

Meeting Date: Thursday 10 May 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

City of Ryde Local Planning Panel Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. City of Ryde Local Planning Panel Meetings will also be webcast.

NOTICE OF BUSINESS

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DEVELOPMENT APPLICATIONS

- 2 175 - 177 SHAFTSBURY ROAD, EASTWOOD. Demolition of existing dwellings and the construction of a four storey residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2016/0628**

Report prepared by: Senior Town Planner

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

File Number: GRP/09/6/12/1/2 - BP18/476

City of Ryde Local Planning Panel Report

DA Number	LDA2016/0628
Site Address and Ward	175 Shaftsbury Road, Eastwood West Ward
Zoning	R4 High Density Residential under RLEP 2014
Proposal	Demolition of existing dwellings and the construction of a four storey residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.
Property Owner	Southern Star Property Holding Pty Ltd
Applicant	Southern Star Property Holding Pty Ltd C/- Ghazi Al Ali Architect
Report Author	Natalie Camilleri
Lodgement Date	23 December 2016
No. of Submission	Nine submissions received objecting to the development.
Cost of Works	\$6,808,013.00
Reason for Referral to Local Planning Panel	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
Recommendation	Approval

ITEM 2 (continued)

1. Executive Summary

The following report is an assessment of a development application for the demolition of existing dwellings and the construction of a residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 at 175 Shaftsbury Road, Eastwood. The overall height of the building is 4 storeys and the development will contain 22 apartments and parking for 27 vehicles in the basement.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following:

- The proposed height of the building exceeds the allowable maximum building height under the developments standards set out in Ryde LEP 2014. The development standard for height of buildings for the site is 9.5m however the LEP permits a maximum height of 11.5m as the site has an area greater than 1200m². The eastern roof height breaches the maximum building height limit of 11.5m by 0.54m, which is a 4.69% variation. As the topography of the site has a fall of 3.16m from the north-east corner to the north-west corner, most of the building is well under the 11.5m height limit. A Clause 4.6 variation has been submitted and is addressed in full detail in Section 5 of this report.
- Less than 70% of apartment, which equates to 16 units will receive greater than or equal to 3 hours solar access as required by SEPP ARH. In this regard, the development will achieve a minimum 3 hours solar access to 9 apartments (40.9%). It is noted however that the development complies with the requirements under the ADG in that 86.3% of the apartments (which equates to 19 units) receive 2 hours or more of solar access, which is considered acceptable.

Following an assessment of the development application, it is considered that these non-compliances are acceptable on planning grounds.

During the notification period, Council received nine submissions, all objecting to the development. The issues raised in the submissions related to concerns with the building height, traffic, car parking, bulk and scale, removal of trees, out of character for the area, overdevelopment, privacy, inadequate stormwater, noise and negative impacts on local primary school. These matters are addressed in full detail in Section 9 of this report.

The development application is recommended for approval subject to appropriate conditions of consent provided in **ATTACHMENT 1** of this report.

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2. The Site and Locality

The site is legally defined as LOTS 22 and 23 in DP 8043 and is known as 175 – 177 Shaftsbury Road, Eastwood. The site is a regular shaped allotment with a 30.48m frontage to Shaftsbury Road. The site has a total site area of 1,521.21m². Both the northern side boundary and the southern side boundary have a length of 50.29m.

The site currently contains two residential dwellings and associated structures. Lot 22 contains a part one and part two storey brick cottage with detached garage and rear deck. LOT 23 contains a single storey rendered brick cottage, attached garaged and covered patio to the rear.

The site has a moderate slope of up to 3.16m from its north-eastern boundary to the north western corner along Shaftsbury Road.

The site is adjoined to the north and east by two storey brick dwelling houses and to the west by part 1 and 2 storey residential dwellings. The surrounding locality contains detached single and two storey dwelling houses, as well as residential flat buildings and multi dwelling housing developments. The site is located within the Eastwood Town Centre, with a mixed use area to the south east of the site along Rutledge Street, as well as Eastwood Train Station.



Figure 1: Shaftsbury Road frontage of the site.

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Figure 2: View from corner of Shaftsbury Road and Glen Street facing north.

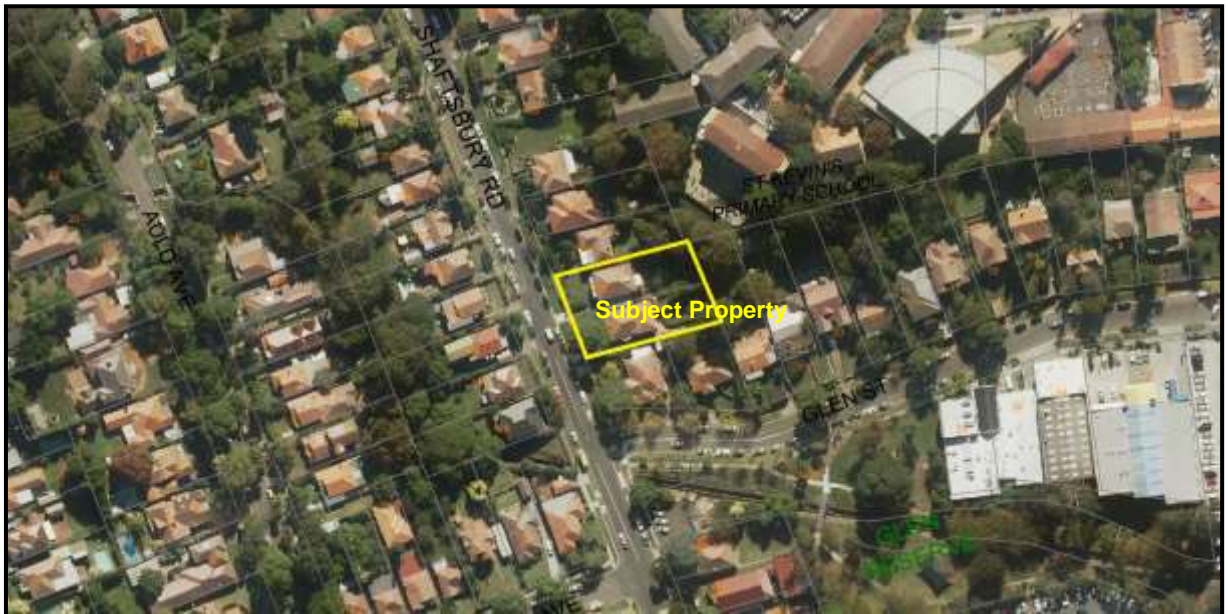


Figure 3: Aerial view of the development site and surrounding area.

3. The Proposal

The proposal is for the demolition of existing dwellings and the construction of a four storey residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed development incorporates the following residential unit mix.

- 10 x 1 bedroom apartments
- 10 x 2 bedroom apartments
- 2 x 3 bedroom apartments

Each apartment will be provided with a private balcony or terrace. All levels will have access to a stairwell and lift access from the basement levels.

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Figure 4: Proposed development as viewed from Shaftsbury Road

4. Background

The development application was submitted to Council on 23 December 2016.

A letter was sent to the applicant on 6 April 2017 which identified various issues with the application. These issues included:

- Matters to address the design principles of SEPP 65 outlined by the Urban Design Review Panel meeting.
- The development failed to comply with the Apartment Design Guide in respect to deep soil zones.
- The development failed to comply with the Apartment Design Guide in respect to motorcycle parking.
- Details of regarding ventilation of the carpark were not included as part of the development.

ITEM 2 (continued)

- The development failed to comply with the Apartment Design Guide with respect to ceiling heights, and as a result the overall height of the building was anticipated to increase and setbacks were required to change. An amended Clause 4.6 variation was also required.
- The development failed to comply with the Apartment Design Guide in respect to room sizes and private open spaces for apartments.
- Clarification was required in relation to solar access and how the development complied with the SEPP (ARH).
- The development failed to comply with Ryde DCP in respect to setbacks.
- The applicant was advised of the concerns raised in the submissions received by Council during the notification period.

Council's Development Engineer advised the applicant's engineer by email that issues regarding water quality and stormwater were required to be addressed on 30 May 2017.

Amended plans and further information was submitted to Council on 4 August 2017.

A further email was sent to the applicant on 11 August 2017 outlining concerns in respect to the floor space ratio, as the applicant's figures failed to include corridors on Levels 2, 3 and 4.

On 9 October 2017, the applicant amended the architectural plans. The amendments to the plans included:

- The streetscape presentation to Shaftsbury Road was amended to reflect the Panel's comments. The angled windows were deleted and additional openings were introduced to the facade.
- Hardstand areas along the frontage were reduced and replaced with landscaping to provide greater transition to the side boundaries.
- Deep soil areas were increased, and the battered landscaping area at the rear was replaced with the introduction of retaining walls creating a terraced style area, creating a more useable space.
- The roller doors to the basement carpark were moved closer to the street façade.

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- The fire booster was integrated with the fence in the north-west corner of the site.
- Apartments 207 and 307 were amended to allow for cross ventilation.
- Private entrances were provided to apartments 101 and 102.
- A number of apartments were amended to allow for greater amenity.
- The materials schedule was updated to better integrate with the immediate context.
- Motorcycle parking was provided.

The information provided enabled Council's Officers to arrange a further meeting with the Urban Design Review Panel.

At a meeting with the Urban Review Panel on 13 December 2017, the applicant was advised that the amended plans submitted in October 2017 were of an acceptable level of design quality, subject to a number of minor issues. Further amended plans were submitted in March 2018. These plans proposed the following amendments:

- In an attempt to reduce the impact on breaching the building height, the planter was reduced in height within the communal open space on Level 4 facing west from RL83.89 to 83.19.
- The communal grassed area adjacent to unit 207 was allocated to unit 201 as private open space.
- Additional tree planting along the southern and eastern boundaries were included to reinforce the existing character of mid-block planting and provide residents with increased amenity.
- To improve usefulness, the communal areas on levels 1 and 2 were provided with seating along the retaining walls.
- To eliminate privacy issues between apartments windows placement was improved to eliminate any visual and acoustic privacy concerns.
- An amended SEPP 65 Design Verification Statement, Statement of Environmental Effects and Clause 4.6 variation were submitted.

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The amendments to the plans submitted in October 2017 and then in March 2018 were such that it was not necessary to re-advertise the development because the changes made to the proposal resulted in a reduced impact upon amenity in the locality.

These plans were not required to be referred back to the UDRP as the changes addressed the issues previously raised by the Panel.

5. Planning Assessment

An assessment of the development in respect to Section 4.15 of the Environmental Planning and Assessment Act is detailed below.

5.1 State Environmental Planning Instruments

State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the *Environmental Planning and Assessment Regulation 2000* as a BASIX Affected Building. As such, a BASIX Certificate has been prepared for the development (Certificate No. 784396M_02, issued Tuesday 10 April 2018) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. See **Conditions 3, 66 and 126**.

State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

In the Statement of Environmental Effects submitted with the development application, it is stated that *“The Site is not within an investigation area or contained land uses referred in Table 1 of the contaminated land planning guidelines. Accordingly, further contamination investigation is not required at this stage.”*

Council’s Environmental Health Officer has advised *“The site has been used as residential and does not need a land contamination investigation”*. No objections are raised to the proposal in respect to contamination issues.

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Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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 and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.

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

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

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

Urban Design Review Panel (UDRP)

The proposal was reviewed by the Urban Design Review Panel on 4 November 2015 prior to lodgement and again on 22 February 2017 after the lodgement of the DA. The UDRP also reviewed amended plans (Revision B) for a third time on 13 December 2017.

Below details the UDRP's latest comments of 13 December 2017 and how the proposal has responded to their comments. The UDRP noted that *it is satisfied the proposal, subject to the minor points raised, achieves an acceptable level of design quality.*

