original rear facing balconies have been deleted in the applicant's amended plans.</p> <p>The proposed development is not dual occupancy, but rather a boarding house development. Nevertheless, boarding rooms have been designed to correlate 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, which, by being located in Marsfield is a significant distance from any waterways.</p> <p>Opportunities exist for cross-ventilation given the design of the proposed building to accommodate the boarding house includes multiple aspects.</p>	<p>Yes</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 - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. 	<p>A part flat and skillion roof is proposed that is well articulated.</p> <p>No eaves proposed</p> <p>No part of the roof is trafficable.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
- Skylights to be minimised and placed symmetrically.	No skylights provided	N/A
- Front roof plane is not to have both dormer windows and skylights.	No skylights or dormer windows on the front roof plane proposed.	N/A
- Attic to be within roof space	No attic proposed.	N/A
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 (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: <ul style="list-style-type: none"> - 1.8m max o/a height. 	<p>A rendered front fence reflects modern design of the dwelling.</p> <p>As above.</p> <p>N/A</p> <p>Proposed 1.2m (max.) front fence.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>1.8m timber paling fence shown on submitted plans</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
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 proposed boarding house development is considered to be generally compatible with the character of the local area in regards to its scale and architectural design and presentation to Balaclava Road. This is because the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, and floor space ratio. Although the development	Yes

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>(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.</p>	<p>has a contemporary style, it can be expected that as new houses replace the remaining old original houses in the area over time, they too will adopt a style contemporary to the period in which they are built.</p> <p>In this regard, the result is a building that is considered to be compatible with the character of the local area in the required sense of capable of existing in harmony with existing and likely future development.</p> <p>A Local Area Character Analysis is contained within the Statement of Environmental Effects submitted with the development application. This has been undertaken in accordance with the methodology set out in Schedule 2 of Part 3.5 of the DCP 2014. It covers such aspects as building type, height, site coverage and FSR, scale and building form, frontages, setbacks, landscaping, materials and finishes, along with views and vistas.</p> <p>It is considered that the analysis and assessment provided by the applicant has satisfactorily demonstrated that the proposed development is compatible with this established residential local area.</p>	<p>Yes</p>

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DCP 2014	PROPOSED	COMPLIANCE
<p>(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.</p>	<p>The subject site is not within the vicinity of a heritage item or heritage conservation area.</p>	<p>N/A</p>
<p>(d) The design of boarding house development is to take into consideration any desired future character objectives of urban centres identified under the RLEP2014, RLEP (Gladesville Town Centre and Victoria Road Corridor) 2014 and Part 4 Urban Centres of this DCP.</p>	<p>The subject site is not within any of the urban centres identified in LEP2014 or DCP2014.</p>	<p>N/A</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>Ten (10) bedrooms proposed.</p>	<p>Yes</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>See Part 3.3 of DCP2014 Compliance check above.</p>	<p>Yes</p>
<p>(i) Overshadowing and privacy</p>	<p>As above.</p>	<p>Yes</p>
<p>(ii) Streetscape (bulk and scale)</p>	<p>As above.</p>	<p>Yes</p>
<p>(iii) Building setbacks</p>	<p>As above.</p>	<p>Yes</p>
<p>(iv) Parking and traffic generation</p>	<p>As above.</p>	<p>Yes</p>
<p>(v) Landscape requirements</p>	<p>As above.</p>	<p>Yes</p>
<p>(vi) Visual impact and impact on existing views (this must address view sharing)</p>	<p>As above.</p>	<p>Yes</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
(vii) Any significant trees on site, and	As above.	Yes
(viii) Lot size, shape and topography.	As above.	Yes
Parking and Traffic		
(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.	Parking is located within a garage.	Yes
(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 Report, prepared by a suitably qualified person.	Proposal is for boarding house with ten (10) bedrooms and as such a Traffic and Parking Impact Assessment Report is not required.	N/A
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 Balaclava Road through provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door as well as the proposed parking areas. 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.	Room 6 includes a front facing window in proximity to the building entrance. Obscure glass balustrading and privacy screening along the western edge of the courtyard have been proposed to mitigate privacy concerns.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>(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.</p> <p>(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.</p>	<p>It is considered that the proposed boarding house has been designed to reduce and mitigate visual and acoustic privacy. Screening, obscure glazing to windows, and large setbacks have been proposed to mitigate any concerns relating to privacy. No acoustic report has been submitted by the applicant. However in the opinion of the consultant assessing officer, such a report is considered not to be required because of the relatively modest size of the development, and the existing noisy environment of Balaclava Road which is identified under DCP2014 as a regional sub-arterial road.</p> <p>Included within the applicant's submission is a Plan of Management for the boarding house which includes house rules and measures to minimise noise impacts on neighbours – i.e. restrictions on the use of outdoor areas. This Plan of Management is to be included in Condition 1 of the consent and will therefore become binding.</p> <p>Additionally, the subject development application has been referred to Council's Environmental Health Officers who have recommended a number of conditions to help maintain acoustic amenity.</p>	<p>Yes.</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Section 3.3 Accessibility		
<p>(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.</p>	<p>An Accessibility Statement has been submitted with the subject DA and BCA Compliance Report. The Report provides a brief assessment of the accessibility requirements under the BCA and DDA.</p> <p>Additionally, the subject development application has been referred to Council's Building Surveyors who have stated indicated support for the proposed development, subject to conditions of consent.</p>	<p>Condition</p>
Section 3.4 Waste Minimisation and Management		
<p>(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</p>	<p>See Part 7.2 below.</p>	<p>noted</p>
Section 3.5 Sustainability and Energy Efficiency		
<p>A BASIX Certificate is to be submitted with the Development Application.</p>	<p>BASIX Certificate and Section J report submitted that demonstrates compliance with thermal, energy and water.</p> <p>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.</p>	<p>Yes</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Section 3.6 Internal Building Design		
<p>(a) As a minimum, in the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building;</p> <p>(i) storage for occupants;</p> <p>(ii) laundry facilities;</p> <p>(iii) sanitary facilities.</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>Proposed storage areas are considered appropriate for the development. One (1) storeroom has been provided on the lower ground floor.</p> <p>Adequate laundry facilities are proposed.</p> <p>Adequate sanitary facilities are proposed.</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 obscure glazing where necessary.</p> <p>No side entrance is proposed.</p> <p>Communal and common areas including side entranceways 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>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
(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.	The proposed boarding house has been designed as a principal place of residence for occupants, including bedrooms with kitchens and bathrooms, along with common kitchen, living 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/dining areas.	Yes

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified 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 (ii) 0.8m² for any shower in the ensuite (in addition to above); plus (iii) 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus (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>All boarding rooms excluding any private kitchen or bathroom facilities have a minimum area of 12m² for single rooms and 16m² for double rooms.</p> <p>Each room has an ensuite, shower, and kitchenette. Therefore, requiring an additional 4.9m². The submitted amended plans clearly demonstrate this.</p> <p>All single and double rooms have in excess of the minimum requirement and are considered to comply with the additional spaces required.</p>	<p>Yes</p> <p>Yes</p>

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ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>Single Room Minimum 12m² + 2.1 + 0.8 + 2.0 Additional (4.9m²) Total Room Size = 16.9m²</p> <p>Double Room Minimum 16m² + 2.1 + 0.8 + 2.0 Additional (4.9m²) Total Room Size = 20.9m²</p> <p>(ii) Communal Living Rooms (a) Indoor communal living rooms/areas are to be located: (i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; (ii) adjacent to the communal open space; and (iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.</p> <p>(b) Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m² or 1.25m²/resident, whichever is greater.</p>	<p>Living room is located adjacent to the laundry, veranda and kitchenette.</p> <p>Living room is adjacent to the communal open space. The location of the proposed communal living room is positioned so as to minimise impact on the boarding rooms. Only one common wall with boarding room No.6 is included, and this is to the far wall of the common room.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>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>Note: 18 residents proposed, therefore 30m² of indoor communal living areas required.</p> <p>(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</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>The BCA report accompanying the proposal states the development is a Class 3 boarding house. The combined area of the indoor communal areas is 45.5m². This includes the common kitchen/dining/living room and also the enclosed winter garden.</p> <p>The rear living room opens north onto an elevated enclosable winter garden. It is noted that this area is located approximately 15m from neighbouring dwellings. The side elevations of this winter garden include obscure glass for privacy.</p> <p>The size of this terrace allows for more landscape planting between the winter garden and the boundary which will further reduce potential privacy impacts.</p> <p>Operational condition proposed to ensure that this outdoor area is not utilised after 10pm.</p> <p>Accessible location in main living area. Accessibility Report submitted that has been assessed by Council's Building Surveyor who has indicated no objection to the proposed development subject to conditions.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<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>(i) One sink for every 6 people, or part thereof, with running hot and cold water; and</p> <p>(ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation.</p>	<p>Communal kitchen area exceeds > 6.5m².</p> <p>3 sinks provided.</p> <p>Four (4) stove top cookers provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(c) A combined kitchen and dining area must have a minimum area of 15m² with an additional 1m² per room in a development that contains 12 or more bedrooms.</p>	<p>Approx. min. 27.88m² provided</p>	<p>Yes</p>
<p>(d) No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.</p>	<p>No bathrooms, toilets or boarding rooms open directly on to communal kitchen. The adjacent room No. 5 and No.6 open onto the hallway adjacent to the communal room.</p>	<p>Yes</p>
<p>(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.</p>	<p>Food is not proposed to be provided within subject boarding house.</p>	<p>N/A</p>
<p>(f) Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.</p>	<p>Kitchen are not indicated as being restricted in the applicant's proposal are will therefore be available 24/7.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>(iv) Bathroom Facilities</p> <p>(a) In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day.</p> <p>(b) Bathrooms should be a minimum of 5m².</p> <p>(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.</p>	<p>The proposed development includes en-suite bathrooms in each of the boarding rooms, and one communal accessible Powder Room with a toilet and washbasin is provided adjacent to communal living area in an accessible location. It is noted that while the ground floor includes stairs, an accessible stair lift is proposed to ensure full access across this level for disabled persons. An accessibility report has been submitted by the applicant with the DA, and Council's BCA referral response has indicated support for the proposal.</p> <p>No communal bathrooms proposed – see above.</p> <p>The proposed development includes en-suite bathrooms in each of the boarding rooms. As assessed the proposed bathrooms (excluding showers and accessible en-suite bathrooms) comply when combined with the showers the bathrooms comply with the combined size requirement. Also it is noted that the development is not required by the ARH SEPP to provide these facilities within individual rooms. As such, the proposal is over and above the minimum DCP2014 and ARHSEPP requirements.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<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>11.5m² of laundry facilities has been provided. (5.5m² required).</p> <p>Sufficient external clothes drying areas have been provided within the rear yard.</p> <p>The outside drying area is located in the rear POS in a location which maximises solar access.</p> <p>Internal drying facilities will be accommodate for within the proposed laundry.</p> <p>A management office is proposed on the lower ground floor, although it is noted that a full-time live in manager is not required by the ARHSEPP, and is not proposed by the applicant. This management office is only for the use during the periodic attendance by the manager.</p>	<p>Yes</p> <p>Yes.</p> <p>Yes</p> <p>Yes, condition of consent</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
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 to be set out in a Plan of Management.</p>	<p>Boarding house proposed to be managed by an on-site manager, as covered in the Plan of Management submitted by the applicant. This plan will be included as part of Condition 1 thus binding the operator to this Plan of Management.</p>	<p>Yes</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>A Plan of Management has been submitted as part of the proposed development which has been assessed as satisfactory when having regard to the template contained within Schedule 2 of Part 3.5 of the DCP2014.</p> <p>This plan will be included as part of Condition 1 thus binding the operator to this Plan of Management.</p>	<p>Yes</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>Plans detail that the name and contact of the manager will be displayed in a clear visible place. In this regard an appropriate condition on consent is considered to reiterate this control.</p>	<p>To be conditioned.</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>The submitted plan of management states that an after-hours number will be provided and publicly available. It is considered that this form part of the condition of consent referred to above</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Part 7.2 – Waste Minimisation and Management		
Section 2.3 All Developments		
(a) Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.	Space on-site is provided for the sorting and storage of waste shown on the submitted plans as a bin enclosure along the eastern side boundary within the front setback area	Yes
(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>Proposal requires 1 x 240L of general waste per 2 units & 1 x 240L of recyclable waste per 2 units. The proposal is for 10 units so 5 general waste and 5 recyclable waste bins are required.</p> <p>5 x 240 general 1 x 240 compostable 5 x 240 recyclable</p> <p>5 general waste bins and 5 recycling bins are located within the garage. The compostable bin will be located within the rear yard.</p>	Yes
(c) Additional space must be provided for the storage of bulky wastes where appropriate.	No significant bulky waste likely to be generated by proposed boarding house.	N/A
(d) Allowance must be made for the storage of green waste where relevant.	Not shown	Condition to comply
(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.	All waste containers proposed to be contained within the site.	Yes

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<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>(g) In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:</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 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>A SWMMP has been submitted</p> <p>Location details of waste storage facilities have been provided.</p> <p>Proposed garbage area located in easy, direct and convenient location.</p> <p>Proposed garbage area permits easy transfer of bins to collection point (street kerb).</p> <p>Proposed garbage collection will utilise street kerb collection by private contractor,</p> <p>Proposed garbage storage area does not intrude on car parking, landscaping, access or turning areas.</p> <p>Proposed garbage storage area is also unlikely to affect neighbours as garbage area contained within a screened enclosure.</p> <p>No impact on trees on site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<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>Waste storage area will not be visible from street due to screened enclosure for the bin area.</p>	<p>Yes</p>
<p>(i) No incineration devices are permitted.</p>	<p>No incineration devices proposed.</p>	<p>N/A</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>Proposed garbage collection will utilise street kerb collection by appointed waster contractor</p>	<p>Yes</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 waste storage area must be as close as practicable to the collection point.</p>	<p>Proposed path from storage area to street kerb is free of steps and kerbs and gradient less than 1:14</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<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>No waste collection vehicles are proposed to enter the site. Bins to be moved to kerb by site manager in accordance with the details provided in the SWMMP</p>	<p>Yes</p>
<p>(m) All waste facilities must comply with the Building Code of Australia (BCA) and all relevant Australian Standards (AS).</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>Yes</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>Subject site is not located near any heritage items or within a heritage conservation area.</p>	<p>N/A</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>No equipment required to be installed.</p>	<p>N/A</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 commercial food preparation proposed to be carried out on site.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Section 2.4 – Demolition and Construction		
<p>(a) Demolition activity must comply with relevant Australian Standards and WorkCover requirements.</p> <p>(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.</p> <p>(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).</p> <p>(d) Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.</p>	<p>Demolition of the existing dwelling house on the site is proposed as per the applicant's submitted DA application form.</p> <p>As above.</p> <p>Noted, to be covered by Standard Condition.</p> <p>Noted, to be covered by Standard Condition.</p>	<p>Condition to comply</p> <p>Refer above</p> <p>Yes</p> <p>Yes</p>
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 <p>(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.</p> <ul style="list-style-type: none"> • Individual Bin Storage – smaller scale developments <p>(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 in accordance with Schedule 4: S4.1. Residential Bin Storage Areas.</p>	<p>SWMMP details that space available to store up to seven (7) days worth of garbage and recycling materials.</p> <p>Not applicable as individual bin storage is not proposed.</p>	<p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>• Communal Bin Storage – larger scale developments (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. (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. (e) To facilitate servicing by waste collection staff, communal bin storage areas must not be more than 15 metres from the street kerb. (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). (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 goods, awaiting Council pickup,</p>	<p>Proposal complies with Schedule 4.</p> <p>Communal bin storage is screened located within the garage. The area is accessible for all users and is away y form the street bin storage area <15m from kerb.</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 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
<p>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>
<p>Part 8.2 – Stormwater Management</p>		
<ul style="list-style-type: none"> • Stormwater - Drainage is to be piped in accordance with Part 8.2 – Stormwater Management. 	<p>Application has been referred to Council's Development Engineer who has indicated no objection to the proposed development, subject to conditions.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
Section 2.7 Bicycle Parking		
<p>(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.</p>	<p>ARHSEPP requires 2 bicycle parking spaces and 2 motorcycle parking spaces.</p> <p>The submitted plans show that 4 bicycle spaces are proposed and 2 motorcycle spaces are proposed.</p>	<p>Yes</p>
<p>(c) Bicycle parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities.</p>	<p>To be addressed via standard condition.</p>	<p>Yes</p>
<p>(d) Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.</p>	<p>Bicycle parking and access will not conflict with vehicles.</p>	<p>Yes</p>
<p>(e) Bicycle parking is to be secure and located undercover with easy access from the street and building entries.</p>	<p>Bicycle parking is located satisfactorily undercover in a secure location outside of the view from the public domain.</p>	<p>Yes</p>
<p>(f) Bicycle parking is to be located in accordance with Safer by Design principles</p>	<p>Bicycle parking is considered to be safe and in a secure located outside of the view from the public domain.</p>	<p>Yes</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>Not applicable as subject site exceeds 600m².</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	PROPOSED	COMPLIANCE
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 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.</p>	<p>Significant Liquid Amber to be retained within the rear yard. Existing Camphor Laurel to be removed within the rear year.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on BASIX Cert 723283M dated Friday, 27 May 2016	<p>BASIX commitments indicated on plans. To be read in conjunction with Section J BCA Report submitted with the development application.</p> <p>Note that the BCA report states that the plans do not show details of construction to confirm BCA requirements for energy efficiency</p>	To Comply
<ul style="list-style-type: none"> • RWT 2000L 	2000 RWT proposed	Yes
<ul style="list-style-type: none"> • Thermal Comfort Commitments: <ul style="list-style-type: none"> - Single Phase Air Con living areas - Construction - TCC – Glazing. 	To Comply	Yes
<ul style="list-style-type: none"> • HWS Solar Gas Boosted 	To Comply	Yes
<ul style="list-style-type: none"> • Natural Lighting Principal Dwelling <ul style="list-style-type: none"> - Kitchen - bathrooms (1) 	To Comply. To Comply	Yes Yes Yes
Water Target 40	Water:40	Yes
Energy Target 35	Energy:37	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

Summary of Issues/ DCP Non compliances:

Non compliances justifiable:

- **Section 2.6.2 of Part 3.3 - Topography and excavation**
- Finished floor levels are raised above the maximum 900mm.

ITEM 2 (continued)

ATTACHMENT 2

▪ **Section 2.14.2 of Part 3.3, and Section 3.2 of Part 3.5 - Visual Privacy**

- Boarding house communal living area windows are included to the side elevations. However, no close or direct views arise due to proposed obscure glazing.

Non compliances/issues to be addressed via condition:

▪ **Section 3.6 of Part 3.5 - Internal Building Design**

- No lighting details shown on plans for common areas etc. to demonstrate the proposal avoids dark and non-visible areas.
- Internal clothes drying areas are not indicated on the plans.

▪ **Section 4.2 of Part 3.5 – Management Controls**

- 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.
- Occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.

ITEM 2 (continued)

ATTACHMENT 3

COMPLIANCE TABLE (Affordable Rental Housing SEPP 2009)

LDA No:	LDA2016/0287
Date Plans Rec'd	Original DA plans lodged – 24 June 2016 Additional information received – 5 September 2016
Address:	118 Balaclava Road, Marsfield
Proposal:	Demolition of the existing dwelling house and construction of a two (2) storey, ten (10) room boarding house under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (ARHSEPP).
Constraints Identified:	Flooding.

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.	The subject site is identified as being zoned R2 Low Density Residential under the <i>Ryde Local Environmental Plan 2014</i> (LEP2014). The site is therefore within a 'prescribed zone' for the purposes of applying Division 3 of the ARHSEPP.	Yes

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
		

Figure 1 - LEP2014 Zoning Map Extract – Demonstrating the subject site being zoned R2 and as such constituting land to which Division 3 of the ARHSEPP applies.

27 Development to which Division applies

<p>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</p> <p>A 'boarding house' is defined under the RLEP2010 as:</p> <p>boarding house means a building that:</p> <ul style="list-style-type: none"> (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, 	<p>(1) The SEE submitted with the subject DA specifies that the proposal is for the purposes of a 'boarding house'.</p> <p>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'.</p> <p>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))</p>	<p>Yes</p>
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ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p>	<p>Amendment Order 2011) 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,</p>	<p>(2) Subject site is within zone R2 Low Density Residential under LEP2014. It is however within an 'accessible area' for the following reasons:</p> <ul style="list-style-type: none"> • The development is located next to (see Figure 2 below) a bus stop (Stop ID: 2122145) located on the northern side of Balaclava Road near the corner of Abuklea Road. • This bus stops out the front of the site and also the return bus stop opposite the site on the southern side of Balaclava Road is serviced by the Sydney Buses routes 544, 545 and 550 At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm. 	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>as far as reasonably practicable, 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) The subject site is located within the Sydney region.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<p align="center">Figure 2. Distance to nearest bus stop (ID 212218)</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 DA (LDA2016/0287) 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> <p>(a) the existing maximum floor space ratio for any form of</p>	<p>(a) The maximum floor space ratio for residential</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>residential accommodation permitted on the land, or</p> <p>(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</p> <p>(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:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>accommodation permitted on the subject site, per LEP 2014, is 0.5:1. As is detailed in the DCP2014 Compliance Table appended, a compliant FSR of 0.48:1 is proposed by the subject DA – Note. This has been reduced from 0.5:1 as part of the applicant’s submitted amended plans.</p> <p>(b) The proposed development is not within a zone in which residential accommodation is not permitted.</p> <p>(c) Proposed development is not within a zone in which residential flat buildings are permitted.</p>	<p>N/A</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <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>(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>(a) Under LEP2014, the maximum height allowed on the subject site is 9.5m. The proposal is for a building with a compliant maximum height of 8m – refer to DCP2014 Compliance Table for a detailed height assessment. Note: This has been reduced from 9.5m as part of the applicant’s amended plans.</p> <p>(b) the landscape treatment of the front setback area is considered to be compatible with the streetscape for the following reasons</p> <ul style="list-style-type: none"> - A single driveway crossover is proposed consistent with the prevailing streetscape, - The driveway leads to a double garage, again not inconsistent with the local area, - Driveway and hard surface areas have been minimised by not including car parking within the front setback. It is acknowledged that two motorcycle parking spaces are included within the front setback, however by virtue of the spaces being for motorcycles they do not 	<p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<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>(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, (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>dominate the front setback area.</p> <ul style="list-style-type: none"> - A pedestrian entry path from the front boundary top the boarding house is included consistent in character to that of other residential accommodation in the area. - open lawn and vegetation planting consistent with that of the appearance of single dwellings houses in the local area is included for the balance of soft landscaping. <p>(c) One communal living room is included in the proposed boarding house. The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21</p> <p>(d) One area of POS in excess of 20m² is provided for the lodgers with minimum dimension of greater than 3m in the rear yard.</p> <p>(ii) No accommodation provided for boarding house manager – not required because proposal is for less than 20 lodgers.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
<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 (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>(e)</p> <p>(i) 2 spaces required for 10 boarding rooms. 2 spaces proposed (ii) Proposed development is in an accessible area.</p> <p>(iii) No parking space is proposed to be provided for employees, as no persons employed are proposed/required to reside within the boarding house.</p> <p>(f)</p> <p>(i) All single boarding rooms are at least 12m² (ii) All double boarding rooms are at least 16m².</p>	<p>Yes</p> <p>N/A</p> <p>Yes</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 kitchen and bathroom facilities are provided in each room, as well a common facilities adjacent to the proposed living room.</p>	<p>Yes</p>
<p>(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).</p>	<p>(4) Noted, the proposed boarding house is the subject of a DA (LDA2016/0287) and will be determined against the standards within subclause (1), (2), the LEP2014, and DCP2014.</p>	<p>Noted.</p>

ITEM 2 (continued)

ATTACHMENT 3

ARH SEPP 2009 Division 3	Proposed	Compliance
30 Standards for boarding houses		
<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(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,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(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,</p> <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</p>	<p>(1) Noted</p> <p>(a) Proposed boarding house includes 10 rooms. One (1) communal living room is located at the rear of the dwelling on the ground floor (2nd level).</p> <p>(b) No boarding room is proposed to have a floor area of more than 25m² when using the calculation methods provided by the ARHSEPP.</p> <p>(c) No boarding room is proposed to be occupied by more than 2 adult lodgers.</p> <p>(d) Adequate bathroom and kitchen facilities are provided for all lodgers in each boarding room along with common kitchen and water closet adjacent to the living room.</p> <p>(e) The boarding house is proposed to accommodate a maximum of 18 lodgers.</p> <p>(g) Proposed boarding house is not on land zoned primarily for commercial purposes – the subject site is zoned R2 Low Density Residential under</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

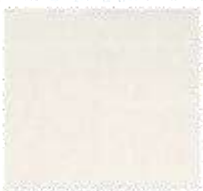
ARH SEPP 2009 Division 3	Proposed	Compliance
<p>street will be used for residential purposes unless another environmental planning instrument permits such a use, (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>LEP2014 for which boarding houses are identified as being permissible with consent. (h) 10 boarding rooms proposed. Requirement: 2 bicycle and 2 motorcycle spaces. Proposed: Parking space for 4 bicycles and 2 motorcycles.</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>
<p>30A Character of local area</p>		
<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 Analysis is contained within the Statement of Environmental Effects submitted with the development application. This analysis has been prepared in accordance with the methodology set out in Schedule 2 of Part 3.5 of the DCP2014. It covers such aspects as building type, height, site coverage and FSR, scale and building form, frontages, setbacks, landscaping, materials and finishes, along with views and vistas. It is considered that the analysis and assessment provided by the applicant has satisfactorily demonstrated that the proposed development is compatible with this established residential local area.</p>	<p>Yes</p>

Summary of Issues/Non compliances:

- *No non-compliances with the provisions of the ARHSEPP identified.*

ITEM 2 (continued)

ATTACHMENT 4



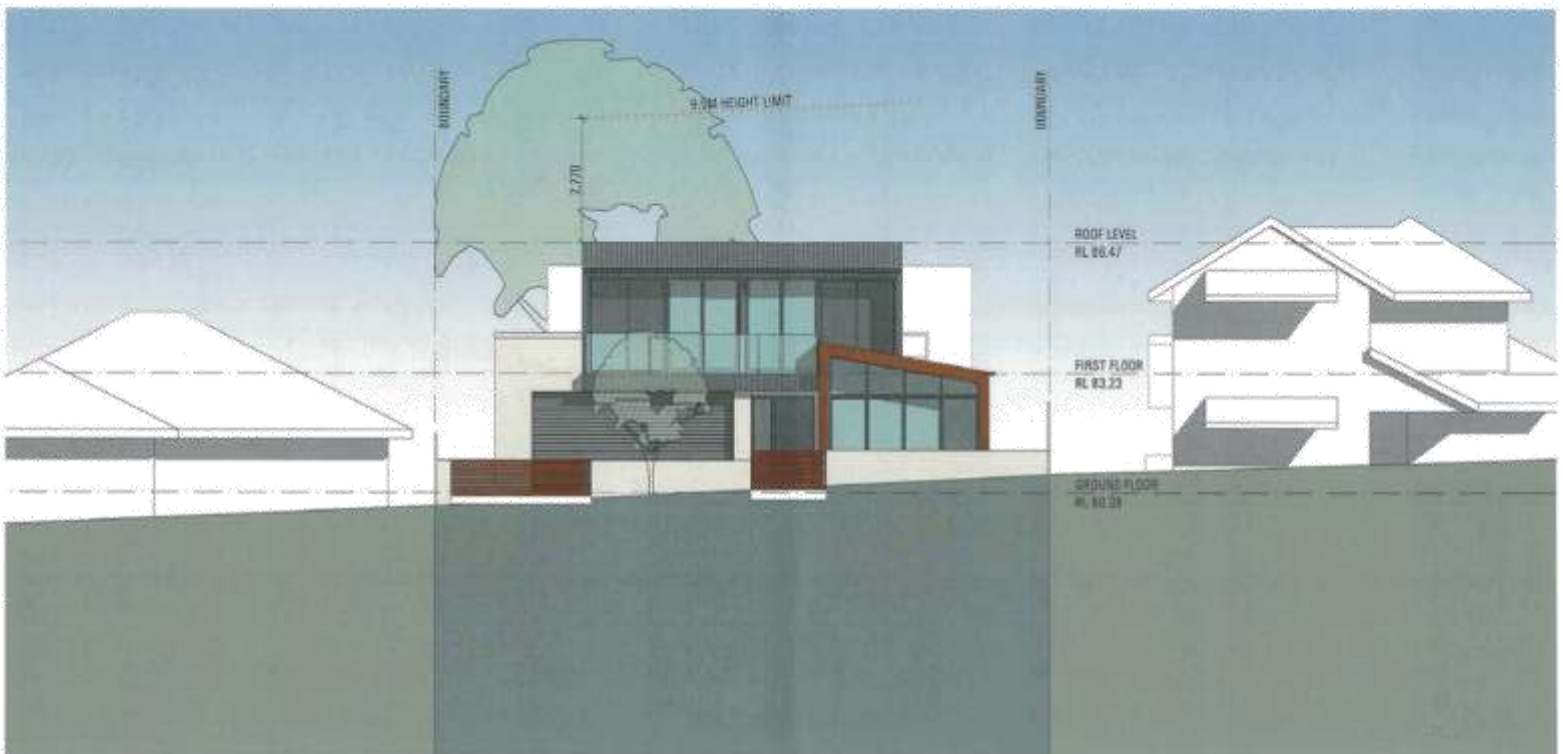
NO.	DESCRIPTION	DATE	BY	CHECKED
1	PREPARED BY	11/08/16	...	...
2	DESIGNED BY	11/08/16	...	...
3	DRAWN BY	11/08/16	...	...
4	CHECKED BY	11/08/16	...	...
5	APPROVED BY	11/08/16	...	...
6	DATE	11/08/16	...	...
7	SCALE	1:100	...	...

prescottarchitects
 Prescott Architects Pty Ltd
 1/2-3, 27 Nicholson Street
 East Brisbane QLD 4001
 Phone 07 9416 8000
 admin@prescottarchitects.com.au
 Mob 07 398 871 765
 1000 Archibald, S.C. Precinct, PAL 1000, 5802
 QLD
 MAMPAICH
 30.08.16
 1:100 @ A3

NO.	DESCRIPTION	DATE	BY	CHECKED
1	PROJECT	118 BALACLAVA ROAD	...	...
2	LOCATION	MANSFIELD	...	...
3	DATE	11/08/16	...	...
4	SCALE	1:100	...	...
5	VIEW	WEST ELEVATION	...	...
6	DATE	11/08/16	...	...
7	SCALE	1:100	...	...

