

**Item 1**
**2-6 Chatham Road, West Ryde - LDA2022/0278**

**Proposal:** Demolition, new shop top housing comprising five commercial tenancies & 62 residential units over two levels of basement car parking.

**Report prepared by:** Senior Town Planner

**Report approved by:** Manager - Development Assessment  
 Executive Manager - City Development

**City of Ryde  
 Local Planning Panel Report**

<b>DA Number</b>	LDA2022/0278
<b>Site Address &amp; Ward</b>	2-6 Chatham Road, West Ryde Lot 24-26 DP8092 - West Ward
<b>Zoning</b>	MU1 Mixed Use
<b>Proposal (as lodged)</b>	Demolition of existing structures and construction of a shop top housing development comprising five retail/commercial tenancies and 62 residential units over two levels of basement car parking
<b>Property Owner</b>	Hurstville Apartments P/L
<b>Applicant</b>	DMPS Planning
<b>Report Author</b>	Shannon Butler, Senior Town Planner
<b>Lodgement Date</b>	12 September 2022
<b>Notification - No. of Submissions</b>	19 unique submissions in objection and one submission in support
<b>Cost of Works</b>	\$27,470,575.00
<b>Reasons for Referral to LPP</b>	<p><b>Sensitive Development</b> – Development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> applies. <i>Schedule 1, Part 4 of Local Planning Panels Direction</i></p> <p><b>Contentious Development</b> – <i>Greater than 10 unique submissions received objecting to the proposal. Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
<b>Recommendation</b>	Approval
<b>Attachments</b>	Attachment 1 - Recommended Conditions of Consent Attachment 2 – RDCP 2014 Table of Compliance Attachment 3 – ADG Guidelines Table of Compliance Attachment 4 – Applicant’s Clause 4.6 Request (Building Height) Attachment 5 – Architectural and Landscaping Plans

## 1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 2-6 Chatham Road, West Ryde, which is legally described as Lots 24-26 DP8092.

The subject development application (LDA2022/0278) was lodged on 12 September 2022 and seeks consent for the demolition of existing structures and construction of a shop top housing development comprising five retail tenancies and 62 residential units over two levels of basement car parking. There is no subdivision proposed as part of the application.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel (RLPP) for determination as it constitutes sensitive development to which *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* applies, further, the application constitutes contentious development as greater than 10 unique submissions have been received, objecting to the development.

The application is accompanied by a Clause 4.6 request seeking to vary Clause 4.3(2) of the Ryde Local Environmental Plan 2014 as the proposal exceeds the allowable building height of 24m. The maximum building height for the proposal is 26.4m, equating to a 10% variation to the control. The non-compliant components of the building are two lift overruns, rooftop stairs exits, rooftop shade structure and rooftop toilet facilities. The Clause 4.6 request is considered in the body of the report and is supported.

The application has been assessed against the requirements of the Apartment Design Guide and non-compliances relating to building separation have been identified to the south and east of the subject site. It is noted that the immediately adjoining property to the south is occupied by a Hotel and the immediately adjoining property to the west is occupied as a family day care centre. The proposed extent of separation to these adjoining non-residential uses is considered satisfactory on merit and is addressed in the body of the report.

The application has been assessed against the Ryde Development Control Plan 2014, with particular reference to Part 4.3 – West Ryde Town Centre. Non-compliances have been identified in relation to building height, street setbacks and alignment and solar access. These non-compliances are addressed in the body of the report and are considered satisfactory on merit.

The Development Application was notified and advertised between 13 September 2022 and 7 October 2022. Nineteen (19) submissions were received objecting to the proposal and one submission was received in support. Concerns raised in the submissions included traffic and parking issues, concerns in relation to adequacy of infrastructure, height, bulk and scale and acoustic impacts from the development. The concerns raised in the submissions are addressed in the body of the report. Following the submission of amended plans it was deemed that re-notification was not required as the amended plans did not result in any greater impacts on adjoining properties.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2022/0278 be approved subject to recommended conditions.

## 2. THE SITE & LOCALITY



**Figure 1** Aerial photograph of the site and locality

The subject site is legally described as Lots 24-26 DP8092 and is known as 2-6 Chatham Road, West Ryde. The site comprises three allotments which are proposed to be amalgamated to form a single lot. The site is irregular in shape and has three street frontages being located on the corner of Chatham Road, Dickson Avenue and Dickson Lane. The site has an area of 1,972.4m<sup>2</sup> and a frontage of 54.93 metres to Chatham Road, 41.3 metres to Dickson Avenue and 33.82 metres to Dickson Lane. The site has a western boundary length of 46.12 metres.

The subject site currently contains a service station building (incorporating motor vehicle servicing) with associated canopy and petrol pumps and a separate car wash building which contains a restaurant. The site is generally flat but has a minor fall from the west to east of approximately 1.5 metres. The site is generally cleared but contains five Cocos Palms located adjacent to the northern boundary.



**Figure 2** View of subject site from opposite side of Chatham Road



The surrounding locality is characterised by a mix of development comprising single storey shop buildings on the opposite side of Chatham Road (**Figure 3**), an eight storey mixed-use development to the north-east (**Figure 4**), a child care centre to the north (on the opposite side of Dickson Avenue) (**Figure 5**), a Council owned family day care centre to the west with single detached dwellings further to the west (**Figure 6**) and the West Ryde Hotel to the south (which contains an outdoor dining area fronting Dickson Lane (**Figure 7**).



**Figure 3** – View from subject site of opposite side of Chatham Road



**Figure 4** – View of mixed-use development to the north-east of the site



**Figure 5** – View of child care centre located on opposite side of Dickson Avenue





**Figure 6 – View of streetscape of Dickson Avenue looking to the west**



**Figure 7 – View of rear of West Ryde Hotel located to south of site (opposite side of Dickson Lane)**

### **3. THE PROPOSAL (as amended)**

The application seeks consent for the demolition of existing structures and construction of a seven storey shop top housing building comprising five retail/commercial tenancies, 62 residential units and two levels of basement car parking. The proposal includes the removal of the five existing Cocos Palms on the northern boundary. The application does not seek consent for any subdivision of the completed development.

The application is accompanied by a Clause 4.6 request seeking to vary Clause 4.3(2) of the Ryde Local Environmental Plan 2014 as the proposal exceeds the allowable building height of 24m. The maximum building height for the proposal (as amended) is 26.4m, equating to a 10% variation to the control. The non-compliant components of the building comprise two lift overruns, rooftop stair accesses, rooftop shade structures and rooftop toilet facilities.

The existing structures to be demolished include a service station building (with associated motor vehicle servicing facility, canopy and fuel infrastructure) and detached car wash building. Remediation and validation of the site is proposed to be undertaken to render the site suitable for the proposed development. Vehicle and waste vehicle access is proposed to be wholly from Dickson Lane and the existing driveways and crossovers on the Chatham Road and Dickson Avenue frontages are proposed to be removed as part of the works.

The building is proposed to contain three residential units (Units 101, 111 and 211) to be designated as affordable housing.

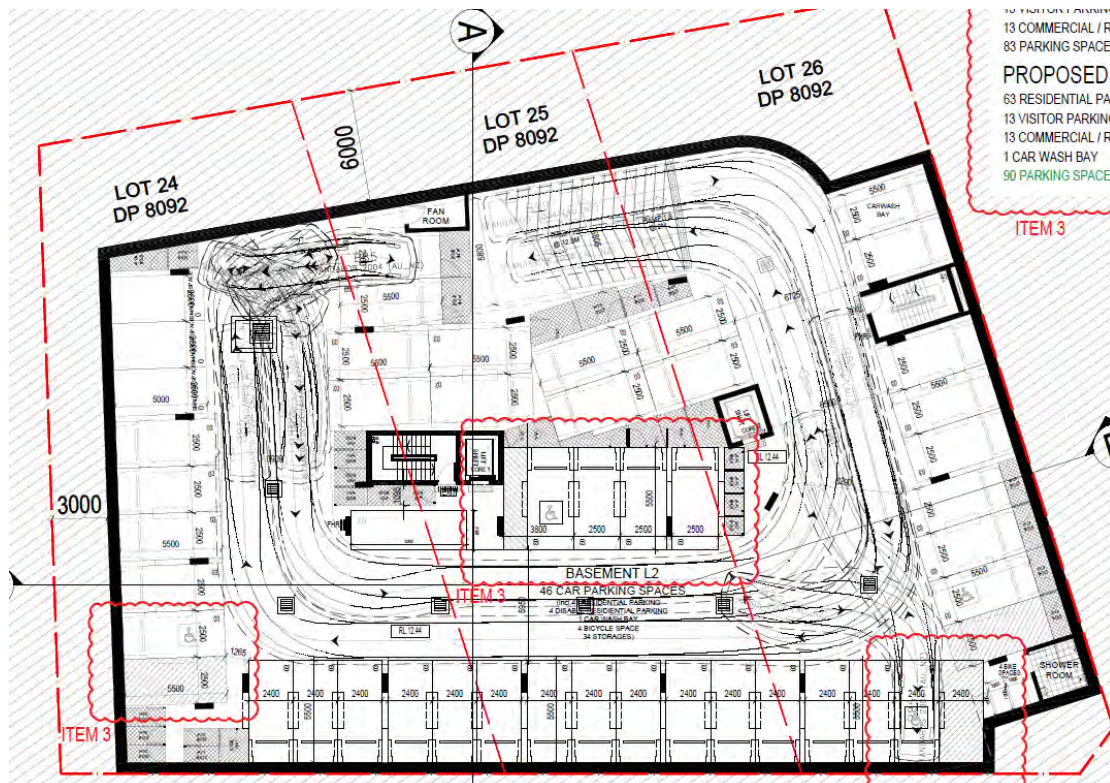


**Figure 8 – Perspective from Chatham Road**

The proposed levels comprise the following:

**Basement Level 2 (RL12.44) (Figure 9)**

- Basement Level 2 comprises 46 residential car parking spaces (including four accessible spaces), one car wash bay, four bicycle spaces and 34 storage cages.
- The level contains two stair accesses and two lift accesses.
- The level contains a shower room located adjacent to the bicycle spaces.



**Figure 9 - Proposed Basement Level 2**



**Basement Level 1 (RL15.44) (Figure 10)**

- Basement Level 1 comprises 44 car parking spaces comprising 13 commercial parking spaces (including one accessible space), 13 visitor parking spaces (including one accessible space) and 18 residential parking spaces (including three accessible spaces). In addition, there are six bicycle parking spaces depicted.
- The level also contains 28 residential storage cages.
- The level contains two stair accesses and two lift accesses.

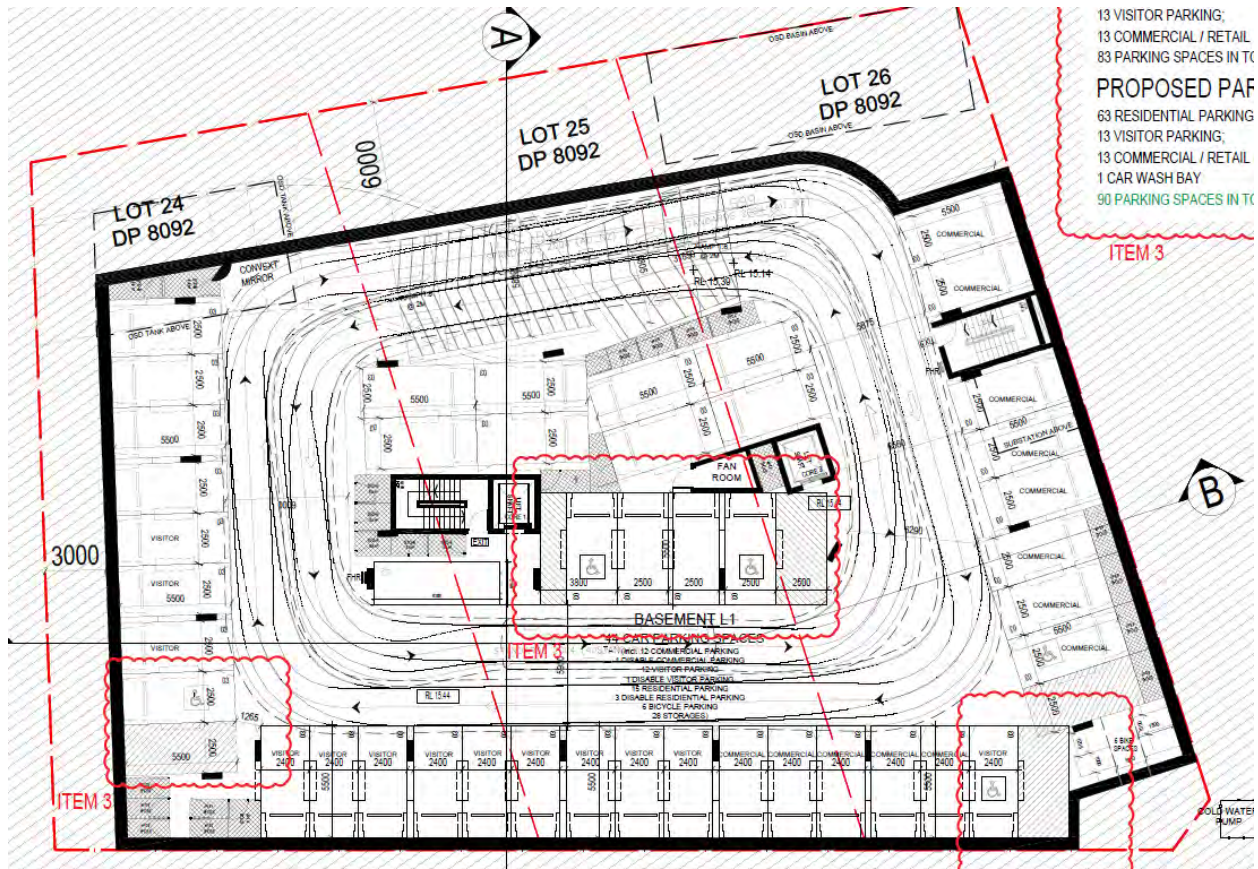


Figure 10 - Proposed Basement Level 1

**Ground Floor Level (RL18.44 to RL19.50) (Figure 11)**

- The ground floor level contains five retail/commercial tenancies on the Chatham Road frontage.
- The level contains three residential bin storage rooms, a retail waste storage room and a bulky waste room.
- An outdoor terrace and common open space area is located to the rear.
- A forecourt is proposed to the centre of the building from the Chatham Road frontage.
- A two-way driveway is proposed on the Dickson Lane frontage which provides vehicular access to basement level 1. A pull-in bay for Council's Waste Management vehicle is proposed adjacent to the driveway.
- Public domain works are proposed on the three street frontages in accordance with Council's Public Domain Technical Manual which encompass street tree plantings, granite paving and multi-function light poles.



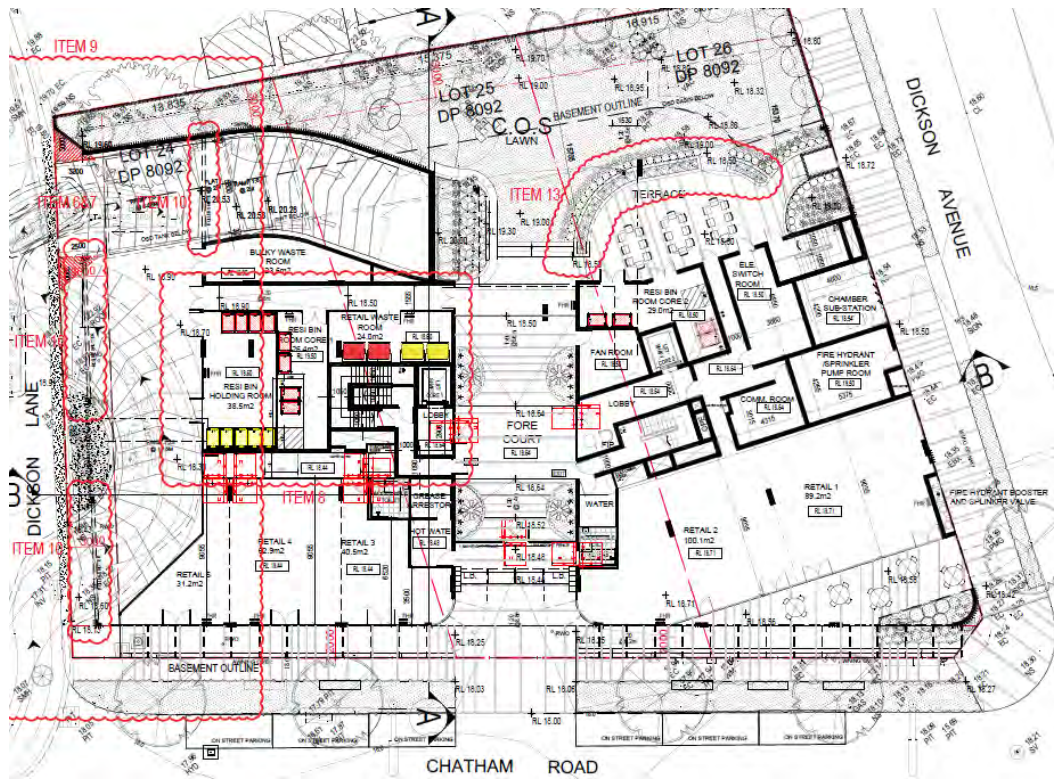


Figure 11 - Proposed Ground Floor Level

Levels 1-2 (RL22.84 and RL25.97) (Figure 12)

- These levels contain 4x1 bedroom units and 9x2 bedroom units.
- Two units on Level 1 (units 101 and 111) and one unit on Level 2 (unit 211) are proposed to be designated as affordable housing.
- There are two separate circulation areas and two lifts and staircases providing access.

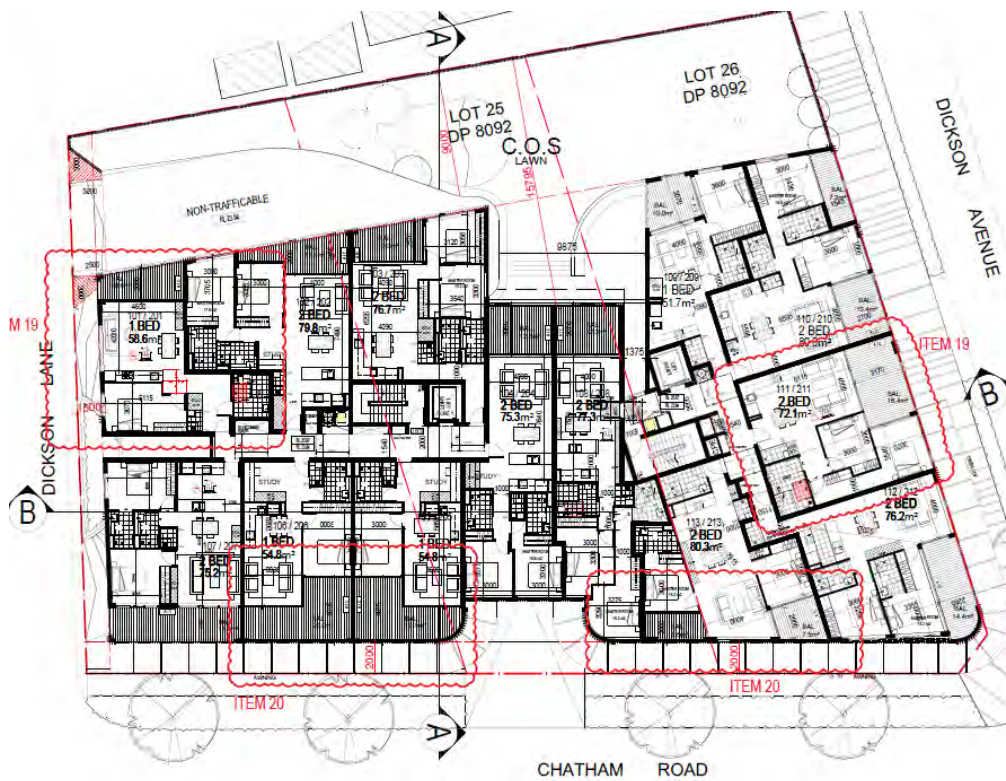
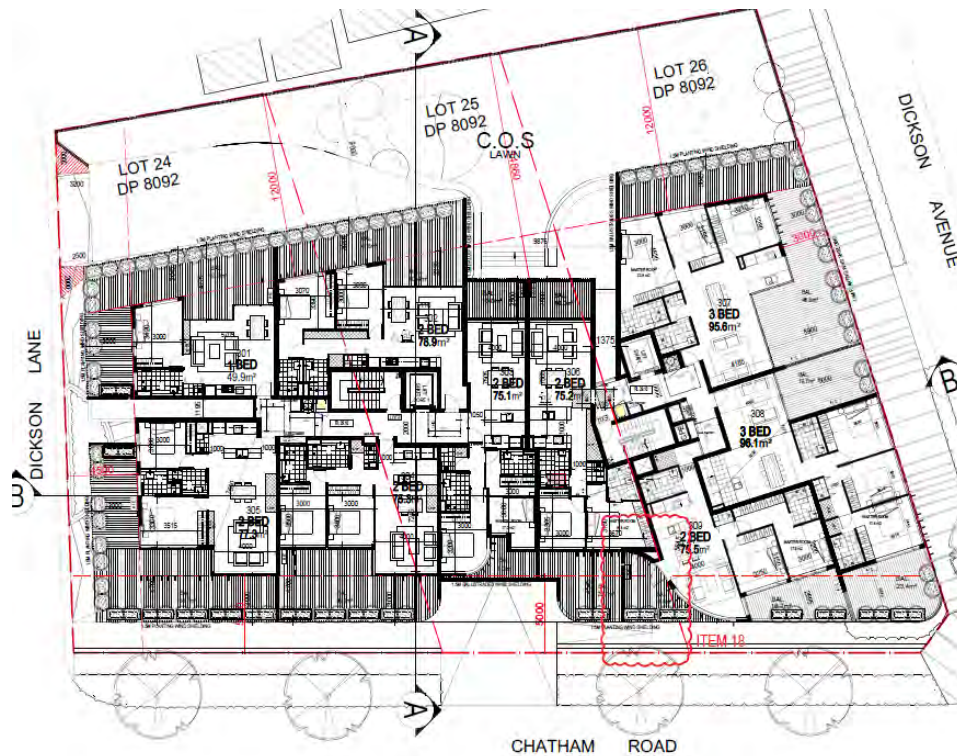


Figure 12 - Proposed Levels 1-2 floor plan



**Level 3 (RL29.10) (Figure 13)**

- The level contains 1x1 bedroom units, 6x2 bedroom units and 2x3 bedroom units.
- There are two separate circulation areas and two lifts and staircases providing access.



**Figure 13 - Proposed Level 3 floor plan**

**Levels 4-6 (RL32.23, RL35.36 and RL38.49) (Figure 14)**

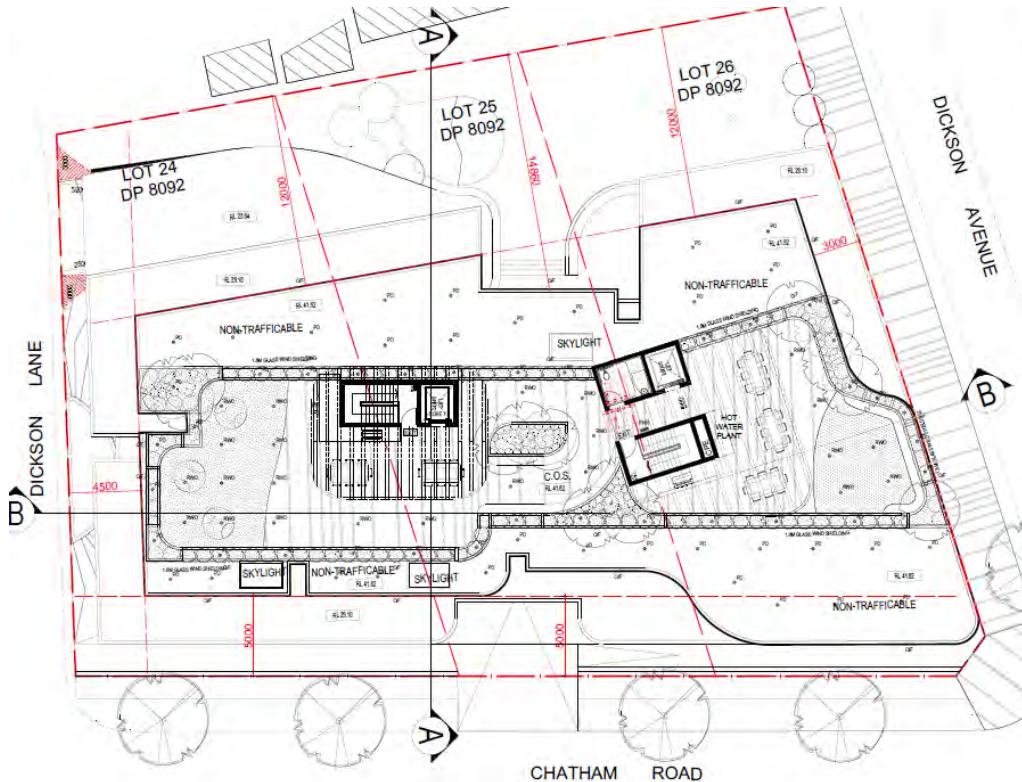
- These levels contain 1x1 bedroom unit, 6x2 bedroom units and 2x3 bedroom units.
- There are two separate circulation areas and two lifts and staircases providing access.



**Figure 14 - Proposed Levels 4-6 floor plan**

**Rooftop Level (RL41.62) (Figure 15)**

- The rooftop contains a landscaped communal open space area towards the centre of the rooftop. The communal open space incorporates two barbeque areas, a children’s play area and an adults exercise area.
- Access is provided by way of two lift shafts and two staircases. There are sun shading devices integrated into the two lift overruns.
- There is a toilet facility integrated into the northern-most lift overrun.



**Figure 15 - Proposed Rooftop Plan**

**4. HISTORY**

**4.1 Site History**

<p>18 January 2021</p>	<p>A Voluntary Planning Agreement (VPA) under the provisions of Section 7.4 of the Environmental Planning and Assessment Act 1979 was executed between City of Ryde Council and Tesco Projects as part of the Planning Proposal for the site. The VPA detailed three key contribution works which comprise:</p> <ul style="list-style-type: none"> <li>• The provision of three affordable housing units designed to be adaptable Class C. These units are to be transferred free of cost to Council within five business days of the issue of any Occupation Certificate.</li> <li>• Road works including the provision of six parking bays on Chatham Road and the upgrading of Chatham Road to Council’s specifications and requirements spanning the length of the land.</li> </ul>
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	<ul style="list-style-type: none"> <li>Public domain works comprising full width granite banding along the entire Chatham Road frontage and including kerbs and gutters, street trees, kerb ramps, vehicle crossover, driveways, lighting, street furniture and bins, pit lids and signage in accordance with the requirements of the Ryde Public Domain Manual.</li> </ul> <p>It is noted that the VPA does not exclude the application of Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979, therefore development contributions under these Sections are still required for the development.</p>
26 March 2021	Amendment No. 27 of the Ryde Local Environmental Plan 2014 was gazetted. The amendment resulted in the increase in the maximum building height for the subject site from 15.5 metres to 24 metres and the increase in the maximum permitted floor space ratio from 1.25:1 to 2.70:1. There was no change to the zoning of the site as a result of the amendment.
7 April 2022	A pre-lodgement meeting was held between Council staff and the applicant to discuss the proposal and intended Development Application to be lodged.

#### 4.2 Application History

12 September 2022	Development Application No. LDA2022/0278 was formally lodged with Council.
13 September 2022 to 7 October 2022	The application was notified to surrounding properties. In response, twenty (20) submissions were received with 19 objecting to the proposed development.
5 October 2022	A request for additional information was sent to the applicant requesting that ceiling heights be amended and public art details provided in order to comply with the Ryde Development Control Plan (DCP) 2014 – Part 4.3 – West Ryde Town Centre, that some of the car parking spaces be re-allocated to comply with Ryde DCP 2014 – Part 9.3 – Parking Controls, additional flooding information and additional waste management information.
20 October 2022	The applicant submitted additional information including amended architectural plans detailing increased ceiling heights and amended car parking allocation, a public art plan, an amended operational waste management plan and a letter from their traffic engineer.
25 November 2022	A further request for additional information letter was sent to the applicant outlining comments and suggested amendments provided by Council's Urban Design Review Panel (UDRP), requesting amendments to demonstrate compliance with the executed Voluntary Planning

	Agreement (VPA) for the site and outlining that the flooding issues outlined in the initial letter remained outstanding.
30 January 2023	Additional information was submitted by the applicant comprising amended architectural plans, landscaping plans, stormwater plans and a further amended operational waste management plan.
27 February 2023	A flood impact study was submitted by the applicant.
16 March 2023	A further request for additional information letter was sent to the applicant requesting minor amendments to address remaining concerns raised by Council's UDRP and amendments to the submitted flood study.
26 April 2023	Amended plans and an amended flood study were submitted in response to Council's letter.
26 April 2023	The Ryde Local Environmental Plan 2014 was amended to change the name of the B4 Mixed Use zone to MU1 Mixed Use. The permissibility of the development in the zone did not change as a result of this amendment.
11 May 2023	An email was sent to the applicant requesting further amendments to the flood study as requested by Council's City Works – Drainage team.
1 June 2023	A further amended flood study and associated modelling were submitted by the applicant in response to the email dated 11 May 2023.
19 June 2023	An email was sent to the applicant raising concern in relation to the clearance height to allow for Council's waste vehicle to service the development and also raising concern in relation to the location of the car wash bay within the basement.
3 July 2023	Amended sections and basement plans were submitted by the applicant in response to Council's email.

## 5. PLANNING ASSESSMENT

### 5.1 Section 7.4 of Environmental Planning and Assessment Act 1979

A Voluntary Planning Agreement (VPA) under the provisions of Section 7.4 of the Environmental Planning and Assessment Act 1979 was executed (and registered on title) between City of Ryde Council and Tesco Projects as part of the Planning Proposal approved for the site. The VPA detailed three key contribution works which comprise:

- The provision of three affordable housing units designed to be adaptable Class C. These units are to be transferred free of cost to Council within five business days of the issue of any Occupation Certificate.

- Road works including the provision of six parking bays on Chatham Road and the upgrading of Chatham Road to Council's specifications and requirements spanning the length of the land.
- Public domain works comprising full width granite banding along the entire Chatham Road frontage and including kerbs and gutters, street trees, kerb ramps, vehicle, lighting, street furniture and bins, pit lids and signage in accordance with the requirements of the Ryde Public Domain Manual.

The architectural plans depict each of these required contribution works and conditions of consent are recommended to address the remainder of the commitments of the VPA. It is noted that the VPA does not exclude the application of Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979, therefore development contributions under these Sections are still required for the development.

## 5.2 State Environmental Planning Instruments

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

This Policy aims to improve the design quality of residential flat development in NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

Clause 29(1) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from the building designer at the lodgment of the development application. This document was submitted with the application.

The originally lodged application was reviewed by Council's Urban Design Panel and the following initial comments were provided in response to the nine design criteria of the SEPP:

#### a) Context and Neighbourhood Character

*The 1,972m<sup>2</sup> site is located on the western side of the West Ryde Town Centre. Redevelopment of the site provides the opportunity to replace car-oriented commercial uses with town centre retail, complementing the eastern side of Chatham Street and the shopping centre to the north-east.*

*To the north and west of the site, the zoning changes from B4 Mixed Use to R2 Low Density Residential. The interface at this zone change is a key consideration.*

*The site is flood affected and requires ground floor tenancies to be 300-450mm above the adjacent footpath.*

*The proposal largely aligns with intent of the building envelop but amends the street wall/podium expression to a consistent 3 storeys. The proposed form reflects the corner in the alignment of the taller massing and seeks to balance the street wall datum and corner expression.*

*The Panel supported this approach in principle at the time of the pre-DA review. Detailed recommendations made by the Panel to improve the design response and interface with streets and the architectural expression of the building have been adopted by the Applicant and the Panel is generally supportive of the DA in its current form.*

*The setback to the western boundary remains at 9m (an increase relative to the site specific building envelope) with additional setbacks above ground level. The approach to this increased setback is supported and the Panel notes that the basement design and vehicular entry has been amended to improve communal open space design, deep soil, and hence privacy for neighbouring properties.*

*The Panel supports the inclusion of three affordable housing units. The final proposed location of these affordable units has been amended to include two of the three units in a central location with good outlook and amenity.*



*One remaining affordable unit proposed on the lower level adjacent the laneway and in proximity to the beer garden at the pub across the laneway has been re-oriented away from noise sources, and could be further amended to introduce relieving ventilation through an additional kitchen window to the 'slot'.*

*The formal DA has also improved the ground level configuration of retail uses, including generally adopting a street alignment for shopfronts and introducing a continuous awning for weather protection and pedestrian amenity. The panel makes some relatively minor comments to further improve the public domain interface.*

## **b) Built Form and Scale**

*Council's vision for the site is to include active frontages that respond to its town centre location and the eastern side of the street. A 2m setback to Chatham Road is adopted to improve the public domain and pedestrian space along the street. The additional space also has potential to assist in ameliorating flood impacts.*

*The internal ground floor is elevated 300-450mm to respond to the flood planning requirements.*

*The Panel supports the proposed ground level configuration and level changes. The Panel notes and supports those design changes which have:*

- *Created a more connected and cohesive public domain between the kerb and building façade.*
- *Relocated the retail glass line to generally align with the podium façade and eliminate the earlier colonnade.*
- *Included an awning along Chatham Road and Dickson Avenue in keeping with town centre retail streets.*

*The main residential entry from Chatham Road is a wide, open-air corridor under the building offering a view through to the communal open space. It includes a secure gate at the street. With the replanning of the basement and consolidation of deep soil and communal open space, this arrangement is supported in principle. During the meeting, the architect noted the potential to amend the geometry of a proposed ramp - the Panel supports such an amendment.*

*The Dickson Avenue alignment has been refined to eliminate a colonnade and unify the shopfronts with service components of the proposal. This is supported by the Panel.*

*Basement re-planning has resulted in improved deep soil and open space outcomes, and is supported. Increased deep soil area on the west boundary has high value and will better support larger tree canopy and green outlook at the sensitive zone interface and increase shade and planting amenity in the communal open space.*

*The Panel appreciates that the waste management vehicle movement has been resolved with the input of Council's engineers. However, the Panel is concerned for the cumulative impacts of three kerb crossings along Dickson Lane, and encourages any efforts to minimise the extent of ground level disturbance created by the access and egress requirements of the garbage truck. If it is at all possible, the Panel would support the elimination of at least one kerb crossing and the increase of Retail Unit 4 near the intersection with Dickson Lane.*

*The Panel notes an exceedance of the maximum height of building control, but is supportive of this on the basis that the exceedance is to facilitate access and amenity to a rooftop communal open space and is located in a manner which does not create any additional off-site impacts.*

## **c) Density**

*The proposal complies with the FSR of 2.7:1 and provides affordable housing as a part a Voluntary Planning Agreement (VPA) commitment. The building envelope and detailed design solution is supported subject to the design addressing comments in this report.*

#### **d) Sustainability**

*The Panel notes the achievement of solar access and cross ventilation in accordance with the ADG. The Panel encourages sustainability commitments to exceed the minimum targets for BASIX and the adoption of an 'all electric' building.*

#### **e) Landscape**

*Communal open space at ground level is a positive attribute of the proposal. The basement reconfiguration has assisted to consolidate the deep soil in this location and it offers a useful counterpoint to the design of the roof top communal open space.*

*The outdoor space undercover of the building has been provided with seating and outdoor kitchen/BBQ facilities. This is supported by the Panel. Access to a toilet facility at ground level would benefit the proposal.*

*The Panel understands that a VPA to provide 6 on street car spaces is proposed. The Panel recommends this be reflected in the architectural and landscape architectural drawings to ensure that key features of the public domain (4 street trees to Chatham Road and a central building entry) are not diminished by the introduction of these car spaces. The Panel notes that it may be most efficient to include two of these spaces on Dickson Avenue.*

#### **f) Amenity**

*The following unit designs require refinement:*

- *Units 101/201/301/401/501/601 would each benefit from the introduction of an additional kitchen window to provide relieving ventilation into the 'slot'*

*The visual and acoustic screen separating Unit 306 and 309 should be amended to benefit the balcony at Unit 309.*

#### **g) Safety**

*The proposal is supported for safety and security, subject to comments regarding the potential improvement of waste management vehicle movement.*

#### **h) Aesthetics**

*The expression of a three storey street wall with a contrasting material colour at the upper levels is supported.*

*The architect is encouraged to continue to review the detailed expression of the podium facade.*

*The Panel notes that the density and spacing of the proposed vertical battens will be crucial to the success of the resultant architectural character and the architect should study these compositional elements in meaningful detail providing detailed facade studies, 1:50 sections, samples and materials to ensure that the design intent is clear and capable of withstanding design development beyond any development approval and through to construction.*

*Facade studies of the primary facade types to investigate the overall architectural treatment, junctions, fenestration, balustrading, size and spacing of vertical battens, and the integration of services (balcony drainage, down pipes and AC enclosures) are all sought.*

*The Panel encourages detailed design development of the proposed awning to ensure drainage is integrated within the facade (avoiding exposed downpipes), and with a focus on the resultant pedestrian amenity and maintenance regime.*

*The Panel is not yet convinced by the clear glazed awning treatment, which may not create comfortable shaded areas during the summer months, and which may result in an excessive maintenance burden in order to keep the glazed surfaces clean.*

Following the initial comments from the UDRP, the applicant amended the proposal to address the concerns raised. The UDRP were generally satisfied with the amendments but raised three remaining issues which are addressed in the table below:

Outstanding Issues Raised by UDRP	Assessment Officer's Comment
The introduction of toilet and cooking facilities on the communal roof terrace is supported. The addition of a sink adjacent to the BBQ would further extend the utility of these facilities and is recommended.	The amended plans do not depict a sink adjacent to the rooftop BBQ area, however, a condition of consent is recommended requiring that amended plans be prepared including this feature ( <b>see Condition No. 1(a)</b> ).
The proponent has provided some studies of fixed battens on solid walls, but in doing so has not addressed issues such as integration of A/C enclosures, integration of balcony drainage, junctions between primary wall types, balustrading, materials and finishes, and fenestration. 1:50 sections through each primary facade type are sought to describe the minimum anticipated level of design intent.	It is considered that this level of detail is not required at Development Application stage and is more appropriately addressed at Construction Certificate stage. A condition of consent ( <b>Condition No. 1(b)</b> ) is recommended requiring that additional plans be prepared depicting this level of detail.
The details provided on the proposed glazed awning indicate a frameless fritted glass over cantilevered steel frame. The Panel remains concerned that fritted glass alone may not be adequate to provide a comfortable shaded outdoor area in summer (particularly adjacent to retail units 2, 3, 4 and 5), and does not address concerns for a high level on required cleaning and maintenance.	The applicant has amended the awning material from glazing to metal panels. This material change will result in improved shading in summer and requires less cleaning and maintenance.