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>This is the third time the Panel has reviewed a proposal for the site.</i></p> <p><i>The site is located on the northern edge of the Eastwood Town Centre within the Glen Street and Lakeside Road precinct. Council's DCP includes site specific building envelopes for the precinct. The envelope for the subject site is 3 storeys in a "T" shape with a 4m upper level setback along the street frontage. The frontage along the street is setback 10m from the street with zero side setbacks. The wing to the rear of the site has 6m side and rear setbacks.</i></p> <p><i>The site has a significant slope from its lowest point in the south-west corner to its highest point in the north-east corner. A number of significant trees are on the site and adjacent the rear boundary.</i></p> <p><i>The proposal has generally been satisfactorily amended in response to previous Panel comments. A small number of relatively minor issues remain, including:</i></p> <ul style="list-style-type: none"> - <i>Modification of internal apartment planning to mitigate against privacy and cross viewing concerns.</i> - <i>Allocation of private and communal open spaces at ground levels.</i> - <i>Tree planting.</i> <p><u>Comment:</u></p> <p>The proposal has been amended to address the Panel's concerns with regards to privacy and cross viewing concerns, private and communal open spaces and tree planting.</p> <p>With regard to privacy and cross viewing, the applicant has realigned windows which were previously directly overlooking neighbouring windows.</p> <p>The architectural plans have been amended to incorporate new tree planting along the south-eastern boundaries of the lower level communal open space area. The stairs have been relocated closer to the building allowing for a 1.5m wide deep soil zone to allow for planting of mature trees, and both communal areas now have seating which has been incorporated into the side of the retaining walls.</p> <p>Subsequently, the amenity and useability of the communal open space areas are enhanced, and achieve the objective of the UDRP.</p>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The site has a permissible height control of 9.5m plus an additional 2m for a minimum site area of 1,200sqm. The proposal generally complies with the height control. There is a minor non-compliance in the southern corner which does not appear to have any negative impacts and is supported by the Panel.</i></p> <p><i>The Panel is concerned with the relationship of private and communal open space allocations adjacent to apartments 201 and 207. The Panel recommends allocating the existing communal open space as private open space benefiting apartment 201.</i></p> <p><u>Comment:</u></p> <p>The amended plans show that the communal grassed area adjacent to 207 has now been allocated to unit 201 as private open space, as suggested by the UDRP.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The site has a permissible FSR of 1.3:1 including site amalgamation and affordable housing bonuses.</i></p> <p><i>The proposal complies and is supported.</i></p> <p><u>Comment:</u></p> <p>The proposal complies with the permitted FSR control under SEPP (ARH) and conforms to the desired density and scale of development for this location.</p> <p>The proposed design achieves a high level of amenity for residents and suitably complies with the ADG objectives in this regard.</p>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The proposal complies with solar access and natural cross ventilation targets in the ADG.</i></p> <p><i>Specific sustainability strategies were not discussed, however achievement of ADG targets for solar access and cross ventilation, along with satisfactory BASIX scores will address this objective.</i></p> <p><u>Comment:</u></p> <p>The applicant has submitted a BASIX Certificate indicating that the building will meet the energy and water use targets set by the BASIX SEPP.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The street setback along Shaftsbury is intended to be a generous landscaped verge that reinforces a green gateway into the town centre. Direct pedestrian entrances (via individual stairs) have been provided to street-facing level 01 apartments, contributing to improved street activation. Fences are provided as open palisades, recessive in the landscape.</i></p> <p><i>Additional new tree planting along the rear boundary in deep soil - and particularly in the southeast corner of the site - is recommended to reinforce the existing character of mid-block planting and to provide residents with increased amenity with enhanced green outlook and visual privacy. This may require relocation of the stairs and pathway.</i></p> <p><i>The lowest terraced retaining walls in the communal open space could include seating and benches to improve their usefulness.</i></p> <p><u>Comment:</u></p> <p>The development provides two communal areas, one towards the rear of the property at ground level, split into an upper level and a lower level. The space on the lower level has been designed as a sitting area (off the side of the retaining walls) within a landscaped setting. The communal area on the higher level has been provided as a more active space with a BBQ and seating provided.</p> <p>The second communal open space area is located on Level 4 which includes tables and chairs amongst a landscaped setting.</p>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	Additional tree planting has been provided in the south eastern corner and the strip planting along the rear boundary has been increased in width to accommodate deep soil planting.
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The apartment layouts are generally acceptable with the exception of:</i></p> <ul style="list-style-type: none"> - <i>Apartments 104, 105, apartments 204 and 205, and apartments 304 and 305 have constrained outlook, cross-viewing and privacy concerns between adjacent dwellings. Modifications to maximise separation distances between adjacent bedroom windows is required, along with other measures to mitigate against potential privacy impacts. Measures might include window hoods or blinkers. Similarly, in the case of apartments 104 and 105, some re-planning may be warranted to move the living area further away from the neighbouring apartment's bedroom.</i> <p><u>Comment:</u></p> <p>Noted and the amended plans now provide adequate privacy measures to ensure that there will be minimal opportunities for overlooking between units, the communal open space and neighbouring development. In order to avoid overlooking between the windows of apartments 104 and 105, 204 and 205 and 304 and 305, windows have been realigned and deleted to maximise privacy for each unit.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>Passive surveillance and safety is satisfactorily addressed.</i></p> <p><u>Comment:</u></p> <p>Noted and adequate measures are proposed to ensure that safety is maximised.</p>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>Satisfactorily resolved.</i></p> <p><u>Comment:</u> A suitable mix of apartments are proposed in response to current housing demand, and proposed development responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities.</p> <p>Adaptable units are also proposed.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The architectural expression of the proposal has been revised and refined in response to the Panel's earlier comments and is supported.</i></p> <p><u>Comment:</u> The visual appearance of the proposed development responds to the future streetscape of Shaftsbury Road. Use of horizontal visual elements, such as windows, balconies and cladding has provided a well-balanced design appropriate to its surroundings.</p>

Apartment Design Guide

The SEPP also requires the Consent Authority to take into consideration the requirements of the Apartment Design Guide with regard to the proposed residential flat building (RFB). The following table addresses the relevant matters.

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Apartment Design Guide Requirement	Proposal	Complies
Part 2 Development Controls		
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	The proposed building provides apartment depths of 15-18m measured glass line to glass line. The proposed layouts for apartments achieve acceptable amenity with room and apartment depths compliant with the ADG requirements.	Yes
Building Separation Minimum separation distances for buildings are: <i>up to 4 storeys should be:</i> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms. <i>Five to eight storeys (approx. 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms	The proposal is 4 storeys while at the rear of the site the building is viewed as a 3-4 storey building. On the basis of equitability, 50% of the separation distances required by the ADG are to be provided on the subject site including: <ul style="list-style-type: none"> - 3m to the boundary between non-habitable rooms; - 4.5m between habitable and non-habitable rooms; and - 6m between habitable rooms. Bearing this in mind the following setbacks are proposed: <ul style="list-style-type: none"> - 0m to side boundaries with blank party wall for front portion of development adjacent to neighbouring proposed developments which propose the same. - 6m side boundary setbacks for north and south elevations - Min. 6.03m rear setback. Review of neighbouring developments at 21-27 Glen St (rear) (approved), 173 Shaftsbury Rd & 29 Glen St (south) (proposed) and 179 – 183 Glen St (north) (approved), indicates that all adjoining developments have reciprocal setbacks which will comply with the ADG building separation controls.	Yes
Street Setbacks Determine street setback controls relative to the desired streetscape and building forms.	The front setback along the southern boundary proposes a minimum of 10m to Shaftsbury Road, which is in line with Ryde DCP 2014 Part 4.1, and is reflective of neighbouring developments which is considered sympathetic to the surrounding streetscape.	Yes

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Apartment Design Guide Requirement	Proposal	Complies
Side and Rear Setbacks Related to the height of the building and are important tools for achieving amenity for new developments and buildings on adjacent sites.	The development has proposed a zero side setback control which is consistent with the DCP. All setbacks are consistent with the DCP requirements.	Yes
Part 3 Siting the development Design criteria/guidance		
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	The building layout has been designed to face Shaftsbury Road to the west. The proposed orientation allows the building to maximise solar access and to respond to the building envelopes indicated in the DCP. The proposal is considered satisfactory in this regard.	Yes
3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	Clear sightlines are provided from Shaftsbury Road into the development which encourages passive surveillance and crime deterrence. Public domain improvements are also proposed to Shaftsbury Road. The proposed landscaping scheme will also enhance the amenity of the public domain. The pathway from the public domain to the building entry is clear and legible, providing safe access to the proposed development and overall, a safe transition is proposed between the private and public domain.	Yes
3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	Required: 380.3m ² . The development provides approximately 399.8m ² (26.28%) of communal space in the form of roof terrace on Level 4 and communal courtyard area at natural ground level at the rear (which aligns with Level 2 of the building). The proposal achieves the minimum 25% in the form of active and passive open space areas and over 50% of the usable communal open space receive minimum 2 hours of sunlight in mid- winter.	Yes
3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential	Approximately 312.90m ² of deep soil area is proposed which equates to 20.56% of the site area. The area also exceeds the required minimum dimensions of 3m.	Yes

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Apartment Design Guide Requirement	Proposal	Complies												
<p>amenity and promote management of water and air quality.</p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>														
<p>3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="277 763 788 987"> <thead> <tr> <th>Building Height</th><th>Habitable rooms & balconies</th><th>Non habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>The proposed development is satisfactory with regard to building separation under the ADG controls (refer building separation and setback assessment outlined earlier in this table). Apartments will receive reasonable levels of external and internal visual privacy.</p>	<p>Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												
<p>3G Pedestrian Access & entries Pedestrian access, entries and pathways are accessible and easy to identify.</p>	<p>Pedestrian entry to the building is suitably identifiable from Shaftsbury Road.</p>	<p>Yes</p>												
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The vehicular access point is located adjacent to the southern boundary onto Shaftsbury Road. The location is at the furthest point from the vehicular entry point to the development at 179-183 Shaftsbury Road, and is a suitable distance from the intersection of Shaftsbury Road and Glen Street, with appropriate sight lines. The proposed development will result in no significant visual impact on the streetscape.</p>	<p>Yes</p>												
<p>3J Parking Provisions. Car parking: For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. Bicycle Parking Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>As there is an inconsistency between the parking requirements under ADG and in the SEPP (ARH), the SEPP (ARH) prevails. The proposed development complies with the car parking controls set out in the SEPP (ARH), and are discussed further within the SEPP (ARH) assessment table contained in this report.</p>	<p>Yes</p>												

ITEM 2 (continued)

Apartment Design Guide Requirement	Proposal	Complies
Part 4 Designing the building		
4A Solar & daylight access Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter. Design should incorporate shading and glare control, particularly for warmer months	A total of 19 apartments (86.3%) will receive 2 hours of direct sunlight between 9am and 3pm midwinter. Three of the apartments (13.6%) will receive no sunlight, being units 104, 105 and 204 will receive no solar access. These units have open space areas which face east, and have an outlook to the communal open space below. Accordingly these three units will achieve satisfactory amenity.	Yes
4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The proposal provides natural cross-ventilation to 15 units (68.2%). All habitable rooms have direct access to an external window for natural ventilation.	Yes
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.	Each level has proposed 3.1m between floors which will accommodate 2.7m ceiling heights.	Yes
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window. Master bedrooms – minimum area 10m ² Excluding wardrobe spaces.	The application proposes 1, 2 and 3 bedroom units. The internal areas of the proposed units comply with the minimum requirements.	Yes

ITEM 2 (continued)

Apartment Design Guide Requirement	Proposal	Complies																		
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments																				
4E Private Open Space and balconies All apartments are required to have primary balconies as follows: <table><tr><td>Dwelling type</td><td>Minimum area</td><td>Min.depth</td></tr><tr><td>Studio apartments</td><td>4m2</td><td>N/A</td></tr><tr><td>1 bedroom</td><td>8m2</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m2</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m2</td><td>2.4m</td></tr><tr><td>Ground or podium</td><td>15m2</td><td>3m</td></tr></table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m2	N/A	1 bedroom	8m2	2m	2 bedroom	10m2	2m	3+ bedroom	12m2	2.4m	Ground or podium	15m2	3m	All balconies comply with minimum depth and size requirement.	Yes
Dwelling type	Minimum area	Min.depth																		
Studio apartments	4m2	N/A																		
1 bedroom	8m2	2m																		
2 bedroom	10m2	2m																		
3+ bedroom	12m2	2.4m																		
Ground or podium	15m2	3m																		
4F Common circulation and spaces. The maximum number of apartments off a circulation core on a single level is 8. Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of the corridor.	One lift core is proposed in the development and will service all units. There are a maximum 7 units accessing the lift on each level.	Yes																		
4G Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table><tr><td>Dwelling type</td><td>Storage size volume</td></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom apt</td><td>6m³</td></tr><tr><td>2 bedroom apt</td><td>8m³</td></tr><tr><td>3 + bedroom apt</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	The required storage area has been provided within units and in the basement level. All unit storage meets the minimum requirement and allocation within the apartment and in the basement.	Yes								
Dwelling type	Storage size volume																			
Studio	4m ³																			
1 bedroom apt	6m ³																			
2 bedroom apt	8m ³																			
3 + bedroom apt	10m ³																			
4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Appropriate acoustic privacy will be provided for each apartment.	Yes																		

ITEM 2 (continued)

Apartment Design Guide Requirement	Proposal	Complies
4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	A suitable mix of 1& 2 bedroom units have been provided as follows: <ul style="list-style-type: none"> • 1 bedroom x 10 (45%) • 2 bedroom x 10 (45%) • 3 bedroom x 2 (10%) These apartments also vary in terms of layout, number of study's and orientation which will increase housing choice and variety.	Yes
4M Facades Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building facades are expressed by the façade.	The building's facade provides visual interests with use of horizontal and vertical elements plus the main entrance clearly defined.	Yes
4N Roof design Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features.	The development has proposed a flat roof which is integrated with the overall development.	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposal includes a landscape concept plan prepared in accordance with the design principles outlined in this Part, which has been reviewed by Council's Consultant Landscape Architect and considered acceptable.	Yes
4P Planting on structures Appropriate soil profiles are provided.	The development will comply with the minimum soil depth as specified in the ADG. Condition 69 has also been imposed to ensure compliance.	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	The development proposes three accessible units – 101, 102 and 104 – as outlined in the submitted BCA and Accessibility Compliance Report.	Yes
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with these requirements complying with the solar and natural ventilation requirement.	Yes

ITEM 2 (continued)

State Environmental Planning Policy (Affordable Rental Housing) 2009

The aims of this Policy are to provide affordable rental housing, the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, and to support local business centres by providing affordable rental housing for workers close to places of work.

The relevant sections of the SEPP (ARH) are discussed below:

SEPP Compliance Table

Control	Proposed	Complies
Clause 4 – Interpretation: ‘accessible area’	The subject site is located with 750m walking distance from Eastwood Train Station. In addition public transport in the form of buses also services the site within close proximity. Route 544 frequents the bus stop per hour between 6am and 9.00pm each weekday and between 8.00am and 6.00pm on weekends	Yes
Clause 8 – Relationship with other environmental planning instruments (EPI) If there is an inconsistency between this Policy and any other EPI, this Policy prevails to extent of inconsistency.	An inconsistency lies between this policy and SEPP 65 and the ADG relating to solar access. See discussion regarding Clause 16 below.	Yes
Clause 10 – Development to which Division 1 applies This Division applies to development for the purposes of residential flat buildings if:- a) the development concerned is permitted with consent under another environmental	The development is permitted with consent under Ryde Local Environmental Plan 2014 and is not identified as a heritage item. As stated above, the subject site is within an accessible area.	Yes

ITEM 2 (continued)

Control	Proposed	Complies
<p>planning instrument; and</p> <p>b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument</p> <p>This Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</p>		
<p>Clause 13 – Floor space ratios</p> <p>(1) This clause applies to development to which the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</p> <p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used</p>	<p>935.13m² is to be used for affordable housing (i.e. 11 units) which equates to 48%.</p> <p>GFA proposed: 1,521.21m² Total GFA for AH: 935.13m² = 48%</p> <p>Permissible FSR under RLEP 2014 is 0.8:1</p> <p>$Y = AH \div 100$</p> <p>$Y = 48\% \div 100$</p> <p>0.48:1 + 0.8:1 = 1.28:1</p> <p>Site Area: 1,521.21m² Proposed GFA: 1,942.23m²</p> <p>Proposed FSR: 1.2767:1</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Proposed	Complies
<p>for affordable housing. $Y = AH \div 100$</p> <p>(3) In this clause, gross floor area does not include any car parking (including any area used for car parking).</p>	Car parking excluded from GFA calculation.	
Clause 14 – Standards that cannot be used to refuse consent		
<p>Clause 14(1)(b) – site area</p> <p>If the site area on which it is proposed to carry out the development is at least 450m²</p>	1,521.21m ²	Yes
<p>Clause 14(1)(c) – Landscaped area</p> <p>At least 30% (456.36m²) of the site area is to be landscaped</p>	540.65m ² (35.54%)	Yes
<p>Clause 14(1)(d) – Deep soil zones</p> <p>An area of not less than 15% (228.18m²) of the site area shall be classified as deep soil zone, and each area forming part of the deep soil zone has a minimum dimension of 3 metres. If practicable, at least 2/3 of the deep soil zone is to be located at the rear of the site.</p>	<p>The deep soil zone has an area 312.9m² (20.56%), and has a minimum dimension of 3 metres. The majority of the deep soil zone is located in the front of the site due to the position of the basement.</p>	Yes