ITEM 2 (continued)

ATTACHMENT 4



prescottarchitects
 Prescott Architects Pty Ltd
 150/15, 27 Ashbyway Street
 Eveleigh NSW 2143
 Phone 61 6159 3322
 www.prescottarch.com.au
 A/NZ 07 596 971 782
 Unit 10/100, 20/2 Parramatta Road NSW 2150
 Sydney NSW 2150
 Phone 61 2 955 1234
 www.prescottarch.com.au

PROJECT
 174 BALACLAR ROAD
 SANDFIELD

DATE
 2_15_16

SCALE
 AS SHOWN

PROJECT NO.
 174

DATE
 2_15_16

SCALE
 AS SHOWN

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR TENDERS	15/02/2016	...	...
2	ISSUED FOR PERMITS	15/02/2016	...	...
3	ISSUED FOR CONSTRUCTION	15/02/2016	...	...
4	ISSUED FOR COMPLETION	15/02/2016	...	...
5	ISSUED FOR AS-BUILT	15/02/2016	...	...
6	ISSUED FOR ARCHIVE	15/02/2016	...	...
7	ISSUED FOR REVIEW	15/02/2016	...	...
8	ISSUED FOR APPROVAL	15/02/2016	...	...
9	ISSUED FOR RECORD	15/02/2016	...	...
10	ISSUED FOR FINAL	15/02/2016	...	...

ITEM 2 (continued)

ATTACHMENT 4



REV	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMIT	11/04/18		
2	REVISED PER PERMIT	11/04/18		
3	REVISED PER PERMIT	11/04/18		
4	REVISED PER PERMIT	11/04/18		
5	REVISED PER PERMIT	11/04/18		
6	REVISED PER PERMIT	11/04/18		
7	REVISED PER PERMIT	11/04/18		
8	REVISED PER PERMIT	11/04/18		
9	REVISED PER PERMIT	11/04/18		
10	REVISED PER PERMIT	11/04/18		

prescottarchitects
 118 BALACLARA ROAD
 MARSFIELD
 Phone 02 9876 2002
 Email: info@prescottarchitects.com.au
 118 BALACLARA ROAD MARSFIELD NSW 2122


Project: 118 BALACLARA ROAD MARSFIELD
 Drawing: EAST ELEVATION
 Sheet No: 2_15_25
 Drawing No: A3102
 Scale: 1:100 @ A3

ITEM 2 (continued)

ATTACHMENT 4



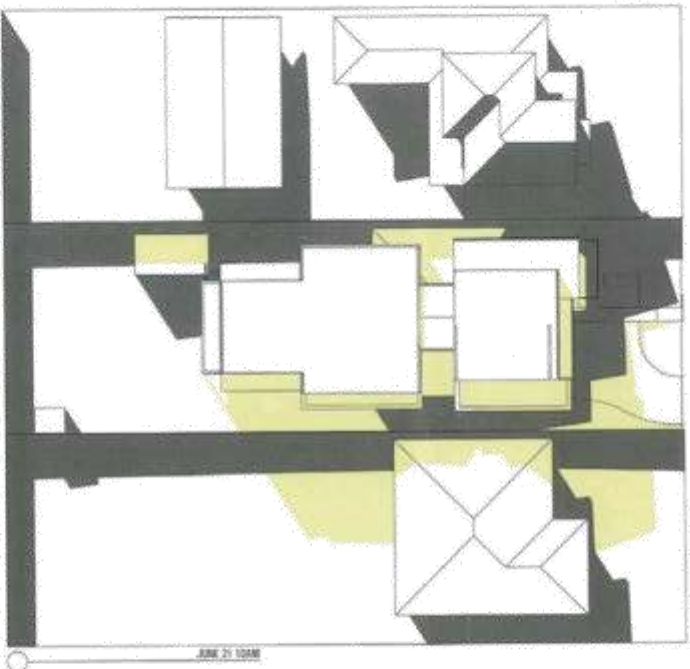
NO	DESCRIPTION	DATE	BY
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2	ISSUE 1	13/04/16	...
3	ISSUE 2	26/05/16	...
4	ISSUE 3	26/05/16	...
5	ISSUE 4	26/05/16	...
6	ISSUE 5	13/04/16	...
7	ISSUE 6	01/08/16	...
8	ISSUE 7	01/08/16	...


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 Prescott Architects Pty Ltd
 Level 8, 37 Bourke Street
 East Sydney NSW 2041
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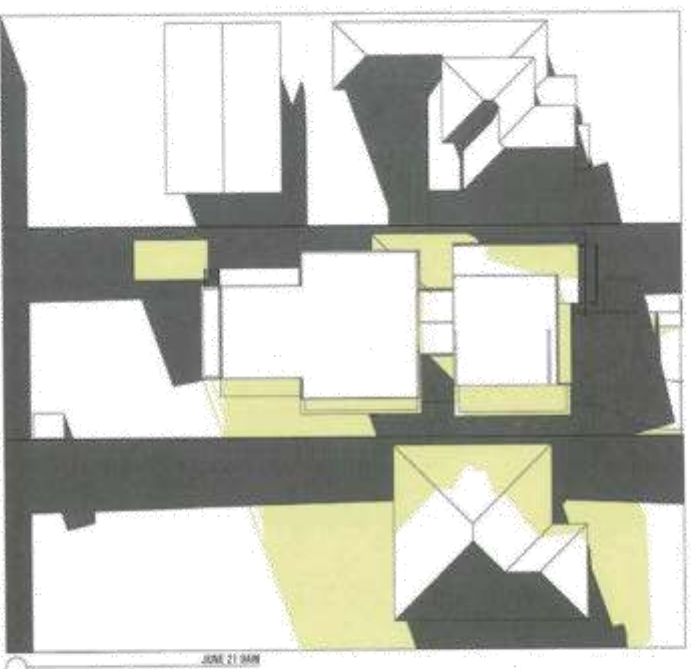
Project: 178 BALACLARA ROAD
 MARSFIELD
 Drawing No: 2_16_25
 Drawing Date: 03/10/16
 Scale: 1:100 @ A3
 Date: 30.08.16

ITEM 2 (continued)

ATTACHMENT 4



	<p>prescottarchitects prescott architects Pty Ltd Unit 9, 37 Nicholson Street East Gosford NSW 2250 Phone 02 8416 3022 www.prescottarchitects.com.au John P. Carr B1, B2</p>	<p>118 BALACUNA ROAD MARSDEN</p>
<p>John, Andrew, G.C. Patrick, Greg, Helen, Sarah 30.06.16 1:100 @ A2</p>	<p>JUNE SHADOW STUDIES</p>	<p>project no. 2_15_35 sheet no. A800 scale 1</p>

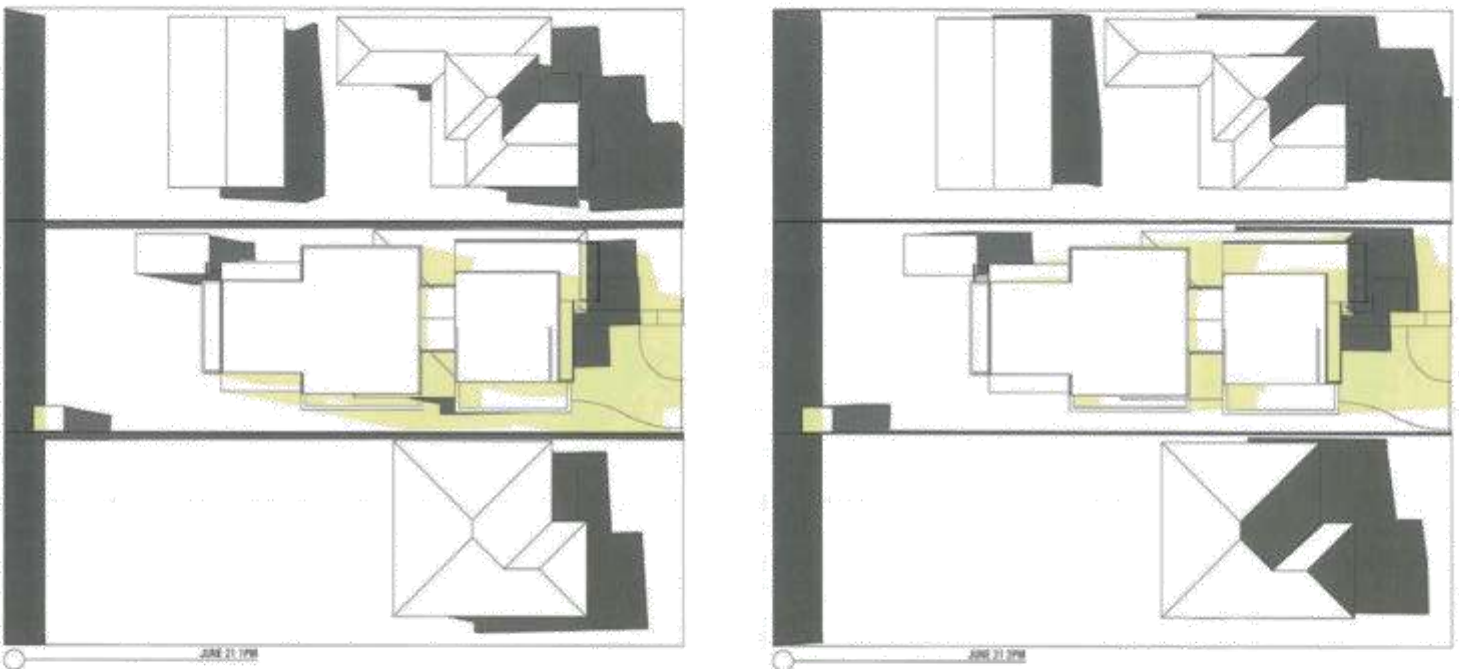


<p>EXISTING SHADOWS</p>	<p>PROPOSED SHADOWS</p>
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ITEM 2 (continued)

ATTACHMENT 4



prescottarchitects		JANE SHADLOW STUDIOS	
Prescott Architects Pty Ltd Unit 6, 57 Macquarie Street East Sydney NSW 2041 Phone 02 9479 3022 admin@prescottarch.com.au info@jane-shadlow.com.au 57/59 Macquarie Street, Sydney NSW 2000 Phone 02 9550 4804 jane@jane-shadlow.com.au		119 SALACRUA ROAD WARRSFIELD NSW 2127 Phone 02 9619 3022 jane@jane-shadlow.com.au	
MUMPSICH 30/06/18		1:100 @ A3 2, 15, 20	

NO.	NAME	DATE	STATUS
1.	CONSULTANTS	01/02/18	ISSUED
2.	PRELIMINARY	12/02/18	ISSUED
3.	ISSUE 1	08/03/18	ISSUED
4.	ISSUE 2	08/03/18	ISSUED
5.	ISSUE 3	08/03/18	ISSUED
6.	ISSUE 4	08/03/18	ISSUED
7.	ISSUE 5	08/03/18	ISSUED
8.	ISSUE 6	08/03/18	ISSUED
9.	ISSUE 7	08/03/18	ISSUED

ITEM 2 (continued)

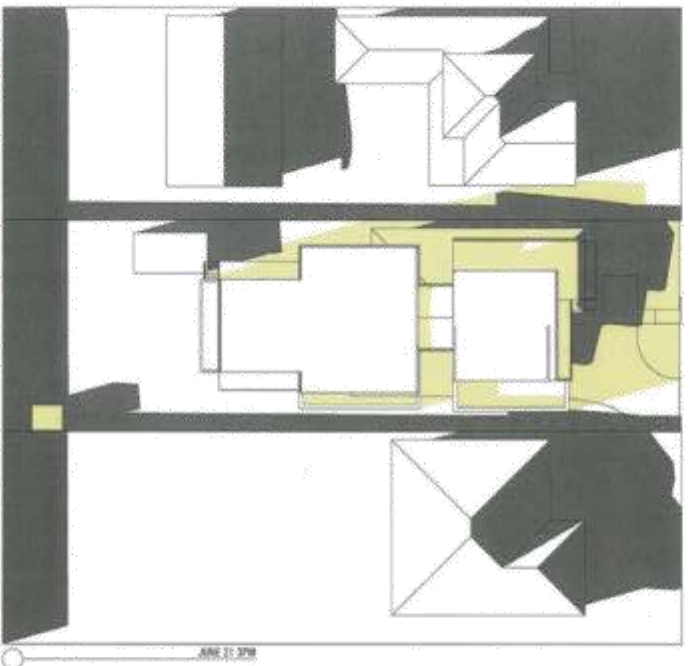
ATTACHMENT 4



prescott architects
 Prescott Architects Pty Ltd
 Level 4, 27 Macquarie Street
 East Sydney NSW 2041
 Phone 02 955 5522
 www.prescottarch.com.au
 Fax 02 955 5115
 Mrs. Wendy J.C. Prescott, Pty 502, 504
 506

NSW MARSFIELD RP
 30.04.16 1:105 @ A3

Project: 118 BALACLARA ROAD
 MARSFIELD
 Status:
 Title: JUNE SHADOW STUDIES
 Project No: 2_16_20 - 4002
 Drawing No: 104
 Date: 2_16_20



DATE APPROVED	BY	DATE APPROVED	BY
A. CONSULTANTS	21.02.16		
B. CITY COUNCIL	11.02.16		
C. ISSUE 1	18.02.16		
D. ISSUE 2	18.02.16		
E. ISSUE 3	18.02.16		
F. ISSUE 4	18.02.16		
G. ISSUE 5	18.02.16		
H. ISSUE 6	18.02.16		
I. ISSUE 7	18.02.16		

D:\m\w\w\w\118 BALACLARA ROAD
 2016 MARSFIELD RP

3 1 STANSELL STREET, GLADESVILLE. LOT 1 in DP 6026. Local Development Application of demolition and construction of a 6 storey Residential Flat Building containing 23 apartments and three levels of basement car parking. LDA2016/0151

Report prepared by: Planning Consultant - Planning Ingenuity; Associate Director - Planning Ingenuity

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

File Number: GRP/09/5/6/2 - BP17/422

1. Report Summary

Applicant: Concorde Enterprises Pty Ltd

Owner: Jamelie Lahood

Date lodged: 4 April 2016

The purpose of this report is to seek the determination of LDA2016/0151 that proposes to demolish the existing dwelling and associated structures on the site and construct a six storey residential flat building containing three levels of basement car parking, 23 apartments and rooftop common open space.

The site is legally described as Lot 1 in DP 6026 and currently supports a single storey dwelling house, attached carport and a shed. The adjoining development to the north and east is residential development whilst to the south is Council's library and carpark and to the west is a service station. This area is undergoing significant change with the construction of mixed use residential flat buildings replacing the mostly commercial and light industrial premises.

The application was notified and advertised from 13 April 2016 to 11 May 2016 during which time six (6) submissions were received. Due to amendments to the application the application was again notified and advertised from 18 August 2016 to 7 September 2016 and nine (9) submissions were received in response to amended plans. Out of the nine submissions received, two were in favour of the development as the development will address the lack of housing opportunities in the area, under supply of units in the area and improve affordability.

The seven submissions objecting to the proposal raised the following issues:

- Insufficient parking proposed;
- Overshadowing of adjoining development;
- Height of proposal;
- Generation of traffic by the proposal and
- Capacity of nearby schools.

ITEM 3 (continued)

The proposal has been assessed against the heads of consideration of 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) and specifically Part 4.6 of the Ryde DCP.

Under the Ryde LEP 2014 the site is zoned B4 Mixed Use. The proposal is permissible with consent. The maximum height of buildings applicable to the site under Clause 4.3 and the Height of Buildings map is 19m. The maximum floor space ratio (FSR) applicable to the site is 2.7:1. Under the provisions of the Ryde LEP 2014 the applicant has submitted a Clause 4.6 Variation to Clause 4.3 as the proposal exceeds the allowable building height of 19m. The maximum building height for the proposal is 21.806m. The non-compliant parts of the building are the lift overrun and the common open space roof top balustrade. The non-compliance with the building height control is not considered to have any detrimental impacts to the site or surrounding locality as further analysed in this report. The proposal is compliant with the maximum FSR standard.

The proposal provides appropriate articulation and is satisfactory in respect to the 9 design principles of State Environmental Planning Policy 65 (SEPP 65) and is generally consistent with the requirements of the Apartment Design Guide (ADG) for development in a mixed use zone.

The application fully complies with the Ryde DCP 2014.

As the subject site is within vicinity of a pipeline the proposal was referred to Viva Energy Australia. Viva Energy has raised no objection to the proposal subject to conditions, including a Risk Assessment Report to be undertaken. Accordingly it is recommended that approval be granted via a “deferred commencement consent” requiring a Risk Assessment Report to be prepared by a qualified engineer.

Reason for Referral to Planning and Environment Committee: Over 5 submissions received and at the request of Councillor Maggio.

Public submissions: 6 submissions were received to the original plans and 9 submissions were received to the amended plans.

Clause 4.6 RLEP 2014 objection required: YES – variation to Clause 4.3 – Height (Variation equivalent to 14.7%)

Value of works: \$5,061,274.00

ITEM 3 (continued)

RECOMMENDATION:

- (a) That LDA2016/0151 at 1 Stansell Street, Gladesville be approved as a deferred commencement consent and subject to the conditions in the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Clause 4.6 Variation
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Julie Horder
Planning Consultant - Planning Ingenuity

Sophie Perry
Associate Director - Planning Ingenuity

Report Approved By:

Vince Galletto
Acting Manager - Assessment

Liz Coad
Acting Director - City Planning and Development

ITEM 3 (continued)

1. Site



Figure 1: Aerial photo showing subject site



Figure 2: Subject site with existing dwelling house to be demolished.

ITEM 3 (continued)



Figure 3: Adjoining properties to the east at 3 and 5 Stansell Street.



Figure 4: Adjoining property to the west at 287-289 Victoria Road, a service station.

ITEM 3 (continued)



Figure 5: Residential development located opposite at 2A and 4-8 Stansell Street comprising of 5 and 3 storeys residential apartment buildings.



Figure 6: 5 Stansell Street – residential apartment building.

ITEM 3 (continued)

Address	1 Stansell Street, Gladesville
Site Area	724.2m ² Frontage 12.275m Depth 60.15m
Topography and vegetation	The site is generally flat with a slight downslope from south (rear) to north (front). The site is generally void of vegetation with grassed areas provided within the front and rear setbacks.
Existing Buildings:	The site currently includes a single storey dwelling house and attached carport and a detached metal shed adjacent to the eastern boundary. Vehicular access to the property is via Stansell Street.
Planning Controls	B4 Mixed Use
Zoning:	
Other:	<ul style="list-style-type: none">- Ryde Local Environmental Plan 2014- State Environmental Planning Policy No.55 (Remediation of land)- State Environmental Planning Policy (Building Sustainability Index: BASIX)- State Environmental Planning Policy 65 Design Quality of Residential Apartment Development- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005- Ryde Development Control Plan 2014- Section 94 Development Contributions Plan.

2. Councillor Representations

Name of Councillor: Councillor Roy Maggio

Nature of the representation: Requested that the application be considered at the Planning and Environment Committee meeting.

Date: 11 April 2016

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

On behalf of applicant or objectors? Unknown

ITEM 3 (continued)

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

3. Political Donations or Gifts

Any political donations or gifts disclosed? NO.

4. Proposal

The proposal is for demolition of existing buildings and construction of a 6 storey residential flat building comprising of a total of 23 apartments with basement parking over 3 levels. Details of the proposed development are as follows:

- Basement 3 Level
 - 9 residential parking spaces, store areas, lift and internal stairs. Accessed via a hydraulic car lift.
- Basement 2 Level
 - 9 residential parking spaces, store areas, bathroom, 5 bicycle spaces, lift and internal stairs. Accessed via a hydraulic car lift.
- Basement 1 Level
 - 5 visitor spaces and 3 disabled parking space, bin store areas and bulky waste store areas, lift and internal stairs. Accessed via a driveway off Stansell Street.
- Ground Floor
 - driveway to basement car park;
 - two waiting bays;
 - open circulation core and internal stairs from basement car park;
 - 3 units comprising 1 x 1 bed + study, 1 studio and 1 x 2 bedroom unit;
- Levels 1 to 5
 - Lift and open circulation core;
 - 4 units comprising of 2 x studio and 2 x 2 bedroom units;
- Level 6
 - Rooftop terrace with landscaping, benches, barbecues and storage;
 - Lift overrun and stairs.

ITEM 3 (continued)

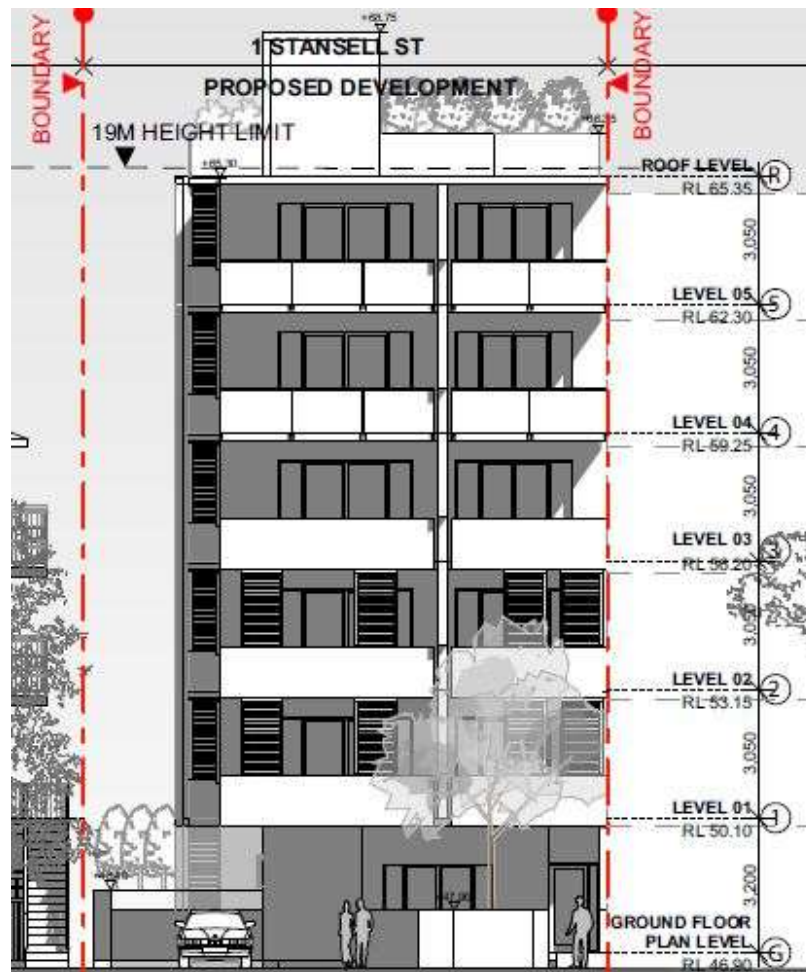


Figure 7: Stansell Street elevation. The lift overrun is setback 23.5m from Stansell Street and is unlikely to be seen from the street.

5. Background

- Development Application LDA2016/0151 was lodged on 4 April 2016. In accordance with Council's notification policy the application was notified and advertised from 13 April 2016 to 11 May 2016. A total of 6 submissions were received.
- Referrals were sent to Council assessment staff for comment on 13 April 2016. The proposal was also reviewed by Council's Urban Design Review Panel (UDRP) on 3 May 2016. This was the second time the Panel had reviewed the proposal. The Panel advised that there were still some amendments required. Accordingly the applicant was advised by letter dated 7 July 2016 to address:
 - Urban Design Review Panel matters;
 - Planning Matters;
 - Overdevelopment of the site;

ITEM 3 (continued)

- Traffic matters;
 - Development Engineering and Stormwater matters;
 - Waste matters;
 - Substation; and
 - Public Submissions.
- Amended plans were received on 5 August 2016 with amendments to the apartment layouts, location of communal open space, external elevations, additional parking, submission of landscape plans and traffic and parking statement and waste management plan, confirmation of substation location and comments in response to the submissions.
 - The amended plans were renotified and readvertised from 18 August 2016 to 7 September 2016. A total of 9 submissions were received.

The issues of concern raised in the submissions are discussed below in the Submissions section of this report.

- On 18 November 2016, a second letter was sent to the applicant to request the following additional information:
 - Submission of Clause 4.6 Variation Statement;
 - Clarification of waste bins and waste collection; and
 - Details of the developer's intention for improvements in the public domain in accordance with the relevant planning controls.
- Amended plans and a Clause 4.6 statement were received by Council on 21 December 2016 which included the following amendments:
 - Inclusion of bulky waste storage area in basement;
 - Additional bins represented in the plan; and
 - Kerbside location for bin servicing shown on the plans.

Note: These amended plans did not result in any major change to the architectural plans received on 5 August 2015 and therefore neighbour re-notification was not required.

6. Submissions

The application in its original form was advertised in the Northern District Times on 20 April and surrounding properties were notified between 13 April 2017 and 11 May 2016 in accordance with the provisions of DCP 2014 – Part 2.1 Notification of Development Applications.

ITEM 3 (continued)

In the first round of notification six (6) written submissions were received. One (1) of the submissions (from the adjoining neighbour) simply requested a timeframe for demolition and construction.

Due to the submission of amended architectural plans the proposed development was renotified and readvertised from 18 August 2016 to 7 September 2016.

As a result of the renotification, nine (9) submissions were received. Two (2) of the submissions were in support of the application stating that the development was needed in the area. One (1) of those submissions in support had originally objected to the development.

The two submissions in favour of the development supported the proposal citing that it will address the lack of housing opportunities and under supply of apartments in the area, thereby improving housing affordability in the area.

Of the total of fifteen (15) submissions received over both notification periods, only seven (7) of the submissions are located within 400m of the subject site.

The issues of objection raised in the submissions are summarised as:

- Insufficient parking proposed;
- Overshadowing of adjoining development;
- Height of proposal;
- Generation of traffic by the proposal; and
- Capacity of nearby schools.

These issues are examined in detail as follows:

Insufficient parking proposed;

Comment: The amended development proposes 26 parking spaces of which 21 are to be allocated as resident spaces and 5 as visitor spaces. The proposal complies with Council's car parking requirement and is considered satisfactory.

Overshadowing of adjoining development

Comment: The proposal will have minimal impacts on adjoining development in regard to overshadowing. It should be noted that any development that meets the adopted planning controls will cause some overshadowing to the neighbouring sites due to the site dimensions and orientation.

Overshadowing will occur at 9am and this will affect the adjoining service station to the west and commercial buildings fronting Victoria Road (Nos. 283 to 273 Victoria Road). The extent of overshadowing will significantly reduce by 12 midday. From 3pm onwards overshadowing of the rear of No.3 and No.5 Stansell Street will occur.

ITEM 3 (continued)

The extent of overshadowing is not likely to materially affect the amenity and utility of the adjoining properties. The following figures demonstrate the impact at 9 am, 12 noon and 3pm midwinter.

