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Item 2 891 Victoria Rd West Ryde – LDA2024/0093 Partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage.

Report prepared by: Senior Town Planner Report approved by: Senior Coordinator Development Assessment; Acting Manager Development Assessment

City of Ryde Local Planning Panel Report

DA Number	LDA2024/0093
Site Address & Ward	891 Victoria Rd West Ryde Lot 1 DP 1259274 Central Ward
Zoning	E3 'Productivity Support' zone & SP2 Infrastructure – Classified Road under RLEP 2014
Proposal (as amended)	Partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage.
Property Owner	SKRP Pty Ltd
Applicant	Centric Architects Pty Ltd
Report Author	Sandra McCarry – Senior Town Planner
Lodgement Date	17 May 2024
Notification - No. of Submissions	1 Submission received.
Estimated Development Cost	\$5,406,119

Reason for Referral to LPP	<u>Departure from development standard</u> Variation to development standard Clause 4.3 Height of buildings by more than 10% – 12.53% variation.
Recommendation	Approval
Attachments	Attachment 1 – Draft Conditions of Consent Attachment 2 – DCP Compliance Table Attachment 3 – Clause 4.6 Variation Request to Height of Building Attachment 4 – Architectural Plans

1. Executive Summary

This report considers a development application (DA) under Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) on land at 891 Victoria Road, West Ryde, which is legally described as Lot 1 DP 1259274.

This DA (LDA2024/0093) was lodged on 17 May 2024 and seeks consent for partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage.

In accordance with Section 9.1 (Direction by the Minister) of the Environmental Planning and Assessment Act 1979, this application is reported to the Ryde Local Planning Panel for determination as it is development that contravenes a development standard by more than 10%.

Clause 4.3 of the Ryde Local Environmental Plan 2014 (RLEP) is a principal development standard which establishes that development is not to exceed a building height of 9.5m a the subject site. The development proposes a building height of between 10.2m and 10.69m and therefore breaches the requirement of Clause 4.3 by a maximum of 1.19m. This represents a variation of between 7.37% to 12.53%.

This DA was notified between 21 May 2024 to 5 June 2024. One submission was received raising concerns about vehicles being parked on the surrounding streets.

Having regard to the matters for consideration under Section 4.15 of the Act, it is recommended that LDA2024/0093 be granted consent subject to draft conditions of consent provided at Attachment of this report

2. The Site & Locality



Figure 1 Aerial photograph of the site and locality. Source: NearMap 2024

The site is legally described as Lot 1 within DP 1259274 and is known as 891-895 Victoria Road, West Ryde. The site is located on the north-eastern side of Victoria Road, on a corner lot adjoining Linton Avenue to its south-east and Linton Lane to its north-west. The site has an irregular shape with non-linear street frontages to both Victoria Road totalling 52.56m and to Linton Lane totalling 43.06m. The site is also provided with a linear frontage of 46.265m to Linton Avenue and a southern corner splay of 5m. The site has an area of 2,230m².

The site presently accommodates a part one/part two-storey car showroom and dealership for Kia and Subaru located in the centre of the site, with associated outdoor parking lining the boundaries, along with a basement parking area. There is an existing driveway on the south-eastern boundary from Linton Avenue, providing access to both the underground basement carpark and the ground level parking/outdoor showroom space. There is also an existing set of stairs to the north of the driveway allowing for pedestrian access to the site from Linton Avenue, and an existing pathway adjoining the footpath along Victoria Road, providing pedestrian access to the site from the primary frontage.

There are many trees surrounding the site, particularly on the north-western side and north-eastern rear boundaries which adjoin the Linton Park public reserve. Land surrounding the site falls from the southern corner of Victoria Road and Linton Avenue to the north-eastern rear boundary of the site adjoining the public reserve.

The site is located within the West Ryde Town Centre and Victoria Road Enterprise Corridor. The site is located along the fringe of the low-risk flood planning area. The site is not located within a heritage conservation area or within proximity to any heritage items.



Figure 2: Photo of the secondary frontage of the site as viewed from Linton Avenue as at July 2024.

Adjoining properties

The properties in the immediate vicinity and directly opposite, across Victoria Road are generally commercial and industrial in nature. The rear of the site is occupied by a public reserve being Linton Park, with the remainder of the surrounding locality on the north-eastern side of Victoria Road characterised by low-density residential dwelling houses.

Linton Park to the rear and side contains mature native trees and low-lying shrub vegetation within the portion to the north-western side of the subject site. 897 Victoria Road (parkland) separate the site with a walkway from Victoria Road through to the park at the rear area of the site. Beyond this, there is a petrol service station to the north-west.

On the opposite corner of Linton Avenue and Victoria Road is another car dealership trading as Ryde Mazda,. Further north, along Linton Avenue are low density residential dwellings. See **Figure 1** above.

3. The Proposal

The proposal seeks consent for partial demolition of the car dealership showroom and the construction of a new one-storey showroom and associated signage.

In detail, the proposed works include:

• Partial demolition of the existing showroom at podium level, except for the wet areas. The wet area and service core is to be retained with the addition of an accessible toilet.

- Construction and enlargement of the showroom consisting of steel portal structure, rear Hebel walls and a split pitch roof.
- Retention of the existing basement and associated ramps and stairs.
- 2 fascia signs along the southern and eastern elevations.

Showroom:

- Kia Showroom (eastern portion) to accommodate 12 display vehicles.
- Subaru Showroom (western portion) to accommodate 8 display vehicles.
- Hospitality wing (northern portion) to accommodate:
 - 8 office rooms
 - 1 sales den
 - Additional desk and seating areas within the open plan section.
 - Central wet area (retained from existing development) to comprise of:
 - 1 male toilet (as existing)
 - 1 female toilet (as existing)
 - 1 accessible toilet
 - Sink area (as existing)
- Stairwell to basement (as existing).

Outdoor Forecourt Showroom:

- The existing forecourt located at the corner of Linton Avenue and Victoria Road is to be retained.
- The two existing pylon signs are to be retained:
 - One adjacent to the Victoria Road frontage and one on the corner of Victoria Road and Linton Ave.

Basement:

- Car parking spaces for vehicle storage and storage rooms to remain as existing.



Figure 3: Photomontage of showroom as viewed from Victoria Road.



Figure 4: Ground floor plan of the showroom.

4. History

4.1 Site History

LDA2018/0055 16 April 2018	DA approved to change existing pylon sign and install a 2.4m ² screen to the eastern facade.
107,011,2010	The existing sign was approved under LDA 1998/0020 dated 2 October 1998.
	1998/0020 dated 2 October 1998.

LDA2003/299 2 September 2003	DA approved for demolition of two dwelling houses and alterations and additions to a motor dealership to provide an additional showroom, offices, vehicle display areas and parking.
LDA1999/64 23 March 1999	DA approved fascia signs and illuminated pylon sign.

4.2 Application History

17 May 2024	DA lodged into Council's system
21/05/24 to 06/06/24	The DA was notified to surrounding properties. In response, one submission was received.
09/08/2024	Amended plans received detailing the pylon sign on the corner of Victoria Road and Linton Avenue and height line shown on the architectural plans.

5. PLANNING ASSESSMENT

The following planning policies and controls are of relevance to the development and discussed below:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021;
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014:
 - o Part 4.3 West Ryde Town Centre
 - Part 7.2 Waste Minimisation and Management;
 - o Part 9.1 Signage
 - Part 9.3 Car Parking.

5.1 Environmental Planning and Assessment Act 1979

Objects of EP&A Act

Section 1.3 of the Act contains the following relevant objects:

1.3 Objects of Act

(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 proposed development provides for an appropriate built form which is responsive to the site constraints and is an orderly and economic development of the land.

The proposal is considered consistent with relevant Objects of the Act.

5.2 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 4 Remediation of land		
The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land. 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.	for commercial purposes. The proposed development maintains the existing basement level and does not seek to undertake earthworks. Council's Environmental Health Officer has reviewed the application and as the proposed works do not include any excavation and the existing basement is proposed to be kept, has advised that it is not likely that the development will experience any contamination. As such, further investigation is not warranted in this case. A condition has been imposed, should any new information comes to light which has the potential to alter previous conclusions about site suitability and contamination.	Yes

Chapter 2 Vegetation in non-rural areas			
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.	The development does not seek to remove any trees. However, there are existing trees located adjacent to the subject site on adjoining properties. Accordingly, the proposal is supported by an Arboricultural Impact Assessment Report.		
	There are 13 trees located to the adjoining property to the north-west at No. 897 Victoria Road and 3 groups of trees located within Linton Park to the north.		
	An existing Scribbly Gum presently overhangs the subject site which requires pruning to cater for the development.	Yes	
	The proposal has been reviewed by Council's Landscape Architect who has raised no objections to the proposal, subject to conditions. The proposal is considered satisfactory by Council's Landscape Architect and Tree Management Officer. The proposal is not considered to unduly impact upon any existing biodiversity or trees or vegetation on the site.		
Chapter 6 Water Catchments			
This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles	Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.	N/A	

and controls for the catchment as a		
whole.		
State Environmental Planning Po	licy (Transport and Infrastruct	ure) 2021
Chapter 2 Infrastructure – Divisio	n 17 Roads and traffic	
Subdivision 2 Development in or adjacent to road corridors and road reservations. Pursuant to Clause 2.119 Development with frontage to classified road. (1) The objectives of this section are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land, and the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is	The application is accompanied by a Traffic Impact Assessment prepared by Traffix. The development does not adversely affect the local and surrounding road network. The development is not a type which is sensitive to traffic noise or vehicular emissions. The development maintains the existing access from Linton Avenue and maintains the existing basement car parking which provides 33 spaces. The development does not provide vehicular access from Victoria Road. Council's Traffic Engineer has advised "the net increase in traffic generation is considered to be minor and would not adversely affect the local and surrounding road network. The abovementioned change in GFA is not expected to result in significant variations to traffic generation of the site. As such, the proposal is not expected to cause any significant traffic impacts on the operation of the surrounding road network.	Yes

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appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The development does not constitute traffic-generating development in accordance with Chapter 2, Part 2.23, Division 17 'Traffic-generating development.'	
	The existing vehicular access from Linton Avenue is located approximately 25m from the intersection with Victoria Road.	
Division 5 Electricity transmissio	n or distribution	
Subdivision 2 'Development likely to affect an electricity transmission or distribution network'		
2.48 Determination of development applications—other development		
 (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, 		
 (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an 	The development includes works within 5m of an exposed overhead electricity powerline. The development has been referred to Ausgrid who has raised no objections,	Yes
electricity substation, or (iii) within 5m of an exposed overhead electricity power line,	subject to conditions.	
State Environmental Planning Policy (Sustainable Buildings) 2022		
Chapter 3 Standards for non-residential development		

 3.1 (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves— (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or (b) alterations, enlargement or extension of an existing building, if the development has an estimated development has an estimated development or more. 	The application is not a new building, it is for alterations and additions, enlargement to the existing showroom and will have an estimated development cost of \$5,406,119 Accordingly the SEPP is not applicable.	N/A
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State Environmental Planning Policy (Industry and Employment) 2021 (SEPP IE)

Chapter 3 Advertising and Signage

Currently existing on site are:

- 2 x pylon signs one adjacent to the Victoria Road frontage and one on the corner of Victoria Road and Linton Ave (**Figure 5**) and
- fascia signs along the building (**Figure 6**)

Note: No changes are proposed to the two existing pylon signs. The fascia signs are to be replaced with new fascia signs as discussed below.



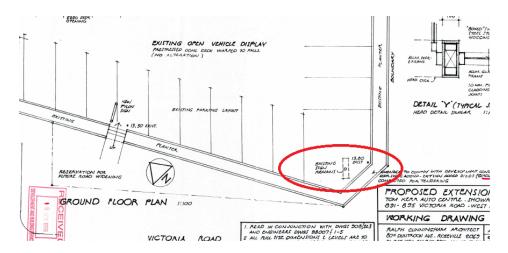


Figure 5: The existing 2 pylon signs - 1st photo shows the sign along Victoria Road and 2nd photo shows the 2 pylons as viewed from Linton Avenue. Extract of an approved plan showing the existing pylon sign on the corner of Victoria Road and Linton Avenue.



Figure 6: Photo of the existing fascia signs.

The two existing pylon signs are located on the site at the corner of Victoria Road and Linton Avenue and along Victoria Road, see **Figure 5** above. Perusal of Council's records show that the two pylon signs have been approved as follows;

- LDA2018/0055 to change the existing pylon sign along Victoria Road frontage (pylon sign approved via LDA64/99).
- LDA304/95 dated 29 May 21995 for an illuminated double sided pylon sign (relocated from 879-883 Victoria Road).

This DA seeks consent for the installation of 2 fascia wall signs along the southern elevation presenting to Victoria Road and Linton Avenue frontage, as shown illustrate in **Figure 7** below. These fascia signs will replace the existing fascia signs currently on the building.

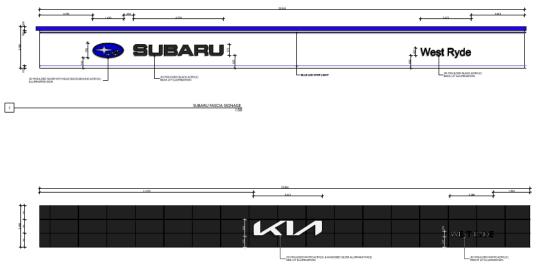


Figure 7: The proposed fascia signs.

Advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

The aims and objectives of SEPP IE as stated in Part 3.1 are as follows:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Clause 3.11 'Matters for consideration' states the following:

(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—

- (a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
- (c) satisfies any other relevant requirements of this Chapter.

The proposed 2 fascia signs are assessed under the criteria contained in Schedule 5 and the aims of SEPP IE as follows:

SCHEDULE 1 – ASSESSMENT CRITERIA

Ryde Local Planning Panel – 17 October 2024

1 Character of the area	Comment	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes – The proposed signage is compatible with the desired future character of the locality, and the existing commercial premises.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality and the proposed signage does not include advertising, just business identification.	
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not within any conservation areas or open space.	
3 Views and vistas		
Does the proposal obscure or compromise important views?	The site is not located within any existing nominated vista. By virtue of the nominated size, location and orientation the signs will not obscure or compromise any potential vista.	
Does the proposal dominate the skyline and reduce the quality of vistas?	The signs will not dominate the skyline nor does it reduce the quality of potential vista.	
Does the proposal respect the viewing rights of other advertisers?	The signs will not compromise the viewing rights of other advertisers.	
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes – the sign is compatible in size and design of the building.	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Will contribute to the visual interest of the streetscape.	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes – provide name of the vehicles sold on the premises.	
Does the proposal screen unsightliness?	There is no particular "unsightliness" on the site and the sign will provide identification rather than screening unsightliness.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No – will not protrude above the building/structure.	

Does the proposal require ongoing vegetation management?	No.		
5 Site and building			
The proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes – the size and design of the signs are compatible with building.		
Does the proposal respect important features of the site or building, or both? Does the proposal show innovation	Yes – sited and sized to be an integral part of the design. The proposal appropriately relates to		
and imagination in its relationship to the site or building, or both	the business.		
6 Associated devices and logos with advertisements and advertising structures			
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage will be directly mounted onto the building façade. No associated devices are proposed or required.		
7 Illumination			
Would illumination result in unacceptable glare?	The proposed signage will include illuminated letters and logo including 'Subaru' logo. Subaru and West Ryde lettering will be back lit (internal) illumination.		
Would illumination affect safety for pedestrians, vehicles or aircraft?	No – The signage is elevated, above the average pedestrian and driver sight lines. The site is not located within a flight path.		
Would illumination detract from the amenity of any residence or other form of accommodation?	No – The signage is not considered to cause amenity issues for any surrounding residential accommodation as the signage is orientated towards Victoria Road and Linton Avenue. The separation distances from residential properties on the north- eastern side of Linton Avenue will ensure these properties are not impacted by the illumination.		
Can the intensity of the illumination be adjusted, if necessary?	Not required – The proposed illumination is internal to the sign being internal solar powered led lighting system.		

Is the illumination subject to a curfew?	No – not required as facing Victoria Road and not any residential properties.
8 Safety	
Would the proposal reduce the safety for any public road?	The signage will not affect road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obscure any sightlines from public areas.

As demonstrated in the assessment of this application, the 2 fascia signs are compatible with the objectives of SEPP IE. Schedule 5 *Assessment criteria* of the SEPP considers such matters as the character of the area, special areas, views and vistas, streetscape setting or landscape, site and building, associated devices and logos with advertisements and advertising structures, illumination and safety.

The proposed signage is compatible with the desired amenity and character of the area, provides effective communication for the site (location and information) and is of a high quality design and finish. The proposed signage is considered to satisfy the overall intent and relevant assessment criteria of SEPP IE.

Note: The application was not referred to TfNSW as required under Clause 3.16 of the SEPP as the utilised displayed area is less than 20m², as such Clause 3.15 92) (b) is not applicable.

Clause 3.15 states:

- 3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground
 - (1) This section applies to an advertisement—

 (a) that has a display area greater than 20 square metres, or
 - (b) that is higher than 8 metres above the ground.
 - (2) The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—
 - (a) the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and
 - (b) the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies.

Under Chapter 3 Advertising and Signage:

Advertising display area means, subject to subsection (2), the area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures.

In this instead, the calculated displayed area of the "advertisement" total to 8.82m² of signage. The fascia component and area where there is no signage are not included in the total signage calculation as the fascia is part of the building, and not a separate advertising structure. The blue lighting on top of the "Subaru and West Ryde" signage is considered to be part of the building fascia and not the advertising display area. See **Figure 7** above illustrating the proposed signage.

Standard conditions regarding signage have been imposed.

5.3 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of RLEP 2014, the subject site is zoned E3 Productivity Support and SP2 Infrastructure – Classified Road.

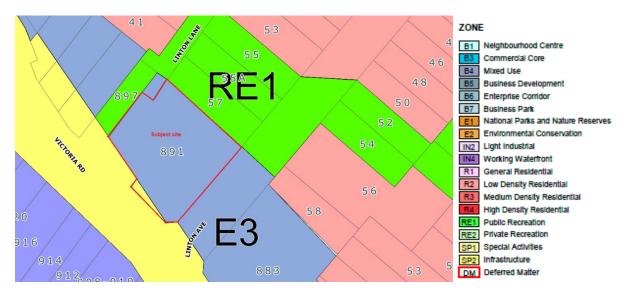


Figure 8: Zoning map with site zone E3 and SP2 Infrastructure- Classified Road.

The objectives for the E3 Productivity Support zone are as follows:

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

- To promote sustainable development, including public transport and working environments.
- To encourage industries involved in research and development.

The proposal continues to maintain the existing facility of a motor vehicle showroom. The land use is compatible with and does not compete with the surrounding local and commercial centres and will continue to maintain the economic viability of the West Ryde town centre. Therefore, the development achieves the relevant objectives of the zone.

The objectives for the SP2 Infrastructure (Classified Road) zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

The portion of the site zoned SP2 Infrastructure (Classified Road) is earmarked for future road acquisition. However, the proposed development is wholly within the part of the site zoned E3 and will not have any adverse impact on the part of the site and adjoining land zoned SP2. The proposed works will not interfere with any future road widening works and are consistent with the zone objectives.

Permissibility

The proposed development is defined as 'vehicle sales or hire premises' which is permitted with consent. The advertising sign is ancillary to the use.

'Vehicle sales or hire premises' means 'a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.'

Ryde LEP 2014	Ryde LEP 2014ProposalCompliance		
4.3(2) Height			
9.5m	Proposed: 10.2m and 10.69m. Over the maximum allowed by 0.7m to 1.19m - a variation of between 7.37% to 12.53%.	No – Clause 4.6 submitted. See discussion below.	
4.4(2) & 4.4A(1) FSR			
The RLEP 2014 prescribes a maximum floor space ratio (FSR) of	Site area = $2,230m^2$	Yes	
1:1	GFA = 1,017m ² of the show room + 22 excess parking that		

Ryde LEP 2014	Proposal	Compliance		
	measures as area of 651.5.8m². Total GFA =1,668.5 / 2,230 = 0.75:1			
	Based on the definition the GFA, any parking space in excess to what is required for the development is to be included as GFA.			
	The motor show room will comprise 881m ² of vehicles sales area and 138 m ² (99m ² + 39m ²) of office area, which will require to have a total of 11 parking spaces for the use. The basement area has parking for 33 vehicles, accordingly there is an excess of 22 parking spaces. The excess parking spaces are included in the GFA calculation.			
4.6 Exceptions to development standa	irds			
 (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 	Variation of 12.5% sought to Clause 4.3. Refer to discussion below.	Yes – Clause 4.6 submitted.		
from development by allowing flexibility in particular circumstances.				
5.1 Relevant acquisition authority				
(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the	As shown in Figure 8 , a portion of the site is intended to be	N/A		

Ryde LEP 2014	Proposal	Compliance		
relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions). 2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions). Type of land shown on Map Zone SP2 Infrastructure and marked "Classified road" Authority of the State Transport for NSW 5.21 Flood Planning	acquired for a public purpose (road widening). This application is for alterations and addition to the existing showroom building with no building works within the area zoned for acquisition. The area zoned for land acquisition has a pathway leading to the site. No works are proposed within this zone area, other than upgrading the path to provide improved pedestrian access to the site from Victoria Road. As no building works are proposed within this area and road acquisition will not be impacted on, it was not necessary to refer the proposal to Transport for NSW.			
 (1) The objective of this clauses are as follows: (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, 	The site is mapped as being impacted by Low Risk flooding over a minor proportion (around the perimeter). The proposal has been supported by a Flood Impact Study which addresses the requirements of Part 8.2 and Stormwater and Floodplain Management Technical Manual Section 2.2. The proposal has been	Yes		

Ryde LEP 2014	Proposal	Compliance
(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	designed using the identified flood planning levels.	
	The proposal is consistent with the provisions of Clause 5.21(2) and (3) and has been considered satisfactory by Council's City Infrastructure – Drainage.	
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not mapped as being subject to acid sulfate soils.	N/A
Clause 6.4 Stormwater management		
(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.	The proposal is consistent with the provisions of Clause 6.4(3). The proposal has been considered acceptable by Council's Senior Development Engineer, subject to conditions.	Yes
Clause 6.7 Ground Floor development	on land in Zone E3	
 The objective of this clause is to restrict certain development at the street level for buildings in Zone E3 Productivity Support. Development consent must not be granted for development on the ground floor of a building within Zone E3 Productivity Support if the development 	The ground floor comprises sales desks and meeting rooms associated with the vehicle sales premises. This is part of the business and create employment activities.	
would result in any part of the ground floor not being used for business or employment activities, other than any part of that floor used for the purposes of—	Under the Dictionary in RLEP, <i>Vehicle sales or</i> <i>hire premises</i> are a type of retail premises and	Yes

Ryde LEP 2014	Proposal	Compliance
 (a) lobbies for any commercial, residential, serviced apartment or hotel component of the development, or (b) access for fire services, or (c) vehicular access. (3) In this clause, <i>commercial activities</i>, in relation to the use of a building, means using the building for the purposes of business premises, community facilities, hotel or motel accommodation, landscape and garden supplies, light industries, passenger transport facilities, timber and building supplies or warehouse or distribution centres. 	Retail premises are a type of commercial premises.	