ITEM 2 (continued)

Control	Proposed	Complies
<p>Clause 14(1)(e) –Solar Access</p> <p>A minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>In accordance with the ADG, a total of 86.3% of the apartments will receive 2 hours of direct sunlight between 9am and 3pm midwinter. Only 9 units (40.9%) achieve 3 hours or greater solar access and 2 units (9.09%) achieve 2 ½ hours solar access. Therefore, overall 50% of the total number of units receive 2 ½ hours or more solar access.</p>	<p>No, however complies with the SEPP 65 and the ADG. In accordance with Clause 16, nothing in SEPP (ARH) affects the application of SEPP 65. It is noted that overall 50% of the total number of units receive a minimum of 2½ hours solar access and this is considered acceptable.</p>
<p>Clause 14(2)(a) – parking</p> <p>At least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms</p>	<p>Based on the following calculation, 18 spaces are required:</p> <p>0.5 x 10 one bedroom units = 5 1 x 10 two bedroom units = 10 1.5 x 2 three bedroom units = 3</p> <p>A total of 28 spaces are proposed. It is noted that there is no specific visitor parking rates required, however visitor spaces have been provided.</p>	<p>Yes</p>
<p>Clause 14(2)(b) – dwelling size</p> <p>Each dwelling has a gross floor area of at least:</p> <p>(i) 35m² - a bedsitter or studio (ii) 50m² - a 1 bedroom dwelling (iii) 70m² - a 2 bedroom dwelling (iv) 95m² - a dwelling having 3 or more bedrooms</p>	<p>The application proposes 1, 2 and 3 bedroom units. The internal areas of the proposed units comply with the minimum requirements.</p>	<p>Yes</p>
<p>Clause 15 – Design requirements</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published</p>	<p>These guidelines have been prepared to assist in the design of infill development under the State Environmental Planning Policy (Seniors Living) 2004. In accordance with these guidelines, the proposed development positively contributes to the overall character of the area, responds</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Proposed	Complies
by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	to maintaining amenity (privacy and solar access) and reducing environmental impact. The proposed development achieves an acceptable level of internal amenity (access to public transport and local facilities, safety and security, useability and quality recreational spaces) within the development.	
Clause 16 – Continued application of SEPP 65 Nothing in SEPP (ARH) affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any affordable housing development.	State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies to the proposed development and the relevant provisions has been complied with.	Yes
Clause 16A – Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposed development meets the requirements with regard to setbacks, street presentation, and building envelope as outlined in the assessment of the development against the provisions of Part 4.1 of Ryde DCP. The UDRP has reviewed the subject development and has raised no concerns with the design of the development and its compatibility with the local area. Accordingly the proposed development is considered acceptable for the purposes of this clause.	Yes
Clause 17 – Must be used for affordable housing for 10 years A consent authority must not consent to development to which this Division applies unless conditions are imposed by the	Condition 4 has been imposed to ensure that the nominated 11 units are to be used for the purposes of affordable housing for a continuous period of 10 years from the date of the	Yes, subject to condition

ITEM 2 (continued)

Control	Proposed	Complies
<p>consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</p> <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>	<p>occupation certificate, and all affordable housing accommodation is to be managed by a registered community housing provided.</p> <p>Furthermore, a restriction will be registered in accordance with section 88E of the Conveyancing Act 1919 to ensure these requirements are enforced for the 10 year period.</p>	
<p>Clause 18 – Subdivision</p> <p>Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.</p>	<p>No subdivision is proposed as part of this development application.</p>	<p>Yes</p>

ITEM 2 (continued)

5.2 Ryde LEP 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned ‘R4 High Density Residential’ under the provisions of the LEP 2014. The proposed residential flat building is permitted in this zoning.

The objectives of the zone include the following:

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

The proposal complies with the above objectives. The site is located within an accessible area with frequent bus services and within close proximity to facilities and services, for example primary and secondary schools and Eastwood Shopping Centre. The development will respond appropriately to the desired future character of the surrounding precinct. The massing and scale of the development is consistent with the future built environment and its built form will not impact adversely on the character of the area.

Clause 4.3 Height of Buildings

Clause 4.3(2) states that the height of a building on this site is not to exceed the maximum height shown on the Height of Buildings Map. The map specifies the maximum building height on the site as 9.5m. Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Clause 4.3(A) permits an additional 2m height if:

“The lot on which the building is sited has an area of at least 1,200 square metres.”

ITEM 2 (continued)

The site has an area greater than 1,200m² (1,521.21m²) and accordingly, the site satisfies the provisions for the additional height which results in a maximum height of 11.5m rather than 9.5m. The proposed development provides a height of up to 12.04m, which results in a variation to the development standard of 0.54m (4.69%) and Figure 5 shows the extent of the building that exceeds the maximum building height.

In accordance with Clause 4.6 Exceptions to development standards, the applicant has submitted a request seeking variation to the development standard and has provided justification for the variation (see the discussion below under heading Clause 4.6).



Figure 5: Minor building height encroachments

Clause 4.4 Floor Space Ratio

Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 0.5:1 for the site. However, as the subject site is within Area E and has a lot size of greater than 1,200m², it achieves a maximum FSR of 0.8:1.

As stated above, in accordance with the Clause 13 of SEPP (ARH) 2009, an additional FSR is permitted on the land based on the percentage of affordable rental housing provided. In accordance with the calculations shown above, the permissible FSR is increased to 1.28:1. The development complies with the FSR requirement.

ITEM 2 (continued)

Clause 4.6 Exceptions to development standards

The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3 – Height of Buildings.

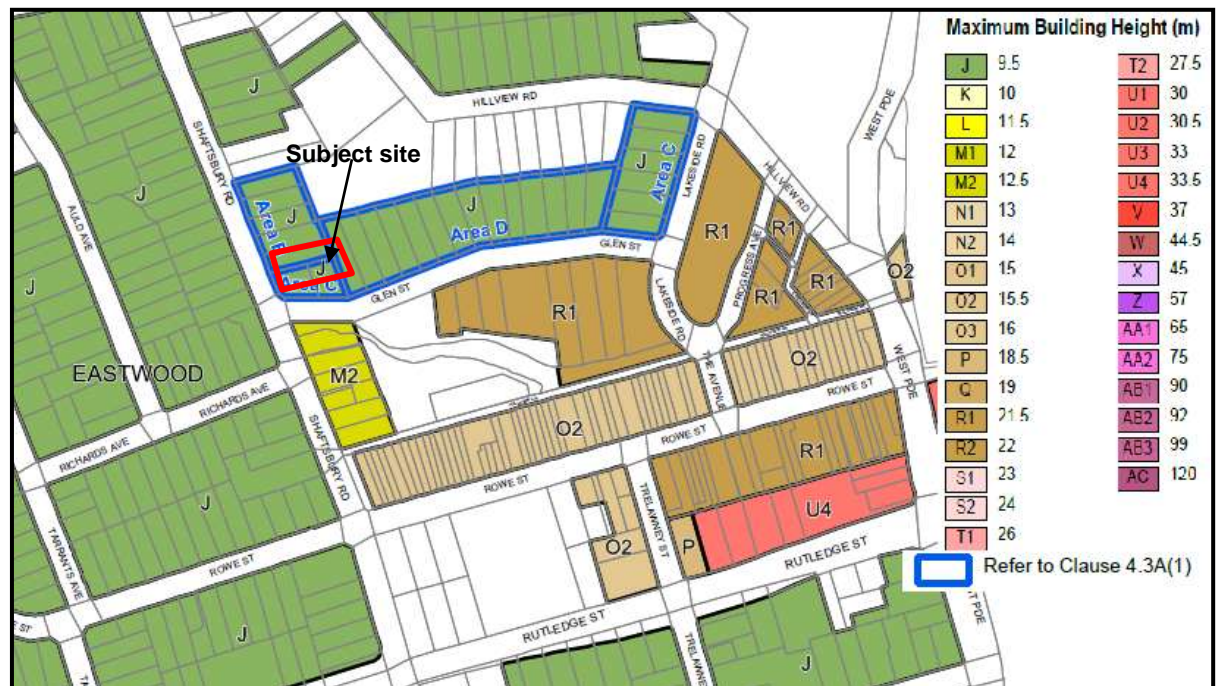


Figure 6: Maximum building height of the site and surrounding properties

The permitted height of the subject site and its surrounds are shown in Figure 6. As can be seen, the maximum height is consistent with that of the neighbouring properties. You will note that the subject site is within Area B, which refers to Clause 4.3A(1). As stated above, Clause 4.3(A) permits an additional 2 metres in height if the lot on which the building is sited has an area of at least 1,200 square metres.

Regardless of the proposed height non-compliance, the proposal will not result in a built form that is incompatible with the current and future desired character of the surrounding area.

In considered Clause 4.6 the following judgements of the NSW Land and Environmental Court (NSWLEC) are of relevance:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- Wehbe v Pittwater Council [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No. 1');
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No. 2');
- and
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 248 ('Four2Five No. 3').

ITEM 2 (continued)

These decisions identify the following key questions which need to be considered for Clause 4.6 Variations:

1. ***Is the planning control in question a development standard?***

The proposal seeks to vary Clause 4.3 – Height of Building permitted under the RLEP 2014 which is considered to be a development standard.

2. ***What is the underlying objective or purpose of the development standard?***

The objectives of the maximum building height clause are as follows:-

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

The objectives of the development standard are achieved as the development represents the building height anticipated for high density developments in Eastwood and does not result in a bulky appearance. The interesting and varied design elements used throughout the development assist with ensuring that it is consistent with the desired future character of the immediate locality. Therefore, this variation to building height is considered acceptable in this circumstance.

3. ***Is compliance with the development standard consistent with the aims of the Policy and in particular does compliance with the development standard tend to hinder the obtainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act?***

With regards to objectives 5(a)(i) and (ii) if the EP&A Act 1979, the proposal ensures the objectives are attained as the proposed development, despite the non-compliance, ensures that the proposal achieves good design which will support social and economic welfare of the community and a better environment.

ITEM 2 (continued)

The proposal, including the non-compliance, supports promotion and co-ordination of the orderly and economic use and development of land as the proposal has been designed with regard to the surrounding context of the site and the desired future character established by the RLEP 2014 and supporting RDCP 2014.

It should be noted that the objectives of the Act are carried out through the assessment of Development Applications against a framework established by the relevant planning controls. As detailed within this assessment report, despite not achieving full compliance with all controls, the proposal is considered acceptable and will be consistent with the desired future character of the area.

4. ***Is compliance unreasonable and unnecessary in the circumstances?***

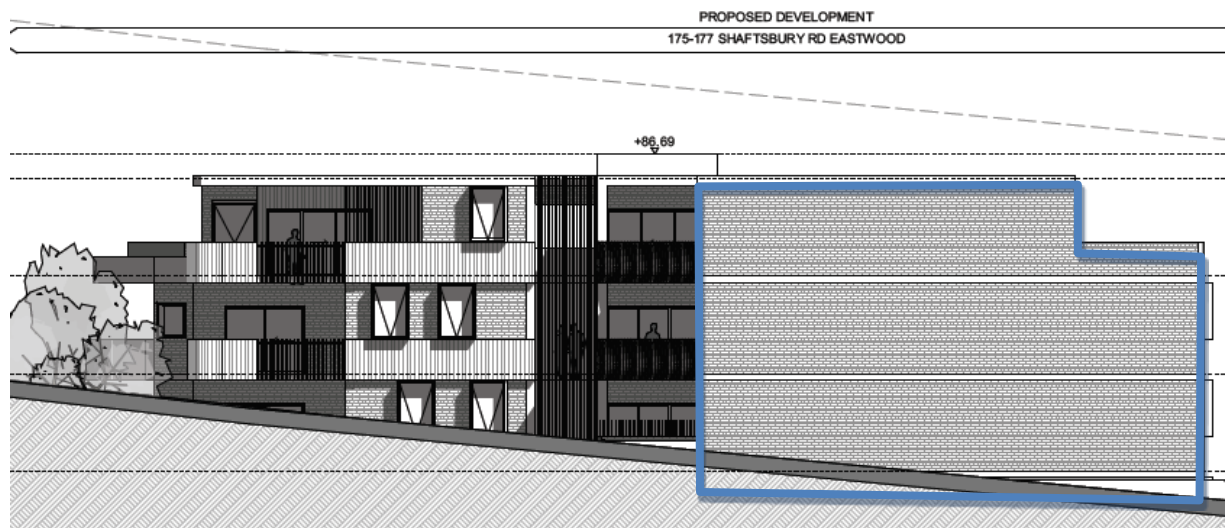
The applicant has provided key justifications for the variation listed below:-

The proposal generally complies with the building envelope requirements of the Ryde Development Control Plan 2014 (RDCP 2014). This proposal comprises infill affordable housing under the SEPP ARH. As explained in the accompanying Statement of Environmental Effects (SEE), the proposal receives a bonus FSR of 0.48:1 out of the maximum 0.5:1 bonus under the SEPP ARH. When the SEPP ARH allows bonus FSR, the development must go 'up' or 'out' and therefore, disrupt either Council's height standard, other building envelope controls, or both. In this case, the allocation of the bonus FSR has resulted in a small area of height non-compliance.

The proposal will have no adverse amenity impacts, with particular reference to privacy, overshadowing and solar access (as justified below), on the surrounding properties resulting from the variation to the roof height.

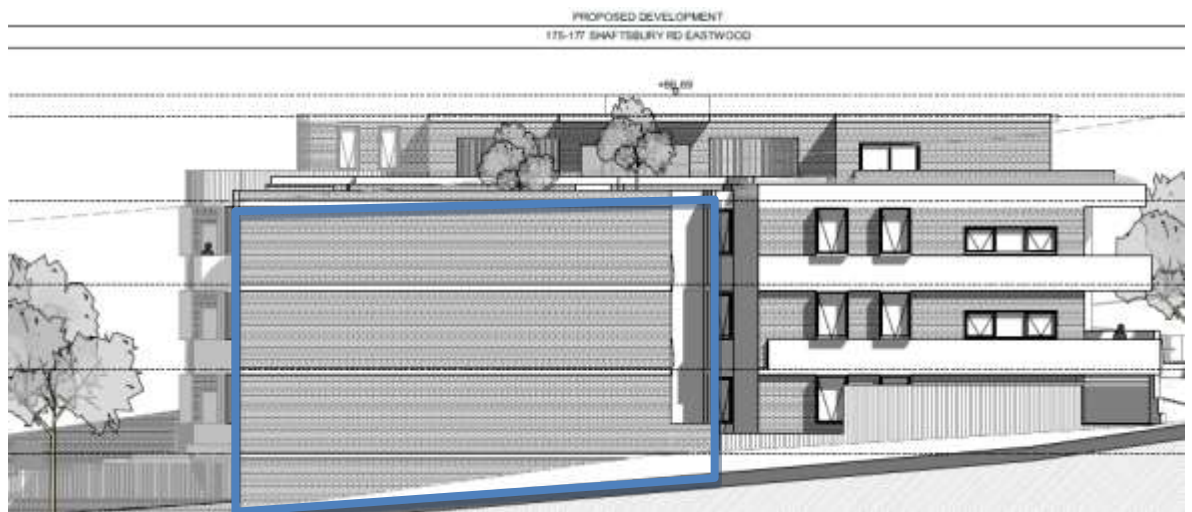
There are some non-compliances with the Apartment Design Guide (ADG) to the northern and southern allotments. The northern and southern elevations have no windows where the ADG non-compliance in setback is, as shown in below and outlined in blue.