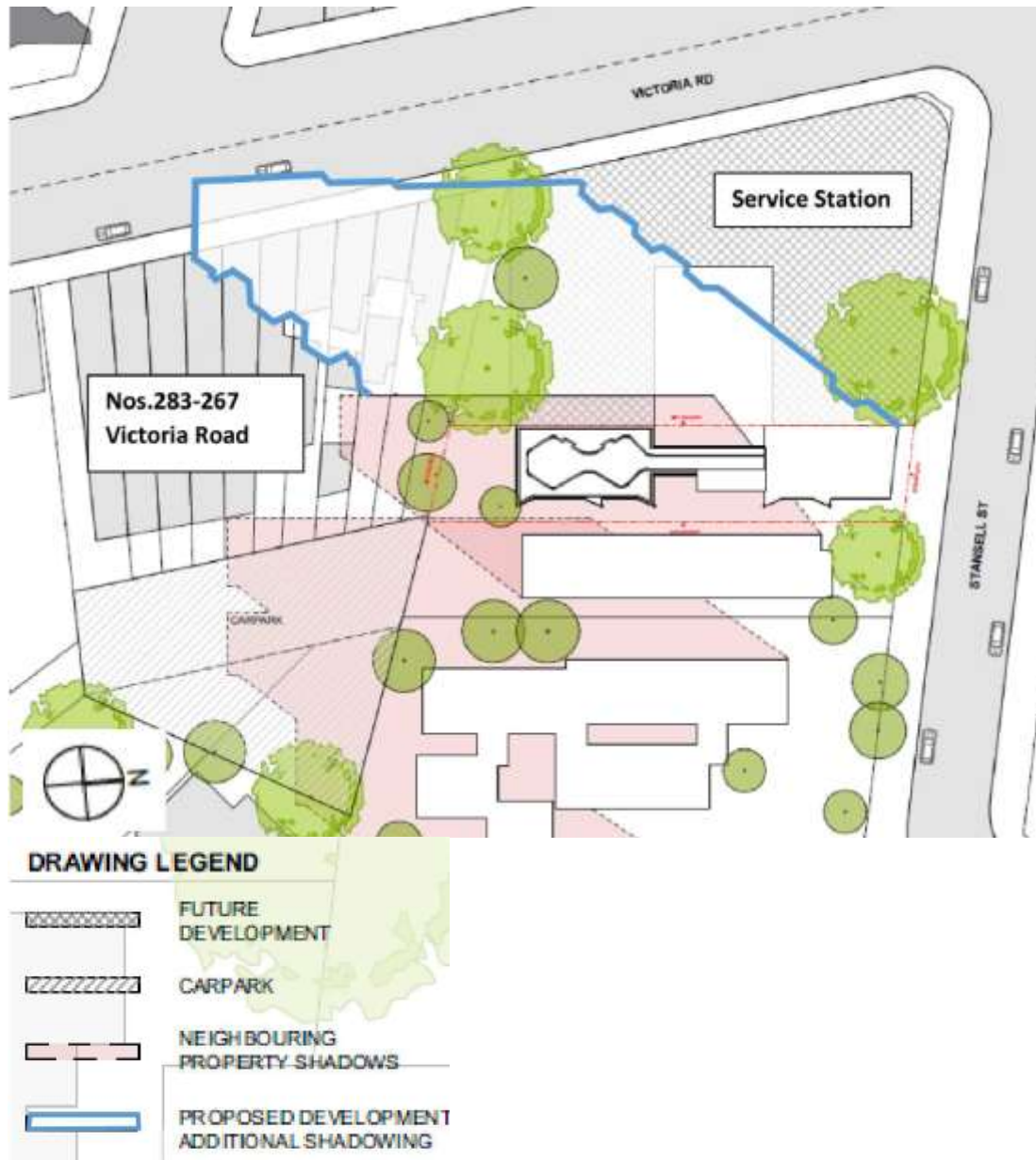


Figure 8: 9am shadow midwinter

ITEM 3 (continued)

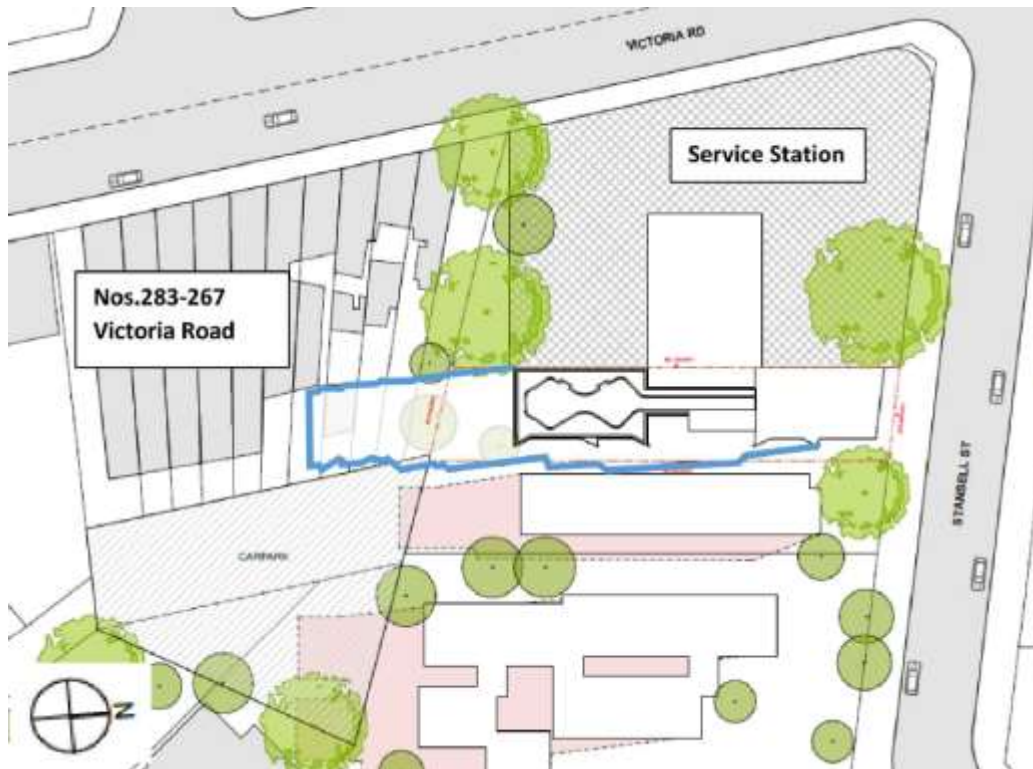


Figure 9: 12 midday shadow midwinter



Figure 10: 3pm shadow midwinter

ITEM 3 (continued)

Height of proposal

Comment: The development results in a minor height non-compliance with the 19m height control. This non-compliance is restricted to the lift overrun and balustrade of the rooftop communal open space and is relatively minor.

A Clause 4.6 Variation has been submitted and is discussed in detail below. The variation is consistent with recent development approvals issued by both Council and the Sydney North Planning Panel (formerly Joint Regional Planning Panel) and will not result in any adverse impacts to the adjoining properties in terms of overshadowing or overlooking. Furthermore, the variation to the height will not be discernible from the streetscape and can be supported by Council.

Generation of traffic by the proposal

Comment: Council's Development Engineers have considered the potential impact on additions traffic generation and found that:

“traffic generation for the proposed development (i.e. 23 units) is expected to be minor. The net increase in traffic is expected to be about 10 additional vehicle trips per hour. This equates to 1 vehicle every 6 minutes, which is considered negligible on the road network”.

Based on the above, the development once constructed and occupied will have minimal impact on the existing road network. The comments of Council's Development Engineers are supported.

Capacity of nearby schools

Comment: The provision and planning of schools and their capacity is the responsibility of the Department of Education. The capacity and enrolment patterns in schools is a dynamic process and the proposed development will not, of itself, exceed the capacity for school enrolments.

7. Clause 4.6 RLEP 2014 objection required?

Yes - A Clause 4.6 variation was lodged with the application seeking to vary the height development standard as required under Clause 4.3 of the RLEP 2014. The maximum building height for this site is 19m and the maximum height of the proposed building, at the top of the lift overrun, will measure 21.806m. This is a total breach of 1.488m at its worst point equivalent to a variation of 14.7% to the standard. The Clause 4.6 variation is assessed further in this report.

ITEM 3 (continued)

8. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Clause 2.3 Zone Objectives and Land Use Table

Ryde LEP 2014 commenced on 12 September 2014. The relevant provisions for this proposal are provided below and the following is an assessment of the proposed development against those provisions.

Clause 2.2 - Zoning

The site is zoned 'B4 Mixed Use' under the provisions of the LEP 2014. The proposed development is permitted in this zone.

Clause 2.3 – Zone Objectives

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

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing a medium density residential building within an accessible location as the site is within 85 metres of a bus stop on Victoria Road. A residential flat building is considered to be compatible with the existing and anticipated future mix of land uses in the locality.

Clause 4.3 Height of Buildings

Under Clause 4.3, the height of a building on the site is not to exceed the maximum height of 19m. Building height is defined in Ryde LEP 2014 as meaning the vertical distance between (existing) ground level at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. The building generally complies with the maximum height control except for the lift overrun and the balustrade to the rooftop communal open space. The extent of non-compliance is indicated in Figures 11, 12, 13 and 14 below:

ITEM 3 (continued)

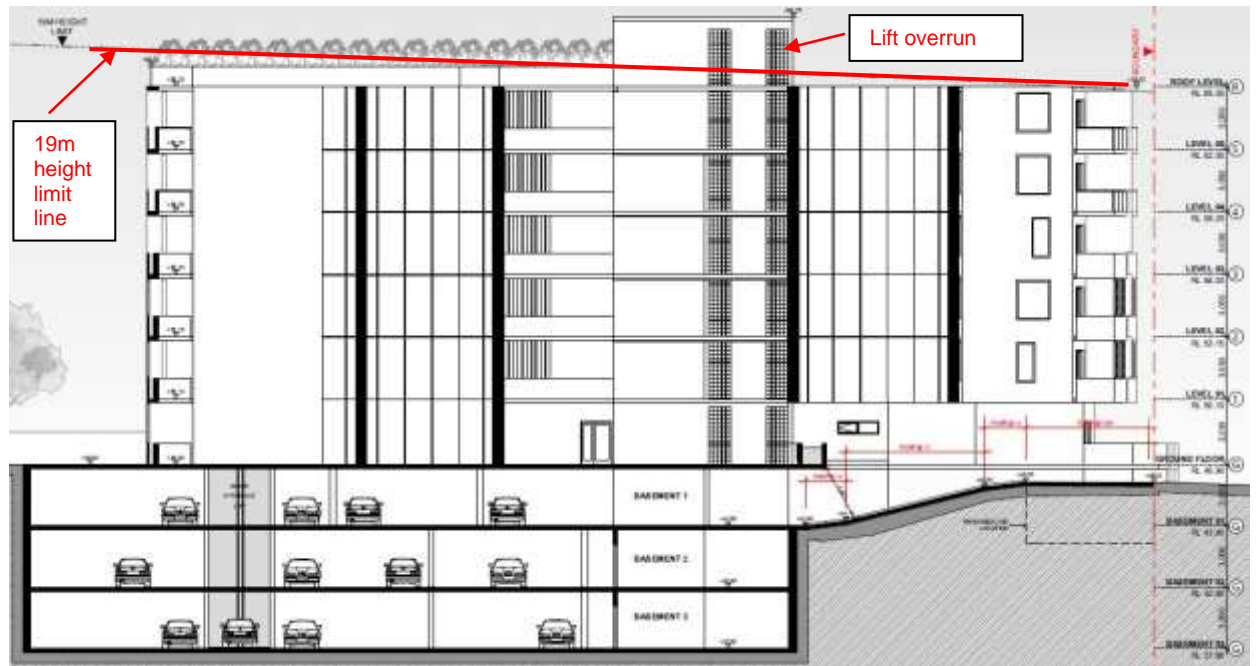


Figure 11: Cross section view

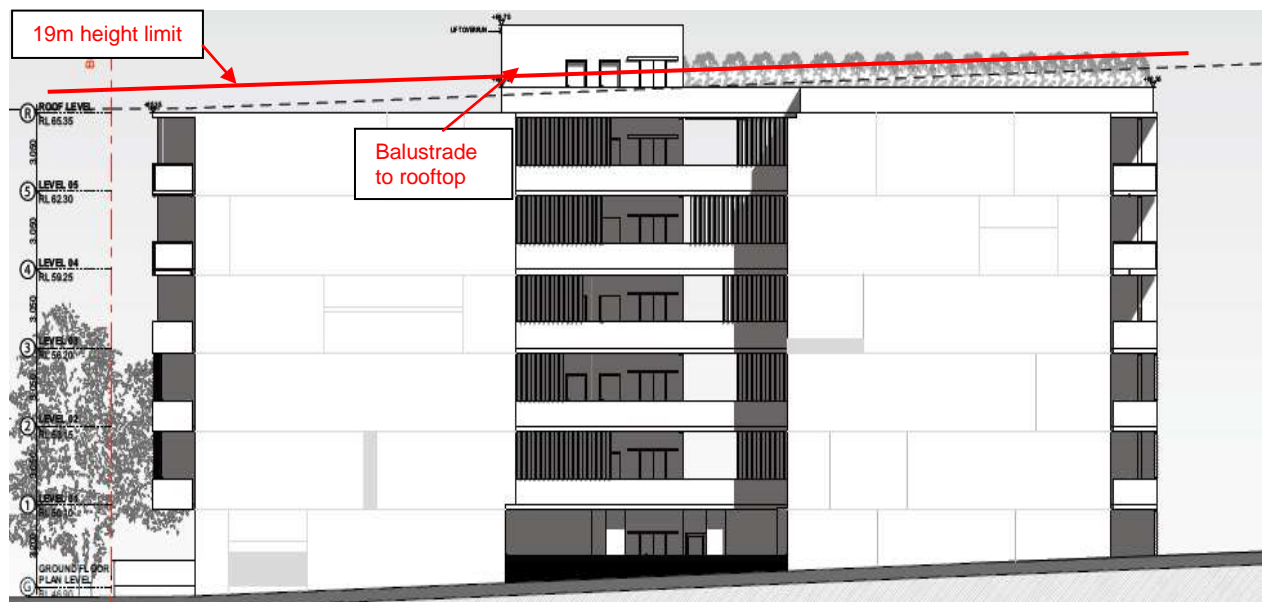


Figure 12: Western elevation

ITEM 3 (continued)

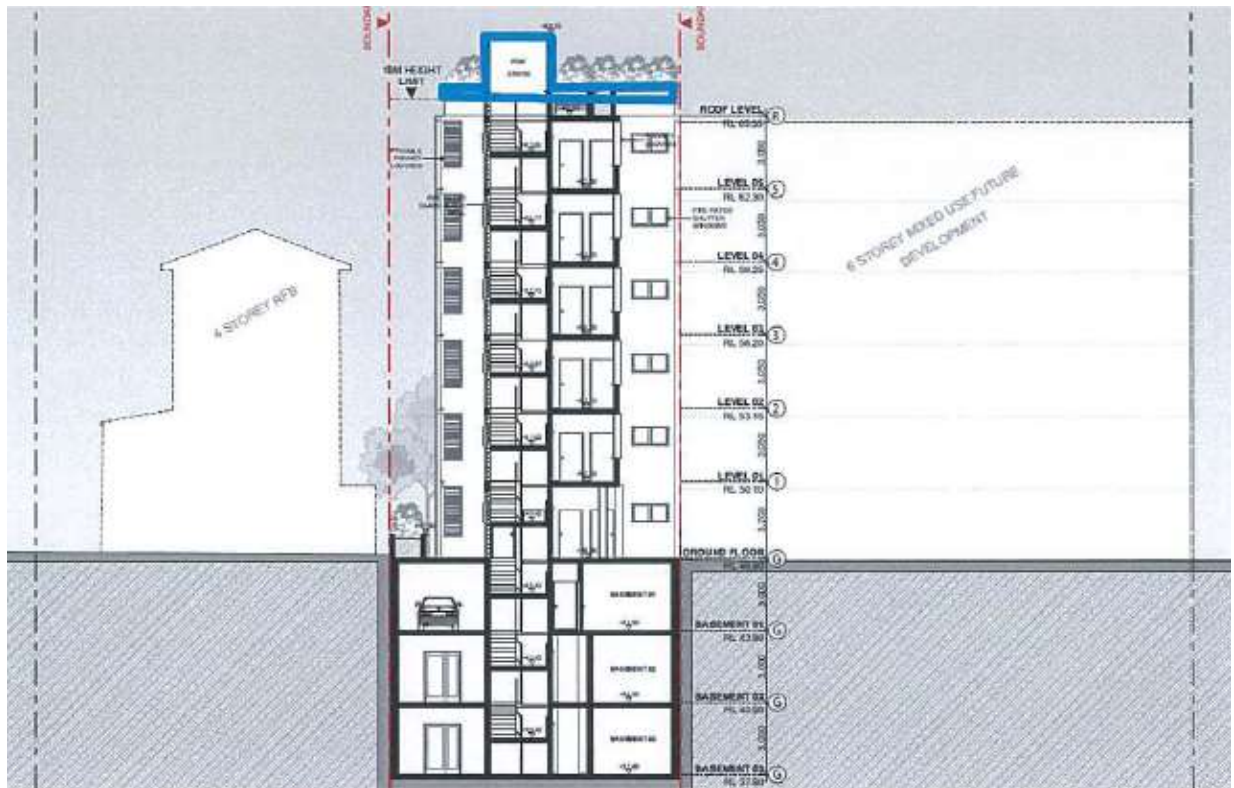


Figure 13: Section showing the extent of variation to the standard shown in blue.

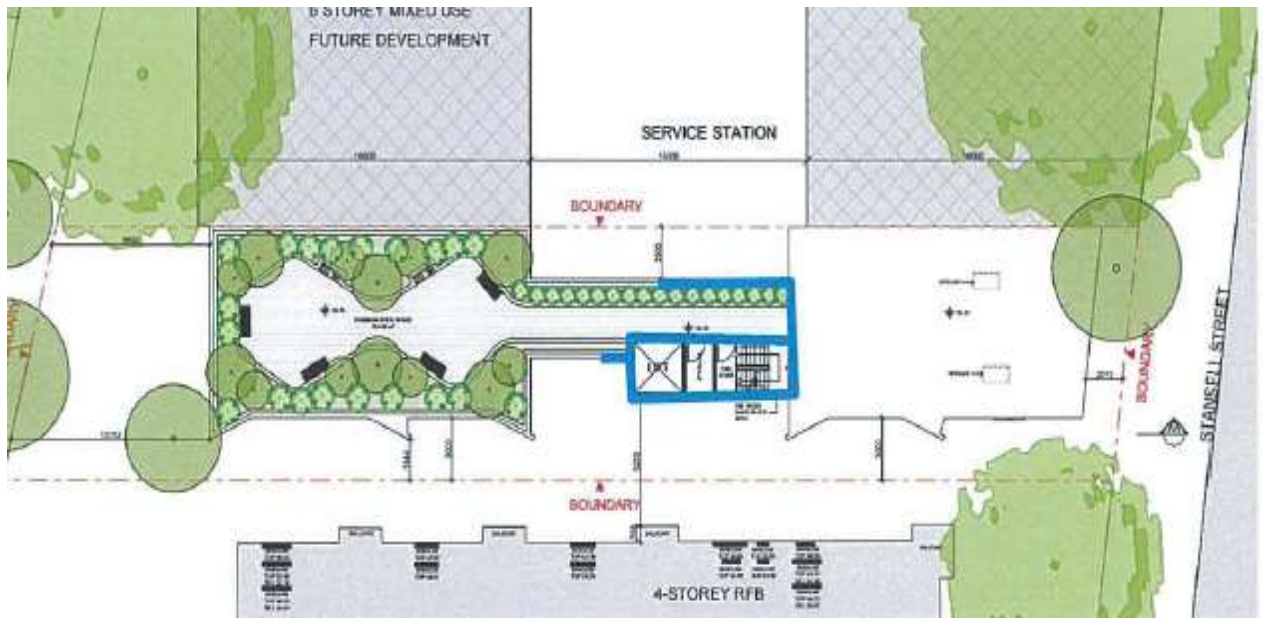


Figure 14: Roof plan indication the location of the overrun and balustrade where the maximum variation occurs shown in blue.

ITEM 3 (continued)

The non-compliances in height occur due to the facilities associated with the roof-top communal open space. The layout of the roof-top communal open space comprises access (in the form of a lift and stairs) and safety balustrades. The lift is necessary to provide equity of access for all residents in the building and the stairs are necessary to provide emergency access and egress. The location of the access is determined by the need to provide an efficient and accessible core for the building and is centrally located for convenient use by all future residents and visitors. The central location of the lift and stair core also ensures that the top of the lift overrun and stair will not be readily visible from Stansell Street.

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard. Justification for a variation must include information to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest by achieving consistency with the zone objectives as well as the objectives of the particular development standard. A copy of the applicant's Clause 4.6 variation has been attached to this report.

Consent cannot be granted unless the concurrence of the Director-General of the Department of Planning and Environment has been obtained. The Department's Circular PS 08-003 issued on 9 May 2008 informed Councils that it may assume the Director-General's concurrence for exceptions to development standards.

The relevant matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking a variation to the development standard with justification as part of the Statement of Environmental Effects submitted with the development application.

The applicant's submission notes that:

- *The proposal satisfies the objectives of the B4 Mixed Use zone and the objectives of the building height standards as described below;*
- *The non-compliance with the standard will not result in a scale of development incompatible with the desired future character of the locality as expressed in Council's building envelope controls;*

ITEM 3 (continued)

- *The variation to the height will benefit the design outcome, by enhancing the vertical expression intended by the design element of the lift and stair wells. It will add to the articulation of the form;*
- *Providing lift access to the roof top common open space achieves a better outcome as it provides equitable access to the communal open space that has a high level of amenity;*
- *Despite the non-compliance, the proposed development is not an overdevelopment of the Site. The non-compliance will not contribute to the floor space ratio and on-site dwelling and population density. It will not extend the site coverage and reduce the amount of deep soil planting otherwise possible. It will not prejudice the amenity of any proposed units and/or contribute to any variances to the applicable detailed controls of the Apartment Design Guide (ADG) and the Development Control Plan (DCP).*

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

The applicant has provided a detailed consideration against the provisions of Clause 4.6 as well as the aims of Ryde LEP 2014 and the objectives of the Height of Building control to justify the request for the variation.

In summary, the request contends that compliance with the Height of Buildings standard would be unreasonable and unnecessary for the following reasons:

- The overall portion of the building that will consist of elements beyond the maximum height limit will be minor and will not cause significant adverse amenity impacts on neighbouring properties, particularly in terms of overshadowing (as verified by the amended shadow diagrams submitted as part of the amended architectural plans) solar access and privacy;
- Those sections of the building that will exceed the maximum height standard will assist in delivering better on-site amenity and are necessary to achieve compliance with national codes and legislation. The lift overrun and balustrade will enable the provision of a well-designed, rooftop communal open space, which will provide a pleasant and functional space for recreational purposes. Whilst some landscaped zones are proposed at ground level, they will not fully cater for the variety of the expected recreational needs of residents. The landscape zones will not adopt a layout and design that will encourage use and cater for the expected outdoor recreational needs, nor will they provide a suitable aspect with respect to appropriate solar access. Specifically, the balustrade, fire stair and lift overrun are necessary to achieve compliance with requirements of the BCA in conjunction with rooftop open space. The lift overrun is necessary to provide wheelchair access and comply with the *Disability Discrimination Act 1992*;

ITEM 3 (continued)

- The encroachments will be located almost centrally within the site, i.e. considerably setback from the street frontage and side boundaries. In this regard, the height variations will not be visually dominating when viewed from street level;
- There will be a reasonable visual relationship with adjoining development with appropriate separation distances;
- The proposed development is in line with the future character of the area envisaged by the statutory and non-statutory planning controls.

The proposed building height is compliant with the LEP control at the Stansell Street facade. As a result, it will be in proportion with, and in keeping with, the character of future similar development. The uppermost roof edge at the perimeter of the building is at or below the maximum permissible building height control.

The proposal complies with the FSR control of 2.7:1 RLEP 2014 and therefore the height encroachments do not result in a non-complying density for the site.

Due to the orientation of the site, the encroachments to the 19m height control do not result in additional detrimental impacts to surrounding properties. The non-compliant sections of the building do not contribute to overshadowing or overlooking. This has been illustrated previously in this report.



Figure 15: Recent development at 297 – 307 Victoria Road, located opposite with height limit of 19m and 12m.

ITEM 3 (continued)

The overall height of the building is compatible with the future redevelopment of the adjoining site at 287-289 Victoria Road and of the recent redevelopment at 297-307 Victoria Road (photo above). The proposed height of the development meets the objectives of the height control in that vertical and horizontal elements of articulation have been provided to the facades of the building to assist in reducing the visual appearance of bulk as well as adding visual interest.

The proposed height is considered to meet the objectives of the height control. A strict numerical compliance with the development standard would not deliver any substantive additional benefits to the owners or occupants of the surrounding properties or the general public. Therefore insisting on strict compliance is considered to be unreasonable and unnecessary in the circumstances of the case.

3. Environmental grounds to justifying contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section.

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

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

The objectives of the height of buildings clause, Clause 4.3(1) in Ryde LEP 2014, are considered below:

- (a) *to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.*

Comment: As demonstrated in the SEPP65/ADG consideration later in this report, the proposed development is compatible with the emerging and anticipated built form character of the locality (photo above). The bulk and scale of the building as viewed from the street is consistent with the planning controls and desired character for the Gladesville Area. The overall built form provides acceptable setbacks, streetscape contribution, scale and visual interest.

ITEM 3 (continued)

- (b) *to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.*

Comment: The applicant has provided shadow diagrams for 9.00am, 12noon and 3.00pm in midwinter. The diagrams demonstrate that the building elements which exceed the height control do not result in any significant additional overshadowing, given that the balustrade is translucent and the lift overrun and stair is located centrally within the site. Solar access diagrams have been submitted which demonstrate the proposed development will receive adequate solar access. The height non-compliance will not adversely impact on the solar access to private open space areas and living room windows within the proposed building.

- (c) *to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.*

Comment: The proposed residential flat development is in keeping with the intended future development character for the Gladesville precinct. The development will not isolate any adjoining allotments. The subject site can be developed independently without impacting on the development potential of adjoining properties. The site is within walking distance to bus services with a number of bus stops along Victoria Road which are serviced by regular bus routes.

- (d) *to minimise the impact of development on the amenity of surrounding properties*

Comment: The impact on adjoining properties has been considered previously in this report, in particular, solar access and privacy impacts. The height exceedance will not add to any impact due to shadowing. The non-compliant structures are associated with the use of the roof-top communal open space and, as stand-alone structures, they do not impact on privacy. The roof-top area will be used by residents of, and visitors to, the new building only and the primary usable area is located at the southern and central portion of the roof with side setbacks between 2m and 3m and a rear setback of 8.3m to 10.7m.

The proposed terrace includes planter boxes around the perimeter to serve as privacy screening and prevent overlooking therefore achieving adequate visual and acoustic privacy for the neighbours.

- (e) *to emphasise road frontages along road corridors.*

Comment: The site is not located on a major road frontage within a specific centre. Accordingly, objective (e) is not applicable to the development.

In accordance with the above, the development complies with the objectives for the height control in Ryde LEP 2014.

ITEM 3 (continued)

5. Concurrence of the Director General has been obtained.

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

Conclusion

The applicant has demonstrated satisfactorily that the development complies with the objectives of the height standard and the objectives of the B4 zoning. In this instance the proposed development is considered to be in the public interest and that strict compliance with the height standard would be unreasonable and unnecessary.

There are sufficient environmental planning grounds to justify contravening the development standard. These grounds are particular to the circumstance of the proposed development on this site. To accept a departure from the development standard in this context would promote the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land and the objectives of the EP&A Act. Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable and can be supported by Council.

Clause 4.4 Floor Space ratio

This clause prescribes a maximum floor space ratio (FSR) of 2.7:1.

The subject site has a site area of 724m². The proposed development has a gross floor area of 1472.85m², which results in a FSR of 2.03:1. The proposed development complies with the LEP FSR control.

Other Applicable Controls under Ryde LEP 2014

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 5.9 Preservation of trees and vegetation	There are no significant trees or vegetation located on the site.
Clause 5.10 Heritage conservation	The site is not identified as a heritage item and there are no heritage items adjoining the site.

ITEM 3 (continued)

Provision	Comment
Clause 6.1 Acid sulphate soils	The site has not been identified as containing acid sulphate soils.
Clause 6.2 Earthworks	Relevant matters nominated in this clause have been considered and no concerns have been identified.

(b) Relevant SEPPs

State and Regional Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

A Preliminary Site Investigation was submitted with the application which was prepared by Aargus and dated 10 November 2015. The report identifies a number of low to moderate risks of contamination on the subject site. Specifically the possible importation of fill (low potential), building structures (low potential for asbestos fibres), use of pesticides (low potential) and metal features and leaks on the driveway (low potential).

The Preliminary Site Investigation also identified the adjoining service station (287 Victoria Road) as a potential source of contaminants and the potential for contamination lines (low to moderate potential) from leaks from vehicles on the driveways, underground storage tanks, bowsers and fuel located on this site.

The report states:

“Therefore, a Detailed Site Investigation (DSI) is required to confirm the presence and extent of contamination in order to determine the suitability of the site for the proposed development application and to address the data gaps identified.”

The report further states:

“Based on the information collected during this (DSI) investigation and in reference to Clause 7 (DA development of SEPP 55), the site will be suitable subject to the completion of a Detailed Site Investigation (and after remediation and validation, if required) for the proposed multistorey residential building including single-level basement parking and deep soil landscaping.”

