

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2022/0288
Site Address & Ward	70 Frances Road, Putney (Morrison Bay Park) Lot C DP 392836 East Ward
Zoning	RE1 Public Recreation C2 Environmental Conservation
Proposal (as amended)	Proposed Community Garden (Morrison Bay Park) to be used and maintained by members of the local community including those who are retired, live with disabilities or area in high rise developments. The development will include tiered levels of gardens, providing accessible garden spaces for community members, incorporating composting and recycling strategies, and maximising green initiatives.
Property Owner	City of Ryde Council
Applicant	Rotary Club of Ryde Incorporated
Report Author	Kimberley Kavwenje Consultant Planner – CPS
Lodgement Date	23 September 2022
Notification - No. of Submissions	Nil
Cost of Works	\$113,000.00
Reason for Referral to LPP	Conflict of interest – Schedule 1 (a) Development for which the applicant or land owner is the council.
Recommendation	Deferred Commencement
Attachments	Attachment 1: Conditions of Consent Attachment 2: Landscape 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 70 Frances Road, Putney (Morrison Bay Park), which is legally described as Lot C DP 392836.

The subject development application (LDA2022/0288) was lodged on 23 September 2022 and seeks consent for landscaping works to create a community garden at Morrison Bay Park. These works include pathways, retaining walls and tiered gardens.

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 for determination as it constitutes conflict of interest as the land is owned by City of Ryde.

The Development Application was notified between 27 September and 14 October 2022. No submissions were received. The amended application was not required to be re-notified.

Further information was sought from the applicant including an arborist report, amended operational plan of management and updated plans including further landscaping details based on arborist recommendations. The applicant submitted amended plans and information on 15 and 22 December 2022.

The proposal has appropriately responded to the requests for information and provides an appropriate design response to the issues raised throughout the assessment. The proposal has been supported by a satisfactory Arborist Report and demonstrates the proposal does not result in any adverse impacts upon surrounding significant trees to be retained.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2022/0288 be granted consent.

2. The Site and Locality



Figure 1 Aerial photograph of the site and locality Source: Nearmaps

The site is identified as 70 Frances Road, Putney (Lot C in DP 392836). The site is located within Morrison Bay Park (**Figure 1**).

The area of the site to be used for the proposed community garden is approximately 560sqm in size, and has maximum dimensions of 35m north-south and 16m east-west at its widest points. The site is located to the north-west of the existing car parking area, separated by an existing tree buffer.

The proposal will be located within an existing grassed area within a wider area of public open space, which is currently bound by existing footpaths to the north-east, south-east and south-west. A children's' play area is located to the north of the site. The site has a fall from north-west to south-east, and there are a number of existing mature trees located in and around the site.

A site inspection was undertaken on 17 February 2023 (see site photographs at **Figures 2 to 5**).

Adjoining properties

The site is located roughly in the centre of the part of Morrison Bay Park which lies west of Frances Road. The surrounding area around this part of the park comprises the Putney Bowling and Community Club to the south-west, and existing residential development to the north-west and north-east.



Figure 2 View of application site looking north from existing footpath, with children's play area in background



Figure 3 View of application site looking south-west from existing footpath, showing existing trees to be retained



Figure 4 View of application site looking south-east from existing footpath, existing car park in background



Figure 5 View of existing trees to be retained, looking north-east from existing footpath

3. The Proposal (as amended)

The proposal seeks consent for construction of landscaping works to create a community garden (**Figure 6**). The proposed works include:

- Excavation and construction of new 500-800mm high sandstone retaining walls to create tiered gardens and a suitable ground level to enable accessibility for wheelchair users (**Figure 7**)
- Installation of elevated garden beds / planter boxes and other plots (**Figure 8**)
- Creation of new crushed granite pathways
- Installation of a new wheelchair accessible table
- Garden tool storage area

No trees are proposed to be removed as part of the proposal.