### Apartment Design Guide

Pursuant to Clause 30(2) of SEPP 65 in consideration of the Apartment Design Guide (ADG), **Attachment 3** provides a table of compliance addressing the ADG Guidelines. The proposal is considered to be non-compliant with the following provision:

#### 2F Building Separation

Part 2F of the ADG specifies the following minimum separation distances for buildings:

*Up to four storeys:*

- *12m between habitable rooms/balconies*
- *9m between habitable and non-habitable rooms*
- *6m between non-habitable rooms*

**Five to eight storeys:**

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

**Note:**

- At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m

The building separation based on the orientation of the building elevations is discussed as follows and the adjoining land uses are outlined in **Figure 16** below:



**Figure 16** – Aerial photograph of subject site showing surrounding landuses

**North**

To the north of the site, there is a child care centre located on the corner of Dickson Avenue and Chatham Road (No. 8 Chatham Road) which is separated from the subject site by Dickson Avenue and its associated road reserve. The building is proposed to have a nil setback to the northern boundary of the subject site (as anticipated by the controls), which will result in a minimum 20.1 metre setback between the proposed building and child care centre. This satisfies the required ADG separation of 12 metres for up to four storeys and 18 metres for five to eight storeys.

It is noted, however that the ADG states that “At the boundary between a change in zone from apartment buildings to a lower density area, the building setback from the boundary shall be increased by 3m”. As the child care centre site is zoned R2 Low Density Residential, this would result in a required setback of 21 metres between habitable rooms for five to eight storeys. Given that the child care centre is not a habitable building, the habitable to non-habitable setback of 15 metres could feasibly be adopted here. Therefore, the proposed separation to the north is considered satisfactory.

## South

The West Ryde Hotel is located on the opposite side of Dickson Lane to the south and as this is a non-habitable building the habitable to non-habitable separation distances of the ADG are adopted. To the south the site fronts Dickson Lane and there is a 6m separation from boundary to boundary. To the south there is a 7.5m setback for the ground floor and levels 1-2 to the outdoor dining area of the Hotel which does not comply between habitable and non-habitable rooms given that a minimum of 9 metres is required in that scenario. To the south there is a 10.5m setback between levels 3-6 and the outdoor dining area of the hotel. This complies for a height of up to four storeys but does not comply for the height of five storeys and over.

It is noted that the outdoor dining area of the West Ryde Hotel is shielded by an awning, with established landscaping along the Dickson Lane frontage (**Figure 17**). This arrangement provides the users of the dining area with visual privacy and will minimise direct views between the proposed building and the outdoor dining area. The application is accompanied by an acoustic report which outlines a number of construction and material recommendations to minimise noise transmission between the proposed building and surrounding landuses. A condition of consent (**Condition No. 17**) is recommended requiring compliance with the recommendations of the acoustic report.



**Figure 17** – View of West Ryde Hotel outdoor dining area

The proposed separation distances to the adjoining building to the south are considered satisfactory given that this site is not occupied for residential purposes and given that the proposed building adopts the massing and separation distances envisaged as part of the Planning Proposal process.

## East

To the east of the site there are a number of commercial/retail landuses which are separated from the subject site by Chatham Road and its associated road reserve. All levels of the proposed building have a minimum two metre setback from the Chatham Road front boundary and this would result in a minimum separation to the buildings to the east of 22 metres. This achieves compliance with the habitable to non-habitable distances required by the ADG.



West

The adjoining building to the west (at 2 Dickson Avenue) is used as a family day care centre and is non habitable, therefore, the habitable to non-habitable setbacks of the ADG are adopted. For levels 1-2 the proposed setback is 11m between the proposed building and family day care centre which complies between habitable and non-habitable rooms. For levels 3-6 the proposed setback is 14 metres between the proposed building and family day care centre which complies for between habitable and non-habitable rooms.

It is noted, however that the ADG states that “At the boundary between a change in zone from apartment buildings to a lower density area, the building setback from the boundary shall be increased by 3m”. As the family day care centre site is zoned R2 Low Density Residential, this would result in a required setback of 12 metres between habitable rooms for up to four storeys and a required setback of up to 15 metres for five to eight storeys. The proposed extent of separation would be deficient by one metre for both categories. Given the commercial use of the adjoining property to the west, the proposed extent of separation is considered satisfactory.

It is noted that the proposal achieves compliance with the visual privacy controls set out in Part 3F of the ADG.

**Other relevant State Environmental Planning Instruments**

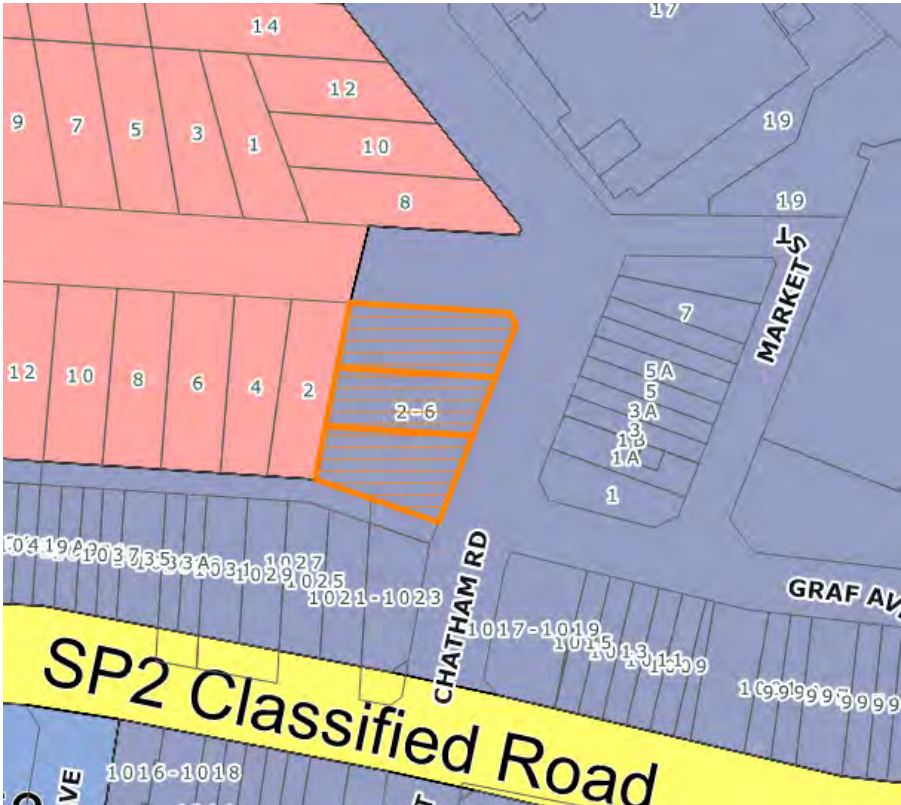
Instrument	Proposal	Compliance
<b>State Environmental Planning Policy Resilience and Hazards SEPP 2021</b>		
<b>Chapter 4 Remediation of land</b>		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site is currently used for the purpose of a service station and car wash.</p> <p>For the detailed site investigation, test bores were conducted for subsoil conditions and groundwater samples. It was found that one borehole exceeded investigation levels for Polycyclic Aromatic Hydrocarbons (PAHs) and one ground water sample exceeded heavy metal levels.</p> <p>The report concluded that widespread contamination is unlikely and will be confined to the underground petroleum storage system (UPSS) and associated structures and can be made suitable for the proposed development following the recommendations made including the development of a remedial action plan.</p>	<p>Yes</p>

	<p>A remedial action plan was also submitted with the application. It details the preferred methods and options for the work to be carried out, including the decommissioning of the underground storage tanks.</p> <p>The report concludes that the subject site can be made suitable for the subject development following the remediation and validation works. Conditions of consent are recommended in relation to remediation and validation.</p>	
<b>State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021</b>		
<b>Chapter 2 Vegetation in non-rural areas</b>		
<p>The objective of this chapter of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p>The proposal includes the removal of five Cocos Palms within the site. None of these trees are identified as significant vegetation.</p> <p>The proposal has been supported by an arborist report and landscape plan. The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site.</p> <p>The proposal is considered satisfactory by Council's Landscape Architect. Their comments are included in the referrals section later in this report.</p>	Yes
<b>State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</b>		
<p>The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building.</p>	<p>A BASIX Certificate has been prepared (No. 1316011M_02 dated 24 August 2022) which provides the development with a satisfactory target rating.</p> <p>Conditions of consent are recommended requiring compliance with the BASIX commitments detailed within the Certificate (<b>Condition Nos. 4, 60 and 130</b>).</p>	Yes

State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 Infrastructure		
<p>Section 2.48 of the SEPP applies to a development application for development involving:</p> <p>Development carried out within 5 metres of an exposed overhead electricity power line.</p> <p>Before determining a development application for development to which this section applies, the consent authority must:</p> <ul style="list-style-type: none"> <li>a) Give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</li> <li>b) Take into consideration any response to the notice that is received within 21 days after the notice is given.</li> </ul>	<p>The proposal involves works within 5 metres of an existing exposed overhead power line. The application was referred to Ausgrid being the electricity supply authority for the subject locality.</p> <p>Ausgrid provided comments on 17 March 2023 raising no objections to the proposal subject to a number of requirements. A condition of consent is recommended in relation to these requirements, see <b>Condition No. 5</b>.</p>	<p>Yes</p>

**5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)**

At the time of lodgement of the application, the subject site was zoned B4 Mixed Use, however, the Ryde Local Environmental Plan was amended on 26 April 2023 to convert the name of the zone from B4 Mixed Use to MU1 Mixed Use (**Figure 18**).



**Figure 18** – Zoning map extract (pink denotes R2 Low Density Residential, purple is MU1 Mixed Use)

The application seeks consent for commercial premises and shop top housing, which are defined as follows:

**Commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**Shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The ground floor comprises five commercial tenancies and services associated with the commercial tenancies and shop top housing units. There are no residential units proposed on the ground floor. Development for the purpose of commercial premises and shop top housing is permissible with consent within the MU1 Mixed Use zone. The change of the name of the zone on 26 April 2023 did not affect the permissibility of the development in the zone.

The relevant objectives for the MU1 Mixed Use zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

The proposal is for five ground floor commercial tenancies with shop top housing units above, which are regarded as compatible uses for the zone and surrounding locality. The proposal is consistent with the intent of the Ryde Development Control Plan 2014 – Part 4.3 – West Ryde Town Centre which envisages ground floor retail/commercial with residential units above for the subject site. The proposal is not regarded as being inconsistent with the zone objectives.

#### Relevant Clauses

Clause	Proposal	Compliance
<b>4.3(2) Height of Buildings</b>		
24m	The maximum height of the proposed development is 26.4m to the two lift overruns. This represents a 10% variation to the building height standard.	<b>No – see Clause 4.6 discussion below.</b>
<b>4.4(2) Floor Space Ratio</b>		
2.7:1 (5,325.48m <sup>2</sup> )	2.698:1 (5,290.40m <sup>2</sup> )	Yes
<b>4.6 Exceptions to development standards</b>		
(1) The objectives of this clause are as follows— (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,  (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	The proposal has a height of 26.4m and a variation of 10% sought to Clause 4.3(2). Refer to discussion following this table.	<b>Yes – see Clause 4.6 discussion below.</b>

Clause	Proposal	Compliance
<b>6.2 Earthworks</b>		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposal provides for an extent of earthworks that is consistent with what would be anticipated for a mixed-use development in this locality.	Yes
<b>6.4 Stormwater Management</b>		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	<p>The proposed stormwater management system for the development comprises two on-site detention (OSD) tanks to the rear of the site. Stormwater will be released at a gradual rate to a proposed connection to a kerb inlet pit on the Chatham Road frontage of the site.</p> <p>The proposed stormwater management system has been reviewed by Council's Senior Development Engineer and is considered satisfactory subject to recommended conditions.</p>	Yes
<b>6.6 Environmental Sustainability</b>		
(1) The objective of this clause is to ensure that development on land in an employment or mixed use zone or Zone W4 Working Waterfront embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.	<p>The application is accompanied by an Energy Efficiency and Sustainability Report which outlines the following measures to address Clause 6.6:</p> <p>The proposed development will include water efficient fittings and fixtures, and water efficient landscape design.</p> <p>Various energy efficiency measures are included to reduce demand, generate on-site renewables, and reduce infrastructure loads. Measures include passive design principles, energy metering and monitoring, optimized daylighting, lighting control, appropriate HVAC zoning, energy modelling, building management system, and comprehensive commissioning of services.</p> <p>The development will reduce materials consumption and impacts through considering several measures including low VOC finishes, best practice or</p>	Yes



Clause	Proposal	Compliance
	<p>reduced PVC use, educating contractors on waste practices, and supply chain engagement to encourage reduced packaging and increase compostable materials.</p> <p>Lighting design will be controlled to minimise light pollution and ensure lighting is used for specific purposes. Rainwater reuse systems will act to reduce stormwater flows and energy efficient fixtures and fittings (minimum WELS targets) will reduce sewer flows.</p> <p>The proposed development includes bicycle storage for residents as well as bicycle storage for commercial tenants. Significant landscaping and a roof garden are provided as part of the Development.</p>	

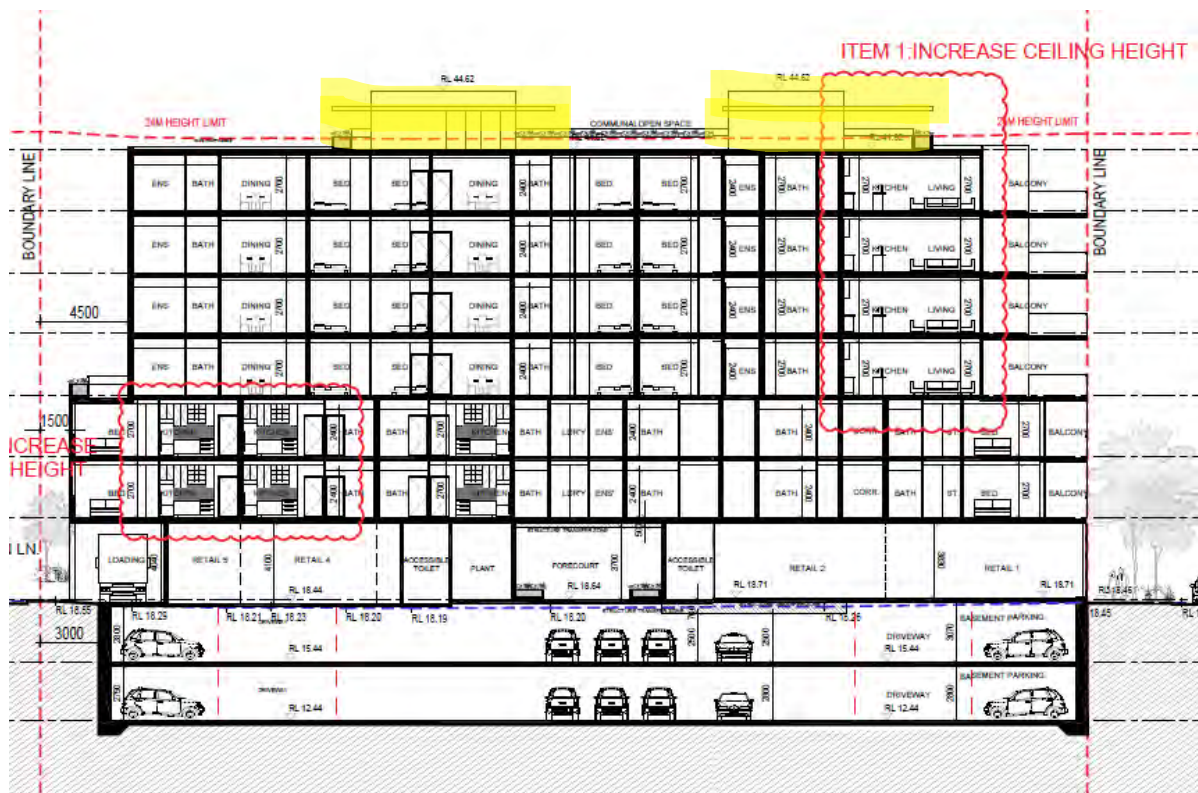
**Clause 4.6 Exceptions to Development Standards – Height of buildings**

The development contravenes Clause 4.3(2) of RLEP 2014, which establishes a maximum building height of 24m. The proposal results in a height of 26.4 metres, representing a 10% variation and does not comply with the development standard. The applicant has submitted a Clause 4.6 request prepared by DMPS Planning, dated May 2023 (**Attachment 4**) to vary the development standard.

The variation occurs at the lift overruns, the shading structure attached to both lift overruns, fire stair access and the toilet room which is integrated with the northern lift overrun (**Figures 19 & 20**).



**Figure 19 - Building Height Plane and as viewed from the north-eastern corner of the site**



**Figure 20** – Section B-B showing 24m maximum building height as red dashed line

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “zoning of particular land” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently, compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 90*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

An assessment of the relevant provisions of Clause 4.6 is as follows:

- Clause 4.6(3)(a) - Is compliance unreasonable or unnecessary in the circumstances of the case?
- Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify the proposed contravention of the development standard?

The applicant’s written request provides the reasons why compliance with the standard is unreasonable and/or unnecessary, with selected excerpts shown below:

#### Unreasonable and unnecessary

*The design provides an appropriate allowance for both structure and minimum floor to ceiling heights to be achieved for a mixed-use development. A degree of flexibility is however sought in the circumstances as the building height breach is limited to the lift overrun, fire stairs and pergola, which is set back from the building’s parapet. The remainder of the building is compliant with the prescribed maximum 24 metre building height.*

*The objectives of the building height control 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 emphasise road frontages along road corridors.*

*The offending building elements will not be readily visible from the public domain, and are therefore not visually intrusive, will not impact upon views from any adjoining property and do not create any additional adverse overshadowing impacts, therefore demonstrating satisfaction of the objectives of the standard.*

*The proposed minor breach to the building height is necessitated by a higher finished ground floor level resulting from the site's flood affectation, and the desire to provide communal open space located upon the roof, capable of achieving direct and unobstructed northern sunlight, providing residents with multiple areas for communal recreation.*

*A total of 858m<sup>2</sup> of communal open space is provided on site, representing 44% of the site's area. Both active and passive opportunities are provided for recreation, greatly enhancing the amenity of future residents. The minor breach is thereby suggested to represent a better planning outcome.*

*Compliance with the standard is considered unreasonable and unnecessary in the circumstance of this case given the very minor nature of the breach proposed. Contravention of the development standard by the proposal does not give rise to any adverse environmental impact and enables equitable access to be provided throughout the development. A degree of flexibility is however sought in the circumstances as the building height breach is a result of higher finished floor levels at Ground Level because of the site's flood affectation, the height breach is limited to the lift overrun, fire stairs and pergola, which is setback from the building's parapet. This will not be visible from the public domain, is not visually intrusive, will not impact upon views from any adjoining property, and will not cause any additional overshadowing to any adjoining property. Additionally, the non-compliant portions of the proposed development do not constitute any floor area.*

*An adequate area of communal open space is required to enhance residential amenity and to provide opportunities for landscaping within the urban environment. To satisfy this objective, the Design Criteria at Objective 3D-1 of the Apartment Design Guide (ADG) suggests that communal open space should have a minimum area equal to 25% of the site area, and that developments should achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter).*

Assessment Officer's Comments: The proposal achieves the objectives of Clause 4.3 despite the height exceedance. The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with and improves the appearance of the West Ryde town centre. The lift overruns, common open space shading structures, fire stair access and toilet room are suitably set back from the building facades, are located towards the centre of the building footprint and will not be readily discernible from the public domain.

The provision of a rooftop common open space area is considered to be a valuable inclusion in the development to aid the amenity of future occupants and provides a recreational area that will have access to ample sunlight year-round. Whilst some of the rooftop features do not comply, it is considered that strict



compliance would not necessarily achieve a better outcome given the centralised location of the non-compliant features in the building footprint.

The proposed development provides for an alternative means of satisfying the objectives of the standard other than compliance and therefore strict compliance with the standard would be unnecessary given the objectives are achieved and unreasonable as no purpose would be served by full compliance. The applicant has satisfactorily demonstrated that the compliance with the development standard would be unreasonable and unnecessary.

#### Environmental planning grounds

*The proposed minor breach to the building height is necessitated by a higher finished ground floor level resulting from the site's flood affectation, and the desire to provide communal open space located upon the roof, capable of achieving direct and unobstructed northern sunlight, providing residents with multiple areas for communal recreation. Allowing for the building height breach in response to the flooding affectation and topographical characteristics of the site is considered to ensure the orderly and economic development of the site, consistent with Objective 1.3(c) of the Environmental Planning and Assessment Act 1979.*

*The provision of a total 858m<sup>2</sup> of communal open space, representing 44% of the site's area, with both active and passive opportunities provided for recreation, greatly enhances the amenity of future residents and is considered an appropriate environmental planning ground. It is subsequently suggested there are sufficient environmental planning grounds to justify contravening the development standard.*

Assessment Officer's Comments: The elements of the building which exceed the building height standard are located towards the centre of the roof form and will not be visible from the public domain or adjoining properties from the ground floor plane. The features exceeding the standard facilitate access to the rooftop for the use of this area for the purpose of common open space for the residential units with ample solar access. This rooftop common open space area will enhance the amenity of the residential units and is well set back from the western, southern and eastern boundaries to minimise the privacy impacts on surrounding properties.

The subject site is partially flood affected (predominately in the north-eastern corner of the site) and this has necessitated the ground floor to be partially elevated above natural ground level and has influenced the overall height of the development and the height of the features of the development exceeding the standard.

Despite the non-compliance, the proposal is considered to satisfy the objectives of the building height standard. The proposal is in keeping with the intended character and appearance of the locality. The building height exceedance does not add to overshadowing impacts on adjoining properties or the public domain and does not impact upon the amenity of surrounding properties.

As a result, it is considered that the applicant has demonstrated that there are sufficient environmental planning grounds for the departure.

#### Is the proposal in the public interest?

Pursuant to clause 4.6(4)(ii), a development will be in the public's interest if it is consistent with the objectives of the development standard and also the zone objectives in which the particular development is carried out. The objectives of Clause 4.3 are as follows:

### **4.3 Height of buildings**

(1) *The objectives of this clause 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 emphasise road frontages along road corridors.*

The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with and improves the appearance of the West Ryde town centre. The proposal does not result in any adverse amenity impacts upon surrounding properties.

The proposal is consistent with the public interest as required by Clause 4.6(4)(a)(ii) for the following reasons:

- The development is consistent with the objectives of the standard and zone as required by Clause 4.6(4)(a)(i).
- The proposal achieves the objectives of the standard as required by Clause 4.6(3)(a).
- The development provides for a suitable residential use in an accessible location.

### **Summary**

The applicant has submitted a Clause 4.6 written request that seeks to justify contravention of the development standard Clause 4.3(2) Height. Pursuant to Clause 4.6(3)(a) of RLEP 2014, the written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as required by Clause 4.6(3)(b).

Pursuant to Clause 4.6(4)(a)(i) of RLEP 2014, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). Council is of the opinion that the proposed development will not be contrary to the public interest because of consistency with the objectives of the development standard for height.

The concurrence of the Planning Secretary is not required. Circular PS 20-002 issued on 5 May 2020 outlines that Local Planning Panels may assume the Secretary's concurrence where development standards will be contravened.

Accordingly, the proposal variation is supported.

### **5.3 Draft Environmental Planning Instruments**

There are no draft Environmental Planning Instruments for consideration.

## 5.4 Development Control Plans

### Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 4.3: West Ryde Town Centre
- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

With regard to Parts 7.2, 8.2, 8.3 and 9.2 of the RDCP 2014, noting the advice from various technical departments within Council and the consideration of issues previously in this report, the proposal is considered satisfactory in relation to the controls contained in these Parts.

#### Part 4.3 – West Ryde Town Centre

The proposal is subject to the requirements of Part 4.3 – West Ryde Town Centre under RDCP 2014. A full assessment of the proposed development under DCP 2014 is illustrated in the compliance table at **Attachment 2**.

The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposed development is consistent with the aims and objectives of RDCP 2014. Where strict compliance has not been achieved, in accordance with Section 4.15 (3A)(b) flexibility has been sought to allow a reasonable alternative solution that achieves the objects the standard. The only non-compliance is as follows:

#### a) Building Height and Bulk

Section 3.1 of the DCP Chapter states the following in relation to building height and bulk:

*a. The maximum height of any building in the town centre will be in accordance with the height shown on Ryde Local Environmental Plan 2014 Height of Building Map.*

*d. In multi-storey and mixed use buildings, roof articulation should be provided to add visual interest to buildings. Any elements within the roof articulation zone are not to extend above the maximum height in metres specified by the Ryde LEP 2014.*

The development contravenes Clause 4.3(2) of RLEP 2014, which establishes a maximum building height of 24m. The proposal results in a height of 26.4 metres and does not comply with the development standard. The proposal represents a 10% variation to the standard. The applicant has submitted a Clause 4.6 request prepared by DMPS Planning, dated May 2023 to vary the development standard. The variation occurs to the lift overruns, the shading structure attached to both lift overruns, fire stair access and the toilet room which is integrated with the northern lift overrun. The Clause 4.6 request has been considered in detail earlier in this report and is supported.

#### b) Street Setbacks and Alignment

Section 3.1.3 of the DCP Chapter states the following in relation to street setbacks and alignment:

b) The first two storeys of all buildings along a build to street (hard) setback line as indicated in Figure 4.3.04, are generally to maintain a hard alignment with the street. Setbacks are to be minimised.

Figure 21 depicts the following for the subject site (in yellow highlight):



Figure 21 – Extract of Figure 4.3.04 from the DCP depicting the required Build to Street Setbacks with the subject site highlighted in yellow

Figure 19 depicts that there is a requirement to build to the street to Dickson Lane and Dickson Avenue. The building is proposed to be built to the boundary on the Dickson Avenue frontage but there is a 1.5m setback proposed on the Dickson Lane frontage. For the Chatham Road frontage, the DCP figure requires a 2m street setback to provide for an urban plaza. This is complied with.

With regard to the Dickson Lane (south) frontage, the proposed 1.5m building setback is considered satisfactory given that this frontage is the vehicle access and building servicing frontage. Further, the proposed setback provides additional building separation to the West Ryde Hotel which provides additional distance for noise attenuation between the proposed apartments on the southern frontage and the Hotel's outdoor dining area.

### c) Solar Access

Section 3.3.1 of the DCP Chapter states the following in relation to solar access:

b. Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, footpaths and existing windows to habitable rooms in adjoining buildings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June (winter solstice).

Figure 22 outlines the shadowing impact of the development on 21 June (winter solstice).



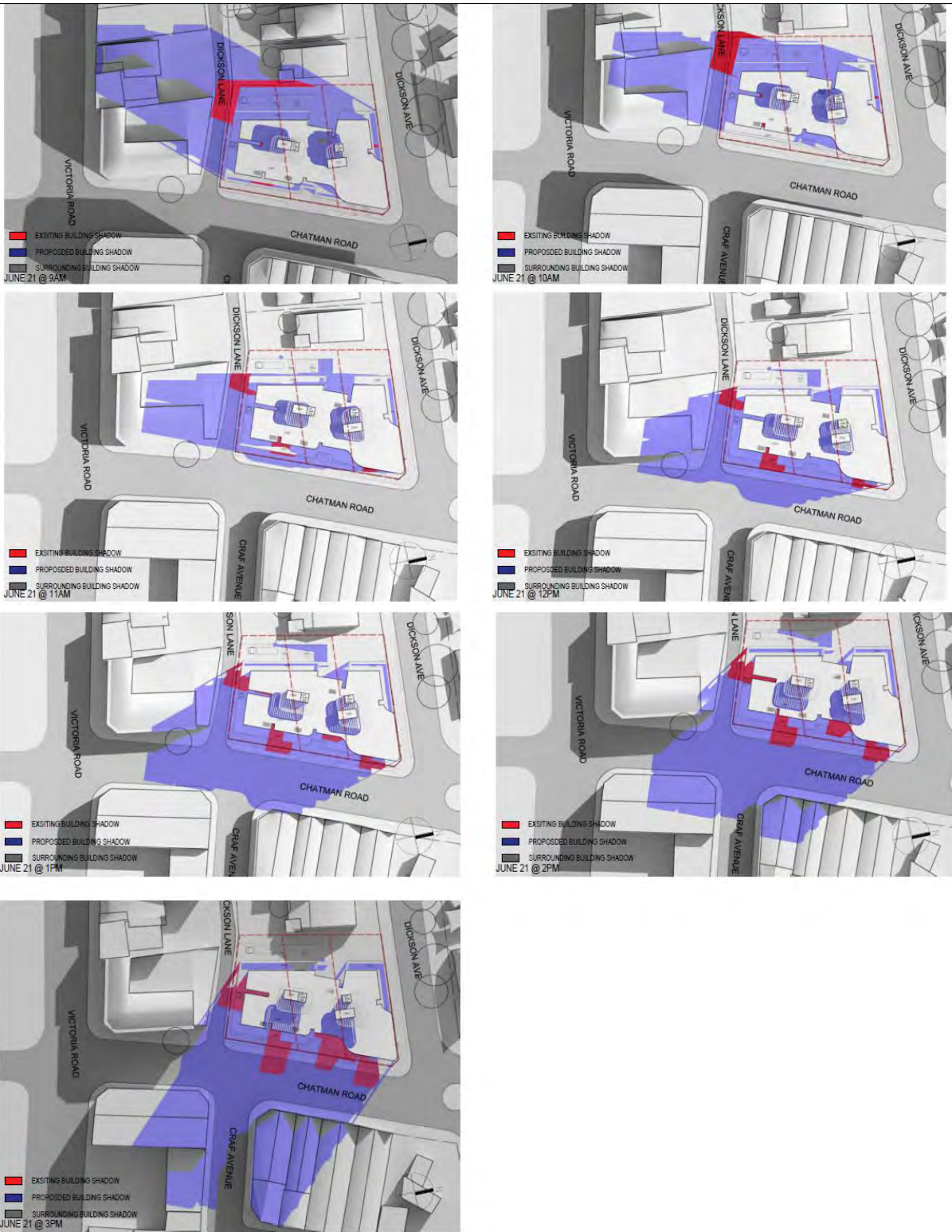


Figure 22 – Shadow diagrams depicting impact of the proposed development at 21 June

The only property that will receive less than 3 hours between 9am and 3pm on 21 June as a result of the proposed development is 1021 Victoria Road (being the West Ryde Hotel and its associated rear dining area) located to the south of the site.

Given that the proposal achieves compliance with the controls that set the building massing for the subject site and that the proposal provides a setback of 1.5m to the southern boundary when the controls specify a nil setback to this boundary, the proposed extent of overshadowing of this property is considered satisfactory.

### Part 9.3 – Parking Controls

The proposal complies with the requirements of RDCP 2014 – Part 9.3 – Parking Controls. The following parking rates are applicable to residential development under RDCP 2014 – Part 9.3 – Parking Controls:

- 0.6 to 1 space per one bedroom dwelling;
- 0.9 to 1.2 spaces per two bedroom dwelling;
- 1.4 to 1.6 spaces per three bedroom dwelling; and
- 1 visitor space per 5 dwellings.
- Retail 1/25m<sup>2</sup>

An assessment of the above parking rates to the proposed development is below:

Apartment Type	Minimum	Max	Provided	Compliance
1 bedroom (12)	7.2	12	63 spaces	Yes
2 bedroom (42)	37.8	50.4		
3 bedroom (8)	11.2	12.8		
<b>Sub-total</b>	<b>56.2 (57)</b>	<b>75.2 (76)</b>	<b>63 spaces</b>	<b>Yes</b>
Visitor	12.4 (13)	12.4 (13)	13 spaces	Yes
Retail/commercial	12.96 (13)	12.96 (13)	13 spaces	Yes
<b>Total</b>	<b>83 spaces</b>	<b>102 spaces</b>	<b>89 spaces</b>	<b>Yes</b>

#### Bicycle Parking

The DCP states that: *in every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*

Therefore, a total of approx. 9 bicycle parking spaces would be required. The basement plans depict a total of 10 bicycle parking spaces which complies with this control.

### 5.5 Planning Agreements OR Draft Planning Agreements

A Voluntary Planning Agreement (VPA) under the provisions of Section 7.4 of the Environmental Planning and Assessment Act 1979 was executed between City of Ryde Council and Tesco Projects as part of the Planning Proposal approved for the site. The VPA detailed three key contribution works which comprise:

- The provision of three affordable housing units designed to be adaptable Class C. These units are to be transferred free of cost to Council within five business days of the issue of any Occupation Certificate.
- Road works including the provision of six parking bays on Chatham Road and the upgrading of Chatham Road to Council's specifications and requirements spanning the length of the land.
- Public domain works comprising full width granite banding along the entire Chatham Road frontage and including kerbs and gutters, street trees, kerb ramps, vehicle crossover, driveways, lighting, street furniture and bins, pit lids and signage in accordance with the requirements of the Ryde Public Domain Manual.

The architectural plans depict each of these required contribution works and conditions of consent are recommended to address the remainder of the commitments of the VPA. It is noted that the VPA does not exclude the application of Sections 7.11 and 7.12 of the Environmental Planning and Assessment Act 1979, therefore development contributions under these Sections are still required for the development.

## 5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$319,930.31
Open Space & Recreation Facilities	\$550,905.46
Roads & Traffic Management Facilities	\$169,126.21
Plan Administration	\$15,599.25
<b>The total contribution is</b>	<b>\$1,055,561.23</b>

It is noted that the executed VPA for the site outlines that contributions are not payable for the three affordable housing units within the development, therefore, credits have been applied for these three units. Condition on the payment of Section 7.11 Contribution of \$1,055,561.23 has been included in the draft notice of determination attached to this report.

## 5.7 Any matters prescribed by the regulations

### Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

Clause 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition of the existing structures will be carried out in accordance with the demolition plan. **Condition 1** requires the development is to be carried out strictly in accordance with the plans stamped approved by Council and support documents. The demolition plan has been listed within the table in Condition 1.

## 6.0 The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed within this report. The development is considered satisfactory in terms of environmental impacts.

## 7.0 Suitability of the site for the development

The site is well located for the provision of commercial floorspace and residential units, providing an appropriate level of street activation and public domain treatments.