ITEM 3 (continued)

Council's Environmental Health Officer has reviewed this aspect of the proposal and has raised no objection subject to the inclusion of conditions requiring a detailed site investigation report to be carried out and submitted to Council for written approval prior to the issue of a construction certificate together with a site validation report should any remediation works be required as a result of the detailed site investigation report (see **Conditions 17 to 21**).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of Ryde DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 703462M dated 15 February 2016) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see **Conditions 3, 53 and 103**).

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles;
- The NSW Apartment Design Guide (ADG) guidelines; and
- Urban Design Review Panel.

ITEM 3 (continued)

Urban Design Review Panel

Prior to lodgement of the application, the applicant sought prelodgement advice from Council's Urban Design Review Panel (UDRP). The proposed development was considered by Council's UDRP at a meeting on 12 August 2015. The UDRP did not support the design as presented in the prelodgement meeting and suggested a revision of the proposal.

Following lodgement of the application, the proposal was again considered by the UDRP on 3 May 2016. The Panel provided the following comments on the proposal that was submitted with the original application:

Context and Neighbourhood Character

The amended proposal has considered an alternative siting strategy that is generally consistent with the approach discussed at the last panel. The building has been redesigned to provide a nil side setback to the western boundary with the existing service station other than a slight indent servicing the lift core and circulation corridor.

This has enabled a predominant setback along the eastern boundary of some 3m which is a positive improvement. The intrusion of 'ear' window elements into this setback space is however of concern and is discussed further under amenity.

The proposed pattern of development indicated for the adjoining site is considered reasonable however there is still a risk that future development may choose to locate a wall along the boundary that has no setback for most of its length. This would turn the indented area near the lift into a light well and as such care is required relative to the use of any rooms within apartments that might rely for light, air or outlook on this area.

It is noted that the previous rear setback has been retained in the new scheme which is also positive.

These setbacks allow a reasonable level of amenity to be retained for the adjacent development and the deeper courtyard setback to the east is aligned so that some outlook is maintained for the balconies on the side boundary of the adjacent site. There are some privacy issues but these are addressed under the Amenity section.

The design still includes the collocation of the driveway and entry next to each other and this is not supported.

The panel considers that redesign of the lower floor could relocate the entry to the building adjacent to the western boundary with the apartment then providing separation between the ramp and the entry. The design currently has a fire exit in this location and the panel suggests that the applicant investigate opportunities to combine the exit and entry together using a fire engineered solution.

ITEM 3 (continued)

The panel supports a 2m setback to the building if other issues raised in this report are satisfactorily resolved. The panel notes however that at present the ground floor apartment is recessed under the balconies above to a degree that amenity impacts are likely to result.

It appears no direct entry has been provided for the ground floor unit in this scheme.

The communal open space is shown to the rear of the property in the setback however access to it for residents relies upon a side pathway that runs immediately against the fence for the majority of the length of the boundary.

The remainder of the boundary is then occupied by a blank wall shielding the garage access which appears quite high.

Neither arrangement is considered acceptable by the panel. The side pathway compromises the acoustic amenity of the neighbouring apartments with no visual buffer. The height of the boundary wall appears to exceed 1.8m behind the building line of the adjacent development and to certainly exceed 1m close to the street.

The panel notes that on the basis of the applicant's calculations the FSR is compliant. However given the issues with the internal layout and amenity of the apartments the panel considers that there may be too many apartments sought per floor unless the amenity issues can be addressed.

The panel also notes that Council considers that insufficient parking has been provided for the number of units sought.

The floor to floor level shown on the drawings is not considered to be sufficient to ensure an appropriate structural solution can be provided and a floor to ceiling height of 2.7m achieved with a ceiling void. Given that it appears that the proposal is slightly below the height limit the panel recommends that the floor to floor level is increased to 3.05m as a minimum."

Assessment Comment: The application underwent a considerable amount of redesign and amended plans were submitted to Council on 5 August 2016 which addressed the above concerns through the following amendments:

- Redesign of ground floor to separate the driveway and pedestrian access;
- Ground floor apartment increased and redesigned to increase amenity;
- Relocation of communal open space to the roof of the development with side pathway setback off boundary to allow for a landscaping buffer;
- Height and extent of eastern wall adjoining driveway significantly reduced;
- Additional parking provided to comply with minimum parking requirement;
- A floor to floor height of 3.05m has been incorporated into the design of the development.

ITEM 3 (continued)

The development as now proposed is considered to have addressed the UDRP concerns regarding Context and Neighbourhood character.

Built Form and Scale

The proposed separation of 3m is considered acceptable as a minimum but should be maximised by changing the configuration of the 'ear' windows where practical to do so.

Assessment Comment: The 'ear' windows of the rear portion of the building have been slightly reconfigured to maximise separation. The reconfiguration is considered to be an acceptable outcome.

Density

Subject to addressing the issues in this report the density would be considered acceptable."

Assessment Comment: The development as amended has addressed the issues raised by the UDRP and the density is therefore considered to be acceptable.

Landscape

A developed landscape plan is not yet provided. The panel notes that buffer planting along the side boundary will be very important to the amenity of the development and the neighbouring property.

The panel considers that if the communal open space is to be to the rear of the site then the two units on the ground level to the rear should be redesigned to allow access direct from the building on the south elevation into the space rather than the side pathway indicated in the plans currently.

The panel also considers given the height available to the rear of the site that a roof terrace could also be considered.

Assessment Comment: Landscape Plans have been prepared by RFA Landscape Architects and were submitted as part of the amended proposal on 5 August 2016. The Landscape Plans include buffer planting along the side boundary consisting of a range of Lilly Pilly's, Murraya's and Dwarf Magnolias. The amended proposal has relocated the communal open space to the roof terrace as recommended.

ITEM 3 (continued)

Amenity

A number of the apartments rely for light and air as well as outlook on the western inset for the core. This is not considered suitable for habitable rooms such as bedrooms or studies given the risk of this space eventually becoming a light well if the adjoining site develops.

The units should be replanned to have only wet areas relying for outlook onto this space.

Balconies should also not be located with living areas overlooking the central courtyard space as this will create direct privacy impacts on the balconies of the adjacent development and it is not possible to achieve adequate separation in this location.

The ear windows provided which reduce the available setback on the eastern boundary are not supported where they occur for the proposed living areas or south facing bedroom on units such as Unit 102, 104 and above.

These windows should be changed to either full height frosted windows or clear high level windows to ensure privacy but maximise the benefit of the 3m setback. The bedroom for Unit G01 which faces into the lobby is also not considered acceptable.

The panel is concerned that the width of many of these apartments does not comply with a reasonable width to allow liveability. The ADG provides guidance on minimum widths of rooms and proposal should use these as min dimensions. The panel also suggests that the internal fire stair be redesigned so that it can also be used for general circulation given the intimate size of the development and to encourage interaction between residents. Subject to fire code requirements, it would be ideal if the stair could include glass panels or glass blocks to let some natural light into the stair. The angled fins to the lift/stair element should be removed to also allow more light into the circulation areas.

Assessment Comment: The application underwent a considerable amount of redesign and amended plans were submitted to Council on 5 August 2016 which addressed the above concerns through the following amendments:

- The internal layout of units utilising the light well were reconfigured to address the concerns and wet areas have been located to the light well;
- Balconies of Units 104, 204, 304 relocated to rear of the building due to relocation of communal open space to the rooftop;
- Direction of south facing 'ear windows' modified to north facing with exception of south facing bedroom window to Units 102, 202 and 302;

ITEM 3 (continued)



Figure 16: Ear window circled in red. The amendment has deleted the Ear window from the living room and redirect to north facing for bedrooms.

- Width of apartments increased to comply with ADG's; and
- Fire stairs relocated and glass blocks incorporated to allow natural light into stairwell.

The development as now proposed is considered to have addressed the UDRP concerns regarding amenity.

Safety

The colocation of the driveway and building entry is considered to present safety issues and is not supported (see earlier discussion).

Assessment Comment: The ground floor of the proposal was redesigned to separate the driveway and pedestrian access. Pedestrian access is now provided adjoining the western boundary and the driveway adjoins the eastern boundary. As such the URDP's concern has been addressed in regards to safety.

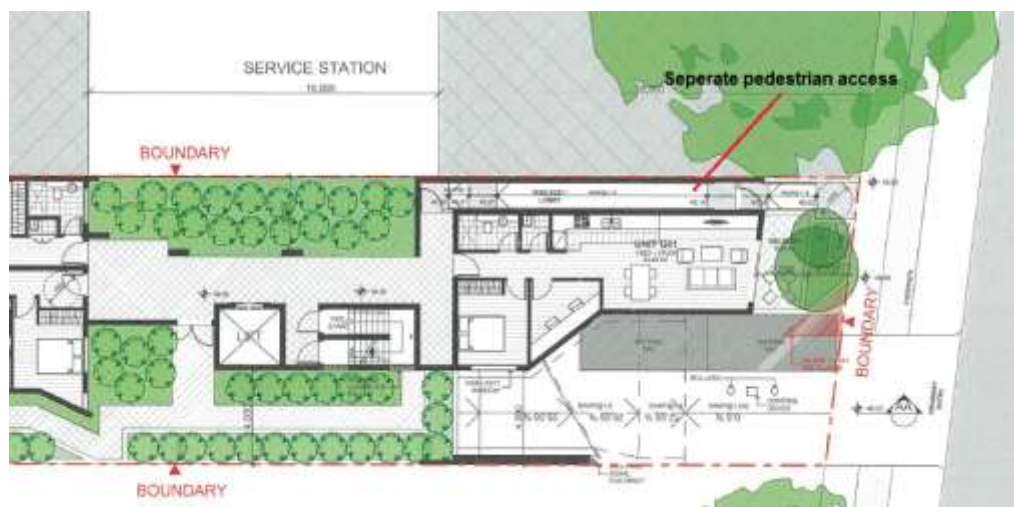


Figure 17: Ground floor plan – separate pedestrian access provided.

ITEM 3 (continued)

Aesthetics

The proposal is considered to present a reasonable response in terms of aesthetics although the panel considers that more design development should be considered for the termination of the building particularly to Stansell St.

The panel is generally supportive of the variation and design of the blank side walls other than the proposition to include Hebel side panels. This is not considered to be a high quality solution. The panel also recommends that the timber cladding be located on both sides close to ground level for easier maintenance given the side wall condition.

Louvres or some other form of weather proofing should be provided to each side of the circulation core on each floor to provide privacy and weather control for residents.”

Assessment Comment: The Stansell Street elevation was further revised as part of the amended plans submitted on 5 August 2016. There have been no amendments made to the positioning of the cladding but the applicant has indicated that the panels can be repositioned if required. A condition has been included as part of the draft conditions of consent (see **Condition 1(c)**) requiring the timber cladding to be relocated to the ground level and that the Hebel side panels be replaced with a higher quality solution to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

The UDRP advised that if the issues identified above are addressed by the applicant, it would not be necessary for the panel to further review the proposal. The applicant has amended the proposal and has addressed the UDRP concerns accordingly the proposal was not referred back to the Panel.

Design Quality Principles of SEPP 65

Part 4 of SEPP 65 requires the consent authority to take into consideration the design quality principles as set out in Schedule 1 to the SEPP. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. Accordingly the applicant provided an assessment of the proposal against these design principles in accordance with the Environmental Planning and Assessment Regulation.

ITEM 3 (continued)

The following table provides an assessment of the proposal against the 9 design principles of the SEPP:

Planning Principle	Comment
<p>Context and Neighbourhood Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The subject site is located in an area currently undergoing significant change in response to the zoning of the area. This zoning is B4 which allows a mix of industrial, commercial and residential development. The desired future character for this precinct is to incorporate mixed higher density residential and commercial/retail development. The existing subdivision pattern limits the potential orientation of the building. The building design responds appropriately to the existing and likely future context of multi-storey residential buildings in the locality and particularly on the adjoining sites.</p> <p>The proposal offers a satisfactory presentation to Stansell Street and will provide improved pedestrian access along this part of Stansell Street.</p>
<p>Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale in terms of height is consistent with the planned development within this precinct, with exception to the minor encroachment of the lift overrun and part of the balustrade of the rooftop communal open space. These encroachments do not contribute to the bulk and scale of the building.</p> <p>The proposal complies with the FSR controls and will not adversely impact on the streetscape or the amenity of the surrounding buildings.</p> <p>The bulk of the development is considered acceptable given that the development achieves compliance with the objectives in the ADG and the FSR control.</p> <p>The proposal has been modulated and articulated to provide interest in the design and to assist in providing the development with acceptable bulk.</p>

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Planning Principle	Comment
<p>Density Good design has a density appropriate for a site and its context, in terms of the number of units or residents. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal complies with the Ryde LEP 2014 FSR control of 2.7:1. The overall bulk and scale of the building is appropriate with relation to the density of future development anticipated in the locality. The proposed density is also considered appropriate given its proximity to the Gladesville shopping area.</p>
<p>Sustainability Good design involves design features that provide positive environmental and social outcomes. Good sustainable design includes use of natural cross breezes and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The applicant has provided a BASIX Certificate No 703462M which indicates that the residential building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A Waste Management Plan for the demolition of the existing buildings has been submitted and is considered acceptable by Council's Environmental Health Officer.</p> <p>The design has also ensured the development will comply with the passive solar design principles, soil depth and cross ventilation requirements provided in the Apartment Design Guide.</p>
<p>Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>A Landscape Plan has been prepared for the site. The development makes provision for deep soil planting in the front and rear setback zone.</p> <p>The site provides 195m² of communal open space on the rooftop which is equivalent to 27% of the site area. This exceeds the requirements of the ADG.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit proportional to the size of each apartment.</p>

ITEM 3 (continued)

Planning Principle	Comment
<p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	
<p>Amenity Good design positively influences internal amenity for residents and external amenity for neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</p>	<p>73.9% (17 units) will receive a minimum of 2 hours solar access at midwinter thus exceeding the ADG minimum requirement of 70%. The applicant claims 18 units are compliant but relies upon solar access via a skylight to achieve solar access for the living room of Unit 303. This assessment concludes that the proposed direct solar access to the living room windows of Unit 303 does not meet the requirements of the ADG. However, the overall scheme is compliant.</p> <p>100% (23 units) will achieve natural cross ventilation again exceeding the ADG minimum requirement of 60%.</p> <p>Overall the proposed design and orientation of the units allows for sufficient level of amenity for occupants of the buildings and residents of surrounding properties.</p> <p>The development also generally complies with the relevant key controls contained in the ADG in respect to apartment sizes, visual and acoustic privacy, storage layout and access requirements.</p>
<p>Safety Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily</p>	<p>The development is consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> • The entrance to the building will be clearly legible and well lit (as recommended by conditions of consent). • Appropriate signage to be provided to the buildings' entrance with appropriate lighting (as recommended by conditions of consent). • Lighting, both internal and external, will be provided in accordance with Australian Standards (as recommended by conditions of consent).

ITEM 3 (continued)

Planning Principle	Comment
maintained and appropriate to the location and purpose.	See Condition 112 to 117.
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well designed developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p>The proposed development unit mix will result in an affordable range of housing types into the locality which is highly accessible to public transport and nearby commercial premises.</p> <p>As a guide, the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 & 2 bedroom apartments are well represented in this proposal.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well designed apartment buildings responds to the existing or future local context, particularly desirable elements and rhythms of the streetscape.</p>	<p>The development has incorporated a variety of materials and finishes to assist in the massing of the buildings as well as providing differentiation between the common and private spaces, appropriate separation of ancillary elements including waste storage and parking within the development.</p>

SEPP 65 Apartment Design Guide

The SEPP also requires the Council to take into consideration the requirements of the Apartment Design Guide (ADG). The development generally complies with the controls specified under this document.

As demonstrated below, the development complies with the general intent of these controls and the apartment and building design is considered satisfactory.

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Part 2 Developing the controls	Consideration	Consistent
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The building comprises two components separated by a large breezeway. Each component has a maximum depth of 18m.	Yes
Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and nonhabitable rooms - 6m between non-habitable rooms <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and nonhabitable rooms - 9m between non-habitable rooms <i>No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres</i>	The site is a narrow site (12.2m wide) and the proposed building setbacks have been developed in a manner consistent with the prelodgement guidance from the UDRP. The proposal incorporates blank external walls to portions of the western elevation with the central breezeway set back 2.5m from the western side boundary. The building is setback 3m from the eastern boundary (consistent with the existing side setback of the residential flat building on No.3 Stansell Street) and the central breezeway is setback 8.8m from the eastern boundary. The building is setback a minimum of 8.4m and a maximum of 10.8m from the rear boundary.	No (variation supported on merit and setbacks are compliant with the DCP see below)
Front, Rear & Side Setbacks Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.	Setbacks have been provided in accordance with Ryde DCP 2014.	Yes
Part 3 Siting the development Design criteria/guidance	Proposal	Compliance
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	The site is orientated to the north with the rear of the building facing south. To the west of the site is a service station and to the south is Council's public carpark and the rear of commercial development fronting Victoria Road. The development will overshadow these sites at 9am midwinter with	Yes

ITEM 3 (continued)

	<p>the shadows reducing significantly at 12 midday. To the east of the site are existing residential flat buildings. These buildings to the east are overshadowed by the proposal at 3pm onwards during midwinter.</p> <p>The proposed overshadowing of the adjoining properties is no more than reasonably anticipated for a development generally compliant with the planning provisions. The development has proposed a 3m eastern side setback which is consistent with the pattern of development further east along Stansell Street and is supported by the UDRP.</p> <p>The proposal is considered satisfactory in this regard.</p>	
<p>3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The pathway from the public street to the building entry is straight, clear and legible, providing safe access to the proposed development.</p>	<p>Yes</p>
<p>3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. Design Criteria</p> <ol style="list-style-type: none"> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	<p>195m² Rooftop terrace provided (equivalent to 27% of site area).</p> <p>More than 50% of the surface of the rooftop terrace will receive direct solar access midwinter.</p>	<p>Yes</p> <p>Yes</p>
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p>	<p>7% of the site area being 51m² of deep soil area is to be provided.</p>	<p>Yes</p>

ITEM 3 (continued)

<p>Design criteria</p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>														
<p>3F Visual Privacy</p> <p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria</p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="256 896 794 1339"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note:</p> <ul style="list-style-type: none"> • Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. • 	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Proposal is for 6 storeys.</p> <p>Side setbacks:</p> <p>The proposal incorporates blank external walls to portions of the western elevation with the central breezeway located 2.5m from the western side boundary. Consistent with the comments provided by the UDRP, the windows oriented to the central breezeway in the western façade are to non-habitable rooms.</p> <p>The building is setback 3m from the eastern boundary (consistent with the existing setback of the residential flat building on No.3 Stansell Street) and the breezeway is setback 8.8m from the eastern boundary. The proposed side setbacks are supported by the UDRP.</p> <p>Rear Setbacks:</p> <p>The building is setback a minimum of 8.37m and a maximum of 10.77m from the rear boundary. As the communal open space area is to be located on the rooftop, canopy tree planting and deep soil planting can be optimised within the rear setback.</p> <p>The proposed rear setback was reviewed by the Urban Design Review Panel and has been considered acceptable.</p>	<p>No (supported on merit)</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p>3G Pedestrian Access & entries</p> <p>Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Clear pedestrian access been defined with entry via Stansell Street</p>	<p>Yes</p>												

ITEM 3 (continued)

<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Driveway has been located at lowest point of site and clearly separated from the pedestrian path.</p>	<p>Yes</p>
<p>3J Parking Provisions. Car parking: For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>The minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>The site is not within 800m to a railway station. The car parking rate is determined by Council's DCP. Based on the apartment mix, the development is required to provide between 18 to 26 spaces (resident spaces and 5 visitor spaces. The development has 26 spaces which satisfies this requirement. The parking layout will provide safe and secure parking.</p>	<p>Yes</p>
<p>Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Council's DCP requires that bicycle parking should be provided equivalent to 10% of the required car spaces. This would require 3 bicycle parking spaces. The applicant has proposed 5 bicycle parking spaces within the basement level.</p>	<p>Yes</p>
<p>Basement Design for parking:</p> <ul style="list-style-type: none"> • Basement car park not to exceed 1m above ground (use stepped/ split level). • Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design. 	<p>Basement does not exceed 1m above ground.</p> <p>Ventilation is provided</p>	<p>Yes</p> <p>Yes</p>
<p>Part 4 Designing the building</p>		
<p>4A Solar & daylight access Design Criteria Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>73.9% of dwellings receive 2 hours solaraccess.</p>	<p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm														
Design should incorporate shading and glare control, particularly for warmer months.	Will be adequately dealt with using highlight windows, internal shading fixtures and location of main windows set behind balconies.	Yes												
4B Natural Ventilation All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated.	Yes												
Design layout of single aspect apartments to maximises natural ventilation.	The design ensures natural ventilation is maximised.	Yes												
<u>Design criteria for natural cross ventilation:</u> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	100% of units are cross ventilated. The overall depth of apartments is less than 18m.	Yes Yes												
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum: <table border="1" data-bbox="261 1541 778 2022"> <tr> <th colspan="2">Min ceiling height for apartment & mixed use buildings</th> </tr> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area , 2.4m for 2nd floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground & 1st floor to promote future flexibility of use.</td> </tr> </table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	The proposal provides 3.2m floor to floor on ground floor and 3.05m from level 1 and above which is sufficient to ensure at least 2.7m floor to ceiling height after allowing for service ducts etc.	Yes
Min ceiling height for apartment & mixed use buildings														
Habitable rooms	2.7m (3.1m floor to floor)													
Non Habitable	2.4m													
2 storey apts	2.7m for main living area , 2.4m for 2 nd floor													
Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.													

ITEM 3 (continued)

<p>4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p><u>Note:</u></p> <ul style="list-style-type: none"> ➤ Additional bathrooms increase the minimum internal area by 5m²; 	<p>The application proposes studio, 1 and 2 bedroom apartments. The proposed areas of the apartments generally comply with the Design Guide. However, units 102, 202, 302, 402 and 502 are 2 bedroom units and include two bathrooms requiring the minimum internal area to be 75.95m². These units are 70.95m² however the proposed variation can be supported as the second bathroom is an ensuite arrangement likely to be used ancillary to one bedroom only. The amenity of these apartments for future occupants is not compromised by the size of the bathrooms and the provision of two bathrooms is considered to enhance the overall amenity and functionality of the two bedroom apartments. In addition these apartment complies with minimum private open space, internal width, solar access and ventilation requirements, as such their amenity is not reduced.</p>	<p>No (supported on merit)</p>
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Each habitable room has a window to an external wall equivalent to min 10% of the floor area.</p>	<p>Yes</p>
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.</p>	<p>All units comply with this requirement.</p>	<p>Yes</p>
<p>Master bedrooms - minimum area of 10m² (excluding wardrobe space).</p>	<p>Minimum requirement met</p>	<p>Yes</p>
<p>Bedroom - minimum dimension of 3m (excluding wardrobe space)</p>	<p>Minimum requirement met</p>	<p>Yes</p>

ITEM 3 (continued)

Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments. 	Minimum requirement met	Yes															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	Minimum requirement met	Yes															
<p>4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><u>Design criteria</u> 1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="280 960 799 1205"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	All minimum sizes for balconies have been achieved.	Yes
Dwelling type	Minimum area	Min. depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	The proposal does not include private open space at ground level. However, as the large communal area at the rear of the building is not required for communal open space (due to provision of rooftop communal open space) it is considered appropriate that the plans be amended to provide a minimum of 15m ² of private open space for Units G02 and G03. In regard to Unit G01 fronting Stansell Street. Council's Traffic Engineer has indicated that the proposed waiting bays for 2 vehicles are no longer required under the modified vehicular access arrangement. The 2 spaces should be redesigned as private open space for Unit G01.	No – Conditions of Consent to require provision compliant with the ADG requirement.															

ITEM 3 (continued)

	Condition1(a) & (b) has been recommended requiring these changes prior to the issue of a construction certificate.											
4F Common circulation and spaces. Design criteria 1. The maximum number of apartments off a circulation core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Maximum 4 units per circulation.	Yes										
Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor.	Common circulation space is provided as a breezeway linking the front and rear portions of the building.	Yes										
4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table border="1" data-bbox="255 1164 790 1411"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </tbody> </table>	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	Requirement: Studio: 11 x 4m ³ = 44m ³ 1 bed: 1 X 6m ³ = 6m ³ 2 bed: 11 X 8m ³ = 88m ³ TOTAL Required: 138m ³ . Total Proposed: Generous storage area is provided within the individual apartments and in the basement including over 300m ³ of storage within the basement. The proposal is satisfactory.	Yes
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
At least 50% of the required storage is to be located within the apartment.												
4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The likely source of noise within the site is from the car park entry. This is located mostly beneath the building and recessed from the living spaces above it. Plant rooms are located in the basement and communal space is located on the roof level recessed behind perimeter planter beds which will limit the use of the rooftop space to protect privacy and amenity for neighbours.	Yes Yes Yes										

ITEM 3 (continued)

	<p>The site is not located near any significant noise sources or significant pollution sources.</p> <p>Condition 45 has been imposed requiring compliance with the relevant provisions of AS 2017:2000 for sound levels for building interiors.</p>	
<p>4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>A mix of studio, 1, & 2 bedroom apartments have been provided.</p>	Yes
<p>4L Ground floor apartments Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The facade is adequately articulated to provide visual interest and is consistent with the design of contemporary buildings recently approved in the locality.</p> <p>The apartments located on the ground floor can each be provided with a large terrace for residents (through replacement of unrequired waiting bays and communal open space at ground level – See Condition 1(a) & (b)). A mix of layered landscape treatments and walls provides a permeable and varied street setback which allows for casual surveillance of the street and the building entry.</p>	Yes
<p>Building functions are expressed by the façade.</p>	<p>The building is residential and the design reflects the proposed use of the building.</p>	Yes
<p>4N Roof design Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>Roof elements are integrated into the building design and will not be visible from the footpath in Stansell Street fronting the site.</p>	Yes
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>The proposed roof includes a communal open space area. The flat nature of the roof is considered acceptable in the context of the site and its surrounds and the future scale of development anticipated on adjoining sites which will limit direct solar access to ground levels.</p>	Yes

ITEM 3 (continued)

Roof design incorporates sustainability features.	Roof design incorporates sustainability features in terms of design and durable materials used, opportunities for rooftop planting and use of space with direct solar access.	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposed landscape design enhances the amenity of the streetscape and provides significant improvements to the public domain.	Yes
4P Planting on structures Appropriate soil profiles are provided.	Appropriate soil profiles have been provided for the ground floor rear landscaping, front setback and rooftop terrace planter beds. Condition 55 has been imposed requiring minimum soil depth.	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided.	Building achieves 100% accessible as identified in the submitted Accessibility Report.	Yes
4R Adaptive reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	Not applicable.	N/A
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	None proposed.	N/A
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	Development incorporates energy efficient measures in accordance with Basix requirements.	Yes
4W Waste management Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by	Waste room is provided within Basement Level 1.	Yes

ITEM 3 (continued)

providing safe and convenient source separation and recycling.		
4X Building maintenance Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.	Building maintenance will be achieved subject to conditions and required provisions relating to body corporates.	Yes

(a) Relevant REPs

There are no REPs that apply to the assessment of this application.

(b) Any draft LEPS

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

(c) Any Development control plan

Part 4.6 Gladesville Town Centre and Victoria Road Corridor

This Part of the DCP provides a vision and development controls for the long term redevelopment of the Gladesville Town Centre and Victoria Road Corridor. The development has been designed having regard to the DCP 2014 controls.

The following sections are applicable for this part of the DCP.

2.2 Vision Statements - Precincts

The DCP contains a vision for each of the 4 precincts within the Gladesville Town Centre and Victoria Road Corridor. The site is located within the Town Centre Precinct. The proposed development is consistent with the vision for the Town Centre Precinct as it will contribute to the mix of uses within the precinct and contribute to the revitalisation of the town centre.

ITEM 3 (continued)

3.0 Objectives and Controls

The applicable controls to this development are discussed in the following table.