Clause 4.6 Exceptions to Development Standards

Clause 4.3(2) relates to maximum height for buildings and prescribes a maximum height of 9.5m for the site.

The proposal seeks a building height of 10.2m to 10.69m which exceeds the maximum height standard by 0.7m to 1.19m, a variation of between 7.37 % to 12.53%. See **Figures 9 & 10** below illustrating the height variation.

Clause 4.6 of the RLEP 2014 provides flexibility in the planning controls by allowing Council to approve a development application that does not comply with a development standard. The proposed development contravenes Clause 4.3(2) of the RLEP 2014. Clause 4.6(3) prescribes the following prerequisite to support a variation request:

- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:
 - (a) Compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) There are sufficient environmental planning grounds to justify the contravention of the development standard.

The applicant submitted a Clause 4.6 variation request prepared by Creative Planning Solutions. In response to the standard being 'unreasonable and unnecessary' the applicant provided a commentary on compliance of the development standard with the objectives of the standard pursuant to one of the five ways as established in Preston CJ (Wehbe V Pittwater Council (2007) NSW LEC 82):

(3)(a) - Unreasonable or Unnecessary

- The objectives of the standard are achieved notwithstanding non-compliance with the standard: -
 - (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,

The development is in keeping with surrounding development in that the scale is responsive to the Victoria Road Enterprise Corridor and Linton Avenue's residential character.

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

Despite exceeding height restrictions, the proposed development adheres to Part 3.3.1 Solar Access requirements of RDCP 2014.

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

The existing allotment is capable of accommodating large development. The development is a permitted land use within the E3 Productivity Support zone. The site is located 600m to the north west of the West Ryde Station and 1.2km to the north east of Meadowbank Station.

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

The height does not lead to any adverse amenity impacts to surrounding properties. The development maintains compliant solar access to the adjoining properties at 897 – 899 Victoria Road and 881 Victoria Road. The development, due to the orientation, does not adversely affect Linton Park to the rear.

(e) to emphasise road frontages along road corridors.

The subject site has a frontage to Victoria Road, which is identified as being a road corridor. The building presents as single storey to Victoria Road, contributing to an acceptable height and bulk along this corridor. The proposed height achieves the desired balance between the Victoria Road frontage and zoning interface within Linton Avenue.

Assessment Officer's Comments:

Council is satisfied that the applicant's reasons as to why complying with the standard is unreasonable and unnecessary, as the proposed development, despite the variation can satisfy the objectives of the standard. The building appears as part one/part two storey in scale with the design sympathetic and characteristic of the commercial development nearby. The form of the development will be distinctly read as a commercial development and is complimentary to the single and two storey distinct residential character located further to the north along Linton Avenue.. A review of the shadow diagrams submitted with the application confirms that the development would, on balance, not unreasonably impact upon surrounding development or the public domain between 9am and 3pm on 21 June (as required by the RDCP). The shadow diagrams demonstrate no residential properties will be adversely impact on due to the variation in height. See **Figure 11** below.

It is agreed that the proposed height does not lead to any adverse amenity impacts to surrounding properties. Due to the orientation of the site, the adjoining park, Linton Park and any residential properties will not be adversely impacted.

The development does not result in any unreasonable impact upon visual or acoustic privacy to surrounding properties.

The applicant's written request has demonstrated that the objectives of the development standard are achieved, notwithstanding the non-compliance with the development standard.

In this regard, the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by cl 4.6(3)(a).

(3)(b) – Sufficient Environmental Planning Grounds

The applicant's 4.6 statement offers the following main environmental planning grounds in support of proposed variation:

- The site is subject to flooding. The existing ground floor of the building is maintained at RL14.120 and is more than 500mm above the flood level. The development maintains the established ground floor level, located above the flood planning levels which contributes to the height contravention.
- Is of appropriate scale and density.
- No significant or unreasonable impacts on surrounding public areas

Planning Comment

Clause 4.6(3)(b) of the Ryde LEP 2014 requires contravention to a development standard to be justified by demonstrating that there are sufficient environmental planning grounds to justify the contravention. The focus is on that aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (Initial Action at [24]).

In Four2Five, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site at [60].

The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravention of the height of buildings development standard in this specific instance and the development is consistent with the Objects of the EP&A Act.

The Section 1.3 Objects of the EP&A Act reads as follows:

- *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.
- *d*) to promote the delivery and maintenance of affordable housing.
- *e)* to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- *f*) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- g) to promote good design and amenity of the built environment.
- \hat{h}) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- *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 development is an orderly and economic use and development of the land, and that the structure is of a good design that will reasonably protect and improve the amenity of the surrounding built environment. In this regard, the applicant's written request has demonstrated that there are sufficient environmental planning grounds.

<u>Summary</u>

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).

Accordingly, the proposal variation is supported.

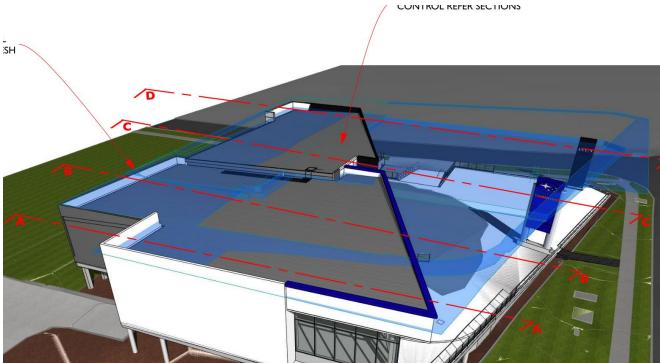


Figure 9: Building height plane looking in a south-eastern direction – the brown roof area shows areas where the building is above 9.5m and blue shows the 9.5m height control.

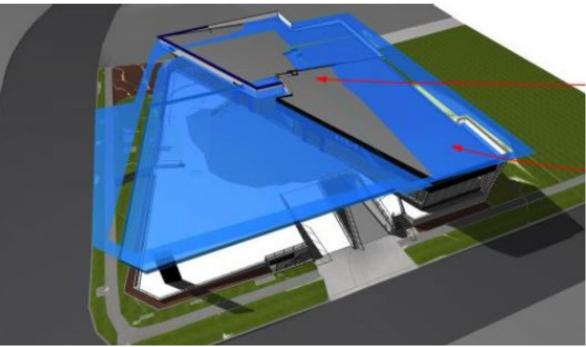


Figure 10: Building height plane looking from Linton Avenue in a north-western direction. The blue indicates the 9.5m building height plane. The elements above this plane are shown in brown.





Victoria Road

Figure 11: Illustrate the shadows cast at 9am, 12noon and 3pm by the development on 21 June.

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 4.3 West Ryde Town Centre
- Part 7.2: Waste Minimisation and Management;
- Part 9.3: Parking Controls

Part 4.3 – West Ryde Town Centre

The site is located within the West Ryde Town Centre and Precinct 6 – Victoria Road Enterprise Corridor

The DCP outlines the desired future character and built form controls for each of the precinct areas.

A full assessment of Parts 4.3 and 7.2 has been included in **Attachment 2**.

Part 9.3 – Parking Controls

Council's DCP requires car parking to be provided at the following rates:

Vehicle sales or hire premises

- 0.75 spaces / 100m² GFA AND
- spaces / work bay (for vehicle servicing facilities)

Office and Business Premises (other than within the Macquarie Park Corridor)

- 1 space / 40m² GFA

Based on the above, the proposal comprises 881m² vehicles sales area and 138m² (99m² + 39m²) of office area, Council's Senior Development Engineer has advised that the development will require 11 parking spaces for the use.

The basement area has parking for 33 vehicles. Accordingly, the proposal will have 22 excess parking spaces. The excess parking spaces have been included in the GFA and is compliant with the maximum FSR permitted on the site.

The existing basement car parking arrangement is not being altered and Council's Senior Development Engineer has raised no objections to the development.

Part 9.1 – Signage

The DCP provides guideline for the erection and display of signage and advertising structure. The following controls are applicable:

Section 2.1 Signage Content

A sign must be either:

- A business identification sign or a building identification sign as defined in RLEP 2014; or
- A directional sign that is a sign that directs persons to development on the land to which it is displayed.

Comment:

Currently two pylons and fascia signs are erected on the site. The signage are advertising signs/The proposed fascia signs are to replace the existing fascia signs and are supported. The 2 pylon signs have been approved previously (see discussion earlier in the report).

Section 3 Signs in Business Zones

The DCP allows signs in Business zones. Clause 3.2.2 states:

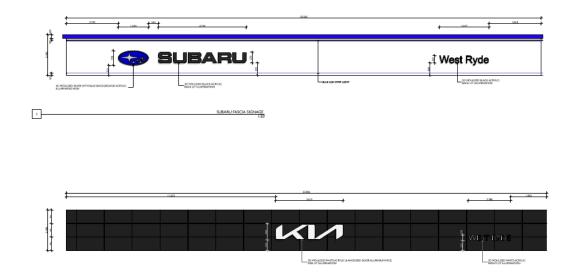
For Single Storey Buildings

- a. Maximum Sign Area The total area of signs to be erected on a building (this includes all elevations) should not exceed 1m² per 1 metre of frontage of the property to the street;
- b. Side and Rear Elevations The maximum area of signs on side or rear walls should not exceed 15% of the area of each elevation visible from a public place. Where there is a break in any elevation the maximum coverage should apply to each part of that elevation.

Note: Whilst the building has a basement level and is part 1/part 2 building, the area is taken from single storey buildings, given that the building has an appearance of a single storey building.

The building has a frontage of 53m to Victoria Road and Linton Avenue. Based on the above, the total area of signs allowed to be erected on the building is $1 \times 53 = 53m^2$.

It is proposed to replace the existing fascia signs with two new signs as shown below.



Sign	Dimensions	Compliance
The Subaru West Ryde sign	-1.62 x 0.790 = 1.28 -4.7 x 0.57 = 2.68 -0.4 x 2.67 = 1.1	Yes
The Kia Fascia Sign	$-3.6 \times 0.85 = 3.06$ $-0.3 \times 2.28 = 0.7$	
	Total signage = 8.82m ²	Maximum allowed = $53m^2$

4. Definitions and requirements for different types of signage.

Sign Option	Definition/requirements & controls	Compliance
Fascia Sign	A sign on the fascia or return end of an awning. Controls a. A fascia sign shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	Yes – the fascia signs will replace the existing fascia signs. The signs will not project the fascia and is in keeping with the building/showroom.

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

Council's current Section 7.12 Development Contributions Plan 2020 apply to nonresidential development outside of the Macquarie Park precinct that proposes an increase in GFA. The Fixed Rate Plan will impose a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold. The proposal has a CV of \$5,406,119 with additional GFA of **461.5m²** (Proposed floor area of 1,017.13 – 555.6 (existing) = 461.5m²)

A condition is recommended to be imposed requiring the payment of Section 7.12 Contributions of \$54,061.19 (1% levy).

The proposal is also subject to a Housing and Productivity Contribution (HPC) charge associated with the increase in commercial floor space. A condition for HPC contribution is recommended.

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 proposal is for alterations and additions to the existing motor showroom. The assessment has demonstrated the proposal is generally consistent with the statutory requirements and policy controls. The proposal results in a height exceedance and has been supported by a satisfactory Clause 4.6 written request. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The site is considered to continue to be suitable for the ongoing use as a motor showroom and the proposed development.

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 seeks variation to Clause 4.3 *Height of buildings* and has been supported by a satisfactory Clause 4.6 written request. 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. Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 21 May 2024 and 6 June 2024. During the notification period, one submission was received objecting to the proposal.

Have had to contend with this business' cars, especially their "trade ins", that are usually parked in the limited parking available, for weeks, if not months at a time, before being moved on. When they do move their vehicles up and down the lane, they do so, often at dangerous speeds. We expect that this development would only compound the already heavy impact put on Linton Lane.

Planner's comment

The proposed development will enlarge the showroom with the existing on site car parking (parking within the basement area) unaltered. Any illegal parking on the surrounding streets should be reported to Council Rangers who regularly patrol parking spaces. The issue of dangerous speeds along the road is a police enforcement matter and should be referred to them when this occurs.

The following conditions is recommended to be imposed to ensure the applicant is aware that changes to on-street parking conditions are not to be changed as a result of this development:

Preservation of parking restrictions

The development consent is approved on the premise that the parking and servicing demands of the development can be contained wholly in the confines of the site. Any changes sought to the parking restrictions surrounding the property so as to accommodate the parking and servicing demands of the development will not be permitted.

10. Referrals

External

Ausgrid

The application was referred to Ausgrid, pursuant to section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (within the proximity of existing electrical network assets).

Ausgrid raised no objections to the development subject to conditions.

<u>Internal</u>

Senior Development Engineer

The application was referred to Council's Senior Development Engineer who was satisfied subject to recommended conditions.

City Works – Drainage

The application was referred to Council's City Works – Drainage team and the proposal was considered satisfactory.

City Works – Traffic

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

This anticipated net increase in traffic generation is considered to be minor and would not adversely affect the local and surrounding road network.

The abovementioned change in GFA is not expected to result in significant variations to traffic generation of the site. As such, the proposal is not expected to cause any significant traffic impacts on the operation of the surrounding road network.

City work – Public Domain

The application was referred to Council's City Works – Drainage team and the proposal was considered satisfactory, subject to conditions.

City Works – Waste

The application was referred to Council's Waste Officer who has raised no objections.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who has advised that the proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.

Landscape Architect

The application was referred to Council's Landscape Architect who has raised no objections subject to conditions of consent.

City Spaces – Parks

To contribute to the City of Ryde commitment of 40% tree canopy, tree planting along Linton Avenue should be implemented. Council has recommended a condition requiring tree planting along Linton Avenue.

Tree Management Officer

The application was referred to Council's Tree Management Officer who has raised no objections subject to condition for tree protection and bonds to ensure the viability of the trees. The bonds will only be refunded after Council has inspected the trees and is satisfied that the trees are in a sound and health conditions.

11. 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 of the zones.
- The proposal has been supported by a satisfactory Clause 4.6 written request to vary Clause 4.3, Height of buildings 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 concerns raised in the submission have been addressed and do not warrant refusal of this DA.
- The proposal is not contrary to the public interest.

12. Recommendation

- A. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the height standard (Clause 4.3) in RLEP 2014 has adequately addressed the matters in subclause (3) and will be consistent with the objectives of the development standard in Clause 4.3 and the objectives of the E3 and SP2 Zone of Ryde Local Environmental Plan 2014.
- B. THAT the Ryde Local Planning Panel, as the consent authority, grant consent to Development Application LDA2024/0093 for partial demolition of existing building structures and construction of a new motor vehicle showroom and associated signage, subject to the draft conditions contained in **Attachment 1**.
- C. THAT the objector be advised of the determination.

ATTACHMENTS

- **1** Draft Conditions of Consent
- **2** DCP Compliance Table
- 3 Clause 4.6 Variation Request to Height of Building
- 4 Architectural Plans subject to copyright provision

Report prepared by:

Sandra McCarry Senior Planner - Development Assessment

Report approved by:

Holly Charalambous Senior Coordinator Development Assessment

Sohail Faridy Acting Manager Development Assessment

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0	489-0000	D	Cover Page	Centric Archite	cts	08/08/2024
	489-2000	E	Site Plan	Centric Archite	cts	07/08/2024
	489-3000	E	Existing Basement Plan	Centric Archite		14/03/2024
0	489-3001	D	Existing Ground Plan	Centric Archite	cts	14/03/2021
0	489-3100	D	Demolition Ground Floor	Centric Archite	cts	14/03/2024
0	489-4001	E	Proposed Ground Plan	Centric Archite	cts	14/03/2024
0	489-4010	D	Roof Plan	Centric Archite	cts	14/03/2024
0	489-5000	E	Elevation 1	Centric Archite	cts	14/03/2024
	489-5001	С	Elevation 2	Centric Archite		14/03/2024
0	489-6000	E	Section 1	Centric Archite	cts	07/08/2024
0	489-6001	Е	Section 2	Centric Archite	cts	08/08/2024
0	489-7000	A	Signage Details	Centric Archite	cts	14/03/2024
0	489-9011	С	Building Height control	Centric Archite	cts	08/08/2024
L	PDA24 -77	В	Landscape Plans – Site Analysis	Conzept		08/04/2024
	PDA24 -77 Sheet 2	В	Landscape	Conzept		08/04/2024
L	PDA24 -77 Sheet 3	В	Elevation	Conzept		08/04/2024
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A			1	Kostas Partou		
A	Arboricultural Impact			Rain Tree	19	de 2023
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BCA Assessm		1	Jensen Hughes	13	March 2024	

	Condition Reason: To ensure all parties are aware of the approved plans
	and supporting documentation that applies to the development.
2	Compliance with Building Code of Australia and/or insurance requirements under Home Building Act 1989
	A) It is a condition of a development consent for development that involves
	building work that the work must be carried out in accordance with the
	requirements of the Building Code of Australia.
	B) It is a condition of a development consent for development that involves
	residential building work for which a contract of insurance is required
	under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent
	commences.
	C) It is a condition of a development consent for a temporary structure used
	as an entertainment venue that the temporary structure must comply with
	Part B1 and NSW Part H102 in Volume 1 of the Building Code of
	Australia.
	D) In subsection (1), a reference to the Building Code of Australia is a
	reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
	E) In subsection (3), a reference to the Building Code of Australia is a
	reference to the Building Code of Australia as in force on the day on
	which the application for development consent was made.
	F) This section does not apply—
	(I) to the extent to which an exemption from a provision of the Building
	Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development
	Certification and Fire Safety) Regulation 2021, or
	(II) to the erection of a temporary building, other than a temporary
	structure to which subsection (3) applies.
	Condition Reason: Prescribed condition under section 69 of the
3	Environmental Planning and Assessment Regulation 2021. Erection of signs
5	 A) This section applies to a development consent for development involving
	building work, subdivision work or demolition work.
	B) It is a condition of the development consent that a sign must be erected
	in a prominent position on a site on which building work, subdivision work
	or demolition work is being carried out—
	 showing the name, address and telephone number of the principal certifier for the work, and
	(II) showing the name of the principal contractor, if any, for the building
	work and a telephone number on which the principal contractor
	may be contacted outside working hours, and
	(III) stating that unauthorised entry to the work site is prohibited.
	C) The sign must be—
	 maintained while the building work, subdivision work or demolition work is being carried out, and
	(II) removed when the work has been completed.
	D) This section does not apply in relation to—
	(I) building work, subdivision work or demolition work carried out
	inside an existing building, if the work does not affect the external
	walls of the building, or (II) Crown building work certified to comply with the Building Code of
	 (II) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition Reason: Prescribed condition under section 70 of the
	Environmental Planning and Assessment Regulation 2021.
4	Site maintenance
	The site is to be regularly maintained in a tidy manner such that it does not
	become overgrown with weeds or subject to the leaving or dumping of waste.
	Condition reason: To protect the amenity of the locality.