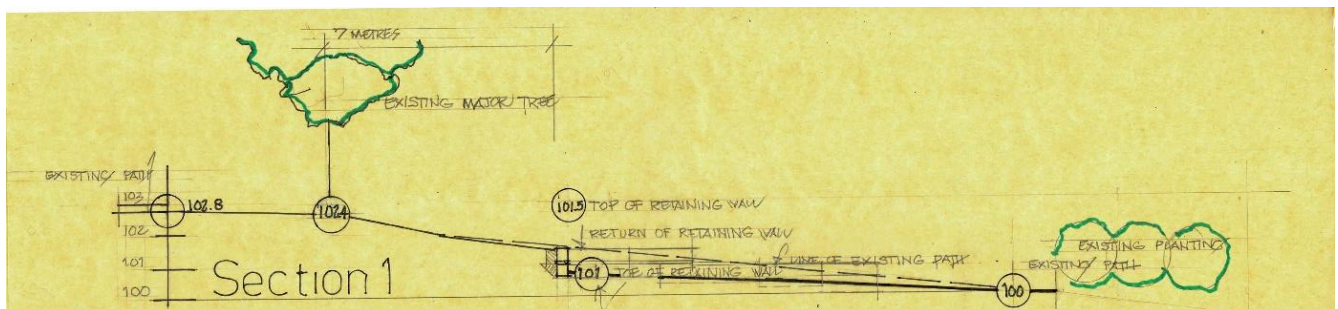


Figure 6 Section illustrating proposed terracing / retaining wall

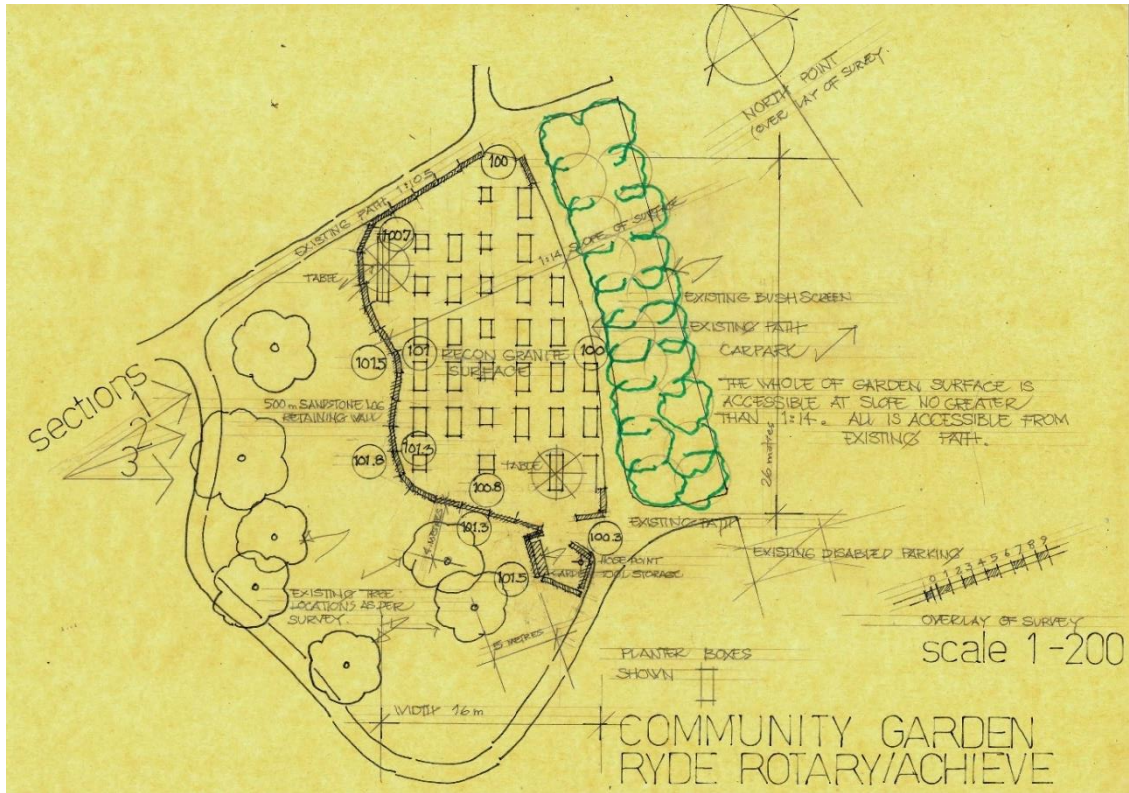


Figure 7 Proposed Landscape Design



Figure 6 Samples of proposed planter boxes/raised garden beds

4. History

4.1 Property History

27 April 2021	<p>The City of Ryde Council resolved the following:</p> <p>(a) That Council seek applications to establish a Community Vegetable Garden at an appropriate site in Putney in accordance with our Community Garden Procedure.</p> <p>(b) That following community consultation surrounding the suggested appropriate site, a report be brought back outlining steps to establishing the garden.</p>
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4.2 Application History