Control	Comments	Comply
3.1 Built Form		
2.2.3 Vision Statement – Town Centre Precinct The precinct will: Be transformed from a poorly functioning strip shopping centre into a genuine mixed use town centre.	The proposed development will replace a single dwelling with 23 apartments which will support the viability of the growing Gladesville Town Centre.	Yes
3.1.1 Built Form Heights a. Buildings must comply with the maximum heights described in the Ryde Local Environmental Plan 2014 (LEP). b. Floor to ceiling height must be a minimum of 2.7 m for residential uses. c. To ensure that the ground floor levels are adaptable over time for a range of uses, the floor to floor height at ground level in all mixed use developments is to be a minimum of 3.6 m, regardless of the initial proposed use.	As discussed above, whilst the proposed development does not comply with the maximum height control of 19m, the requested variation is considered acceptable under the circumstances. A 3m floor to floor height is proposed. N/A	No – variation acceptable Yes N/A
3.1.2 Active Street Frontages a. Provide ground level active uses where indicated on the Active Street Frontages Control Drawing (Figure 4.6.05). b. Active uses contribute to personal safety in the public domain and comprise: i. Community and civic facilities; ii. Recreation and leisure facilities; iii. Shops; iv. Commercial premises; v. Residential uses, particularly entries and foyers, however, these must not occupy more than 20% of the total length of each street frontage.	Not applicable to this site. Not applicable to this site.	N/A N/A

ITEM 3 (continued)

Control	Comments	Comply
<p>c. Where required, active uses must comprise the street frontages for a depth of at least 10 m.</p> <p>d. Vehicle access points may be permitted where Active Street Frontage is required if there are no practicable alternatives.</p> <p>e. Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.</p> <p>f. Serviced apartments, hotels and motels shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level.</p>	<p>Not applicable to this site.</p> <p>Not applicable to this site.</p> <p>Not applicable to this site.</p> <p>Not applicable to this site.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>3.1.3 Building abutting the Street Alignment</p> <p>a. Provide continuous street frontages with buildings built to the street boundary in the Gladesville Town Centre and in Monash Road Precincts except as shown in the Key Sites Diagrams (Refer to Figure 4.6.06).</p> <p>b. Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400 mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>	<p>Not applicable to this site.</p>	<p>N/A</p>
<p>3.1.4 Setbacks</p> <p>E - Victoria Road – Town Centre Precinct:</p> <p>a. Ground level setback from street boundary: 0m Upper level setback from street boundary: 5 m, Level 4 and above.</p> <p>b. All levels of buildings in side streets must be setback a minimum of 2m except as shown in Key Site Diagrams. Street trees and deep soil are to be provided within the setback area.</p>	<p>The building does not have frontage to Victoria Road</p> <p>The site is located off Victoria Road, in a side street – Stansell Street and within a transition area (between commercial precinct and older style residential flat buildings to the north and east). It is proposed to provide a 1.7m from the ground floor balcony with the building setback 3.9m. The upper</p>	<p>No – variation acceptable on merit.</p>

ITEM 3 (continued)

Control	Comments	Comply
	<p>levels will be setback 2m. The proposed variation of .03m on the ground floor is relatively minor and Condition 1(b) has been imposed requiring additional landscaping within the front setback. The setbacks are considered appropriate and are supported by UDRP.</p>	
<p>3.1.5 Rear Setbacks and Residential Amenity b. Provide 12 m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).</p>	<p>The building is setback between 8.37m and 10.77m to the rear boundary.</p> <p>Notably, the site adjoins a public carpark at the rear and will have no detrimental impact to residential amenity.</p> <p>It should be noted that the DCP does not provide any control in respect to side boundaries setbacks. In this instance the building separation requirements in the ADG are applicable.</p>	<p>Yes – no residential buildings to rear of the site.</p>
<p>3.1.6 Conservation Area Built Form Design Guidelines</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>3.1.7 Awnings</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>3.2 Access</p>		
<p>3.2.1 Minimum Street Frontage/Site Amalgamation a. Any development within the North and South Gladesville Precincts is to have a minimum 40 m frontage to Victoria Road and one driveway crossing maximum, unless it can be demonstrated that access may be achieved from the local road network.</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>3.2.2 Vehicular Access a. Provide vehicular access from the local roads network in preference to Victoria Road. This will require development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts in particular.</p>	<p>Not applicable to this site</p>	<p>N/A</p>

ITEM 3 (continued)

Control	Comments	Comply
<p>b. For all existing and proposed laneways, the laneway must include a 2-way carriageway, 6 m wide (regardless of traffic generation) and a footpath along one side 1.5 m wide, to the satisfaction of Council. A setback of 0.5 m may also be required to any built form (total 8 m allowance).</p> <p>Note: Where a laneway is provided basement carparking may extend under the lane subject to Council approval.</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>c. Gerard Lane shall be extended to create a connection running from Osgathorpe Street to Gerard Street.</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>d. Where a new lane is proposed to extend an existing lane, the new lane must be designed to seamlessly connect to the existing lane. The new lane may be required to be wider than the existing to Council's satisfaction to ensure adequate sightlines and safety to take into account the cumulative traffic demand in relation to the development capacity of the area, vehicular types and other relevant matters.</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>3.2.3 Parking</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>a. Provide publicly accessible parking to support retail, entertainment and commercial land uses, church and educational institutions as shown on the Parking Control Drawing (Figure 4.6.12) below, to Council's satisfaction.</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>b. The quantity of publicly accessible parking within the Town Centre Precinct shall equal or exceed existing public parking</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>3.3 Public Domain</p>		
<p>3.3.1 Pedestrian Connections</p>	<p>Not applicable to this site</p>	<p>N/A</p>
<p>a. Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and</p>	<p>Not applicable to this site</p>	<p>N/A</p>

ITEM 3 (continued)

Control	Comments	Comply
commercial core with clear direct sight lines and direct linkages.		
b. Provide an elevated connection across Victoria Road to Council and RMS satisfaction (refer to Figure 4.6.13 and Figure 4.3.06).	Not applicable to this site	N/A
c. Improve the pedestrian environment around Western Crescent and Coulter Street, with a better link to Trim Place.	Not applicable to this site	N/A
d. Provide pedestrian through-site connections and public domain parks, squares and plazas in accordance with the Pedestrian Connections Control Drawing (Figure 4.6.13) and the Public Domain Control Drawing (Figure 4.6.14).	Not applicable to this site	N/A
e. Pedestrian through-site connections must be: <ul style="list-style-type: none"> i. direct, without concealment opportunities and designed to provide clear sightlines from one end to the other; ii. a minimum of 3 m wide; iii. designed to consider pedestrian safety and the security of adjacent businesses; iv. activated by retail, civic and / or commercial land-uses; v. naturally lit and ventilated, and well lit at night; vi. publicly accessible between at least 7am and 7pm daily, however 24 hour public access is preferred; vii. accessible to all and designed to provide barrier free access (i.e. have regard to the Disability Discrimination Act and relevant Australian Standards); viii. have regard to Safer-by-Design Principles. 	Not applicable to this site	N/A
f. Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site	Not applicable to this site	N/A

ITEM 3 (continued)

Control	Comments	Comply
connections. See also Public Domain Controls in Section 4 of this Part.		
3.3.2 Public Domain Framework	Not applicable to this site	N/A
<p>3.3.3 Landscaping Character</p> <p>a. Create a consistent planting theme with a number of species to ensure that the planting gives a visual coherence. Build on the palette of existing species in streets.</p> <p>b. Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.6.15) and in accordance with the Ryde Public Domain Technical Manual and relevant street tree master plans.</p> <p>c. Select street trees based on the scale of buildings, width of the street, aspect, and on environmental parameters such as soil type.</p> <p>d. Build on the visual significance of the Church site and the Clocktower site, to emphasis the edges of core urban area.</p>	<p>The proposed landscaping within the front setback will contribute to the variety of existing species within the street.</p> <p>Appropriate conditions will be imposed requiring the planting of street trees. Refer to Condition 62.</p> <p>The conditions of consent details the selection of street trees.</p> <p>Not applicable to this site</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>3.3.4 Urban Elements</p> <p>a. Provide paving, seats, benches and bins as selected by Council in accordance with the Ryde Public Domain Technical Manual.</p> <p>b. Provide seating and shelter (awnings or bus shelter) at all bus stops, and provide seating at community facilities and drop off points. Seating shall be in accordance with Ryde Public Domain Technical Manual.</p> <p>c. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>d. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety to Council satisfaction.</p>	<p>Appropriate conditions are recommended requiring public domain improvements consistent with the DCP requirements. See Conditions 62 & 63.</p>	<p>Yes</p>

ITEM 3 (continued)

Part 7.2 Waste Minimisation and Management

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Senior Coordinator Waste Management. The WMP is considered satisfactory subject to conditions.

With regard to ongoing waste management and as detailed in the Waste Officers referral section previously in this report, it is acceptable that residential bins are brought out to the Stansell Street kerbside for collection subject to conditions given the specific site circumstances.

Appropriate conditions of consent are recommended to ensure that the waste will be managed satisfactorily (see **Conditions 70, 134 & 135**).

Part 9.2 Access for People with Disabilities

The DCP requires that the development must provide an accessible path of travel to all units as well as the provision of at least 3 adaptable units. The development proposes 3 adaptable apartments. Lift access is proposed to all levels of the building.

The application includes an Access Report prepared by Morris Goding Accessibility Consulting which demonstrates the proposed development will comply with the DCP access requirements.

Part 9.3 Car Parking

Part 9.3 specifies that car parking is to be provided at the following rates:

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

The development will contain a total of 23 apartments comprising of:

- 12 x Studio/One Bedroom
- 11 x Two Bedroom

	Lower Limit	Upper Limit
One bedroom/studio x 12	7.2	12
Two bedroom x11	9.9	13.2
	17.1 (18)	25.2 (26)
Visitors/23	4.6 (5)	4.6 (5)
Residential total	23	31

ITEM 3 (continued)

The DCP states that: *in every new building, where the floor space exceeds 600m² GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*"

The development provides 18 residential spaces plus 3 accessible spaces for the adaptable units and 5 visitor spaces (total of 26 spaces) and 5 bicycle spaces. The proposal is within the minimum and maximum range, thereby satisfying Council's parking requirements. The site is also within walking distance to bus services.

Condition 54 has been imposed requiring the allocation of the car parking spaces.

City of Ryde Section 94 Development Contribution Plan 2007

The development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan.

The contribution is based on the number of additional dwellings in the development proposal. The contributions payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

- 12 x 1 bedroom units; and
- 11 x 2 bedroom units.

Note: The one bedroom units contain a study however these studies areas are not capable of being used as a bedroom therefore they have not been included in the S94 calculation.

The development includes the demolition of 1 dwelling house and this has been included in the Section 94 contribution calculations.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$53,548.99
Open Space & Recreation Facilities	\$131,826.56
Civic & Urban Improvements	\$44,836.76
Roads & Traffic Management facilities	\$6,115.99
Cycleways	\$3,820.41
Stormwater Management Facilities	\$12,143.01
Plan Administration	\$ 1,030.00
The total contribution is	\$ 253,321.72

Condition 37 requiring the payment of the above Section 94 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

ITEM 3 (continued)

9. Likely impacts of the development

(a) Built Form

All relevant issues regarding environmental impacts of the built form are discussed elsewhere in this report. The development is considered satisfactory in terms of the existing and anticipated context and setting.

(b) Natural Environment

The proposed development is permitted in the zone and is located within an established urban area. There will be no significant adverse impacts on the surrounding land uses or the natural environment. Council's standard conditions of consent relating to protection of the natural environment are considered satisfactory to mitigate any adverse impact.

(c) Any other issues

Safer by Design

In assessing this development application Council must have regard for the "*Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979*" issued by the Department of Planning in April 2001. These guidelines include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and **Conditions 112 to 118** are recommended in this regard for information to be submitted with the Construction Certificate and for ongoing operation.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent to control the impact of the construction activities are recommended. In addition, **Conditions 73 & 98** are recommended with regard to geotechnical monitoring during excavation.

ITEM 3 (continued)

11. Suitability of the site for the development

Council's map of Environmentally Sensitive Areas identifies the following constraints affecting the subject property:

Acid Sulfate Soils (Buffer Zone):

Clause 6.1 aims to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

Clause 2 states:

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulphate Soils Map.

The subject site is not mapped as containing acid sulphate soil and is not located within 500m of adjacent Class 1, 2, 3 or 4 land. As such the proposed development is not likely to have any impact on acid sulphate soil.

12. The Public Interest

The proposed development is considered to be in the public interest as it provides an opportunity for the redevelopment of the site which will contribute to the growth and change within the City of Ryde by providing an increase in the local population and contribute to the provision of additional housing within an existing and established urban locality within close proximity to the CBD and public transport.

The proposal has taken into account the applicable planning controls and any potential impact on the locality. Accordingly, the proposed development is considered to be in the public interest.

13. Consultation – Internal and External

Internal Referrals

Senior Coordinator Waste Management: 14 February 2017: Raised no objections subject to conditions of Consent. See **Conditions 70, 133 & 134**.

Traffic & Development Engineer: 14 February 2017: Raised no objections subject to conditions (see **Conditions 11, 36, 59 to 61, 68, 81, 95 & 108**).

Senior Coordinator – Asset Networks: 14 February 2017: Raised no objections subject to conditions (see **Conditions 62 to 68, 72, 85, 101, 102, 109, 124 to 130**).

ITEM 3 (continued)

Senior Coordinator Development Engineering Services: 14 February 2017: No objection to the development subject to standard engineering conditions (see **Conditions 12 to 14, 71, 73 to 76, 86, 95 to 100, 106 & 119 to 123**).

Environmental Health Officer: 17 March 2017. No objections to the proposed development subject to standard environmental health conditions (see **Conditions 18 to 21, 30, 31, 58, 131 & 135**).

External Referral

Via Energy Australia 24 March 2017: The subject site is within the vicinity of a viva pipeline as such the proposal was referred to Viva Energy Australia. Via Energy has advised that they have no objections to the development subject to conditions. One of the condition is for the requirement of a Risk Assessment Report to be undertaken which is to include consequence modelling of the worst case scenarios of potential adverse impacts to the site associate with proximity to the hazardous installation.

Council has imposed this as a Deferred Commencement condition. The applicant was advised of this and has raised no objections to this. In addition, **Condition 39** has been imposed requiring the recommendations contained in the report to be complied with and details to be submitted with the Construction Certificate.

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.

ITEM 3 (continued)

17. Conclusion

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal, as amended, is suitable for the site and is in the public interest. The submitted application as revised seeks approval for a residential flat development that is permissible within the applicable B4 Mixed use zone and is in keeping with the objectives and expectations of Council's planning controls. The proposal includes a non-compliance with the Height of Building controls that is considered acceptable on the basis that it relates to ancillary facilities for the development (being access and facilities for roof-top communal open space) and that it does not impact adjoining development to an extent beyond that for a compliant development.

The application generally complies with the planning provisions. The issues raised in the submissions have been considered and have been adequately addressed through the assessment process. Refusal of the application is not warranted based on the reasons contained in the submissions.

In light of the above, it is recommended that the application LDA 2016/151 at 1 Stansell Street, Gladesville be approved subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
1 Stansell Street GLADESVILLE LDA2016/0150**

Part 1 – Conditions Relating to a Deferred Commencement Consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979

This consent shall not operate until the applicant submits the following documentation to Council and Council has confirmed in writing that it is satisfied with the documentation:

1. A complete risk assessment prepared and certified by a suitably qualified and experienced Dangerous Goods Consultant. The risk assessment must include consequence models of the worst case scenarios of potential adverse impacts to the site associated with the proximity of the Viva Pipeline.
2. A material and finishes plan prepared and certified by the Dangerous Goods Consultant that:
 - a. confirms that the building to be constructed and occupied can withstand the radiation contour identified by the risk assessment report and how this will be achieved;
 - b. details the window type (including laminated glass) and method of fixing for the building to demonstrate that shattering of glass will be prevented; and
 - c. As required, confirms that the membrane applied to the basement will prevent the penetration of liquids and gases in particular groundwater and gas and liquid petroleum.
3. An Emergency Evacuation Plan prepared and certified by the Dangerous Goods Consultant which demonstrates that all evacuations are to the back of the property away from the pipeline.
4. Documentary evidence from Viva Energy Australia Pty Ltd verifying that they are satisfied with the risk assessment.

Part 2 – General Conditions of Consent

The following requirements shall apply upon satisfactory completion of the requirements outlined in Part 1 of this consent (above).

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:

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Document Description	Date	Plan No/Reference
Site Plan	27/07/2016	A1010 Issue B
Basement 03 Plan	27/07/2016	A1200 Issue B
Basement 02 Plan	27/07/2016	A1201 Issue B
Basement 01 Plan	01/12/2016	A1202 Issue B
Ground Floor Plan	01/12/2016	A1203 Issue B
Typical Level 01-02 Plan	27/07/2016	A1204 Issue B
Typical Level 03-05 Plan	27/07/2016	A1205 Issue B
Roof Plan	27/07/2016	A1206 Issue B
Section AA	27/07/2016	A1700 Issue B
Section BB	27/07/2016	A1701 Issue B
North and South Elevation	27/07/2016	A1500 Issue B
West and East Elevation	27/07/2016	A1501 Issue B
Material Schedule	27/07/2016	A1600 Issue B
Material Schedule	27/07/2016	A1601 Issue B
Landscape Plan	04/08/2016	L01 Issue B

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

- a. **Removal of Waiting Bay.** Proposed waiting bay for two vehicles shown on the ground floor plan is no longer required under the modified vehicular access arrangement. Updated plans shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.
- b. **Compliance with Apartment Design Guide (Private Open Space for ground floor apartments):** To ensure compliance with the provision of private open space for ground floor units, the following amendments are required:
 - i. The waiting bays are to be replaced with landscaping and incorporated into the private open space of Unit G01 to provide a minimum private open space area of 15m².
 - ii. The landscaped area within the rear setback is to be amended to provide a minimum of 15m² of private open space for each south facing ground floor apartment (i.e. Units G02 and G03);
 - iii. Where new private open space is to be ancillary to an adaptable/accessible apartment, the private open space and access to that space shall also be accessible.

ITEM 3 (continued)

ATTACHMENT 1

c. **Design change.** The timber cladding is to be relocated to the ground level and the Hebel side panels are to be replaced with a higher quality solution. A schedule of materials, colours and finishes is to be submitted with the Construction Certificate and include this change to the satisfaction of the Accredited Certifier.

These amendment(s) must be clearly marked on the landscape and architectural plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 703462M dated 15 February 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:
 - 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. **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.
7. **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.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

ITEM 3 (continued)

ATTACHMENT 1

9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
10. **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.
11. **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
12. **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.
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. **Dial Before You Dig.** Ensure Service providers connecting utilities for the development complete a Dial Before You Dig (DBYD) enquiry and the works follow Viva Energy procedures and requirements.
16. **Viva Pipe Line.** No spoil or equipment to be placed on the pipeline easement.

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ATTACHMENT 1

17. **Detailed site investigation report** - The proponent must 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 or anticipated to be 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.

18. **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.

19. **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*.
20. **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.
21. **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.

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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.

22. **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.
23. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
24. **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.
25. **Tip Dockets.** Tip dockets identifying the type and quantity of waste disposed/recycled during demolition and construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections
26. **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.

ITEM 3 (continued)

ATTACHMENT 1

27. **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.
28. **Waste Management Plan.** Demolition material must be managed in accordance with the approved waste management plan.
29. **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.
30. **Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition, excavation or construction work that has the potential to alter previous conclusions about site contamination.
31. **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.
Note: An appropriately licensed contractor shall be engaged for the removal of friable asbestos or asbestos containing material greater than 10m2 and Work Cover appropriately notified. All such demolition shall comply with Work Health and Safety Act 2011, Work Health and Safety Regulation 2011 and Protection of Environment Operations Act 1997.
32. **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.
33. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully 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.
34. **Surplus excavated material.** All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.

ITEM 3 (continued)

ATTACHMENT 1

35. **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 Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
36. **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.
- 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).

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- 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.

- 37. **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	\$53,548.99
Open Space & Recreation Facilities	\$131,826.56
Civic & Urban Improvements	\$44,836.76
Roads & Traffic Management facilities	\$6,115.99
Cycleways	\$3,820.41
Stormwater Management Facilities	\$12,143.01
Plan Administration	\$ 1,030.00
The total contribution is	\$ 253,321.72

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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>.

38. **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**.
39. **Compliance with Risk Assessment Report.** The requirements of the Risk Assessment Report and any associated documents must be implemented. Details are to be submitted with the **Construction Certificate**.
40. **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**.
41. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)

ITEM 3 (continued)

ATTACHMENT 1

42. **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

43. **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**.

44. **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>

45. **Acoustic.** 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.

46. **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**.

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47. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
48. **Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, all service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval, such infrastructure shall be located on the subject site and appropriately screened from view. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.
49. **Vehicular entry.** The vehicular entry is to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
50. **Compliance with Access Report.** The amended development is to comply with the requirements contained in DA Access Review prepared by Morris Goding Accessibility Consulting and all other relevant BCA access requirements. Details demonstrating compliance are to be submitted on the Construction Certificate (for above ground works) plans.
51. **Adaptable Units.** Three (3) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate (for above ground works), a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
52. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the **Construction Certificate**.

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53. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
54. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- A minimum of 18 residential spaces;
 - 5 visitor spaces
 - 3 disabled access spaces.
55. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
56. **Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the Construction Certificate.
57. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of **Construction Certificate**.
58. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the **Construction Certificate**. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
 - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

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59. **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 Construction Certificate. 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.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- 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.
- 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 measures.
- 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 tree's.
- The inclusion of parking provisions for all contractors and staff within the basement of the development as soon as the basement is constructed to a suitable standard and can accommodate parking.
- 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 supplied to Council.

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- 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).
- 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 is to be paid at the time that the Traffic Management Plan is submitted.

60. **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 Traffic Development Engineer, prior to any work commencing.

All fees and charges associated with the review of this report shall 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.

61. **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.

62. **Public domain improvements.** The public domain is to be upgraded along the entire frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 2 – Gladesville. The work is to include paving, multifunction light poles, street furniture and plantings, and must be completed to Council’s satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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A public domain plan for the following works shall be submitted to, and approved by, Council's City Works and Infrastructure, prior to the issue of any Construction Certificate.

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the City of Ryde Public Domain Technical Manual Section 2 – Gladesville. The public domain plan is to incorporate "Pyrus calleryana 'Capital'" (Ornamental Pear), 200L, pit size 3m x 1.5m, Liriope muscari "Royal Purple" at base, as the designated street tree for the Stansell Street frontage of the development. The type and details of the tree vault shall be shown in the public domain plans. –

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, shall be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along The Stansell Street frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.
- (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 Stansell Street. This 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, and approved by, Council's City Works & Infrastructure Directorate, prior to lodgement of the scheme with Ausgrid for their approval.

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63. **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 any Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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 pavement widening into the remaining street scape.

- (a) The removal of the existing vehicular crossings in Stansell Street.
- (b) Construction of a 375mm RCP stormwater extension along Stansell Street from the existing kerb inlet pit on the corner of Stansell Street and Victoria Road, in order to provide a connection for the disposal of stormwater from the development site.
- (c) Construction of new kerb and gutter for the entire length of the Stansell Street frontage of the development site.
- (d) Construction of full width granite footpath along all frontage of the site in accordance with the City of Ryde Public Domain Technical Manual Section 2 - Gladesville.
- (e) 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.
- (f) Adjustment of levels and grades of all infrastructure (footpath, kerb and gutter, road pavement, etc.) so as to provide a smooth transition to existing infrastructure.
- (g) Any other works required to make the construction effective.

Notes:

- 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
- 2. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

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64. **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 Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage 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.

65. **Vehicle Footpath Crossing.** To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance 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. The crossings shall match the paving style along the frontage of the development site.

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 Construction Certificate.

66. **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 and 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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67. **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 a 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.
68. **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. Payment shall be made prior to any approval being granted by Council.
69. **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 Work Zone Permit shall be obtained for State Roads.

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- 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.
- 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.

NOTE: The applicant is to pay to Council for the assessment of all applications of road use permits, work zone permits, crane permits and/or concrete pump permits, in accordance with Council's Schedule of Fees and Charges, prior to any approval being granted by Council.

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70. **Waste.** Any changes to the proposed waste storage and handling facilities must be approved by City of Ryde Council. The Waste Facility are to comply with the following:

- Safe and easy access must be provided for waste collection vehicles to service the waste containers. “No Standing on Garbage Day (Tuesday) between 5.00am to 11.00am” signs will be placed on Stansell St to enable the trucks to access the bins for servicing. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any Construction Certificate.
- All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door noting that 240L Bins have the following dimensions: width 0.6m, depth 0.8m, height 1.1m.
- All garbage and recycling rooms must be constructed in accordance with the following requirements:
 - 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;
 - 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;
 - The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - 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;
 - The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - 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;
 - 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;
 - The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - The room must be provided with adequate artificial lighting; and

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- A hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning
 - Council does not support the use of a Private Contractor for the removal of waste and recycling.
71. **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).
72. **Public Domain Stormwater Drainage Works – Council Approval.** To ensure the adequate drainage of stormwater from the approved development, the inground public drainage infrastructure in Stansell Street must be extended to the site.

The following works are required to be undertaken, at the applicants cost;

- Installation of a standard kerb inlet pit as per Council's standard detail – "SWD01". The pit must be cast-in-situ and is to be located a minimum 600mm from the nearest gutter crossover splay.
- Installation of a 375mm diameter reinforced concrete pipe under the kerb and gutter, extending from the new kerb inlet pit referred to above to the existing kerb inlet pit in Stansell Street in the vicinity of the intersection with Victoria Road. The drainage pipes must be a minimum Class 3, rubber ring jointed, reinforced concrete with Type HS2 bedding Support and conforming to AS 4058. Drainage lines must have a minimum grade fall of 1%.
- Full restoration of the road shoulder, concrete driveway crossovers, kerb and gutter effected by the works.

Detailed engineering plans prepared by a Civil engineer in accordance with the Council's DCP and Technical Manuals shall be submitted to Council's City Works and Infrastructure (Stormwater section) for approval. At a minimum, the plans must show works in plan view, longitudinal sections and details at a scale relevant for the level of detail and include all existing services/ infrastructure to be retained in the area of works, pipe size, class and type, pipeline chainages, levels, hydraulic grade line and any information necessary to assure the works will be completed to Council's satisfaction.

The applicant shall undertake and bear all costs associated with these works and the liaison, approval and relocation of any utility services and all correspondence and approvals between the applicant and utility authorities must be provided with the engineering documentation.

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The approval of the Public Domain engineering plans and payment of any Council inspection fees (in accordance with Council's Management Plan) must be finalised prior to the issue of any Construction Certificate.

73. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

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74. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

The SDP is to comprise of detailed plans, documentation and certification of the system, must be prepared by a chartered civil engineer and must, as a minimum, comply with the following;

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
 - Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
 - Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
 - The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
 - Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
 - Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
 - Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.
75. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 3 Stansell Street and 287 to 295 Victoria Road. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.

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76. **Inspection.** 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.
- Upon installation of pipe and before backfilling.

An inspection fee shall be paid prior to the inspection.

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.

77. **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.

78. **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

79. **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.

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- (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.

80. **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.

81. **Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a 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 but 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 Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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.

82. **Temporary Footpath Crossing** - A temporary footpath crossing must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

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83. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

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.

84. **Utility Services.** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.
85. **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.

86. Hold Points during construction – Drainage Works - Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage works at the following hold points: -

- c. Upon excavation of trenches shown on the approved drainage drawings.
- d. Upon installation of pipes and other drainage structures.
- e. Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections

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 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.

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. 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.

ITEM 3 (continued)

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91. **Construction materials.** All materials associated with construction must be retained within the site.
92. **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.
93. **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. Site Maintenance. The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.
94. **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".
95. **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
96. **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.

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97. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Webb Australia Consulting Engineers (Refer to Project No. 152646 Dwgs SW001 Rev A. dated 16 November 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. No sediment, dust, soil or similar material shall leave the site during construction work.
98. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
99. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
100. **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 Webb Australia Consulting Engineers (Refer to Project No. 152646 Dwgs H000, H0101 & H0102 Rev C. dated 6 April 2016) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
101. **Public Domain Works - Construction.** The public domain infrastructure works specified in this consent must be constructed in accordance with the approved civil infrastructure plans, documentation and any associated conditions as issued by Council’s City Works & Infrastructure section under the provisions of Section 138 of the Roads Act and Local Government Act.

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102. **Public Domain Works – Construction Inspections.** Any works in the Public Domain or alterations to public infrastructure that will come under the care and control of Council upon completion of the development, will require inspection by Council's Public Works section (the relevant officer) at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
 - b) Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
 - c) Upon installation of any pipe and other drainage structures.
 - d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
 - e) Upon the completion of all drainage works and prior to practical completion.

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.

103. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered No. 703462M dated 15 February 2016.
104. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.

ITEM 3 (continued)

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105. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- Regular maintenance and trimming of shrubs and plantings.
 - Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
106. **Decommissioning of Ground Anchors** Prior to the issue of any 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
107. **Ongoing Management.** The applicant shall be responsible in ensuring that the road reserve remains in a serviceable state during the course of the project. Under the direction of Council, the applicant will make good any roadside facilities being footpaths, road pavement, et cetera; to Council's (City of Ryde) satisfaction.
108. **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.**
- **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.
109. **Public Drainage Infrastructure Works - Bond money.** To ensure the proposed drainage system along Glen Street is constructed to Council's standards, specifications and satisfaction and operates as designed, the applicant must submit a bond to Council equal to the total cost of the drainage works based on quotations or detailed estimated costs. The bond will be in the order of \$150,000 approximately, and shall be paid in the form of a cash deposit or Bank Guarantee and lodged with the Council prior to issue of a Construction Certificate. A maintenance period of six (6) months shall apply

ITEM 3 (continued)

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following the date of issue of the Occupation Certificate is issued to ensure satisfactory performance of the public infrastructure works. 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. 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 applicant shall provide Council with results of a CCTV inspection to confirm satisfactory condition and performance of the drainage line prior to the release of the bond.

110. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.

111. **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.

112. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:

- The carpark, carpark entry/exit points.
- The ground floor lobby and lifts

The cameras should include the foyer area to the building including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.

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As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to **identify** a person recorded by the camera. All other cameras **MUST** record footage of a nature and quality in which it can be used to **recognise** a person recorded by the camera. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

If requested by police, the applicant is to archive any recording until such time as they are no longer required. Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.