## 8.0 The Public Interest

Given the above assessment, the proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

## 9.0 Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 13 September 2022 and 7 October 2022. Nineteen (19) submissions were received objecting to the proposal and one submission was received in support. Following the receipt of amended plans it was deemed that the amended proposal did not result in any greater impact on adjoining properties and therefore, re-notification of the application was not warranted.

All concerns raised have been addressed below:

1. ***The proposed development of 62 residential units and 5 retail shops puts over 150+ extra vehicles onto the streets, particularly Chatham Road with no 'turn right' onto Victoria Road in the direction of Parramatta. The roundabout on Chatham Road is very dangerous and is poorly understood by drivers. The traffic on Saturday mornings is particularly bad.***

**Comment:** The development site currently accommodates the following land uses:

- A service station/convenience store;
- A vehicle servicing facility;
- A car wash; and
- A restaurant

Recent observations of traffic generation by Council staff have identified that the current land uses on site generate in the order of 60 vehicle trips to and from the site during weekday peak hour periods.

The proposed development, comprising 62 apartments and 323.9m<sup>2</sup> of commercial/retail floor space and is estimated to generate between 15 – 25 peak hour vehicle trips to and from the site based on the traffic generation rates specified within the *Guide to Traffic Generating Developments*.

The proposed development is therefore anticipated to generate less traffic, and thus, have a less intensive traffic impact on the surrounding public roads compared with the existing development. Vehicle access to and from the site is proposed via Dickson Lane, which is a one way lane, therefore, vehicles exiting the development will need to travel in a western direction and access Victoria Road via Bellevue Avenue. It is noted that the proposal will result in the removal of the two driveways on Chatham Road and one driveway on the Dickson Avenue frontage which will result in less vehicle conflicts in the vicinity of the existing roundabout.

2. ***Any development in this part of West Ryde should not be approved until the traffic congestion around the area is fixed.***

**Comment:** Council is in the process of developing the West Ryde Masterplan and West Ryde Revitalisation Strategy, which will include a holistic review of traffic management, parking provision and pedestrian safety in the West Ryde Precinct. The application has been assessed by Council's Traffic engineers who have advised that the proposed development is satisfactory in relation to the environmental capacity of the surrounding roads and in relation to the proposed access and egress to the site. As previously mentioned,



the proposed use results in a lesser extent of traffic generation than the existing multiple uses of the site and results in the removal of vehicle access points to Chatham Road and Dickson Avenue.

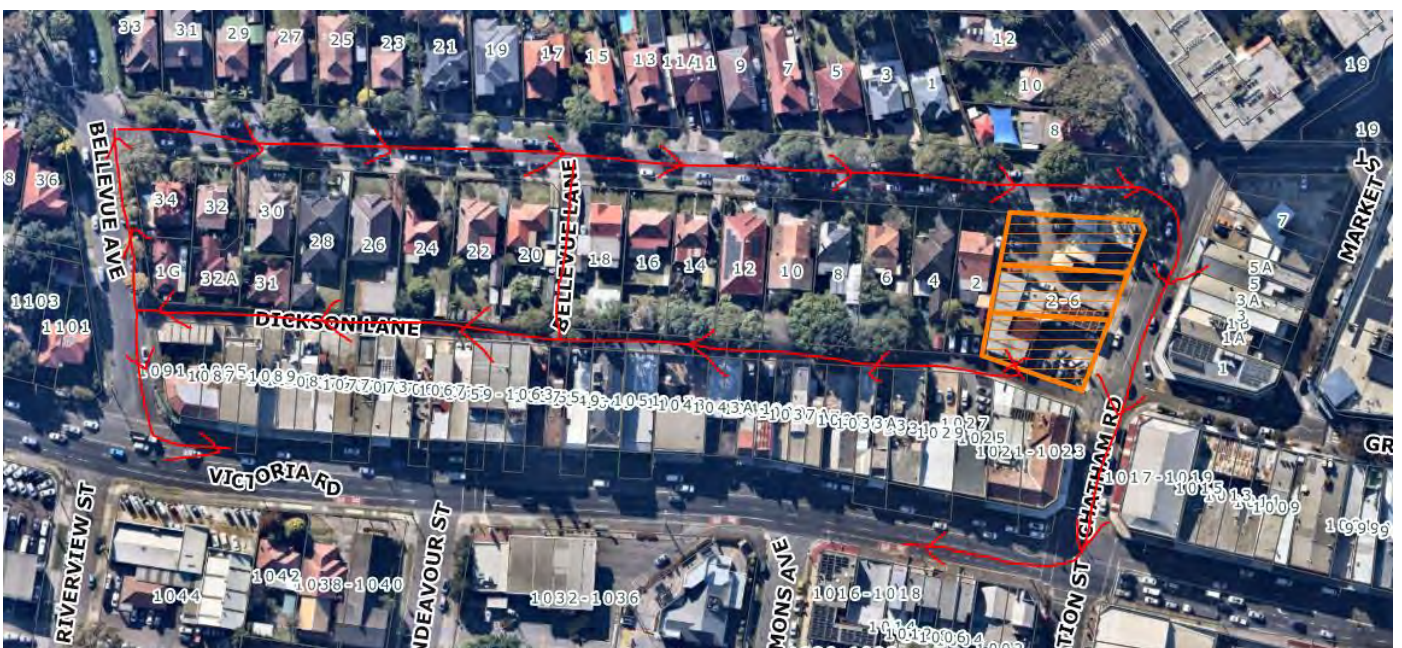
- 3. During the week there is semi to total blockage of Dickson Lane, particularly in the late afternoon period when large trucks stop outside the rear of the Pack & Send business directly opposite the proposed basement entry to pick up deliveries. These trucks can be there for up to 15 minutes.**

**Comment:** The portion of Dickson Lane in the vicinity of the subject site is signposted as a no parking zone. In the event of any vehicle parking in Dickson Lane, this can be reported to Council’s parking officers and investigated. Council’s records indicate that no such complaints have been received from nearby residents to date on this matter.

It is noted that there is a parking area located to the rear of the Pack & Send business where a truck could feasibly reverse into and drive out of in a forward direction to facilitate picking up of deliveries. The general concern of traffic impacts observed by local residents has been forwarded to the Traffic engineers for investigation outside the assessment of this DA.

- 4. With the proposed development’s carpark access via Dickson Lane, there will be an increase in traffic going up Dickson Lane, which will then have to either head back down Victoria Road or Dickson Avenue given the laneway is one-way.**

**Comment:** It is acknowledged that the proposal will result in an increase in traffic using Dickson Lane. **Figure 23** depicts the directions that traffic will head when exiting the development. The traffic from the development wishing to head east, will travel west along Dickson Lane, turn left onto Bellevue Avenue and then left onto Victoria Road. For traffic wishing to head west they will head west along Dickson Lane then turn right on either Bellevue Lane or Bellevue Avenue and right into Dickson Avenue and then right onto Chatham Road and finally, right onto Victoria Road given that there is no right turn onto Victoria Road permitted from Bellevue Avenue onto Victoria Road. Whilst the development will result in an increase in traffic on some local streets, the increase will be within the environmental capacity of the streets.



**Figure 23 – Aerial photograph depicting the direction of traffic flow of vehicles exiting the site. It should be noted that there is no right turn permitted from Bellevue Avenue onto Victoria Road hence the need for vehicles to travel along Dickson Avenue and Chatham Road to head west**

**5. *The traffic assessment should be revised so it addresses the lack of sight distance at the intersection of Dickson Lane and Bellevue Lane and at the intersection of Bellevue Lane and Dickson Avenue.***

**Comment:** The application has been assessed by Council's Traffic Engineers and no concerns were raised in relation to sight distance at the intersections of Dickson Lane/Bellevue Lane and Bellevue Lane/Dickson Avenue. It is anticipated that only some vehicles exiting the site will use Bellevue Lane and that the remainder will continue to travel west up Dickson Lane and exit via Bellevue Avenue.

**6. *Prohibiting right turn movements to Dickson Lane from Chatham Road should be investigated.***

**Comment:** The application has been assessed by Council's Traffic Engineers and there was no recommendation that right turn movements from Chatham Road into Dickson Lane be restricted or prohibited. It is noted that traffic is regularly queued on Chatham Road at the traffic lights waiting to enter Victoria Road and during the queueing it is possible for vehicles to safely make a right hand turn into Dickson Lane. Preventing a right turn from this location would also impact upon Graf Avenue located opposite. As previously noted, the proposal will result in the removal of the two vehicle crossovers on the Chatham Road frontage which will reduce the number of points where right hand turns are made from Chatham Road.

**7. *The proposal will increase car parking problems in the locality.***

**Comment:** Based on the proposed unit mix, the development is required to provide for a minimum of 83 and a maximum of 102 car parking spaces under the Ryde Development Control Plan 2014 – Part 9.3 – Parking Controls. The proposal provides for a total of 89 car parking spaces comprising 63 resident spaces, 13 commercial spaces and 13 visitor spaces. Given that the proposal provides for an extent of parking within the DCP required range and is located in close proximity to the West Ryde train station and a number of bus routes, it is considered satisfactory in relation to car parking and will not result in any significant impacts in relation to parking

**8. *Given that there are a number of stacked/tandem car parking spaces proposed there are only 52 compliant residential spaces proposed, not the claimed 63 spaces and less than the DCP required 56 residential spaces.***

**Comment:** The plans (as amended) depict a total of eight stacked car parking spaces. The Ryde Development Control Plan 2014 – Part 9.3 – Parking Controls states the following in relation to stacked car parking spaces:

*e. Tandem or stack parking may be carried out for a development if it is considered appropriate to the proposed development or land use/s. Tandem or stack parking will only be permitted where:*

- i. each tandem or stacked parking arrangement is limited to a maximum of two spaces;*
- ii. in residential buildings and commercial/retail developments, the spaces are attached to the same strata title;*
- iii. in residential buildings and serviced apartments, they are used for resident parking only;*
- iv. in commercial or retail development, they are used for staff parking only;*
- v. they are not used for service vehicle parking; and*
- vi. the manoeuvring of stacked vehicles is able to occur wholly within the premises.*

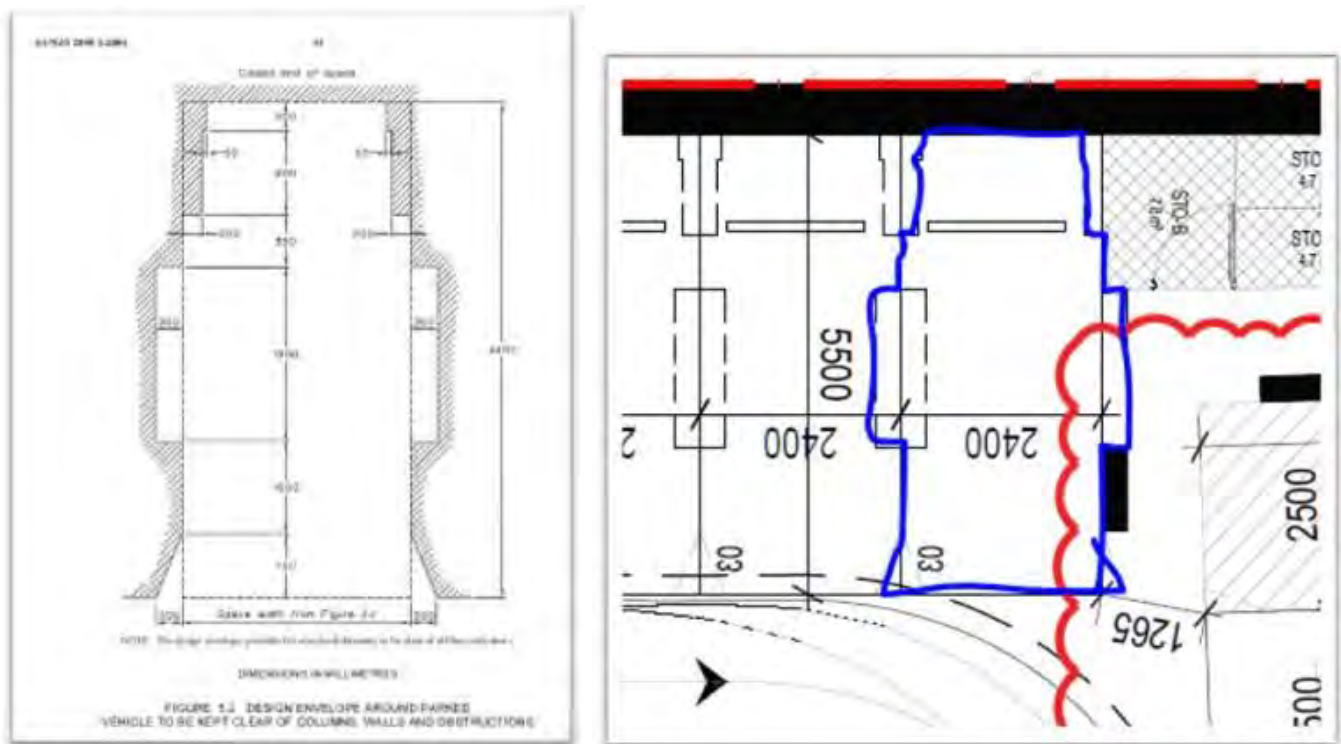
Each of the stacked parking spaces is in an arrangement of two parking spaces. The subject application does not include any form of subdivision, however, the stacked spaces are capable of being attached to the same strata title when the development is strata subdivided. The stacked spaces are all designated as resident spaces and the maneuvering of stacked vehicles is able to occur wholly within the premises. The DCP does not make any reference to stacked spaces needing to be deducted from the total of car parking spaces provided.

As a result of the stacked spaces needing to be attached to the same strata title in the event of strata subdivision, this would result in a total of 55 of the units having a minimum of one car parking space and therefore, seven units would not have any allocated car parking space. Given the proximity of the site to multiple modes of public transport, this is considered satisfactory.

It is noted that the VPA for the site specifies that the three affordable housing units to be dedicated to Council are each required to include one basement car parking space. Condition No. 139 is recommended to address this.

**9. A number of the parking spaces do not comply with AS2890.1:2004 that requires that where a parking space is adjacent to a wall or fence or where columns restrict door opening, an additional 300mm is to be added to the width.**

**Comment:** The 300mm clearance requirement is correct however AS2890.1 does go into further detail and specifies a clearance envelope (Figure 24) around a parked vehicle in which columns / walls / structures can permissibly be located. The architect has incorporated this clearance envelope as a dashed outline around all parking spaces. The application was referred to Council’s Senior Development Engineer who has not identified any parking spaces that are non-compliant.



**Figure 24** – Diagram from Australian Standard on left depicting allowable clearance envelope and figure on the right depicts how the architect has accommodated this envelope in the design of the parking spaces

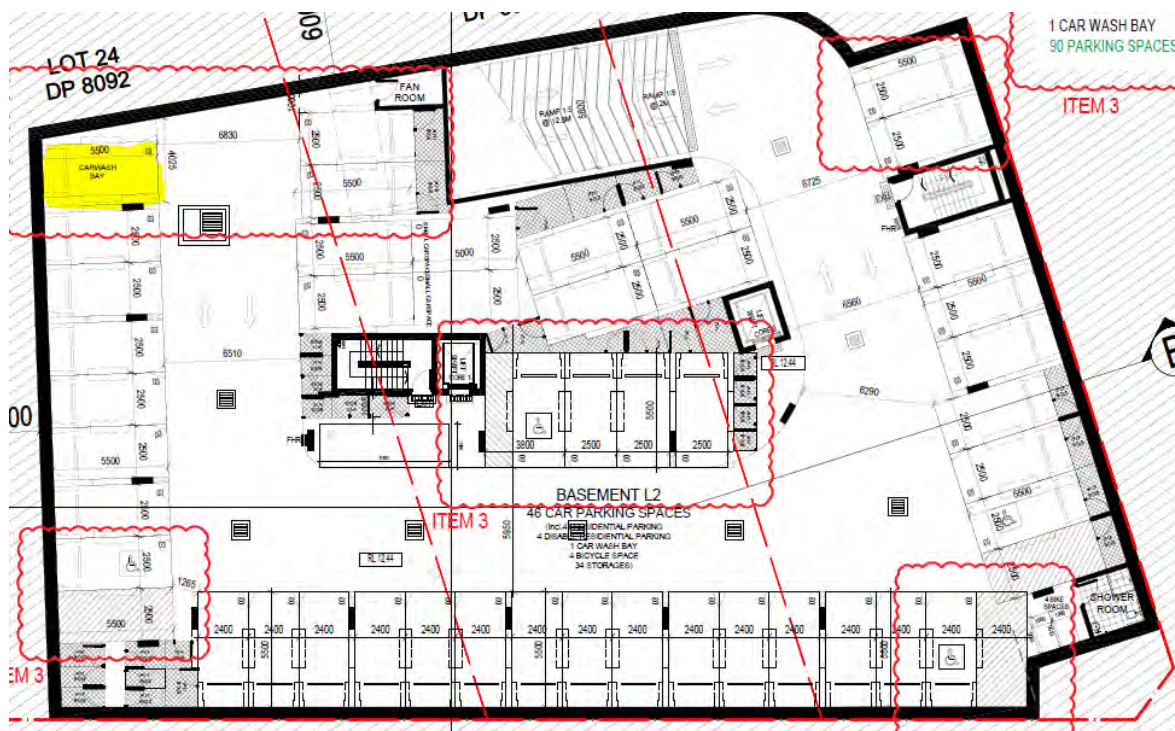


**10. With the unallocated parking, concern is raised that residents will illegally park in visitor or commercial parking spaces. Installing a number plate recognition system will allow the owners corporation to identify regular offenders and deal with them appropriately.**

**Comment:** This would be a matter for the strata body/owner’s corporation to manage when it is formed. The requirement for a number plate recognition system is considered to be too onerous at DA stage.

**11. The proposed car wash bay is only the size of conventional car parking spaces and is not sufficient to open all doors so that a vehicle can be vacuumed. As it is located beside a residential parking bay, the adjacent parked vehicle is likely to be subject to overspray.**

**Comment:** The applicant has provided an amended Basement Level 2 plan which relocates the car wash bay to the south-western corner of the level and provides for more room for residents to clean and vacuum their vehicle without impacting upon surrounding parked vehicles (**Figure 25**).



**Figure 25 – Extract of Basement Level 2 plan depicting amended car wash bay location in yellow highlight**

**12. The clearance on the basement ramp is 2.23m rather than the required 2.3m as per Clause 5.3.1 of AS2890.1:2004.**

**Comment:** AS 2890.1 (Offstreet Parking) 2005 specified that a headroom clearance of 2.3m was required for access to disabled spaces but included this in the form of an advisory note which referred this requirement as specified in AS 2890.6 (Disabled Parking). AS 2890.6 was updated in 2009 (following the reference noted in AS 2890.1) however specifies a lesser headroom clearance of 2.2m. As AS2890.6 is the most recent standard and one which particularly relates to disabled parking requirements, this would take precedence. As such, the ramp profile depicts a 2.2m clearance and Council’s Senior Development Engineer has accepted this as being compliant.

**13. Concern is raised in relation to noise from the car park roller shutter. This could disturb residents in the early morning hours. To minimise noise, the roller shutter should be approximately 40 metres inside the building.**



**Comment:** The car park roller shutter and other shutters are located on the Dickson Lane frontage and there are no properties used for residential purposes in close proximity to the car park doors on this frontage. It is not feasible to locate the roller door 40 metres within the property as this will not provide adequate security to the building and basement parking area.

**14. Exhaust fans and air conditioning units in Dickson Avenue could result in noise problems in night time hours.**

**Comment:** The submitted acoustic report outlines that the carpark exhaust/supply fans located in the basement will have the following features:

- *Exhaust and supply fans operate with a VSD and CO sensor.*
- *The fans operate on variable speed and are unlikely to operate at full speed during the night period of between 10pm and 7am.*
- *Acoustic attenuators are to be provided to the supply and discharge of the fans.*
- *Fans to be located in acoustically sealed plantrooms.*

With regard to apartment exhaust fans, the report states:

- *Electrically inter-locked with the light switch or have manual switch for the room served.*
- *Internally lined ducts and acoustic flex ducts to be fitted to the fans.*
- *These units would be inaudible at the boundary and at the nearest affected receivers.*

With regard to the apartment air conditioning the report states:

- *Single outdoor condenser for each apartment located on the balcony.*
- *Typical residential condenser has a noise level of approximately SPL 55-60dBA at 1m. It is estimated that these A/C units would be inaudible at the boundary and at the nearest affected receivers.*

**Condition No. 17** requires compliance with the acoustic report at all stages of the development.

**15. The number of units and floors of this development should be reduced. The infrastructure in the area cannot support this.**

**Comment:** The subject site was considered within a Planning Proposal which resulted in Amendment No. 27 of the Ryde Local Environmental Plan 2014. The amendment resulted in the increase in the maximum building height for the subject site from 15.5 metres to 24 metres and the increase in the maximum permitted floor space ratio from 1.25:1 to 2.7:1. The proposal is consistent with the indicative built form envisaged as part of the Planning Proposal and complies with the principal development standards with the exception of a breach to the building height standard for some of the rooftop elements.

With regard to infrastructure, the applicant will be required to obtain a Building Plan Approval from Sydney Water for water and sewer servicing and as part of that process, Sydney Water will consider the adequacy of their infrastructure to cater for the development. The application has been considered by Council's Traffic and Public Domain teams who advised that the road and public domain infrastructure was adequate to cater for the development (subject to recommended conditions of consent requiring the upgrading of the public domain features on the site's frontages). The application has been referred to Ausgrid who raised no objections subject to compliance with their requirements. As a result, it is concluded that the infrastructure in the area can support the development.

**16. Local residents know even the sewer system in this locality is struggling. The smell is evidence of this. It has been an issue for decades.**

**Comment:** A condition of consent is recommended requiring that the applicant obtains a Building Plan Approval from Sydney Water prior to the issue of a Construction Certificate. As part of the assessment of the application, Sydney Water will consider whether the sewer servicing in the locality is adequate to cater for the development. Given that the proposed development contains less than 100 units, the subject development application was not required to be referred to Sydney Water as part of the assessment of this application.

**17. The developer wants to increase the building height to 24 metres which will be a 7 storey building plus extra height for lift housing etc.**

**Comment:** The majority of the building complies with the maximum permitted 24 metre height for the site under Clause 4.3 of the Ryde Local Environmental Plan 2014. As discussed earlier in this report, the applicant has lodged a Clause 4.6 request relating to the lift overruns, the shading structure attached to both lift overruns, fire stair access and the toilet room which is integrated with the northern lift overrun where a maximum height of 26.4 metres is proposed. The Clause 4.6 request has been considered in detail earlier in this report and is supported.

**18. The proposal does not address privacy concerns of Dickson Avenue residents with a 7 storey high building with apartments on the western side directly looking over residential houses and backyards. On the northern side of the development the apartments are directly looking over a preschool on the corner of Dickson Avenue and Chatham Road.**

**Comment:** The site immediately adjoins a family day care centre to the west. There is a 9 metre setback to the west on the ground floor and Levels 1 and 2 and a 12 metre setback for levels 3 to 6. As a result, there will be a separation to the west of approximately 22.5 metres from levels 1 and 2 and the nearest residential dwelling and 25.5 metres from levels 3 to 6. This is considered to be a satisfactory extent of separation.

To the north, given the separation provided by Dickson Avenue and the associated road reserve, there will be a separation of approximately 21 metres between the residential units and the child care centre on the corner of Dickson Avenue and Chatham Road. It is noted that the child care centre is surrounded by solid 1.8m fencing on the Dickson Avenue and Chatham Road frontages and contains two shade sails within the outdoor play area. It is considered that the proposal will result in a negligible impact on the overlooking of the child care centre.

**19. Overshadowing from this bulky development will impact on the residents directly adjoining the western side of this site. It will greatly limit the amount of daily sunshine particularly the morning sunlight that these residents currently enjoy.**

**Comment:** The applicant has submitted shadow diagrams demonstrating the shadowing impact of the proposed development on 21 June (winter solstice) (**Figure 26**). The diagrams depict that there will be some overshadowing of the immediately adjoining development to the west (2 Dickson Avenue – Family Day Care Centre) at 9:00am on June 21 but at 10:00am the entirety of this property will receive direct sunlight on June 21. The development will not result in any overshadowing of properties located to the west of 2 Dickson Avenue on June 21. The majority of the overshadowing of the proposed development will impact the West Ryde Hotel and the road corridors of Chatham Road and Dickson Lane.

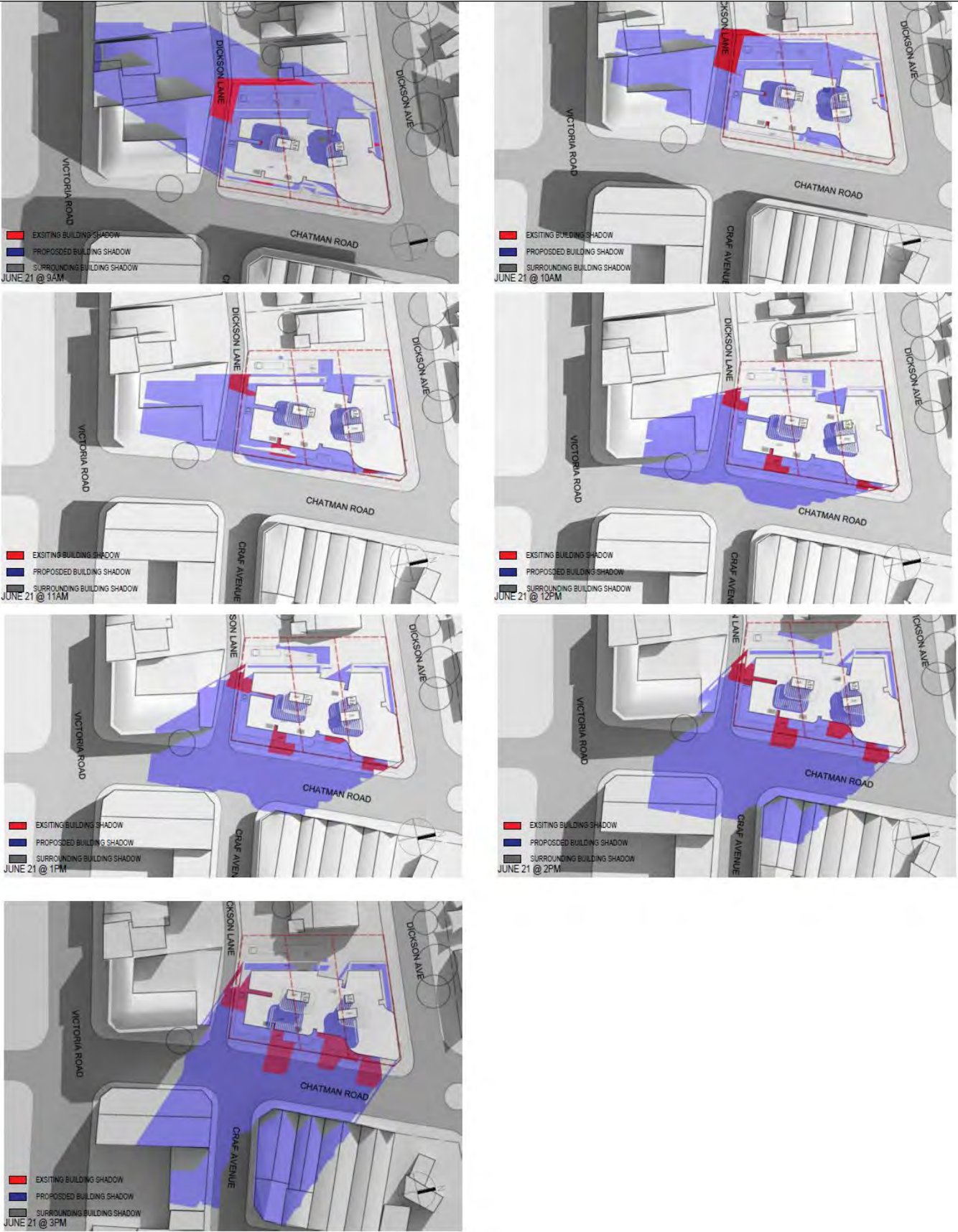


Figure 26 – Shadow diagrams as at 21 June (winter solstice)

**20. The maximum height of 15.5 metres and FSR of 1.25:1 stipulated in RLEP 2014 is appropriate and well considered for this site that adjoins detached houses of not more than two storeys. Amendment No. 27 is inappropriate for this site and favours the profits of developers over maintaining the character of the area, the lifestyles of longstanding residents, privacy in our yards and the safety of our children when crossing the roads.**

**Comment:** Amendment No. 27 to the Ryde Local Environmental Plan 2014 was gazetted on 26 March 2021 and resulted in the increase in the maximum building height for the subject site from 15.5 metres to 24 metres and the increase in the maximum permitted floor space ratio from 1.25:1 to 2.70:1. The proposal complies with the maximum floor space ratio of 2.7:1 and a Clause 4.6 request has been submitted seeking consideration of a maximum building height of 26.4 metres. As amendment No. 27 has been gazetted, its appropriateness cannot be revisited, however, the impacts of the proposed development are considered in this report in the context of the increased building height and floor space ratio permitted following the gazettal of amendment No. 27.

## 10.0 Referrals

### Ausgrid

The application was referred to Ausgrid under the provisions of Section 2.48 of SEPP (Transport and Infrastructure) 2021. No objection was raised subject to a number of requirements outlined in their letter.

Assessment Officer's Comment: Condition No. 5 is recommended which requires compliance with the Ausgrid requirements outlined in their letter.

### Senior Development Engineer

No objection was raised by Council's Senior Development Engineer subject to recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by the Senior Development Engineer are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 11, 12, 14, 24, 77, 78, 79, 80, 81, 82, 83, 84, 101, 102, 103, 104, 121, 122, 123, 124, 125, 126, 161, 162, 163, 164, 165, 166, 173 and 173.

### City Works – Traffic

The application was referred to Council's Traffic Engineer who provided the following comments:

#### External Traffic:

*The development site currently accommodates the following land uses:*

- *A service station/convenience store;*
- *A vehicle servicing facility;*
- *A car wash; and*
- *A restaurant*

*Recent observations by Council staff have identified that the current land uses on site generate in the order of 60 vehicle trips to and from the site during weekday peak hour periods.*



*The proposed development, comprising 62 apartments and 323.9m<sup>2</sup> of commercial and restaurant floor space, is estimated to generate between 15 – 25 peak hour vehicle trips to and from the site based on the traffic generation rates specified within the Guide to Traffic Generating Developments. The proposed development is therefore anticipated to generate less traffic, and thus, have a less intensive traffic impact on the surrounding public roads compared with the existing development.*

**Access to Loading Dock:**

*Roller shutter at the ingress driveway facilitating access into the internal loading area may result in an incoming service vehicle blocking the intersection of Chatham Road and Dickson Lane.*

*To resolve this issue, the Traffic Engineering Assessment letter prepared by Genesis Traffic dated 21 December 2022 indicates that the building management will open the roller shutter 15-20 minutes prior to the scheduled arrival times and ensure that the roller shutter remains shut when the service vehicle is in the service area. The letter also states that at the same time, the building management should also manage the arrival schedule such that trucks do not arrive onsite concurrently.*

*The proposed measure is therefore considered acceptable and can be included in the condition for Loading Dock Management Plan.*

**On-street Parking:**

*The Amended Architectural Plans (Rev F) prepared by Tony Owen Partners dated 23 January 2023 illustrates that six (6) on-street parking spaces will be provided on Chatham Road.*

*The provision of the proposed on-street parking spaces on Chatham Road requires that the existing driveways at the site's Chatham Road frontage to be removed and appropriate parking sign and linemarking to be installed.*

*These requirements are addressed in the recommended conditions.*

**Assessment Officer's Comment:** The recommended conditions provided by the City Works – Traffic team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 25, 26, 27, 38, 69, 70, 96, 97, 118, 140, 141, 142 and 182.

**City Works – Public Domain**

The application was referred to Council's City Works – Public Domain team and no objections were raised subject to recommended conditions.

**Assessment Officer's Comment:** The recommended conditions provided by the City Works – Public Domain team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 12, 13, 14, 15, 16, 24, 62, 63, 64, 65, 66, 67, 68, 98, 99, 100, 119, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 and 160.

**City Works – Drainage**

The application was referred to Council's City Works – Drainage team and no objection was raised subject to recommended conditions of consent.

**Assessment Officer's Comment:** The recommended conditions provided by the City Works – Waste team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 12, 15, 24, 85, 86, 87, 88, 89, 120, 143, 144, 145 and 181.

## **City Works – Waste**

The application was referred to Council's City Works – Waste team and no objection was raised subject to recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by the City Works – Waste team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 70, 71, 72, 73, 74, 75, 167, 168, 169, 170, 176, 177, 178 and 179.

## **Environmental Health Officer**

The application was referred to Council's Environmental Health Officer for comment. The following comments were received:

### **Site Contamination**

*For the detailed site investigation test bores were conducted for subsoil conditions and groundwater samples. It was found that one borehole exceeded investigation levels for PAHs and one ground water sample exceeded heavy metal levels.*

*The report concluded that widespread contamination is unlikely and will be confined to the UPSS and associated structures and can be made suitable for the proposed development following the recommendations made including the development of a remedial action plan.*

*A remedial action plan was also submitted with the application. It details the preferred methods and options for the work to be carried out. including the decommissioning of the USTs. Waste management and validation.*

### **Acoustics**

*The acoustic report details the existing environment and establishes noise trigger levels for the development. It also considers traffic noise and the required structural needs to mitigate the impact. Noise from the development including delivery and waste collection times have been included in the recommendations.*

### **Waste**

*A waste management submitted with the application details separation of residential and commercial waste, provision for bulky waste, quantity of waste, bin numbers and collection frequency as well as other recommendations.*

### **Conclusion**

*The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions.*

Assessment Officer's Comment: The recommended conditions provided by Council's Environmental Health Officer are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 17, 18, 19, 20, 21, 22, 23, 107, 108, 116, 117, 174, 175, 180, 183 and 184.

## **Landscape Architect**

The application was referred to Council's Landscape Architect who provided the following comments: *An Arboricultural Impact Assessment (AIA) has been submitted with the application prepared by Creative Planning Solutions dated 19/07/2022.*

A summary of the existing trees identified in the Arboricultural Impact Assessment (AIA) are show in the table below:

Tree No.	Species "Common name"	Proposed recommendation in AIA	Comment
1	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Remove Exempt species	Agree
2	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Remove Exempt species	Agree
3	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Remove Exempt species	Agree
4	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Remove Exempt species	Agree
5	<i>Syagrus romanzoffiana</i> (Cocos Palm)	Remove Exempt species	Agree

A review of the plans and information submitted has revealed that the Landscape Plan provided meets the requirements of the ADG in the following:

### **Communal Open Space**

- Adequate area
- Be co-located with deep soil areas. There is an additional COS on the roof.
- Be directly accessible from common circulation areas
- Provide a range of activities, seating, BBQ, play equipment
- Be visible from private rooms and private open space. The units from the first floor up have balconies that overlook the COS
- Be well lit. The COS is on the north side of the buildings

### **Deep Soil Area:**

- As outlined within Objective 3E-1 of the ADG, sites which have a site area of greater than 1500m<sup>2</sup> (i.e., the subject site) are to provide deep soil areas with minimum dimensions of six (6) m and which cover a minimum of 7% of the site. The development meets this requirement.
- 

### **Soil Volumes**

- The Construction Certificate Landscape drawings will need to demonstrate that the soil volumes of the ADG have been meet.

### **Recommendations**

There is no objection to the development subject to the recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by the Landscape Architect are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 55, 56, 115 and 131.

## **11.0 Conclusion**

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for MU1 Mixed Use zoned land.
- The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.3 which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

## 12.0 Recommendation

- A. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the height of building development standard (Clause 4.3) in LEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard in Clause 4.3 and the objectives of the MU1 Mixed Use Zone of Ryde Local Environmental Plan 2014.
- B. THAT the Ryde Local Planning Panel, as the consent authority, grant consent to Development Application LDA2022/0278 for construction of a shop top housing development comprising five retail/commercial tenancies, 62 residential units and two levels of basement parking on land at 2-6 Chatham Road, West Ryde subject to the draft conditions contained in Attachment 1.
- C. THAT the objectors are advised of the decision.

## ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 RDCP 2014 Table of Compliance
- 3 ADG Guidelines Table of Compliance
- 4 Applicant's Clause 4.6 Request (Building Height)
- 5 Architectural & Landscape Plans - subject to copyright provision

Report prepared by:

**Shannon Butler**  
**Senior Town Planner**

Report approved by:

**Carine Elias**  
**Manager Development Assessment**

**Sandra Bailey**  
**Executive Manager City Development**



# Attachment 1 – Recommended Conditions of Consent

## GENERAL

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

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

Document Description	Plan No./ Reference	Date
Site Plan, Prepared by Tony Owen Partners	A006	16 December 2022, Revision E
Demolition Plan, Prepared by Tony Owen Partners	A012	3 August 2022, Revision C
Basement Level 2 Floor Plan, Prepared by Tony Owen Partners	A100	22 June 2023, Revision H
Basement Level 1 Floor Plan, Prepared by Tony Owen Partners	A101	23 January 2023, Revision F
Ground Floor Plan, Prepared by Tony Owen Partners	A102	22 June 2023, Revision H
Level 1 – Level 2 Floor Plan, Prepared by Tony Owen Partners	A103	23 January 2023, Revision F
Affordable Housing Diagram, Prepared by Tony Owen Partners	A417	23 January 2023, Revision F
Level 3 Floor Plan, Prepared by Tony Owen Partners	A104	23 January 2023, Revision F
Level 4 – Level 6 Floor Plan, Prepared by Tony Owen Partners	A105	23 January 2023, Revision F
Roof Terrace Plan, Prepared by Tony Owen Partners	A106	16 December 2022, Revision E
Roof Plan, Prepared by Tony Owen Partners	A107	16 December 2022, Revision E
Awning Detail, Prepared by Tony Owen Partners	A310	12 April 2023, Revision G
Vertical Battens Detail 1, Prepared by Tony Owen Partners	A311	23 January 2023, Revision F
Vertical Battens Detail 2, Prepared by Tony Owen Partners	A312a	12 April 2023, Revision G
East Elevation, Prepared by Tony Owen Partners	A200	12 April 2023, Revision G
West Elevation, Prepared by Tony Owen Partners	A201	12 April 2023, Revision G
North Elevation, Prepared by Tony Owen Partners	A202	12 April 2023, Revision G
South Elevation, Prepared by Tony Owen Partners	A203	12 April 2023, Revision G
Section A-A, Prepared by Tony Owen Partners	A300	23 January 2023, Revision F
Section B-B, Prepared by Tony Owen Partners	A301	23 January 2023, Revision F
Ramp Section 1, Prepared by Tony Owen Partners	A302	23 January 2023, Revision F

## **Conditions of Consent for LDA2022/0278 :-**

Ramp Section 2, Prepared by Tony Owen Partners	A303	22 June 2023, Revision H
Adaptable/Affordable Housing Plans 1, Prepared by Tony Owen Partners	A400	23 January 2023, Revision F
Adaptable/Affordable Housing Plans 2, Prepared by Tony Owen Partners	A401	23 January 2023, Revision F
Silver Level Units, Prepared by Tony Owen Partners	A405	23 January 2023, Revision F
On-going Waste Management Plan, Prepared by Tony Owen Partners	A415	16 December 2022, Revision E
Construction Waste Management Plan, Prepared by Tony Owen Partners	A416	3 August 2022, Revision C
External Finishes Schedule, Prepared by Tony Owen Partners	A000	12 April 2023, Revision G
Cover Sheet, Prepared by A Total Concept Landscape Architects	L/00B	5 December 2022, Revision B
Proposed Ground Floor, Prepared by A Total Concept Landscape Architects	L/01B	5 December 2022, Revision B
Proposed Ground Floor Planting Plan, Prepared by A Total Concept Landscape Architects	L/02B	5 December 2022, Revision B
Proposed Roof Terrace, Prepared by A Total Concept Landscape Architects	L/03B	5 December 2022, Revision B
Proposed Roof Terrace Planting Plan, Prepared by A Total Concept Landscape Architects	L/04B	5 December 2022, Revision B
Landscape Details and Specification, Prepared by A Total Concept Landscape Architects	L/05B	5 December 2022, Revision B
Green Wall Detail, Prepared by A Total Concept Landscape Architects	L/06B	5 December 2022, Revision B

<b>REPORTS</b>			
<b>Document Description</b>	<b>Prepared By</b>	<b>Date</b>	<b>Plan No/Reference</b>
Operational Waste Management Plan	Elephants Foot Consulting	17/10/2022	3801, Revision D
Public Art Plan	Vertebrae	Undated	-
Flood Study Report	SGC	23/04/2023	20210011-R03, Issue B
Traffic Impact Assessment	Genesis Traffic	19 August 2022	T21419, Version 4
Remediation Action Plan	EI Australia	15 January 2019	E22810.E06, Rev 0
Detailed Site Investigation	EI Australia	15 November 2018	E22810.E02, Rev 1
Geotechnical Investigation	EI Australia	12 August 2022	E22810.G03
Energy Efficiency and Sustainability Report	Senica Consultancy Group	9 August 2022	PJ22/07124
Crime Risk Assessment	NEAL Consulting Solutions	19 August 2022	Final v0.3
Arboricultural Impact Assessment	CPS	19 July 2022	F147, Rev A
Acoustic DA Assessment	Acouras Consultancy	10/08/2022	SYD2021-1172-R001C

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

## **Conditions of Consent for LDA2022/0278 :-**

- (a) The roof terrace plan shall be amended to depict a sink adjacent to the BBQ area.
- (b) Additional plans are to be prepared for the approval of the Manager Development Assessment, addressing the integration of A/C enclosures (external A/C units are to be located on the respective floor levels and not elevated), integration of balcony drainage, junctions between primary wall types, balustrading and fenestration on the facades. 1:50 sections through each primary facade type are required.

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

**Reason:** To ensure that development is in accordance with the determination.

2. **Inconsistency between documents.** In the event of any inconsistencies between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that development is in accordance with the determination.

3. **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

**Reason:** Statutory requirement.

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1316011M\_02 dated 24 August 2022.

**Reason:** Statutory requirement.

5. **Ausgrid Requirements.** The development shall be undertaken in accordance with the Ausgrid requirements attached to this consent as Appendix 1.

(Reason: To require compliance with Ausgrid requirements).

6. **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.

**Reason:** To ensure the structural protection of adjoining properties.

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties during the construction process.

8. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

## **Conditions of Consent for LDA2022/0278 :-**

- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

**Reason:** To ensure the safety of the public and hoarding/fencing is removed at the completion of the development.

9. **Illumination of public place** - Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

**Reason:** To ensure the safety of the public.

10. **Public space** - The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**Reason:** To ensure public spaces are unobstructed during construction.

11. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

(Reason: To ensure the amenity and state of the public domain is maintained.)

12. **Public Utilities and Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

(Reason: Protection of infrastructure and compliance with relevant Authorities requirements)

13. **Works on Public Roads** – Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

(Reason: Compliance with relevant Acts)

14. **Road Activity Permits.** To carry out any work in, on or over a public road (including verge), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by Council.

(Reason: To ensure the amenity and state of the public domain is maintained.)

15. **Public areas and restoration works** - 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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

(Reason: Ensure public safety and protection of infrastructure)



## **Conditions of Consent for LDA2022/0278 :-**

16. **Land Boundary / Cadastral Survey** – If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

(Reason: No encroachment of private works on public land)

17. **Compliance with Acoustic DA Assessment Report** – All control measures and procedures nominated in the Acoustic DA Assessment report by Acouras Consultancy, Report No. SYD2021-1172-R001C, 10 August 2022 must be implemented.

(Reason: To ensure the appropriate use of the site)

18. **Compliance with Operational Waste Management Plan** – All control measures and procedures nominated in the Operational Waste Management Plan Report No. 3801, dated 23 August 2022, prepared by EF Consulting must be implemented.

(Reason: To ensure the appropriate use of the site)

19. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.

(Reason: To ensure provision of adequate waste collection arrangements)

20. **Remediation Action (RAP)** - Remediation works shall be carried out in accordance with the Remediation Action Plan Report No. 3801 Rev C prepared by EI Australia dated 15 January 2019. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

(Reason: To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021)

21. **Validation Report** - A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

- a. compliance with the approved RAP;
- b. that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c. that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, State Environmental Planning Policy (Resilience and Hazards) 2021 and Council's Management of Contaminated Lands Policy;  
and includes:
- d. Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- e. a "notice of completion of remediation work" as required under Clause 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021; and

## Conditions of Consent for LDA2022/0278 :-

- f. a statement confirming that the site following remediation of contamination is suitable for the intended use.

Note. 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.

(Reason: To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021)

22. **Imported fill (validated)** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 2022) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

(Reason: To ensure imported fill poses no risk to the environment and human health)

23. **Requirement to notify about new contamination evidence** - Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

(Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health)

24. **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 DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

25. **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 - 2019 and Part 8.1 of *City of Ryde Development Control Plan 2014: Construction Activities*.

(Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.)

26. **Vehicle Egress.** Vehicles exiting from the site are to be restricted to right turns only (i.e. no left turning vehicle movements out of the site is permitted). Regulatory "ALL TRAFFIC (RIGHT SYMBOLIC) ONLY" sign facing exiting drivers are to be installed within the property boundary, prior to the basement car park and loading dock being open to any user.

(Reason: Dickson lane is a one-way road. Therefore all vehicles exiting the site must turn right.)

27. **Removal of Redundant Driveways.** Existing driveways on Chatham Road are to be removed in accordance with the "Ground Floor Setback Diagram" prepared by Tony Owen Partners (Drawing No. A009 Rev. E dated 23 January 2023).

## **Conditions of Consent for LDA2022/0278 :-**

(Reason: This condition is to ensure that on-street parking provision is maximised.)

28. **Voluntary Planning Agreement (VPA).** Any person having the benefit of this consent is to comply with all of the obligations of the voluntary planning agreement that was entered into between Council of the City Ryde and Tesco Projects Pty Ltd executed 18 January 2021, and as registered on the title of the land; and as subsequently novated to Hurstville Apartments Pty Ltd in accordance with the Deed of Novation dated 20 May 2022.

(Reason: To require compliance with the executed Voluntary Planning Agreement.)

### **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.

29. **Demolition Deposit.** The Council must be provided with security for the purposes of Section 4.17(6) of the Environmental Planning and Assessment Act 1979 in a sum determined by reference to Council's Management Plan prior to the demolition occurring on the site.

(Reason: Statutory requirement)

30. **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.

(Reason: To ensure adequate details are provided to Council and properties in the immediate area of the proposed works).

31. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

(Reason: Statutory requirement).

### **32. 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 Safework NSW 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.

(Reason: to ensure work is completed in an appropriate manner).

33. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

## **Conditions of Consent for LDA2022/0278 :-**

(Reason: Safety).

34. **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.

(Reason: Safety).

35. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

36. **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.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

37. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To protect the environment).

38. **Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Truck movements are to be restricted to outside of peak weekday commuter periods between 7:00am – 9:00am and 4:00pm – 6:00pm to minimise impact on public road network servicing the West Ryde Town Centre. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the DPTMP.

The DPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- vi. Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.



## **Conditions of Consent for LDA2022/0278 :-**

- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such 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.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
  - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
  - TfNSW' *Traffic Control at Work Sites* technical manual; and
  - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

**(Reason:** This condition is to ensure that a plan is prepared to address traffic impacts during demolition works to minimise any inconvenience and safety risks to the general public.)

39. **Implementation of Demolition Pedestrian and Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Transport Department for approval. A copy of the approved DPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

**(Reason:** This condition is to ensure that the measures/protocols stated in the approved DPTMP are carried out by the builder when demolition works are being undertaken.)

40. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

(Reason: To ensure compliance with Waste Management Plan)

### **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.

## **Conditions of Consent for LDA2022/0278 :-**

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.

41. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$319,930.31
Open Space & Recreation Facilities	\$550,905.46
Roads & Traffic Management Facilities	\$169,126.21
Plan Administration	\$15,599.25
<b>The total contribution is</b>	<b>\$1,055,561.23</b>

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

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 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service 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>.

**Reason:** To ensure the provision, extension or augmentation of the key community infrastructure identified in the Ryde Contributions Plan 2019 that will, or is likely to be required as a consequence of the development.

42. **Validation Report** - Following the preparation of the validation report, Council will require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a **Site Audit Statement**. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Construction Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

(Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*.)

43. **Electric Vehicle Charging Points.** Prior to a Construction Certificate being issued, amended basement plans are to be submitted to the Principal Certifier demonstrating that

## **Conditions of Consent for LDA2022/0278 :-**

the building is 100% capable of charging electric vehicles in all parking spaces. This is to include future cabling needs, control point installation and adequate electricity capacity being provided. The cabling infrastructure is to be located in such a way that the installation of a car charger will not impact on parking space dimensions. Certification is to be provided to the Certifier prior to the issue of the Construction Certificate in relation to this requirement from a suitably qualified person.

(Reason: To ensure that the development adequately caters for owners of electric vehicles.)

44. **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 registered architect that has overseen the design. This statement must include verification from the registered architect 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*.

**Reason:** To ensure compliance with the *Environmental Planning and Assessment Regulation 2000*.

45. **Access for people with disabilities (residential).** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

46. **Adaptable units.** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the nominated adaptable units nominated in the development application are designed as Class C Adaptable Housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing and a notice placed on the power box identifying these units as adaptable.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this standard is to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

**Reason:** To ensure disabled access and amenity for future occupants of adaptable units.

47. **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 relevant **Construction Certificate**.

**Reason:** To ensure the required storage areas as approved are provided within each unit.

48. **Compliance with Australian Standards** - The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the

## **Conditions of Consent for LDA2022/0278 :-**

relevant Australian Standard are to be submitted to the Principal Certifier prior to the issue of the **Construction Certificate**.

**Reason:** To ensure compliance with the Australian Standards.

49. **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**.

**Reason:** To ensure the structural integrity of the approved development.

50. **Security deposit** - The Council must be provided with security for the purposes of section 4.17 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 development involving the delivery of bricks and heavily machinery).

**Reason:** Statutory requirement.

51. **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

**Reason:** Statutory requirement.

52. **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**.

**Reason:** Statutory requirement.

53. **Sydney Water – Building Plan Approval**. The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

**Reason:** Statutory Requirement.

54. **Public Art**. Prior to the issue of the relevant Construction Certificate, including prior to the issue of any Construction Certificate, a detailed Public Art Plan is to be approved by Council's Centres Coordinator. This plan is to be prepared by an arts and cultural planner, should align with the City of Ryde's Public Art Principles outlined in the City of Ryde Public Art Planning Guide for Developers and will be required to address the following:

- a. Specific project description
  - Aims and objectives
  - Statement of artistic intent
- b. Thematic framework
  - How the artwork is developed in relation to the site
  - Response and interpretation of urban fabric and local culture
  - Explanation of the range of art forms and design applications
- c. Concept drawings / descriptions of proposed public artworks (which correspond with architect drawings/plans approved as part of the relevant stage(s) of the development)
  - Integrated artworks
  - Site specific artworks
  - Proposed use of materials – robustness and durability



## **Conditions of Consent for LDA2022/0278 :-**

- d. Project parameters and implementation
  - Arts management
  - Scope of works
  - Schedule of works and timeframe
  - Public art budget and budget breakdown
  - Engineering works
  - Construction schedule
  - Maintenance requirements and schedule
  - Decommissioning procedures.

(Reason: To ensure integrated artwork is provided and complies with the Ryde DCP 2014.)

55. **Soil Volume 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.

(Reason: To ensure the sufficient depth of soil for the proposed plants.)

56. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces 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.

(Reason: To provide sufficient water for the proposed plants.)

57. **Construction Noise Management Plan (Construction)** - A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's *Interim Construction Noise Guideline* and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- a) hours of construction
- b) Identification of nearby residences and other sensitive land uses.
- c) Assessment of expected noise impacts.
- d) Describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
- e) Include strategies that have been developed with the community for managing high noise generating works.
- f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- g) Include a complaints management system that would be implemented for the duration of the construction
- h) Include a program to monitor and report on the impacts and environmental performance of the development

**Reason:** To ensure the amenity of surrounding properties is protected during construction works.

58. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:

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- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

**Reason:** To ensure provision of services.

59. **Noise impact on residential building** - Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **residential buildings** from rail corridors and/or busy roads:

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

**Reason:** Compliance with relevant noise amenity criteria in Infrastructure SEPP.

60. **Compliance with BASIX Certificate.** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition 4) have been complied with.

**Reason:** To ensure consistency with the approved BASIX Certificate.

61. **Certification of external materials, colours and finishes.** The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent. Roofing and other external materials must be of low glare and reflectivity.

**Reason:** To ensure consistency with the approved façade details and materials as considered as part of the development assessment.

62. **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 an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation.

The approval will be subject to:

- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.  
b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and

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- c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

(Reason: Ensuring compliance with Council's relevant Planning Instruments)

63. **Public Domain Improvements – Design for Construction Certificate** - The public domain is to be upgraded in all Chatham Road, Dickson Avenue and Dickson Lane frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the relevant 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 Public Domain Technical Manual Section 4. Refer to Council Street Tree Master Plan. The designated species are "Platanus digitata" (Saw-edged Plane tree).

**Note:** In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (c) All telecommunication and utility services are to be placed underground along the Chandler Road, Dickson Avenue and Dickson Lane frontages. The extent of works required to achieve this outcome may involve works beyond the 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. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.

- (d) Existing location of and luminance provided by the multi function poles, along the Chatham Road frontage are to be assessed by a suitably qualified Electrical design consultant in reference to AS1158 *Lighting for Roads and Public Spaces*, the Public lighting requirements as specified within the City of Ryde Public Domain Technical Manual Section 4-West Ryde and City of Ryde Lighting Design Guide

In the case this assessment identifies that new or upgraded street lighting serviced by metered underground power and on multi function poles (MFPs) is required, they shall be designed and installed to Australian Standard AS1158 *Lighting for Roads and Public Spaces* along Chatham Road.

Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's City Works Directorate prior to lodgement of the scheme with Ausgrid for their approval.

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**Note:** Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide including the design template and checklist, and the street lighting schema can be made available to the Electrical Design Consultant upon request to Council's City Works Directorate.

- (e) 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 in accordance with the standards. The street lighting will remain on the Ausgrid street lighting network.

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments)

64. **Public Infrastructure Works - Design for Construction Certificate** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

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 Directorate prior to the issue of the 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, existing and proposed signage and linemarking, and other relevant details for the new works.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- (a) The full reconstruction of half road width for the Chatham Road and Dickson Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.
- (b) Road works are to be carried out within Dickson Lane with the scope of works equivalent to half road width reconstruction along the laneway frontage, and is to be agreed with Council following inspection. These works are required under the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*
- (c) The construction of new kerb and gutter along the Chatham Road and Dickson Avenue frontages of the development site.
- (d) Construction of 600 mm width roll kerb along the frontage Dickson Lane with a concrete refuge provided between the boundary line and roll kerb.
- (e) Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Chatham Road, Dickson Avenue and Dickson Lane.
- (f) Construction of full width granite footway along the Chatham Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 4 – West Ryde.
- (g) Reconstruction of 1.2m wide footpath along the full frontage of Dickson Avenue.
- (h) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (i) Signage and linemarking details.
- (j) Any works required within the public domain to facilitate safe vehicular access to the site and manoeuvring along the frontages of the site.
- (k) Staging of the public civil works, if any, and transitions between the stages.
- (l) 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 along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

**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.



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2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. 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*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards)

65. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required so it has a service life consistent with that of the development, and it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

(Reason: Improved access and public amenity)

66. **Public Domain Works – Defects Security Bond** - To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External 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, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$150,000 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 twelve (12) months defects liability period.

(Reason: Ensure compliance with specifications)

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67. **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 issue of the plan approval, prior to such approval being granted by Council.

**Note:** An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

(Reason: Ensure compliance with Council's requirements)

68. **Anticipated Assets Register - Changes to Council Assets** - In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works.

The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

(Reason: Record of civil works)

69. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Truck movements are to be restricted to outside of peak weekday commuter periods between 7:00am – 9:00am and 4:00pm – 6:00pm to minimise impact on public road network servicing the West Ryde Town Centre. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:

- 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 restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s)/Traffic Guidance Scheme(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and

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pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.

- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such 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.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
  - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
  - TfNSW' *Traffic Control at Work Sites* technical manual; and
  - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

**Reason:** This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP 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 to the site.

70. **Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 10.8m long garbage truck, as a minimum requirement. The minimum height clearance required is 3.8m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 10.8m long garbage truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council)–prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures, and neighbouring driveways.

**Reason:** This condition is intended to assist with the safety and efficiency of heavy vehicles entering and exiting the site.

71. **Changes to Waste Management Arrangements.** Any changes to the Waste Management Plan dated 17/10/2022 or Revision D of the Architectural Plans which were utilised to evaluate the waste collection by Council, are to be approved by the Waste Department at the City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected.

(Reason: To ensure that waste management arrangements are satisfactory.)

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72. **Waste Storage Area Doorways.** 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.

- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
- 240L Bins – width 600mm, depth 800mm, height 1100m

(Reason: To ensure that waste storage areas are of adequate dimensions.)

73. **Waste Vehicle Clearance.** A height clearance of 3.8m is required for the waste truck to enter service bins and exit the loading dock which should be measured from the floor to the lowest point of any overhead structures including roller shutter doors. This will ensure that there will be no issues in servicing the waste within the development

(Reason: To ensure that the development can be serviced by Council's Waste Contractor).

73. **Waste Storage in Dwellings.** Two separate receptacles must be provided inside each dwelling to store up to two days worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.

(Reason: To ensure that adequate storage space is provided in each unit for waste and recycling.)

74. **Garbage and Recycling Rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:

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

(Reason: To ensure that garbage and recycling rooms are constructed to Council's standards.)

75. **Amended Waste Management Plan.** An amended Waste Management Plan is to be submitted for consideration and approval by the City of Ryde Council illustrating how all tenancies will provide a Food Organics and Garden Organics (FOGO) service which demonstrates a 75% diversion rate from landfill in accordance with the 'NSW Waste

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Avoidance and Resource Recovery Strategy 2014-2021' and Councils Waste DCP provisions.

The Waste Management Plan is to outline the operational details of the FOGO service that is to be provided for all tenancies within the development site including (but not limited to):

- o Storage requirements
- o Required waste infrastructure and equipment (within individual tenancies and communal waste storage areas)
- o Collection infrastructure

Storage of the bin lifter needs to be shown on the plans.

(Reason: To ensure that FOGO are accounted for in terms of operational waste management).

76. **Environmental Management Plan** - Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council. The CEMP must include, but not be limited to, the following:

(a) Details of:

- (i) hours of work (the hours of work are to be consistent with the requirements of Condition No. 6);
  - (ii) 24-hour contact details of site manager;
  - (iii) management of dust and odour to protect the amenity of the neighbourhood;
  - (iv) stormwater control and discharge;
  - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - (vi) groundwater management plan including measures to prevent groundwater contamination;
  - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
  - (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan;
- (c) Construction Waste Management Sub-Plan;
- (d) Construction Soil and Water Management Sub-Plan;
- (e) Flood Emergency Response;
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

**Reason:** To ensure that the business establishes a commitment to the protection of the environment.

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

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) Wheel stop locations for tandem parking spaces (shown in the rear space, preventing access to the forward most space) are to be corrected on the Construction Certificate plans.
- b) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp



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lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

- c) To ensure that waste and service vehicles have sufficient headroom clearance when accessing the loading bay area from Dickson Lane, an accessway / ramp and height clearance profile must be produced along the vehicle path of travel for all service vehicles on both the architectural and structural plans submitted with the application for a Construction Certificate. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance of 3.8m is achieved along this path.
- d) In association with the above, the roller door of the western-most access to this waste/ service dock must be designed to ensure it is flush with the ceiling, so as to maximise the clearance and ensure a 3.8m of clearance is provided.

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

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

78. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure in Chatham Road, generally in accordance with the plans by SGC Consulting Engineers (Refer to Project No. 20210011 SW200, SW201, SW202, SW203, SW300-SW302 Rev B dated 29 June 2023) subject to any variations marked in red on the approved plans or noted following;

- a) The pump-sump storage in the basement must be upsized in accordance with Council's DCP requirements. Refer to the condition "*Stormwater Management – Pump System.*"
- b) A dual line discharge must be provided from the above ground basin in the western side of the site. This is to ensure that a failsafe failure mode is provided in the event of blockage from any of the lines.
- c) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (*Stormwater drainage*) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

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(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

79. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

(Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2)

80. **Stormwater Management - Pump System.** The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

(Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

81. **Geotechnical Design, Certification and Monitoring Program.** 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;

Certification that the civil and structural details of all subsurface structures are designed to;

- provide appropriate support and retention to neighbouring property,

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- 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.

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.
- Is in accordance with the recommendations of any approved Geotechnical Report.

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

(Reason: To ensure there are no adverse impacts arising from excavation works.)

82. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include;

- 2 Dickson Avenue

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

(Reason: To clarify any claims of damage made by adjoining property owners.)

83. **Site Dewatering Plan.** 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;

- a) 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.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) 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.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) 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.

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- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

(Reason: 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.)

84. **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 and generally in accordance with the plans by SGC Consulting Engineers (Refer to Project No. 20210011 SW400 Rev B dated 29 June 2023). 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;

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) Location and design criteria of erosion and sediment control structures,
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works and access arrangement, pending on approved Construction Traffic Management Plans.
- m) Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

85. **Flooding - 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 the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development.

A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) The applicant shall comply with the flood recommendations provided in the Flood Study Report prepared by S&G Consultants Pty Limited (Issue C) dated 31 May 2023.

## **Conditions of Consent for LDA2022/0278 :-**

- b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Study Report prepared by S&G Consultants Pty Limited (Issue C) dated 31 May 2023.
- c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard.

Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.

- d) All basement carpark areas shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard.
- b) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event

(Reason: to ensure flood protection measures are as per approved flood report.)

86. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

(Reason: To ensure no water from Council's Stormwater Drainage Network enters the site.)

87. **Stormwater - Council Drainage – Pit Connection Details** - The proposed site drainage connection to the {existing Council kerb inlet pit} shall be made via a uPVC pipe. The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng).

(Reason: to ensure connection to pit compliance with Council's DCP and Australian Standards.)

88. **Stormwater - Drainage Design Submission - Assessment Fee** – The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council prior to the issue of the Construction Certificate.



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Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the Council drainage works and any additional reviews required.

(Reason: to ensure relevant Council assessment fees are paid.)

89. **Stormwater - Drainage Design Submission** - Engineering drawings prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on {Stormwater Plans prepared by SGS Consulting Engineers P/L Drawing No. SW202 (Project No. 20210011, Revision P4, 02 December 2022)} is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

(Reason: to ensure the Stormwater Civil Design complies with Council's and Australian Standards and has sufficient details to obtain construction certificate.)

90. **Services and Fire Hydrant Enclosure.** Prior to the issue of the relevant Construction Certificate, the Certifying Authority is to be provided with plans indicating that all services (gas meter, water meter, fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

(Reason: To ensure essential services are appropriately screened.)

### **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.

### **91. Site Sign**

## **Conditions of Consent for LDA2022/0278 :-**

- (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.

**Reason:** Statutory requirement.

### **92. 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.

**Reason:** To ensure notice to given to adjoining owners prior to excavation works.

93. **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.

**Reason:** To ensure to site is safely secured.

94. **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.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

95. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, 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 and prevent harm to the public / occupants of the site due to the abrupt level differences.

(Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.)

96. **Work Zones and Permits.** Prior to commencement of any construction works, 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.

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**Reason:** Specific activities on public roads where Council is the consent authority require Council approval prior to such activities being undertaken.

97. **Road Occupancy Licence.** Prior to commencement of any construction works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection.

**Reason:** Transport for NSW requirement.

98. **Notice of Intention to Commence Public Domain Works –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

**Note:** Copies of several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

(Reason: Ensure compliance and record of works)

99. **Notification of adjoining owners & occupiers – public domain works -** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

(Reason: Ensure compliance and record of works)

100. **Pre-construction inspection -** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

(Reason: Ensure compliance and communicate Council's requirements)

101. **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, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) 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 dated and submitted to, and accepted by Council's City Works Directorate, 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 shall be paid at the time that the Dilapidation Report is submitted.

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(Reason: Protection of Council's infrastructure)

102. **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 the commencement of the relevant works and considering the lead times required for each application, 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 Public Domain Works*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
  - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
  - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
  - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
  - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be 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.

(Reason: Legal requirement)

103. **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

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the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

- 104. Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, 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 and prevent harm to the public / occupants of the site due to the abrupt level differences.

(Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.)

- 105. 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 Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

(Reason: To minimise the imposition of soil / rock anchors on the public domain.)

### **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.

- 106. 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 of the *Environmental Planning and Assessment Regulation 2000*. (Note: this condition does not relate to the staging of construction certificates or occupation certificates).

**Reason:** Statutory requirement.

- 107. Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.

**Reason:** To ensure protection of residential amenity during works.

- 108. Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:

- (a) Identification of nearby affected residences or other sensitive receivers.
- (b) An assessment of the expected noise impacts.
- (c) Details of the work practices required to minimise noise impacts.
- (d) Noise monitoring procedures.



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- (e) Procedures for notifying nearby affected residents.
- (f) Complaints management procedures.

**Reason:** To ensure protection of residential amenity during works.

109. **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.

**Reason:** To ensure all works are located on the subject site.

110. **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.

**Reason:** To protect the environment.

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

**Reason:** To protect the environment and the amenity of surrounding properties.

112. **Construction materials** - All materials associated with construction must be retained within the site.

**Reason:** To ensure safety and amenity of the area.

113. **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.

**Reason:** Statutory requirement.

114. **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.

**Reason:** To ensure the site is appropriately maintained.

115. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Creative Planning Solutions dated 19/07/2022. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	<i>Syagrus romanzoffiana</i>

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	(Cocos Palm)
2	<i>Syagrus romanzoffiana</i> (Cocos Palm)
3	<i>Syagrus romanzoffiana</i> (Cocos Palm)
4	<i>Syagrus romanzoffiana</i> (Cocos Palm)
5	<i>Syagrus romanzoffiana</i> (Cocos Palm)

(Reason: To ensure only the trees approved for removal are in fact removed)

116. **Contaminated soil disposal** - 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.

**Reason:** To ensure appropriate disposal of contaminated soil.

117. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

118. **Implementation of the Construction Pedestrian and Traffic Management Plan.** All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council.

**Reason:** This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.

119. **Hold Points during construction - Public Domain** – Council requires inspections 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 Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. 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.

- 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 or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

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(Reason: Ensure compliance with relevant standards)

- 120. Stormwater - Hold Points during construction – {Council Drainage Connection Works}**  
– Council requires inspections to be undertaken by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, for {all Council stormwater drainage connection works.}

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. 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.

- a) Upon connection to Council's existing kerb inlet pit/s.

(Reason: to ensure construction works satisfy Council's DCP and Australian Standards requirements.)

- 121. Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (*Construction Activities*).

(Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.)

- 122. 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.

(Reason: To prevent soil and sediment spill in the public domain.)

- 123. 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 SGC Consulting Engineers (Refer to Project No. 20210011 SW200, SW201, SW202, SW203, SW300-SW302 Rev B dated 29 June 2023) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater system is constructed as approved)

- 124. 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.

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

- 125. 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

## **Conditions of Consent for LDA2022/0278 :-**

must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

- 126. 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.

(Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.)

- 127. Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

(Reason: To ensure compliance with the waste management plan).

- 128. Maintenance of Construction Site.** 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.

(Reason: to reduce the incidence of illegal dumping of waste).

- 129. Inspection by Waste and Resource Recovery.** Councils Waste and Resource Recovery Department are to conduct a site inspection to review all equipment and infrastructure required for the FOGO service, as detailed in the approved Waste Management Plan, is to be installed and accessible for all future tenancies within the development.

(Reason: To ensure compliance with approved waste management plan).

### **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.

- 130. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1316011M\_02 dated 24 August 2022.

**Reason:** Statutory requirement.

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131. **Landscaping** - All landscaping works approved by this consent are to be completed prior to the issue of any **Occupation Certificate** for each stage.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

132. **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.sydneypwater.com.au](http://www.sydneypwater.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.

**Reason:** Statutory requirement.

133. **Design Verification.** Prior to an **Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Schedule 1 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulations 2000*.

**Reason:** Statutory requirement.

134. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

**Reason:** To ensure there is a record of neighbouring sites and infrastructure after the completion of construction.

135. **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.

**Reason:** To ensure consistency with Council’s requirements for street numbering.

136. **Clotheslines and clothes dryers.** Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothes line located in common open space or will have a mechanical clothes dryer installed.

**Reason:** To ensure all apartments have access to an external drying area.

137. **Accessibility.** Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

## **Conditions of Consent for LDA2022/0278 :-**

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

138. **Public Art.** The artwork in the approved Public Art Plan shall be installed prior to the issue of the Occupation Certificate and maintained for the life of the development.

(Reason: To ensure integrated artwork is provided and maintained.)

139. **Dedication of Affordable Housing Units to Council.** Prior to the issue of any Occupation Certificate, Council's Property Team are to issue a Compliance Certificate to verify that Units 101, 111 and 211 (affordable housing units) have been appropriately fitted out and are acceptable for the dedication to Council. Dedication is to occur as required by the Voluntary Planning Agreement between Council and Tesco Projects P/L, executed on 18 January 2021. In accordance with the VPA, each of the units to be dedicated is to be allocated with one standard sized car parking space, located in the secured basement.

(Reason: To require the dedication of the affordable housing units to Council in accordance with the executed VPA.)

140. **Signage and Linemarking (External)** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and linemarking plan prepared by a suitably qualified traffic engineering consultant to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

**Note:** The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

**Reason:** This condition is to ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development is appropriately managed to minimise the impact to public safety and amenity.

141. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

**Reason:** This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied.

142. **Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m in length.

The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted.



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**Note:** the Loading Dock Management Plan is to be required to provide information on how the loading area will be managed to ensure that an incoming service vehicle will not block the intersection of Chatham Road and Dickson Lane if the loading dock roller shutter is closed. This shall be in accordance with the advice outlined in the letter prepared by Genesis Traffic, dated 21 December 2022.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

**Reason:** This condition is intended to assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.

143. **Positive Covenant - Overland Flow** - A positive covenant shall be created for the existing overland flow path through the subject site, under Section 88E of the Conveyancing Act 1919. All associated costs shall be borne by the applicant.

This is to place a restriction on the title that the overland flow path and flood storage areas are maintained and kept free of debris/weed to allow unobstructed passage of overland flow of water through the site and underneath the residence. The new buildings shall not have the subfloor area enclosed or utilised for storage.

The wording of the Instrument shall be submitted to, and approved by Council's City Works Directorate prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

(Reason: To ensure the overland flow and flood storage areas are maintained and unobstructed.)

144. **Flooding – Engineering Compliance Certificate** – A certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Occupation Certificate, confirming that all requirements of condition “*Flooding - Flood and Overland Flow Protection*” have been satisfied.

The qualified and practising Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) shall have experience in the area respective of the certification unless stated otherwise.

(Reason: To ensure that all flood and overland flow protection requirements are satisfied.)

145. **Restoration – Supervising Engineer’s Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council’s standards and specifications, and DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services’ standards and specifications, where applicable.

(Reason: to ensure road and footpath restoration works have been completed as per Australian and Council’s standards.)

146. **Vehicle Footpath Crossing and Gutter Crossover – Construction** - The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any

## **Conditions of Consent for LDA2022/0278 :-**

redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

(Reason: Improved access and public amenity)

147. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

(Reason: Ensure Compliance)

148. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

(Reason: Ensure public safety and protection of infrastructure)

149. **Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

(Reason: Public amenity and safety)

150. **Compliance Certificates – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and 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.

(Reason: Ensure Compliance)

151. **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.

(Reason: Ensure Compliance)

152. **Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the strip of private land at the splay at the intersection of Dickson Lane and Chatham Road in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

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The terms of the Right of Way must ensure that:

- a) The footpath is accessible at all times to the Public;
- b) The footpath will be adequately maintained by the occupier/ owner of the site at all times; and
- c) The Council is the only authority empowered to release, vary or modify the terms of the Public Access.
- d) The levels and finished of the ROW surface must facilitate safe and functional pedestrian access.

153. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

(Reason: Record of Completed Works)

154. **Registered Surveyor Final Certificate** – Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

(Reason: Ensure Compliance and no encroachments)

155. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

(Reason: Ensure Compliance)

156. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, 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 shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether

## **Conditions of Consent for LDA2022/0278 :-**

restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

(Reason: Protection of public assets)

157. **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.

(Reason: Ensure compliance for protection of public assets)

158. **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 from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for 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.

A minimum 48 hours' notice will be required when booking for the final inspection.

(Reason: Ensure Compliance)

159. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

(Reason: Ensure Compliance)

160. **Public Domain Design and Construction Staging** – The Applicant shall be responsible for the design and construction of all public domain improvement and infrastructure works for each stage. All engineering civil works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works*, relevant Development Control Plans and in accordance with Council's specifications and to the satisfaction of Council. Council has full control to implement and impose any necessary condition to coordinate staging of the public domain work through the assessment phase of the development applications. All design and construction of public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Public amenity and safety)

161. **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

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(including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

(Reason: To clarify the configuration of the completed stormwater management system.)