ITEM 2 (continued)



Northern Elevation

Source: Architectural plans prepared by Ghazi Al Ali Architect Pty Ltd



Southern Elevation

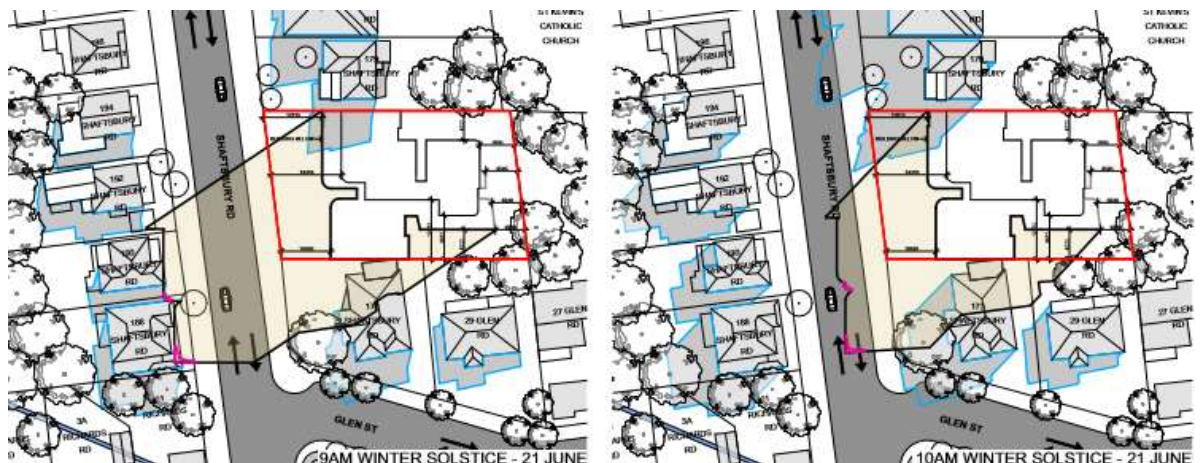
Source: Architectural plans prepared by Ghazi Al Ali Architect Pty Ltd

Therefore, there are no significant privacy implications, with particular reference to the height. The sections of the proposed development on the northern elevation are under the RLEP 2014 height limit. Where the non-compliance in height on the western elevation towards the southern section of the building occurs, there are no windows or balconies overlooking the neighbour to the south.

In summary, the height non-compliance, which relates to the top floor along the western elevation, does not provide any significant privacy implications, and the impacts from the height non-compliances are acceptable.

ITEM 2 (continued)

In relation to overshadowing, the figures below (extracted from the architectural plans, dated 30 August 2017) show the impact that the proposal has to the adjoining site to the south, including the solar access extent to the private open spaces at 173 Shaftsbury Road and 29 Glen Road on 21 June. The figures show the overshadowing of a compliant scheme in comparison to the proposed shadows, which include a minor height non-compliance, on an hourly basis.



*Compliant and proposed hourly overshadowing diagrams – 9am and 10am
Source: Architectural plans prepared by Ghazi Al Ali Architect Pty Ltd*



*Compliant and proposed hourly overshadowing diagrams – 11am and 12pm
Source: Architectural plans prepared by Ghazi Al Ali Architect Pty Ltd*

ITEM 2 (continued)



Compliant and proposed hourly overshadowing diagrams – 1pm, 2pm and 3pm

Source: Architectural plans prepared by Ghazi Al Ali Architect Pty Ltd

The section of the building that exceeds the maximum permissible height limit has a negligible impact, given that the breach is only by 0.54m. The non-compliance will partially result in additional shadows being cast on 173 Shaftsbury Road and 29 Glen Road. Which are the only properties that are potentially affected by the variation. The shadow diagrams, accompanying this application, have been provided in two different forms to demonstrate the potential overshadowing. As demonstrated, overshadowing is considered negligible due to the minor height non-compliance.

As shown within the Architectural plans, solar access is provided to the private open space of the southern neighbour. The property to the north of the Site, being 179 Shaftsbury Road, has been demonstrated to have no significant additional overshadowing, which is consistent with Council's objectives and controls. This impact is negligible and therefore, strict compliance with the development standard is unreasonable and unnecessary.

In relation to solar access to the proposed development, the figures above also show the extent that each compliant envelope has in comparison to the proposed envelope on an hourly basis. The impact of solar access to the proposed building is negligible as more than 70% of the apartments receive over two hours of solar access on June 21, as per the ADG requirements.

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

ITEM 2 (continued)

A development that strictly complies with the 11.5m height control is unreasonable and unnecessary in this circumstance, for the following reasons:

- *Strict compliance would lead to a development that would require a greater level of excavation than is currently proposed and would not have any tangible visual or amenity benefits.*
- *The non-compliance with the height limit will aid in the transition in building heights, particularly in the context of future development, when viewed from the public domain or surrounding development and is generally consistent with the surrounding development.*
- *The difference in the extent of impact between a development that achieves strict numerical compliance would not adversely alter the overshadowing, privacy or visual impacts on adjoining properties. These impacts have been demonstrated above to be negligible.*
- *Strict compliance with the Clause 4.3 Height of buildings and Clause 4.3A Exceptions to Height of buildings of the RLEP 2014 would lead to an under-developed Site. The section of the development that exceeds the height limit is located on the south-western section of the building. In addition, the top floor of the proposal exceeds the height limit due to the topography of the Site. To minimise bulk and scale, the top level has been setback 14m from Shaftsbury Road.*

Further, the proposal satisfies the underlying objectives of both the zone and the development standard, detailed below, and provides a transition in scale of development compatible with the existing development in the locality. The proposal is also consistent with the desired future character of the area, as demonstrated within the RDCP 2014 and provides a greater level of residential amenity, as discussed below. This achievement of a better planning outcome is consistent with the Court's findings in Micaul Holdings.

It therefore stands, that the environmental planning grounds and outcomes that are particular to this development and this Site are such that a departure from the development standard in that context would promote the proper and orderly development of land.

The site is considered suitable for the development given its proximity to the Eastwood Train Station and Eastwood Town Centre. The additional height does not result in any additional yield and does not result in an additional storey. The purpose of the standard is still considered relevant to the proposal, however 100% compliance in this circumstance is considered unreasonable.

ITEM 2 (continued)

The variation is acceptable based on merit and the objectives of the standard, as outlined above, will still be achieved despite the variation proposed.

5. ***Are there sufficient environmental planning grounds to justify contravening the Development Standard?***

In considered environmental planning grounds, the applicant has identified the following:-

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

- The proposal satisfies the objectives of the R4 High Density Residential zone and the objectives of the building height standards as described above.*
- The non-compliance with the building height standard does not contribute to adverse environmental impacts in terms of overshadowing, visual and acoustic privacy.*
- The proposed non-compliances with the height controls provide a building form and scale, that provides appropriate transition in the height and scale with surrounding existing development and future.*
- The non-compliance with the standard does not result in a scale of building that is out of character with the surrounding development, nor will it be incompatible with the desired future character of the locality.*
- The built form is from boundary to boundary across the western (front) boundary of the Site, however is setback a minimum of 14m from Shaftsbury Road. The proposal has been designed to comply with City of Ryde Council's current controls. Due to the RDCP 2014 building envelope for the Site, there is some level of expectation that Council have acknowledged that these sites are restricted and are endorsing the amalgamation of the two allotments, 175-177 Shaftsbury Road, to have a better building footprint.*
- The building footprint also limits the excavation of the Site with the compliant amount of deep soil. Increased excavation would also result in a complex foundation design, translating into a greater building cost, impacting on the financial viability of the project. Therefore, a better planning outcome is achieved through addressing the constraints of the Site, while continuing to maintain a high level of residential amenity.*

ITEM 2 (continued)

The development as proposed is consistent with the provisions of orderly and economic development, as required by the EP&A Act.

6. *Is the objection well founded?*

The proposed variation has been considered acceptable due to minimal environmental impacts on adjoining and adjacent properties. To ensure compliance would not necessarily result in a better design outcome for the site, particularly given the prominent location of the site on a corner and its importance in establishing the streetscape. In this regard, the objection is considered to be well founded.

7. *Would non-compliance raise any matter of significance for State or Regional planning?*

The proposal is not considered to raise any matters of significance for State or Regional planning. Importantly this does not establish any precedents as the non-compliance has been considered acceptable in the merits of the specific circumstances of the site.

8. *Is there a public benefit of maintaining the Development Standard?*

Maintaining the development standard would not provide any additional public benefit than what is proposed by the development (being the provision of housing, convenient local commercial facilities and employment).

Clause 4.6 Conclusion

The proposal is considered to generally satisfactory with regards to the objectives of the building height control and the R4 high density residential zone and as such, the proposed variation is supported.

Clause 5.10 Heritage Conservation

The subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of Ryde LEP 2014 (see Figure 7):

- i) 'St Kevin's Catholic Church' 32-36 Hillview Road, Eastwood (Item No.I204)
- ii) 'Eastwood House' 40 Hillview Road, Eastwood (I55)
- iii) 'Eastwood House Estate Heritage Conservation Area' (C4)

ITEM 2 (continued)



Figure 7: Heritage items within the vicinity of the site

Council's Heritage Officer has reviewed the proposal and states *"Overall, the proposal will not result in any material affectation to significant heritage fabric and will not unreasonably impact on the setting or curtilage of the heritage items or the heritage conservation area. The development proposal is supported on heritage grounds."*

Other provisions

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

Provision	Comment
Clause 6.1 Acid sulfate soils	The site is not identified as land located within an area affected by acid sulfate soils.
Clause 6.2 Earthworks (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring	Development consent is required for the earthworks associated with the development. The proposed development includes excavation for basement car park. Council's Senior Coordinator Development Engineering Services requires that a condition be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a construction certificate (see Condition 89).

ITEM 2 (continued)

Provision	Comment
<p>uses, cultural or heritage items or features of the surrounding land.</p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any</p>	<p>The site is not known to contain any relics or watercourse.</p> <p>The development is considered satisfactory in respect of the likely impact on drainage, soil stability, amenity of adjoining properties, likelihood of disturbing relics, potential impacts on watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Appropriate measures will be conditioned in order to avoid, minimise or mitigate the impacts of the development (see Conditions 91 and 96).</p> <p>The development is considered satisfactory in respect of this clause.</p>

ITEM 2 (continued)

Provision	Comment
<p>excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	
<p>Clause 6.4 Stormwater management</p>	<p>The development is to be designed to maximize on-site stormwater retention for use as an alternative supply to the mains water as well as avoiding any impacts of stormwater runoff on adjoining properties. It is proposed that the stormwater run-off from the development is collected by a below ground OSD systems and discharged to the Council In-ground drainage system located at Shaftsbury Road.</p>

5.3 Draft Environmental Planning Instruments

There are no draft environmental planning instruments that affect the site.

5.4 Development Control Plans

City of Ryde DCP 2014

The following sections of DCP 2014 are of relevance, being:

- Part 4.1 – Eastwood Town Centre
- Part 7.2 - Waste Minimisation and Management
- Part 8.1 - Construction Activities
- Part 8.2 - Stormwater Management
- Part 9.2 - Access for People with Disabilities
- Part 9.3 - Car Parking


With regard to Parts 7.2 to 8.2, noting the advice received from the various technical departments within Council and the consideration of issues previously in this report, the proposal is satisfactory in relation to these parts of the DCP.

Parts 4.1, 9.2 and 9.3 are considered below.