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

113. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

114. **Lighting.** Lighting is to be provided around the site including the common areas, internal driveways, visitor parking areas, common pedestrian access from the street and the street frontage and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
- There will be no offensive glare onto adjoining residents.

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

115. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
116. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
117. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
118. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
119. **Stormwater Management /Drainage - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System / drainage works 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. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer (registered on the NER of Engineers Australia), certifying the drawings are a true and accurate representation of the constructed works.

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120. **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, pump/ sump, charged/ siphonic and WSUD (water sustainable urban design) 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 standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.
121. **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 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 on or 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 will require approval on each occasion. 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.

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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 any Occupation Certificate.

122. **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 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).
 - e) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

ITEM 3 (continued)

ATTACHMENT 1

123. **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).
124. **Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
125. **Compliance Certificate – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
126. **Compliance Certificate – External Landscaping Works.** Prior to the issue of any 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.
127. **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 any 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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128. **Public Domain Works – CCTV Inspection.** Prior to the issue of an Occupation Certificate, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network, and any defects in the drainage network identified in the report shall be rectified to Council's satisfaction.
129. **Compliance Certificate – External Works.** Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all external works have been completed to Council's satisfaction, 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.
130. **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.
131. **Certification of mechanical ventilation work.** Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
132. **Compliance report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
133. **Waste** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate

OPERATIONAL CONDITIONS

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

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134. Waste storage areas:

- All waste storage areas must be maintained in a clean and tidy condition at all times.
- Signs are required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
- Garbage and recycling bins must always be stored on-site between collections.
- All waste storage areas must be maintained in a clean and tidy condition at all times
- All material in the bulky items/hard waste storage room is to be taken to the collection area on the kerbside stipulated by Council, by the building management or cleaners. The material is to be placed in such a manner so that it will not impede the access to pedestrian access.
- Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
- Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
- All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner

135. 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.

136. 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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ATTACHMENT 2

clause 4.6 exception
for building height



1 stansell street
gladesville

residential flat building

prepared for
MMD Construction Consultants

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ATTACHMENT 2

1 introduction

1.1 The Submission

This submission has been prepared for MMD Construction Consultants to accompany a Development Application (DA) to Ryde City Council relating to the erection of a Residential Flat Building (RFB) at 1 Stansell Street, Gladesville (the Site). It seeks a variation of the development standard pertaining to Height of Buildings prescribed by Clause 4.3 of Ryde Local Environmental Plan 2014 (RLEP 2014).

1.2 The Proposal

The DA proposes the demolition of the existing buildings on the Site and the construction of a RFB containing 23 apartments (i.e. 11 studio, 1 x one-bedroom and 11 x two-bedroom apartments), with three levels of basement car parking.

1.3 Background

This submission has been prepared in accordance with the provisions of Clause 4.6 of RLEP 2014. It has been requested by Council by way of letter dated 18 November 2016. The height variance has resulted from an amendment to the originally submitted plans to provide a roof top communal open space and extend lift access up to this space.

It is noted that Clause 4.6 of RLEP 2014 requires the concurrence of the Director-General to be obtained prior to granting of consent for development that contravenes a development standard. Given that RLEP 2014 is a Standard Instrument, concurrence can be assumed in accordance with the Planning Circular PS 08-003 (dated May 2008).

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ATTACHMENT 2

2 the use of clause 4.6

The NSW Department of Planning and Environment's publication "Varying development standards: A Guide" (August 2011), states that:

The NSW planning system currently has two mechanisms that provide the ability to vary development standards contained within environmental planning instruments:

- *Clause 4.6 of the Standard Instrument Local Environment Plan (SI LEP).*
- *State Environment Planning Policy No 1 – Development Standards (SEPP1).*

In this instance, SEPP 1 does not apply as RLEP 2014 is a SI LEP.

This proposal seeks to vary the Height of Buildings development standard applicable to the Site in the requisite DA and not introduce new controls across an area. The Clause 4.6 guidelines also state specifically when this clause is not to be used as specified in Clause 4.6 (6) of RLEP 2014. Neither the Site nor the proposal satisfies these criteria and therefore, the use of Clause 4.6 to vary the Height of Buildings is appropriate in this instance.

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ATTACHMENT 2

3 nature of variation

3.1 What is the applicable Planning Instrument and Zoning

The RLEP 2014 is the environmental planning instrument that applies to the Site.

The Site is zoned B4 Mixed Use under RLEP 2014, in accordance with the Land Zoning Map.

3.2 What are the Zone Objectives

The relevant objectives of the B4 Mixed Use Zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

3.3 What is the standard being varied?

The standard being varied is the Height of Buildings development standard contained in Clause 4.3(2) of RLEP 2014.

3.4 Is the standard to be varied a development standard?

Yes, the Height of Buildings standard is considered to be a development standard in accordance with the definition contained in Section 4(1) of the Environmental Planning and Assessment Act 1979 (as amended) (EP&A Act) and not a prohibition.

3.5 Is the development standard a performance based control?

No, the development standard is a numerical control.

3.6 What is the underlying object or purpose of the standard?

The objectives of Clause 4.3 are as follows:

- a) *To ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.*
- b) *To minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.*
- c) *To encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.*
- d) *To minimise the impact of development on the amenity of surrounding properties.*
- e) *To emphasis road frontages along road corridors.*

ITEM 3 (continued)

ATTACHMENT 2

3.7 What is the numeric value of the development standard in the environmental planning instrument?

Clause 4.3(2) of the RLEP 2014 establishes a maximum building height of 19m for the Site.

3.8 What is the proposed numeric value of the development standard in the development application?

The maximum building height of the proposal is 21.806m (RL 68.75) for the lift overrun and 19.488m (RL66.35) for the common open space roof top balustrade, as shown on Section BB of the amended architectural plans.

3.9 What is the percentage of the variation (between the proposal and the environmental planning instrument)?

The maximum variation to the building height standard is 2.806m for the lift overrun and 1.488m for the common open space roof top balustrade, which are percentage variations of 14.7% and 7.8%, respectively.

ITEM 3 (continued)

ATTACHMENT 2

4 assessment of variation

4.1 Overview

Clause 4.6 of RLEP 2014 establishes the framework for varying development standards applying under RLEP 2014. Subclause 4.6(3)(a) and 4.6(3)(b) state that Council must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Subclause 4.6(4)(i) mandates that development consent must not be granted for a development that contravenes a development standard unless Council is satisfied:

- (i) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).*
- (ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and....*

An assessment of the Clause 4.3 variation is provided below, in accordance the requirements of Clause 4.6. In addition, this variation has also been prepared in accordance with the Guidelines, which identifies matters to be addressed in an application to vary a development standard.

4.2 What is the context of the variation?

The proposed maximum variations to the height standard is 2.806m (RL 68.75) for the lift overrun and 1.488m (RL66.35) for the common open space roof top balustrade, as shown on Section BB and **Figure 4.1** below. **Figure 4.2** below, which is an extract from the amended architectural plans, prepared by Ghazi Al Ali Architect Pty Ltd, indicates the east elevation and building elements in excess of the 19m height plane.

ITEM 3 (continued)

ATTACHMENT 2

Figure 4.1 | Section AA showing the extent of variation to the development standard

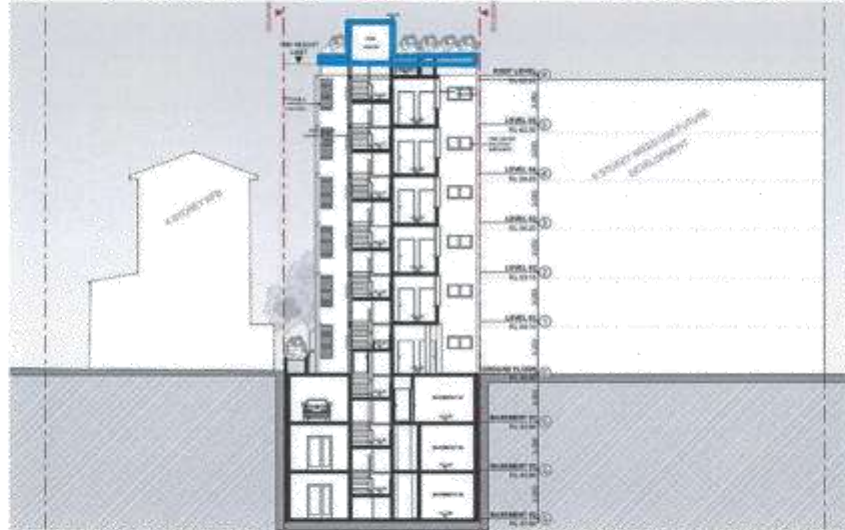
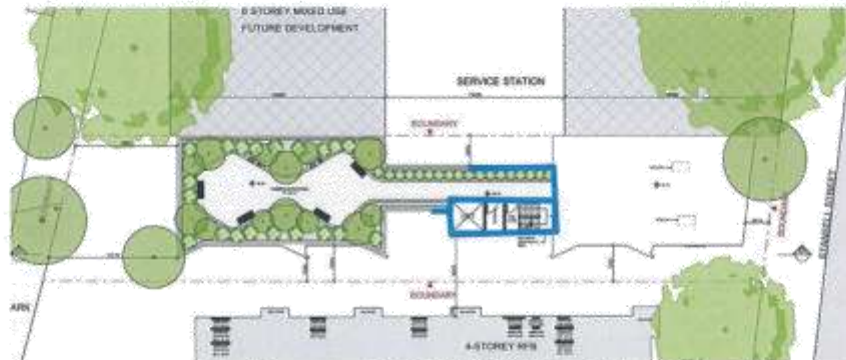


Figure 4.2 | Amended extract of the roof plan indicating the location of the overrun and balustrade, where the maximum variation occurs (in blue)



Source: Amended architectural plans prepared by Ghazi Al Ali Architect Pty Ltd

ITEM 3 (continued)

ATTACHMENT 2

Figure 4.3 | Amended extract of east elevation with the variation of the balustrade and overrun indicated in green



Source: Amended architectural plans prepared by Ghazi Al Ali Architect Pty Ltd

Additional communal open space has been located on roof of the development. This provides a better environmental outcome for future occupants in terms of the use and amenity. This is achieved through providing equitable access for the residents to a common area. Providing equitable access is best achieved by providing lift access despite that the lift overrun results in the height exceedance.

The provision of lift access to the top floor also presented an opportunity provide to some habitable floor area. The total GFA is well within the allowable RLEP 2014 FSR for the Site as the GFA allowance could not be achieved over the lower levels.

4.3 Is strict compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

In this instance, the strict numerical compliance with the development standard for Height of Buildings is unreasonable and unnecessary. On 19 February 2016, Preston CJ confirmed the approach to the "unreasonable or unnecessary" test in Clause 4.6 adopted by Morris C in *Micaul Holdings Pty Limited v Randwick City Council*.

Consistent with that decision, it is submitted that compliance with the Height of Buildings standard would be unreasonable and unnecessary for the following reasons:

- The overall portion of the building footprint that will consist of elements beyond the maximum height limit will be minor (as indicated in blue on **Figure 4.1** and **Figure 4.3**) and will not cause significant, adverse amenity impacts on neighbouring properties, particularly in terms of overshadowing (as verified by the amended shadow diagrams submitted as part of the amended architectural plans, solar access and privacy (discussed further below).
- Those sections that will exceed the maximum height standard will assist in delivering better on-site amenity and are necessary to achieve compliance with

ITEM 3 (continued)

ATTACHMENT 2

national codes and legislation. The overrun and balustrade will enable the provision of a well-designed, communal rooftop open space, which will provide a pleasant and functional space for recreational purposes. Whilst some landscaped zones are proposed at ground level, they will not fully cater for the variety of the expected recreational needs of residents. The landscape zones will not adopt a layout and design that will encourage use and cater for the expected needs, nor will they provide a suitable aspect with respect to better solar access. Specifically, both the balustrade and fire stair overrun are necessary to achieve compliance with requirements of the BCA. The lift overrun is necessary to provide wheelchair access and comply with the Disability Discrimination Act 1992.

- The building encroachments will be located almost centrally within the Site, i.e. considerably setback from the street frontage and side boundaries. In this regard, the height variations will not be visually dominating when viewed from street level. There will be a reasonable visual relationship with adjoining development with appropriate separation distances.
- The proposed development is in line with the future character of the area envisaged by the statutory and non-statutory planning controls.
- The proposal is consistent with the desired future character of the area and provides a greater level of residential amenity through sacrificing FSR and a bigger floor plate to provide a landscaped common open space area on an irregular shaped Site.

Visual Privacy:

Overlooking impacts are proposed to be minimised via the proposed side separations, planter box widths and screen planting around the communal open space. The widths of the planter boxes will restrict the angle of downward views and thus into openings on the side elevations of buildings on existing and future neighbouring residential properties. In areas where a variance occurs to the height standard greater separations are proposed. Nevertheless, with respect to the balustrade, the privacy issue does not stem from the balustrade element alone but from the use of the rooftop communal open space. Therefore if strict compliance were to be somehow achieved, the privacy issue would still need to be addressed.

The lift overrun will not include any openings and windows on the fire stairs will be infilled with glass blocks. These measures, plus the limited use of the fire stairs, will ensure that any possible downward views will be appropriately controlled as not to result in an adverse privacy impacts.

Acoustic Impact

As per the visual impact, it is not the non-compliant elements alone that will result in acoustic impacts but rather the use of any rooftop communal open space. To control the acoustic impact of the use of a rooftop terrace, a condition can be included in a consent to restrict the hours of use and for a strata management plan relating to the building include by-laws accordingly.

ITEM 3 (continued)

ATTACHMENT 2

4.4 Are there sufficient environmental planning grounds?

Yes. In the circumstances of the case, there are sufficient planning grounds to justify the variation to the development standard, namely:

- The proposal satisfies the objectives of the B4 Mixed Use zone and the objectives of the building height standards as described below.
- The non-compliance with the standard will not result in a scale of development, incompatible with the desired future character of the locality as expressed in Council's building envelope controls.
- The variation to the height will benefit the design outcome, by enhancing the vertical expression intended by the design element of the lift and stair wells. It will add to the articulation of the form.
- Providing lift access to the roof top common open space achieves a better outcome as it provides equitable access to the communal open space that has a high level of amenity.
- Despite the non-compliance, the proposed development is not an overdevelopment of the Site. The non-compliance will not contribute to the floor space ratio and on-site dwelling and population density. It will not extend the site coverage and reduce the amount of deep soil planting otherwise possible. It will not prejudice the amenity of any proposed units and/or contribute to any variances to the applicable detailed controls of the ADG and DCP.

In this instance, the development as proposed, is consistent with the provisions of orderly and economic development, as required by the EP&A Act and facilitates a positive environmental planning outcome for the Site.

4.5 Public interest

The proposal remains consistent with the relevant objectives of the B4 zone, despite the non-compliance with the Height of Buildings control as demonstrated in the assessment of the zone objectives below:

Objective: To provide a mixture of compatible land uses.

The proposal will be for a RFB on the Site. The proposed use is permissible in the B4 zone and will be compatible with the other permissible uses within the zone.

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

The proposal is located within 300m of regular bus services which run down Victoria Road, which will allow for easy access for future residents. The proposal includes bicycle parking and easy pedestrian access from the Site to encourage walking and cycling.

ITEM 3 (continued)

ATTACHMENT 2

Objective: To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.

Objective: To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.

These objectives are not expressly applicable to the proposed development, despite this the proposal will have direct access to Macquarie University via public transport along Victoria Road and may provide additional housing options for future students.

The proposal remains consistent with the relevant objectives of the building height standard outlined in subclause 4.3, despite the non-compliance as demonstrated below:

Objective: To ensure that street frontages of development are in proportion with and in keeping with the character of nearby development.

The street frontage will be consistent with the permissible development on the Site and the surrounds. The proposed height variation will not be visually prominent at street level. The variation occurs centrally within the building footprint and will not result in a streetscape which is out of character with the desired built form, as envisaged by the planning controls and zoning.

Objective: To minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area.

The overshadowing impacts are within reasonable expectations and have been minimised where possible through the design. The variation to the height does not result in any significant additional overshadowing, given that the variation is located centrally within the Site. The proposal has been arrived at through careful consideration of the context of the Site. The proposal represents an architecturally designed residential flat building which responds to the context. The proposal will present an improved visual outcome in line with the B4 zoning and provides updated housing stock.

Objective: To encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure.

The Site is located within 300m from a number of bus stops along Victoria Road, which are serviced by regular bus routes. The existing lot will be utilised to allow for the adjoining lots to be developed separately, without being isolated. The proposal will be an appropriate and sustainable development for the Site.

Objective: To minimise the impact of development on the amenity of surrounding properties.

The proposal will not result in any significant amenity impacts on the surrounding properties beyond what is envisaged by Council's controls. The design has been arrived at to minimise the overshadowing and privacy impacts of the development. The reduced central core has been designed to allow for good internal amenity and reduce the impact on the adjoining buildings. A large rear setback has been maintained to ensure that any

ITEM 3 (continued)

ATTACHMENT 2

future development to the south is not compromised by overshadowing. The windows within the development have been angled to reduce any privacy impacts to the east.

Objective: To emphasise road frontages along road corridors.

The Site is not located on a significant road corridor however clearly presents to the frontage to Stansell Street, with a defined frontage.

ITEM 3 (continued)

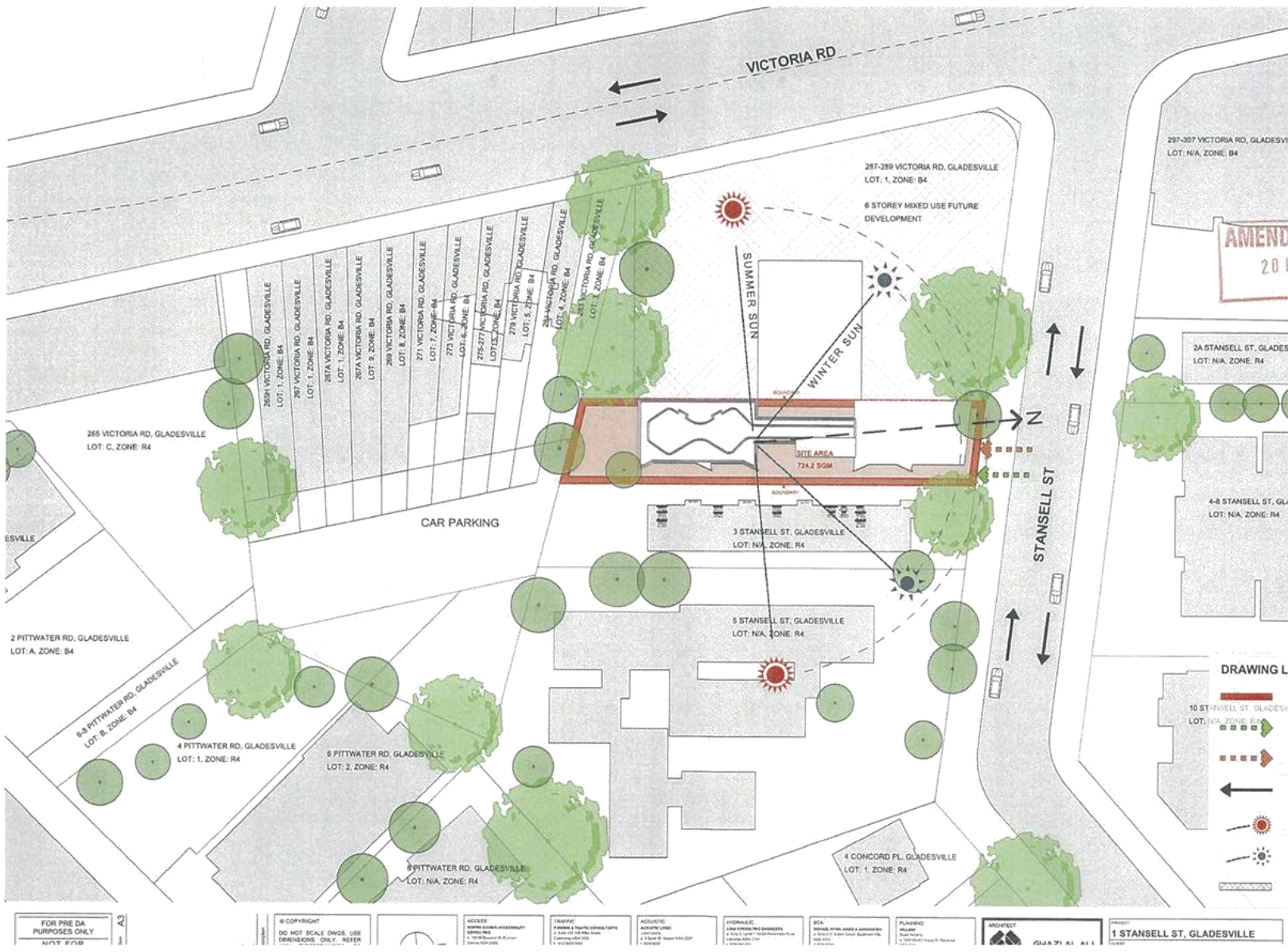
ATTACHMENT 2

5 conclusion

This submission satisfies the provisions of 4.6(3)(a) and (b) and 4.6(4)(a)(i) of the Ryde Local Environmental Plan 2014. It has been demonstrated that compliance with the Height of Buildings development standard is both unnecessary and unreasonable in the circumstances of this case; the variation is in the public interest and there are sufficient planning grounds to justify contravening the standard.

ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3

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C
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TIMBER CLADDING:
WOOD SOLUTIONS EXTERIOR
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E
TIMBER PRIVACY LOUVRES:
WOOD SOLUTIONS



F
ALUMINIUM FRAMES SLIDING
DOORS & WINDOWS WITH
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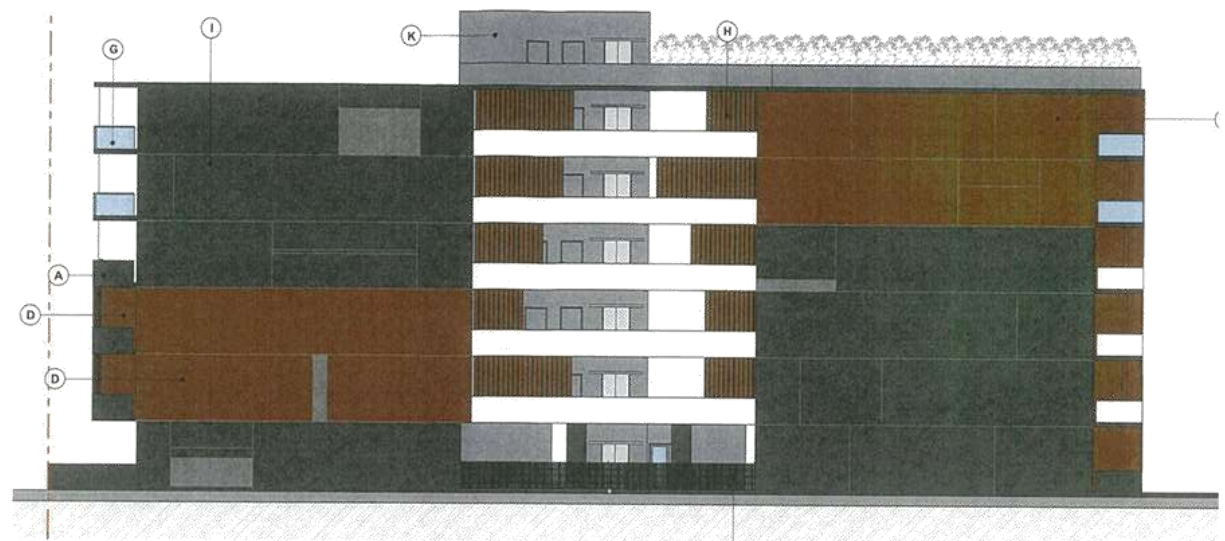
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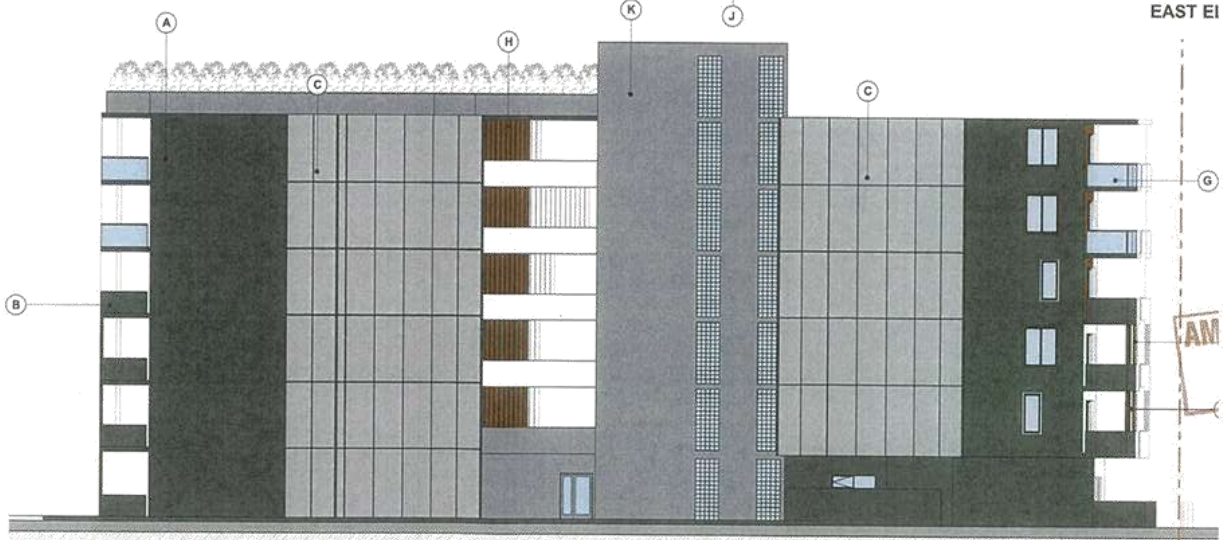
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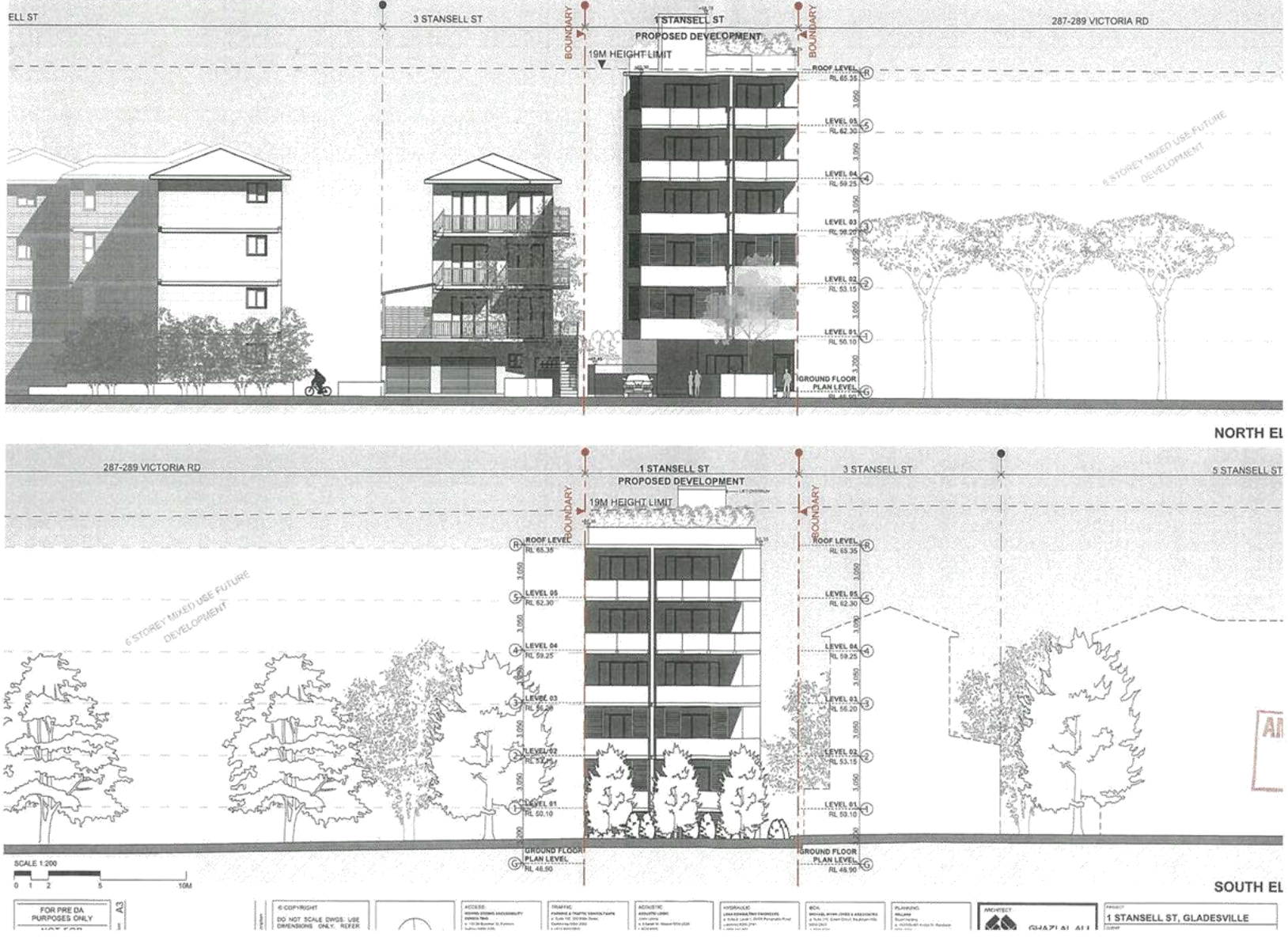