- 162. 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 and WSUD components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). 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.

(Reason: 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).)

- 163. Drainage System Maintenance Plan.** A drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

- a) The DSMP must contain the following;
- b) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- c) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- d) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- e) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- f) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- g) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

(Reason: To ensure the approved stormwater components such as onsite detention system , pumps and WSUD measures, function as designed for the ongoing life of the development)

- 164. 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 conditions of this consent relating to parking, relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).

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- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (*Stormwater drainage*), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) 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.
- g) 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.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

- 165. 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 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

- 166. Parking Area Linemarking and Signage.** Traffic measures such as directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

(Reason: To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.)

- 167. Final Inspection by Waste Officer.** An authorised Council waste officer is to ensure that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management plan providing safe easy access to service the waste containers. Approval must be provided by City of Ryde Council prior to the issue of the Occupation Certificate.



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(Reason: To ensure that the completed development is capable of being serviced by Council's waste collection vehicle).

168. **Arrangements for Waste Services.** 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. Once the registered Occupation Certificate has been provided to Council, waste services will be provided to the development.

(Reason: To facilitate the commencement of waste servicing for the development).

169. **Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website) for review and the covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To allow for the ongoing accessibility of the site for Council's waste vehicles.)

170. **Access to Waste Collection Area.** Where there will be secure access in place to access the waste collection area, a lock box accessed by the Council universal key will need to be provided on the outside of the roller shutter doors. The building access fob will be housed in the lock box for use by the contractor to enable access to service the bins.

(Reason: To ensure accessibility for waste servicing.)

171. **Amalgamation of Lots.** Prior to the issue of an Occupation Certificate, Lots 24, 25 and 26 DP 8092 are to be amalgamated to form one single allotment by way of registration with NSW Land Registry Services.

(Reason: To require orderly arrangement of lots.)

### **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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172. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 63 residential spaces
  - 13 visitor spaces
  - 3 Commercial parking spaces (1 allocated to each of tenancies RETAIL 3 to 5).
  - 10 Retail parking spaces (distributed evenly to RETAIL 1 & 2). Retail parking spaces must be made available to customers/ patrons at all times these tenancies are open.
  - 6 bicycle parking spaces.

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- Each tandem parking spaces must be allocated to a sole residential tenancy, as per the DCP.
- Small residential parking spaces must only be allotted as the second space for residential units being allocated more than 1 space. It is required that any parking being allocated to residential tenants have access to at least 1 full size (standard) parking space.

(Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.)

173. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

(Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.)

174. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- a. The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- b. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- c. The transmission of vibration to any place of different occupancy.

(Reason: To prevent loss of amenity to the area)

175. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

(Reason: To reduce noise levels)

176. **Waste Signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.

(Reason: to reduce contamination of recycling.)

177. **Maintenance of Waste Storage Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.

(Reason: To ensure that waste areas are maintained.)

178. **Residential Bin Holding Room.** The residential bin holding room and chute rooms on the ground floor should not be able to be accessed by residents or retail tenancies.

(Reason: To prevent contamination and illegal dumping of waste).

179. **Household Clean-Up Collections.** The building manager or Strata Manager will be required to pre-book household clean-up collections for the building. Unwanted household items must be stored onsite until the night prior to a Pre-booked household clean-up collection.

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(Reason: To provide suitable arrangements for household clean-up collections.)

180. **Air Conditioners in Residential Buildings** - The air conditioner/s must not:  
(1) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or  
(b) before 7.00am and after 10.00pm on any other day.

(2) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

**Reason:** To prevent loss of amenity to the area.

181. **Flood Emergency Response Matters** - The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for the proposed development.

Implementation and maintenance of the FERP shall be the responsibility of building management and all owners, tenants and users of the building must be made aware of the FERP. FERP shall include details of the proposed 'on-site' refuge area. Permanent signage shall be installed in the common areas informing the future occupants of the emergency evacuation procedures and refuge areas

(Reason: to ensure Flood Emergency Response Plan is in place during and after construction is completed.)

182. **Implementation of Loading Dock Management Plan.** All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) or outside of the loading dock is not permitted.

**Reason:** This condition is to ensure that the measures outlined in the approved loading dock management plan is implemented.

183. **Delivery and Waste Collection Times** – All delivery and privately operated waste collection vehicles shall not service the premises:

a. Before 8am or after 8pm on Saturdays, Sundays and public holidays  
b. Before 7am or after 8pm on any other day.

**(Reason:** To prevent loss of amenity to the area)

184. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**(Reason:** To ensure waste is adequately stored within the premises)

## **End of Conditions**

**Attachment 2 - Ryde Development Control Plan 2014 – Part 4.3 – West Ryde  
Town Centre – Table of Compliance**

Control	Comments	Compliance
<b>3.0 General Development Controls</b>		
<p><u>3.1 Building Height and Bulk</u></p> <p>a. The maximum height of any building in the town centre will be in accordance with the height shown on Ryde Local Environmental Plan 2014 Height of Building Map.</p> <p>b. Scale and bulk of development will primarily be determined by the maximum Floor Space Ratio applying to the land. Floor Space Ratio of buildings is to be in accordance with the Ryde Local Environmental Plan 2014 Floor Space Ratio Map. Floor to Ceiling Heights</p> <p>c. The following controls provide the minimum floor to ceiling heights, as illustrated in Figure 4.3.03:</p> <p>i. Non residential uses: - Ground floor retail/commercial uses require 3.6 metres floor to ceiling height; and – Any non residential level above require a minimum 3.3 metres floor to ceiling height; and</p> <p>ii. All residential uses: - Minimum 2.7 metres floor to ceiling height.</p> <p>d. In multi-storey and mixed use buildings, roof articulation should be provided to add visual interest to buildings. Any elements within the roof articulation zone are not to extend above the maximum height in metres specified by the Ryde LEP 2014.</p> <p>e. Building articulation is to respond to the local context and</p>	<p>Maximum height 24m Proposed 26.4m for lift overrun and associated shading elements.</p> <p>FSR 2.7: permitted Proposed: 2.698:1 (total GFA of 5,290.4m<sup>2</sup>)</p> <p>The GF retail tenancies have a 3.83m to 4.1m floor to ceiling height.</p> <p>N/A</p> <p>All residential units have 2.7m floor to ceiling height.</p> <p>The extent of roof articulation is considered satisfactory. It contains a rooftop COS, lift overruns and shading structures. Only the lift overruns and shading structures encroach above the 24m building height.</p> <p>The built form is considered to be highly articulated and</p>	<p><b>No - Clause 4.6 submitted</b></p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p><b>Variation proposed to building height control.</b></p> <p>Yes</p>

<p>environmental conditions by considering roof shape, pitch and overhangs, entries and verandahs, balconies, terraces, materials, finishes, fixtures, patterns, colours and detailing.</p> <p>f. Lift overruns, plant equipment and communication devices are to be integrated into the design of the building.</p>	<p>responds well to the local context.</p> <p>The lift overruns exceed the height of the remainder of the building, however they provide access to the rooftop COS and are located towards the centre of the roof form.</p>	<p>Considered satisfactory.</p>
<p><u>3.1.2 – Mixed Use Development</u></p> <p>a. Uses which promote pedestrian activity (i.e retail shops, cafes etc) are to be provided at ground floor level to promote vibrancy and allow passive and active surveillance opportunities.</p> <p>b. New development is to encourage a mix of retail and commercial activities to be located on a single level or at ground level. Residential uses should be provided within upper levels of the building.</p> <p>c. Where new residential development is proposed as part of a mixed use development the following issues are to be considered:</p> <p>i. the proposal should be consistent with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide, where appropriate; and</p> <p>ii. Development must comply with noise and sound insulation requirements under BCA and AS3671-1987: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. Design features may be used to achieve primary acoustic privacy. In</p>	<p>There are 5 retail tenancies proposed on the ground floor. The occupants of the tenancies are not known at this stage.</p> <p>There are 5 ground floor retail tenancies proposed and residential units on all levels above.</p> <p>The residential units are considered satisfactory with regard to SEPP No. 65 – Design Quality of Residential Apartment Development.</p> <p>The development is capable of complying.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>addition, developments are to comply with State Environmental Planning Policy (Infrastructure) and RailCorp where appropriate.</p>		
<p><u>3.13 Street setbacks and alignment</u></p> <p>a. New buildings are to have street frontages built predominantly to the street alignment for the first 2 storeys, except for land to which this Part of the DCP applies and are zoned residential, industrial or enterprise corridor.</p> <p>b. The first two storeys of all buildings along a build to street (hard) setback line as indicated in Figure 4.3.04, are generally to maintain a hard alignment with the street. Setbacks are to be minimised.</p> <p>c. New buildings which are built along a street frontage with no build to street setback line indicated in Figure 4.3.04 are to provide setbacks as required for their development type.</p> <p>d. Building design is to minimise any adverse wind effects on public spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings are to be provided, if necessary, for pedestrian comfort.</p> <p>e. All applications for buildings over 5 storeys shall be accompanied with a Wind Impact Statement from a qualified</p>	<p>This is dictated by Figure 4.3.04 in the DCP – see below.</p> <p>Figure 4.3.04 depicts that there is a requirement to build to the street to Dickson Lane and Dickson Avenue. The building is proposed to be built to the boundary on the Dickson Avenue frontage but there is a 1.5m setback proposed on the Dickson Lane frontage. For the Chatham Road frontage, the DCP figure requires a 2m street setback to provide for an urban plaza. This is complied with.</p> <p>N/A – the site is captured by Figure 4.3.04 for the 3 street frontages.</p> <p>Satisfactory – a wind impact statement has been submitted.</p> <p>A wind impact statement has been submitted.</p>	<p>Yes</p> <p><b>No – non-compliance to Dickson Lane frontage addressed in report.</b></p> <p>N/A</p> <p>Yes</p> <p>Yes</p>



<p>person. For buildings over 9 storeys a detailed wind impact study must be submitted.</p>		
<p><u>3.1.4 Urban Design</u></p> <p>a. Built form is to follow and reinforce the established street alignment, providing a continuous building line to define the public domain.</p> <p>b. Pedestrian corridors and linkages such as arcades, lanes and streets, should be provided, maintained and enhanced.</p> <p>c. Built form design should respect the existing character or contribute to a preferred character of the town centre.</p> <p>d. Built form design of mixed use development should provide a transition to surrounding lower density residential development by providing building articulation, separation, and setbacks in accordance with Parts 2 and 3 of the Apartment Design Guide.</p> <p>e. Mixed use development should be designed to positively contribute to the public domain and ensure that the interface between residential and other uses within the development is adequately addressed in accordance with Part 4S Mixed Use of the Apartment Design Guide.</p> <p>f. Open Space and public domain is to be provided, maintained and enhanced to Council's satisfaction in accordance with the City of Ryde Public Domain Technical Manual.</p> <p>g. Off-street parking should be provided behind the front building line to limit impact to the streetscape and must be consistent with 3.1.6 Active</p>	<p>The proposed built form follows and reinforces the established street alignment.</p> <p>The proposal maintains and improves pedestrian corridors.</p> <p>The proposed built form respects the existing character and contributes to the envisaged character of the town centre.</p> <p>The proposed building separation, articulation and setbacks are considered satisfactory under Parts 2 and 3 of the ADG.</p> <p>The proposal is considered to positively contribute to the public domain and the interface between the retail and residential is well resolved.</p> <p>Public domain improvements are proposed in accordance with Council's Public Domain Technical Manual.</p> <p>All off-street parking is provided within an enclosed basement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>Street Frontages and Street Address. Basement parking should be provided where possible.</p> <p>h. Where residential development is proposed, pedestrian entry should be separated from the entry to other land uses in buildings.</p> <p>i. Car parking and servicing must not impact adversely upon desirable built form outcomes and must be consistent with active street frontages objectives. Car parking should be located behind the building or at basement level.</p>	<p>The residential entrances are separated from the retail tenancies.</p> <p>All car parking is proposed in fully enclosed basement levels.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.1.5 Building Entrances and Lobbies</u></p> <p>a. All entrances are to be clearly visible and identifiable from the street and public areas. Use of colour, contrasting materials and articulation in the building design can assist in entrance visibility. Figure 3.4 provides preferred lobby layout principles.</p> <p>b. Building lobbies must be accessible from a continuous path of travel.</p> <p>c. The lobby area is to have a separate and identifiable street entry, at ground floor level from the footpath.</p> <p>d. All areas within the lobby are to be visible from the entry point to enhance the sense of security.</p> <p>e. All entrances and lobbies are to provide suitable and appropriate lighting.</p>	<p>The retail and residential entrances are clearly identifiable from the street.</p> <p>The two lobbies are accessible from a continuous path of travel from the street via the central forecourt.</p> <p>The lobbies have a separate and identifiable street entry.</p> <p>Satisfactory.</p> <p>Satisfactory</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.1.6 Active Street Frontages and Street Address</u></p> <p>a. Active street frontages are required along those property frontages identified in Figure 4.3.06. Active frontages should</p>	<p>An active street frontage is achieved along the Chatham Road frontage and part of the</p>	<p>Yes</p>

<p>be achieved using one or a combination of the following uses at street level:</p> <ul style="list-style-type: none"> <li>- retail shop front;</li> <li>- entrance to a retail arcade;</li> <li>- frontage to open space;</li> <li>- glazed entry to a commercial or residential lobby;</li> <li>- cafe or restaurant;</li> <li>- outdoor dining areas; and</li> <li>- active office uses (including community uses).</li> </ul> <p>b. Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</p> <p>c. Building facades are to be designed to maximise activation, movement and lighting within the public domain.</p> <p>d. Developments on corner allotments should incorporate a significant architectural feature to address the corner such as a wrap around verandah, upper storey balcony, bay window, corner entry or roof feature.</p>	<p>Dickson Ave frontage by way of retail shop fronts.</p> <p>The retail tenancies are at the same general level as the footpaths and are directly accessible from the street.</p> <p>The building façade achieves activation, movement and lighting within the public domain.</p> <p>The corner element on Chatham/Dickson Ave is emphasised.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.1.7 Awnings</u></p> <p>a. Awnings should be provided along street frontages as shown in Figure 4.3.06 to contribute to active street frontages.</p> <p>b. New awnings are to be designed to:</p> <ul style="list-style-type: none"> <li>i. be continuous for the entire length of the site frontage;</li> <li>ii. be set back from the face of the kerb by 0.6 m;</li> <li>iii. be weather sealed to the face of the building to which they are attached and to the adjoining awning</li> <li>iv. have a height clearance above the footpath level of at least 3 m or a height consistent with adjacent awnings; and</li> <li>v. maintain sufficient clearances from any overhead electricity or telecommunications installations.</li> </ul>	<p>Awnings are proposed along the active street frontage elements.</p> <p>Complies</p> <p>Set back from kerb more than 600mm</p> <p>The awnings will be weather sealed.</p> <p>Over 3m is proposed.</p> <p>Sufficient clearances are proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>c. Awnings are to step in response to changes in street level, and may highlight building entrances. Otherwise awnings should be relatively level and should continue the alignment of other adjacent awnings.</p> <p>d. All awnings to provide under awning lighting to enhance public safety and to facilitate night use of the Town Centre.</p>	<p>There is a break in the awning to the centre of the Chatham Road frontage to highlight the building entrance.</p> <p>Complies.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.1.8 Balconies</u></p> <p>a. In mixed use and residential apartment buildings involving more than 20 dwellings, at least one balcony or courtyard per apartment is to be provided off the living area.</p> <p>b. In larger development, balconies should provide different styles and designs to provide visual interest to the facade.</p>	<p>All units contain a balcony in accordance with the ADG controls.</p> <p>There is sufficient variation in the shape and design of the balconies.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.1.9 Visual Privacy and Acoustic Amenity</u></p> <p>Visual Amenity</p> <p>h. Orientate the main living spaces within apartments to the street and/or communal open space (in designing the layouts this will need to be balanced against other criteria such as solar access).</p> <p>i. Proposed development should address the design principles outlined in the NSW Police Service’s Crime Prevention through Environmental Design (CPTED).</p> <p>j. Development design should incorporate the following techniques to increase public safety and security:</p> <p>i. Provide active uses wherever possible at ground level;</p> <p>ii. Avoid blank walls onto streets, or large building setbacks with no visual supervision;</p>	<p>The main living spaces are orientated to the street and common open space, addressing solar access and ventilation.</p> <p>A suitable CPTED assessment has been submitted.</p> <p>Active uses proposed along Chatham Rd.</p> <p>There are minimal extents of blank walls to the streets.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>iii. Maintain strong view corridors along streets, laneways and pedestrian linkages;</p> <p>iv. Provide high levels of lighting in carparks;</p> <p>v. Provide passive surveillance by locating entrances and living areas where surveillance is limited;</p> <p>vi. Locate entrances and living areas to provide surveillance of the public domain;</p> <p>vii. Provide well lit entrances and main walkways, with appropriate landscaping;</p> <p>viii. Use physical barriers or other methods to deter people from entering unsafe spaces; and</p> <p>ix. Design lighting to ensure it does not produce glare or dark shadows. This can be achieved by the following:</p> <ul style="list-style-type: none"> <li>- use diffused lights and/or movement sensitive lights;</li> <li>- direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points;</li> <li>- lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed;</li> <li>- as a guide areas should be lit to enable users to identify a face 15 metres away; and</li> <li>- illuminate possible places for intruders to hide.</li> </ul> <p>Acoustic Amenity</p> <p>k. Where residential development is proposed in proximity to a major road, railway lines or major noise generating activity, appropriate materials with acoustic properties should be incorporated in the design of the dwellings.</p>	<p>There will be an enhanced view corridor along Chatham Road.</p>	Yes
	<p>Satisfactory.</p>	Yes
	<p>The design permits passive surveillance.</p>	Yes
	<p>The retail tenancies allow for surveillance of the public domain and residential entrances.</p>	Yes
	<p>The entrance and main walkways are capable of being well lit.</p>	Yes
	<p>Satisfactory.</p>	
	<p>Lighting is considered satisfactory.</p>	Yes
	<p>There are suitable recommendations in the submitted acoustic report to address this.</p>	Yes
		Yes

<p>l. Council may require a noise and vibration assessment to be undertaken for development applications for noise generating developments or for residential developments on sites adjacent to noise generating sources such as rail corridors.</p> <p>m. Development must comply with noise and sound insulation requirements under BCA &amp; AS3671-1987: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. Design features may be used to achieve primary acoustic privacy.</p>	<p>An acoustic assessment was submitted but a vibration assessment is not considered to be warranted.</p> <p>Complies – addressed in acoustic report.</p>	<p>Yes</p>
<p><u>3.1.10 Housing Choice and Mix</u></p> <p>a. Developments comprising residential uses must provide a variety of residential units mix, sizes and layouts within each residential development.</p> <p>b. The total number of studio units and one-bedroom apartments/dwellings within any development must not exceed 25% of the total number of apartments/dwellings.</p>	<p>The proposed unit mix comprises 12x1 bedroom units, 42x2 bedroom units and 8x3 bedroom units.</p> <p>12 units or 19% of the units are 1 bedroom.</p>	<p>Yes</p> <p>Yes</p>
<p><u>3.2.1 Vehicular Access</u></p> <p>a. Vehicle access is to be designed to:</p> <p>i. Minimise the impact on the street, site layout and the building facade; and</p> <p>ii. Be integrated into the building design, if located off a primary street frontage.</p> <p>b. Vehicle access to properties should be provided from lower order roads or rear lanes where possible.</p> <p>c. New property access to Victoria Road will be permitted only where it is determined that access from a lower order road or laneway is not possible or would result in a detrimental</p>	<p>The vehicle access is located on Dickson Lane and is not highly visible from the public domain. It is well integrated into the building design.</p> <p>All vehicle access is proposed off Dickson Lane.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>



<p>impact to the surrounding traffic network. Access point must be RMS compliant.</p> <p>d. Vehicle access points are to be minimised as much as possible, particularly within mixed use developments and residential flat buildings. Where practicable, buildings should share, amalgamate, or provide a rear lane for vehicle access points.</p> <p>e. For large scale development, all vehicles must be able to enter and leave the site in a forward direction without the need for complicated turns.</p> <p>f. Vehicle access points should inflict the least amount of impact on pedestrian movement, especially movement corridors surrounding the railway station.</p>	<p>The design minimises the vehicle access point to one.</p> <p>Forward ingress and egress is possible to and from Dickson Lane.</p> <p>Dickson Lane is not a pedestrian friendly frontage. The development concentrates pedestrian access along Chatham Road and Dickson Avenue.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.2.2 Pedestrian Access</u></p> <p>a. Pedestrian links are to be provided in accordance with the Pedestrian Circulation Framework (refer Figure 4.3.08) and the City of Ryde Public Domain Technical Manual.</p> <p>b. Pedestrian Refuges shall be provided where directed by Council and to Council satisfaction. This includes at the intersection of Chatham Road and Dickson Avenue.</p> <p>c. Where circulation is provided through a site or within a building serving to connect two points, the thoroughfare should function as a shortcut, be continuous and level with public pedestrian areas and incorporate an active edge of retail or commercial uses.</p> <p>d. Through-site links can be provided by plazas, arcades,</p>	<p>The proposal complies with the Pedestrian Circulation Framework. The required Urban Plaza is provided along the Chatham Road frontage.</p> <p>Traffic refuges were not recommended by the Traffic Engineers.</p> <p>The proposal does not seek to provide circulation through the site to connect two points.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

<p>colonnades or tree lined passages or a combination of these. Note: Consideration will be given to the provision of pedestrian links additional to those outlined in the Pedestrian Circulation Framework, where development has frontages to two streets or provide an opportunity to extend the existing network.</p> <p>e. All pedestrian access areas and footpaths adjacent to new development will be required to be reconstructed using paving treatment in accordance with Council's requirements. The design, finish and element of any new through site links and access ways to be in accordance with Council's Public Domain Technical Manual.</p> <p>f. Council encourages the provision of through-site pedestrian links throughout the Town Centre Core.</p> <p>g. Buildings should be designed to limit overshadowing of major pedestrian spaces such as the proposed village square/civic space and the southern portion of Graf Avenue, Ryedale Road and areas fronting Anzac Park.</p> <p>h. Internal pedestrian links should, where practical and feasible, make provision for natural light.</p> <p>i. Distinctive paving treatment, bollards and other street furniture should be created in the retail core where pedestrians and vehicles mix. The following streets should be considered for such treatment:</p> <ul style="list-style-type: none"> <li>- Graf Avenue;</li> <li>- Market Street;</li> <li>- Anthony Lane;</li> <li>- Ryedale Road;</li> <li>- Chatham Road; and</li> <li>- Anzac Lane</li> </ul>	<p>There are no through-site links proposed.</p> <p>Paving treatments proposed in accordance with PDTM.</p> <p>There are no through site links proposed.</p> <p>There is some overshadowing of Chatham Road but this is considered satisfactory as it is preferable to overshadowing private properties or public open space.</p> <p>The internal pedestrian links make provision for natural light.</p> <p>Paving treatment, bollards, etc are proposed in accordance with the PDTM.</p>	<p>Yes</p> <p>Yes</p> <p>Considered satisfactory</p> <p>Yes</p> <p>Yes</p>
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<p><u>3.2.3 Bicycle Facilities</u></p> <p>a. Bicycle storage racks are to be provided to accommodate a minimum of:</p> <ul style="list-style-type: none"> <li>- 1 bicycle space for every 200 square metres of office floor space;</li> <li>- 1 bicycle space per 300 square metres of retail; and</li> <li>- 1 bicycle space for every 3 residential units.</li> </ul> <p>b. Bicycle racks must be easily accessible from the public domain, and within areas that are well lit with adequate levels of natural surveillance.</p> <p>c. The bicycle parking area must be capable of being made secure to protect the security of cyclists and their belongings. Communal showers, changing facilities and lockers for storing cycle attire and equipment may be required.</p> <p>d. Notwithstanding (b) and (c) above, bicycle storage facilities for residential uses can be provided within private garage areas, where it is demonstrated that:</p> <ul style="list-style-type: none"> <li>- there is sufficient storage within the garage for a bicycle and the required number of vehicles; and</li> <li>- there is a safe path for cyclists to leave the garage area.</li> </ul>	<p>There are 10 bicycle storage spaces proposed in the basement.</p> <p>Bicycle racks are easily accessible.</p> <p>Bicycle area is secure.</p> <p>There are 10 bicycle spaces proposed in the basement levels for the residential units.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.3.1 Solar Access</u></p> <p>a. All developments must provide shadow diagrams that accurately describe the overshadowing impact to adjacent buildings and public domain areas.</p> <p>b. Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, footpaths and existing windows to habitable rooms in adjoining buildings receive at least 3 hours</p>	<p>Suitable shadow diagrams have been submitted.</p> <p>The only property that will receive less than 3 hours between 9am and 3pm on 21 June as a result of the proposed development is 1021 Victoria Road (being the</p>	<p>Yes</p> <p><b>No – non-compliance addressed in report.</b></p>

<p>of sunlight between 9 am and 3 pm on 21 June (winter solstice). c. Major public open spaces are to be designed to receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10 am and 2 pm on 21 June.</p>	<p>West Ryde Hotel and its associated rear dining area).</p> <p>The site is not located in proximity to any major public open spaces.</p>	<p>Yes</p>
<p><u>3.3.2 Natural Ventilation</u></p> <p>a. In locations where wide footpaths already exist, or are proposed, ensure ground floor shops can satisfy natural ventilation requirements for operating a restaurant. b. Design of commercial developments must incorporate mixed modes of ventilation.</p>	<p>The ground floor retail tenancies are capable of achieving natural ventilation.</p> <p>N/A – no commercial floorspace proposed.</p>	<p>Yes</p> <p>N/A</p>
<p><u>3.3.3 Stormwater Management</u></p> <p>a. All stormwater drainage is to be designed in accordance with Part 8.2 Stormwater Management of this DCP. b. A Stormwater Management Plan is required to be submitted with all development applications. c. Access to underground parking is to be designed with consideration to flood levels and impact on the street frontage. d. All new development should meet best practice targets for stormwater management set out in Managing Urban Stormwater (The Blue Book) by Landcom. e. Runoff which enters a property from upstream properties must not be obstructed or impeded from flowing onto the site and must not be redirected so as to increase the quantity or concentration of surface runoff entering adjoining properties. f. Where appropriate enable the installation of grey water collection treatment on site, so</p>	<p>The stormwater drainage system is in accordance with Part 8.2 – Stormwater Management. A suitable stormwater management plan has been submitted.</p> <p>The basement access is satisfactory with regard to the flood levels and impact on the street frontage. The development meets best practice targets for stormwater management.</p> <p>There is no significant runoff entering the site from upstream properties.</p> <p>Not proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

<p>that waste water can be re-used for non-potable purposes, such as toilet flushing and irrigation of gardens and landscape.</p>		
<p><u>3.4.1 Street Furniture, Paving &amp; Street Lighting</u></p> <p>a. Developments which entail the provision of new public spaces (i.e. streets, footpaths, walk ways and the like) will need to incorporate new street furniture and paving and in some cases underground power lines and new light poles in the public space.</p> <p>b. Street furniture, paving, underground power lines, and lighting should be designed and installed in accordance with the City of Ryde Public Domain Technical Manual.</p> <p>c. Provide a pavement surface which is consistently graded both along and across the pedestrian route.</p> <p>d. Use tactile indicators in paving with discretion, considering the needs for all pedestrians.</p> <p>e. Council encourages lighting, located approximately 2 to 2.5 metres apart, above ground level located on building walls, awnings or other appropriate structures to minimise shadow from built form and structures.</p> <p>f. The multifunction pole lighting system is to be used in the West Ryde Town Centre in accordance with council requirements. The multifunction pole will incorporate lighting, street signage and banners into one element.</p>	<p>The submitted public domain plan depicts the required paving, street lighting and street furniture.</p> <p>These matters are addressed in the submitted public domain plan and conditions are recommended where required.</p> <p>The pavement surface is proposed to be consistently graded along and across the pedestrian route.</p> <p>Not proposed.</p> <p>Suitable lighting is proposed.</p> <p>There are three multi-function poles proposed on the frontages.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.4.2 Street Tree Planting and Landscaping</u></p> <p>a. All development proposals are to be accompanied by a</p>	<p>A suitable landscaping plan has been submitted.</p>	<p>Yes</p>

<p>landscape plan prepared by a qualified and suitably experienced landscape architect.</p> <p>b. Where appropriate, developments should incorporate landscaping in the form of planter boxes on the upper levels of buildings to soften the building form (i.e. roof gardens, planting on structures).</p> <p>c. Ground level entry areas to upper level dwellings shall be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of building occupants or pedestrians.</p> <p>d. Street trees shall be provided in accordance with the City of Ryde Public Domain Technical Manual and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.</p> <p>e. Street tree species must be selected for their hardiness under adverse and polluted conditions, to provide screening to pedestrians and residents from traffic, and to improve the visual quality of the area.</p> <p>f. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5 m, subject to species availability.</p>	<p>There is a significant extent of planting proposed on the rooftop surrounding the COS.</p> <p>The ground level entrances will be well lit and will not be obscured by planting that reduces personal safety.</p> <p>Street tree plantings are proposed in accordance with the PDTM.</p> <p>A condition of consent is recommended in relation to the required species for the street tree plantings.</p> <p>A condition of consent is recommended in relation to the pot size and height of the street tree plantings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3.4.3 Public Art</u></p> <p>a. Public art is to be in keeping with the City of Ryde Public Domain Technical Manual and the City of Ryde Public Art Policy.</p> <p>b. Public art must be included in all new mixed use development with an estimated construction value of more than \$20 Million.</p>	<p>The applicant has submitted a suitable public art plan.</p>	<p>Yes</p>

<p>c. A site specific Arts Plan is to be submitted together with a development application.</p> <p>d. Requirements for the provision of public art and the format of an Arts Plan are to be confirmed with Council prior to lodging a Development Application.</p>		
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#### **4.0 PRECINCT SPECIFIC DEVELOPMENT CONTROLS**

#### **4.2 Precinct 2 – Retail Core**

##### 4.2.2 Urban Design

<p>a. All development should provide flexible building layouts which facilitate variable tenancies or uses on the first floor of a building above the ground floor.</p>	<p>The proposal provides for retail tenancies on the ground floor and residential units on the levels above.</p>	<p>Yes</p>
<p>b. New development should include retail activities at ground level to maximise activity at street level.</p>	<p>There are 5 retail tenancies proposed on the ground floor.</p>	<p>Yes</p>
<p>c. Built form of new development must follow and reinforce the established street alignment to provide a continuous building line for the town centre.</p>	<p>The proposal adopts the required front setbacks outlined in the DCP, particularly for the required urban plaza.</p>	<p>Yes</p>
<p>d. Laneways and arcades must be enhanced and maintained in order to provide clear and accessible pedestrian environment.</p>	<p>There are no laneways or arcades proposed in the development.</p>	<p>Yes</p>
<p>e. Development within the retail core is to ensure a transition to surrounding low density residential areas is achieved.</p>	<p>The proposal provides for a suitable transition to the low density residential area to the west.</p>	<p>Yes</p>

##### 4.2.3 Public Domain

<p>a. Public areas should have direct access from the public domain.</p>	<p>The proposed public areas have direct access from the urban plaza on the Chatham Road frontage.</p>	<p>Yes</p>
<p>b. Provide active ground floor uses including well articulated ground floor entrances to buildings.</p>	<p>The ground floor retail tenancies are well articulated in the overall façade.</p>	<p>Yes</p>
<p>c. Building facades are to be of high architectural value and of visual interest to contribute to the character of the street and public domain.</p>	<p>The facades provide high architectural value and visual interest and contribute to the</p>	<p>Yes</p>



<p>d. Buildings are to be articulated and are not to present long unrelieved structures that dominate the landscape. All street frontages are to be activated by light, activity, glazing, building articulation or materials to create visual interest.</p> <p>e. Provide a linear urban plaza incorporating a 2-metre active street frontage setback along the Chatham Road Key Pedestrian Area (as identified in Figure 4.3.04). The urban plaza is to be designed in accordance with the Public Domain Technical Manual and to Council's satisfaction (refer to Figure 4.3.12a below).</p>	<p>character of the street and public domain.</p> <p>The facades are well articulated and contain archways and batten features which create visual interest.</p> <p>The proposal provides for the required linear urban plaza and adopts the 2 metre active street frontage setback.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4.2.4 Public Car Parking</u></p> <p>a. New car parking within the Retail Core Precinct Centre should be provided in a basement. Where this cannot be achieved, parking areas should be provided at ground level and be adequately enclosed and screened from street frontages.</p> <p>b. Car Parking associated with residential and retail and commercial land uses should be separate.</p>	<p>All car parking is proposed within the two basement levels and will not be visible from the street.</p> <p>The car parking for both uses is provided on basement level 1. The retail parking is located closest to the basement entry for ease of access.</p>	<p>Yes</p> <p>Considered satisfactory.</p>

## Part 7.2 – Waste Minimisation and Management

### Residential Flat Buildings of 4 Storeys or more

<b>Control</b>	<b>Comment</b>	<b>Compliance</b>
<p>a. Space must be provided inside each dwelling for a receptacle to store garbage and recycling material – the area is to have the capacity to store two day's worth of garbage and recyclables.</p>	<p>Suitable storage areas are provided within each unit for the storage of two day's worth of garbage and recyclables.</p>	<p>Yes</p>
<p>b. A waste and recycling storage room (or rooms) must be provided for the storage of</p>	<p>A garbage and recycling storage room is provided on the ground floor level for the storage of the</p>	<p>Yes</p>

<p>garbage, recyclable and green wastes, with a capacity to easily store the number of bins required to meet Council's standard collection services applicable to the development. The space is to be calculated using the Schedule 1 Indicative Bins Sizes and Schedule 2 Standard Waste and Recycling Bins for Residential Developments attached to this Part</p>	<p>number of bins required based on the proposed unit mix.</p>	
<p>c. All waste and recycling storage rooms must be designed and constructed in accordance with Schedule 4: S4.2 Waste and Recycling Storage Rooms.</p>	<p>Conditions of consent are recommended to require compliance.</p>	<p>Yes</p>
<p>d. Consideration must be given to the convenient transportation of waste and recycling from the various floors to the central waste and recycling storage room/area. Such transportation system may include a passenger or goods lifts, or a garbage chute system.</p>	<p>There is a garbage chute system proposed which is accessed from the service room on each residential level of the building.</p>	<p>Yes</p>
<p>e. Where garbage chutes are proposed, service rooms/compartments for accessing the garbage chutes must be provided on each residential floor. All garbage chutes and service rooms/ compartments must be designed and constructed in accordance with Schedule 4: S4.3 Garbage Chutes and S4.4. Service Rooms (or Compartments).</p>	<p>The garbage chutes are accessed by way of a service room proposed on each residential level of the building.</p>	<p>Yes</p>
<p>f. 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</p>	<p>A bulky goods storage room is proposed on the ground floor which is 23.6m<sup>2</sup> in size.</p>	<p>Yes</p>

<p>pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.</p>		
<p>g. Waste storage areas are to be designed to accommodate waste receptacles which can be managed by all types of domestic waste collection vehicles.</p>	<p>The waste storage rooms are located adjacent to the Dickson Lane frontage and the pull-in bay for the waste vehicle.</p>	<p>Yes</p>
<p>h. Adequate access must be provided for the users, waste collection staff and collection vehicles. Where collection vehicles are required to drive into a property to collect waste and recycling:</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 driveway and basement manoeuvring space are to be suitable for the collection vehicle in terms of pavement strength, spatial design, access width and clearances.</p> <p>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>On-site collection is proposed off Dickson Lane by way of a pull-over bay designed to accommodate Council's designated waste vehicles.</p>	<p>Yes</p>

## Apartment Design Guide – Compliance Table

SEPP No. 65 – Design Quality of Residential Apartment Development requires consideration of the "Apartment Design Guide" (ADG) which supports the nine design quality principles by giving greater detail as to how those principles might be achieved. The table below addresses the relevant matters:

<b>Part 2 - Developing the controls</b>		
	<b>Proposal</b>	<b>Compliance</b>
<p><b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	Apartment depths range from 10 to 15 metres.	Yes
<p><b>Building Separation</b> Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms.  <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms  <u>Note:</u>  <ul style="list-style-type: none"> <li>At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>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.</li> </ul> </p>	<p>It is noted that the adjoining building to the west (at 2 Dickson Avenue) is used as a family day care centre and is not habitable. To the south the site fronts Dickson Lane and there is a 6m separation from boundary to boundary. Separation to the north and east complies by virtue of the road frontages.</p> <p>For levels 1-2 the proposed setback is 9m from the western boundary which complies for between habitable and non-habitable. To the south there is a 7.5m setback for levels 1-2 to the outdoor dining area of the hotel.</p> <p>For levels 3-6 the proposed setback to the west is 12m which complies for between habitable and non-habitable. To the south there is a 10.5m setback between levels 3-6 and the outdoor dining area of the hotel.</p> <p>It is noted that there is a zoning change from the subject site to the adjoining site to the west – B4 to R2. An increase building setback of 3m has not been provided for, however, the adjoining property to the west is used as a family day care centre and not a dwelling. The proposed separation to this property is considered satisfactory.</p>	<b>Not achieved to the south and west. See discussion in report.</b>
<p><b>Front, Rear &amp; Side Setbacks</b> See discussion under the relevant Development Control Plan.</p>	Complies with RDCP 2014 – Part 4.3 – West Ryde Town Centre.	Yes
<b>Part 3 Siting the development Design criteria/guidance</b>		

<p><b>3A Site Analysis</b></p> <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p> <p><u>Design guidance</u></p> <p>Each element in the site analysis checklist should be addressed</p>	<p>A suitable site analysis has been submitted which addresses how the development was designed in response to the site conditions and surrounding development.</p>	<p>Yes</p>
<p><b>3B Orientation</b></p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout responds to the streetscape and site. Solar access is optimised within the development and overshadowing is minimised in mid-winter (21 June).</p>	<p>Yes</p>
<p><b>3C Public domain interface</b></p> <p>Transition between private &amp; public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The amenity of the public domain is enhanced by the provision of public domain treatments and wider footpaths on the key frontages.</p>	<p>Yes</p>
<p><b>3D Communal &amp; public open space</b></p> <p>Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.</p> <p><u>Design guidance</u></p> <p>Provide communal open space (COS) with an area equal to 25% of site;</p> <p>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>	<p>Two areas of communal open space are proposed with a total area equivalent to 43.8% of the site area.</p> <p>54.2% of the COS will receive direct sunlight between 11am and 1pm on June 21.</p>	<p>Yes</p>
<p><b>3E Deep Soil Zone</b></p> <p>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><u>Design criteria</u></p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m.</p>	<p>15% (294.1m<sup>2</sup>) of the site is provided as a deep soil area. Out of this area, 9.2% (182m<sup>2</sup>) achieves the minimum required 6m dimension.</p>	<p>Yes</p>
<p><b>3F Visual Privacy</b></p> <p>Building separation distances to be shared equitably between</p>	<p>A minimum setback of 9m is proposed to the lower density residential zone to the west for the first 4 storeys and 12 metres thereafter.</p>	<p>Yes</p>

neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

**Design Criteria**  
 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:

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

**Note:**

- No separation is required from blank walls;
- Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

**3G Pedestrian Access & entries**  
 Pedestrian Access, entries and pathways are accessible and easy to identify.

The pedestrian access is provided from the central forecourt which is accessible and easily identifiable.