ITEM 2 (continued)

Part 4.1 – Eastwood Town Centre

Part 4.1 of DCP 2014 is the primary DCP applicable to development within the Eastwood Town Centre. The relevant provisions of the DCP are outlined in the table below:

Control	Proposed	Complies
Part 4.1 – Eastwood Town Centre		
4.0 Development Controls – Glen Street and Lakeside Road Precinct		
4.1 Site Amalgamation		
<p>Minimum lot sizes shall comply with Ryde LEP 2014 Clauses 4.3A and 4.4A.</p> <p>Note :</p> <p>1. To achieve the optimum development outcome a minimum lot size is required for particular development to occur. Clauses 4.3A Exceptions to height of buildings and 4.4A Exceptions to floor space ratio make provision for additional height and floor space to be available when lots over a particular size are being developed. A preferred amalgamation is shown in Figure 4.1.09.</p> <p>2. To achieve the required lot size may require the amalgamation of lots. If amalgamation is required an application for consolidation should be included as part of the development application.</p> <p>3. Building Envelopes are based on the preferred amalgamation pattern (Figure 4.1.08 - Figure 4.1.15). They are indicative only.</p>	<p>The subject site includes the two properties at 175 and 177 Shaftsbury Road, which is in accordance with the amalgamation pattern set out in the DCP as shown in Figure 8.</p>  <p>Figure 8: Map showing Preferred Amalgamation Site Pattern of subject site</p>	Yes


ITEM 2 (continued)

Control	Proposed	Complies
4.2 Built Form		
4.2.1 Urban and Environmental Design		
Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.	The proposed development is considered to be acceptable in respect of residential amenity and building massing, and is consistent with the emerging higher density developments in the Eastwood Town Centre. The interesting and varied design elements used throughout the development assist with ensuring that it is consistent with the desired future character of the immediate locality.	Yes
Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.		
Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.		
Balconies may not be continuous along the whole length of building facades.		
Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.		
Where sites are amalgamated express the prevalent historic Eastwood Town Centre lot structure in the design of new buildings particularly at street level.		
4.2.2 Residential Private Open Space		
Single aspect apartments set below the natural ground level are not permitted.	None proposed.	N/A
Comply with SEPP 65 Rule of Thumb.	The private open space complies with the provisions set out in the ADG.	Yes

ITEM 2 (continued)

Control	Proposed	Complies
4.2.3 Solar Access and Sun Shading		
Comply with SEPP 65 Rule of Thumb.	19 units (86.3%) of dwellings will receive 2 or more hours of solar access, which complies with the ADG.	Yes
The SEPP 65 controls for light wells apply to apartments below ground level for the purpose of satisfying SEPP 65 requirements.	None proposed.	N/A
4.2.4 Visual Privacy		
Comply with SEPP 65 Rule of Thumb.	The proposed development is satisfactory with regard to building separation under the ADG controls (refer building separation and setback assessment outlined earlier in this report). Apartments will receive reasonable levels of external and internal visual privacy.	Yes
4.2.5 Acoustic Privacy		
Acoustic separation between commercial and residential uses shall be attained.	The proposed development contains residential uses only. Acoustic privacy mechanisms have been implemented, where necessary, to reduce visual and acoustic impacts between units.	Yes
4.2.6 Built Form Heights		
Buildings must comply with the maximum heights described in Ryde LEP 2014 Height of Buildings Map.	The site has an area greater than 1,200m ² (1,521.21m ²) and accordingly, the site satisfies the provisions for the additional height which results in a maximum height of 11.5m rather than 9.5m under RLEP 2014.	No, variation acceptable
Building height must comply with the Building Height Control Figure 4.1.08 and Figure 4.1.09. Note The height limits in the LEP and the DCP should be read in conjunction and they correlate to each other. The LEP provides building heights in metres and the DCP provides building heights in storeys.	The proposed development provides a height of up to 12.04m, which results in a variation to the development standard of 0.54m (4.69%). This variation to the building height is considered acceptable in this circumstance. See discussion above in this report under heading Clause 4.6 Exceptions to Development Standards.	
Floor to ceiling height must be a minimum of 2.7m for residential uses.	Each level has proposed 3.1m between floors which will accommodate 2.7m ceiling heights.	Yes

ITEM 2 (continued)

Control	Proposed	Complies
To ensure that ground floor levels are adaptable over time for a wide range of uses, the floor to ceiling height on the ground floor shall be a minimum of 3.5m to allow adaptable use over time.	The ground floor accommodates the ground floor lobby and bin room only therefore the 3m floor to ceiling height is considered acceptable.	No, variation acceptable
4.2.7 Setbacks		
Building setbacks at the ground level and upper levels must comply with the Setbacks Control Drawing Figure 4.1.10 - Figure 4.1.13. Unless noted otherwise the minimum rear and side setbacks shall be 6m.	<p>The proposed development complies with the setbacks set out in the RDCP 2014 as shown in Figure 9 below.</p>  <p>Figure 9 – Glen Street & Shaftsbury Road setbacks</p>	Yes
The top floor must be setback 4m from the boundary as indicated in the Setbacks Controls Drawing Figure 4.1.10 - Figure 4.1.13.	The top floor is setback 3.905m from the front building line. The minor variation is considered acceptable as the building is setback greater than 10m and therefore still achieves a positive relationship between neighbouring buildings.	No, variation acceptable
Provide a continuous unimpeded paved surface as shown in Figure 4.1.10 - Figure 4.1.13.	The continuous footpath paving will be included as part of the public domain approval (see condition 71(a)).	Yes, subject to conditions
There shall be no barriers (such as fences and landscaping) provided on the pavement which will limit integration between the private and public domain.	No barriers are proposed on the pavement.	Yes

ITEM 2 (continued)

Control	Proposed	Complies
4.2.8 Building Depth		
Building depth must comply with the Building Depth Control Drawing Figure 4.1.14	The DCP permits a building depth of 18m along the zero lot line on both side boundaries. The development proposes between 15.22m and 15.97m, which complies.	Yes
Achieve natural ventilation in residential buildings by having window openings in opposite directions and walls where possible. Comply with SEPP 65 Rule of Thumb.	The proposed development is satisfactory with regard to natural ventilation under the ADG controls.	Yes
Where alternative building envelopes and amalgamation patterns are proposed the maximum overall depth of buildings is 18m unless design excellence can be demonstrated and natural ventilation is achieved.	The amalgamation pattern is consistent with the DCP.	Yes
Provide ground level active uses where indicated on the Active Street Frontages Control Drawing Figure 4.1.15.	The proposed development is not subject to an active street frontage.	N/A
Residential uses, particularly entries and foyers, these must not occupy more than 20% of the total length of each street frontage.	The pedestrian entry into the building and foyer do not occupy more than 20% of the Shaftsbury Road street frontage.	Yes
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	The vehicle access point of the proposed development off Shaftsbury Road is satisfactory.	Yes
Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.	No shopfronts proposed.	N/A

ITEM 2 (continued)

Control	Proposed	Complies
Locate retail, restaurants and / or other active uses at the ground level.	No retail included as part of this development.	N/A
4.2.11 Services Access and Parking		
On-site car and service vehicle access must be provided and designed in accordance with the following: i. a driveway must be established that is of adequate strength, width and design for the intended car and service vehicle characteristics. ii. the driveway is to be designed such that service vehicle movement is in a forward direction, both when entering and exiting the site; iii. on-site manoeuvrability must be unimpeded for all site users.	The application has been reviewed by Council's Senior Coordinator Development Engineering Services who did not raise any objection to the proposal subject to the imposition of conditions.	Yes
Generally service vehicle access is to be combined with parking access.		
Waste and recycling are to be provided in accordance with DCP Part 7.2 Waste Minimisation and Management Facilities for Waste.		
All carparking is to be provided underground.		
4.3.1 Access and the Public Domain		
To be in accordance with the City of Ryde Public Domain Technical Manual and are to be implemented by the developer.	The application has been reviewed by Council's Public Domain Civil Engineer who did not raise any objection to the proposal subject to the imposition of conditions.	Yes

ITEM 2 (continued)

Control	Proposed	Complies
Adequate parking and safe convenient access to buildings for people with disabilities must be provided.		
To provide active frontage and quality building design, where applicable vehicular access ramps must enter and exit from the rear lane.		
Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like.		
Loading docks must be located to the rear of the retail / commercial premises so that vehicles do not stand on any public road, footway and vehicles entering and leaving the site move in a forward direction.		
4.3.2 Landscape Character		
Select street trees based on the scale of buildings, width of the street, aspect, and on environmental parameters such as soil type shall be provided in accordance with the City of Ryde <i>Public Domain Technical Manual</i> .	The application has been reviewed by Council's Consultant Landscape Architect who did not raise any objection to the proposal subject to the imposition of conditions.	Yes

Part 9.3 – Parking Controls

The parking requirements set out in the SEPP (ARH) are the prevailing controls associated with this development. However for completeness, consideration has also been given to Council's DCP requirements for car parking. Part 9.3 specifies that car parking is to be provided at the following rates:

ITEM 2 (continued)

Residential Development - High Density (Residential Flat Buildings)

0.6 to 1 space / one bedroom dwelling
0.9 to 1.2 spaces / two bedroom dwelling
1.4 to 1.6 spaces / three bedroom dwelling
1 visitor space / 5 dwellings

The development will contain a total of 22 apartments comprising of:

10 x 1 bedroom, 10 x 2 bedroom and 2 x 3 bedroom apartments.

Based on the above, the following car parking is required:

No. of units	Min	Max
10 x 1 bed	6	10
10 x 2 bed	9	12
2 x 3 bed	2.8	3.2
Total	17.8 (18)	25.2 (26)
Visitor /5	4.4 (5)	4.4 (5)
Total	23	31

Based on the above, the proposal is required to provide between 23 and 31 spaces. It is proposed to provide 28 spaces which are under the maximum range, but above the minimum. **Condition 67** has been imposed requiring the allocation of spaces.

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

Based on the above, 4 bicycle spaces are required to be provided. The development incorporates 8 bicycle spaces and 7 motorcycle spaces.

The proposal complies with Council's car parking and bicycle requirements.

5.5 Planning Agreements OR Draft Planning Agreements

No planning agreement or draft planning agreement exists for this development.

ITEM 2 (continued)

5.6 Section 7.11 Development Contributions Plan 2007 (Amendment 2010)

Council's current Section 7.11 Development Contributions Plan 2007 (Interim Update 2014) effective 10 December 2014 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

- 10 x 1 bedroom units;
- 10 x 2 bedroom units and
- 2 x 3 bedrooms

The development includes the demolition of two existing residences and has been included as credits in the Section 7.11 contribution calculations.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$50,259.20
Open Space & Recreation Facilities	\$123,728.04
Civic & Urban Improvements	\$42,082.40
Roads & Traffic Management facilities	\$5,740.30
Cycleways	\$3,585.64
Stormwater Management Facilities	\$11,396.98
Plan Administration	\$966.62
The total contribution is	\$237,759.18

Condition 48 has been imposed to reflect the required Section 7.11 contribution.

5.7 Any matters prescribed by the regulations

As the development involves the demolition of a building, Council must consider the provisions of *AS201-1991: The Demolition of Structures*. Appropriate conditions of consent have been included to reflect this Australian Standard.

6. The likely impacts of the development

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development or those issues requiring further consideration are discussed below.

Built Form

The proposed development will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

ITEM 2 (continued)

The development is consistent with the height and scale of envisaged for the redevelopment of the area. The proposed built form and character of the development will contribute to an attractive public domain.

Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments.

The overall development complies with apartments receiving the required solar access as required by SEPP 65. The development will comply with the requirements of Council's codes and the SEPP 65 requirements in terms of providing acceptable amenity within the development.

7. Suitability of the site for the development

The proposed development is considered to be a suitable development for the site, being permissible in the zone. As detailed earlier in this report, the development is consistent with the emerging character of the area and appropriately responds to the natural and built environmental assets and constraints of the site.

8. The Public Interest

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of height, the proposed variation is not considered to have any potential impact to adjoining properties. The development complies with the objectives of the planning controls.

9. Submissions

In accordance with DCP 2014 Part 2.1 Notice of Development Applications, the proposal was advertised in the Northern District Times on 29 March 2017 and adjoining property owners were notified of the application. Submissions about the proposal closed on 19 April 2017.

In response, nine (9) submissions were received. Figure 10 illustrates the location of the properties who lodged submissions in relation to the site.

ITEM 2 (continued)

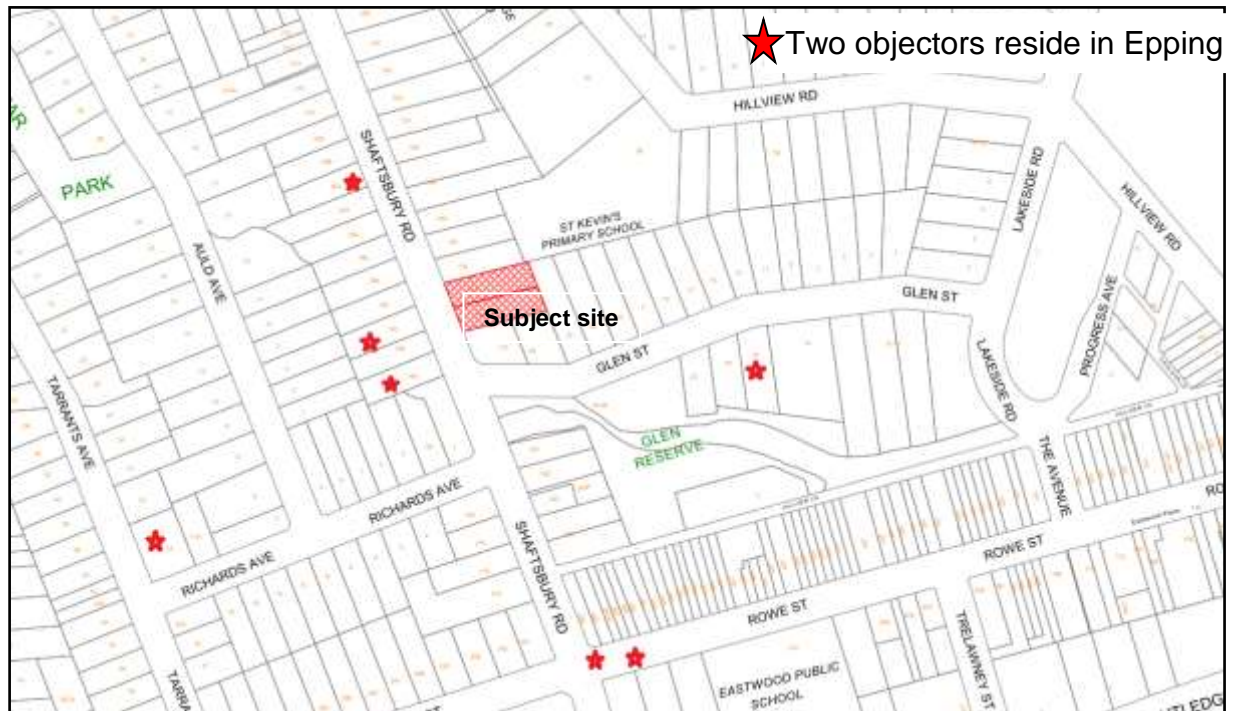


Figure 10: Location of submissions received shown as red star.

The issues raised in the submissions are outlined and addressed below:

- *Traffic will increase as a result of the development, and may result in traffic congestion at the nearby intersection of Shaftsbury Road and Glen Street.*

Comment:

The traffic report, submitted by the applicant, prepared by Parking and Traffic Consultants dated 9 December 2016 has been reviewed by Council's Traffic Section. It is noted that traffic generation for the proposed development (i.e. 22 residential units) is expected to be around 5 to 10 vehicle trips per peak hour. The existing dwellings would also generate about 2 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to about 3 and 8 additional vehicle trips per hour, which is considered negligible on the road network and Council's Traffic Engineer has no objections to the proposed development subject to imposition of **Conditions 29, 46 and 90.**

- *Parking is already a huge issue in Eastwood and this development will add to the existing problem.*

ITEM 2 (continued)

Comment:

As stated above in this report, parking has been assessed against the relevant provisions in the SEPP (ARH) and the proposed development will provide more than the required amount of parking. Furthermore, the rate of parking required under the Ryde DCP 2014 fall within the acceptable range; therefore it is considered that the 28 parking spaces, 7 motorcycle spaces and 8 bicycle spaces will satisfactorily service the parking needs of the proposed development. It is unlikely that the on street car parking demand will change as a result of the proposed development as the proposed development provides the required car parking in accordance with Council's car parking controls and therefore contains all required parking on site.