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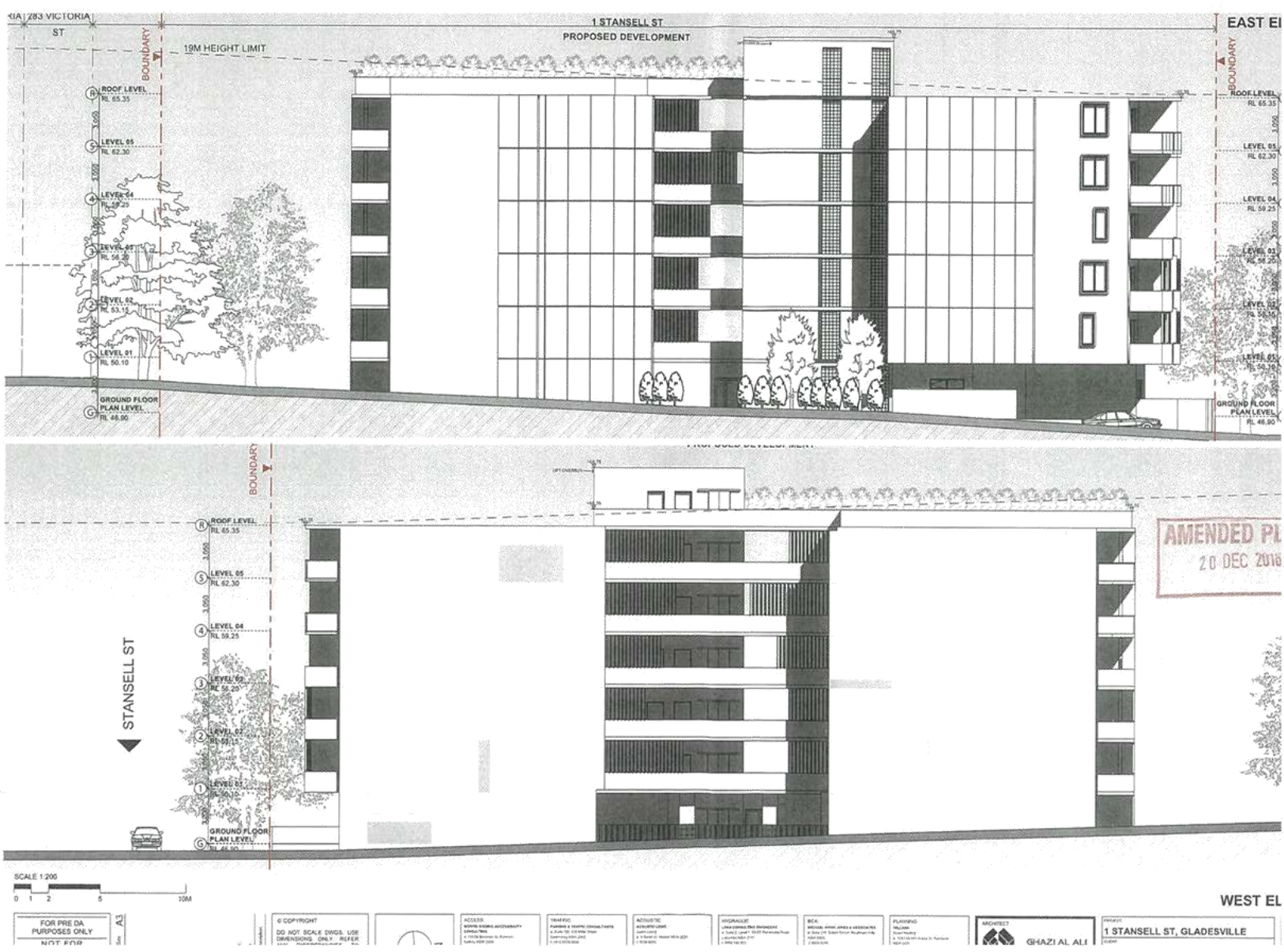
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



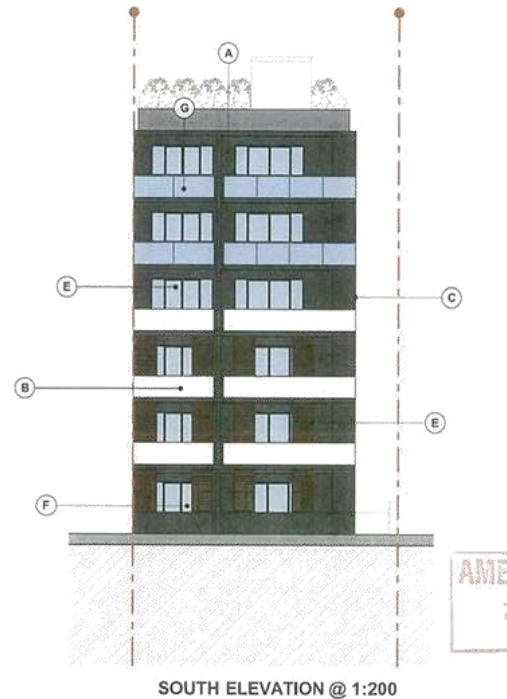
ITEM 3 (continued)

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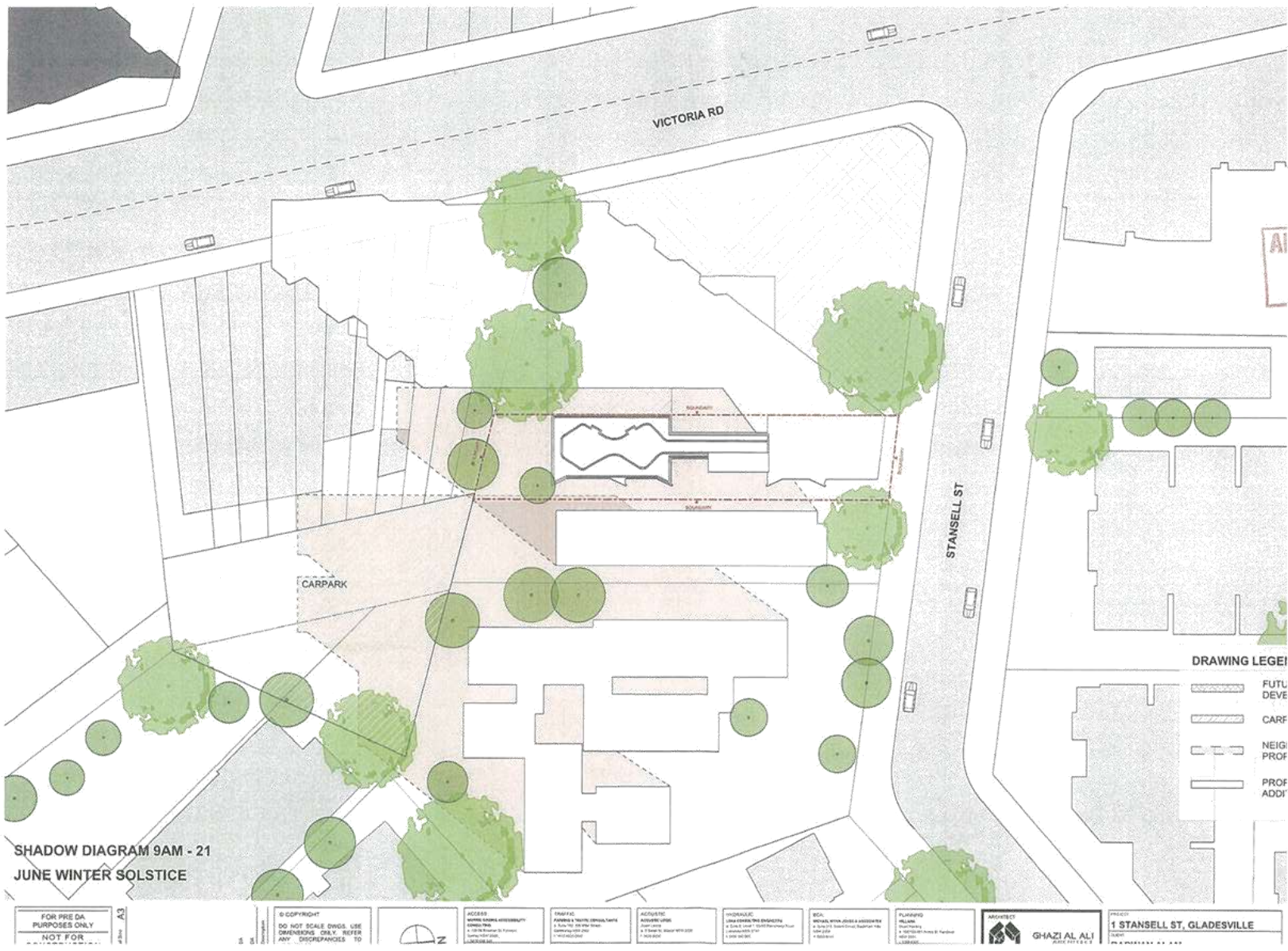
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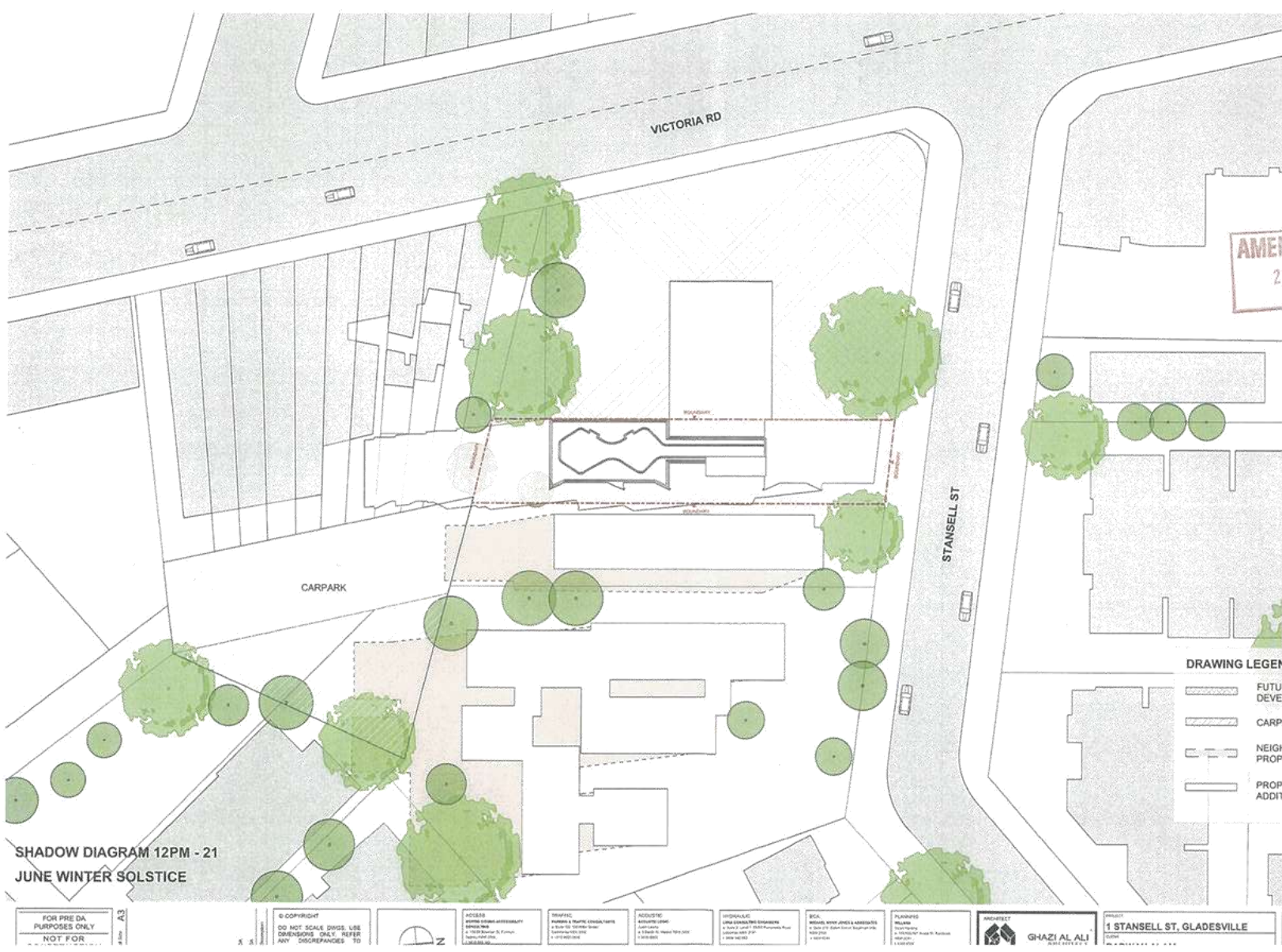
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ATTACHMENT 3



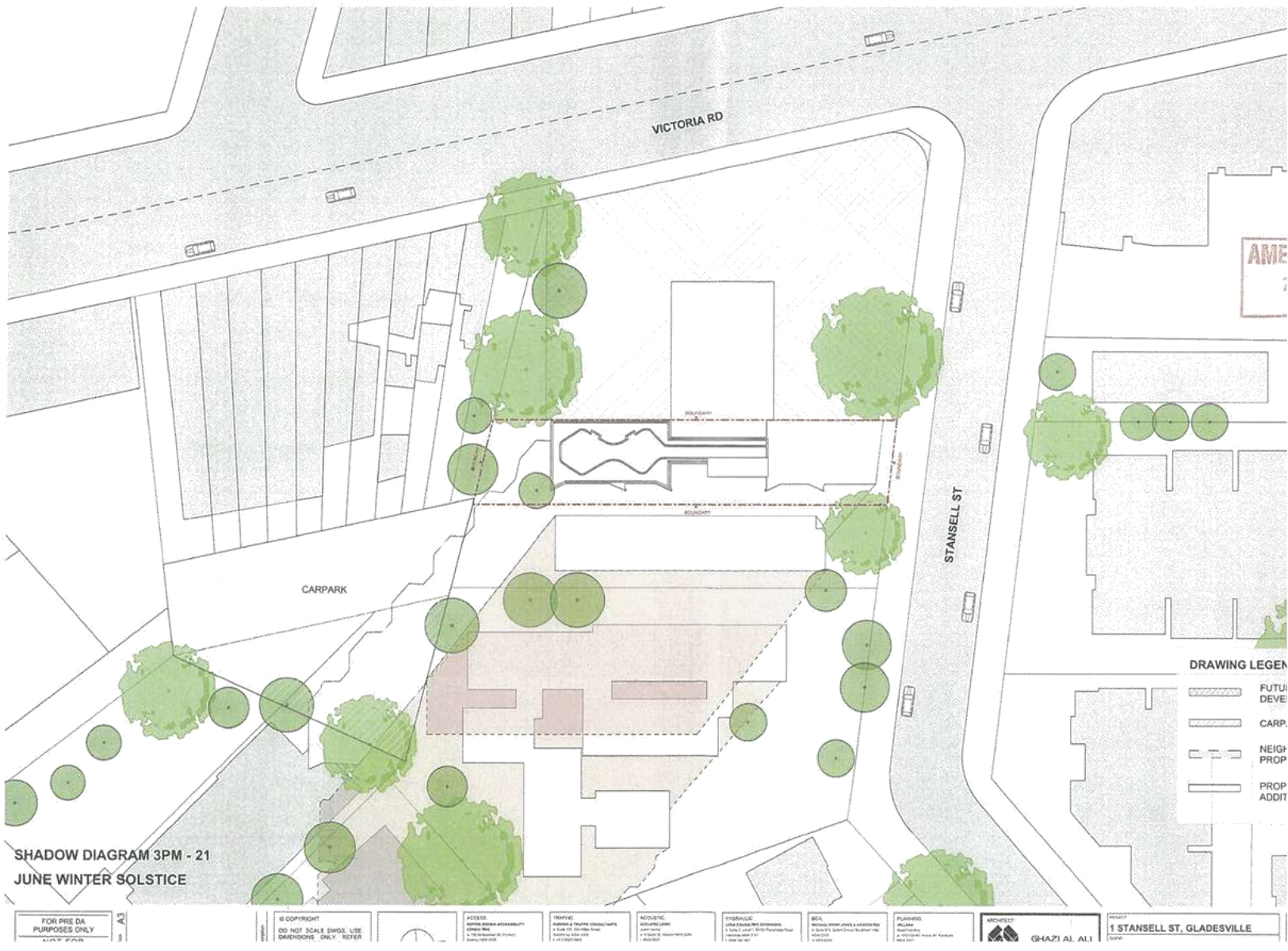
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



4 PLANNING PROPOSAL UPDATE - 176 BLAXLAND ROAD, RYDE

Report prepared by: Senior Strategic Planner
File No.: LEP2016/6/3 - BP16/1605

REPORT SUMMARY

The purpose of this report is to:

1. Provide an update on the Planning Proposal for 176 Blaxland Road, Ryde. The Planning Proposal was received in May 2016 and included the following changes:
 - Amending LEP 2014 Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
 - Amending LEP 2014 Height of Buildings Map to include a Maximum Building Height of 11.5 metres; and
 - Amending LEP 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
 - Amending LEP 2014 Lot Size Map to include a Minimum Lot Size of 580m².
2. To seek Council support to prepare and exhibit proposed amendments to Ryde Development Control Plan 2014 relating to the site concurrently with the exhibition of the Planning Proposal.

Council resolved on 13 December 2016 to forward the Planning Proposal for a Gateway Determination, and to request the Department of Planning and Environment (DPE) to impose a condition on the Gateway Determination to require the provision of affordable housing consistent with the City of Ryde Affordable Housing Strategy 2016-2031 and Council's interim policy position including that 4% of dwellings on land to be rezoned be affordable housing.

The Gateway Determination was received on 3 February 2017 however the DPE advised that it had not imposed a condition on the Gateway Determination as the City of Ryde is not part of State Environmental Planning Policy 70- Affordable Housing (Revised Schemes) (SEPP 70).

Council's resolution of 13 December 2016 allows for the exhibition of the Planning Proposal in accordance with the requirements of the Gateway Determination and the preparation of a report back to Council outlining any submissions made during the exhibition process.

ITEM 4 (continued)

A separate report will be brought back to Council to address the implementation of the City of Ryde's Affordable Housing Policy and the inclusion of the City of Ryde in SEPP 70 anticipated to be in July 2017.

RECOMMENDATION:

That Council prepare amendments to Ryde Development Control Plan 2014 for the site and exhibit these amendments concurrently with the exhibition of the Planning Proposal for 176 Blaxland Road, Ryde.

ATTACHMENTS

- 1 Gateway Determination dated 3 February 2017 - Planning Proposal 176 Blaxland Road, Ryde
- 2 Report to Council dated 11 October 2016 - Planning Proposal 176 Blaxland Road, Ryde

Report Prepared By:

Lara Dominish
Senior Strategic Planner

Report Approved By:

Lexie Macdonald
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 4 (continued)

History

The City of Ryde Affordable Housing Policy 2016-2031 was adopted on 12 April 2016 and outlines a number of projects, including the preparation of planning controls such as inclusionary zoning in Ryde LEP 2014.

On 12 April 2016, Council resolved the following interim policy position with regard to affordable housing:

(a) That Council adopt an interim position in relation to the delivery of affordable housing as part of the development and planning process with:

2 % of dwellings in new residential and mixed use developments be affordable housing.

4 % of dwellings constructed on land to be rezoned to permit residential / mixed use development be affordable housing.

In May 2016 Council received a Planning Proposal for the site at 176 Blaxland Road, Ryde. The Planning Proposal included the following changes:

- Amending LEP 2014 Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
- Amending LEP 2014 Height of Buildings Map to include a Maximum Building Height of 11.5 metres; and
- Amending LEP 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
- Amending LEP 2014 Lot Size Map to include a Minimum Lot Size of 580m².

The Planning Proposal would facilitate the redevelopment of the site through amalgamation with adjoining land parcels at 182-186 Blaxland Road (which are currently zoned R4 High Density Residential) to form a development site.

Council officers met with the applicant during the assessment of the Planning Proposal to request the provision of a Voluntary Planning Agreement (VPA) for affordable housing consistent with the interim policy position.

A report was presented to Council on 11 October 2016 (at **ATTACHMENT 2**) which supported the Planning Proposal in principle and recommended that Council endorse forwarding the planning proposal to the DPE to receive a gateway determination.

ITEM 4 (continued)

At the Council meeting of 25 October 2016, Council resolved to

“defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council’s resolution for the provision of Affordable Housing with the Planning Proposal”.

The Acting General Manager and Acting Director City Planning and Development met with the applicant on 3 November 2016. The applicant advised by letter dated 10 November 2016 that they were not willing to provide affordable housing at the Planning Proposal stage through a Voluntary Planning Agreement (VPA) but would be willing to discuss the provision of affordable housing at the Development Application stage.

On 13 December 2016, Council considered a report outlining the discussions held with the applicant regarding the provision of affordable housing and resolved:

- (a) *That Council forward the planning proposal for 176 Blaxland Road, Ryde (LOT 22 and 23 DP 6046) with a request for a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested. This will be accompanied by a request that a condition be imposed on the Gateway Determination requiring provision of affordable housing consistent with the adopted Ryde Affordable Housing Policy, including Council’s Interim Policy Position.*
- (b) *That, in the event of a Gateway Determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, Council delegate authority to the Acting General Manager to place the proposal on public exhibition and a further report be presented to Council following the completion of the exhibition period. This report is also to address the provision of Affordable Housing in accordance with the adopted Ryde Affordable Housing Policy, including Council’s Interim Policy Position.*

Council wrote to the DPE on 5 January 2016 requesting the Gateway Determination and requesting that a condition be imposed on the Gateway Determination requiring provision of affordable housing consistent with the adopted Ryde Affordable Housing Policy, including Council’s Interim Policy Position.

ITEM 4 (continued)

Discussion

A Gateway determination dated 3 February 2017 has been received from the DPE (at **ATTACHMENT 1**). The conditions of the Gateway Determination require that prior to community consultation; the Planning Proposal is to be updated to demonstrate consistency with the draft North District Plan (currently on exhibition). An addendum to the Planning Proposal addressing the draft North District Plan was submitted to Council on 22 February 2017 and will be exhibited with the Planning Proposal.

The Gateway Determination requires the Planning Proposal to be exhibited for a minimum of 28 days. Council has been issued an authorisation to exercise delegation to make the plan. Following the exhibition of the Planning Proposal a report will be brought back to Council outlining submissions made during the exhibition process. This report will include options for whether to advance the Planning Proposal to the plan making stage.

Affordable Housing

The Gateway Determination was accompanied by an email advising that the DPE decided not to include the requested affordable housing provisions in the Gateway conditions because Ryde Council is not listed in Clause 10 of State Environmental Planning Policy 70- Affordable Housing (Revised Schemes) (SEPP70), which allows the Council to impose development consent conditions relating to affordable housing under the provisions of the Environmental Planning and Assessment Act 1979.

Following submission of a Planning Proposal and supporting studies, Randwick City Council recently received advice from former Minister for Planning Mr. Rob Stokes MP that they are proposed to be included in SEPP 70.

Work is progressing on preparing a Planning Proposal to include affordable housing requirements in Ryde Local Environmental Plan 2014. Council has commissioned an Affordable Housing Study to inform the preparation of the amendments to Ryde LEP 2014. Upon receipt of this Study a separate report will be submitted to Council together with a recommendation to request a Gateway Determination, exhibit the Planning Proposal and write to the new Minister for Planning and Housing, Mr. Anthony Roberts MP requesting that City of Ryde be included in SEPP 70.

Including City of Ryde in SEPP 70 would be consistent with the approach taken by other councils listed in SEPP 70 and the City of Ryde Affordable Housing Policy which clearly identifies the need for affordable housing in the local area. It is anticipated that the affordable housing Planning Proposal may progress concurrently with the subject Planning Proposal.

ITEM 4 (continued)

Amendments to Ryde Development Control Plan 2014

The Planning Proposal for 176 Blaxland Road includes associated amendments to Ryde Development Control Plan 2014 (RDCP 2014) including:

- Proposed built form controls, including setbacks, height and density which support the height and FSR controls proposed in the Planning Proposal;
- Design, landscaping and streetscape considerations.

The draft amendments to RDCP 2014 (Part 6.6) were outlined in detail in the report to Council dated 11 October 2016 (at **ATTACHMENT 2**). It is recommended that these amendments be exhibited concurrently with the exhibition of the planning proposal.

Financial Implications

Adoption of the recommendation will have no financial impact.

Consultation with relevant external bodies

The proposed consultation process for the exhibition of the Planning Proposal and amendments to RDCP2014 were outlined in the report to Council dated 11 October 2016 (at **ATTACHMENT 2**) and no changes are proposed.

Options

1. That Council exhibits the proposed amendments to RDCP 2014 concurrently with the PP in order to manage the environmental and amenity impacts of the Planning Proposal. This is the preferred option as it will advance the Planning Proposal consistent with the DPE's advice and the received Gateway Determination.
2. That Council exhibit the PP without the amendments to RDCP2014. This is not the preferred approach as the proposed DCP amendments relate to the PP.

Under both options it is proposed that Council progress implementing the City of Ryde Affordable Housing Policy, prepare a Planning Proposal to include affordable housing provisions in Council's planning controls and write to the Minister for Planning requesting inclusion in SEPP 70. A separate report will be presented to Council on this matter anticipated to be in July 2017.

ITEM 4 (continued)

ATTACHMENT 1



Mr Roy Newsome
Acting General Manager
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

Our ref: PP_2017_RYDEC_001_00 (17/01318)

Dear Mr Newsome

Planning proposal to amend Ryde Local Environmental Plan 2014

I am writing in response to your Council's letter dated 5 January 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone land at 176 - 178 Blaxland Road, Ryde from SP2 (Place of Public Worship) to R4 High Density Residential and amend height of building, floor space ratio and lot size controls.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

ITEM 4 (continued)

ATTACHMENT 1



Should you have any queries in regard to this matter, I have arranged for Ms Mary Su of the Department's regional office to assist you. Ms Su can be contacted on (02) 9373 2807.

Yours sincerely

Karen Armstrong 3/12/17
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

ITEM 4 (continued)

ATTACHMENT 1



Gateway Determination

Planning proposal (Department Ref: PP_2017_RYDEC_001_00): to rezone land at 176 - 178 Blaxland Road, Ryde from SP2 (Place of Public Worship) to R4 High Density Residential and amend height of building, floor space ratio and lot size controls.

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ryde Local Environmental Plan (LEP) 2014 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to demonstrate consistency with the draft North District Plan, released 21 November 2016.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2016)*.
3. Consultation is required with Roads and Maritime Services under section 56(2)(d) of the Act. Roads and Maritime Services is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

ITEM 4 (continued)

ATTACHMENT 1



5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *3rd* day of *FEBRUARY* 2017



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and
Environment

**Delegate of the Greater Sydney
Commission**

ITEM 4 (continued)

ATTACHMENT 1



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ryde Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_RYDEC_001_00	Planning proposal to rezone land at 176 - 178 Blaxland Road, Ryde from SP2 (Place of Public Worship) to R4 high density residential and amend height of building, floor space ratio and lot size controls.

In exercising the Greater Sydney Commission functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated *30 FEBRUARY* 2017



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

ITEM 4 (continued)

ATTACHMENT 1

**Attachment 5 – Delegated plan making reporting template
Reporting template for delegated LEP amendments**

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_RYDEC_001_00
Date Sent to DoP&E under s56	09/01/2017
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ITEM 4 (continued)

ATTACHMENT 2

5 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE

Report prepared by: Senior Strategic Planner
File No.: LEP2016/6/3 - BP16/701

REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan (RLEP) 2014 as they apply to 176 Blaxland Road, Ryde, LOTS 22 and 23 in DP 6046 (known as the "the site"). The PP has been prepared by the consultant planner Andrew Martin Planning on behalf of the property owner Community of Christ Limited.

The Planning Proposal seeks to change the zoning, height of buildings and floor space ratio controls applying to the site. This will facilitate the development of a residential flat building on the site in conjunction with the 3 sites located to the north of the site (182-186 Blaxland Road) which are currently zoned R4 High Density Residential.

This will require the following changes for 176 Blaxland Road:

- Amending LEP 2014 Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
- Amending LEP 2014 Height of Buildings Map to include a Maximum Building Height of 11.5 metres; and
- Amending LEP 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
- Amending LEP 2014 Lot Size Map to include a Minimum Lot Size of 580m².

The proposed changes to the planning controls are consistent with the adjacent site.

An assessment of the PP has been undertaken which included a review of:

- The consistency of the PP against objectives and actions of state, regional and local planning policies and strategies; and
- The environmental, amenity and traffic and parking impacts.