5	Ashestos
5	Asbestos Where asbestos is present during works, the work must be carried out in
	accordance with the guidelines for asbestos work published by SafeWork
	NSW.
6	Condition reason: To ensure that all works are carried out in a safe manner.
6	Asbestos (disposal)
	All asbestos wastes must be disposed of at a landfill facility licensed by NSW Environment 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.
	Condition reason: To ensure the protection of the environment.
7	Hoardings
,	 A) A hoarding or fence must be erected between the work site and any
	adjoining public place.
	 B) Any hoarding, fence or awning erected pursuant to this consent is to be
	removed when the work has been completed.
	Condition reason: To ensure public safety.
8	Illumination of public places
0	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.
	Condition reason: To ensure public safety.
9	Noise mitigation
	To minimise noise emitted from ancillary elements, such as air-conditioning
	units, the equipment must be installed in accordance with the manufacturer's
	specification and noise attenuation measures implemented so that noise
	emitted does not exceed 5dB(A) above the background noise level when
	measured on or within any other residential property boundary.
	Condition reason: To protect the amenity of the locality.
10	Restoration
	Public areas must be maintained in a safe condition at all times. Restoration of
	disturbed road and footway areas, including repairs of damaged infrastructure
	as a result of the construction works associated with the development, must be
	undertaken by the person acting on this consent in accordance with Council's
	standards and specifications, and DCP Part 8.5 (Public Civil Works), to the
	satisfaction of Council.
	Condition reason: To ensure the amenity and state of the public domain is
	maintained.
11	Land Boundary / Cadastral Survey
	If any design work relies on critical setbacks from land boundaries, 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.
	Condition reason: To ensure that the approved development is built in
	accordance to the stamped approved plans.
12	Preservation of parking restrictions
	The development consent is approved on the premise that the parking and
	servicing demands of the development can be contained wholly in the confines
	of the site. Any changes sought to the parking restrictions surrounding the
	property so as to accommodate the parking and servicing demands of the
	development will not be permitted.
	Condition reason: To ensure appropriate parking management.
13	Tipping Dockets (demolition)
	Tip Dockets identifying the type and quantity of waste disposed/recycled during
	are to be kept in accordance with the Site Waste Minimisation & Management
	Plan for spot inspections.

	Condition reason: To ensure responsible and sustainable disposal of
	materials generated during demolition works.
14	Tree Protection Zones
	The following activities shall not be carried out within any Tree Protection Zone:
	 A) disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel or oil);
	B) stockpiling, storage or mixing of materials;
	C) refuelling, parking, storing, washing and repairing tools, equipment,
	machinery and vehicles;
	D) disposal of building materials and waste.
	Before any site work commences, all tree protection works including
	installation of any fencing is to be undertaken which include the following as
	indicated in the Arboricultural Impact Assessment Appendix D: Tree
	Assessment Schedule prepared by Rain Tree Consulting dated 19 December 2023.
	Condition Reason: To ensure the health of the tree(s) being retained.
15	Trees located in the Reserve - Tree Protection Zones
	1. Tree protection measures must be implemented in accordance
	with Australian Standard AS 4970 Protection of Trees on Development
	Sites prior to the commencement of any site works.
	No construction or excavation (including trenching for drainage or
	other services) shall occur within the Structural Root Zone (SRZ) of any
	retained and protected tree. Protective fencing at a minimum 1.8
	metres in height along the perimeter of the Tree Protection Zone (TPZ)
	(outside of approved works) is to be installed. The TPZ is to be
	identified by signage placed around the edge of the TPZ which are
	visible from within the development site. The lettering on the sign is to
	comply with Australian Standard 1319 Safety Signs for the
	Occupational Environment and include the following wording 'Tree
	Protection Zone – Access Prohibited' and is to have the name and
	contact details of the appointed site Arborist. Where protective fencing
	is deemed not practicable by an Australian Qualification Framework
	(AQF) level 5 arborist, tree trunk and branch protection is to be
	installed.
	3. Details demonstrating compliance with the standard prepared and
	certified by an Australian Qualification Framework level 5 or higher
	qualified arborist shall be submitted with the Construction Certificate
	application.
	4. Where the Project Arborist determines that tree protection fencing
	cannot be installed, the tree protection fencing needs to be removed
	temporarily, access within or through the Tree Protection Zone is
	necessary, stem, branch and ground protection measures as per
	standard AS 4970-2009 Protection of Trees on Development Sites are
	to be implemented
	5. The building contractor shall ensure that at all times during site works
	no activities including (but not limited to) machine excavation (including
	trenching), excavation for silt fencing, storage, preparation of chemicals
	(including preparation of cement products), parking of vehicles and
	plant, refuelling, dumping of waste, wash down and cleaning of
	equipment, placement of fill, soil level changes, temporary or
	permanent installation of utilities and signs, or physical damage to the
	tree occur within the Tree Protection Zone (TPZ) of any tree to be
	retained. Landscape works in the vicinity of the tree/s must be
	sympathetic to tree retention and existing ground levels within the TPZ
	must remain unchanged. Where tree roots are uncovered that are
	above 30mm diameter they shall remain in place and undamaged until
	a Council Arborist can inspect and determine if they can be severed or

16	removed. In the event that major structural or feeder roots (>30mm diameter) are encountered within the tree protection zone, Council's Arborist are to be contacted to recommend appropriate measures to ensure the retention of the tree/s. If these measures involve structural alterations to the building or work, such measures must be certified by a practicing Structural Engineer that the modified plans/details comply with the relevant Building Code of Australia and/or Australian Standards Condition Reason: To ensure the health of the tree(s) being retained. Protection of public domain The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
17	Condition reason: To ensure public safety. Restoration
	Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas, including repairs of damaged infrastructure as a result of the construction works associated with the development, must be undertaken by the person acting on this consent in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council. Condition reason: To ensure the amenity and state of the public domain is maintained.
18	Public utilities and service alterations
	All mains, services, poles, etc., which require alteration due to works associated with the development, must be altered at the cost of the person acting on the consent. The person acting on the consent must comply with the requirements (including financial costs) of the relevant utility provider (e.g., Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc.) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
	Condition reason: Protection of infrastructure and compliance with the requirements of the relevant authorities.
19	Traffic managementTraffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities).Condition reason: assist with the safety of all affected road users within the public domain when
	works are being undertaken.
20	Road activity permitsPrior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The person acting on the consent is required to review the "Road Activity Permits Checklist" (available from Council's website:

	NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through
	local roads within the City of Ryde LGA.
	Condition reason: To ensure maintenance of Council's assets.
22	Ausgrid Overhead Powerlines are in the vicinity of the development.
	The developer should refer to SafeWork NSW Document – Work Near
	Overhead Powerlines: Code of Practice. This document outlines the minimum
	separation requirements between electrical mains (overhead wires) and
	structures within the development site throughout the construction process. It is
	a statutory requirement that these distances be maintained throughout the
	construction phase.
	Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are
	expected be entering and leaving the site.
	The "as constructed" minimum clearances to the mains must also be
	maintained. These distances are outlined in the Ausgrid Network Standard,
	NS220 Overhead Design Manual. This document can be sourced from
	Ausgrid's website at www.ausgrid.com.au.
	It is the responsibility of the developer to verify and maintain minimum
	clearances onsite. In the event where minimum safe clearances are not able to
	be met due to the design of the development, the Ausgrid mains may need to
	be relocated in this
	instance. Any Ausgrid asset relocation works will be at the developer's cost.
	Condition reason: Ausgrid Requirement.
23	Ausgrid - New Driveways - Proximity to Existing Poles
	Proposed driveways shall be located to maintain a minimum clearance of 1.5m
	from the nearest face of the pole to any part of the driveway, including the
	layback, this is to allow room for future pole replacements. Ausgrid should be
	further consulted for any deviation to this distance.
	Condition records. Associate Descriptions and
24	Condition reason: Ausgrid Requirement.
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	conclusions about site suitability and contamination must be notified to the Principal Certifier and Council.
	Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.
	Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.
	Condition reason: To ensure controls are in place for contamination management.
28	Design and construction standards (engineering)
	All engineering plans and work inside the property must be carried out in accordance with the requirements of relevant Australian Standards. 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. Condition reason: To ensure that all works are undertaken in accordance with any relevant standards and DCP requirements.

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

29	Asbestos removal signage
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos. Condition Reason: To alert the public to any danger arising from the
	removal of asbestos.
30	Demolition management plan
30	 Demolition management plan Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters: A) The proposed demolition methods B) The materials for and location of protective fencing and any hoardings to the perimeter of the site C) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones D) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles E) Protective measures for on-site tree preservation and trees in
	adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites

	[] Eropion and addiment control measures which are to be implemented
	F) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off
	the site onto surrounding roadwaysG) Noise and vibration control measures, in accordance with any Noise
	and Vibration Control Plan approved under this consent
	 Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other
	machines
	 I) Details of any bulk earthworks to be carried out J) Location of any reusable demolition waste materials to be stored on-
	 J) Location of any reusable demolition waste materials to be stored on- site (pending future use)
	K) Location and type of temporary toilets onsite
	L) A garbage container with a tight-fitting lid.
	Condition Reason: To provide details of measures for the safe and
	appropriate disposal of demolition waste and the protection of the public
	and surrounding environment during the carrying out of demolition works on the site.
31	Demolition pedestrian and traffic management plan
	Before any demolition work commences, a Demolition Pedestrian and
	Traffic Management Plan (DPTMP) shall be prepared by a suitably
	qualified traffic engineer and submitted to and approved by Council's Traffic Services Department.
	A) All fees and charges associated with the review of this plan are to be
	paid (as per Council's Fees and Charges current at the time of
	payment), with payment made prior to receipt of approval from Council's Traffic Services Department for the DPTMP.
	B) The DPTMP must include the following, at a minimum:
	C) Provision for all construction materials to be stored on site, at all
	times.
	 D) Measures to ensure the DPTMP is adhered to at all times during the project.
	E) Specify that all demolition vehicles are to enter and exit the site and/or work zone in a forward direction.
	F) 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.
	G) Specify the number of truck movements to and from the site
	associated with the demolition works. Temporary truck standing / queuing in a public roadway / domain in the vicinity of the site are not permitted unless approved by Council's Traffic Services Department.
	 H) 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.
	 Specify appropriate parking measures for construction staff and sub- contractors to minimise the impact to the surrounding public parking
	facilities.
	J) Specify that notification for a period of at least 14 days must be
	provided to adjoining property owners prior to the implementation of
	any temporary traffic control measure.
	K) Include a site plan showing the location of any site sheds, location of
	requested Work Zones, anticipated locations of cranes and concrete pumps, structures proposed on the footpath areas (hoardings,
	scaffolding or shoring) and any tree protection zones around Council street trees.
	L) Take into consideration the combined construction activities of other
	development(s) and/or roadworks in the surrounding area. The
	consultant preparing the DPTMP must engage and consult with

	The Australian Standard Manual of Uniform Traffic Control Devices (AS1742.3-2019),
R	 Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities. Condition reason: To ensure that a plan is prepared to address traffic
	mpacts during demolition works to minimise any inconvenience and safety isks to the general public.
P M (s re h m c	Hazardous material survey requiredPrior to the commencement of any demolition works on site, a HazardousNaterials Survey Report must be prepared by a suitably qualified personsuch as a certified Occupational Hygienist) and submitted to theatisfaction of the Registered Certifier, with a copy provided to Council. Theeport must identify and record the type, location and extent of anyazardous materials on the site and make recommendations as to the safenanagement and/or removal to ensure the site is safe for demolition,construction and future use/occupation.Condition Reason: To require a plan for safely managing hazardous
m	naterials.
Ab	 address, contact telephone number, licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and the contact telephone number of council and
C) the contact telephone number of SafeWork NSW (4921 2900). Condition Reason: To advise neighbours about the commencement of lemolition work and provide contact details for enquiries.

DURING DEMOLITION WORK

34	Handling of asbestos during demolition
	While demolition work is being carried out, any work involving the removal
	of asbestos must comply with the following requirements:
	 A) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
	 B) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and

	C) Any asbestos waste load over 100kg (including asbestos
	contaminated soil) or 10m ² or more of asbestos sheeting must be
	registered with the EPA on-line reporting tool WasteLocate.
	Condition Reason : To ensure that the removal of asbestos is undertaken
	safely and professionally.
35	Site maintenance
	While demolition work is being carried out, the following requirements, as
	specified in the approved demolition management plan, must be
	maintained until the demolition work and demolition waste removal are
	complete:
	A) Protective fencing and any hoardings to the perimeter on the site
	B) Access to and from the site
	C) Construction traffic management measures
	D) Protective measures for on-site tree preservation and trees in
	adjoining public domain
	E) Onsite temporary toilets
	F) A garbage container with a tight-fitting lid.
	Condition Reason : To protect workers, the public and the environment.
36	Disposal of site materials
	Any materials requiring off-site disposal must be classified, managed and
	disposed of in accordance with the Protection of the Environment
	Operations Act 1997 and the NSW Environment Protection Authority's
	Waste Classification Guidelines.
	Condition reason: To protect the environment.
37	Noise control for work sites
	Any noise generated during demolition must not exceed the limits specified
	in the Protection of the Environment Operations Act 1997 and in
	accordance with the NSW EPA Draft Construction Noise Guidelines. Works
	are to follow the below hours:
	A) 7 am to 6 pm, Monday to Friday
	B) 8 am to 1 pm, Saturday
	C) No works are to be undertaken on Sundays or Public Holidays.
	Condition reason: To protect the amenity of surrounding properties and
	the general public.
38	Demolition pedestrian and traffic management plan (implementation)
	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 Traffic Services Department for approval. A copy of the approved
	DPTMP is to be kept onsite at all times and made available to the principal
	certifier or City of Ryde on request.
	Condition reason: To ensure that the measures stated in the approved
	DPTMP are carried out during demolition activities.
39	Waste resource management
	While demolition work is being carried out, the waste material sorting,
	storage and re-use requirements of the approved Waste Management Plan
	and Council's Development Control Plan for Waste Minimisation and
	Management must be implemented.
	Condition reason: To ensure responsible and sustainable disposal and/or
	recovery of materials generated during works.

40	Waste disposal verification statement
	On completion of demolition work:
	 A) a signed statement must be submitted to the principal certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, and
	 B) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the principal certifier within 14 days of completion of the demolition work.
	Condition Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

41	Design amendments Before the issue of a construction cert ensure the construction certificate plar following required amendments to the The following details must be shown o a) 4 <i>Angophora floribunda</i> (Rough- planted as Street Trees along Linto driveway.	ns and specifications detail the approved plans and documents: n an amended Landscape Plan: barked Apple) <i>in 45 Litre pot</i> be
	Condition Reason: To require minor by the consent authority following asse	
42	Housing and productivity contribution Before the issue of a construction cert contribution (HPC) set out in the table	on ificate, the housing and productivity
	Housing and productivity contribution	Amount
	Housing and productivity contribution (base component)	\$14,511.97
	Total housing and productivity contribution	\$14,511.97
	The HPC must be paid using the NSW At the time of payment, the amount of accordance with the Environmental Pla and Productivity Contributions) Order 2	the HPC is to be adjusted in anning and Assessment (Housing
	The HPC may be made wholly or partl (apart from any transport project comp the Environmental Planning and Asses	onent) if the Minister administering
	The HPC is not required to be made to agreement excludes the application of Environmental Planning and Assessm the HPC Order exempts the developm	Subdivision 4 of Division 7.1 of the ent Act 1979 to the development, or

	The amount of the contribution may be reduced under the HPC Order,
	including if payment is made before 1 July 2025.
	Condition Reason : To require contributions towards the provision of
	regional infrastructure.
43	Construction Site Management Plan
	Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to principal certifier. The
	plan must include the following matters:
	A) The location and materials for protective fencing and hoardings on the
	perimeter of the site;
	B) Provisions for public safety;
	C) Pedestrian and vehicular site access points and construction activity
	zones;
	D) Details of construction traffic management including:
	E) Proposed truck movements to and from the site;
	F) Estimated frequency of truck movements; and
	 G) Measures to ensure pedestrian safety near the site; H) The location of site storage areas and sheds;
	 The equipment used to carry out works;
	J) The location of a garbage container with a tight-fitting lid;
	 K) Dust, noise and vibration control measures;
	L) The location of temporary toilets;
	M) The protective measures for the preservation of trees on-site and in
	adjoining public areas including measures in accordance with:
	N) AS 4970 – Protection of trees on development sites;
	O) An arborist's report approved as part of this consent
	A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition Reason: To require details of measures that will protect the
	public, and the surrounding environment, during site works and construction
44	Equal access to the premises
	Before the issue of a construction certificate, plans which demonstrate that
	adequate access to the premises will be provided for persons with
	disabilities in accordance with the Commonwealth Disability (Access to
	Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.
	Condition reason : To ensure safe and easy access to the premises for
	people with a disability.
45	Erosion and sediment control plan
	Before the issue of a construction certificate, an erosion and sediment
	control plan must be prepared by a suitably qualified person in accordance
	with the following documents and provided to principal certifier:
	A) Council's relevant development control plan,
	 B) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the
	Blue Book) (as amended from time to time), and the 'Do it Right On-
	Site, Soil and Water Management for the Construction Industry'
	(Southern Sydney Regional Organisation of Councils and the Natural
	Heritage Trust) (as amended from time to time).
	Condition Reason: To ensure no substance other than rainwater enters
	the stormwater system and waterways
46	Long Service Levy
	Before the issue of the relevant construction certificate, the long service
	levy of 0.25% of the cost of works must be paid to the Long Service
	Corporation of Council under the <i>Building and Construction industry Long</i>
	<i>Service Payments Act 1986</i> , section 34, and evidence of the payment is to be provided to principal certifier.
	Condition Reason : To ensure the long service levy is paid.

 47 Payment of security deposits Before the issue of the relevant construction certificate, the applicant must: A) make payment for a security deposit to the consent authority under the category of: other buildings with delivery of bricks or concrete or machine excavation, and B) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid. Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed. 48 Waste Management Plan – an approved document of this consent. Before the issue of a construction certificate, a waste management plan for the development must be provided to principal certifier. Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction. 49 Utilities and services Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the principal certifier: A) a letter from Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity B) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met C) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers' requirements are provided to the certifier. 50 Preparation of a construction certificate, detailed plans of the mechanical exhautst entiliation plans. Before the issue of a construction certificate, detailed plans		
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	52	

		ertificate, a monetary contribution for the ow must be paid to Council. Column A st be made to Council as follows:
	Column A – Contribution Type	Column B – Contribution Amount
	Section 7.12 Contribution	\$54,061.19
	These are contributions under the p Environmental Planning and Assess Ryde Fixed Rate (Section 7.12) Dev effective from 1 July 2020.	sment Act, 1979 as specified in City of
	quarterly adjustment for inflation on are applicable at time of payment. S reference to the Consumer Price Inc	date of this consent and is subject to the basis of the contribution rates that such adjustment for inflation is by dex published by the Australian Bureau – and may result in contribution amount
		card only), CASH or a BANK CHEQUE Personal or company cheques will not
	,	pected at the Ryde Customer Service Pope and Devlin Streets, within Top
	Details are to be provided to the prir	ncipal certifier.
	Condition reason: Statutory require	rement.
53	Structural certification	
	Before to the issue of a construction prepared from a qualified practising	certificate, structural certification structural engineer must be provided to
	the principal certifier.	Siluciar engineer mast be provided to
		structural adequacy of the development.
54	Reflectivity of materials	
0-1	Before the issue of a construction co	ertificate the principal certifier must
		ate plans demonstrate the roofing and
	other external materials and finishes	
	Condition reason: To ensure the	
55	External lighting	
		• • •
	A) Comply with AS 1158: Light fo	•
	 B) Comply with AS 4282: Control Lighting 	for Obtrusive Effects of Outdoor
	C) Lighting must be placed at all	entrances to, and exits from the
		e of the premises and surrounding
	areas for visibility and to reduc	
	E) Lighting must not interfere with	•
		obtrusive light or have adverse impacts
	on the amenity of surrounding	
		n or intermittently illuminate unless ss of vehicles crossing a pedestrian ntrance.