23 September 2022	Development Application lodged.
27 September to 14 October 2022	The DA was notified to surrounding properties. In response, no submissions were received.
18 November 2022	<p>A request for further information was sent to the applicant. The following information was requested:</p> <ul style="list-style-type: none"> - Amended survey and landscape plan - Concerns regarding the landscape design relating to retaining walls and drainage - Request for further arboricultural assessment
15 December 2022	<p>Amended plans and documentation submitted. The changes included:</p> <ul style="list-style-type: none"> - Survey plan and amended landscape plan
22 December 2022	Arboricultural Impact Assessment submitted.
28 February 2023	Amended Plan of Management submitted.

5. Planning Assessment

Environmental Planning and Assessment Act

Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

1.3 Objects of Act (cf previous s 5)

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal achieves the objectives. The proposed development provides for an appropriate landscape design which is responsive to the site constraints and has been designed in response to the site's topography. The proposed Community Garden is to be used and maintained by members of the local community including those who are retired, live with disabilities or area in high rise developments and so will promote the social welfare of the community. The proposal is consistent with relevant Objects of the Act.

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<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 has been historically used for public open space. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.</p>	<p>Yes</p>

<p>State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021</p>		
<p>Chapter 2 Vegetation in non-rural areas</p>		
<p>The objective 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>None of the existing trees on the site are proposed for removal. The proposal has been supported by an arborist report and landscape plan.</p> <p>A total of five (5) trees were identified by the Arboricultural Impact Assessment prepared by Selena Hannan Design which may be impacted by the proposed development works. The Report nominates all trees to be retained which is supported subject to the conditions. The proposal has been considered satisfactory by Council’s Consultant Landscape Architect / Arborist subject to conditions.</p> <p>The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site subject to the recommended conditions.</p>	<p>Yes</p>

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of Ryde LEP 2014, the subject site is zoned RE1 Public Recreation and C2 Environmental Conservation. The proposal will be located entirely on land zoned RE1 Public Recreation, and is for landscaping works to provide a community garden, (community facility) which is defined as follows:

Community facility means a building or place –

- (a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Development for the purpose of a community facility is permissible with consent within the RE1 Public Recreation zone.

The relevant objectives for the RE1 Public Recreation zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposal is for a community garden which is regarded as a compatible use for the zone and surrounding locality.

Ryde LEP 2014	Proposal	Compliance
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The subject site does not contain an item of heritage; however, it is located within the vicinity of the following items of heritage significance listed within Schedule 5 of RLEP 2014:</p> <ul style="list-style-type: none"> • Morrisons Bay Park (Item No. 323) <p>Given the site’s physical separation from the Heritage Item, the proposal is not considered to result in any adverse heritage impacts.</p>	<p style="text-align: center;">Yes</p>

5.21 Flood Planning		
<p>(1) The objective of this clauses are as follows:</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change (c) to avoid significant adverse impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. 	<p>No flood related impacts are anticipated from the works as the proposal maintains the landform along the boundary where the 1 in 100-year flood applies. As such, a Flood Impact Statement is not required.</p>	<p>Yes</p>
6.1 Acid Sulfate Soils		
<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>The site is mapped as being subject to acid sulfate soil 5. The proposal does not include excavation works greater than 1m and is unlikely to lower the water table.</p>	<p>Yes</p>
6.2 Earthworks		
<p>(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.</p>	<p>The proposal includes excavation to a depth of up to 0.8 metres to create tiered gardens and a suitable ground level to enable accessibility for wheelchair users. The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processes, neighbouring uses,</p>	<p>Yes</p>

	<p>nearby heritage items, or features of the surrounding land, including existing trees.</p>	
<p>Clause 6.4 Stormwater management</p>		
<p>(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>	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p>	<p>Yes</p>

5.3 Draft Environmental Planning Instruments

Nil.

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 7.2: Waste Minimisation and Management
- Part 8.1: Construction Activities
- Part 8.2: Stormwater & Floodplain Management
- Part 9.2: Access for People with Disabilities
- Part 9.5: Tree Preservation

With regard to Parts 7.2, 8.1, 8.2 and 9.5 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.

A full assessment of Part 9.2 is provided below. No variations to the DCP controls have been identified.