- *Bulk and scale – the proposed development will dominate the streetscape.*

Comment:

The relationship of the proposal with the surrounding neighbourhood is well considered, with the proposal complying with the setbacks and landscaping requirements, and while not strictly complying with the Ryde LEP 2014 height controls, it still observes the intent and objectives of these controls.

Figure 11 illustrates the proposed streetscape and it is clearly depicted that the proposed development is consistent in its massing and scale and integrates well with the other future developments in the vicinity. It is considered that the proposal's physical impacts on the surrounding area are acceptable.

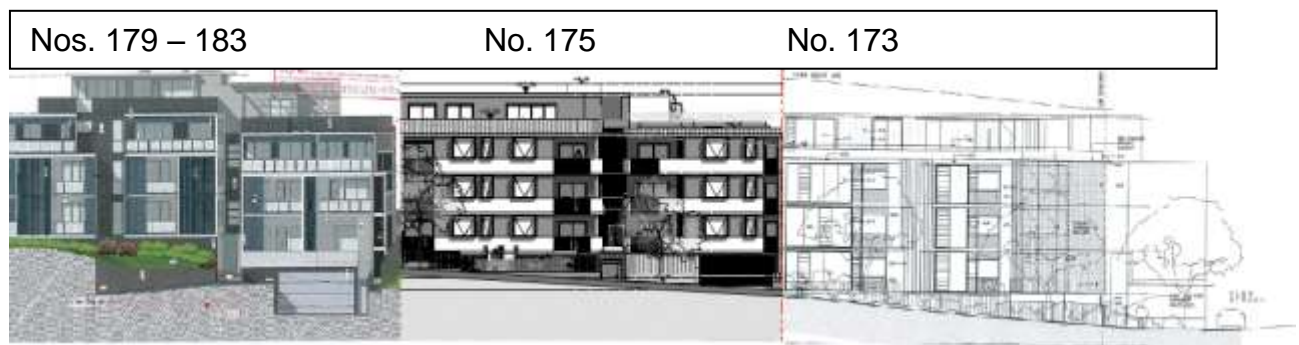


Figure 11: Indicative future streetscape along Shaftsbury Road

- *Trees are ruthlessly cut down on construction sites- no room for grass trees or scrubs designed for the new blocks of units plus they cut down council nature strip trees without permission from Council to make way to take over the lawn of council owned nature strips and public pathways for masses of concrete to be plastered over these areas to make way for their trucks and concrete loaders.*

ITEM 2 (continued)

Comment:

Tree removal proposed on the subject site has been supported given those to be removed are generally classified as minor trees or are classified as exempt under the provisions of Part 9.5 of the Ryde DCP 2014.

One large and prominent tree is to be removed and Council's Consultant Landscape Architect has advised that given its central location and extensive tree protection zone, it is considered replacement planting as proposed on the landscape plan will result in a satisfactory long term landscape outcome. Council's standard tree protection conditions have been imposed (**Conditions 28,113, 114, 115 and 116**) for one minor tree located on the adjoining allotment to the south.

Landscaping has been assessed as satisfactory as ample communal open space is proposed to be provided on the site in various locations which is considered to be of a high quality design and highly useable. Similarly, planting with regards to species, densities, deep soil and locations are all considered to be satisfactory.

- *The proposed development is an overdevelopment of site.*

Comment:

As stated above, Clause 4.4(2) states the floor space ratio (FSR) of a building is not to exceed the maximum specified on the FSR Map. The FSR Map specifies a maximum FSR of 0.5:1 for the site. However, as the subject site is within Area E and has a lot size of greater than 1,200m², it achieves a maximum FSR of 0.8:1. Furthermore, in accordance with the Clause 13 of SEPP (ARH) 2009, an additional FSR is permitted on the land based on the percentage of affordable rental housing provided. The permissible FSR is increased to 1.28:1 and the proposed development complies with an FSR of 1.27:1, therefore it is considered not to be an overdevelopment of the site.

- *The proposed development is not consistent with District Plan.*

Comment:

The North District Plan prepared by the Greater Sydney Commission applies to the City of Ryde. The Plan provides a 20-year plan to manage growth whilst enhancing Greater Sydney's liveability, productivity and sustainability into the future.

The proposed development is consistent with the North District plan in that it is providing accommodation with access to jobs, services and public transport to meet the changing needs of the community. It is considered that the proposal will assist to renew and enhance the local character of the emerging Eastwood Town Centre.

ITEM 2 (continued)

- *Building height is excessive and not consistent with other developments in the area.*

Comment:

As stated earlier in this report, Clause 4.3(A) permits an additional 2m height if:

“The lot on which the building is sited has an area of at least 1,200 square metres.”

The site has an area greater than 1,200m² (1,521.21m²), and therefore the site satisfies the provisions for the additional height which results in a maximum height of 11.5m rather than 9.5m. The proposed development provides a height of up to 12.04m. Whilst it is acknowledged that the maximum building height is varied by 0.54m (4.69%), it is considered acceptable and consistent with the building height objectives set out in RLEP 2014.

The properties along Shaftsbury Road and Glen Street within the Glen Street and Lakeside Road Precinct also gain from the incentive height that is offered in RLEP 2014 as depicted in Figure 11. The height of this development is consistent with the desired future character of this precinct within the Eastwood Town Centre.

- *The increased amount of hard stand areas will impact the amount of stormwater runoff, causing the risk of flooding to increase.*

Comment:

It is noted that the south-western corner of the site is marginally affected by flood (see Figure 12), and will not impact the development. The applicant submitted a stormwater disposal concept plan prepared by SGC Civil Engineering Consultants, (job number 20160015, drawing number SW01: SW 09/ Issue B, dated 27/06/2017) which has been reviewed by Council's Senior Coordinator Development Engineering Services. It is proposed that the stormwater run-off from the development is collected by a below ground OSD systems and discharged to the Council in-ground drainage system located at Shaftsbury Road. This method of stormwater discharge is acceptable and Council's Development Engineer has no objections to the proposed development subject to imposition of stormwater **Conditions 86, 87, 122 and 156.**

ITEM 2 (continued)

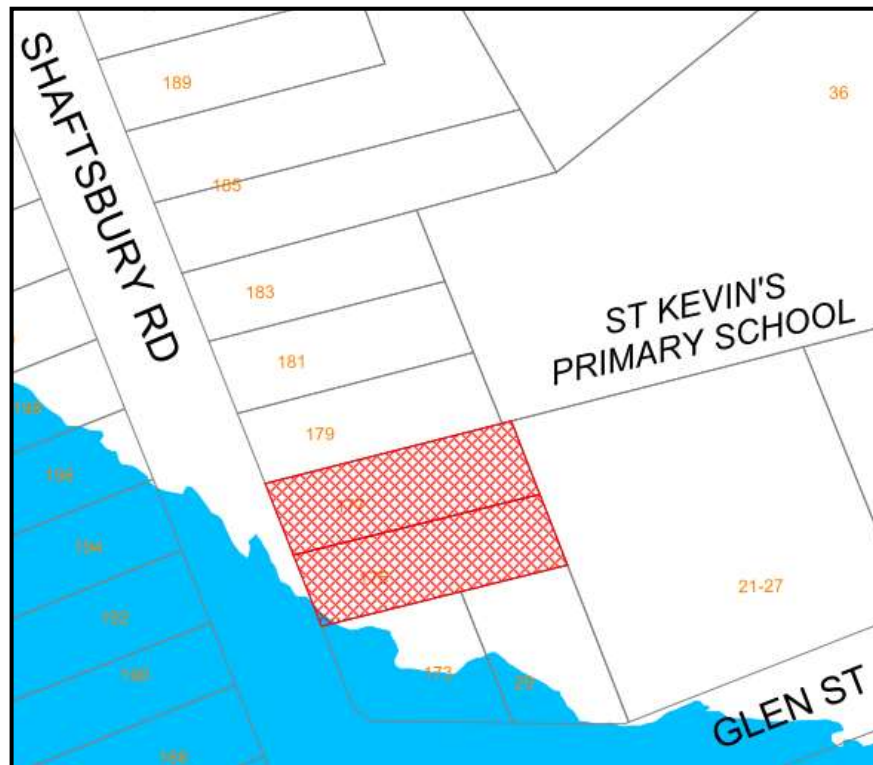


Figure 12: Portion of subject site which is flood affected.

- *Noise will increase due to the increase in occupants.*

Comment:

A noise assessment report prepared by Acoustic consulting Engineers dated 2 December 2016 (Ref. 160755-01L-DD Rev. 01) states that “the project specific noise assessment objectives for the residential receivers are the lower of the intrusive and amenity noise assessment objectives. That is, noise from the development will comply with both the intrusive and amenity assessment objectives, provided that the project specific assessment objectives are achieved.” To ensure the acoustic recommendations are provided and maintained, **Conditions 57, 94, 103, 104 and 139** having been imposed.

- *Overlooking/loss of privacy – “with the proposed height and number of levels of the building, occupants of the proposed building’s top level will have an increased view of our property.”*

ITEM 2 (continued)

Comment:

This concern was raised by the land owner from directly across the road from the subject development site. The apartments on the top floor have adequate building separation distances from front boundary as shown in Figure 13. Shaftsbury Road has a road reserve width of 20 metres. Adding to this, the building will be setback from the front property boundary by at least 10 metres. This equates to an overall separation distance of approximately 30 metres which exceeds the ADG standards in relation to separation distance. It is considered that the proposed development adequately addresses privacy in this regard.



Figure 13: Level 4 – building separation distances fronting Shaftsbury Road

- *Eastwood Public School is already overcrowded and further increased in numbers will result in a decline of quality education.*

Comment:

There is no evidence to suggest that the proposed development will have a negative impact on the quality of education offered by local schools and this does not warrant grounds to refuse the proposed development.

ITEM 2 (continued)

10. Referrals

Internal Referrals:

Environmental Health Officer: 8 February 2017: No objections to the proposal subject to conditions – **see Conditions 23-27, 39-44, 103, 104, 105, 165 and 166.**

Senior Coordinator Development Engineering Services: 24 July 2017: Council's Senior Coordinator Development Engineer has reviewed the proposal and has made the following comments:

Stormwater Quantity Management

There are generally no objections to the amended Stormwater disposal concept plan prepared by SGC Civil Engineering Consultants, job number 20160015, drawing number SW01: SW 09/ Issue B, dated 27/06/2017. It shows that the stormwater run-off from the development is collected by a below ground OSD systems and discharged to the Council In-ground drainage system located at Shaftsbury Road.

Detailed drainage plans shall be submitted with the Construction Certificate application incorporating the following:

- *Surface run-off from the development shall discharge to the On-site detentions and overflows directed to Council's Kerb Inlet Pit;*
- *Sub-soil drainage and the surface run-off from the ramp areas shall discharge to the basement "Pump-Out Pit";*
- *Sub-soil drainage should not discharge directly to the kerb and gutter
And must discharge to a Pit prior to the discharge;*

Stormwater Quality Management

Submitted WSUD strategy and MUSIC model to comply with section 2.0, part 8.2 Stormwater Management DCP 2014 and to meet WSUD targets have been reviewed.

Detail report for the Water Sensitive Urban Design and MUSIC (model which satisfying City of Ryde's MUSIC Modelling Guidelines needs to be certified by a professional engineer before issuing CC.

ITEM 2 (continued)

Traffic, Parking and accommodation

Submitted Traffic Report prepared by Parking and Traffic Consultants, Ref 15234, dated 9 December 2016/ Rev F has been reviewed. Access to the basement car park is via a proposed 6.0m wide driveway from Shaftsbury Road. The car parking provision for the proposed development has been calculated in accordance with City of Ryde Council's DCP 2014, Part 9.3 Parking Controls. (High Density, RFB).

Component	Quantity	DCP minimum requirement	DCP maximum requirement
1 bedroom	10.0	6.0	10.0
2 bedroom	10.0	9.0	12.0
3 bedroom	2.0	2.80	3.2
Visitor		4.40	5.0
Total required		23.0	31.0

The calculation results in a maximum requirement of 31 car parking spaces for the residential component including 4 accessible spaces, 5 visitor spaces as detailed in the table above.

The proposed development only provides 28 parking spaces with a parking space allocated for a service bay. It is recommended that the visitor car parking space is to be converted to a resident space to compensate for the shortage of parking spaces.

Geotechnical Report

Submitted Geotechnical Investigation report Ref No. R/16-030.A_final prepared by Davies Geotechnical Report, dated 09/12/2016 and the comments from Cardno have been reviewed in response to the slope instability risks on the proposed development.

All recommendations contained in the submitted Geotechnical Investigation report shall be strictly adhere to and implemented during construction.

All works are to be designed and constructed in strict compliance with all of the recommendations as contained in the Geotechnical Report, Ref No. R/16-030.A_final prepared by Davies Geotechnical Report, dated 09/12/2016.

Conditions 16, 17, 19, 84-89, 99, 100, 120-122 and 152-156 have been imposed.

Heritage Officer: 20 January 2017: The subject site is within the vicinity of several items of heritage significance and the proposal was referred to Council's Heritage Officer who has made the following comment:

ITEM 2 (continued)

The proposal is accompanied by a Heritage Impact Statement (HIS) (Urbis, December 2016), which ultimately, supports the development proposal, concluding that the proposed development has an acceptable heritage impact.

The HIS follows the methodology recommended by the Heritage Council of NSW and enables an informed heritage assessment of the proposal.

The subject site contains two detached style dwelling houses, both of which display characteristics which are attributed to the Inter-War bungalow architectural style of the early to mid-20th century. Examination of both dwellings reveals that they have been substantially modified from their original form and materiality. For this reason, neither dwelling is considered a good or representative example of their respective class and style and has little architectural value. In this manner, demolition is supported.

The proposed four-storey residential flat building will present a significantly higher built form when viewed from Shaftsbury Road, however given the topography of the landscape, will not visually dominate the adjoining heritage items at the rear, which will still sit higher in elevation. In this regard, the proposed building will not form a significantly visible backdrop to the heritage items when viewed from Hillview Road, maintaining the streetscape character and setting of Hillview Road.

While the subject site immediately adjoins St Kevins Catholic Church at the rear, the heritage item has its primary address to Hillview Road and the buildings that immediately address the rear boundary of the subject site are considered of lesser significance. There are presently limited views over the subject site to the various built forms of the heritage items, however these views are not primary, nor are they considered significant.

Overall, the proposal will not result in any material affectation to significant heritage fabric and will not unreasonably impact on the setting or curtilage of the heritage items or the heritage conservation area.

The development proposal is supported on heritage grounds. There are no conditions recommended.

Public Works & Infrastructure: 20 February 2017

Drainage: No objections and no conditions recommended.