	Condition reason: To ensure the safe operation of the premises and
	protect the local amenity of the area.
56	Road and public domain works
	The following Public Domain works are required:
	• Construction of a new concrete vehicular crossing of width as approved to facilitate the turning templates of the vehicles envisaged to use it.
	• Construction of a new kerb and gutter along Linton Avenue with half road reconstruction as per Council's DCP Part 8.5.
	• Removal of any existing footpath and gutter crossover which is not fronting an approved access point and the reinstatement of grass verge, concrete kerb, gutter and footpath in this region.
	• Construction of a new concrete footpath 1.20m minimum wide, spanning the site frontages along Victoria Road and Linton Avenue. The footpath width and grade must be in accordance with the Council's DCP Part 8.5 (Public Civil Works) Section 2.3.
	• Construction of new pedestrian kerb ramp at the intersection of Victoria Road and Linton Avenue.
	In accordance with Section 138 of the Roads Act 1993, detailed engineering plans prepared by a qualified and experienced civil engineer, complying with Council specifications must be submitted and approved by Council's City Infrastructure Department prior to the issue of a construction certificate.
	An assessment and inspection fee (as per Council's fees and charges current at the time of payment) must be paid to Council prior to the issue of the construction certificate.
	Condition reason: To ensure the serviceability of infrastructure adjacent the development property is consistent with the life of the development and provides safe and efficient access to the site.
57	Public domain works (defects and security bond)
	Before the issue of the construction certificate, a public domain defects and security bond must be paid to Council in the form of a cash deposit or Bank Guarantee of \$50,000 . The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the 12 months defects liability period.
	Condition reason: To ensure compliance with specifications and identification of defects not visible at final inspection.
58	Anticipated assets register (changes to council assets)
	Before the issue of any construction certificate, an anticipated asset register is to be prepared to the satisfaction of Council's City Infrastructure
	Department which includes but not limited to the following:
	new road pavements
	new concrete footways
	new street trees and tree pits
	street furniture
	kerb and gutter
	driveways. Condition reason. To record the anticipated civil works to be completed
	Condition reason: To record the anticipated civil works to be completed with the development.
59	Construction traffic management plan
00	Before the issue of a construction certificate, a Construction Traffic
	Management Plan (CTMP) for all construction works, including demolition activities, must be prepared by a suitably qualified traffic engineer. The
	CTMP must include any Traffic Control Plans / Traffic Guidance Schemes

	and must be submitted to and approved by Council. Confirmation of Council's acceptance of the CTMP is to be provided to the principal certifier.
	All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment), with
	payment made prior to receipt of approval from Council's Traffic Services Department for the CTMP.
	Condition reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
60	Recommendations from expert report
	The recommendations provided in Rain Tree Consulting dated 19 December 2023 are to be implemented:
	 Arboricultural Impact Assessment (AIA). All items in the AIA outlined in: "Section 2. Conclusion & Recommendations" prepared by Rain
	Tree Consulting dated 19 December 2023, are to be implemented.
61	Condition reason: To ensure the recommendations of the expert report are implemented.
61	Tree Retention
	Before any site work commences, the following trees as identified in the Arboricultural Impact Assessment (AIA) prepared by Rain Tree Consulting dated 19 December 2023 shall be retained and protected:
	Trees in Council Reserve: Trees 1, 3 to 10, 12 to 15, 18, 21. On site: Tree 16.
	Condition Reason: To ensure the health of existing trees to be retained.
62	Project Arborist
02	Before any site work commences, a Project Arborist with minimum AQF
	level 5 qualifications is to be engaged to ensure adequate tree protection
	measures are put in place for all trees to be retained in accordance with
	AS4970-2009 Protection of trees on development sites. All trees are to be
	monitored to ensure adequate health throughout the construction period. All
	work within the Tree Protection Zones is to be supervised by the Project
	Arborist throughout construction.
	Condition Reason: To ensure tree protection measures and the nature of
	works are appropriate and not detrimental to the health of the trees on site.
63	Project Arborist – Contact Details
	Before any site work commences, City of Ryde is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, City of Ryde is to be notified, in writing,
	within 7 working days.
	Condition Reason: To ensure the Project Arborist can be readily
	contacted in regard to the required tree protection measures.
64	Vehicle Access & Parking
	All internal driveways, vehicle access ramp, 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 (Off-street Parking standards) for all types of vehicles accessing the parking area.
	With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;
	a) 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 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.
	 b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. 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 (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
	These amendment(s) must be clearly marked on the plans submitted to the principal certifier prior to the issue of a Construction Certificate.
	Condition Reason: Ensure access and parking are compliant.
65	Stormwater Management
	To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and discharged to the approved point of discharge in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management), associated annexures, and generally in accordance with the approved Stormwater Management. Accordingly, detailed engineering plans and certification demonstrating compliance with this condition are to be submitted with the application for a Construction Certificate.
	Condition reason: To ensure that the development's stormwater
	management system is aligned with the controls and objectives of Council's DCP Part 8.2.
66	Stormwater management (drain to existing drainage system)
	Before the issue of a construction certificate, the discharge to the existing stormwater management system must be inspected by a suitably qualified civil engineer or licensed plumber to ensure it is of adequate capacity to accommodate additional stormwater runoff from the development and without adverse impacts to neighbouring properties.
	The appointed expert must prepare documentation and plans addressing the following matters:
	 A) Detail the proposed drainage system and its point of discharge to the existing stormwater management system;
	 B) Deduce the configuration of the existing stormwater management system downstream of the proposed connection and the manner of discharge from the site;
	 Confirm that, subject to any upgrade to the system as required by part (e) of this condition, the existing stormwater management system is of adequate capacity to accommodate the additional stormwater runoff from the development;
	 D) Nominate the location and configuration of any rainwater tank required by BASIX commitments or nominated on the architectural plan, including the overflow connection to the stormwater management system; and
	 E) Specify any remedial works to the existing stormwater management system downstream of the proposed connection required in order to ensure the continued use of the stormwater management service, address any adverse effects to the subject site or downstream property evident on the lot, and ensure the state of the existing stormwater system crossing the footpath / kerb outlet is in accordance with Council's DCP Part 8.2 (Stormwater and Floodplain Management) (where applicable).

Condition reason: To ensure that the developments stormwater
management system is aligned with the controls and objectives of the
Council's DCP Part 8.2.

BEFORE BUILDING WORK COMMENCES

	Condition
67	Erosion and sediment controls in place
	Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition Reason: To ensure sediment laden runoff and site debris do not
	impact local stormwater systems and waterways.
68	Payment of fees
	Before any site work commences, the following must be paid to council and written evidence of these payments provided to the principal certifier: A) Infrastructure Restoration and Administration Fee.
	Condition Reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.
69	Tree protection measures
	Before any site work commences, the principal certifier, or council where a principal certifier is not required, must be satisfied the measures for tree protection detailed in the construction site management plan are in place.
	Condition Reason: To protect and retain trees.
70	Safety fencing Before any site works commences, the site must be fenced and maintained throughout demolition and construction and must comply with SafeWork NSW requirements and be a minimum of 1.8m in height.
	Condition reason: Statutory requirement.
71	Demolition deposit Before demolition work commences, Council must be provided with a security deposit as determined by Council's fees and charges current at the time of payment. Written evidence of the payment is to be provided to the principal certifier.
70	Condition reason: Statutory requirement.
72	 Provision of contact details and neighbour notification Before any site work commences, (at least 7 days) City of Ryde must be notified of the following particulars: A) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
	B) The date the work is due to commence and the expected completion date.C) A written notice must be placed in the letter box of each adjoining
	property advising of the date the work is due to commence. Condition reason: To ensure Council and adjoining properties are notified of demolition works.
73	Replacement Tree – Bond (Replacement of Tree 11 with street trees)
	To encourage works to be undertaken in a manner that ensures
	that public trees are replaced as necessary, a cash deposit or bank guarantee of \$2,000 shall be lodged with Council.
	The security deposit will not be released until Council has inspected the tree upon request (and no earlier than 12 months after the

	Condition
	release of the Occupation Certificate) and is satisfied that the tree is in a
	sound and healthy condition.
	If upon inspection the trees are found to be unviable for retention the bond will
	not be refunded.
	Condition Reason: To ensure the protection of Council's Street Tree.
74	Tree Protection Bond (Trees 1-10 & 12-21)
	To encourage works to be undertaken in a manner that ensures
	that public trees are preserved/replaced as necessary, a cash deposit or
	bank guarantee of \$20,000 shall be lodged with Council.
	The security deposit will not be released until Council has
	inspected the trees upon request (and no earlier than 12 months after the
	release of the Occupation Certificate) and is satisfied that the tree is in a
	sound and healthy condition.
	If upon inspection the tree is found to be unviable for retention the bond will not
	be refunded.
	Condition Reason: To ensure the protection of Council's Trees.
75	Ground anchors
	Before work commences, if ground anchors are required to be installed as part
	of the development, approval from Council's Traffic Services Department is
	required under section 138 of the Roads Act 1993. As part of this approval
	detailed structural engineering plans must be 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. Approval
	will be subject to:
	Advice being provided to the relevant Public Utility Authorities of the
	proposed anchoring, including confirmation that their requirements are
	being met;
	The payment of all fees in accordance with Council's fees and charges at
	the time of the issue of the approval; and
	The provision of a copy of the Public Liability insurance cover of not less
	than \$20 million with Council's interest noted on the policy. The policy
	must remain valid until the de-commissioning of the ground anchors.
	Condition reason: To ensure public services and public domain are not
	adversely impacted.
76	Notice of intention to commence public domain works
	Before any public domain works commence, a Notice of Intention to
	Commence Public Domain Works must be submitted to Council's City
	Infrastructure Department. This Notice must 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.
	Condition reason: To ensure compliance and record of works.
77	Notification of adjoining owners and occupiers (public domain works)
	Before any public domain works commence, written notification must be
	provided to the adjoining owners and occupiers of the public domain works a
	minimum of 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 must be minimised; and driveways must be returned

	
	to the operational condition as they were prior to the commencement of works,
	at no cost to the adjoining owners.
	Condition reason: To ensure compliance and record of works.
78	Pre-construction inspection
	Before any public domain works commence, a joint inspection must be
	undertaken with Council's Engineer from City Infrastructure Department prior
	to commencement of any public domain works. Note: Minimum 48 hour notice
	is required when booking the joint inspection.
	Condition reason: To ensure compliance and communicate Council's
	requirements.
79	Temporary footpath crossing
	Before any site works commence, a temporary footpath crossing, if required,
	must be provided at the vehicular access points. It is to be 4 metres wide,
	made out of sections of hardwood with chamfered ends and strapped with
	hoop iron, and a temporary gutter crossing must be provided.
	Condition reason: To ensure public amenity and safety.
80	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the
	approved removal, relocation or reconstruction of infrastructure (including
	ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider
	pits, street trees or any other infrastructure in the street footpath area) must be
	paid as directed by the consent authority.
	Condition Reason: To ensure payment of approved changes to public
	infrastructure.
81	Road occupancy licence
	Before work commences, a Road Occupancy Licence (ROL) obtained from
	NSW Transport Management Centre must be submitted to Council's Traffic
	Services Department and the principal certifier 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.
	Condition reason: To satisfy Transport for NSW requirements.
82	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 and any requirements of Council in relation to the
	connection to the public drainage system.
	Condition Reason: To ensure the stormwater system is constructed as
	approved.

DURING BUILDING WORK

83	Hours of work
	Site work must only be carried out between the following times:
	 Monday to Friday - 7.00am and 7.00pm (other than public holidays)
	Saturday - 8.00am and 4.00pm
	Site work is not to be carried out outside of these times except where there is
	an emergency, or for urgent work directed by a police officer or a public
	authority.
	Condition Reason : To protect the amenity of the surrounding area
84	Implementation of the site management plans
	While site work is being carried out the measures required by the construction
	site management plan and the erosion and sediment control plan (plans) must
	be implemented at all times, and a copy of these plans must be kept on site at
	all times and made available to council officers upon request.
	Condition Reason: To ensure site management measures are implemented
	during the carrying out of site work.

85	Noise and Vibration requirements
	While site work is being carried out, noise generated from the site must not
	exceed an LAeq (15 min) of 5db(A) above background noise, when measured
	at a lot boundary of the site.
	Condition Reason : To protect the amenity of the neighbourhood during
	construction.
86	Procedure for critical stage inspections
	While building work is being carried out, the work must not continue after each
	critical stage inspection unless the principal certifier is satisfied the work may
	proceed in accordance with this consent and the relevant construction
	certificate.
	Condition Reason : To require approval to proceed with building work
	following each critical stage inspection.
87	Responsibility for changes to public infrastructure
	While site work is being carried out, any costs incurred as a result of the
	approved removal, relocation or reconstruction of infrastructure (including
	ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider
	pits, street trees or any other infrastructure in the street footpath area) must be
	paid as directed by the consent authority.
	Condition Reason: To ensure payment of approved changes to public
	infrastructure.
88	Tree protection during work
	While site work is being carried out, all required tree protection measures must
	be maintained in good condition in accordance with:
	A) the construction site management plan <insert approved="" required=""> under</insert>
	this consent,
	B) the relevant requirements of AS 4970 Protection of trees on development
	sites,
	C) Part 9.5: Tree Preservation of Council's development control plan (in
	force as at the date of determination of this consent) and
	D) any arborist's report approved under this consent.
	This includes maintaining adequate soil grades and ensuring all machinery,
	builders refuse, spoil and materials remain outside tree protection zones.
	Condition Reason: To protect trees during the carrying out of site work.
89	Waste management
	While site work is being carried out:
	A) all waste management must be undertaken in accordance with the waste
	management plan, and
	B) upon disposal of waste, records of the disposal must be compiled and
	provided to the principal certifier, detailing the following:
	C) The contact details of the person(s) who removed the waste
	D) The waste carrier vehicle registration
	E) The date and time of waste collection
	F) A description of the waste (type of waste and estimated quantity) and
	whether the waste is to be reused, recycled or go to landfill
	G) The address of the disposal location(s) where the waste was taken
	H) The corresponding tip docket/receipt from the site(s) to which the waste
	is transferred, noting date and time of delivery, description (type and
	quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery
	Order or Exemption, records in relation to that Order or Exemption must be
	maintained and provided to the principal certifier and council.
	Condition Reason: To require records to be provided, during site work,
	documenting the lawful disposal of waste.
90	Sediment and dust control
	During site works, no sediment, dust, soil or similar material must leave the
	site.
	Condition reason: To protect the amenity of the area.

91	Construction materials	
01	While site work is being carried out, all materials associated with construction	
	must be retained within the site.	
	Condition reason: To ensure the public domain is not affected during	
	construction.	
92	Consent documents available on site	
	At all times during the construction, a copy of the development consent and	
	approved stamped plans are to be kept on site. These documents are to be	
	made available to any Council Officer as requested.	
	Condition reason: To ensure Council Officers are able to access the consent	
	during any site inspection.	
93	Site maintenance (waste)	
	While site work is being carried out, the area surrounding the construction site	
	must be secured and maintained, including the nature strip, to reduce	
	incidences of illegal dumping and litter.	
	Condition reason: To ensure the waste is contained onsite for responsible	
	disposal and impact to street amenity is reduced.	
94	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.	
	1 The nerson esting on the concert must submit to Council's City	
	1. The person acting on the consent must submit to Council's City	
	Infrastructure Department, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the	
	relevant stage/s. The certificates must contain photographs of the works	
	in progress and a commentary of the inspected works, including any	
	deficiencies and rectifications that were undertaken.	
	 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.	
	2. Upon excavation, trimming and compaction to the subgrade level - to the	
	line, grade, widths and depths, shown on the approved civil engineering	
	drawings.	
	3. Upon compaction of the applicable sub-base course.	
	4. 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).	
	5. Upon installation of any formwork and reinforcement for footpath	
	concrete works.	
	6. Final inspection - upon the practical completion of all civil works with all	
	disturbed areas satisfactorily restored.	
	Condition reason: To ensure the progress of works is appropriately	
	completed and recorded.	
95	Traffic Management	
	Traffic management procedures and systems must be in place and practised	
	during the works period to ensure safety and minimise the impact on adjoining	
	pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019	
	and Council's DCP Part 8.1 (Construction Activities).	
	Condition reason: To ensure that appropriate procedures are in place to	
	assist with the safety of all affected road users within the public domain when	
	works are being undertaken.	
96	Excavation for services within tree protection zone (TPZ)	
	Any excavation for services or grading/re-grading within the identified TPZs of	
	trees to be retained shall be carried out by hand using manual hand tools.	
	Roots greater than 25mm are not to be damaged or severed without the prior	
	written approval of the Project Arborist.	

	Condition Reas		excevation works are not detrimental to	
	Condition Reason: To ensure any excavation works are not detrimental to the health of the tree.			
97	Tree Removal			
	While site work is being carried out, as identified in the Arboricultural Impact Assessment prepared by Rain Tree Consulting dated 19 December 2023. The following trees on site are to be removed: Tree in Council Reserve: Tree 11.			
	Condition Reason: To ensure only the specified trees approved for remova are removed.			
98				
30	Project Arborist Inspections While site work is being carried out, the Project Arborist is to issue Certificates of Compliance to the principal certifier verifying that inspections have been undertaken at each relevant project phase as required by Section 5 Monitoring and Certification of AS4970-2009 as follows.			
	PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to	
	Initial Site Preparation	Establish/delinea te TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage. Issue a Certification of Compliance of tree protection measures being in place and soil rehabilitation undertaken	
	Construction work	Liaison with site manager, compliance, and any deviation from approved plan	Maintain or amend protective measures. Supervision and monitoring formal notification of any deviation from approved tree protection plan	
	Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works. Issue a Certificate of Compliance	
	Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures. Certification of tree protection and soil rehabilitation for Protected Trees	
	Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works. Certification of tree protection if necessary	
	Condition Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained.			
99	Tree works (Australian Standards)While site work is being carried out, all tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007)Condition Reason: Arborist			

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
100	Completion of public utility services
100	Before the issue of the relevant occupation certificate, confirmation must be
	obtained from the relevant authority that any adjustment or augmentation of any
	public utility services including gas, water, sewer, electricity, street lighting and
	telecommunications, required as a result of the development, have been
	completed and this confirmation must be provided to the principal certifier.
	Condition Reason: To ensure required changes to public utility services are
	completed, in accordance with the relevant agency requirements, before
	occupation.
101	Removal of waste upon completion
	Before the issue of an occupation certificate:
	A. all refuse, spoil and material unsuitable for use on-site must be removed from
	the site and disposed of in accordance with the approved waste management
	plan; and
	B. written evidence of the waste removal must be provided to the satisfaction of
	the principal certifier.
	Condition reason: To ensure waste material is appropriately disposed or
	satisfactorily stored.
102	Completion of works
	Before the issue of the relevant occupation certificate, all works shown on the
	approved plans are to be completed.
	Condition reason: To ensure all approved works are completed.
103	Repair of infrastructure
	Before the issue of an occupation certificate:
	1. any public infrastructure damaged as a result of the carrying out of work
	approved under this consent (including damage caused by, but not limited to,
	delivery vehicles, waste collection, contractors, sub-contractors, concreting
	vehicles) must be fully repaired to the written satisfaction of Council, and at no
	cost to Council; or
	2. if the works in (a) are not carried out to Council's satisfaction, Council may
	carry out the works required and the costs of any such works must be paid as
	directed by Council and in the first instance will be paid using the security
	deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.
104	Disused vehicular crossing
	All disused gutter and footpath crossings must be removed, and the kerb and
	footpath reinstated to the satisfaction of Council's City Infrastructure Department.
	Condition reason: To maximise on-street parking capacity and avoid confusion
	relating to the enforcement of parking restrictions.
105	Public domain improvements and infrastructure works (completion)
	Prior to the issue of any occupation certificate, all public domain improvements
	and infrastructure works must be completed to the satisfaction of Council's City
	Infrastructure Department, in accordance with the approved public domain plans
	and at no cost to the Council.
	Condition reason: To ensure compliance with all approved documents and
	plans.
106	Restoration (supervising engineer's certificate)
	Prior to the issue of any occupation certificate, the person acting on the consent
	must submit to City of Ryde, 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
1	completed in accordance with the Council's standards and specifications, and

	-
	DCP Part 8.5 (Public Civil Works), or the Transport for NSW' standards and
	specifications, where applicable.
	Condition reason: To ensure public safety and protection of infrastructure.
107	Compliance certificate (external landscaping works)
	Prior to the issue of any occupation certificate, the person acting on the consent
	must submit to Council, certification from a qualified Landscape Architect
	confirming that the public domain landscaping works have been constructed in
	accordance with the approved drawings and City of Ryde standards and
	specifications.
	Condition reason: To ensure compliance with approved documents and plans.
108	Public domain works-as-executed plans
	Prior to the issue of any occupation certificate, Works-as-Executed (WAE) Plans
	must be submitted to Council's City Infrastructure Department for review and
	approval. The WAE Plans must be prepared on a copy of the approved plans
	and must be certified by a Registered Surveyor. All departures from the
	approved details must be marked in red with proper notations.
	Any rectifications required by Council's City Infrastructure Department must be
	completed by the person acting on this consent 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 City of Ryde must be submitted in a
	form advised by Council's City Infrastructure Department. The list must include
	all the relevant quantities in order to facilitate the registration of the assets in
	Council's Asset Registers.
100	Condition reason: To ensure that all works completed are recorded.
109	Registered surveyor final certificate
	Upon completion of all construction works, and before the issue of any
	occupation certificate, Certification from a Registered Surveyor must be
	submitted to City of Ryde, stating that all works (above and below ground) are contained within the site's boundary.
	Condition reason: To ensure compliance with approved plans and documents
	and to ensure that the development has no encroachments.
110	Supervising engineer final certificate
110	Prior to the issue of any occupation certificate, the person acting on the consent
	must submit to City of Ryde, a Final Certificate from the Supervising Engineer
	confirming that the public domain works have been constructed in accordance
	with the approved drawings and City of Ryde standards and specifications. The
	certificate must include commentary to support any variations from the approved
	drawings.
	Condition reason: To ensure compliance with approved plans and documents.
111	Decommissioning of ground anchors
	Prior to the issue of any occupation certificate, the person acting on the consent
	must provide City of Ryde 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.
	Condition reason: To ensure compliance and protection of public assets.
112	Final inspection (assets handover)
	Prior to the issue of any occupation certificate, a final inspection must be
	conducted by the person acting on this consent in conjunction with Council's
	Engineer from City Infrastructure Department following the completion of the
	external works. Defects found at such inspection must be rectified by the person
	acting on the consent prior to Council issuing the Compliance Certificate for the
	External Works. Additional inspections, if required, must be subject to fees
	payable in accordance with Council's fees and charges at the time of inspection.
	Condition reason: To ensure compliance with approved plans and documents.

113	Compliance certificate (external works and public infrastructure restoration)
	Prior to the issue of any occupation certificate, a compliance certificate must be obtained from Council's City Infrastructure Department 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 City of Ryde's satisfaction and in accordance with Council's approved drawings. The person acting on the consent must be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's fees and charges at the time of issue of
	the Certificate.
	Condition reason: To ensure compliance with approved plans and documents.
114	Council road pavement dilapidation fee
	 Prior to the issue of any occupation certificate, a Road Pavement Dilapidation Fee is payable to City of Ryde. This payment is to offset the significant acceleration of the serviceable lifespan of Council road pavement resulting from dilapidation during demolition and construction phases of the development works. The following documentation is to be provided to Council to enable calculation of the fee in accordance with Council's current fees and charges: Approved Construction Traffic Management Plan (CTMP) detailing approved routes of heavy vehicles to and from the site during the demolition and construction phases. Documentation detailing the Gross Floor Area (GFA) of any structures to be
	demolished as part of the development works. Documentation detailing the Gross Floor Area (GFA) of the proposed or completed structures, constructed on the development site, in accordance with the approved development plans.
	The person acting on the consent is to pay the fee based on the above documentation and Council's fees and charges at the time of the issue of the plan approval, prior to issue of any occupation certificate. Condition reason: To protection and maintenance of Council's road pavement assets.
115	Final Assessment of Trees
	At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any Occupation Certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees. Condition Reason: To ensure the existing trees have been maintained in a viable condition.
116	Completion of landscape and tree works
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
117	Compliance with Hazardous Materials Survey Report
	All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.
	Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

	Condition Reason: To ensure controls are in place for hazardous materials.
118	Engineering Compliance Certificates
	Before the issue of any Occupation Certificate, a compliance certificate prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing:
	a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
	b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the
	discharge of stormwater from the site.c) Confirming that 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).
	d) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the habitable floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed and that the requirements of the
	 condition "Flood and Overland Flow Protection" have been satisfied. e) 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.
	Condition Reason: To ensure compliance.
119	On-site stormwater detention system (marker plate)
	Before the issue of an occupation certificate, a marker plate is to be fixed to
	each on-site detention system constructed on the site. The plate construction, wordings and installation must be in accordance with Council's DCP 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).
	Condition 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.