RDCP 2014	Proposal	Compliance
Part 9.2 Access for People with Disabilities		
5.27 Street Furniture		
<p>Street furniture will not be situated so that it causes a hazard to people with disabilities. Items such as seats, tables, drinking fountains, planter boxes, etc. will be positioned at least 500 mm from any accessible path of travel.</p> <p>All seating should have armrests at a height of 210 to 300 mm above the seat, and have a seat height of 450 mm unless a high proportion of elderly people are likely to use the seating. In this case at least some of the seats are to have a seat height of 520 mm which enables people to stand up from the seat more easily.</p>	<p>The proposed table will be wheelchair accessible.</p>	<p>Yes</p>
5.30 Outdoor Areas – Parks, etc.		
<p>It is just as important for people with disabilities to have access to outdoor areas as it is for them to have access to buildings.</p> <p>Continuous accessible pathways of travel are to be provided from all entrances to all of the facilities in the area – e.g. toilets, change rooms, barbecues, activity areas, tables and seats.</p> <p>In addition, all facilities are to be constructed so as to provide access to them or to enable their use by people with disabilities.</p>	<p>The proposal will be gently terraced to provide a level surface for wheelchair access to all garden beds. The submitted Landscape Plan allows sufficient circulation space between the garden beds for wheelchair users.</p>	<p>Yes</p>

5.5 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

5.6 City of Ryde Section 7.12 Development Contributions Plan 2020

Developer Contributions are not payable in regard to this application.

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.

6. 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. Suitability of the site for the development

The site is zoned RE1 Public Recreation. The proposal is for landscaping works to provide a community garden (community facility). The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining public open space or neighbouring properties.

The proposal has been supported by a Plan of Management (PoM). **Condition 30** is recommended to ensuring the operation of the community garden is in accordance with the approved PoM.

The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal does not result in any significant adverse impacts upon adjoining public open space or neighbouring properties. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9. Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 27 September and 14 October. During the notification period, no submissions were received.

The amended plans were not required to be re-notified.

10. Referrals

Park Officer

The application was referred to Council's Park Officer who provided the following comments on the proposal (as amended):

Feedback regarding the amended plans;

- *In regards to the proposed construction of the retaining sandstone wall;*
 - o *Should consideration be given to the impact the structure has on overland flow in the area?*
 - o *Should it be required that the retaining walls be constructed to the relevant Australian or Council Standards?*
- *The proposed option of the 300mm sandstone wall along the bottom footpath is ok with Parks, but must be a minimum of one (1) metre away from the existing edge of the path*
- *Construction of the 'Tool Shed' should be done in such a manner that it considers the impact on overland flow in the area and suitably secures any material stored within it.*
- *The material utilised on the exterior of the tool shed should be vandal resistant and have anti-graffiti paint applied to it.*
- *We note that any approval is pending an arborist report*
- *It should be noted that no construction on the development is to commence until a license agreement for the site has been executed with Council.*

Planners comment: Consideration has been given to overland flow by Council's Senior Development Engineer and no concerns are raised. An arborist report has been submitted and has been considered by Council's Consultant Landscape Architect/Arborist, as set out below. **Condition 14** has been included in the Conditions of Consent ensuring that the external material utilized on the tool shed are vandal resistant and anti-graffiti.

Consultant Landscape Architect/Arborist

The application was referred to Council's Consultant Landscape Architect/Architect who provided the following comments:

"The revised documentation submitted to Council indicates that five (5) trees (Trees 1, 2, 3, 4, 5) located within proximity of the proposed community garden shall be retained and protected with encroachments reduced to 10% or less which is generally considered sustainable. Design modifications have been undertaken to the proposed retaining wall alignments to ensure adequate offsets to the Tree Protection Zones are maintained and no trees require removal to accommodate the proposal.

A revised landscape plan has been submitted and whilst the level of documentation is considered to be minimal, given the simple nature of the proposal, remaining minor issues have been generally been dealt with via conditions to be imposed as part of any consent granted. It shall be noted that concerns in relation to security of the community garden have not been dealt

with via conditions as the implications to fencing/locking the garden area are unknown given it resides within a public open space.

Existing Trees

A total of five (5) trees were identified by the Arboricultural Impact Assessment prepared by Selena Hannan Design which may be impacted by the proposed development works. The Report nominates all trees to be retained which is supported subject to the conditions of consent to ensure impacts to all trees on and adjoining the site are minimised.