The PP is **ATTACHED (ATTACHMENT 1)**.

The proponent has also submitted draft amendments to Ryde Development Control Plan (RDCP) which are **ATTACHED (ATTACHMENT 2)**. The draft DCP controls address design, landscaping and streetscape considerations and provide specific side and rear setbacks in order to protect the amenity of neighbouring sites.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2



ITEM 5 (continued)

This report recommends that Council support forwarding the PP to the Department of Planning and Environment for a Gateway Determination, community consultation and exhibiting the draft amendments to the RDCP concurrently with the exhibition of the Planning Proposal.

RECOMMENDATION:

- (a) That Council endorse forwarding the planning proposal for 176 Blaxland Road, Ryde (LOT 22 and 23 DP 6046) to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.
- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, Council delegate authority to the Acting General Manager to place the proposal on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That Council exhibit the proposed amendments to Ryde DCP concurrently with the exhibition of the Planning Proposal.

ATTACHMENTS

- 1 Planning Proposal - 176 Blaxland Road, Ryde
- 2 Draft Ryde Development Control Plan 2014 - Part 6.6

Report Prepared By:

Lara Dominish
Senior Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Dyalan Govender
Acting Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

Discussion

This report contains a description of the site, a description of the proposed amendments to Ryde Local Environmental Plan 2014 (RLEP2014) and Ryde Development Control Plan 2014 (RDCP2014), and an appraisal of the subject planning proposal. This appraisal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination and subsequent community consultation.

Gateway Plan-Making Process

1. *Planning proposal* – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. *Gateway* – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. *Community Consultation* – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. *Assessment* – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. *Decision* – the making of the plan by the Minister (or delegate).

This proposal is at Step 1 of the process. Council is the relevant planning authority for this proposal which has been prepared by the consultant planner Andrew Martin Planning on behalf of the property owner Community of Christ Limited.

The proposal has been assessed by Council staff in respect of the information required to be included in a planning proposal.

Site Description and Context

This planning proposal applies to land known as 176 Blaxland Road, Ryde being Lots 22 and 23 in DP 6046 (identified in Figure 1 and 2 below).

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

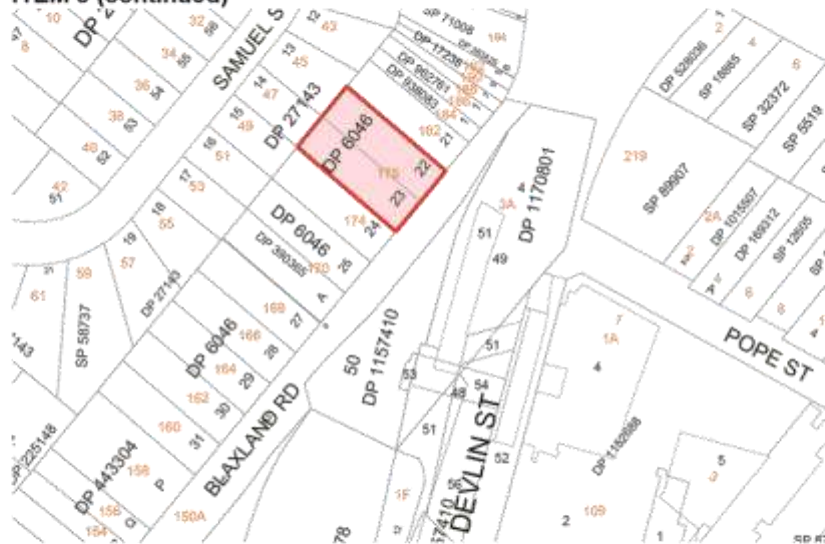


Figure 1- Site location



Figure 2- Site location

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

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ATTACHMENT 2

ITEM 5 (continued)

The site contains a single storey brick and tile building, currently used for community purposes (Northern Sydney Youth Support Service) and religious services. The site is owned by Community of Christ Ltd. Photographs of the existing building on the site are shown below in Figure 3.



Figure 3- 176 Blaxland Road, Ryde

The site area of 176 Blaxland Road is 1525m². The site has a 4 metre crossfall towards Samuel Street. The property is accessed from a portion of Blaxland Road which ends in a cul-de-sac. The site is zoned SP2 Infrastructure (Place of Public Worship) under RLEP2014.

To the north is a single storey dwelling house (182 Blaxland Road), a vacant lot (184 Blaxland Road) and a single storey shop (186 Blaxland Road). The shop at 186 Blaxland Road is detached from the adjacent shops at 188-192 Blaxland Road.

The properties at 182-192 Blaxland Road are zoned R4 High Density Residential. 182-186 Blaxland Road forms part of a proposed development site in conjunction with the subject site at 176 Blaxland Road. The proposed development site has a combined site area of 2989m².

Further to the north is a row of shops (186-192 Blaxland Road). Approximately 100 metres to the north on Blaxland Road is a residential flat building developed in accordance with the controls for the R4 zone (208 Blaxland Road).

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

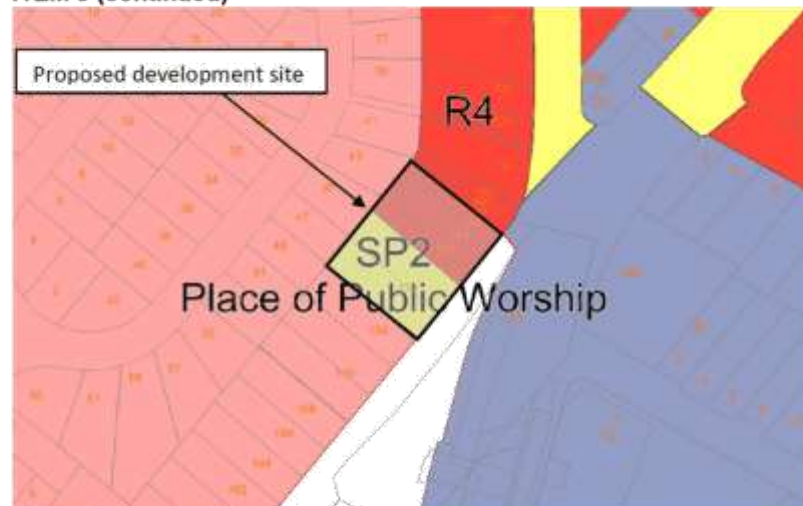


Figure 4- Proposed development site

To the south of the site is a single storey dwelling house (174 Blaxland Road) which is zoned R2 Low Density Residential. 45 and 47 Samuel Street adjoin the site to the rear (west) and are zoned R2 Low Density Residential.

To the east is the Ryde Civic Centre site which is a deferred matter from RLEP2014.

Current Planning Controls

Zoning

176 Blaxland Road is zoned SP2 Infrastructure under RLEP2014. The SP2 Infrastructure zone permits specific purposes shown on the Land Zoning Map (in this case, place of public worship).

Building Height

The site does not currently have a maximum building height as per RLEP 2014 Height of Buildings Map. This is consistent with the approach for all land zoned SP2 Infrastructure. The adjoining sites at 182-186 Blaxland Road have a building height of 11.5 metres.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

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ATTACHMENT 2

ITEM 5 (continued)

Floor Space Ratio

There is no currently maximum floor space ratio control for the site. This is consistent with other land zoned SP2 Infrastructure. The adjoining sites at 182-186 Blaxland Road have an FSR control of 1:1.

Proposed amendments to Ryde Local Environmental Plan 2014

The Planning Proposal seeks to amend RLEP 2014 by rezoning the site for high density residential.

The planning proposal seeks to make the following amendments to RLEP2014 for 176 Blaxland Road by:

- Amending the Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
- Amending the Height of Buildings Map by requiring a maximum building height of 11.5 metres;
- Amending the Floor Space Ratio (FSR) map by imposing a maximum FSR of 1:1; and
- Amending the Lot Size Map by requiring a minimum lot size of 580m².

An FSR of 1:1 and a height limit of 11.5 metres is consistent with all other land zoned R4 in the City of Ryde, including adjacent land to the subject site.

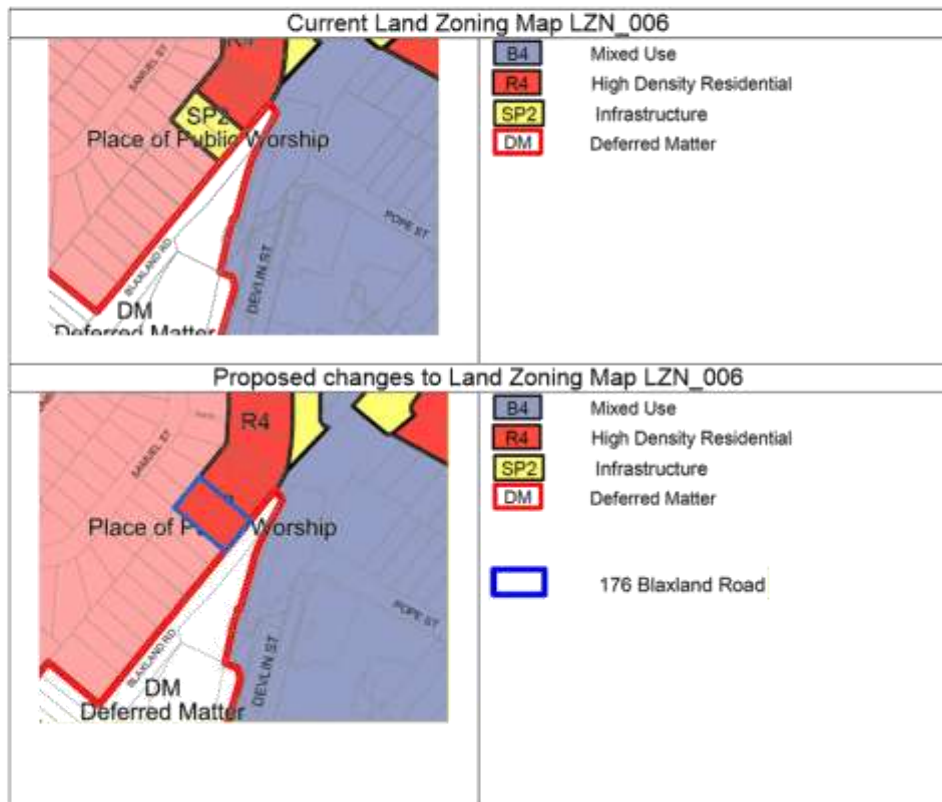
The following maps show the existing planning controls for the site under Ryde LEP 2014, and the proposed planning controls for the site envisaged in the Planning Proposal, including zoning, height, FSR and lot size.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

Mapping



Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

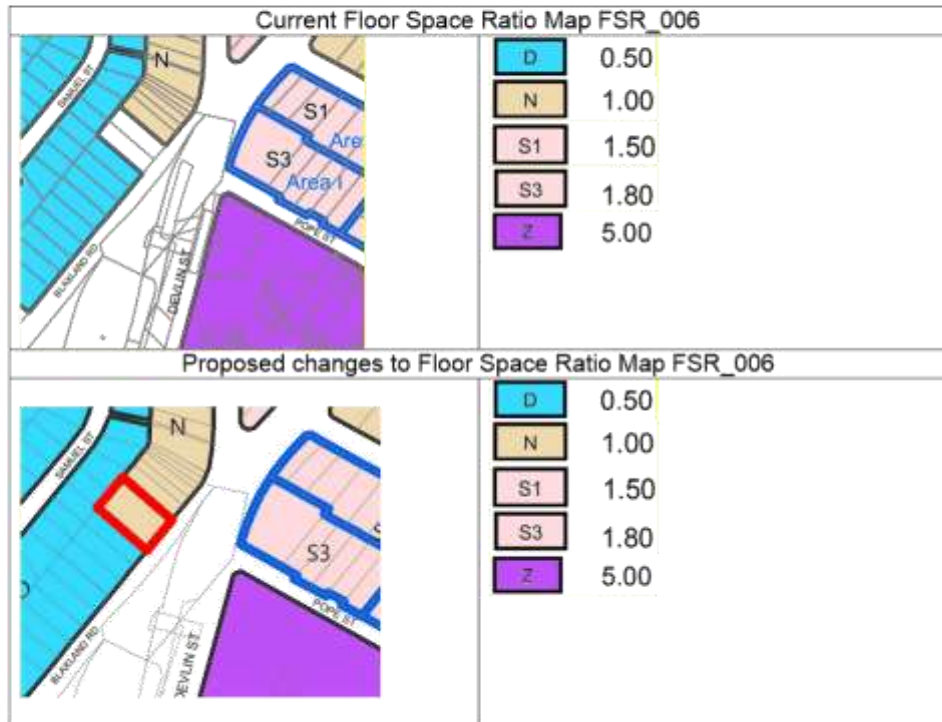


Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)



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ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)



Justification

The Planning Proposal submitted by the applicant provides the following justification:

- The development concept for the site aligns with Council's vision for the Ryde Town Centre (although it is noted that the site is located outside the edge of the Ryde Town Centre as marked on the RLEP2014 Centres Map);
- The Planning Proposal is consistent with the metropolitan plan, A Plan for Growing Sydney;
- The Planning Proposal contributes to housing choice in the City;
- The Planning Proposal will allow amalgamation with adjoining land parcels to form a development site; and
- The site is located opposite a major retail, community and employment node and can provide density close to transport and employment.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)
Assessment of the planning proposal

This section of the report provides an appraisal of the PP against the criteria for justifying a Planning Proposal in the Department of Planning and Environment's "A Guide to preparing Local Environmental Plans".

Is this Planning Proposal the result of any strategic study or report?

The Planning Proposal is not the subject of any strategic study or report.

The Planning Proposal is consistent with Action 2.2.1 of the metropolitan plan "A Plan for Growing Sydney", to accelerate housing supply and local housing choices, in particular in and around centres. The provisions of A Plan for Growing Sydney for the North Subregion identifies Lane Cove Road as a potential growth corridor and identifies accelerating housing supply, choice and affordability and building great places to live as a priority for the North subregion.

Is the Planning Proposal consistent with a local strategy or other local strategic plan?

The City of Ryde 2025 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 Planning Proposal is in line with the following goals and strategies of the Community Strategic Plan:

- Our neighbourhoods thrive and grow through sustainable design, planning and regulation that support community needs; and
- To design our city to reflect the unique character, identity and housing needs of our community.

The Local Planning Study (adopted 7 December 2010) which informed the preparation of RLEP2014 recognised the need to provide a diverse range of housing within the Local Government Area including residential units. The Local Planning Study identified five town centres (including Ryde Town Centre) which are to function as genuine mixed use precincts. The centres are capable of absorbing additional residential development as they provide complementary and supportive uses, services, facilities and amenities such as open space. This has been captured and reflected in Council's existing planning controls.

The site is also supported by good public transport being on the strategic bus corridors from the City to Parramatta and Hurstville to Macquarie Park.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

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ITEM 5 (continued)

The PP represents a minor extension of the existing R4 High Density Residential zoning to facilitate the formation of a development site, in close proximity to the Ryde Town Centre.

The subject PP proposes the same scale of development as that in the adjoining R4 High Density Residential zone, being an FSR of 1:1 and height of 11.5 metres, and is consistent with the planning controls for R4 zones generally.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

SEPP 55 - Remediation of Land

Clause 6 of SEPP 55 requires that a planning authority is not to permit a change in use of land unless the planning authority has considered whether the land is contaminated.

The preliminary site investigation submitted as part of the Planning Proposal package indicates that the potential for significant contamination from current and previous activities within the site is generally low.

Advice received from Council's Environmental Health section indicate that there are no further requirements with respect to contamination at this stage.

State Environmental Planning Policy 65- Design Quality of Residential Flat Development

The Planning Proposal outlines how the proposed future development design is capable of meeting the requirements of SEPP 65 and the Apartment Design Guide, including compliance with the solar access and cross ventilation requirements.

Further assessment of the proposal against SEPP65 would occur at Development Application stage.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The following s.117 Directions apply to the consideration of the PP:

Direction	Assessment
3.1 Residential Zones	
(1) The objectives of this direction are:	The Proposal is consistent with this Direction.
(a) to encourage a variety and	

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

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<p>choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
<p>3.4 Integrating Land Use and Transport</p> <p>1. The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(b) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(c) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(d) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(e) supporting the efficient and viable operation of public transport services, and</p> <p>(f) providing for the efficient movement of freight.</p>	<p>The proposal is generally consistent with this Direction.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p>	<p>The proposal is consistent with this Direction.</p>

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The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

Assessment of the Planning Proposal

Built form

The PP seeks to amend Ryde LEP 2014 to amend the maximum building height to 11.5m and Floor Space Ratio control to 1:1. This would allow for the construction of a 4 storey building with 2989m² gross floor area (on all 5 lots 176-186 Blaxland Road). The indicative concept accompanying the Planning Proposal estimates that the resultant development would comprise 7 x 1 bedroom units, 25 x 2 bedroom units and 7 x 3 bedroom units (a total of 39 units).



Figure 5: Site plan- as submitted with Planning Proposal (Urbanlink plans p.7)

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

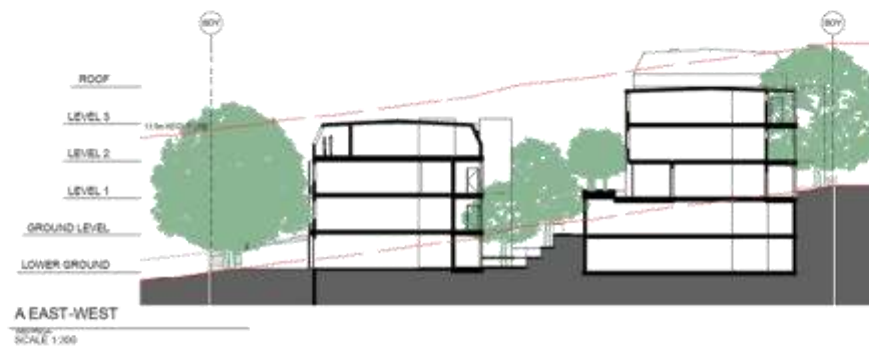


Figure 6: East-West Site Section (as submitted with Planning Proposal (Urbanlink plans p.15))

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ITEM 4 (continued)

ATTACHMENT 2

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VIEW FROM SOUTH

Figure 7: Conceptual 3D view, as submitted with Planning Proposal (Urbanlink plans p.19)

The applicant articulates the merits for greater height and FSR based on the consolidated site providing an opportunity for development that will complement the existing and future amenity of the Top Ryde area, can occur without significant environmental impacts and responds to the site constraints by stepping the building height.

The proposed building height and Floor Space Ratio are consistent with that of the adjoining R4 zone.

The development concept submitted with the Planning Proposal includes shadow diagrams showing minimal shadowing of the adjoining residential lot to the south of

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

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ITEM 5 (continued)

the site at 174 Blaxland Road at mid-winter. There is no shadowing of the residential properties at 43-47 Samuel Street in midwinter.

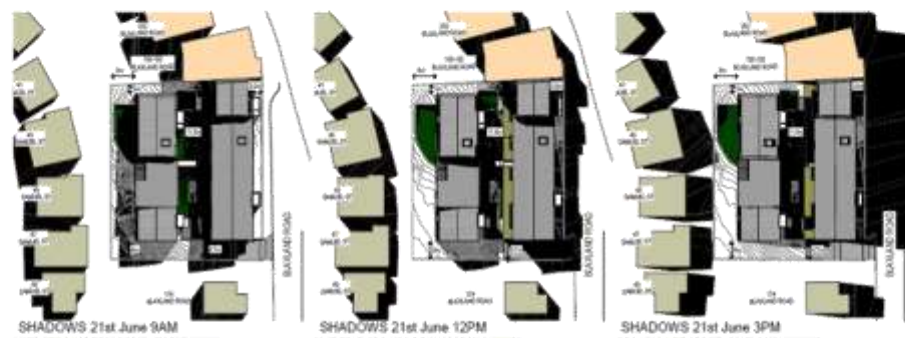


Figure 7: Shadow diagrams, as submitted with Planning Proposal (Urbanlink plans p.21)

The shadowing impacts of the proposal are considered acceptable and a further analysis of the shadow impacts will be undertaken at Development Application stage.

Traffic

The site has a frontage to the cul-de-sac created when this portion of Blaxland Road was severed from Blaxland Road following the construction of Top Ryde City. The site has access to Land Cove Road at the Devlin Street/ Blaxland Road/ Parkes Street intersection.

A Traffic and Parking Impact Assessment was submitted with the PP. In summary, the Assessment indicates that 56 basement car parking spaces would be provided. The parking rates in Council's DCP require between 44 and 56 spaces to be provided and as such the proposal complies with the car parking requirements of the DCP.

The Assessment states that the anticipated traffic generation is 8 vehicle trips per hour in the AM peak and 6 vehicle trips per hour in the PM peak. The Assessment also states that there will not be any adverse traffic implications due to the traffic signal controlled access provision at the Devlin Street/ Blaxland Road/ Parkes Street intersection.

Council's Traffic section provided the following comments:

- Adopting a more conservative traffic generation rate of 0.29 trips per hour would result in around 11 vehicle trips per hour or 1 trip per 6 minutes which is considered negligible on the road network.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

- The proponent will need to reconstruct the existing footpath along the Blaxland Road frontage to the site to be fully shared path compliant for its entire frontage length. Further comments relating to this will be provided at Development Application stage.

The proposal is therefore acceptable from a traffic perspective.

It is noted that any future redevelopment of the Civic Centre site may result in an alternate traffic solution for this area.

Waste management

Council's waste section noted that there may be issues for the garbage truck to turn around and that bins would need to be presented to the kerbside. In general, Council is trying to get all bins off the road for collection where there is more than 25-30 units for noise and aesthetics however the topographical constraints of the block may not allow even a small truck down the driveway and into the basement for collection.

The proposed provisions of Ryde DCP 2014 require any future Development Application to be in accordance with the provisions of Ryde DCP Part 7.2 Waste Management and Minimisation.

Other matters

Use as a community facility

The site is owned by Community of Christ Limited. The building is currently occupied by Northern Sydney Youth Support Services who use the site on a part-time basis and would need to relocate as a result of the Planning Proposal. The remaining 2/3 of the site is vacant land. It is understood that the Youth Support Services no longer have funding and have largely relocated their operations to Western Sydney.

Affordable housing

The City of Ryde Affordable Housing Policy was adopted by Council in April 2016. At this time, Council adopted an interim position in relation to the delivery of affordable housing as part of new development and planning process with:

2 % of dwellings in new residential and mixed use developments be affordable housing.

4 % of dwellings constructed on land to be rezoned to permit residential/ mixed use development be affordable housing.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

In a letter to the applicant on 2 June 2016, Council outlined the Affordable Housing Policy and the interim policy position and stated that Council would welcome a discussion regarding the inclusion of affordable housing within the development through a Voluntary Planning Agreement (VPA).

Council officers met with the applicant on 1 September 2016 to explain Council's position. The applicant responded by letter following the meeting of 1 September that they do not believe the size of the PP warrants a VPA, for the following reasons:

- The proposal involves a minor extension of the R4 zoned land to the north;
- The current planning controls in the SP2 zone do not restrict height and FSR, and redevelopment of the site for community purposes could result in a building of a greater scale than that proposed through the PP;
- A rear setback of 8 metres has been provided which is a community benefit (this is discussed below);
- The PP only results in an additional 19 apartments;
- Any Ryde LEP 2014 requirements with regards to affordable housing can be met at Development Application stage.

Comment: Council is currently preparing a Planning Proposal which will amend the planning controls to require applicants for Planning Proposals to provide affordable housing. Council is not in a position to mandate the provision of affordable housing through a VPA.

Draft amendments to Ryde Development Control Plan 2014

Ryde DCP 2014 Part 6 provides controls for specific sites in the City.

The applicant prepared and submitted draft DCP controls. The DCP controls outline the proposed built form including setbacks, height and density which support the height and FSR controls identified in the Planning Proposal, including specific side and rear setbacks. The draft DCP controls also address design, landscaping and streetscape considerations and require that car parking, stormwater, tree preservation and waste minimisation be in accordance with the relevant parts of Ryde DCP 2014. These controls form the basis for the attached Draft Ryde DCP 2014 Part 6.6- 176-186 Blaxland Road, Ryde.

The development concept diagrams originally submitted with the Planning Proposal indicated a 6 metre setback to the rear boundary to allow for a deep soil zone and boundary planting. Following discussions with Council officers, the applicant has increased the rear setback to 8 metres in the draft DCP amendments to provide increased separation to the low density residential buildings to the rear of the site, and to remove any shadowing of the properties at 43-47 Samuel Street at any time of

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

the day in midwinter. The diagram in the draft DCP amendments at Attachment 2 reflects the increased rear setback.

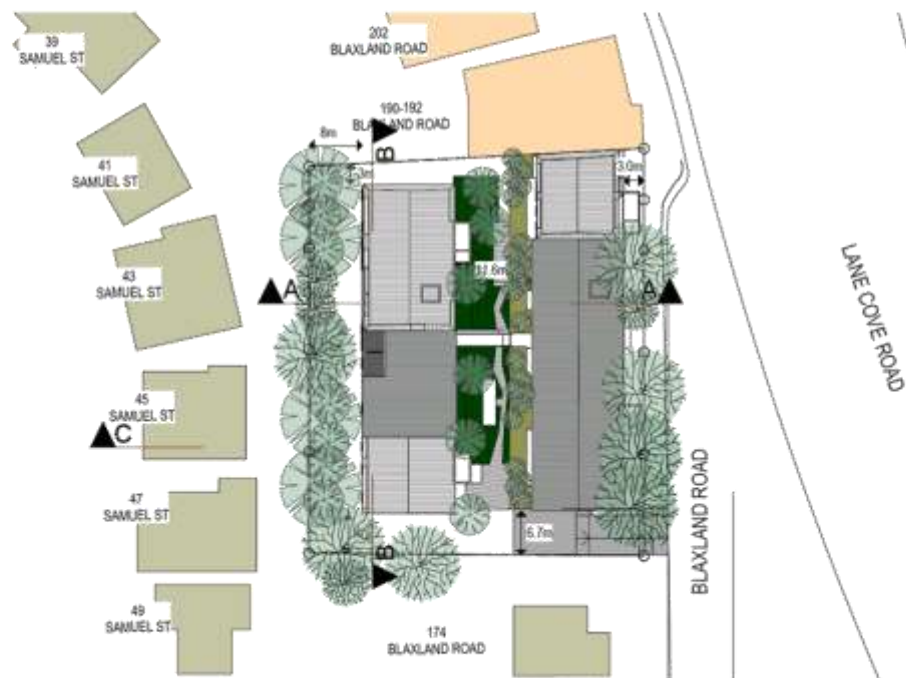


Figure 8: Draft Ryde DCP Part 6.6- Setbacks diagram

The current building has a setback of approximately 5 metres. The proposed front setback control is 3 metres. The shops located to the north of the subject site have a zero setback to the street, and the property to the south of the site at 174 Blaxland Road has a front setback of approximately 7.5 metres. The proposed setback control is considered acceptable and has been reduced to compensate for the additional rear setback which has been provided.

The indicative design incorporates some encroachments into the setback area to allow for staircases. The applicant wrote to Council proposing the following clause be inserted into the DCP controls:

"To assist with and encourage articulation of the design, no more than 25% of the frontage of the site is to encroach beyond the front setback of 3 metres".

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

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This draft clause has been amended in the draft DCP amendments to allow a 20% encroachment into the front setback which will accommodate the proposed design.

The front setback (and any encroachments into this setback) will be further assessed as part of a future Development Application for the proposed development.

The DCP controls prepared by the applicant were amended to include a section diagram (submitted by the applicant with the Planning Proposal), and adding the requirement for the upper level of the building at the rear to be setback a minimum of 2 metres.

It is recommended that the draft amendments to Ryde DCP 2014 be exhibited concurrently with the Planning Proposal, following the issue of a gateway determination. The draft DCP amendments are at Attachment 2.

Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a gateway determination given, consultation will include the following:

- written notice given:
 - in the local newspaper circulating in the area,
 - on Council's webpage and
 - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities

- 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.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.

ITEM 4 (continued)

ATTACHMENT 2

ITEM 5 (continued)

During the consultation period, two drop-in information sessions will be held.

Critical Dates

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determination by the Minister. The Planning Proposal does not provide an anticipated timeline, however a proposed timeline will be forwarded to the Department of Planning and Environment accompanying the request for a Gateway Determination.

Planning Proposal submitted to Gateway	October 2016
Gateway determination received by Council	November 2016
Community consultation (4 weeks)	January/ February 2016
Outcomes of community consultation presented to Council	March 2016
PP submitted to DPE requesting notification on Government website	May 2017

Financial Impact

The cost of the exhibition is covered by the fee for the Planning Proposal.

Options

1. That Council proceed with the planning proposal to the next stage (gateway determination and community consultation). Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or
2. That Council not to proceed with the Planning Proposal.
3. That Council defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council's resolution for the provision of Affordable Housing with the Planning Proposal.

Option 1 is the recommended option because the proposal represents an extension of the existing R4 zone and is in accordance with the metropolitan planning context.

Planning and Environment Committee, dated 18 April 2017, submitted on 11 October 2016.