OCCUPATION AND ONGOING USE

	Condition		
120	Mechanical Ventilation		
	The premises must be suitably ventilated in accordance with the National		
	Construction Code 2019 and AS1668.1 and 2 - 2012 The Use of Ventilation		
	and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.		
	Condition Reason: To ensure compliance with ventilation standards.		
121 Air Emissions			
	The use of the premises shall not give rise to air pollution or an offensive		
	odour within the meaning of the Protection of the Environment Operations		
Act 1997.			
	Condition Reason: To protect human health and the environment.		
122	General Noise Emission Criteria		
	a) Cumulative noise from the development must not exceed any required		

	Condition	
P	project amenity/intrusiveness noise level or maximum noise level as	
	determined in accordance with relevant requirements of the NSW EPA	
	Noise Policy for Industry 2017 (NPfI).	
	b) Background noise monitoring for the purpose of ensuring compliance	
	with the NPfI must be carried out in accordance with the long-term	
	methodology in Fact Sheet B of the NPfI.	
	c) An LAeq,15 minute (noise level) emitted from the development must	
	not exceed the LA90, 15 minute (background noise level) by more than	
	3dB when assessed inside any habitable room of any affected	
	residence or noise sensitive commercial premises at any time. Further:	
	i. The noise level and the background noise level shall both be	
	measured with all external doors and windows of the affected	
	residence closed.	
	ii. Background noise measurements must not include noise from the	
	development but may include noise from necessary ventilation at	
	the affected premise.	
	 d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI. 	
	Condition Reason: To protect residential amenity.	
123	No speakers or Amplified Sound Equipment Outside	
120	Speakers and/or noise amplification equipment must not be installed and	
	music must not be played in any of the external/outdoor areas associated	
	with the premises including the public domain. Speakers located within the	
	premises must not be placed so as to direct the playing of music towards the	
	outdoor areas associated with the premises.	
-	Condition Reason: To protect residential amenity.	
124	Noise From Mechanical Equipment	
	The proposed use of the premises and the operation of all plant and	
	equipment shall not give rise to an 'offensive noise' as defined in the	
	Protection of the Environment Operations Act 1997. Condition Reason: To protect the amenity of the area.	
125	No 'Offensive Noise'	
120	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.	
	Condition Reason: To reduce noise levels.	
126	Parking Allocation	
	Both the owner and occupier of the development must provide and maintain	
	the minimum parking allocation as follows:	
	7 parking spaces for the vehicle showroom	
	 4 parking spaces for the office. 	
	Condition reason: To maintain the required parking spaces for the use.	
127	Hours of Operation	
	During ongoing use of the premises, the hours of operation of the showroom	
	are restricted to:	
	Man Friday : 8 20am 5 20am	
	 Mon - Friday :8.30am - 5.30pm Saturday : 8.30am - 5.00pm 	
	 Saturday : 8.30am – 5.00pm Sunday: 10.00am – 5.00pm 	
	Condition reason: To protect the amenity of the area.	
128	Signage	
	The proposed signage must not have or use:	
	- Flashing lights;	
1042024/0002		

	Condition			
	- Electronically changeable messages;			
	- Animated display, moving parts or simulated movement;			
	- Complex displays that holds a drivers attention beyond 'glance appreciation'			
	- Displays resembling traffic signs or signals; and			
	- A method or level of illumination that distracts or dazzles.			
	Condition reason: To protect the amenity of the area.			
129	General Advertising.			
	No approval is granted in this consent for general or third party advertising which is prohibited			
	Condition reason: To protect the amenity of the area.			

Attachment 2 - Ryde Development Control Plan 2014 – Table of Compliance

Part 4.3 – West Ryde Town Centre

891 Victoria Road, West Ryde

Control	Comments	Compliance
3.0 General Development Controls		
3.1 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.	Maximum height: 9.5m Proposed: 10.2m to 10.69m	No - Clause 4.6 submitted
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	FSR 1:1: permitted Proposed: GFA = $1,668.5m^2$ Site area = $2,230m^2$ 0.75:1	Yes
Heights c. The following controls provide the minimum floor to ceiling heights, as illustrated in Figure 4.3.03: i. Non residential uses: - Ground floor retail/commercial uses require 3.6 metres floor to ceiling height; and – Any non residential level above	Ground floor – 4.3m	Yes N/A
require a minimum 3.3 metres floor to ceiling height; and ii. All residential uses: - Minimum 2.7 metres floor to ceiling height.	N/A	
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 extent of roof articulation is considered satisfactory, 3 ⁰ pitch	Variation proposed to building height control.
e. Building articulation is to respond to the local context and environmental conditions by considering roof shape, pitch and overhangs, entries and verandahs, balconies, terraces, materials,	The built form is considered to be articulated and responds to the local context.	Yes

finishes, fixtures, patterns, colours and detailing.f. Lift overruns, plant equipment and communication devices are to be integrated into the decign of the		N/A.
integrated into the design of the		
building. 3.1.2 – Mixed Use Development		
<u>3.1.2 – Mixed Ose Development</u>		
N/A		
3.13 Street setbacks and alignment		
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	The land is within the enterprise corridor. The development retains the existing basement level. The development locates the built form in the north- western corner of the site presenting to both street	Yes
or enterprise corridor. 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.	frontages. The building will be angled to the boundaries, setback approx. 4.4m to 36m from Victoria Road. The south- eastern corner of the allotment does not contain built form but rather will cater for the vehicles for sale. This is representative of the existing development on site.	N/A
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.	Not located within Figure 4.3.04. Built to street setback. Existing building.	N/A
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.	The development is two storeys in scale, though it appears as single storey when viewed from Victoria Road. The development does not result in adverse wind effects given the height of the development, which is consistent with residential development in Ryde. Awnings are not required.	Yes
e. All applications for buildings over 5 storeys shall be accompanied with a Wind Impact Statement from a qualified person. For buildings over 9 storeys a detailed wind impact study must be submitted.	Part 2/part 1 storey	N/A
3.1.4 Urban Design	The site is separated from	
	adjoining properties by Linton	
a. Built form is to follow and	Ave and a Linton Park to the	
reinforce the established street	north-west and to the west. The	Vaa
alignment, providing a continuous	development is generally	Yes

building line to define the public domain.	setback in line with the service station building further along Victoria Road at 899 Victoria Road.	
b. Pedestrian corridors and linkages such as arcades, lanes and streets, should be provided, maintained and	No pedestrian corridors or linkages.	N/A
enhanced.c. Built form design should respect the existing character or contribute to a preferred character of the town centre.d. Built form design of mixed use	Built form is in line with what is currently on site. The development is reflective of the character of Victoria Road Enterprise Precinct.	Yes
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.		N/A
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.		N/A
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.	Council's Public Domain has raised no objections subject to conditions.	Yes
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 Street Frontages	Motor showroom with display vehicles within the building setback areas – Victoria Road and Linton Avenue. This is the current situation and this will not	No – existing situation.
and Street Address. Basement parking should be provided where possible.	change. Basement parking have been provided for storage of vehicles.	Yes
h. Where residential development is proposed, pedestrian entry should be separated from the entry to other land uses in buildings.	-	N/A
i. Car parking and servicing must	Car parking and servicing within	Yes
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.	basement area however as the current situation of display vehicles within the building setback areas, facing Victoria Road and Linton Ave will remain.	No – existing situation.

	l .	
3.1.5 Building Entrances and Lobbies		
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	The development incorporates an entrance into the showroom from the southern elevation presenting to Victoria Road. The design also accommodates a pedestrian access within the eastern elevation presenting to	Yes
layout principles.b. Building lobbies must be accessible from a continuous path of travel.c. The lobby area is to have a separate and identifiable street	Linton Avenue. Satisfactory – from Victoria Road	Yes
entry, at ground floor level from the footpath.	Satisfactory.	Yes
d. All areas within the lobby are to be visible from the entry point to enhance the sense of security.	Satisfactory	Yes
e. All entrances and lobbies are to provide suitable and appropriate lighting.	Not required – not residential with the business operating during the day. Will condition to provide suitable lighting around the site for safety purposes.	Yes
3.1.6 Active Street Frontages and Street Address		
a. Active street frontages are required along those property frontages identified in Figure 4.3.06.	Active frontage not required.	N/A
3.1.7 Awnings		
a. Awnings should be provided along street frontages as shown in Figure 4.3.06 to contribute to active street frontages.	Awnings not required	N/A
3.1.8 Balconies		
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.	Not applicable	N/A
3.1.9 Visual Privacy and Acoustic Amenity		
Visual Amenity h. Orientate the main living spaces within apartments to the street	Not residential	N/A

· · · ·		
and/or communal open space (in		
designing the layouts this will need		
to be balanced against other criteria		
such as solar access).		
i. Proposed development should		
address the design principles outlined in the NSW Police		
Service's Crime Prevention through		
Environmental Design (CPTED).	The design permits passive	Yes
j. Development design should	surveillance.	103
incorporate the following techniques		
to increase public safety and		
security:		
i. Provide active uses wherever	There are minimal extents of	Yes
possible at ground level;	blank walls to the streets.	
ii. Avoid blank walls onto streets, or		
large building setbacks with no		
visual supervision;		
iii. Maintain strong view corridors		
along streets, laneways and		
pedestrian linkages;		
iv. Provide high levels of lighting in		
carparks;	— — — — — — — — — — — — — — — — — — —	
v. Provide passive surveillance by	To condition for suitable lighting	
locating entrances and living areas	around the site.	N
where surveillance is limited;	Entrances are concluded to being	Yes
vi. Locate entrances and living areas to provide surveillance of the	Entrances are capable of being well lit - Satisfactory.	
public domain;	well lit - Satisfactory.	
vii. Provide well lit entrances and		
main walkways, with appropriate	The internal spaces of the	
landscaping;	showroom is open and visible	
viii.Use physical barriers or other	and does not incorporate hidden	
methods to deter people from	corners.	Yes
entering unsafe spaces; and		
ix. Design lighting to ensure it does	The vegetation is located along	
not produce glare or dark shadows.	the street frontages and do not	
This can be achieved by the	create entrapment spaces.	
following:		
- use diffused lights and/or		
movement sensitive lights;		
- direct these lights towards		
access/egress routes to illuminate potential offenders, rather than		
towards buildings or resident		
observation points;		
- 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;		
- as a guide areas should be lit to		
enable users to identify a face 15		
metres away; and - illuminate		
possible places for intruders to hide.		

Not residential	N/A
-	N/A
Existing vehicle access is located on Linton Ave and no changes are proposed to this egress way.	Yes
	Yes
	N/A
The design minimises the vehicle access point to one.	Yes
Forward ingress and egress is possible to and from Linton Ave.	Yes
Existing vehicle access point – no changes proposed.	Yes
The site is not within the Pedestrian Circulation Framework.	N/A
	Iocated on Linton Ave and no changes are proposed to this egress way. The design minimises the vehicle access point to one. Forward ingress and egress is possible to and from Linton Ave. Existing vehicle access point – no changes proposed. The site is not within the Pedestrian Circulation

 a. Bicycle storage racks are to be provided to accommodate a minimum of: 1 bicycle space for every 200 square metres of office floor space; 1 bicycle space per 300 square metres of retail; and 1 bicycle space for every 3 residential units. 	9 offices within the show room = 134m ² of office floor area. No retail or residential. No bicycle storage rack required.	N/A
 <u>3.3.1 Solar Access</u> a. All developments must provide shadow diagrams that accurately describe the overshadowing impact 	Suitable shadow diagrams have been submitted.	Yes
to adjacent buildings and public domain areas. 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		Yes
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.	The site is not located in proximity to any major public open spaces.	Yes
 <u>3.3.2 Natural Ventilation</u> 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. 	Ground floor is a motor show room with large expanse of glass – only the two entrance doors can be open for natural ventilation. This commercial use will incorporate natural (door openings) and mechanical ventilation	Yes
<u>3.3.3 Stormwater Management</u> a. All stormwater drainage is to be designed in accordance with Part	The stormwater drainage system is in accordance with Part 8.2 –	Yes
8.2 Stormwater Management of this DCP.b. A Stormwater Management Plan is required to be submitted with all classifications.	Stormwater Management. A suitable stormwater management plan has been submitted.	Yes
development applications. c. Access to underground parking is to be designed with consideration to	The basement access is satisfactory with regard to the	Yes

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 that waste water can be re-used for non- potable purposes, such as toilet flushing and irrigation of gardens	flood levels and impact on the street frontage. The development meets best practice targets for stormwater management. There is no significant runoff entering the site from upstream properties.	Yes Yes N/A
and landscape. <u>3.4.1 Street Furniture, Paving &</u>		
<u>Street Lighting</u> Not required.	Standard public domain conditions imposed to for kerb and gutter and half road construction as per Council's DCP.	N/A
3.4.2 Street Tree Planting and		
Landscaping a. All development proposals are to be accompanied by a landscape plan prepared by a qualified and suitably experienced landscape	A suitable landscaping plan has been submitted.	Yes
architect. 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	Not appropriate – commercial building.	Yes
structures). 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	The ground level entrances will be well lit and will not be obscured by planting that reduces personal safety.	Yes
or pedestrians. 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	Conditions imposed for street tree plantings	Yes

 any new building work involving additional floor space. 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. f. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum 	reco requ tree A co reco pot	ondition of consent is ommended in relation to the uired species for the street plantings. ondition of consent is ommended in relation to the size and height of the street plantings.		Yes	
height of 3.5 m, subject to species availability.					
 <u>3.4.3 Public Art</u> 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. b. Public art must be included in all new mixed use development with an estimated construction value of more than \$20 Million. 		= \$5,406,119.00 & not a ed use		N/A	
4.0 PRECINCT SPECIFIC DEVELOP	PMEN	IT CONTROLS			
 4.2 Precinct 6 – Victoria Road Ente a. New development should address victoria Road and provide use glazing and contrasting material provide visual interest to the stress between the stress of the stress of the stress of the stress of the stress. 	ress of to reet.	Large glazed windows a entrances presents to Victo Road and Linton Ave. White cladding is also used provide a break in the massi of the extended glazed are	to ing as he	Yes	
 b. All future development shorecognise the presence of the indust precinct. c. Buildings and public domain delineate entry to the Town Ce though innovative design. 	will	established vehicle entrances the site from Linton Aven reinforces the established Tor	ed ine ine to ue wn an	Yes	
d. New buildings within the Victoria R Enterprise Corridor Precinct are provide a transition to adjoining	to	The site is adjoined to the no and west by Linton Park whi provides a physical transition the low density residential are	ich to		

density residential areas to maintain the amenity of those adjoining residential land uses.	along Linton Avenue. The site is not immediately adjoined by residential land uses.	
	The development is two storeys in scale, so the height will not be discernible. The development is separated from the low density residential properties by approximately 60m.	

Part 7.2 - Waste Minimisation and Management

Control	Comment	Compliance
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.	Existing building with garbage area in the basement. A Waste Management Plan submitted – satisfactory.	Yes
b. A waste and recycling storage room (or rooms) must be provided for the storage of 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	A garbage and waste room is provided in the basement. No changes to this area.	Yes
c. All waste and recycling storage rooms must be designed and constructed in accordance with Schedule 4: S4.2 Waste and Recycling Storage Rooms.	Conditions of consent are recommended to require compliance.	Yes
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.	The existing waste contract with Cleanaway Waste Management Services will remain unchanged And will be supplemented by additional bins.	Yes
e. Where garbage chutes are proposed, service rooms/compartments for accessing the garbage chutes must be provided on each	Not residential	N/A

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).		
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:	Street collection as per existing.	N/A



Revised Clause 4.6 Exceptions to Development Standards Written Request – Height of Buildings

Partial Demolition of Existing Kia and Subaru Showrooms and the Construction of a New Showroom



891 Victoria Road, West Ryde Lot 1 DP 1259274

Prepared for: SKRP Pty Ltd

CPS Project No: G003

Date: 17 September 2024

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Clause 4.6 Written Request to Vary a Development Standard

Applicant's name	SKRP Pty Ltd
Site address	891 – 895 Victoria Road, West Ryde (Lot 1 in DP 1259274)
Proposal	Partial demolition of existing Kia and Subaru Showrooms and the construction of a new showroom.
Environmental Planning Instrument	Ryde Local Environmental Plan 2014 (RLEP 2014)
Development standard to be varied	Clause 4.3 – Height of Buildings

Ryde Local Environmental Plan 2014

Introduction

This Report contains a written request to vary the building height development standard in accordance with Clause 4.6 of the *Ryde Local Environmental Plan 2014* (RLEP 2014) which provides the framework for consideration of proposed variations to development standards.

This variation sought under Clause 4.6 of the RLEP 2014 has been prepared having regard to appropriate case law, including but not limited to *Initial action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Clause 4.3 of the RLEP 2014 provides that the height of a building may not exceed the maximum height specified on the Height of Buildings Map. The site is subject to a height limit of 9.5 metres. The proposed development exceeds the maximum height standard when measured in accordance with the RLEP 2014 definition of building height, which is:

building height (or height of building) means-

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

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including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Clause 4.6 provides flexibility to vary the RLEP 2014 development standards where it can be demonstrated the development standard is unreasonable or unnecessary in the circumstances of the

case, and where there are sufficient environmental grounds to justify the contravention. Clause 4.6 provides the following:

- (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.
- (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.

The justification for the contravention of the building height controls applicable under the RLEP 2014 is set out below.

Note: Clause 4.6(8) of the RLEP 2014 does not expressly exclude clause 4.3 from the operation of clause 4.6 of the RLEP 2014.

Definition of development standard

Section 1.4 'Definitions' of the *Environmental Planning and Assessment Act 1979* (the Act) provides the following definition of a development standard.

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- (a) the area, shape or frontage of any land, **the dimensions of any land, buildings or works**, or the distance of any land, building or work from any specified point,
- (b) the proportion or percentage of the area of a site which a building or work may occupy,
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- (d) the cubic content or floor space of a building,
- (e) the intensity or density of the use of any land, building or work,

- *(f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- (h) the volume, nature and type of traffic generated by the development,
- (i) road patterns,
- (j) drainage,
- (k) the carrying out of earthworks,
- (I) the effects of development on patterns of wind, sunlight, daylight or shadows,
- (m) the provision of services, facilities and amenities demanded by development,
- (n) the emission of pollution and means for its prevention or control or mitigation, and
- (o) such other matters as may be prescribed.

[*Emphasis* added].

Clause 4.3 of the RLEP 2014 satisfies the definition for a development standard under the Act, meaning the provisions of Clause 4.6 of the RLEP 2014 apply.

Height of Buildings Standard

Clause 4.3 of RLEP 2014 prescribes a maximum building height for land to which the plan applies. The relevant provisions of clause 4.3 are reproduced below:

- (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.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

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Figure 1 - RLEP 2014 Height of Buildings Map extract, with subject site outlined by dashed yellow outline. Source: https://www.planningportal.nsw.gov.au/spatialviewer

The Height of Buildings Map (*Figure 1*) prescribes a maximum building height of 9.5m to the subject site.

The Dictionary within RLEP 2014 provides definitions for 'building height' and 'ground level (existing)', which can be used to calculate the maximum building height of a building. The definitions are reproduced below:

Building height (or height of building) means-

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Ground level (existing) means the existing level of a site at any point.

When applied to the proposed development on the subject site, the existing ground level (existing basement) ranges from between RL9.96 to RL10.450, and the ridge of the roof is RL20.650. This results in a vertical distance of 10.690m, therefore contravening the building height development standard by a maximum of 1.19m, or 12.5%.

Proposed Variation

The location of the building height contravention and variation proposed is outlined in **Table 1** and *Figure 2* below.

RLEP 2014 building	Location of height breach	Proposed	Percentage (%) of
height standard:		Height	Variation to Clause 4.3
9.5m	Rear northwestern corner of the	10.690m	1.19m or 12.5%
	building (Section A).		
	Roof at RL20.650 with EGL below at		
	RL9.96		
	Rear roof form, setback 5m from	10.31m	810mm or 8.5%
	western side boundary (Section B).		
	Roof at RL20.650 with EGL below at		
	RL10.34		
	Roof form (Section C).	10.2m	700mm or 7.36%
	Roof at RL20.650 with EGL below at		
	RL10.450		
	Roof form (Section D).	10.2m	700mm or 7.36%
	Parapet Roof at RL20.650 with EGL		
	below at RL10.450		

Table 1 – Proposed height variations to Clause 4.3 of RLEP 2014

The development results in a contravention of the building height standard and does not materially affect what the standard seeks to achieve. The contravention occurs primarily because of the existing excavated basement level of the building. The proposed development, when considered in the context of the natural ground level which ranges between RL11.0 – RL13.0, would be between 7.65m – 9.65m. and generally complies with the development standard.