Yes

**3H Vehicle Access.**  
 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

There is a single vehicle access point from Dickson Lane which is considered to be the optimal location to achieve safety and minimise conflicts between pedestrians and vehicles.

Yes

**3J Parking Provisions.**  
**Car parking:**  
 For development in the following locations:

- on sites that are within 800 metres of a railway station; or
- within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,

The proposal achieves compliance with the Ryde DCP required car parking rates and is considered satisfactory in relation to car parking.

Yes

the minimum parking for residents and visitors to be as per TfNSW Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.		
<b>Bicycle Parking:</b> Provide adequate motorbike, scooter and bicycle parking space (undercover). 10% of carspaces	A minimum of 9 bicycle spaces are required. There are 10 bicycle spaces proposed.	Yes
<b>Part 4 Designing the building</b>		
<b>4A Solar &amp; daylight access</b> 1. 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.	72.5% (45 Units) receive a minimum of 2 hours direct sunlight between the hours of 9am and 3pm on June 21.	Yes
No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	9.7% (6 units) receive no direct sunlight between 9am and 3pm on June 21.	Yes
Design should incorporate shading and glare control, particularly for warmer months.	Suitable features proposed.	Yes
<b>4B Natural Ventilation</b> All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated (have access to a window).	Yes
Design layout of single aspect apartments to maximises natural ventilation and airflow (See Figure 4D.3)	The single aspect apartments maximise natural ventilation and airflow.	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.	67.7% (42 units) achieve cross ventilation.  No apartments exceed 18m in depth.	Yes  Yes



<p><b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:</p> <table border="1" data-bbox="209 427 608 775"> <thead> <tr> <th colspan="2">Min ceiling height for apartment &amp; mixed use buildings</th> </tr> </thead> <tbody> <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 2<sup>nd</sup> 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 &amp; 1<sup>st</sup> floor to promote future flexibility of use.</td> </tr> </tbody> </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 <sup>nd</sup> floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.	<p>Compliant ceiling heights are proposed throughout the building. The ground floor retail tenancies have minimum 3.83m floor to ceiling heights.</p>	<p>Yes</p>
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 <sup>nd</sup> floor													
Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.													
<p><b>4D Apartment size and layout</b> Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup>;</li> <li>• 1 bedroom = 50m<sup>2</sup>;</li> <li>• 2 bedroom = 70m<sup>2</sup>;</li> <li>• 3 bedroom = 90m<sup>2</sup>;</li> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> <p><u>Note:</u> ➤ Additional bathrooms increase the minimum internal area by 5m<sup>2</sup>;</p>	<p>Studio: None proposed 1 bedroom: 50m<sup>2</sup> to 58.6m<sup>2</sup> 2 bedroom: 72.1m<sup>2</sup> to 95m<sup>2</sup> 3 bedroom: 95.6m<sup>2</sup> to 96.1m<sup>2</sup></p>	<p>Yes</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>All habitable rooms have direct access to a window opening that achieves light and ventilation. No borrowed daylight and air is proposed.</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>Bedroom - minimum dimension of 3m (excluding wardrobe space)</p>	<p>All bedrooms have minimum dimension of 3m.</p>	<p>Yes</p>												
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments;</li> </ul>	<p>All living rooms have a width exceeding 4m.</p>	<p>Yes</p>												

<ul style="list-style-type: none"> <li>• 4m for 2 &amp; 3 bedroom apt</li> </ul>																	
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>There are no cross over or cross through apartments proposed.</p>	<p>N/A</p>															
<p><b>4E Private Open Space and balconies</b>          Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.  <u>Design criteria</u>          1.All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="209 741 667 992"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	<p>All private open space areas and balconies achieve compliance with the minimum required areas.</p>	<p>Yes</p>
Dwelling type	Minimum area	Min.depth															
Studio apartments	4m <sup>2</sup>	N/A															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3+ bedroom	12m <sup>2</sup>	2.4m															
<p>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<sup>2</sup> and a minimum depth of 3m.</p>	<p>There are no residential units proposed at ground level or on a podium level.</p>	<p>N/A</p>															
<p><b>4F Common circulation and spaces.</b>  <u>Design criteria</u>          1. The maximum number of apartments off a circulation core on a single level is 8.           Where design criteria 1 is not achieved, no more than 12 apartments should be provided of a circulation core on a single level.</p>	<p>A maximum of 7 apartments are proposed off the circulation core (on levels 1-2).</p>	<p>Yes</p>															
<p><b>Design Guide:</b>          Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.</p>	<p>Suitable daylight and natural ventilation is provided to all common circulation space.</p>	<p>Yes</p>															
<p><b>4G Storage</b>          Adequate, well designed storage is to be provided for each apartment.  <u>Design criteria</u></p>	<p>All units have a compliant extent of storage which is split between basement and in-unit storage areas.</p>	<p>Yes</p>															

<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p>												
<table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>		
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).</p>												
<p><b>4H Acoustic privacy</b> Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The proposal complies with the acoustic privacy controls of the ADG.</p>	<p>Yes</p>										
<p><b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The proposed unit mix comprises 12x1 bedroom units, 42x2 bedroom units and 8x3 bedroom units. This is considered to be suitable mix for the West Ryde demographic.</p>	<p>Yes</p>										
<p><b>4L Ground floor apartments</b> Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>There are no ground floor apartments proposed. There are 5 retail tenancies located on the GF.</p>	<p>N/A</p>										
<p>Building functions are expressed by the façade.</p>	<p>The building façade will effectively indicate the building functions being retail tenancies on the GF and residential apartments above.</p>	<p>Yes</p>										
<p><b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>Satisfactory.</p>	<p>Yes</p>										
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>Part of the roof space is proposed to be used as COS and there suitable facilities proposed.</p>	<p>Yes</p>										

Roof design incorporates sustainability features.	The roof design incorporates skylights and suitable sunshading within the COS area.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The landscape design effectively contributes to streetscape and amenity. The design is viable and sustainable.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	The landscaping plans depict suitable soil profiles.	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided.	There are a total of 8 adaptable units proposed in the development.	Yes
<b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.	There are no awnings proposed within the development.	N/A
<b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.	An energy efficiency and sustainability report has been submitted with the application which outlines the efficiency measures proposed.	Yes





**Address:** Nos. 2 – 6 Chatham Road, West Ryde  
**Proposal:** Shop Top Housing Development  
**MAY 2023**

## CLAUSE 4.6 VARIATION



# **CLAUSE 4.6 VARIATION**

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CHATHAM ROAD, WEST RYDE

# 1 STATUTORY PLANNING FRAMEWORK

## 3.5 RYDE LOCAL ENVIRONMENTAL PLAN 2014

The Ryde Local Environmental Plan 2014 (the LEP) was gazetted on 12 September 2014 and applies to all land within the City of Ryde local government area (LGA). The particular aims of the LEP are to:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,*
- (b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,*
- (c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,*
- (d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (e) to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,*
- (h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable employment capacity targets to be met, provide employment diversity and are compatible with local amenity.*

### Clause 4.3 – Height of Buildings

Clause 4.3 of the LEP prescribes a maximum building height of 24 metres for the subject site.

The development proposes a maximum building height of 26.4 metres.

### Clause 4.6 – Exceptions to Development Standards

The proposal seeks to vary Clause 4.3 Height of buildings.

This Clause 4.6 variation has been prepared having regard to Land and Environment Court judgements in *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42]– [48] (Wehbe), *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (Initial Action), *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61, and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 (RebelMH Neutral Bay).

(1) *The objectives of this clause are as follows*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

**Comment:** The proposal seeks flexibility in application of the standard where the breach of maximum building height is only very minor in nature. The maximum height of the proposed development at 26.4 metres (lift overrun), measured to the ground level existing immediately below, represents a 10% variation to the development standard.



The decision of Chief Justice Preston in *Initial Action* provides guidance in respect of the operation of Clause 4.6 subject to the clarification by the NSW Court of Appeal in *RebelMH Neutral Bay* at [1], [4] & [51] where the Court confirmed that properly construed, a consent authority has to be satisfied that an applicant's written request has in fact demonstrated the matters required to be demonstrated by Clause 4.6(3).

*Initial Action* involved an appeal pursuant to s56A of the Land & Environment Court Act 1979 against the decision of a Commissioner. At [90] of *Initial Action* the Court held that:

*In any event, cl 4.6 does not give substantive effect to the objectives of the clause in cl 4.6(1)(a) or (b). There is no provision that requires compliance with the objectives of the clause. In particular, neither cl 4.6(3) nor (4) expressly or impliedly requires that development that contravenes a development standard "achieve better outcomes for and from development". If objective (b) was the source of the Commissioner's test that non-compliant development should achieve a better environmental planning outcome for the site relative to a compliant development, the Commissioner was mistaken. Clause 4.6 does not impose that test.*

The legal consequence of the decision in *Initial Action* is that clause 4.6(1) is not an operational provision and that the remaining clauses of Clause 4.6 constitute the operational provisions.



**FIGURE 1**

Building Height Plane Diagram extracted from architectural plans prepared by Tony Owen Partners.

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

**Comment:** The development standard to be contravened Clause 4.3(2) Height of Buildings. The prescribed maximum building height is 24 metres.

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

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

**Comment:** This submission is a written request for consideration by the consent authority.

In *Initial Action* the Court summarised the legal requirements of Clause 4.6 and confirmed the continuing relevance of previous case law at [13] to [29]. In particular, the Court confirmed that the five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council* continue to apply as follows:

*The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].*

*A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].*

*A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].*

*A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].*

*A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]- [51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.*

*These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.*

The first approach as outlined in *Wehbe* is appropriate in this instance. The design provides an appropriate allowance for both structure and minimum floor to ceiling heights to be achieved for a mixed use development. A degree of flexibility is however sought in the circumstances as the building height breach is limited to the lift overrun, fire stairs and pergola, which is setback from the building's parapet. The remainder of the building is compliant with the prescribed maximum 24 metre building height.

The objectives of the building height control 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 emphasise road frontages along road corridors.

The offending building elements will not be readily visible from the public domain, and are therefore not visually intrusive, will not impact upon views from any adjoining property and do not create any additional adverse overshadowing impacts, therefore demonstrating satisfaction of the objectives of the standard.

The proposed minor breach to the building height is necessitated by a higher finished ground floor level resulting from the site's flood affectation, and the desire to provide communal open space located upon the roof, capable of achieving direct and unobstructed northern sunlight, providing residents with multiple areas for communal recreation.

A total of 858m<sup>2</sup> of communal open space is provided on site, representing 44% of the site's area. Both active and passive opportunities are provided for recreation, greatly enhancing the amenity of future residents. The minor breach is thereby suggested to represent a better planning outcome.

Compliance with the standard is considered unreasonable and unnecessary in the circumstance of this case given the very minor nature of the breach proposed. Contravention of the development standard by the proposal does not give rise to any adverse environmental impact and enables equitable access to be provided throughout the development. A degree of flexibility is however sought in the circumstances as the building height breach is a result of higher finished floor levels at Ground Level because of the site's flood affectation, the height breach is limited to the lift overrun, fire stairs and pergola, which is setback from the building's parapet. This will not be visible from the public domain, is not visually intrusive, will not impact upon views from any adjoining property, and will not cause any additional overshadowing to any adjoining property. Additionally, the non-compliant portions of the proposed development do not constitute any floor area.

An adequate area of communal open space is required to enhance residential amenity and to provide opportunities for landscaping within the urban environment. To satisfy this objective, the Design Criteria at Objective 3D-1 of the Apartment Design Guide (ADG) suggests that communal open space should have a minimum area equal to 25% of the site area, and that developments should achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter). Pre-lodgement Meeting No. PRL2022/6 was held with Council officers on 7 April 2022, where a minor breach to the building height standards was noted as potentially being acceptable given the following circumstances:

#### *Building height*

*The proposal has minor protrusions above the height plane of 24m in the lift overruns. The extent of non-compliance is considered acceptable as:*

1. *The non-compliant components do not involve any GFA;*
2. *The site is flood-affected, resulting in a higher finished floor level on the ground floor;*

3. The lift overruns are setback far away from all building frontages and unlikely to cause any adverse visual and overshadowing impacts.

*It is the officer's views that rooftop gardens are desirable for providing additional communal open space. Even if higher lift overruns are required, and that might result in a greater extent of non-compliance with the height controls, it can be supported on a merit basis. Further comments are provided below regarding the communal open space.*

The items of the development that contravene the development standard are minimal, and compliance with this standard is considered to be unreasonable and unnecessary in the circumstances as a better planning outcome is achieved, with a built form 6 storeys in height, consistent with the intent of the Planning Proposal that introduced the site's current planning controls – see below extract from the Council Meeting Agenda No. 10/20, dated Tuesday 25 August 2020 (Item 10):

#### **The Exhibited Planning Proposal**

*The Proposal retains the site's current B4 Mixed Use Zone, but sought to amend the Ryde Local Environmental Plan 2014 (RLEP) as follows:*

- *Increase the maximum height control from 15.5 metres (approx. 4 storeys) to 24 metres (approx. 7 storeys)*
- *Increase the FSR control from 1.25:1 to 3:1*

The proposed development remains consistent with this intended outcome, with a generous volume of open space being provided for the building's occupants.

In *Initial Action* the Court found at [23]-[25] that:

*As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.*

*The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*

#### **Sufficient Environmental Planning Grounds**

The proposed minor breach to the building height is necessitated by a higher finished ground floor level resulting from the site's flood affectation, and the desire to provide communal open space located upon the roof, capable of achieving direct and unobstructed northern sunlight, providing residents with multiple areas for communal recreation. Allowing for the building height breach in response to the flooding affectation and topographical characteristics of the site is considered to ensure the orderly and economic development of the site, consistent with Objective 1.3(c) of the EPAA.



The provision of a total 858m<sup>2</sup> of communal open space, representing 44% of the site's area, with both active and passive opportunities provided for recreation, greatly enhances the amenity of future residents and is considered an appropriate environmental planning ground.

It is subsequently suggested there are sufficient environmental planning grounds to justify contravening the development standard.

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) *the consent authority is satisfied that—*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (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*
  - (b) *the concurrence of the Secretary has been obtained.*

**Comment:** In *Initial Action* the Court found that Clause 4.6(4) required the satisfaction of two preconditions ([14] & [28]). The first precondition is found in clause 4.6(4)(a). That precondition requires the formation of two positive opinions of satisfaction by the consent authority.

The first positive opinion of satisfaction (cl 4.6(4)(a)(i)) is that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)(a)(i) (*Initial Action* at [25]). The second positive opinion of satisfaction (cl 4.6(4)(a)(ii)) is that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out (*Initial Action* at [27]).

The second precondition is found in clause 4.6(4)(b). The second precondition requires the consent authority to be satisfied that that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (*Initial Action* at [28]). The Local Planning Panels Direction issued by the Minister for Planning and Public Spaces, dated 30 June 2020, provides that local planning panels have delegation to approve development that contravenes a development standard imposed by an environmental instrument by more than 10% or non-numerical development standards.

The consent authority needs to be satisfied that the proposed development will be in the public interest. A development is said to be in the public interest if it is consistent with the objectives of the particular standard to be varied and the objectives of the zone.

Preston CJ in *Initial Action* (at [27]) described the relevant test for this as follows:

*The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.*

*It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).*

The objectives of the building height control 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 emphasise road frontages along road corridors.

Each of the relevant stated objectives of the building height standard are satisfied by the proposed development. The lift overrun, fire stairs and pergola structures will not be visible from Chatham Road nor likely from any adjacent property from the ground floor plane. The minor nature of the variation to the prescribed maximum building height limit will not cause any disruption to views, cause any loss of privacy, and will not diminish solar access to any adjoining property.

The site is zoned MU1 Mixed Use. The objectives of the zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.
- To promote strong links between Macquarie University and research institutions and businesses in the Macquarie Park corridor.

The proposed mixed use development will encourage a diversity of retail and business uses upon the site that generate employment opportunities, will attract pedestrian traffic, and through sensitive design and the provision of appropriate setbacks, will minimise conflict between land uses within this zone and land uses within adjoining zones. Non-residential land uses are proposed on the ground floor adjacent Chatham Road and at the corner of Dickson Avenue, seeking to activate these frontages. The objectives relating to employment and educational activities within the Macquarie University campus and to promote strong links between Macquarie University and research institutions and businesses in the Macquarie Park corridor are not relevant in the consideration of this application.

A better planning outcome is achieved by providing these additional areas of communal open space in full sunlight atop the building and by providing adequate finished ground floor levels in accordance with Council's flood planning controls.

As demonstrated in this request, the proposed development is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

Accordingly, the consent authority can be satisfied that the proposed development will be in the public interest.

- (5) In deciding whether to grant concurrence, the Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

**Comment:** The contravention raises no matters of State or regional significance. It is considered that as the proposal is consistent with the desired future character of development in the precinct, there is no public benefit in maintaining the development standard given the very minor nature of the variation proposed.

The Local Planning Panels Direction issued by the Minister for Planning and Public Spaces, dated 30 June 2020, provides that local planning panels have the delegation to approve development that contravenes a development standard imposed by an environmental instrument by more than 10% or non-numerical development standards.

No other matters are required to be taken into consideration by the Director-General.

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

*Note. When this plan was made it did not include land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Rural Small Holdings, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.*

**Comment:** The proposal is not for contravention of a subdivision control.

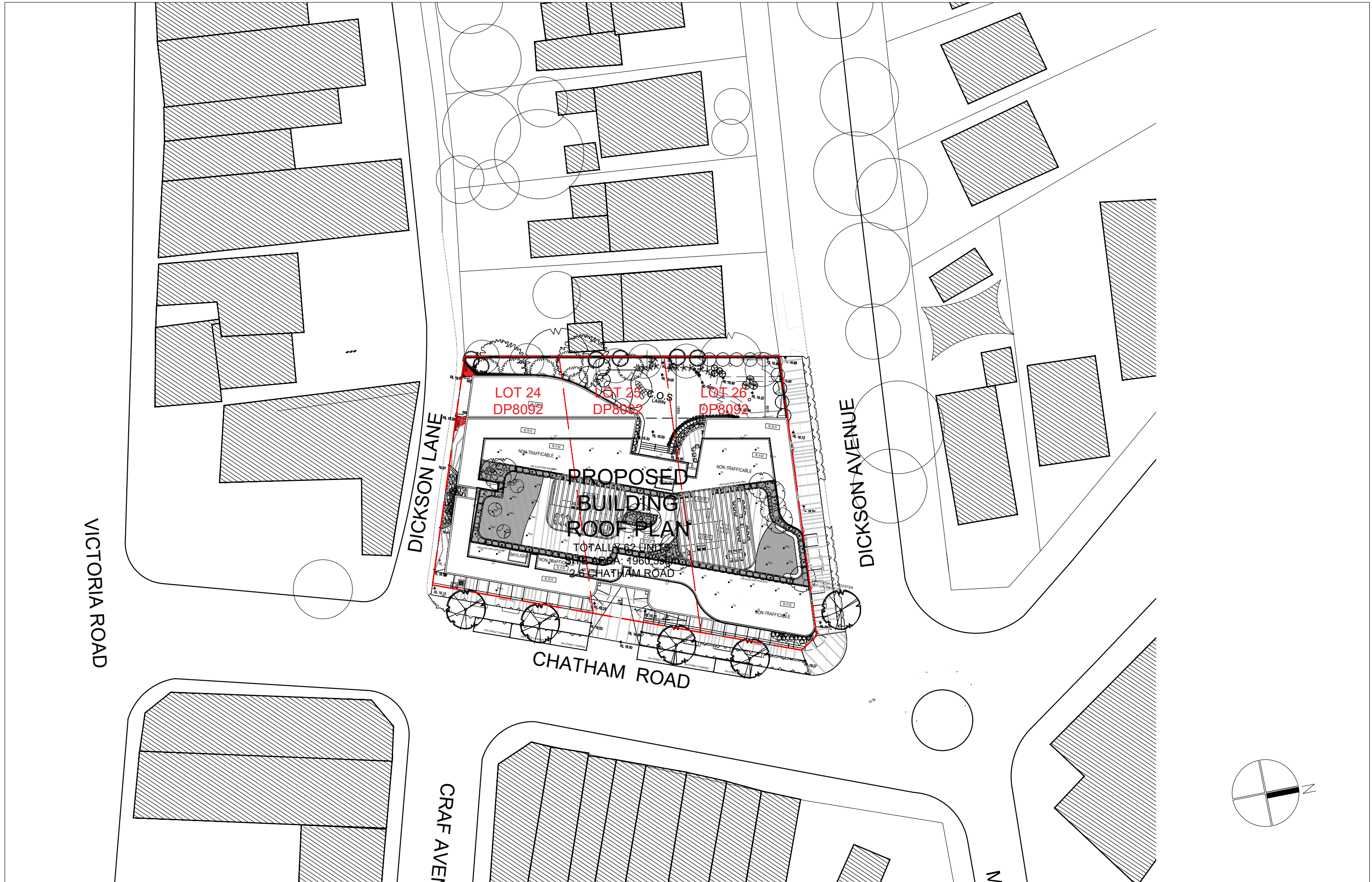
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

**Comment:** The consent authority will keep a record of the determination.

- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) *a development standard for complying development,*
  - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
  - (c) *clause 5.4,*
  - (caa) *clause 5.5,*
  - (ca) *clause 4.3, to the extent that it applies to the land identified as "Town Core" on the Ryde Town Centre Precincts Map,*
  - (cb) *clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),*
  - (cc) *clause 6.9.*

**Comment:** The proposal is not for complying development. The development standard does not arise from the regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.





VICTORIA ROAD

DICKSON LANE

DICKSON AVENUE

CHATHAM ROAD

CRAF AVENUE

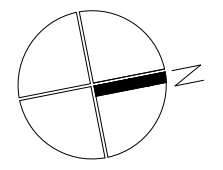
LOT 24 DP8092 LOT 25 DP8092 LOT 26 DP8092

PROPOSED BUILDING ROOF PLAN

TOTALLY 62 UNITS

AREA: 4960.38

2-6 CHATHAM ROAD



Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022
D	AMENDMENTS TO DA	DL	25 NOV 2022
E	ADDITIONAL INFORMATION	DL	16 DEC 2022

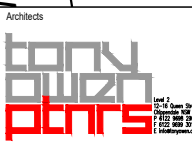
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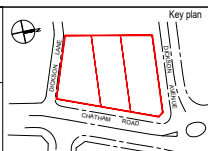
**Legend**

**DRAWING LABEL**  
 SITE PLAN

**Client**  
 VENTUS GROUP

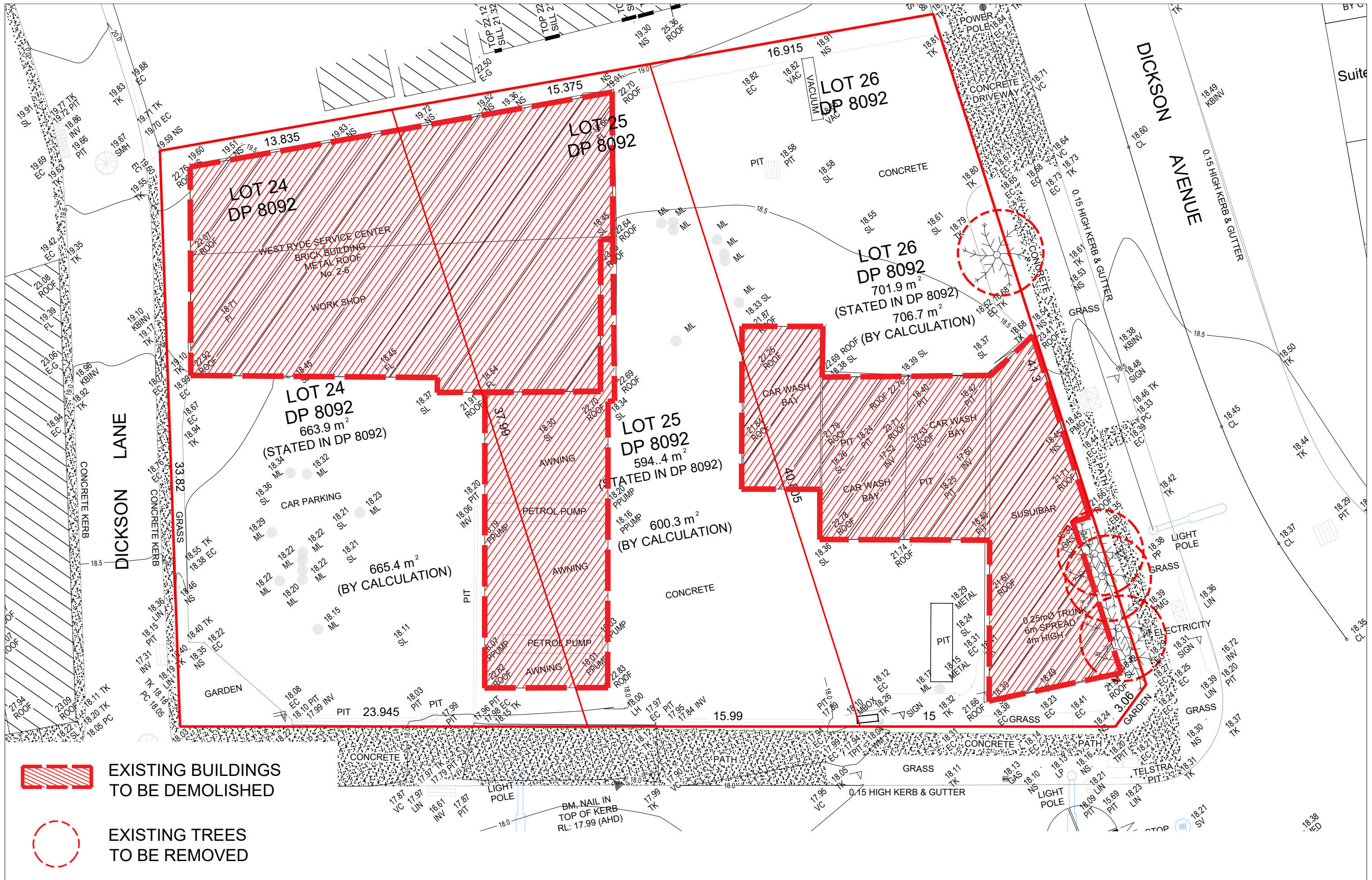


**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde, 2114 NSW



**Scale** 1:250 @ A1 1:500 @ A3  
 Date DECEMBER 2022  
 Drawing title  
 SITE PLAN  
 Project no. 1045 Drawing no. A006  
 Drawn DL  
 Drawing status  
 ADDITIONAL INFORMATION





**EXISTING BUILDINGS  
TO BE DEMOLISHED**



**EXISTING TREES  
TO BE REMOVED**

Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
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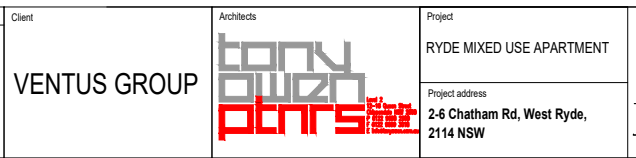
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**Legend**  
 DRAWING LABEL  
**DEMOLITION PLAN**

**Client**  
 VENTUS GROUP

**Architects**  
 TONY COOPER  
 ptncs

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW



**Scale**  
 1:100 @ A1 1:200 @ A3  
 Date AUGUST 2022

**Drawing title**  
 DEMOLITION PLAN

**Drawing no.**  
 1045 Drawing no. A012

**Drawn by**  
 DL

**Drawing status**  
 FOR DA SUBMISSION



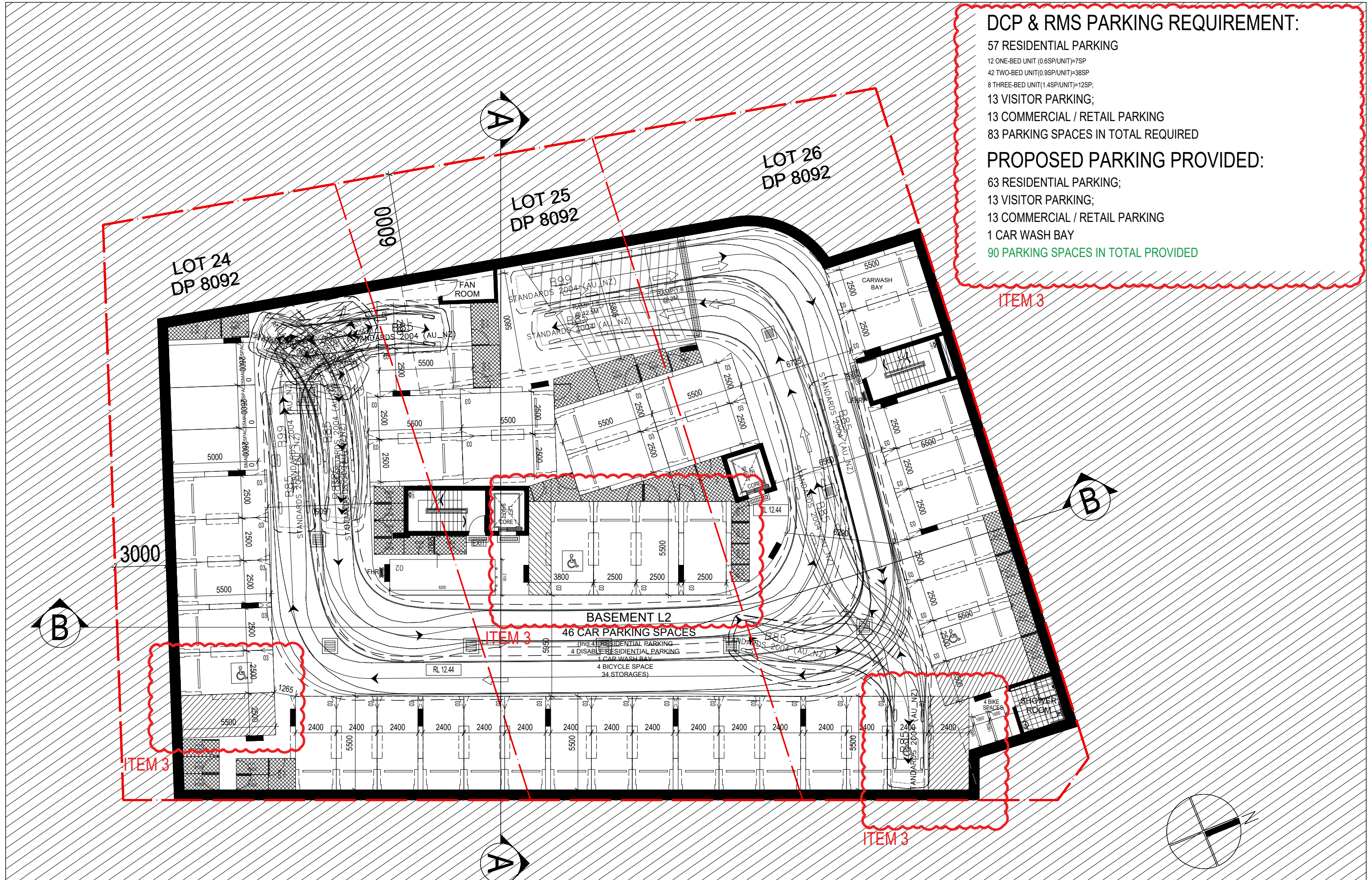
**DCP & RMS PARKING REQUIREMENT:**

- 57 RESIDENTIAL PARKING
- 12 ONE-BED UNIT (0.6SP/UNIT)=7SP
- 42 TWO-BED UNIT (0.9SP/UNIT)=38SP
- 8 THREE-BED UNIT (1.4SP/UNIT)=12SP
- 13 VISITOR PARKING;
- 13 COMMERCIAL / RETAIL PARKING
- 83 PARKING SPACES IN TOTAL REQUIRED

**PROPOSED PARKING PROVIDED:**

- 63 RESIDENTIAL PARKING;
- 13 VISITOR PARKING;
- 13 COMMERCIAL / RETAIL PARKING
- 1 CAR WASH BAY
- 90 PARKING SPACES IN TOTAL PROVIDED

ITEM 3



Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022
D	AMENDMENTS TO DA	DL	25 NOV 2022
E	ADDITIONAL INFORMATION	DL	16 DEC 2022
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**DRAWING LABEL**  
**BASEMENT L2 FLOOR PLAN**

**Client**  
 VENTUS GROUP

**Architects**  
 Tony Owen  
 plnrs

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**  
 Scale: 1:50 @ A1 1:200 @ A3  
 Date: JANUARY 2023  
 Drawing title  
**BASEMENT L2 FLOOR PLAN**  
 Project no. 1045 Drawing no. A100  
 Drawn: DL  
 Drawing status  
 ADDITIONAL INFORMATION