The following table is a synopsis of the species identified by CPS including an assigned tree identification number, along with the proposed recommendation of the applicant in terms of removal, retention or pruning, as well as CPS' comment on the proposed recommendation in terms of whether it can be supported.

Tree No.	Species 'Common Name'	Proposed Recommendation	CPS Comment
1	<i>Angophora floribunda</i> Rough-barked Apple	Retain	Agreed - subject to protection conditions contained in the draft conditions of consent.
2	<i>Angophora floribunda</i> Rough-barked Apple	Retain	Agreed - subject to protection conditions contained in the draft conditions of consent.
3	<i>Eucalyptus sideroxylon</i> Mugga Ironbark	Retain	Agreed - subject to protection conditions contained in the draft conditions of consent.
4	<i>Callistemon viminalis</i> Weeping Bottlebrush	Retain	Agreed - subject to protection conditions contained in the draft conditions of consent.
5	<i>Melaleuca quinquenervia</i> Broad-leaved Paperbark	Retain	Agreed - subject to protection conditions contained in the draft conditions of consent.

Refer to **Figure 1** below for Tree Location Plan

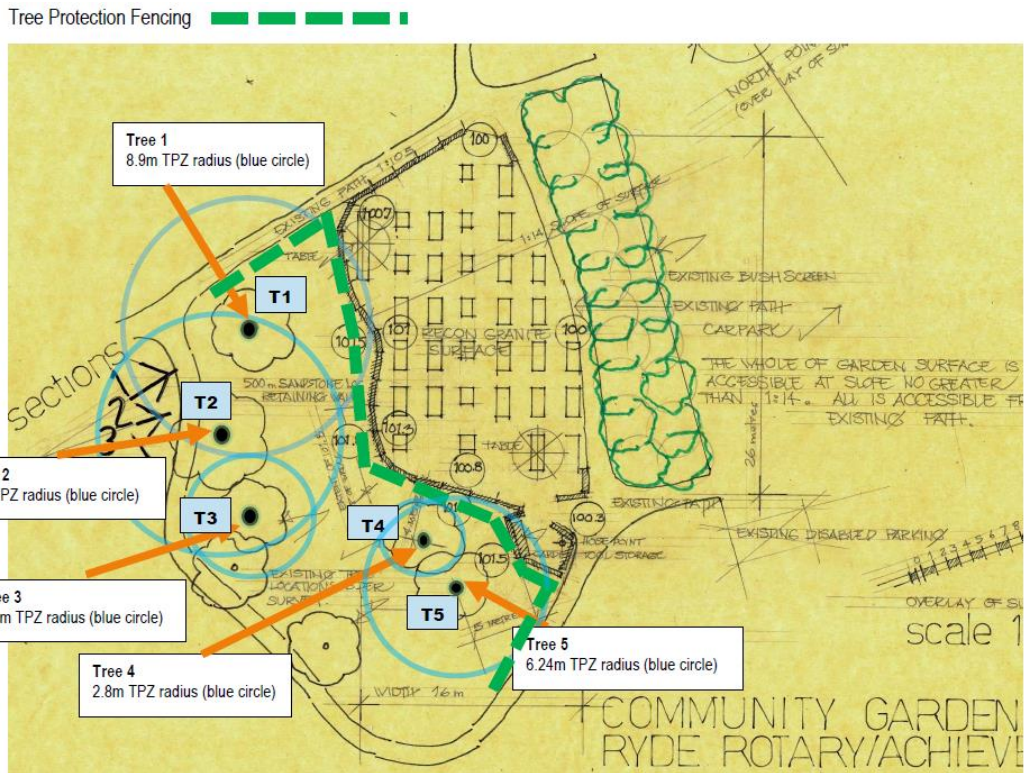


Figure 1: Overlay of Tree Information & Landscape Plans

Landscape Plan

The Landscape Plans submitted provide minimal detailed information however the layout of retaining walls, materials and elements within the community gardens have now been clearly defined and are generally supported from a landscape perspective.

Concern is raised in relation to the lack of any security fencing around the proposed community garden to reduce occurrences of theft and vandalism. Given the location of the community garden, there will be minimal passive and active surveillance to deter anti-social behaviour. Whilst the implications of fencing the public open space with lockable gates is unknown at this stage, options to increase security should be further explored by Council and the Steering Committee to ensure the space adequately safeguarded from instances of damage, theft and vandalism.