ITEM 2 (continued)

Traffic: Council's Traffic Engineer has reviewed the proposal and has made the following comments:

The traffic report prepared by Parking and Traffic Consultants dated 9 December 2016 has been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 22 residential units) is expected to be around 5 to 10 vehicle trips per peak hour. The existing dwellings would also generate about 2 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to about 5 additional vehicle trips per hour, which is considered negligible on the road network.

Proposed development requires provision of 23 to 31 car parking spaces including 5 residential visitor spaces. The proposal consists of 28 car parking spaces in total including 5 residential visitor spaces, which complies with Council's DCP. However, refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision and compliance of car park layout.

It is noted that proposed kerbside waste collection was agreed by the Waste Section. Based on high demand of on-street parking, a condition should be included to prevent vehicles parking along the frontage road during the waste collection period.

From a Traffic perspective there are no objections for the approval of this application subject to **Conditions 29, 30, 46, 47, 90, 156 -158** being imposed.

The proposed development complies with the car parking controls set out in the SEPP (ARH), as mentioned earlier on in this report.

Waste: Council's Waste Officer has made the following comments:

New development of 22 residential units. Bins will stored in a bin storage room located on the ground floor. A Bulky Waste Storage room is located at the rear of the bin storage room and accessed by a separate door. A caretaker will be required to take the bins to the kerbside for collection, along with the household cleanup the day prior to a collection booking.

*Bin Configuration – 11 x 240L waste bins serviced weekly,
11 x 240L recycle bins serviced fortnightly,
2 x 240L garden organics bins or/as required.*

See Conditions 45, 80-82, 123, 124, 167-173.

ITEM 2 (continued)

Public Domain: Council's Public Domain Manager has made the following comments:

The submission is for the amalgamation and re-development of the two properties: 175 and 177 Shaftsbury Road, EASTWOOD, as recommended by Council (see Figure 4.1.07 on page 25 of Part 4.1 of City of Ryde DCP 2014). These properties fall within the Glen Street and Lakeside Road Precinct of the Eastwood Town Centre.

- The development is subject to the standards in the City of Ryde Council DCP 2014 Part 4.1 Eastwood Town Centre, Section 4.0 Glen Street and Lakeside Road Precinct, and the City of Ryde Public Domain Technical Manual Section 3 – Eastwood.*
- The pavement of the footway is to be designed according to the requirements of the Public Domain Technical Manual, Section 3 - Eastwood and the revised technical standards as advised by Council's City Works and Infrastructure Directorate.*
- The Public Domain Technical Manual identifies "Lophostemon confertus" (Brushbox) as the designated street tree for Shaftsbury Road. This development is outside of the Town Centre boundary, but for uniformity the same type of tree might be used for its road frontage. The existing public footpath area is considerably higher than the kerb line. Much thought is to be put into the design of the Public Domain area to avoid big discrepancies in levels at the boundaries with the neighbouring properties.*
- A road strip - 2.0m wide and new kerb and gutter will have to be re-constructed along the whole frontage of Shaftsbury Road.*
- Existing overhead cables in Shaftsbury Road are to be placed underground. The main overhead cables and street lighting in Shaftsbury Road are located on the western or opposite side of the street.*
- All telecommunication and utility services are to be placed underground along the Shaftsbury Road frontage.*
- One multi-function pole (MFP) will be required on the Shaftsbury Road frontage of the development site (Reference to be made to Council's MFP schema plan).*
- Road Opening Permits will be required for any construction work on the road.*

ITEM 2 (continued)

- *The setback of the buildings along Shaftsbury Road is supposed to be 10m according to Figure 4.1.11 Map A. Glen Street and Shaftsbury Road Setback Control – DCP 2014. If ground anchors are to be used in the construction, and they extend under the public road, payment of fees for the temporary ground anchors will be payable.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

From a Public Domain perspective there are no objections to approval of this application subject to **Conditions 18, 20, 21, 71-77, 96-98, 117 and 130-137** being imposed.

Landscaping : 1 March 2018: Council's Consultant Landscape Architect has reviewed the proposal and has made the following comments:

An Arboricultural Implication Assessment has been submitted with the subject application prepared by Horticultural Resource Consulting Group, dated the 22nd December 2015. This assessment has identified six (6) trees located on the subject site and neighbouring allotments which may be impacted by the proposed development. Of the six (6) trees identified, five (5) trees located on the subject site are proposed to be removed with one (1) tree located on the neighbouring allotment to be retained and protected.

It is noted that a number of trees located on the subject site are classified as exempt under the provisions of Part 9.5 of the Ryde DCP 2014. Given these trees are permitted to be removed without Council approval, no further assessment of these trees has been carried out. For reference those trees classified as exempt are noted as such within the table below.

The following is an overview of the species identified by the Arborist Assessment, on site during the site inspection, along with the proposed recommendation noted on the plans submitted, as well as CPS's comment on the proposed recommendation:

ITEM 2 (continued)

Tree No.	Species 'Common Name'	Proposed Recommendation	CPS Comment
1	<i>Cedrus deodora</i> Himalayan Cedar	Remove	Agreed – subject to replacement planting conditions
2	<i>Cinnamomum camphora</i> Camphor Laurel	Retain	Agreed – subject to standard tree protection conditions
3	<i>Cinnamomum camphora</i> Camphor Laurel	Remove	Agreed – exempt species under Part 9.5 of Ryde DCP 2014
4	<i>Leptospermum petersonii</i> Lemon Scented Tea tree	Remove	Agreed – exempt due to size under Part 9.5 of Ryde DCP
5	<i>Callistemon viminalis</i> Weeping Bottlebrush	Remove	Agreed – exempt due to size under Part 9.5 of Ryde DCP
6	<i>Tibouchina granulosa</i> Purple Glory Tree	Remove	Agreed – minor tree capable of replacement

Tree 1 & 6 – Located within the front setback area (Tree 1) and rear open space (Tree 6) these trees consist of one (1) Cedrus deodara (Himalayan Cedar) and one (1) Tibouchina granulosa (Purple Glory Tree) both of fair-good health and condition which are proposed to be removed as part of the construction works.

Tree 6 is generally considered to be a minor tree that is capable of replacement as part of the new landscape works on site. Tree 1 however is a large tree that is significant on the site and within the landscape. Given the central location of this tree and the extensive Tree Protection Zone (TPZ) it would require to ensure impacts are mitigated to a sustainable level (9.4m), this severely restricts redevelopment potential of the site. As pre the current design, extensive encroachment is anticipated as a result of the excavation for the basement, new building footprint, services locations as well as the above ground conflicts with the canopy.

Accordingly, as per the current design Tree 1 is not capable of retention. Whilst there will be some loss of amenity to the site as a result of its removal, the long term landscape outcome to provide two (2) large growing locally native canopy trees within the front setback area in a similar position to the tree being removed is positive, and in time will adequately compensate for the loss of amenity and canopy cover to the site.

ITEM 2 (continued)

In addition to the above, the Landscape Plan submitted with the application indicates an additional fourteen (14) medium sized trees are proposed on site which is considered to adequately compensate for tree removal proposed on site at a ratio of 2:1. Additionally it is noted that the proposed species are considered to be more appropriate in terms of providing increased amenity, aesthetic and ecological value to the site.

Recommendation: That these trees be removed in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

Tree 2 – Located adjacent to the southern side setback within the front open space of the adjoining allotment, this is a juvenile Cinnamomum camphora (Camphor Laurel) of good health and condition with height of 5m, canopy spread of 1.5m and Diameter at Breast Height of 100mm. Based on the plans submitted, this tree is to be retained and protected as part of the proposed development.

Whilst the proposed driveway is located adjacent to this tree, it is noted the existing driveway is located in a similar location and therefore should be capable of construction without resulting in significant impact to this tree. Additionally, existing levels within the TPZ are mostly to be retained as existing. Accordingly, with implementation of Council's standard tree protection conditions, the retention of this tree is considered appropriate.

Recommendation: That this tree be retained as part of any development approval and Council's standard tree protection conditions be imposed as part of any consent granted to ensure impacts to neighbouring trees are mitigated to a sustainable level as well as protection measures implemented.

A Landscape Plan (Drawing No. LPDA16-510, Sheet 1-3, Revision D dated 5th December 2016) prepared by Conzept Landscape Architects has been reviewed as part of this assessment.

A review of the abovementioned landscape plan submitted in terms of location, design and extent of planting, paving, walls, structures and general layout is generally considered to be satisfactory. Additionally, the proposed species are considered to be appropriate for the site conditions and the level of planting is considered to increase the overall level of vegetation on site. The communal open spaces are generally considered to be of an appropriate size/dimension and design to allow a high level of recreation.

ITEM 2 (continued)

With regards to the proposed tree planting on site, whilst the proposed species and location are considered to be satisfactory, given the significant tree to be removed on site within the front setback area, it is considered that the planting pot sizes of trees within the front setback area should be increased to provide landscaping that is in scale with the built form on site and satisfactorily compensate for that tree being removed.

There are no objections to the proposed development subject to **Conditions 28 and 113 to 116.**

11. Conclusion

After consideration of the development against the relevant section of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. The proposal provides an opportunity to redevelop the site with a mixed use building that is considered responsive to the strategic intentions of the Eastwood Town Centre and Council's RLEP2014 and associated planning controls that have been adopted for the locality. The proposed development was amended as per the recommendations of the UDRP and with the impositions of the attached conditions the development will provide a high degree of amenity for future occupants in terms of access to public transport, commercial uses and the shopping centre.

The application generally complies with the planning provisions including the State Environmental Planning Policy – Affordable Rental Housing 2009, which takes precedence over local controls. The issues raised in the submissions have been considered and have been adequately addressed throughout the assessment process. Refusal of the application is not warranted based on the reasons contained in the submissions.

In light of the above, it is recommended that the application be approved subject to conditions.

12. Recommendation

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

- a. That the City of Ryde Council Local Planning Panel grant consent to development application LDA2016/628 for the construction of a residential flat building development under SEPP (ARH) 2009 at 175 – 177 Shaftsbury Road, Eastwood subject to the conditions of consent in Attachment 1 of this report.
- b. That the persons who made submissions be advised of this decision.

ITEM 2 (continued)

ATTACHMENTS

- 1** 175 - 177 Shaftsbury Road, Eastwood – Draft Conditions of Consent
- 2** 175 - 177 Shaftsbury Road, Eastwood – A3 Plans – Subject to Copyright Provisions – CIRCULATED UNDER SEPARATE COVER

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ITEM 2 (continued)

ATTACHMENT 1

Draft Conditions of Consent for LDA2016/0628

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

Document Description	Date	Plan No/Reference
Cover Sheet	Project No. 56.15	Issue C
Basement Plan	10 April 2018	DA A1200 Issue C
Ground Floor Plan	10 April 2018	DA A1201 Issue C
Level 01	10 April 2018	DA A1202 Issue C
Level 02	10 April 2018	DA A1203 Issue C
Level 03	10 April 2018	DA A1204 Issue C
Level 04	10 April 2018	DA A1205 Issue C
Roof Plan	10 April 2018	DA A1206 Issue C
Elevations	10 April 2018	DA A1300 Issue C
Elevations	10 April 2018	DA A1301 Issue C
Sections	10 April 2018	DA A1400 Issue C
Sections	10 April 2018	DA A1401 Issue C
Sections	10 April 2018	DA A 1402 Issue C
Materials Schedule	10 April 2018	DA A2201 & A2202, Issue C
Landscape Plan prepared by Conzept Landscape Architects	5 December 2016	LPDA 16-510, Pages 1, 2 & 3, Issue D

ITEM 2 (continued)

ATTACHMENT 1

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

- (a) **Landscape Plan.** An amended detailed landscaping plan is to be submitted to Council and approval obtained prior to the issue of the relevant Construction Certificate. The plan is to include the proposed planting/species, materials, finishes, dimensions and construction details in respect of the privacy screens. This plan is to include but not be limited to the following:
- Streetscape treatment and street trees (in accordance with Council's Public Domain Manual)
 - Pedestrian and vehicle entry treatments;
 - Drainage, waterproofing and irrigation recommendations for any podium planters;
 - Soil type selections for any podium planters;
 - Fencing types, heights and locations;
 - Seating is to be provided within the communal open space area.
 - **Planting Pot Sizes.** The two (2) *Angophora costata* (Sydney Red Gum) proposed within the front setback area are to be provided at a minimum pot/container size of 200 litres at planting and the *Tristaniopsis laurina* 'Luscious' is to be provided at a minimum 100 litre pot size at planting. Details of compliance are to be submitted to shown on the plans for Construction Certificate.
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered No. 784396M_02, issued Tuesday 10 April 2018.
4. **Affordable housing restriction- SEPP Affordable Rental Housing.** No less than 48% of the gross floor area (935.13m²) of the approved development must be dedicated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.

ITEM 2 (continued)

ATTACHMENT 1

- (a) The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:
 - (i) the apartments that comprise of 48% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing, and
 - (ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider.
- (b) A registered surveyor shall confirm in writing that the nominated affordable rental component comprise no less than 32% of the gross floor area of the approved development, and
- (c) A restriction must be registered, before the date of the issue of any occupation certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

If the proposal is to be strata subdivided, upon registration of a strata plan, the restriction may be placed on the title of each strata allotment for which the apartment is nominated as affordable housing in lieu of the restriction applying to the overall development site.

- 5. **Affordable Housing - Fittings and Finishes.** The Principal Certifying Authority must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development.
- 6. **Affordable Rental Housing SEPP- Infill Housing.** Any change to the registered community housing provider managing the approved affordable housing dwellings in the 10 year period from the date of the issue of the occupation certificate must be notified to Ryde City Council.
- 7. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. Protect and support the adjoining premises from possible damage from the excavation, and
 - b. Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
- 8. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

ITEM 2 (continued)

ATTACHMENT 1

- 9. Hoardings.** A hoarding or fence must be erected between the work site and any adjoining public place.
- 10. Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 11. Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
- 12. Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 13. Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
- 14. Archaeology Stop Work provisions.** As required by the NSW *National Parks and Wildlife Service Act* 1974 and the *Heritage Act* 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately to allow a suitably qualified archaeologist to make an assessment and recommendation of the findings.