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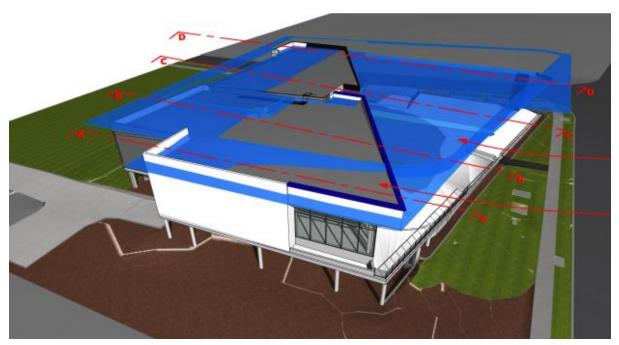


Figure 2: Building height plane looking in a northeastern direction. The blue indicates the 9.5m building height plane. The elements above this plane are shown above the blue plane. Source: Centric Architects Plan 0489-9011 Issue C.

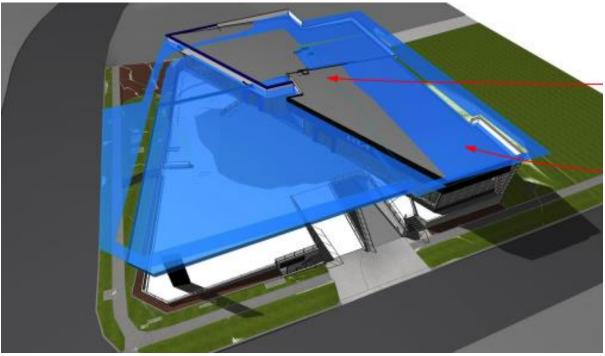


Figure 3 Building height plane looking from Linton Avenue in a north western direction. The blue indicates the 9.5m building height plane. The elements above this plane are shown above the blue plane. Source: Centric Architects Plan 0489-9012 Issue A .

The height plane has extrapolated the existing site levels based on the survey and extended the mesh up 9.5m. The 3D (Figures 2 and 3) together with sections (Figures 4 - 7) illustrate the height contravention. The variation in height exceedance is based on the existing basement level and where

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the basement does not exist, is based on the existing ground levels. The existing basement level is stepped resulting in varying levels of contravention.

The building height development standard has been contravened for the following reasons:

- Development type and retention of excavated ground level The development is alterations and additions which maintains the exiting basement parking level, creating an 'existing ground level' that deviates from the natural ground level.
- Flooding The site is subject to flooding. There is an existing flood way created between
 Victoria Road and Linton Park. The raised ground level in response to the site's flood
 constraint contributes to the building height contravention.

<u>Clause 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.</u>

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following five separate ways in which an objection (variation) may be well founded.

- 1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.
- 2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- 3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

[Emphasis added].

It is generally understood that Clause 4.6(3) can be satisfied if it is established that a development satisfies one or more of the above points. In this instance – in addition to the reasons for the variation that are provided above – points 1 and 3 are investigated and satisfied for the proposed non-compliance.

The assessment against the objectives of the height of buildings development standard under Clause 4.3 of the RLEP 2014 is provided below.

The objectives of clause 4.3 height of buildings are discussed as follows:

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

<u>CPS response</u>: The site has two prominent street frontages, facing Victoria Road and Linton Avenue, each with distinct development styles and established character. The third frontage is much smaller (arc at intersection) and less noticeable. The development proposal considers the existing character of the two main street frontages and aims to harmonise with the streetscapes.

Both prominent frontages extend for long distances, exceeding 50m when accounting for irregular boundaries and splays. The proposed 9.5m height limit is relatively low compared to the length of each frontage, especially for corner sites, which are intended to emphasise the road frontages along road corridors. Considering the frontage lengths and the site area of 2,230m², a 9.5m height limit along a main road corridor might not be suitable.

The subject site, located within the Victoria Road Enterprise Corridor, holds a strategic position as a gateway to the West Ryde Town Centre. It is zoned B6 Enterprise Zone, intended for larger-scale commercial activities that complement the nearby industrial zone and enhance the visual appeal of the corridor. The Character Statement is provided below:

Land along Victoria Road, west of the rail line, provides an important gateway to the West Ryde Town Centre and supports predominantly commercial and residential activities. The precinct is opposite the West Ryde Industrial Area, an important employment and economic precinct for the West Ryde Area.

The land zoned as B6 Enterprise Zone along Victoria Road serves as an important commercial precinct which supports the industrial zone and protects the primacy of core commercial activities within the Town Centre. New development in this precinct will assist in strengthening the visual quality of the Victoria Road Enterprise Corridor.

Development in this precinct will comprise larger footprint commercial activities which are not appropriate for core Town Centre locations, and which supplement the activities of the industrial zone. New development should exhibit high quality design which responds to the Victoria Road frontage, provides an important interface with low density residential and improves the visual quality of the corridor.

The proposed development aligns with the Character Statement's vision by:

- **Supporting Commercial Activities:** It will accommodate commercial uses that are not suitable for the Town Centre core, contributing to the economic vitality of the area.
- Enhancing Visual Quality: The development will prioritise high-quality design that responds to the Victoria Road frontage and improves the overall streetscape.
- Interface with Residential Areas: The design will thoughtfully address the interface with lowdensity residential areas to ensure compatibility.

In relation to the residential character within Linton Avenue, consideration has been given to Section 1.6 of Part 3.3 of the Ryde Development Control Plan 2014 (RDCP 2014). Although not applicable to the subject development, it provides a good example of what needs to be documented when analysing the context of a site.

The following contextual factors have been considered:

- **Built Form and Character:** The form, architectural style, front fencing, and garden styles of adjacent and opposite buildings have been analysed to ensure the development integrates harmoniously with the streetscape.
- Neighbouring Properties: The location, height, and use of neighbouring properties on both sides and to the rear have been assessed to understand potential impacts on privacy, views, and solar access.
- **Privacy:** The location of living room windows, doors, and external living areas on adjacent properties has been considered to minimize any overlooking or privacy concerns.
- Existing Site Features: The location, height, and materials of any walls on the site's boundary have been noted, as well as any significant differences in ground levels between the site and neighbouring properties.
- **Views:** Views enjoyed by neighbouring properties and from public areas have been considered to ensure the development does not unduly obstruct existing views.
- Solar Access: The potential impact on solar access to neighbouring properties has been assessed to ensure adequate sunlight reaches existing dwellings.
- **Vegetation:** Major trees on adjacent properties within 9 meters of the site have been identified to inform landscaping and potential tree preservation measures.
- **Street Features:** Street frontage features such as poles, trees, kerb crossovers, bus stops, and other services have been noted to ensure appropriate setbacks and access.
- Heritage and Environmental Factors: Although not explicitly mentioned in the prompt, any relevant heritage features or environmentally sensitive land in the surrounding locality would be considered in the design.
- **Nuisance Factors:** Potential sources of nuisance such as flight paths, noisy roads, or other significant noise sources have been considered to inform building design and orientation.

The character analysis of Linton Avenue and Victoria Road indicates:

- Linton Avenue: Primarily low-density residential with a desired two-story scale (9.5m height limit). Existing streetscape features single-story homes with 900mm-1.5m side setbacks and landscaped front/rear yards. Hipped roofs and brick construction are defining characteristics.
- Victoria Road: Commercial/industrial development lacks consistent form, but notably excludes hipped roofs (associated with dwellings). Features parapet, flat, and skillion roofs, often combined for visual interest. Extended open glazing, rendered walls, and signage are common.
- Height Variation: Commercial buildings have higher ground floor ceilings (3.5m+) compared to residential (2.4m-3.0m), particularly in motor showrooms.
- Local Amenities: Linton Park and pedestrian access to Forsyth Street characterise the area.
- Site Context: Established landscaping on the southwestern boundary and trees in Linton Park create a buffer between the site and residential areas.

• **Zoning Interface:** A distinct shift from commercial zoning on Victoria Road to public open space, then multi-dwelling housing at 56 Linton Avenue, transitioning to single residential dwellings further along Linton Avenue. There is an extended zoning interface of approximately 60m between Victoria Road and single residential dwellings on Linton Avenue.

This contextual analysis demonstrates an understanding of the site's surroundings and its relationship to the Victoria Road Enterprise Corridor. The proposed development aims to respect the existing character, enhance the visual quality of the area, and contribute positively to the local context.

The development is in keeping with surrounding development in that the scale is responsive to Linton Avenue's residential character. The building has the greatest height along the south western elevation and along the southern elevation presenting to Vicotria Road and Linton Avenue streetscape. The built form does not provide an increased scale across the entire site, being considerate of the residential interface to the north.

The built form differentiates from residential development. The building design breaks up the building mass and does not have a monolithic appearance. The design uses varied setbacks, materials, and façade treatments to create visual interest. The southern elevation incorporates commercial design elements such as larger windows, signage and distinct entrances to present as a commercial development. This is sympathetic to the development type along Victoria Road and the zoning interface.

The building depth is reduced along the north eastern elevation presenting to Linton Avenue. The transition in building depth, height, massing and materials provides for a transition from commercial development to the residential interface. The development utilises landscaping along the streetscape to soften the transition between public domain and the site and contribute to the transition between the zones.

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

<u>CPS response</u>: Despite exceeding height restrictions, the proposed development adheres to Part 3.3.1 Solar Access requirements of RDCP 2014. Shadow diagrams accompanying the DA confirm that sufficient sunlight access will be maintained for existing private and public open spaces, footpaths, and windows in adjoining buildings, ensuring they receive at least 3 hours of sunlight between 9 am and 3 pm on the winter solstice. Additionally, Linton Park to the north will not be adversely affected by overshadowing.

The development's design is considerate of the site's topography and existing built form, taking into account the context of the Victoria Road Enterprise Corridor and the low-density residential character of Linton Avenue. The development is generally compatible with and improves the appearance of the area. By replacing the existing Kia and Subaru showroom, the proposal introduces a contemporary development that harmonises with the surrounding streetscape and contributes positively to the overall visual character of the area.

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

<u>CPS response</u>: The site area of 2,230m² does not necessitate consolidation. The existing allotment is capable of accommodating large development, that is generally consistent with the intent of the applicable built form controls. The development being a vehicle sale or hire premises is a permitted land use within the E3 Productivity Support zone. The site is located 600m to the north west of the West Ryde Station and 1.2km to the north east of Meadowbank Station.

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

<u>CPS response</u>: The proposed height does not lead to any adverse amenity impacts to surrounding properties. The development maintains compliant solar access to the adjoining properties at 897 – 899 Victoria Road and 881 Victoria Road. The development, due to the orientation, does not adversely affect Linton Park to the rear.

The development does not result in any unreasonable impact upon visual or acoustic privacy to surrounding properties. The development is not a residential use and contains glazing within the southern and eastern elevations presenting to Victoria Road and Linton Avenue. The eastern elevation is only 11m in length, and therefore does not enable overlooking of the residential properties on the eastern side of Linton Avenue.

The development minimises the impact on the amenity of surrounding properties.

(e) To emphasise road frontages along road corridors

<u>CPS response</u>: The subject site has a frontage to Victoria Road, which is identified as being a road corridor. The proposed development, located within the Victoria Road Enterprise Corridor, demonstrates a thoughtful response to the unique characteristics and requirements of this context.

The character of the Victoria Road Enterprise Corridor indicates:

- Development in this precinct will comprise large footprint commercial activities which supplement the activities of the industrial zone; and
- New development should exhibit high quality design which responds to the Victoria Road frontage, provides an important interface with low density residential and improves the visual quality of the corridor.

The design emphasises the Victoria Road frontage, aligning with Part 3.1.4 Urban Design of RDCP.

The development preserves a landscaped boundary with provides a soft edge to the Victoria Road frontage and responds the zone interface along Linton Avenue.

Consistent with TI SEPP guidelines, the development maintains the existing Linton Avenue access and avoids creating new vehicular access from Victoria Road. This helps preserve the existing landscaping and reinforces the front setback.

Although exceeding height restrictions, the building presents as single storey to Victoria Road, contributing to an acceptable height and bulk along this corridor. The proposed height achieves the desired balance between the Victoria Road frontage and zoning interface within Linton Avenue.

The design incorporates features like a parapet roof and skillion roofs, positively impacting the building's appearance and integration with its surroundings, thereby achieving a high quality design.

Overall, the proposal effectively addresses the site's context within the Victoria Road Enterprise Corridor, balancing the need to respond to both Victoria Road and the adjacent residential area. It demonstrates a commitment to high-quality design, respects the existing streetscape, and adheres to relevant planning guidelines, such as the RDCP 2014.

<u>Clause 4.6(3)(b)</u> There are sufficient environmental planning grounds to justify contravening the development standard.

The environmental planning grounds to justify contravention of the development standard are detailed as follows:

Flooding

The site is subject to flooding. There is an existing flood way created between Victoria Road and Linton Park. The existing basement is split into two areas, a lower area at RL9.74 and higher area of RL10.5. This is to ensure the parking areas are above the 5% AEP flood level. The existing ground floor of the building is maintained at RL14.120 and is more than 500mm above the flood level. The development maintains the established ground floor level, located above the flood planning levels which contributes to the height contravention.

Development Type and retention of existing excavated basement level

Development consent is sought for alterations and additions to the existing building. The existing carparking levels accessed from Linton Avenue is maintained and utilised within the redevelopment.

The existing showroom ground floor level is RL14.120. The basement level finished floor level ranges between RL9.96 to RL10.500. The proposal maintains these established levels through the redevelopment of the site. The existing parking levels ranging between RL9.74 – RL10.45.

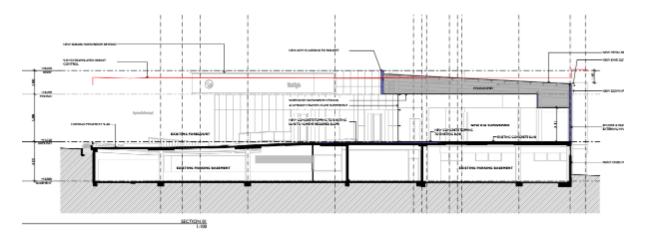
The existing ground level created by the carparking level is between 1.25m - 3.14m lower than the natural ground level. The height exceedance is associated with the parapet, roof form as it is dissecting the site in response to the intersection and along the north western elevation. This artificially limits the development potential for new building height.

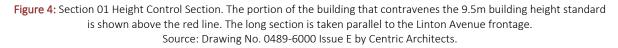
Consideration has been given to a reasonable height plane across the site by extrapolating the ground levels found on the adjoining footpaths across the site to measure the vertical distance to the height of the building (as per Commissioner O'Neill's approach in *Bettar v Council of the City of Sydney [2014] NSWLEC 1070*). The purpose of this height calculation is to demonstrate the reasonableness of the design in the context of surrounding development.

The footpath level along Victoria Road, commencing at the south western boundary moving towards to the intersection with Linton Avenue ranges between RL11.92 – RL14.16. At the north eastern corner adjoining Linton Park, the footpath level ranges between RL11.66 to RL13.85 at the intersection with Victoria Road. The ground level within Linton Park at the north western corner is RL10.32 ranging to RL11.74 at the Linton Avenue frontage.

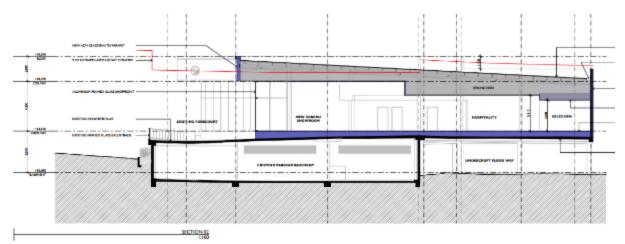
Applying the building height standard of 9.5m, it would be reasonable for a building to have maximum height ranging between RL19.82 – RL23.66. Based on the siting of the building, it is considered a height plane of RL21.24 is more reflective of the contextual ground level of the two streetscapes and Linton Park. The maximum height of the building is RL20.650 and is appropriate in the context of the streetscape and does not represent an excessive building height despite the contravention. It is a circumstance of existing excavated ground level.

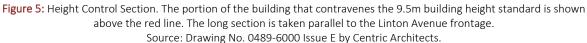
The height exceedance is shown in long sections taken in a south to north direction and parallel to the Linton Avenue frontage. Section 01 is the long section closest to the eastern elevation of the building presenting to Linton Avenue (*Figure 4*).





The greatest height exceedance occurs along the southern elevation which presents to Victoria Road. A long section through the building is provided at Section 02 showing the height exceedance (*Figure 5*).





Section 03 is a cross section along the southern elevation of the building showing the height contravention (*Figure 6*). The height contravention relates to the parapet wall, part of the roof form and the south western wall.

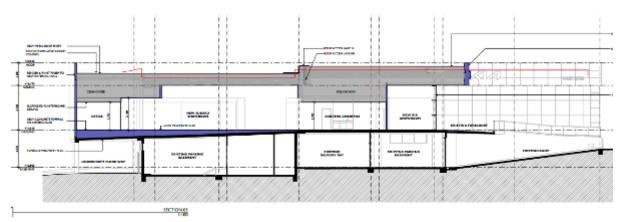
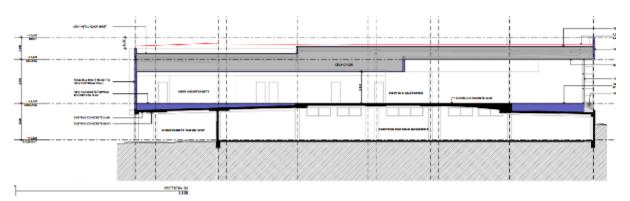
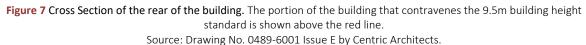


Figure 6 Cross Section showing the height contravention along the southern elevation. The portion of the building that contravenes the 9.5m building height standard is shown above the red line. Source: Drawing No. 0489-6001 Issue E by Centric Architects.

Section 04 is a cross section within the rear of the building showing the height contravention (*Figure* **7**). The height contravention relates to the parapet wall presenting to Linton Avenue.





The height contravention varies due to the existing excavated site levels and the chosen design approach, which aims to minimise the extent of contravention. This approach results in a building that reflects the character of commercial development within the Victoria Road Enterprise Corridor while also respecting the interface with residential development along Linton Avenue.

Appropriate scale and density

While the development site, situated within the Victoria Road Enterprise Corridor, is subject to a 1:1 FSR, the proposed project achieves a lower FSR of 0.73:1, inclusive of 637.7m² of additional carparking within the basement. This design approach prioritises an appropriate building form that aligns with the desired future character of the locality and zoning interface.

Although the applicable FSR standard would typically anticipate a larger-scale development, the proposal presents a single storey building with a skillion roof form. This results in a height contravention along the southern elevation, which is internal to the site, thus reducing visual and amenity impacts on adjoining properties. This strategic design choice preserves amenity in terms of visual impact and solar access, resulting in a development that reflects the objectives for the zone and locality. The proposed height is considered appropriate, contributing to a high-quality urban form. The scale and density of the project strike a balance between maximising land use and ensuring compatibility with the surrounding area.

No significant or unreasonable impacts on surrounding public areas

The variation to the building height development standard will be indiscernible when viewed from the surrounding public domain. The height is offset by an increased setback from the southern boundary, the building is orientated to present to both to the intersection of Linton Avenue and Victoria Road and the height exceedances not being continuous, with only parts of the roof exceeding the development standard.

The development does not result in any unreasonable additional overshadowing because of the height contravention. The development adheres to Part 3.3.1 Solar Access requirements of RDCP 2014. Shadow diagrams accompanying the DA confirm that sufficient sunlight access will be maintained for existing private and public open spaces, footpaths, and windows in adjoining buildings, ensuring they receive at least 3 hours of sunlight between 9 am and 3 pm on the winter solstice. Additionally, Linton Park to the north will not be adversely affected by overshadowing.

The site, being a large corner allotment, manages the impacts of overshadowing and visual bulk within its boundaries. There's no significant impact on neighbouring properties or open spaces, as shadows cast by the development primarily fall on the street. The extent of overshadowing is deemed reasonable for the density envisaged for this scale of development within the Victoria Road Enterprise Corridor.

Despite the height contravention, the development does not result in an adverse visual impact for surrounding properties or the streetscape. As noted, the site has an artificial height plane due to the existing basement parking level. Considering the ground levels of the footpaths along both streetscapes and Linton Park, the building's height is not considered excessive.



Figure 8 Site as viewed from Linton Avenue looking in a north eastern direction, showing the existing vehicle access from Linton Avenue. Source: Centric Architects.

Photomontages illustrating the development's visual impact from Victoria Road and Linton Avenue have been included (**Figures 7-9**). Additionally, **Figure 10** provides a current photograph of the site as seen from the Linton Avenue streetscape, across Linton Park.



Figure 9 Development as viewed from the south eastern corner looking in a north. Source: Centric Architects.



Figure 10 Development as viewed from south western corner. This corner of the building represents the maximum height of the development. As viewed from the Victoria Road streetscape. Source: Centric Architects.



Figure 11 Site as viewed from Linton Avenue streetscape, looking towards the north western corner of the site across Linton Park. Source: CPS site inspection July 2024.

The variation to the building height development standard will be visually imperceptible from the surrounding public domain. The height contravention is not uniform, with only specific sections of the building exhibiting varying degrees of non-compliance.

Furthermore, the development aligns with the intent of the maximum height standard and will deliver high-quality, architecturally designed building that appropriately address the surrounding streetscapes and public open space.

No significant or unreasonable impacts on surrounding residences

The greatest height contravention occurs at the western corner of the site. The site does not immediately adjoin low density residential in this location and the height contravention will not be discernible from surrounding residential properties or from Linton Avenue.