Recommendation

To ensure trees to be retained are appropriately protected conditions are recommended.

Planner’s comments: Conditions 15, 18, 27 and 28 are recommended which includes further details on the construction of the retaining walls, tree protection and excavation within the Tree Protection Zone (TPZ) of retained trees. Council’s Consultant Landscape Architect/Arborist has suggested the use of fencing is required for security reasons. Fencing is not proposed as part of this application as it is likely to greatly impact on the visual amenity of the park. The fencing requirement can be looked at in the future if it is determined that fencing is required.

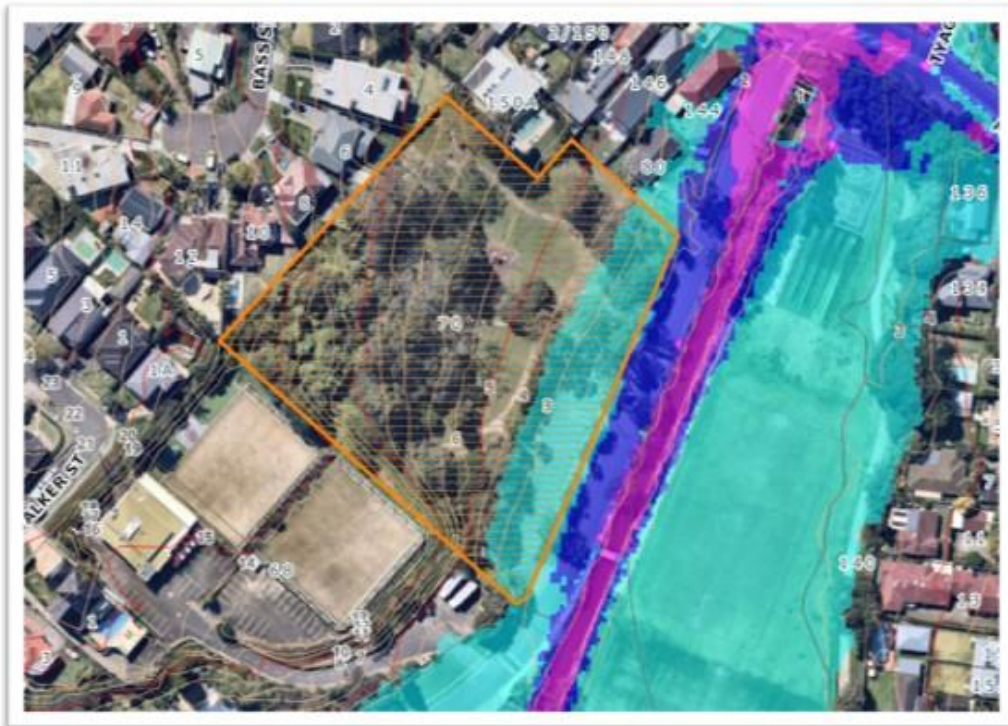
Development Engineer

The application was considered by Council's Senior Development Engineer who provided the following comments:

I have reviewed the revised plans which provide more clarity on the scope of works and note that they are clear of the flood affectation in the region.

If you refer to the figure below, the 100yr event (which is predominantly used to establish floor levels, etc) is outside the lot boundaries. The section of Low Risk flooding (light blue) denotes the PMF event, which is extremely rare, and this would be mostly over the parking area which the works are clear of.

As such, I do not consider it even warranted to apply a condition in relation to this matter as it is evident the works are well clear of the overland flowpath.



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 RE1 zoned land
- The proposal would promote the social welfare of the community
- The proposal does not result in any significant adverse impacts upon adjoining properties public open space or neighbouring properties
- The proposal is not contrary to the public interest.

12.0 Recommendation

That the Ryde Local Planning Panel, as the consent authority, grant deferred commencement consent to Development Application LDA2022/0288 for landscaping works to create a community garden subject to the draft conditions contained in **Attachment 1**.