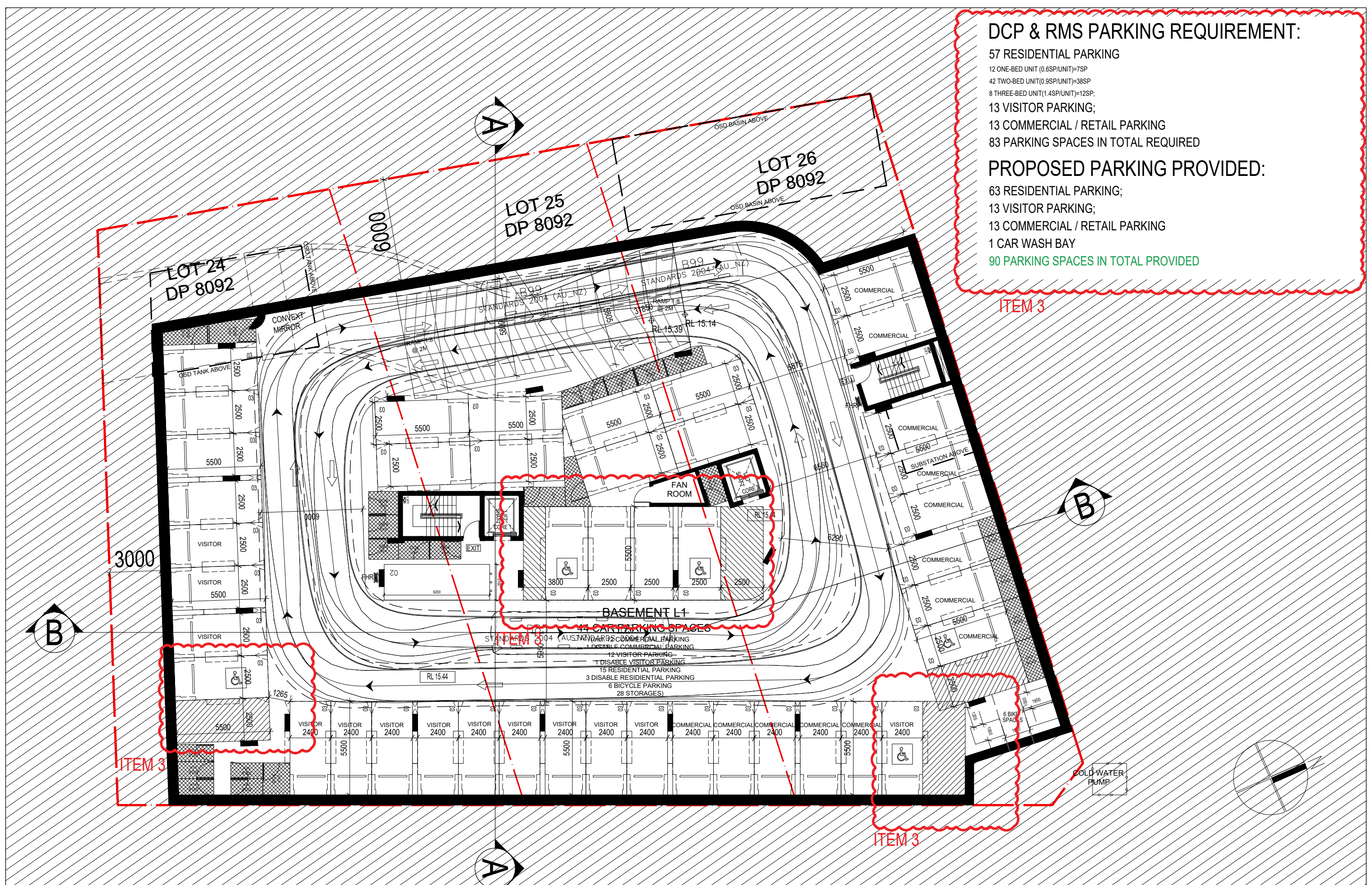
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- 42 TWO-BED UNIT(0.9SP/UNIT)=38SP
- 8 THREE-BED UNIT(1.4SP/UNIT)=12SP;
- 13 VISITOR PARKING;
- 13 COMMERCIAL / RETAIL PARKING
- 83 PARKING SPACES IN TOTAL REQUIRED

**PROPOSED PARKING PROVIDED:**

- 63 RESIDENTIAL PARKING;
- 13 VISITOR PARKING;
- 13 COMMERCIAL / RETAIL PARKING
- 1 CAR WASH BAY
- 90 PARKING SPACES IN TOTAL PROVIDED

ITEM 3



Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022
D	AMENDMENTS TO DA	DL	25 NOV 2022
E	ADDITIONAL INFORMATION	DL	16 DEC 2022
F	ADDITIONAL INFORMATION	DL	23 JAN 2023

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**Legend**

**DRAWING LABEL**

# BASEMENT L1 FLOOR PLAN

**Client**  
 VENTUS GROUP

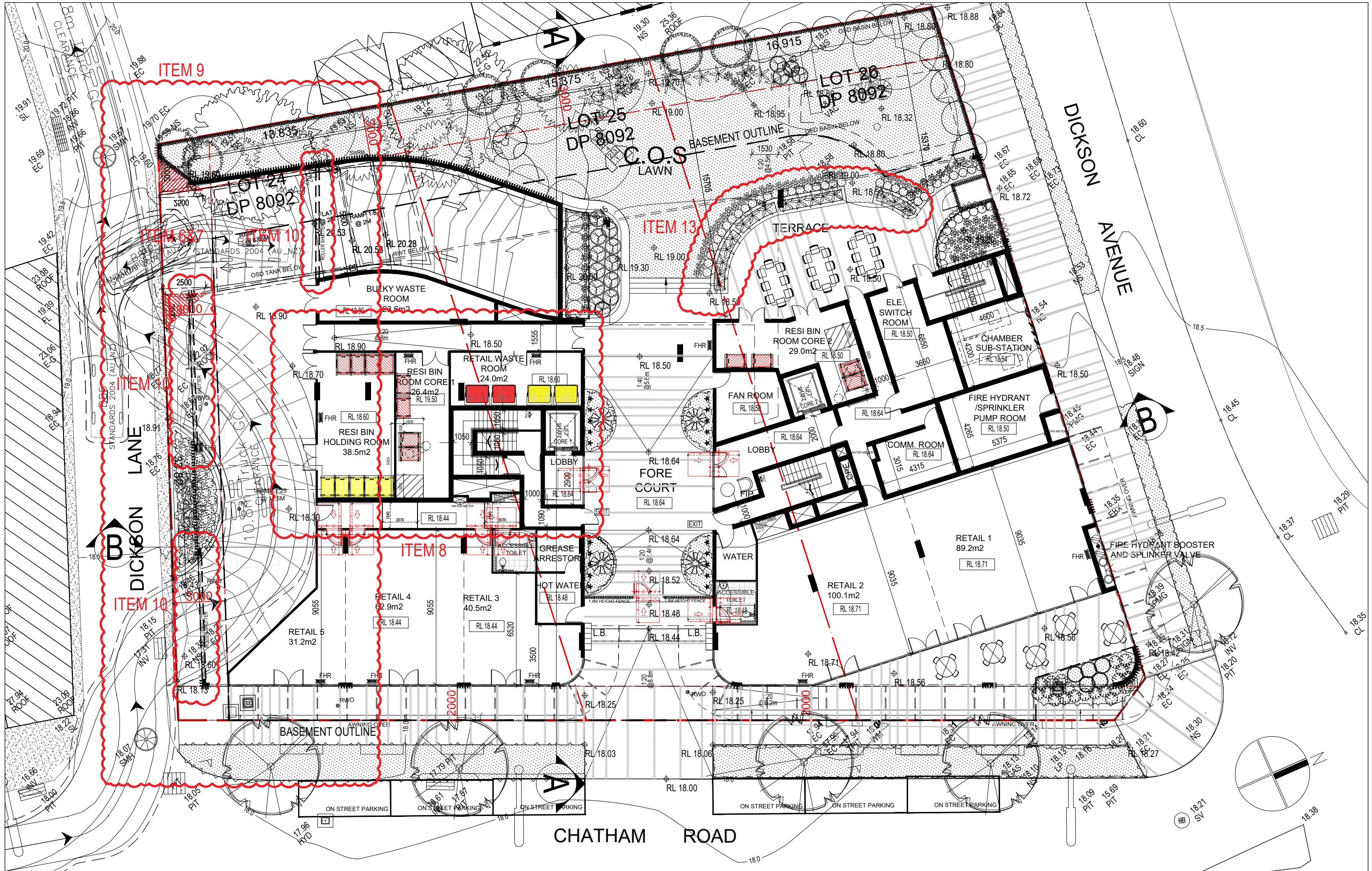
**Architects**

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde, 2114 NSW

**Key plan**

Scale: 1:50 @ A1 1:200 @ A3  
 Date: JANUARY 2023  
 Drawing title: BASEMENT L1 FLOOR PLAN  
 Project no.: 1045 Drawing no.: A101  
 Drawn: DL  
 Drawing status: ADDITIONAL INFORMATION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022
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F	ADDITIONAL INFORMATION	DL	23 JAN 2023

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**Legend**

ON STREET PARKING

AWNING OVER

BASEMENT OUTLINE

RETAIL 1

RETAIL 2

RETAIL 3

RETAIL 4

RETAIL 5

RESI BIN HOLDING ROOM

RESI BIN ROOM CORE 1

RESI BIN ROOM CORE 2

CHAMBER SUB-STATION

FIRE HYDRANT /SPRINKLER PUMP ROOM

FIRE HYDRANT BOOSTER AND SPLINKER VALVE

GREASE ARRESTOR

HOT WATER

WATER

LOBBY

FORE COURT

FAN ROOM

ELE. SWITCH ROOM

COMM. ROOM

RETAIL WASTE ROOM

RETAIL WASTE ROOM CORE

RETAIL 1

RETAIL 2

RETAIL 3

RETAIL 4

RETAIL 5

ITEM 9

ITEM 10

ITEM 8

ITEM 13

**DRAWING LABEL**

# GROUND FLOOR PLAN

**Client**

VENTUS GROUP

**Architects**

BOYD BURNETT  
 architects

**Project**

RYDE MIXED USE APARTMENT

Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**

Scale: 1:100 @ A1 1:200 @ A3  
 Date: JANUARY 2023

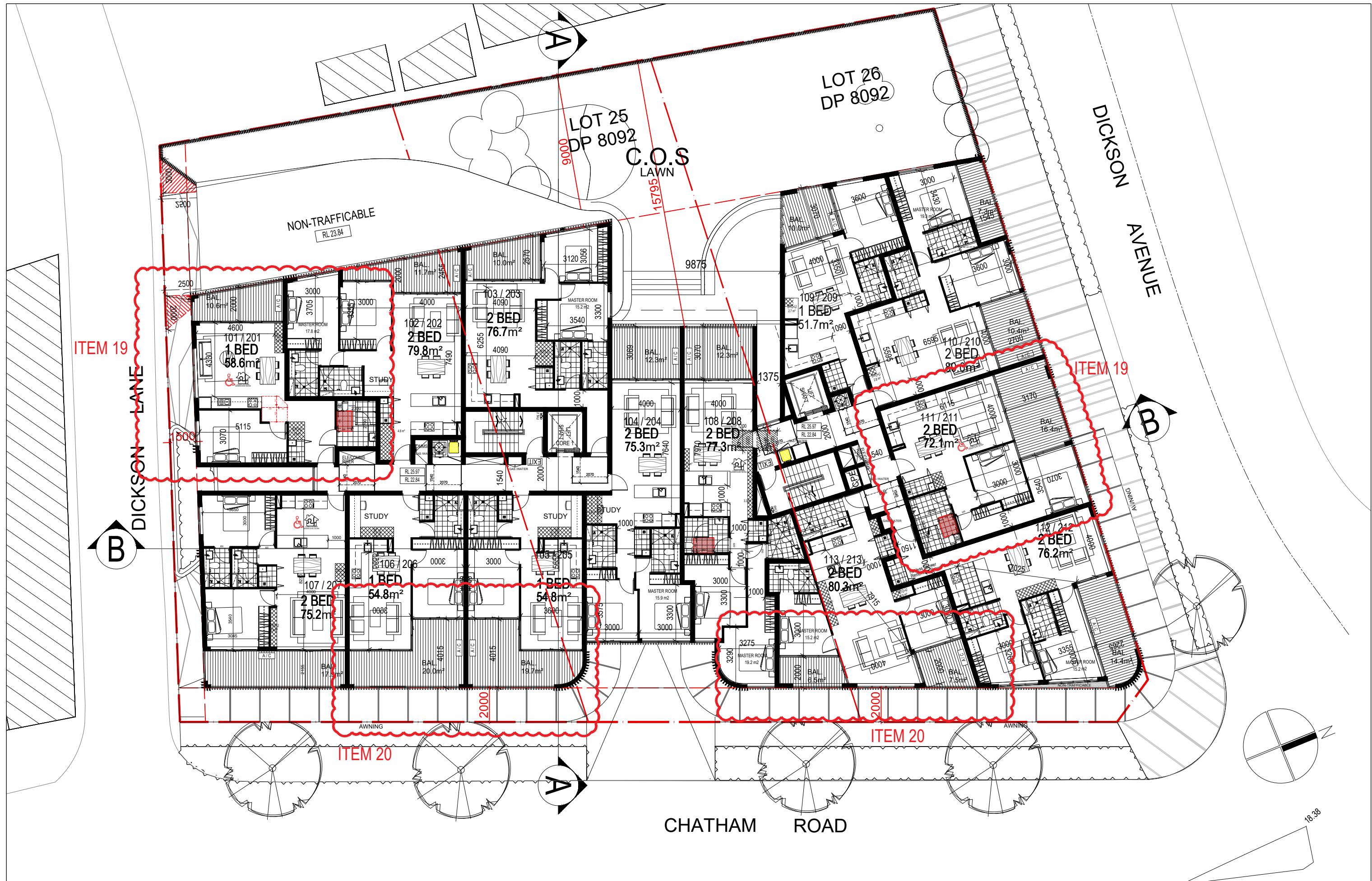
Drawing title  
**GROUND FLOOR PLAN**

Project no. 1045 Drawing no. A102

Drawn DL

Drawing status  
 ADDITIONAL INFORMATION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
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**Legend**

**DRAWING LABEL**  
**L1-L2 FLOOR PLAN**

**Client**  
 VENTUS GROUP

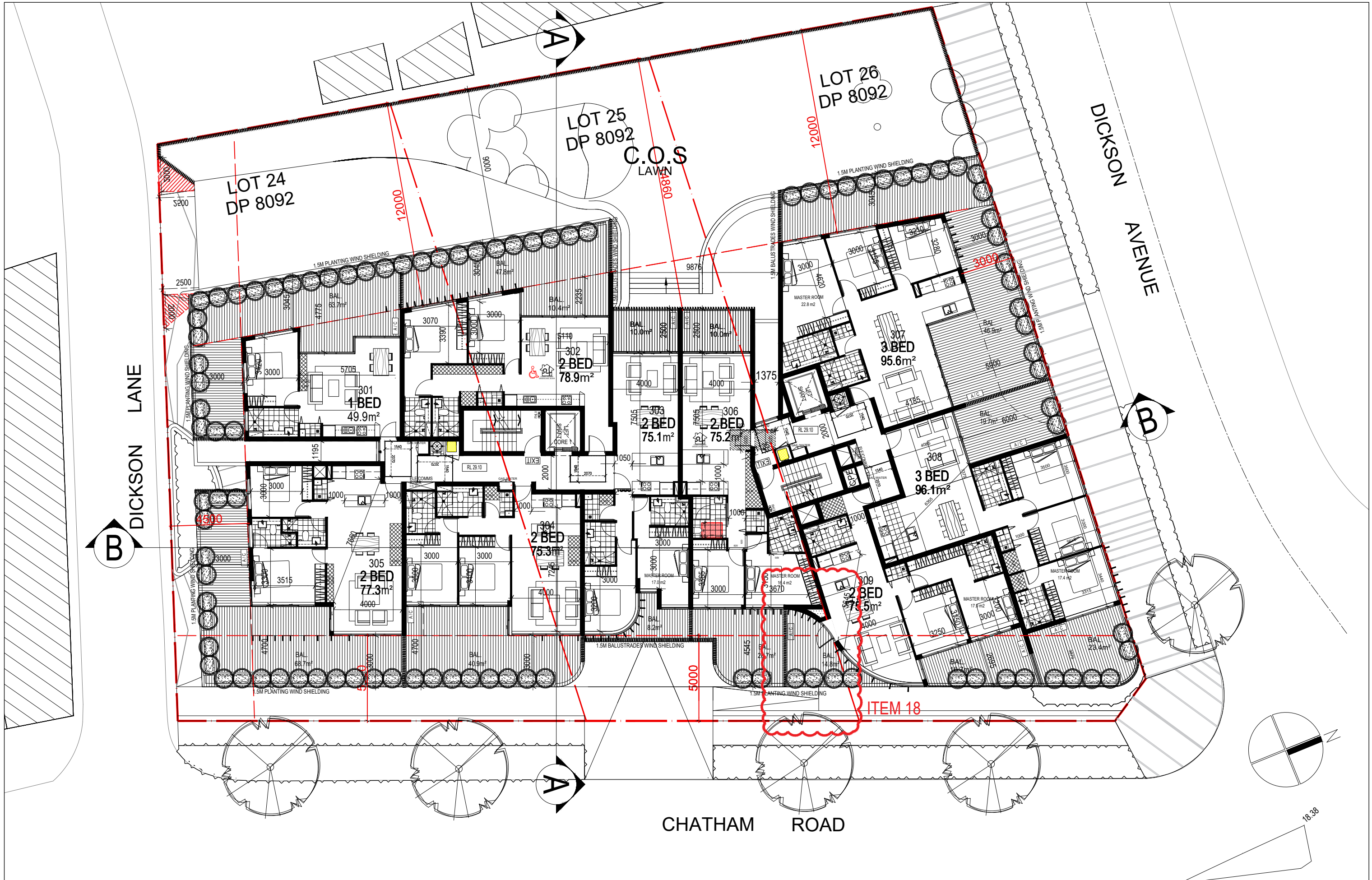
**Architects**  
 bony  
 ptmrs

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**

Scale: 1:100 @ A1 1:200 @ A3  
 Date: JANUARY 2023  
 Drawing title: L1-L2 FLOOR PLAN  
 Project no: 1045 Drawing no: A103  
 Drawn: DL  
 Drawing status: ADDITIONAL INFORMATION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
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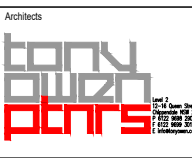
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**Legend**

**DRAWING LABEL**

# L3 FLOOR PLAN

**Client**  
 VENTUS GROUP

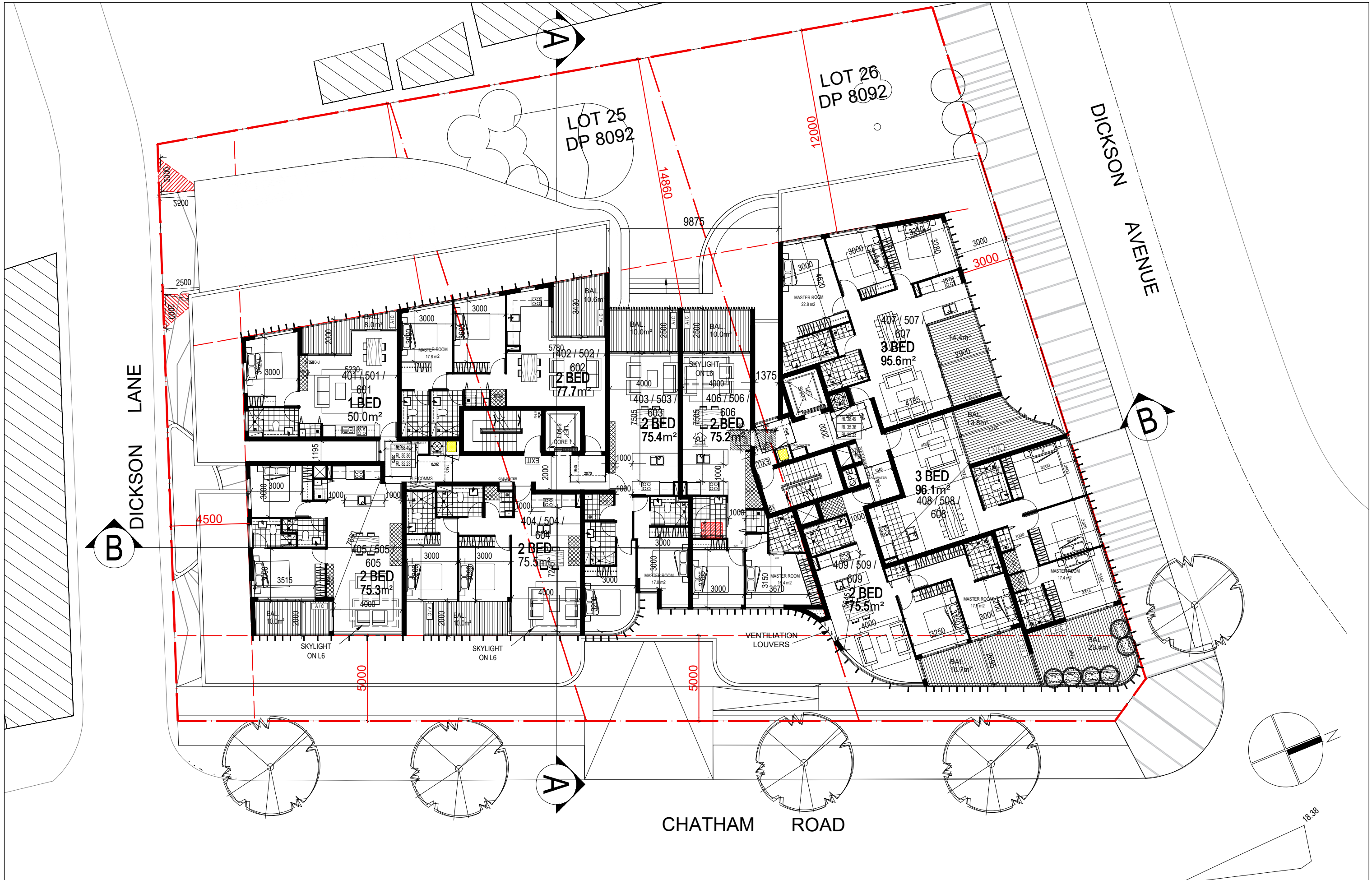


**Project**  
 RYDE MIXED USE APARTMENT  
 Project address:  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**

Scale: 1:50 @ A1 1:200 @ A3  
 Date: JANUARY 2023  
 Drawing title: L3 FLOOR PLAN  
 Project no: 1045 Drawing no: A104  
 Drawn: DL  
 Drawing status: ADDITIONAL INFORMATION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
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**Legend**

**DRAWING LABEL**

## L4-L6 FLOOR PLAN

**Client**  
 VENTUS GROUP

**Architects**  
 TONY TOWN PTNRS

**Project**  
 RYDE MIXED USE APARTMENT

**Project address**  
 2-6 Chatham Rd, West Ryde, 2114 NSW

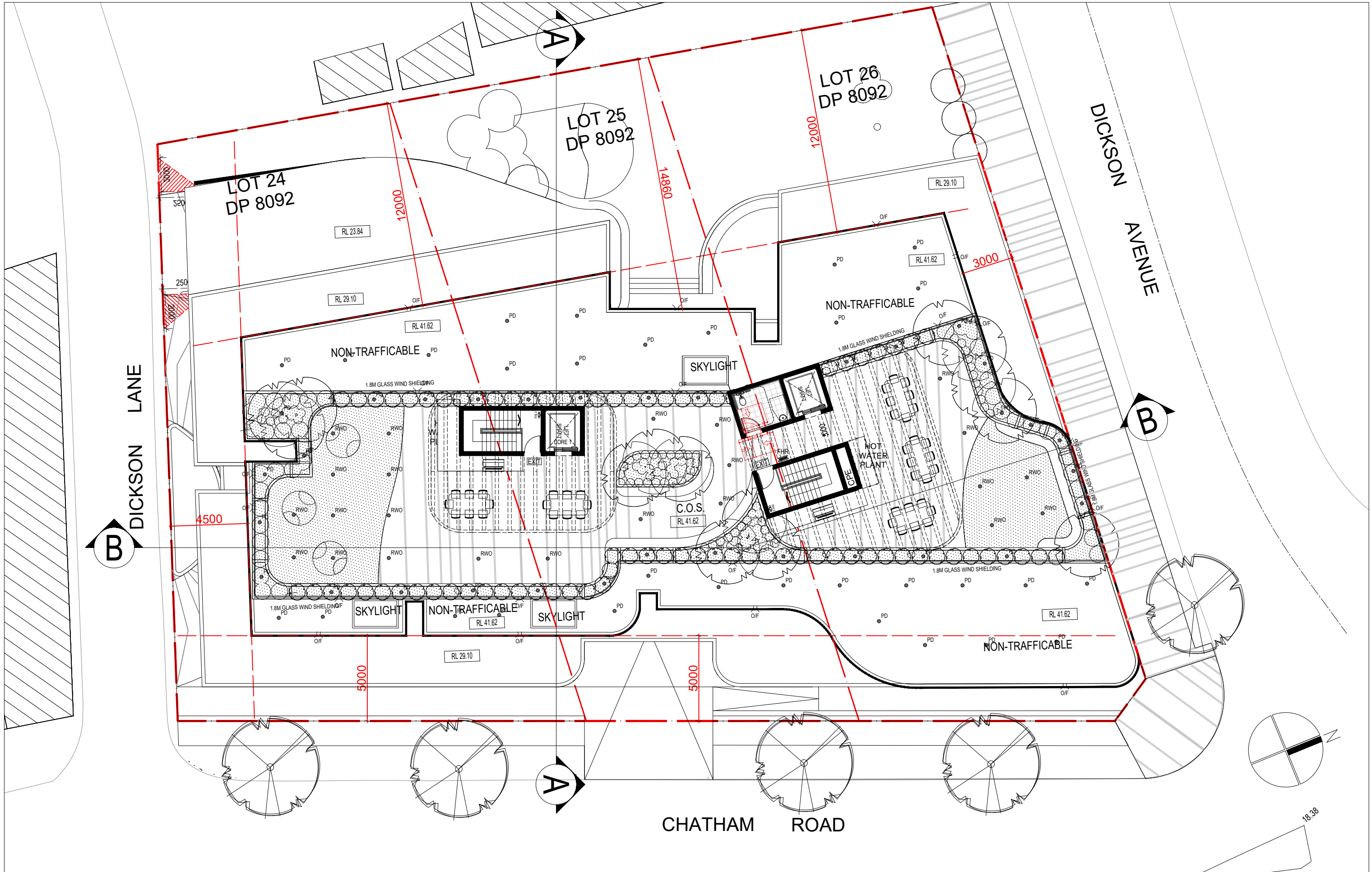
**Scale**  
 1:50 @ A1 1:20 @ A3

**Date**  
 JANUARY 2023

**Key plan**  
 Drawing title: L4-6 FLOOR PLAN  
 Drawing no.: A105  
 Drawn by: DL  
 Drawing status: ADDITIONAL INFORMATION

**Additional Information**

18-38



Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022
D	AMENDMENTS TO DA	DL	25 NOV 2022
E	ADDITIONAL INFORMATION	DL	16 DEC 2022

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**Legend**

**DRAWING LABEL**  
**ROOF TERRACE PLAN**

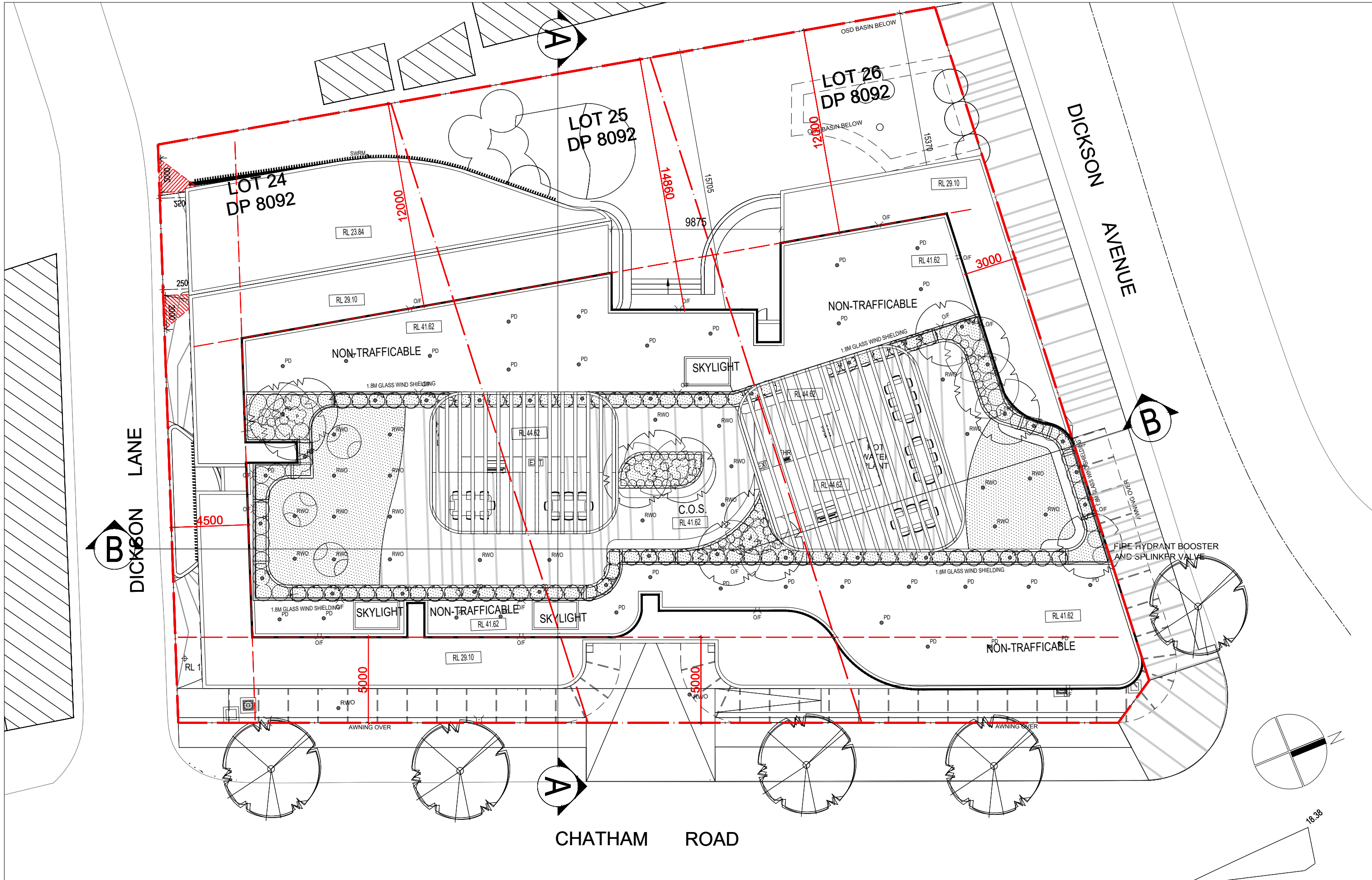
**Client**  
 VENTUS GROUP

**Architects**  
 TONY BLUNT  
 ptars

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**  
 Scale: 1:100 @ A1, 1:200 @ A3, 1:500 @ A4  
 Date: DECEMBER 2022  
 Drawing title: **ROOF TERRACE PLAN**  
 Project no. 1045 Drawing no. A106  
 Drawn: DL  
 Drawing status: **ADDITIONAL INFORMATION**





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
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**Legend**

**DRAWING LABEL**  
**ROOF PLAN**

**Client**  
 VENTUS GROUP

**Architects**  
 tony blundell  
 ptncs

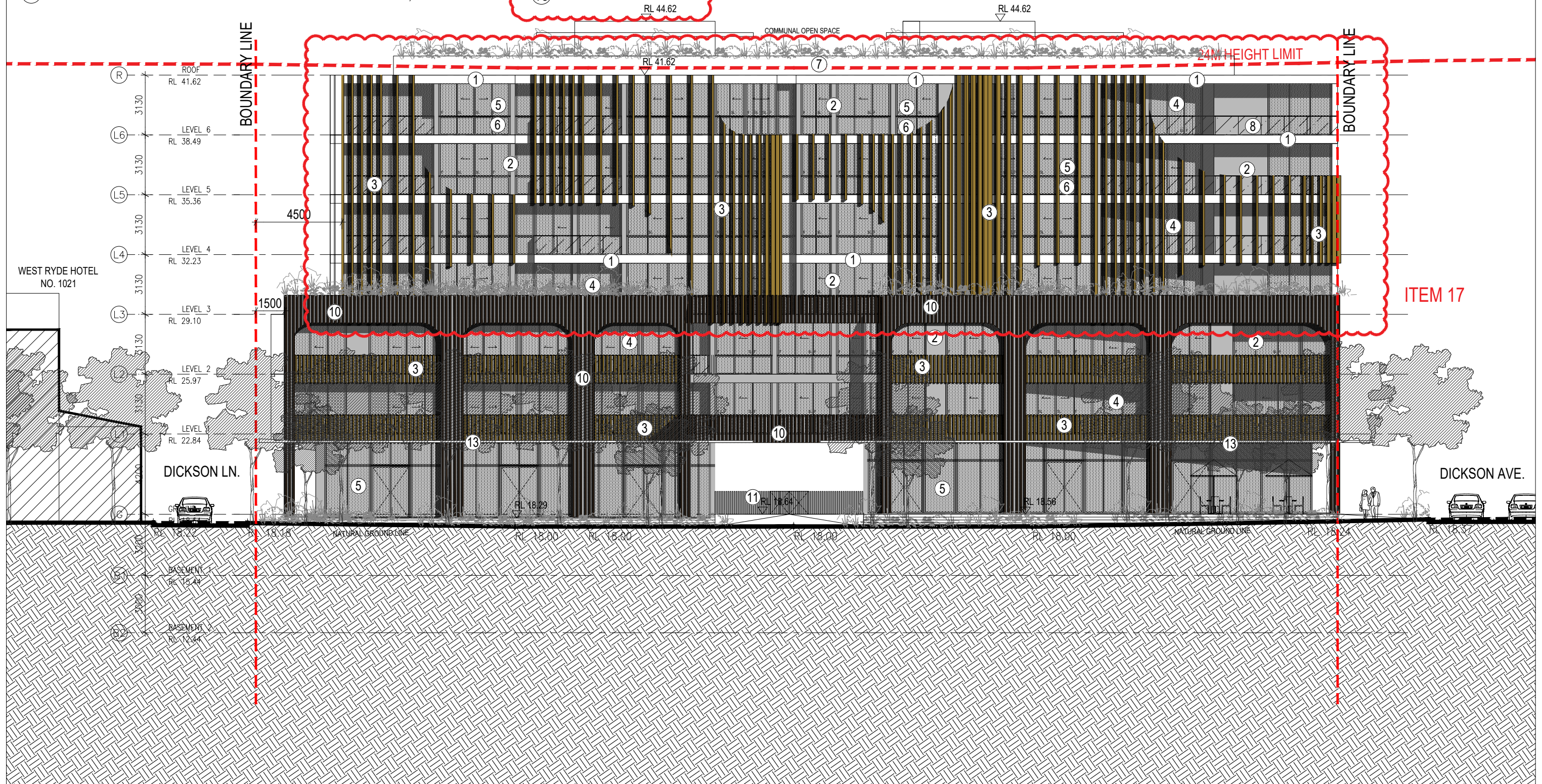
**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

**Key plan**  
 Scale 1:100 @ A1 1:200 @ A3  
 Date DECEMBER 2022  
 Drawing title  
**ROOF PLAN**  
 Project no. 1045 Drawing no. A107  
 Drawn DL  
 Drawing status  
 ADDITIONAL INFORMATION



# EXTERNAL FINISHES LEGEND

- ① RENDERED CONCRETE SLAB EDGE: DULUX VIVID WHITE SW1G1 OR SIMILAR;
- ② RENDERED MASONRY WALL: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ③ VERTICAL ALUMINIUM FINIS: BRONZE COLOR OR SIMILAR;
- ④ POWDER COATED ALUMINIUM FRAME GLASS SLIDING DOOR;
- ⑤ POWDER COATED ALUMINIUM FRAME GLASS WINDOWS;
- ⑥ COLOUR BACK GLASS SPANDREL PANEL;
- ⑦ RENDERED MASONRY WALL: DULUX VIVID WHITE SW1G1 OR SIMILAR;
- ⑧ POWDER COATED ALUMINIUM FRAMED GLASS BALUSTRADE;
- ⑨ POWDER COATED METAL ROLLER DOOR: DULUX STREETWISE SILVER SATIN 9107049Q OR SIMILAR;
- ⑩ VERTICAL ALUMINIUM FINIS: DARK GREY COLOR OR SIMILAR ON RENDERED MASONRY SUBSTRATE: DURALLOY BLACK MATT 27219319 OR SIMILAR;
- ⑪ PAINTED TIMBER FENCE: DULUX COCONUT HUSK 14849\_11224 OR SIMILAR;
- ⑫ VERTICAL PLANT ROOM LOUVERS: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ⑬ METAL PANEL AWINGS  
RL 44.62



Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
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G	ADDITIONAL INFORMATION	DL	12 APR 2023

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Legend
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DRAWING LABEL