The existing pedestrian footpath along Linton Avenue levels range between RL14.11 to RL11.87. The building has a maximum ridge height of RL20.65. The building would be perceived as being a maximum of 8.78m from the Linton Avenue frontage. At the intersection of Linton Avenue and Victoria Road, the building would be perceived at a height of 6.54m.

The proposed development is single storey in scale, sited above the existing basement level to be retained. The development will be perceived from Linton Avenue as being two storeys, given the existing vehicle cross over being obtained from Linton Avenue.

By limiting the number of storeys and incorporating a specific design of the built form to present to both Linton Avenue and Victoria Road, the development sympathetically relates to the distinctly varied character of both frontages.

The development would be less responsive to the character of the area if compliant, as this would require a flat roof and reduced floor to ceiling heights, and an absurd height plane when having regard to the existing excavated ground levels. None of these measures are compatible with the streetscape character, and in that respect, the third reason given in the *Wehbe* decision is also relevant to the proposed height contravention.

The proposed height is appropriate for the condition and context of the site. The development is in proportion with and in keeping with the character of nearby development.

For the reasons outlined above, it is evident that there are substantive environmental planning grounds that demonstrate why strict application of the development standard is not appropriate for this proposal.

0489 - WEST RYDE KIA & SUBARU 891-895 VICTORIA AVE, WEST RYDE NSW

EXTENT OF PROPOSED SHOWROOM SHOWN SHADED



EXISTING SHOWROOM TO BE DEMOLISHED SHOWN HATCHED

SITE INFORMATION

LOT I, D.P 1259274 SITE AREA: 2230 m²

GROSS FLOOR AREA (GFA)

EXISTING BASEMENT (GFA):	1,606.00 m²
PROPOSED GROUND FLOOR (GFA):	1,015.08 m²
TOTAL FLOOR AREA:	2,621.68 m ²

SITE LOCATION







DRAWING REGISTER

No.	TITLE	Status
0000	COVER PAGE	D
2000	SITE PLAN	E
3000	EXISTING BASEMENT PLAN	E
3001	EXISTING GROUND FLOOR PLAN	D
3100	DEMOLITION GROUND FLOOR PLAN	D
4001	PROPOSED GROUND FLOOR PLAN	E
4010	ROOF PLAN	D
5000	ELEVATIONS SHEET I	E
5001	ELEVATIONS SHEET 2	С
6000	SECTIONS SHEET I	E
6001	SECTIONS SHEET 2	E
7000	SIGNAGE DETAILS	В
9010	SHADOW DIAGRAMS	А
9011	BUILDING HEIGHT CONTROL	С
9012	BUILDING HEIGHT CONTROL 2	А

PROJECT NAME:	WEST RYDE KIA & SUBARU
SITE ADDRESS:	891-895 VICTORIA AVE, WEST RYDE NSW

CLIENT:	SKRP PTY LTD		
ARCHITECT:	DD	DRAWN:	кт

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DATE LAST PRINTED: 8/8/24

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891-895 VICTORIA AVE, WEST RYDE NSW

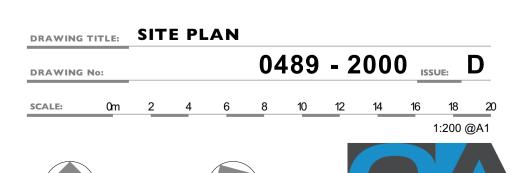
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PROJECT PHASE: DEVELOPMENT APPLICATION

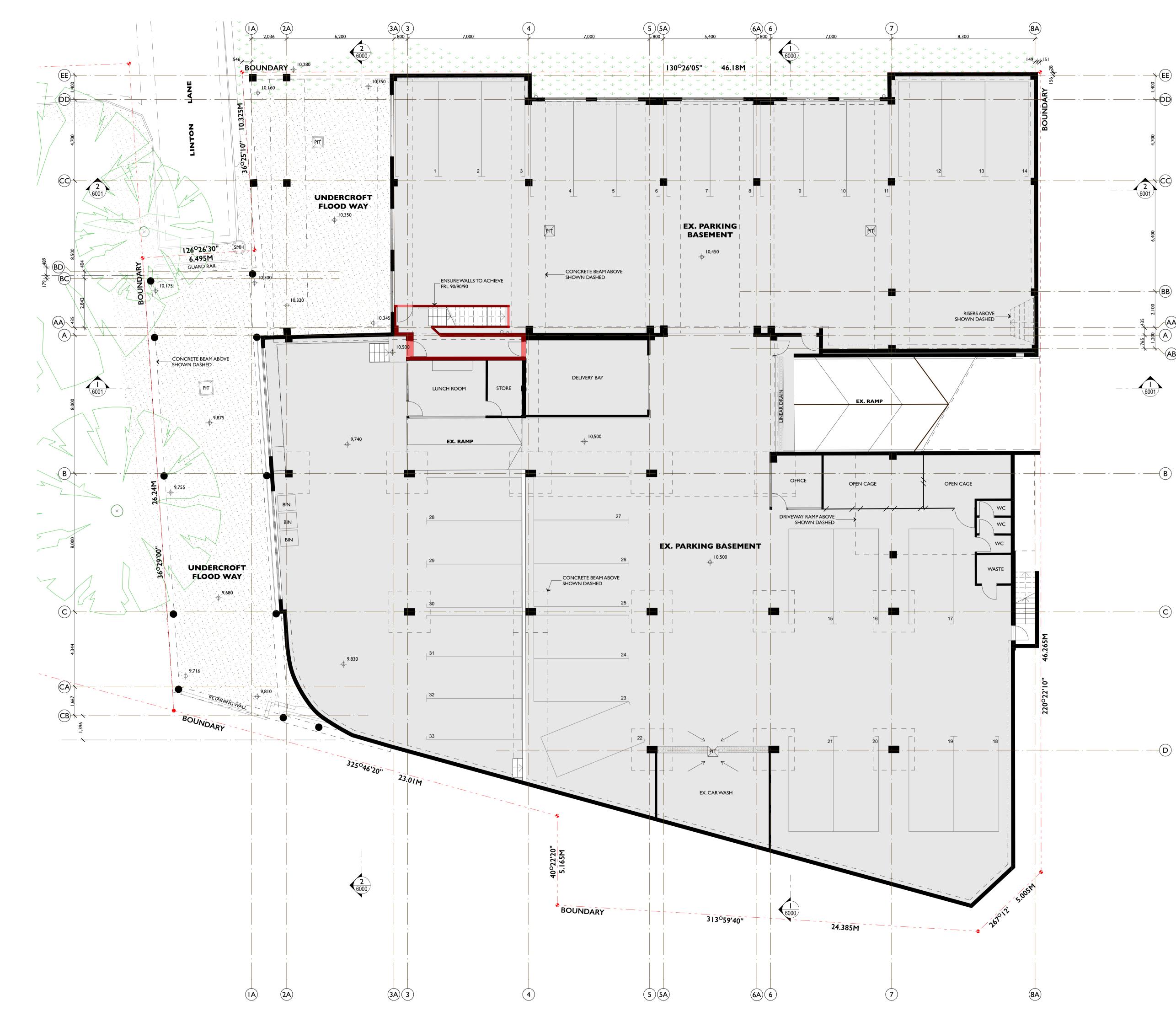
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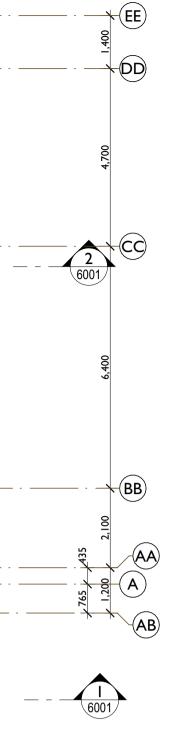
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PROJECT NORTH TRUE NORTH



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891-895 VICTORIA AVE, WEST RYDE NSW

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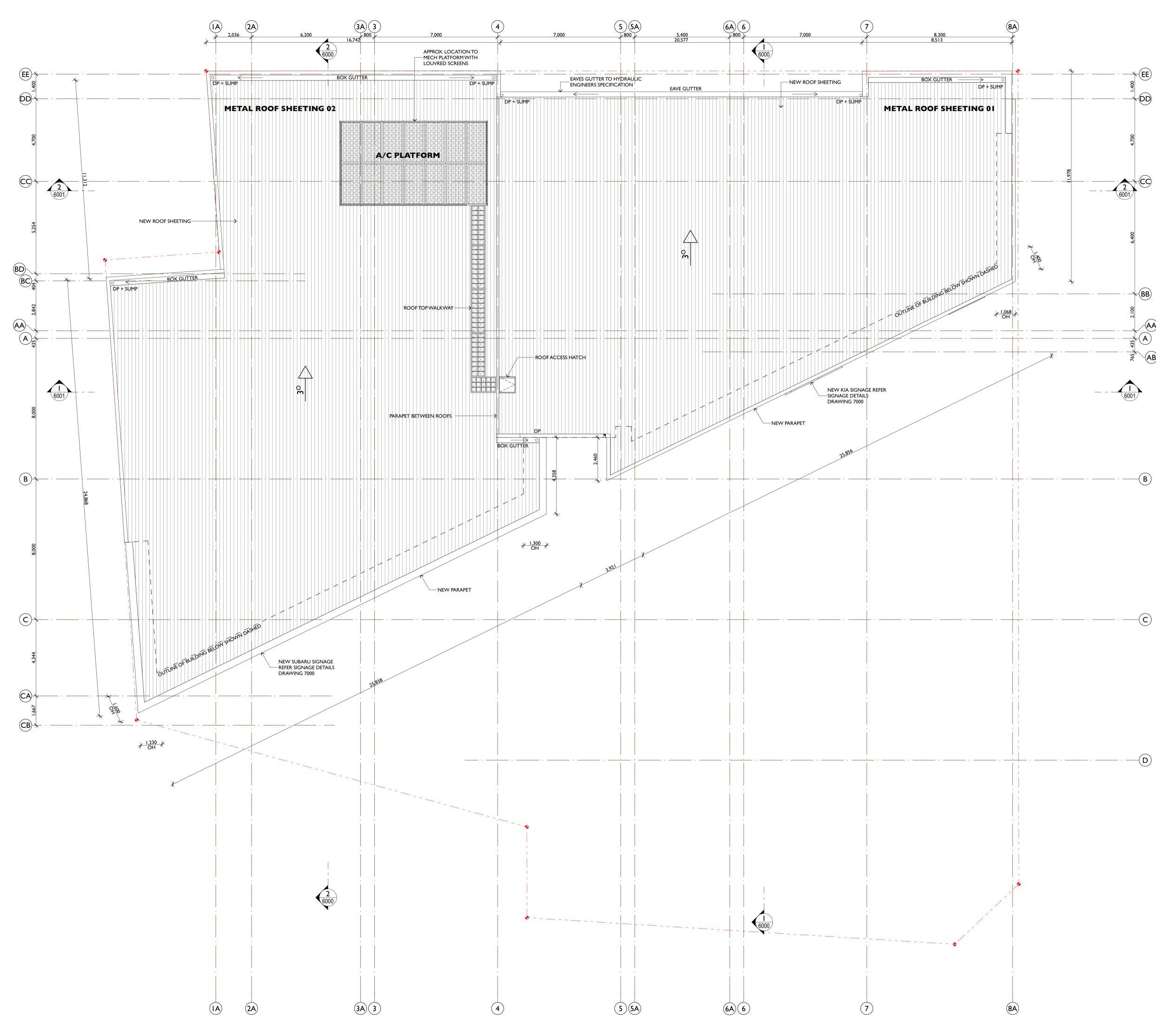
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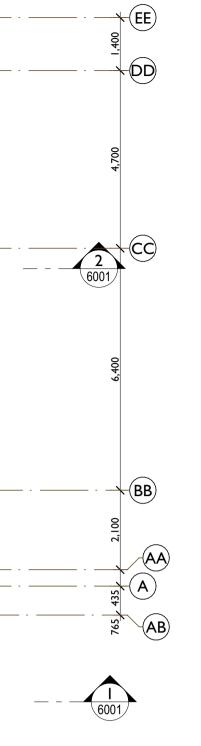
PROJECT NORTH



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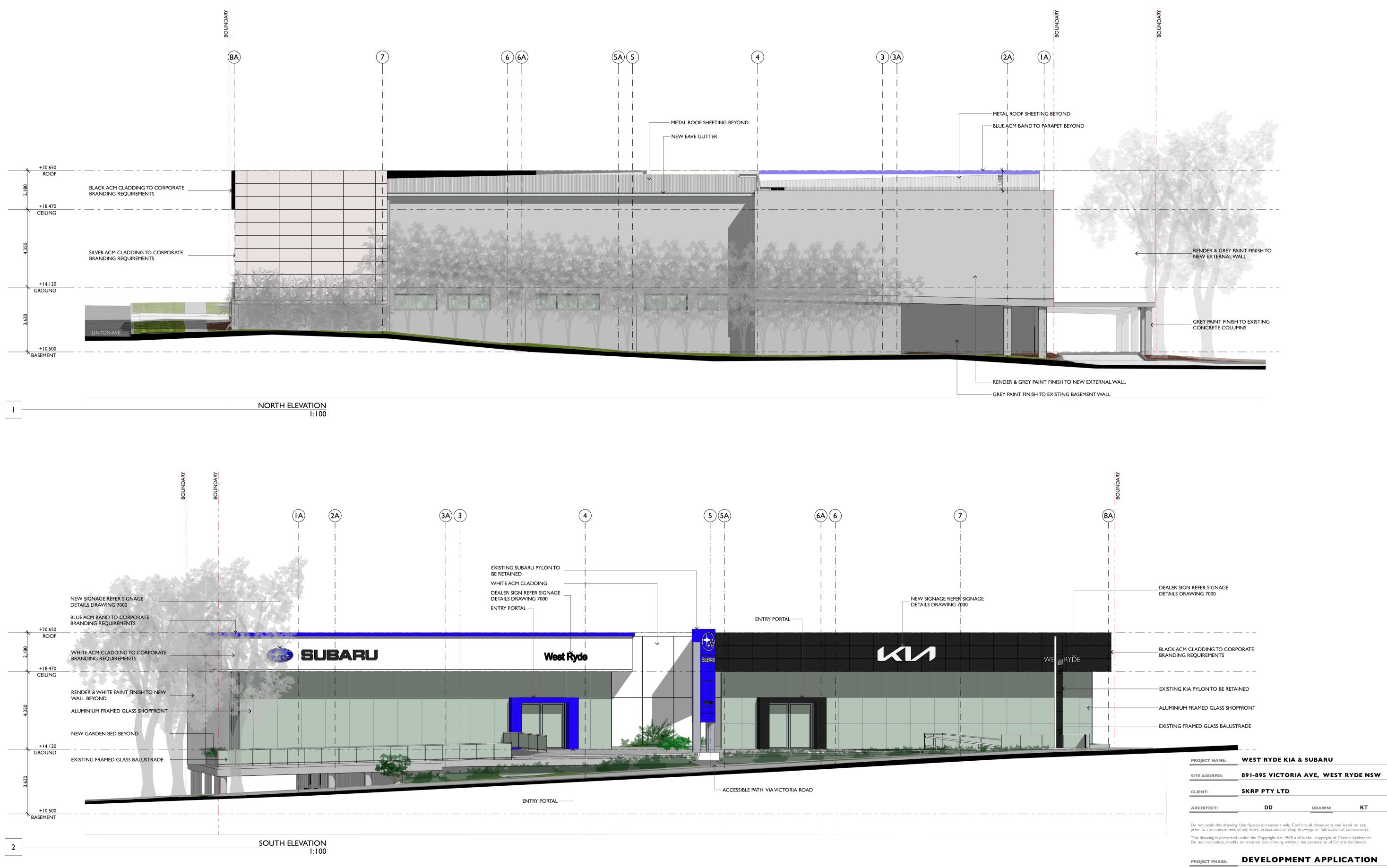




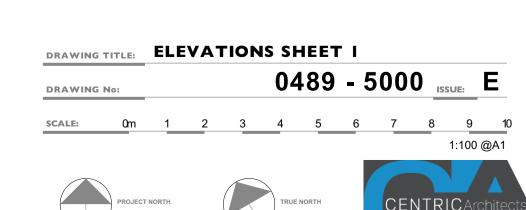


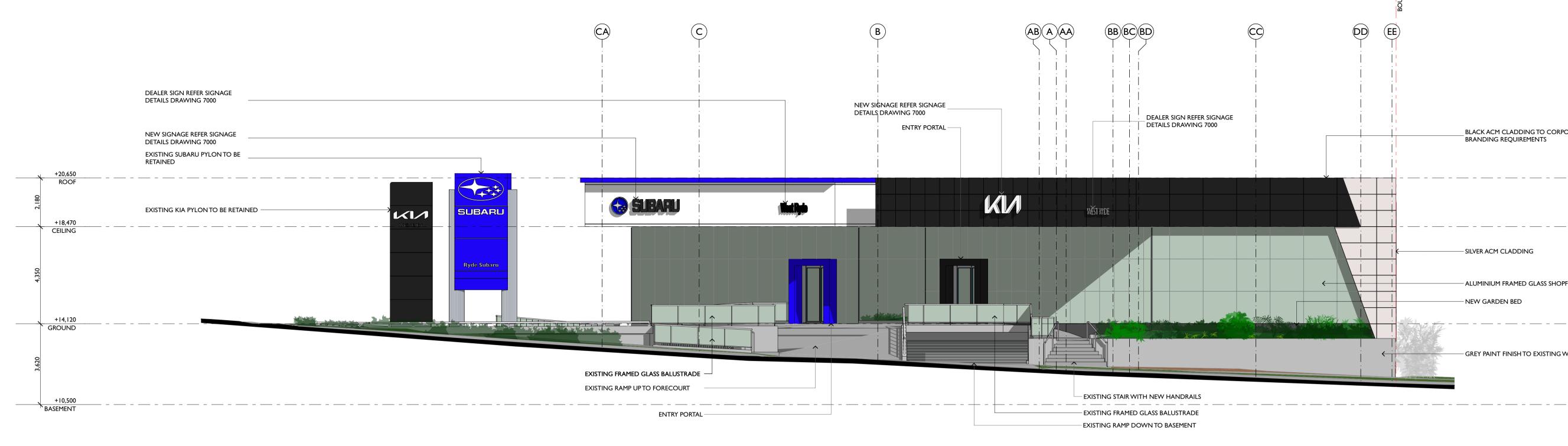


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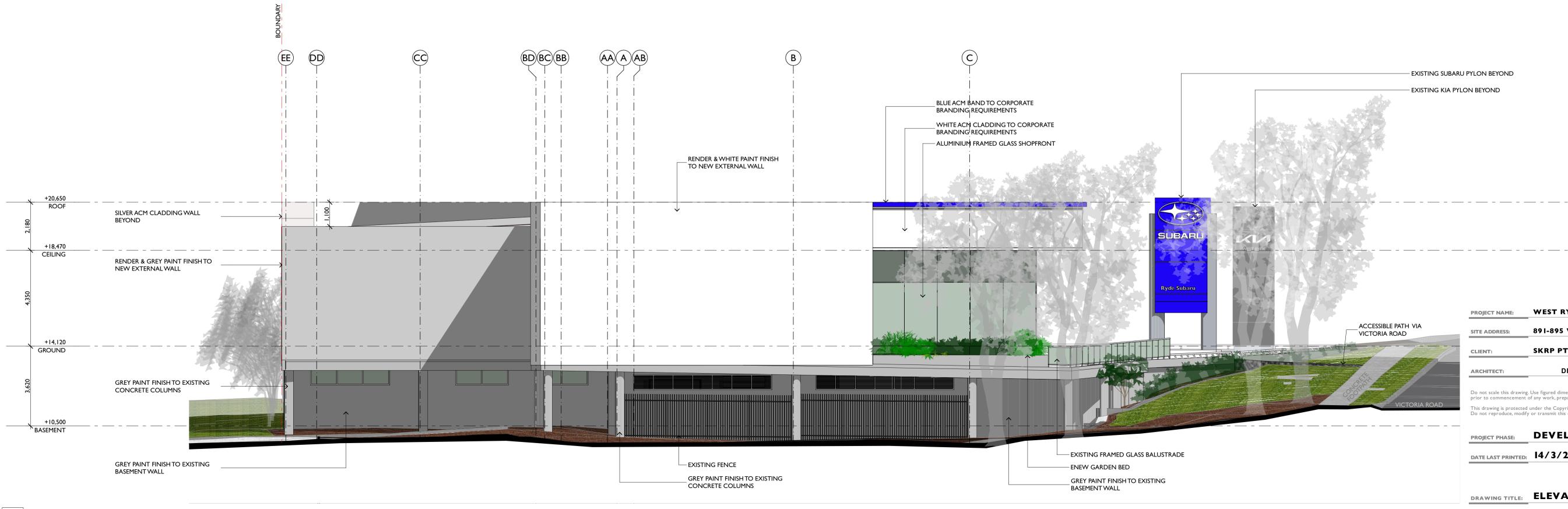


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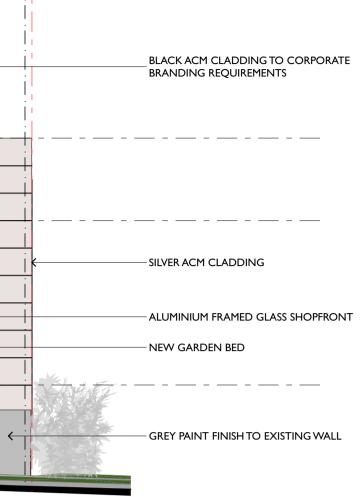