ATTACHMENTS

- 1** Draft Conditions of Consent
- 2** Landscape Plan

Report prepared by:

Kimberley Kavwenje
Consultant Planner – CPS

Report approved by:

Jason Chanphakeo
Assessment Officer – Town Planner

Sandra Bailey
Executive Manager City Development

Attachment 1
70 Frances Road Putney – LDA2022/0288

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2022/0288 for the proposed Community Garden (Morrison Bay Park) to be used and maintained by members of the local community including those who are retired, live with disabilities or are in high rise developments. The development will include tiered levels of gardens, providing accessible garden spaces for community members, incorporating composting and recycling strategies, and maximising green initiatives, subject to the following conditions of consent:
1. **License Agreement.** The applicant must enter into a licence agreement with Council for the use of the approved space identified for the Community Garden. The applicant will be issued a licence agreement. All costs associated with any agreed alterations to the term/conditions will be borne by the applicant.
- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within twelve (12) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 95 (6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

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

Attachment 1
70 Frances Road Putney – LDA2022/0288

GENERAL

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

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

Document Description	Date	Plan No/Reference
Landscape Plan: Community Garden Ryde Rotary/Achieve	14/12/2022	Appendix A to Response to RFI dated 14 December 2022
Proposed Community Garden Sections	14/12/2022	Appendix B to Response to RFI dated 14 December 2022
Arboricultural Impact Assessment	22/12/2022	Prepared by Selena Hannan Landscape Design
Bennelong Gardens: Plan of Management	Feb 2023	Prepared by the Bennelong Gardens Steering Committee
Site Waste Management and Minimisation Plan (SWMMP)	24/08/2022	Prepared by Kalam McLellan

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

Reason: To ensure that the 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.

Protection of Adjoining and Public Land

3. **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

4. **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.

Attachment 1
70 Frances Road Putney – LDA2022/0288

5. **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.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

6. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

Reason: To ensure compliance with the Australian Standards.

7. **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.

8. **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 buildings with delivery of bricks or concrete or machine excavation)

Reason: Statutory requirement.

9. **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

Attachment 1
70 Frances Road Putney – LDA2022/0288

Reason: Statutory requirement.

10. **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 to apply.

Reason: Statutory Requirement.

11. **Overland flow.** The structural design of the retaining wall shall be designed and certified by a chartered engineer stating that the structure can withstand the force of overland flow generated by a 1 in 100 year flood event. Details demonstrating compliance with this condition are to be submitted with the **Construction Certificate**.
12. **Access for people with disabilities.** 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 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.

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

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- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

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.

14. **External Material & Finishes - Tool Shed.** The exterior of the tool shed is required to be vandal resistant and have anti-graffiti paint applied to it. Details of finishes and material must be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure the use of appropriate material are utilised on site that they are appreciate of outdoor public use.

15. **Retaining Wall Design.** The design and construction of the retaining walls, inclusive of any site grading works or excavation for footings, must be reviewed by the AQF5 Project Arborist to ensure impacts to all trees are mitigated to a sustainable level that does not reduce the health, condition or useful life expectancy of any tree.

Reason: To ensure construction works do not negatively impact existing trees.

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.

16. **Site Sign**

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

Reason: Statutory requirement.

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17. **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.

18. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees on site in accordance with AS4970-2009 Protection of trees on development sites. All tree protection works including installation of any fencing is to be undertaken prior to any the commencement of any works on site. All trees are to be monitored to ensure adequate health throughout the works period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist. Details of the Project Arborist are to be submitted to Council prior to the commencement of the proposed works.

Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees.

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.

19. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

Reason: Statutory requirement.

20. **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.

21. **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.

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

Reason: To ensure safety and amenity of the area.

23. **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.

24. **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.

25. **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.

Reason: To ensure the site is appropriately maintained.

26. **Waste management plan.** Excavation material and waste material during construction must be managed in accordance with the approved waste management plan.

Reason: To ensure waste is managed in accordance with the consent.

27. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

28. **Excavation within TPZ.** Excavation to be undertaken within the identified Tree Protection Zones is to be carried out using out by hand using manual, non-motorised hand tools and under the supervision of the Project Arborist. This includes any excavation required for the installation of services. Roots greater than 30mm are not to be damaged or severed without the prior written approval of the Project Arborist.

Reason: To ensure all excavation works do not result in damage to existing tree roots.

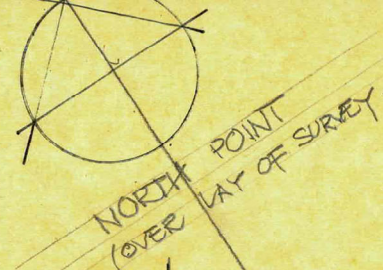
OPERATIONAL CONDITIONS

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.