## EAST ELEVATION

Client: VENTUS GROUP

Architects: **tony o'neill architects**

Project: RYDE MIXED USE APARTMENT

Project address: 2-6 Chatham Rd, West Ryde, 2114 NSW

Scale: 1:100 @ A1 1:200 @ A3

Date: APRIL 2023

Drawing title: EAST ELEVATION

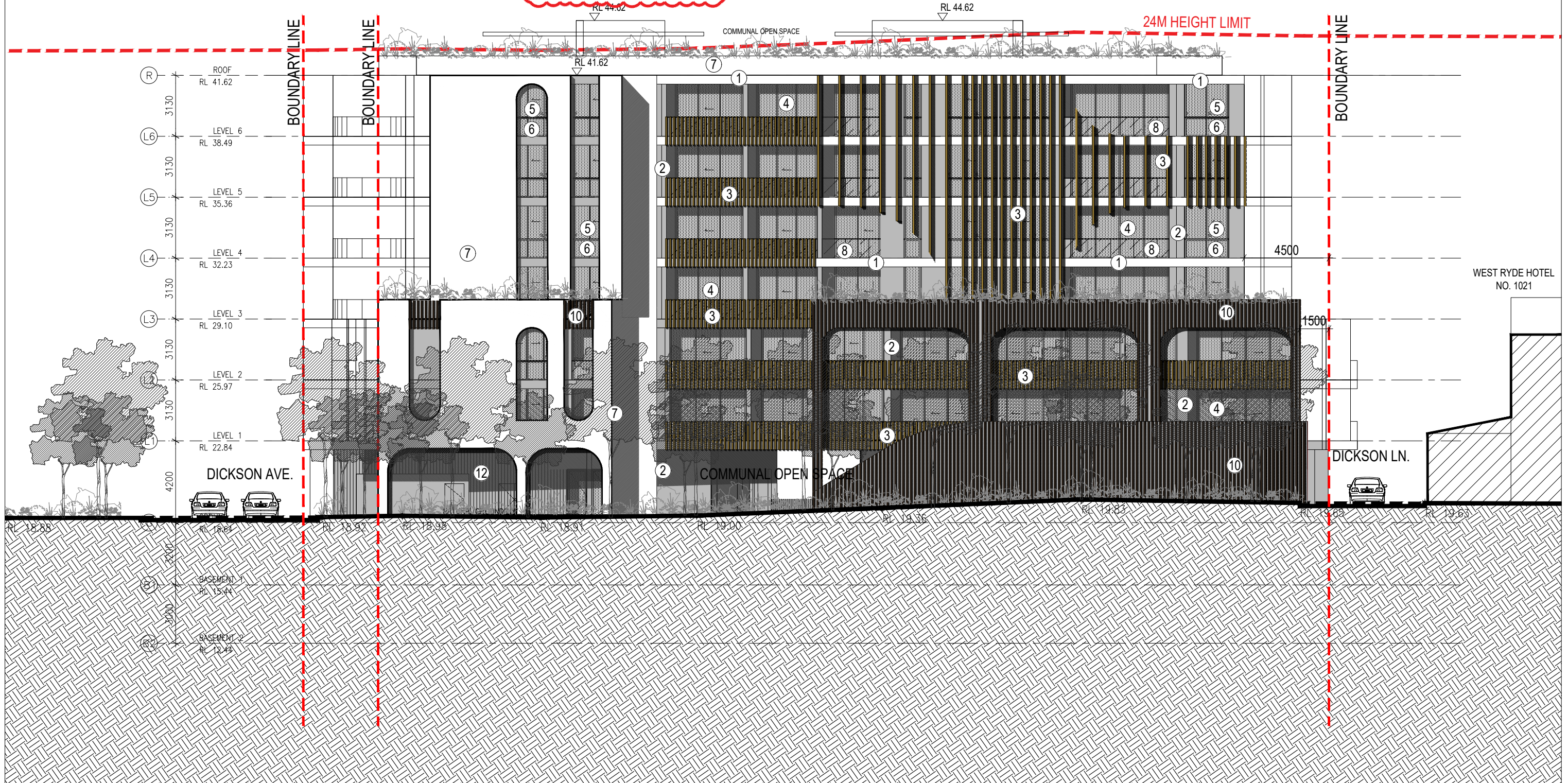
Drawing no.: A200

Drawing status: ADDITIONAL INFORMATION



# EXTERNAL FINISHES LEGEND

- ① RENDERED CONCRETE SLAB EDGE: DULUX VIVID WHITE SW1G1 OR SIMILAR;
- ② RENDERED MASONRY WALL: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ③ VERTICAL ALUMINIUM FINNS: BRONZE COLOR OR SIMILAR;
- ④ POWDER COATED ALUMINIUM FRAME GLASS SLIDING DOOR;
- ⑤ POWDER COATED ALUMINIUM FRAME GLASS WINDOWS;
- ⑥ COLOUR BACK GLASS SPANDREL PANEL;
- ⑦ RENDERED MASONRY WALL: DULUX VIVID WHITE SW1G1 OR SIMILAR;
- ⑧ POWDER COATED ALUMINIUM FRAMED GLASS BALUSTRADE;
- ⑨ POWDER COATED METAL ROLLER DOOR: DULUX STREETWISE SILVER SATIN 9107049Q OR SIMILAR;
- ⑩ VERTICAL ALUMINIUM FINNS: DARK GREY COLOR OR SIMILAR ON RENDERED MASONRY SUBSTRATE: DURALLOY BLACK MATT 27219319 OR SIMILAR;
- ⑪ PAINTED TIMBER FENCE: DULUX COCONUT HUSK 14849\_11224 OR SIMILAR;
- ⑫ VERTICAL PLANT ROOM LOUVERS: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ⑬ METAL PANEL AWINGS



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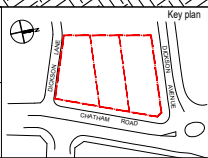
**Legend**

**DRAWING LABEL**  
**WEST ELEVATION**

**Client**  
 VENTUS GROUP

**Architects**  
 tony  
 tony  
 plmrs

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW



**Scale** 1:100 @ A1 1:200 @ A3  
**Date** APRIL 2023  
**Drawing title**  
 WEST ELEVATION  
 Project no. 1045 Drawing no. A201  
 Drawn DL  
 Drawing status  
 ADDITIONAL INFORMATION



# EXTERNAL FINISHES LEGEND

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- ② RENDERED MASONRY WALL: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ③ VERTICAL ALUMINIUM FINNS: BRONZE COLOR OR SIMILAR;
- ④ POWDER COATED ALUMINIUM FRAME GLASS SLIDING DOOR;
- ⑤ POWDER COATED ALUMINIUM FRAME GLASS WINDOWS;
- ⑥ COLOUR BACK GLASS SPANDREL PANEL;
- ⑦ RENDERED MASONRY WALL: DULUX VIVID WHITE SW1G1 OR SIMILAR;
- ⑧ POWDER COATED ALUMINIUM FRAMED GLASS BALUSTRADE;
- ⑨ POWDER COATED METAL ROLLER DOOR: DULUX STREETWISE SILVER SATIN 9107049Q OR SIMILAR;
- ⑩ VERTICAL ALUMINIUM FINNS: DARK GREY COLOR OR SIMILAR ON RENDERED MASONRY SUBSTRATE: DURALLOY BLACK MATT 27219319 OR SIMILAR;
- ⑪ PAINTED TIMBER FENCE: DULUX COCONUT HUSK 14849\_11224 OR SIMILAR;
- ⑫ VERTICAL PLANT ROOM LOUVERS: DULUX TRANQUIL RETREAT SN4G1 OR SIMILAR;
- ⑬ METAL PANEL AWINGS



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**Notes**  
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Legend	
(Symbol)	(Description)

DRAWING LABEL

## NORTH ELEVATION

Client: VENTUS GROUP

Architects: **tony brown architects**

Project: RYDE MIXED USE APARTMENT  
 Project address: 2-6 Chatham Rd, West Ryde, 2114 NSW

Scale: 1:100 @ A1 1:200 @ A3  
 Date: APRIL 2023  
 Drawing title: NORTH ELEVATION  
 Project no: 1045 Drawing no: A202  
 Drawn: DL  
 Drawing status: ADDITIONAL INFORMATION







SITE AREA = 1960.3m<sup>2</sup>  
 PROPOSED LANDSCAPE AREA = 621.0m<sup>2</sup>  
 PERCENTAGE OF SITE = 31.7%

 LANDSCAPE AREA - 621.0m<sup>2</sup> = 31.7%



Rev.	Description	By	Date	Disclaimer
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022	
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022	
C	FOR DA SUBMISSION	DL	03 AUG 2022	
D	AMENDMENTS TO DA	DL	25 NOV 2022	
E	ADDITIONAL INFORMATION	DL	16 DEC 2022	

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Legend
 LANDSCAPE AREA

DRAWING LABEL  
**LANDSCAPE DIAGRAM**

Client  
**VENTUS GROUP**

Architects  
**TONY COOPER PTNS**

Project  
**RYDE MIXED USE APARTMENT**  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW

Key plan  
 Scale 1:100 @ A1 1:200 @ A3  
 Date DECEMBER 2022  
 Drawing title  
**LANDSCAPE DIAGRAM**  
 Project no. 1945 Drawing no. A412  
 Drawn DL  
 Drawing status  
 ADDITIONAL INFORMATION







Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022

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**Legend**

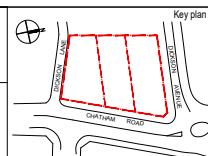
**DRAWING LABEL**

# HEIGHT PLANE DIAGRAM

**Client**  
 VENTUS GROUP

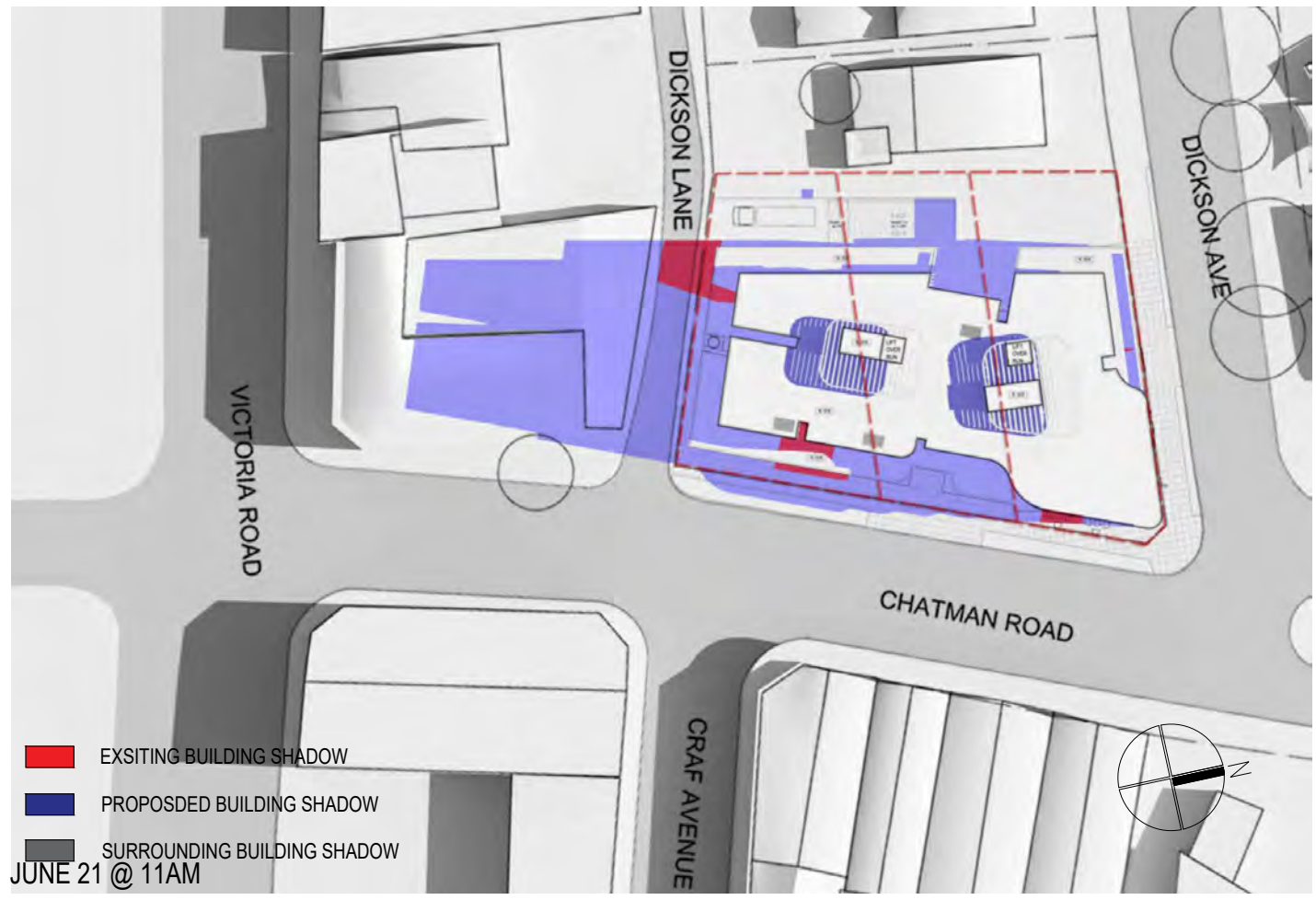
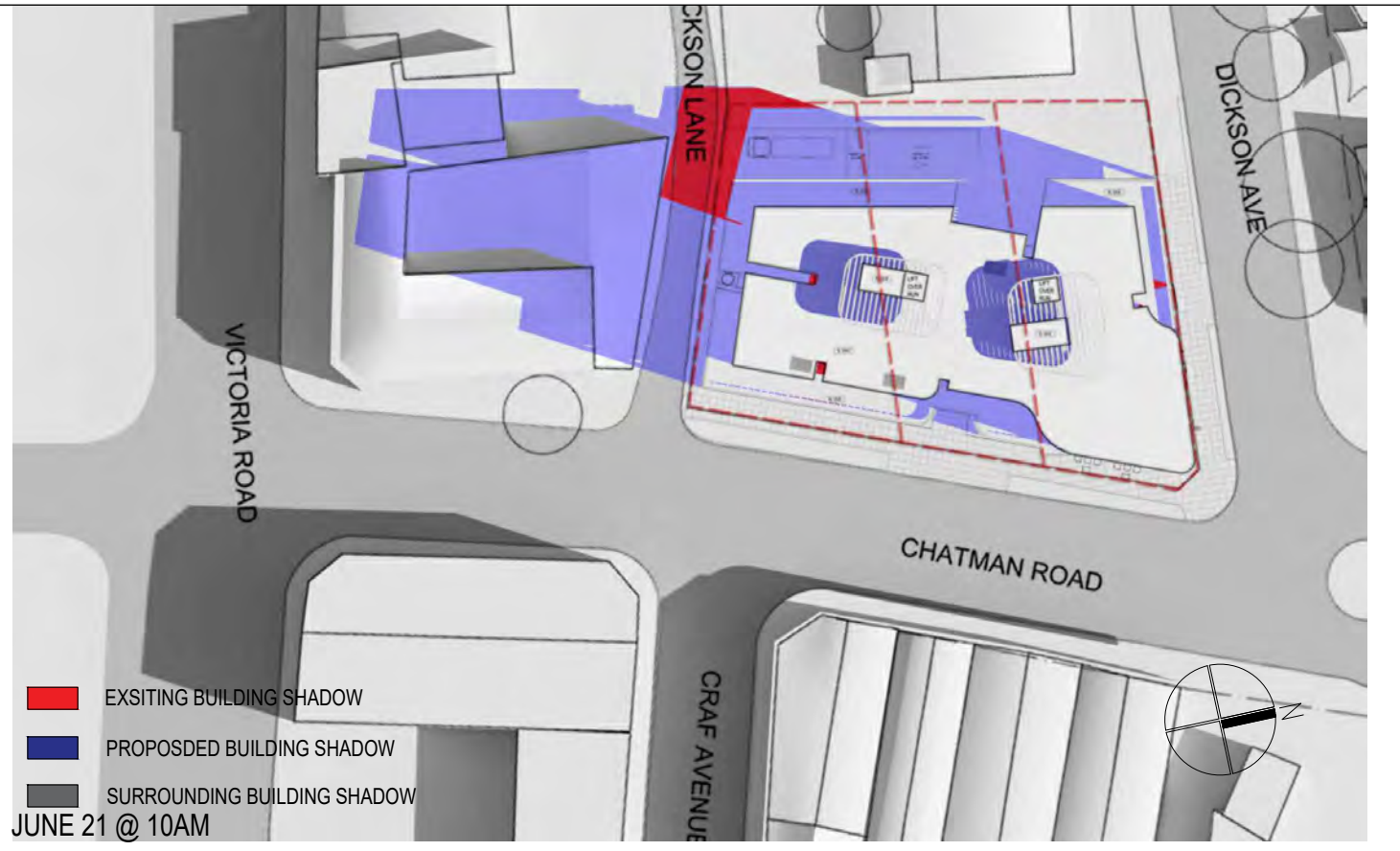
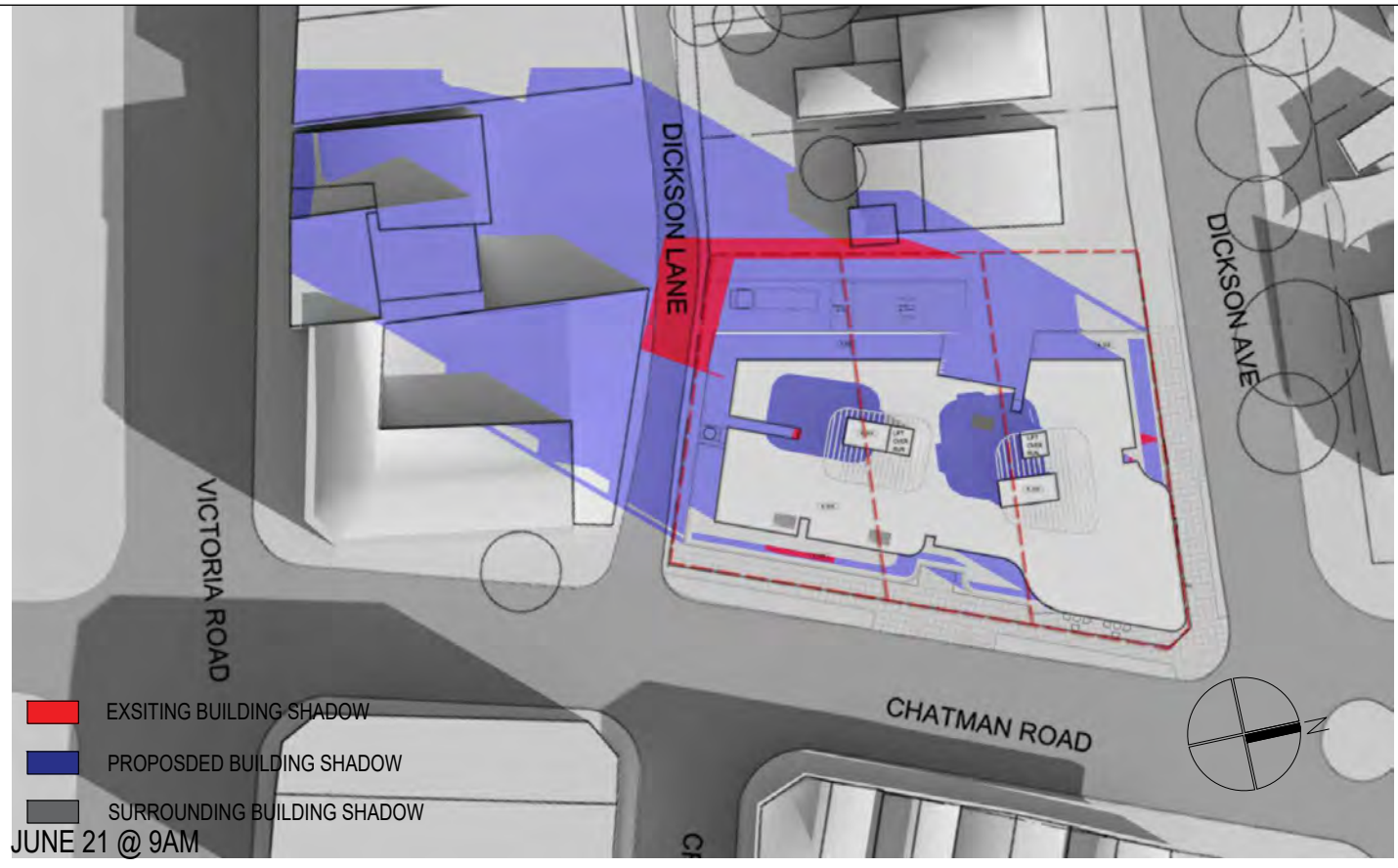
**Architects**  
 tony blundell  
 ptars

**Project**  
 RYDE MIXED USE APARTMENT  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW



**Scale**  
 Date AUGUST 2022  
 Drawing title  
 3D HEIGHT PLANE DIAGRAM  
 Project no. 1045 Drawing no. A418  
 Drawn DL  
 Drawing status  
 FOR DA SUBMISSION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022

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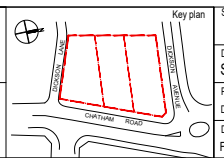
**Legend**  
 DRAWING LABEL

# SHADOW DIAGRAM

Client  
**VENTUS GROUP**

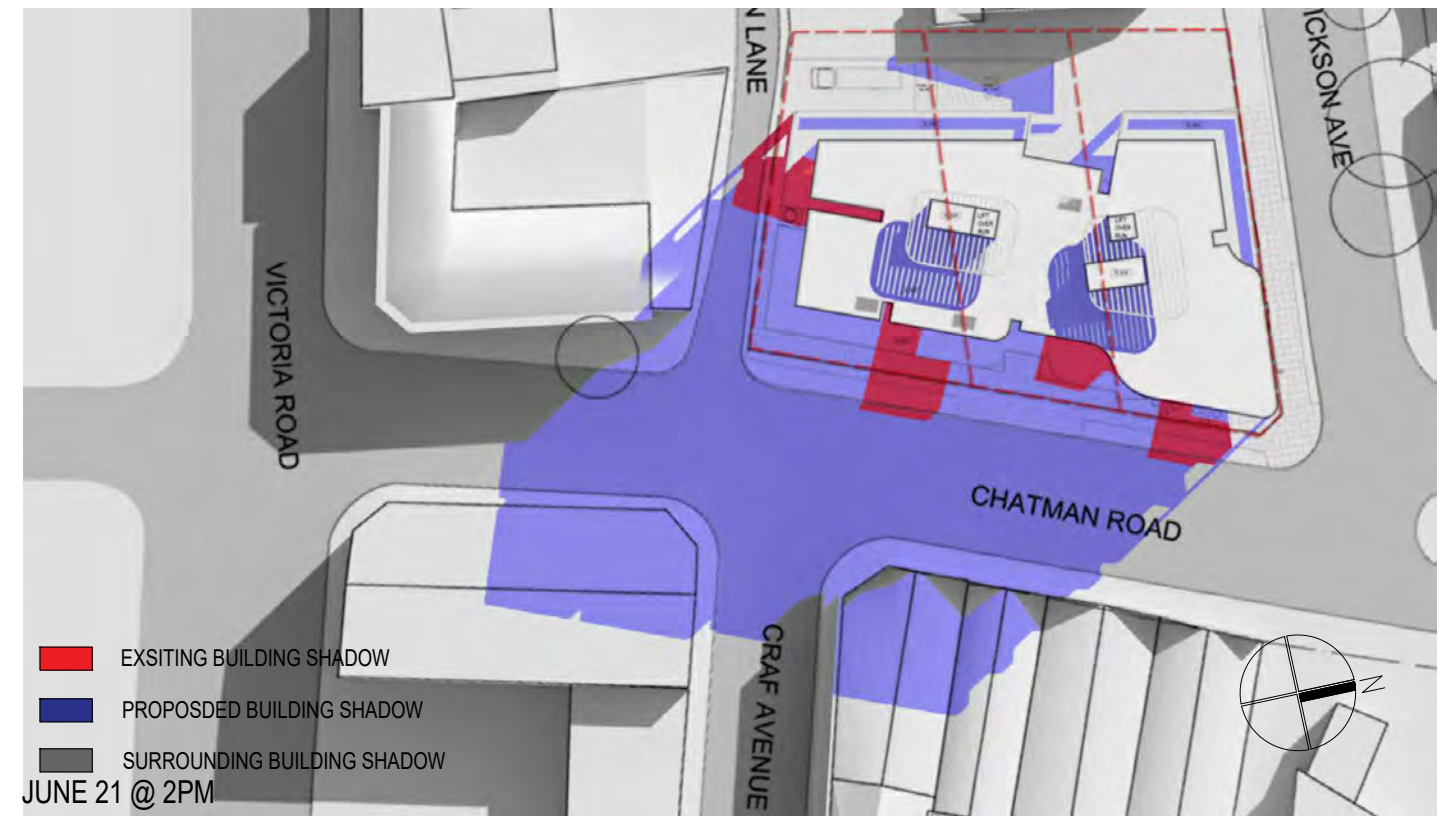
Architects  
**ptnrs**

Project  
**RYDE MIXED USE APARTMENT**  
 Project address  
 2-6 Chatham Rd, West Ryde,  
 2114 NSW



Scale  
 Date AUGUST 2022  
 Drawing title  
**SHADOW DIAGRAM**  
 Project no. 1045 Drawing no. A620  
 Drawn DL  
 Drawing status  
 FOR DA SUBMISSION





Rev.	Description	By	Date
A	ISSUE TO CONSULTANTS	DL	06 MAY 2022
B	ISSUE TO CONSULTANTS	DL	22 JULY 2022
C	FOR DA SUBMISSION	DL	03 AUG 2022

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**Legend**

■ EXSITING BUILDING SHADOW  
■ PROPOSEDED BUILDING SHADOW  
■ SURROUNDING BUILDING SHADOW

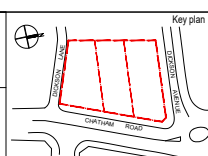
DRAWING LABEL

# SHADOW DIAGRAM

Client  
**VENTUS GROUP**

Architects  
**tony blundell architects**

Project  
**RYDE MIXED USE APARTMENT**  
 Project address  
**2-6 Chatham Rd, West Ryde, 2114 NSW**



Scale  
 Date AUGUST 2022  
 Drawing title  
**SHADOW DIAGRAM**  
 Project no. 1045 Drawing no. A621  
 Drawn DL  
 Drawing status  
 FOR DA SUBMISSION





- LEGEND:**
- +RL 53.00 FINISHED GROUND LEVEL
  - +TW 53.50 PROPOSED TOP OF WALL LEVEL
  - EXISTING LEVELS - SURVEY
  - CADASTRAL BOUNDARY
  - PROPOSED LINE OF BASEMENT
  - FOOTPATH PAVING IN ACCORDANCE WITH COUNCIL PUBLIC DOMAIN MANUAL
  - PROPOSED PAVER PATTERN WITH INSERT TO FUTURE DETAIL
  - PROPOSED LAWN AREA
  - PROPOSED PEBBLE MULCH AREA
  - PROPOSED ACCESS DRIVEWAY TO ARCHITECTS DETAIL
  - PROPOSED PLANTING AREA. REFER TO L/02 FOR PLANTING
  - PROPOSED STREET PLANTING AREA TO COUNCIL'S PUBLIC DOMAIN MANUAL
  - PROPOSED STREET TREE AS SPECIFIED IN ACCORDANCE WITH COUNCIL'S SELECTED TREE SPECIES
  - FOCAL GARDEN FEATURE
  - PROPOSED GREEN WALL OVER LETTER BOXES TO FUTURE DETAIL
  - PROPOSED BBQ
  - PROPOSED SOFFFALL AREAS
  - PROPOSED BENCH
  - PROPOSED TABLE AND SEATING IN BBQ AND EATING AREA
  - PROPOSED TABLES AND CHAIRS IN OUTDOOR DINING AREA
  - DECORATIVE PEBBLE FINISH TO TOP OF DRIVEWAY ROOF
  - FULL COLOURED CONCRETE TO MATCH DECORATIVE PEBBLE

**NOTE:**  
 REFER ARCHITECTURAL DOCUMENTATION PREPARED BY TONY OWEN PARTNERS  
 REFER TO HYDRAULIC DETAILING AS PREPARED BY SGC

**PRELIMINARY**

No.	Date	REVISION	By
B	5/12/22	AMENDED FOLLOWING UDP MEETING	OC
A	16/8/22	UPDATED TO NEW ARCHITECTURAL PLAN	SP

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- This design is copyright and shall not be copied, utilised or reproduced in any way without prior written permission of A Total Concept Landscape Architects.
- This plan has been prepared for DA purposes only.
- All Building Works shall be installed to Structural Engineers detail.

**Legend:**

**Drawing:**  
 Proposed Ground Floor Master Plan  
**Address:**  
 2-6 Chatham Road, West Ryde NSW 2114  
**Project:**  
 Mixed Use Development  
**Client:**  
 Ventus

A Total Concept Landscape Architects & Swimming Pool Designers  
 65 West Street, North Sydney NSW 2060  
 T: (02) 9957 5122 E: design@totalconcept.com.au  
 www.totalconcept.com.au

**Status:**  
 SCALE - 1:100 @ A1  
**Drawn By:** KR  
**Checked By:** JRS  
**CAD File Name:** 2-6 Chatham Rd, West Ryde - LP Ver 2.dwg  
**Dwg Date:** 01.03.22  
**Plot Date:** 01.03.22

**Project No.:**  
 Ventus  
**Drawing No.:** L/01 B  
**Rev #:** OF 7



- 2-Corymbia gummifera
- 1-Melaleuca styphelioides
- 6-Elaeocarpus reticulatus
- 5-Callistemon linearis
- 1-Magnolia soulangiana
- 6-Dodonea viscosa
- 5-Michelia figo
- 12-Coleonema pulchrum
- 10-Dianella revoluta

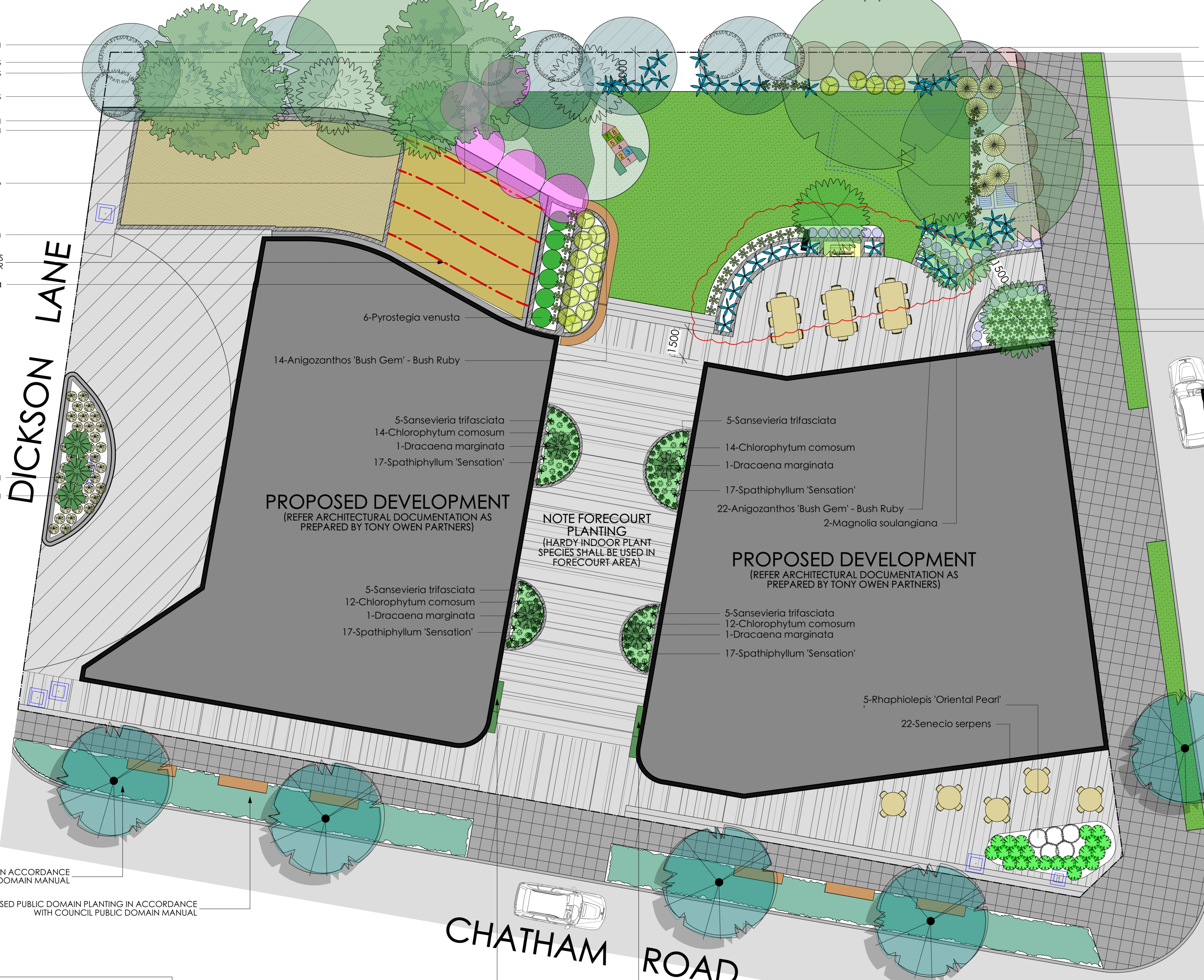
- 3-Anigozanthos 'Bush Gem' - Bush Ruby
- 10-Photinia glabra 'Rubens'
- 2-Melaleuca styphelioides
- 4-Coleonema pulchrum
- 6-Lomandra longifolia
- 31-Dianella revoluta
- 20-Viola hederaceae
- 11-Viola hederaceae
- 1-Magnolia soulangiana
- 25-Dianella revoluta

DICKSON LANE

PROPOSED ELEVATED HORIZONTAL STAINLESS GRID WITH CREEPER

43-Clivia miniata

3-Dracaena marginata



**PROPOSED DEVELOPMENT**  
(REFER ARCHITECTURAL DOCUMENTATION AS PREPARED BY TONY OWEN PARTNERS)

**NOTE FORECOURT PLANTING**  
(HARDY INDOOR PLANT SPECIES SHALL BE USED IN FORECOURT AREA)

**PROPOSED DEVELOPMENT**  
(REFER ARCHITECTURAL DOCUMENTATION AS PREPARED BY TONY OWEN PARTNERS)

- 6-Pyrostegia venusta
- 14-Anigozanthos 'Bush Gem' - Bush Ruby
- 5-Sansevieria trifasciata
- 14-Chlorophytum comosum
- 1-Dracaena marginata
- 17-Spathiphyllum 'Sensation'

- 5-Sansevieria trifasciata
- 14-Chlorophytum comosum
- 1-Dracaena marginata
- 17-Spathiphyllum 'Sensation'
- 22-Anigozanthos 'Bush Gem' - Bush Ruby
- 2-Magnolia soulangiana

- 5-Sansevieria trifasciata
- 12-Chlorophytum comosum
- 1-Dracaena marginata
- 17-Spathiphyllum 'Sensation'

- 5-Sansevieria trifasciata
- 12-Chlorophytum comosum
- 1-Dracaena marginata
- 17-Spathiphyllum 'Sensation'

- 5-Rhaphiolepis 'Oriental Pearl'
- 22-Senecio serpens

PROPOSED STREET TREE IN ACCORDANCE WITH COUNCIL PUBLIC DOMAIN MANUAL

PROPOSED PUBLIC DOMAIN PLANTING IN ACCORDANCE WITH COUNCIL PUBLIC DOMAIN MANUAL

PROPOSED GREEN WALL OVER LETTER BOXES (REFER TO FUTURE DETAIL)

**NOTE:**  
REFER ARCHITECTURAL DOCUMENTATION PREPARED BY TONY OWEN PARTNERS  
REFER TO HYDRAULIC DETAILING AS PREPARED BY SGC

**PRELIMINARY**

No.	Date	REVISION	By
B	5/12/22	AMENDED FOLLOWING UDP MEETING	OC
A	16/8/22	UPDATED TO NEW ARCHITECTURAL PLAN	SP

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**Legend:**

**Drawing:**  
Proposed Ground Floor Planting Plan

**Address:**  
2-6 Chatham Road, West Ryde NSW 2114

**Project:**  
Mixed Use Development

**Client:**  
Ventus

A Total Concept Landscape Architects & Swimming Pool Designers  
65 West Street, North Sydney NSW 2060  
T: (02) 9957 5122 E: design@totalconcept.com.au  
www.totalconcept.com.au

**atc**  
a total concept  
landscape architects & swimming pool designers

**Status:**  
SCALE - 1:100 @ A1

Drawn By | SP Dwg Date | 17.08.22  
Checked By | JRS Plot Date | 17.08.22

CAD File Name | 2-6 Chatham Rd, West Ryde - LP Ver

Project No. **Ventus**

Drawing No. **L/02 B**

Rev # **OF 7**