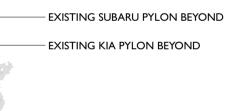


WEST ELEVATION 1:100

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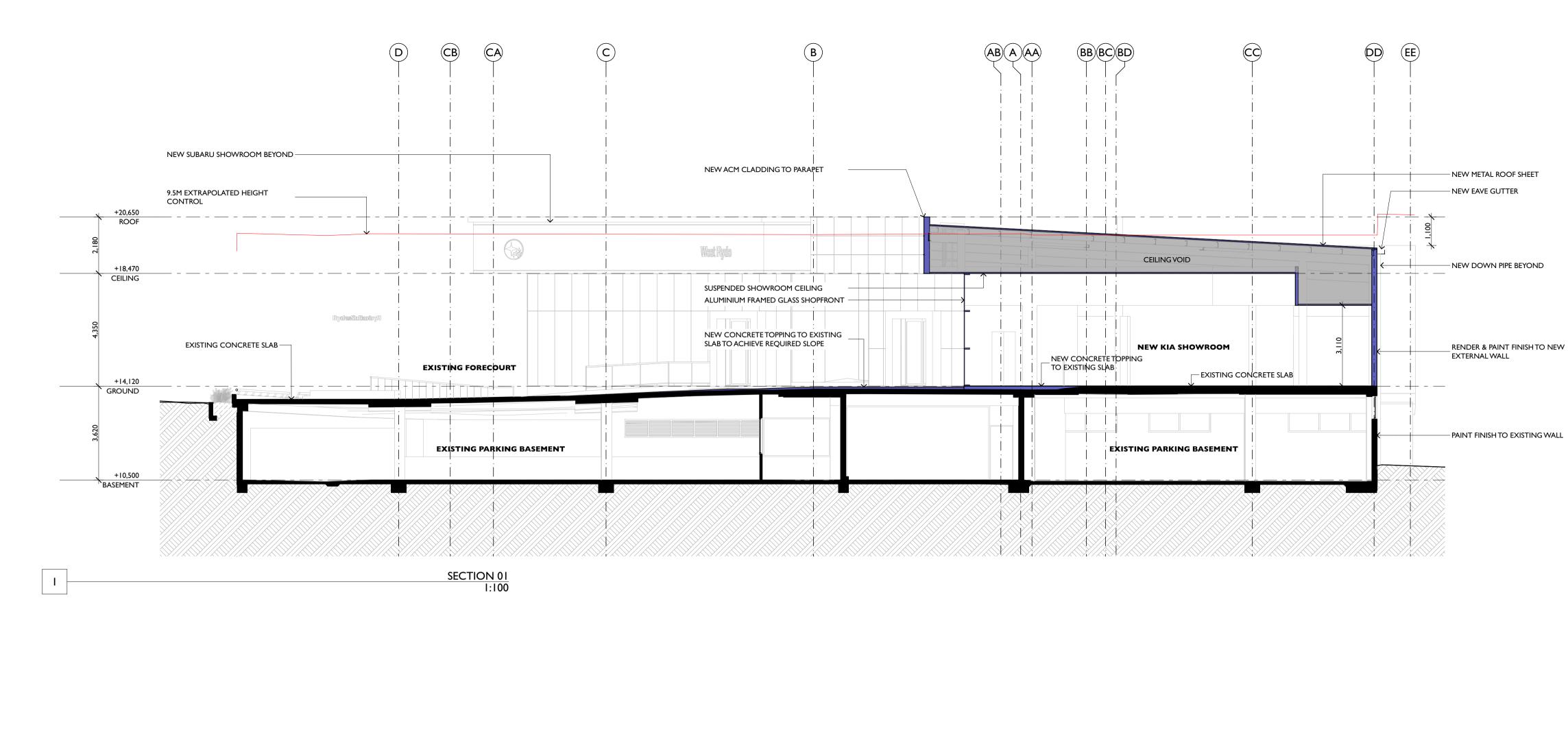
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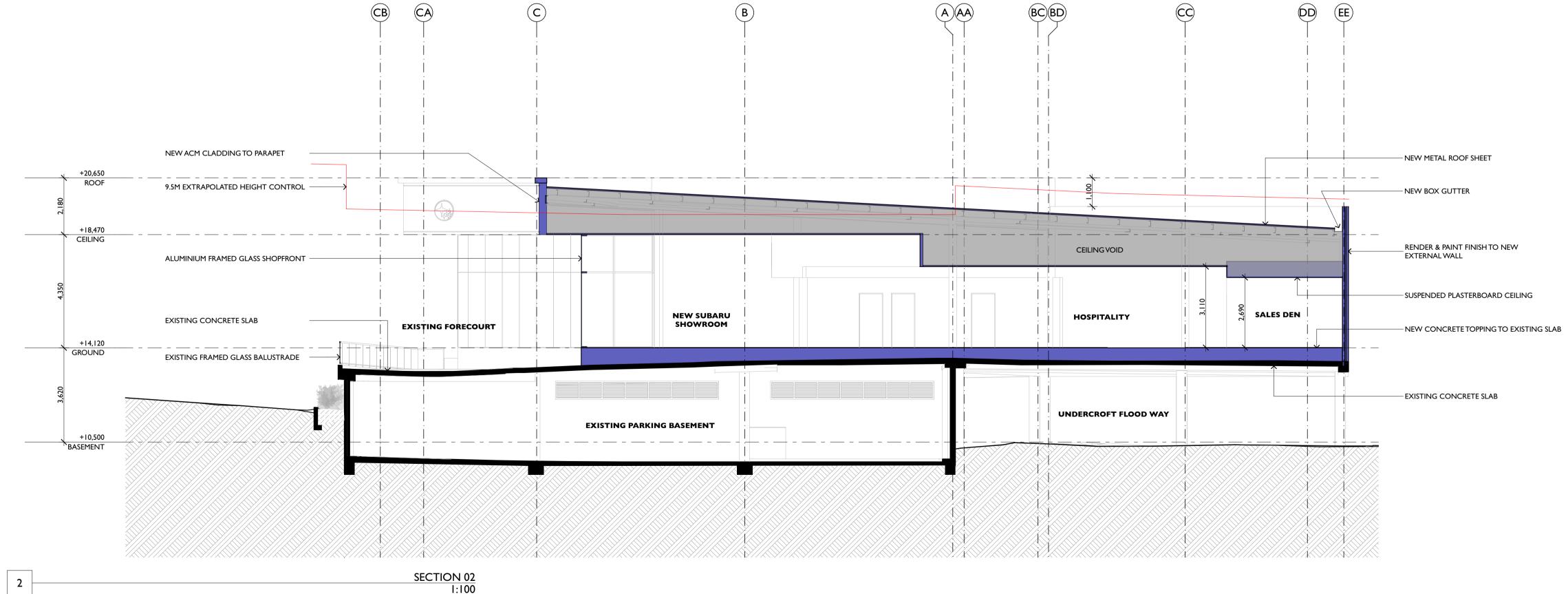




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	PROJECT NAME:	WEST RYDE K	IA & SUBARU	
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VICTORIA ROAD	This drawing is prote Do not reproduce, m	ected under the Copyright Act 19 nodify or transmit this drawing w	68 and is the copyright of C ithout the permission of Cen	entric Architects. tric Architects.
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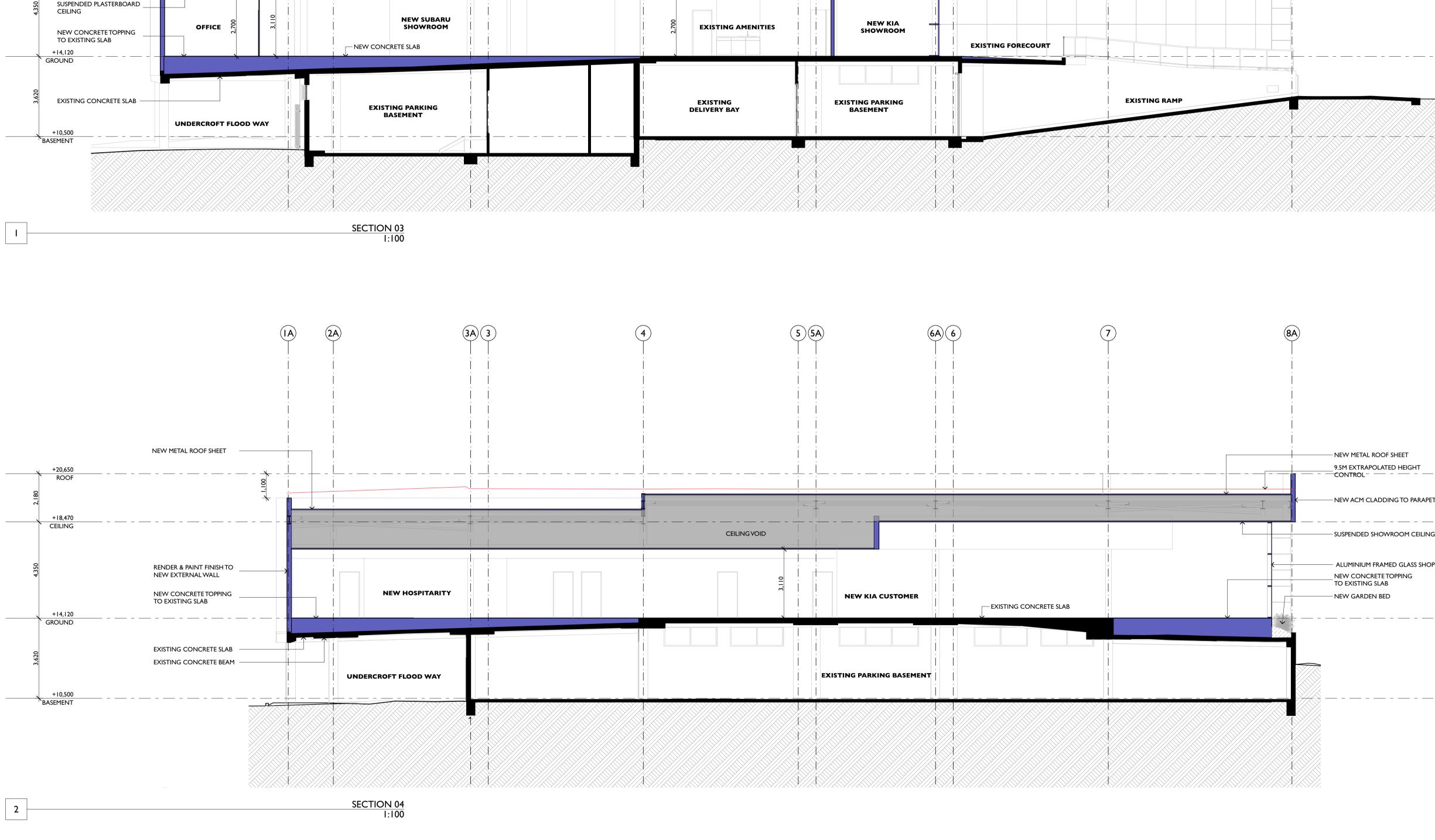


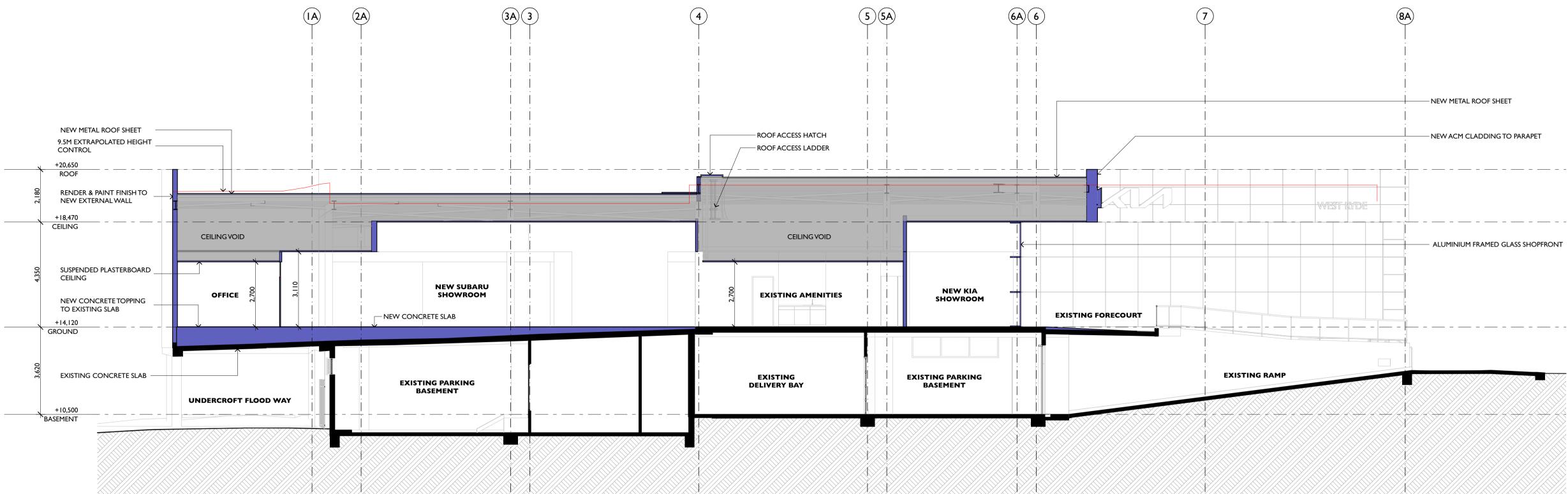


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PROJECT NAME: WEST RYDE KIA & SUBARU 891-895 VICTORIA AVE, WEST RYDE NSW SITE ADDRESS: SKRP PTY LTD CLIENT: DD кт **ARCHITECT:** DRAWN: Do not scale this drawing. Use figured dimensions only. Confirm all dimensions and levels on site prior to commencement of any work, preparation of shop drawings or fabrication of components. This drawing is protected under the Copyright Act 1968 and is the copyright of Centric Architects. Do not reproduce, modify or transmit this drawing without the permission of Centric Architects. PROJECT PHASE: DEVELOPMENT APPLICATION DATE LAST PRINTED: 7/8/24 DRAWING TITLE: SECTIONS SHEET I 0489 - 6000 ISSUE: E DRAWING No: SCALE: 0m 1 2 3 4 5 6 7 8 9 10 1:100 @A1

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	SKRP PTY LTD			

*IIEi	WEST KIDE KIA & SODAKO
S:	- 891-895 VICTORIA AVE, WEST RYDE NSV

ME:	WEST RYDE KIA & SUBARU				
S:	891-895 VICTORIA AVE, WEST RYDE N				

- NEW GARDEN BED

- ALUMINIUM FRAMED GLASS SHOPFRONT __ NEW CONCRETE TOPPING TO EXISTING SLAB

- SUSPENDED SHOWROOM CEILING

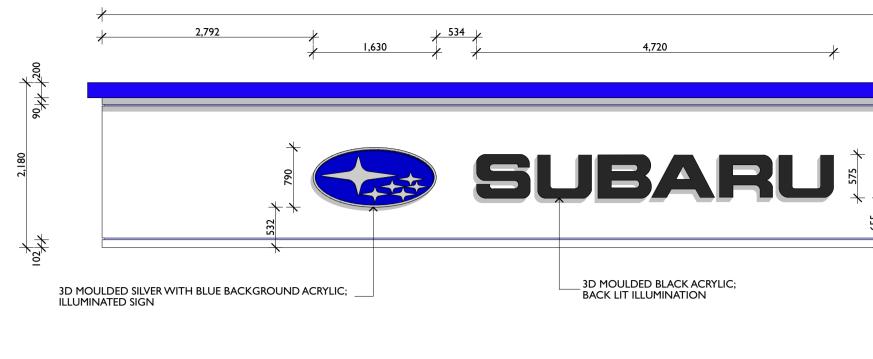
- NEW ACM CLADDING TO PARAPET

___9.5M EXTRAPOLATED HEIGHT ____CONTROL______

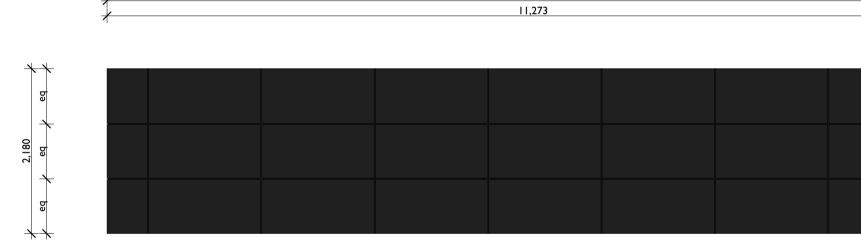


- NEW ACM CLADDING TO PARAPET

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25,565		≠ 2,810 ≠ 2,673
4 575 + 655 +		West Ryde
	BLUE LED STRIP LIGHT	3D MOULDED BLACK ACRYLIC; BACK LIT ILLUMINATION
IGNAGE I:50		
25,856 7 3,615	/	× 2,286 × 1,935
OSB CONTRACTOR	DULDED WHITE ACRYLIC & ANODISED SILVER ALUMINIUM FACE; IT ILLUMINATION	BY WEST RYDE BY BY B

PROJECT NAME: WEST RYDE KIA & SUBARU

SKRP PTY LTD

DD

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PROJECT PHASE: DEVELOPMENT APPLICATION

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ARCHITECT:

DRAWING No:

DATE LAST PRINTED: 14/3/24

PROJECT NORTH

DRAWING TITLE: SIGNAGE DETAILS

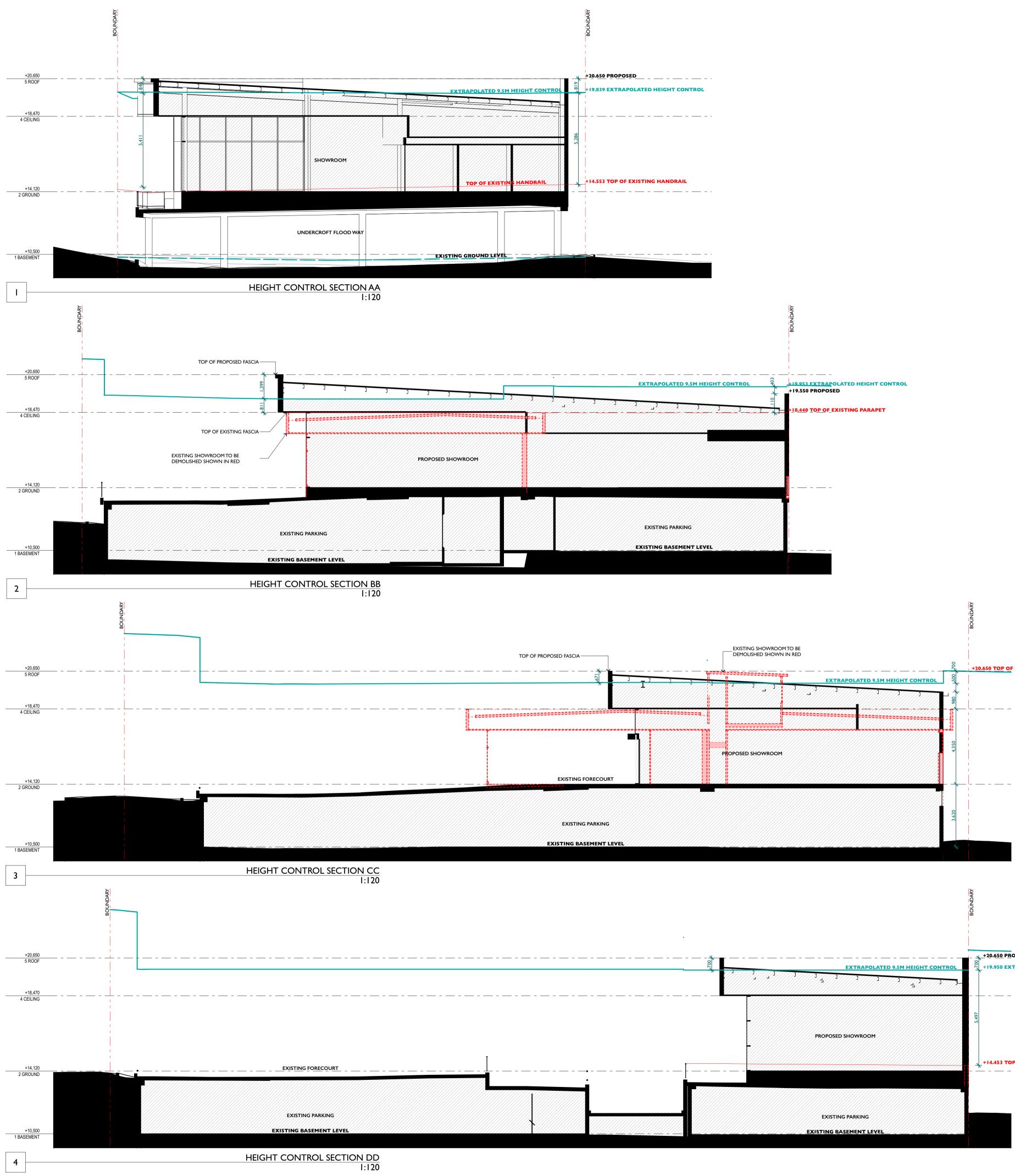
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+20.650 TOP OF EXISTING

+20.650 PROPOSED +19.950 EXTRAPOLATED HEIGHT CONTROL

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PROJECT NAME: WEST RYDE KIA & SUBARU

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PROJECT PHASE: DEVELOPMENT APPLICATION

DRAWING TITLE: BUILDING HEIGHT CONTROL

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891-895 VICTORIA AVE, WEST RYDE NSW

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