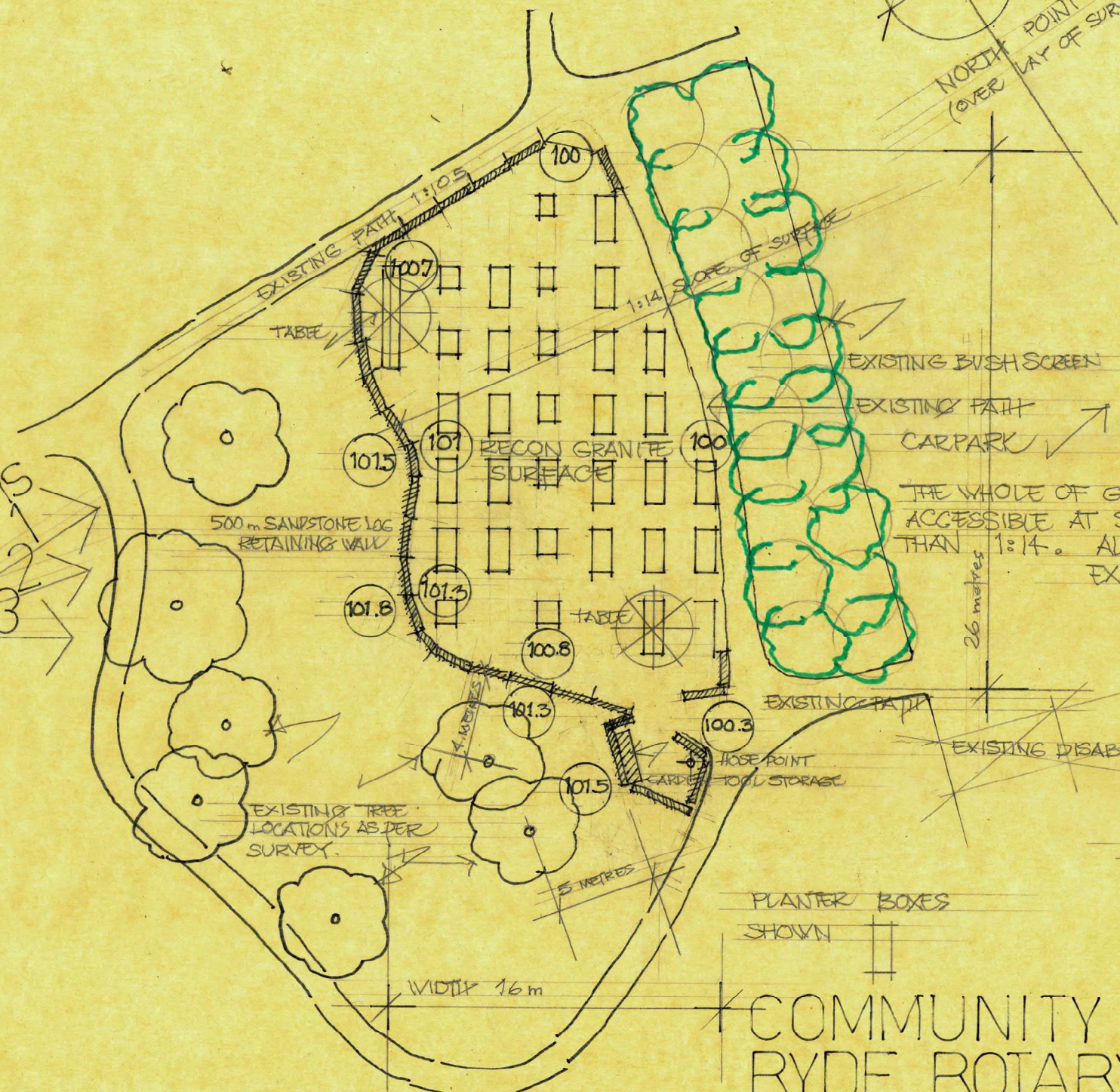
29. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of neighbouring properties.

30. **Plan of Management.** The community garden shall operate in accordance with the Plan of Management approved in **Condition 1**.



sections
1
2
3



THE WHOLE OF GARDEN SURFACE IS ACCESSIBLE AT SLOPE NO GREATER THAN 1:14. ALL IS ACCESSIBLE FROM EXISTING PATH.

26 metres



OVERLAY OF SURVEY

scale 1-200

PLANTER BOXES SHOWN

COMMUNITY GARDEN
RYDE ROTARY/ACHIEVE