If relics are encountered, Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified and further archaeological work may be required before works could re-commence. Approvals/permits from the Heritage Division may also be required to disturb/relocate relics.
- 15. Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.
- 16. Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.
- 17. Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

ITEM 2 (continued)

ATTACHMENT 1

- 18. Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
- 19. Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
- 20. Work Zones and Permits.** The applicant is to pay to Council for the assessment of all applications of road use permits, work zone permits, crane permits and/or concrete pump permits, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.
- 21. Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
- 22. Connection by gravity flow** – All sanitary fixtures must be connected to the sewerage system by gravity flow.
- 23. Fresh air intake vents** – All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
- 24. Exhaust air discharge vents** – All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
- 25. Mechanical ventilation of carparks.** The basement carpark shall be adequately ventilated in compliance with the Building Code of Australia and Australian Standard *AS 1668.2-2012: The use of mechanical ventilation and airconditioning in buildings* — *Mechanical ventilation in buildings*.
- 26. Carpark exhaust vent.** The carpark exhaust vent must be located at least 3m above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation, opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

ITEM 2 (continued)

ATTACHMENT 1

- 27. Plumbing and drainage work** – All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporate and the NSW Department of Fair Trading.
- 28. Certification.** A Tree Protection Schedule, as indicated below, which provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction and a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

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

- 29. Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

ITEM 2 (continued)

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Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

- 30. Pedestrian Sight Lines.** Minimum sight lines for pedestrian safety shall be provided within the property boundary in accordance with Figure 3.3 of AS2890.1-2004.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

- 31. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- a. Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
- 32. Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
- 33. Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
- 34. Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

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ATTACHMENT 1

- 35. Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
- 36. Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
- 37. Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
- 38. Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
- 39. Identification and removal of hazardous materials -** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
- 40. Storage and removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
- 41. Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
- 42. Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
- 43. Disposal of asbestos wastes.** All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.
- 44. Surplus excavated material.** All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
- 45. Tip Dockets** identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

ITEM 2 (continued)

ATTACHMENT 1

- 46. Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works & Infrastructure Directorate
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- viii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

ITEM 2 (continued)

ATTACHMENT 1

- ix. All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

- 47. Work Zones and Permits.** The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

- 48. Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$50,259.20
Open Space & Recreation Facilities	\$123,728.04
Civic & Urban Improvements	\$42,082.40
Roads & Traffic Management Facilities	\$5,740.30
Cycleways	\$3,585.64
Stormwater Management Facilities	\$11,396.98
Plan Administration	\$966.62
The total contribution is	\$237,759.18

ITEM 2 (continued)

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These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014. The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

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

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

49. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
50. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
51. **Arts and Cultural Plan.** Prior to the issue of a Construction Certificate, a site specific Public Arts Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
 - Identify opportunities for the integration of public art in the proposed development;
 - Identify themes for public art;
 - Durability, robustness and longevity of the public art; and
 - Demonstrate how public art is incorporated in the site and built form design.
52. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).

ITEM 2 (continued)

ATTACHMENT 1

- 53. Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

- 54. Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

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

- 56. Road and rail noise and vibration criteria for sensitive developments.** The buildings must be designed and constructed so that the road traffic noise levels and the rail noise and vibration levels inside the building(s) comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed. Road traffic noise from Shaftsbury Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.

Verification is to be submitted with the Construction Certificate by an appropriately qualified person that the Construction Certificate plans will meet this requirement.

- 57. Compliance with Acoustic Report.** The development is to comply with the recommendations contained in Noise Assessment Report prepared by Acoustic Consulting Engineers dated 2 December 2016 and all other relevant BCA acoustic requirements. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

- 58. Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the Construction Certificate. Front boundary fence are not permitted without the prior consent of Council.

ITEM 2 (continued)

ATTACHMENT 1

- 59. Courtyard walls.** Walls between adjacent private courtyards and adjoining communal pathways and open space shall be a minimum of 1.8m in height. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
- 60. Accessibility.** Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
- 61. Adaptable Units.** Three adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the **Construction Certificate**, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
- 62. Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
- 63. Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, all service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval, such infrastructure shall be located on the subject site and appropriately screened from view. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.
- 64. Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

- 65. Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk and storage areas. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
- 66. BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
- 67. Parking/bicycle Spaces .** A minimum of **28** parking spaces are to be provided, with 23 spaces for residents and 5 for visitor parking. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked "Visitor Parking". A minimum of 8 bicycle spaces and 7 motorbike spaces are also to be provided within the development. Details demonstrating compliance are to be shown on the Construction Certificate plans.
- 68. Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- And
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- (Note: real estate development project has the meanings given in Section 372Q of the Telecommunications Act).
- 69. Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

ITEM 2 (continued)

ATTACHMENT 1

- 70. Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided prior to issue of the Construction Certificate.
- 71. Public domain improvements** - The public domain is to be upgraded along the Shaftsbury Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 3 – Eastwood, including **revised technical standards as advised by Council’s City Works and Infrastructure Directorate**. The work is to include paving, multifunction light poles, street furniture and plantings, and must be completed to Council’s satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Eastwood Town Centre Street Tree Master Plan. The designated species are “Lophostemon confertus” (Brush box) for the Shaftsbury Road frontage of the development site.

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

- (c) All telecommunication and utility services are to be placed underground along the Shaftsbury Road frontage. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.

ITEM 2 (continued)

ATTACHMENT 1

- (d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P2 along the Shaftsbury Road frontage of the development site.

Subject to detailed design, a minimum of one street light on multi-function pole (MFP) will be required along the Shaftsbury Road frontage of the development site. The consultant shall liaise with Council's City Works and Infrastructure Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

- 72. Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the new works into the remaining street scape.

- (a) The reconstruction of new kerb and gutter and a minimum 2.00m wide strip of road pavement along the entire Shaftsbury Road frontage of the development site in accordance with Clause 1.1.4 – Constructing Half Road of the City of Ryde DCP 2014 Part 8.5 - Public Civil Works.
- (b) The removal of all redundant vehicular crossings.

ITEM 2 (continued)

ATTACHMENT 1

- (c) Construction of asphalt footway with granite banding along the Shaftsbury Road frontage of the development site in accordance with **the revised technical standards (PV1.3.1)** as advised by Council's City Works and Infrastructure Directorate.
- (d) Any staging of the public civil works and transitions between the stages.
- (e) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Notes:

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

73. Driveway Access and boundary alignment Levels. The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

74. Vehicle Footpath Crossings – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line. The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

ITEM 2 (continued)

ATTACHMENT 1

- 75. Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$30,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
- 76. Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
- 77. Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
- 78. Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
- 79. Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
- 80. Waste Storage.** Final details of the proposed waste storage and handling facilities must be approved by City of Ryde Council in writing before the issue of a Construction Certificate.

ITEM 2 (continued)

ATTACHMENT 1

81. Waste Storage areas. All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.

- 240L Bins – width 0.6m, depth 0.8m, height 1.1m

82. Garbage and recycling rooms. All garbage and recycling rooms must be constructed in accordance with the following requirements:

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

Details demonstrating compliance is to be submitted on the Construction Certificate plans.

ITEM 2 (continued)

ATTACHMENT 1

- 83. Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
 - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
- 84. Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).
- a) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- 85. Geotechnical Report.** All recommendations contained in the submitted Geotechnical Investigation report Ref No. R/16-030.A_final prepared by Davies Geotechnical Report, dated 09/12/2016 shall be strictly adhere to and implemented during design and construction of the development.
- 86. Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected safely and discharge generally in accordance with the plans SGC Civil Engineering Consultants, job number 20160015, drawing number SW01: SW 09/ Issue B, dated 27/06/2017 including the details below:

- Surface run-off from the development shall discharge to the On-site detentions and overflows directed to Council's Kerb Inlet Pit;
- Sub-soil drainage and the surface run-off from the ramp areas shall discharge to the basement "Pump-Out Pit";

ITEM 2 (continued)

ATTACHMENT 1

Detail drainage plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;

The certification must state that the submitted design (including any associated components such as WSUD measures and pump-out systems) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.

- 87. Stormwater Management – Connection to Public Drainage System.** The connection to the public in-ground stormwater drainage infrastructure located in Shaftsbury Road will require the extension of the in-ground drainage infrastructure so as to align with the point of discharge from the property. This will necessitate the following works to be undertaken;
- Installation of a new kerb inlet pit in the location of the point of discharge.
 - Installation of a new 375mm RC pipe under the kerb, from the kerb inlet pit fronting Shaftsbury Road and extending for a distance of some 6.0m.
 - Restoration of the effected kerb, gutter, gutter crossover, adjacent section of disturbed footpath and road pavement.

Any variations to the works are subject to the consideration of the Councils City Works and Infrastructure – Stormwater section.

Detailed engineering plans detailing these works and complying with Council's DCP 2014- Part 8.2 Stormwater Management Technical Manual and, must be prepared by a suitably qualified and practising civil engineer and need approval from Council's City Works and Infrastructure under the provisions of Section 138 of the Roads Act. This approval and the payment of any required inspection fees in accordance with Council's current fees and charges must be finalised prior to the issue of the Construction Certificate.

- 88. Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
- 89. Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
 - The location of all earthworks, including roads, areas of cut and fill
 - Location of all impervious areas

ITEM 2 (continued)

ATTACHMENT 1

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

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

- 90. Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.

ITEM 2 (continued)

ATTACHMENT 1

- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

91. Dilapidation Report. To ensure Council’s infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to Council’s Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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

ITEM 2 (continued)

ATTACHMENT 1

- 92. Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 173 and 179 Shaftsbury Road and 2 Glen Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
- 93. Evidence of connection by gravity flow** – Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all sanitary fixtures will be connected to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
- 94. Acoustical consultant's report** – A report from a qualified acoustical consultant detailing all external mechanical plants required to comply with the relevant noise and vibration criteria must be submitted with the application for the Construction Certificate.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

95. Site Sign

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

96. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

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- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

97. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

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

99. Road Activity Permits - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.

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- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

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

101. Stormwater Management – Council Drainage System. The proposed discharge to Council's stormwater drainage infrastructure in Shaftsbury Road will require the assessment and approval from Council's City Works and Infrastructure in accordance with Section 138 of the Roads Act.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

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- 102. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
- 103. Construction requirements** - All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.
- 104. Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
- 105. Construction noise.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises .
- 106. Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
- 107. Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 108. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
 - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - the material is reused only to the extent that fill is allowed by the consent.
- 109. Construction materials.** All materials associated with construction must be retained within the site.
- 110. Site Facilities**
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - a garbage receptacle for food scraps and papers, with a tight fitting lid.

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111. Site maintenance

The applicant must ensure that:

- a. approved sediment and erosion control measures are installed and maintained during the construction period;
- b. building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- c. the site is clear of waste and debris at the completion of the works.

112. Work within public road. At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

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

114. Tree protection – during construction. Trees that are shown on the approved plans as being retained must be protected against damage during construction. Tree 2 is to be retained and protected as required by the condition below.

115. Project Arborist - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within Arboricultural Implication Assessment and Tree Protection Specification dated 22 December 2015 prepared by Horticultural Resources Consulting Group are carried out. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

116. Tree removal. Trees 1, 2, 3 & 4 proposed to be removed are to be removed in accordance with NSW WorkCover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

117. Hold Points during construction - Public Domain - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

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The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

118. Implementation of Construction Traffic Management Plan. All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

119. Truck Shaker. A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

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- 120. Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
- 121. Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
- 122. Stormwater Management - Construction.** The stormwater drainage on the site is to be constructed generally in accordance with the approved Construction Certificate stormwater drainage plan prepared by SGC Civil Engineering Consultants, job number 20160015, drawing number SW01: SW 09/ Issue B, dated 27/06/2017 and including any amendments in red.
- 123. Tip Dockets** identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
- 124. Minimise Illegal Dumping.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

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- 125. Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- Regular maintenance and trimming of shrubs and plantings.
 - Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
 - Maintenance for the vertical garden is to be in accordance with the Inspection and Maintenance Matrix and letter from the Landscape Architect submitted to Council on 4 February 2016. This is to include details of access arrangement with the adjoining property.
- 126. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered No. 784396M_02, issued Tuesday 10 April 2018.
- 127. Landscaping.** All landscaping works approved by condition 1(c) are to be completed prior to the issue of any **Occupation Certificate**.
- 128. Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.
- 129. Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
- Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

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- 130. Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.
- 131. Compliance Certificate – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 132. Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 133. Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

- 134. Post-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

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The report is to be submitted to, and approved by Council's City Works and Infrastructure Directorate, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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

- 135. Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.
- 136. Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.
- 137. Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
- 138. Public Art and Cultural Plan.** Prior to the issue of any Occupation Certificate, the approved works contained in the Art and Cultural Plan approved by condition no. 53 shall be implemented.
- 139. Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Noise Assessment Report prepared by Acoustic Consulting Engineers dated 2 December 2016 must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- 140. CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
 - The ground floor lobby and lifts
 - The car park entry/exit points.

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

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

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

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

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

142. Lighting. Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

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

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143. Graffiti. All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

144. Security. To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

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

145. Intercom System. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

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

146. Balcony doors to units. Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

147. Unit windows. The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

148. Lift access and security. Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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- 149. Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- 150. Affordable Housing.** Prior to the issue of any occupation certificate for the approved development, documentary evidence demonstrating compliance with every aspect of Conditions 4, 5 & 6 of consent, including registration of title restriction and management agreement with a registered community housing provider for the approved affordable housing must be submitted to the Principal Certifying Authority and to Ryde City Council.
- 151. Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
- 152. Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-sited drainage system if one has been constructed and finished ground levels **are to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
- 153. On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, and RYDE.
- 154. Positive Covenant, OSD.** To ensure the constructed On-site detention system will be maintained in operable condition a Positive Covenant under Section 88 E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor of the land to maintain the constructed stormwater detention system.
- 155. Positive Covenant, Pump-out System.** To ensure the constructed basement pump-out system will be maintained in operable condition a Positive Covenant under Section 88 E of the Conveyancing Act 1919, shall be created and registered on the subject land requiring the proprietor of the land to maintain the constructed basement pump out system.

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156. Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**

- a. Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Council requirements.
- b. Confirming that the driveway is constructed in accordance with the construction plan requirements and City of Ryde Development Control Plan 2014: - Part 8.3 “Driveways”.
- c. Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Parking Controls”
- d. Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management
- e. Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- f. Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council’s requirements
- g. Compliance certificate from Council’s Cityworks and infrastructure confirming that all external works including the Public Domain Improvement Works have been completed to Council’s satisfaction and generally in accordance with approved drawings;
- h. Confirming that the construction works including retaining structures and excavations have been constructed in accordance with Geotechnical/Structural report and include an evaluation of the completed works. A copy of the certificate shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority

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157. Signage and Linemarking – External. “NO PARKING” signs shall be installed on Shaftsbury Road along the site’s frontage to enable unimpeded access for Council’s 11m waste vehicle for kerbside collection on waste collection day(s) only. A plan demonstrating the proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

158. Signage and Linemarking – Implementation. The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

159. Electricity accounts for new street lighting - Council’s Asset Networks Section shall be consulted in regard to the setting up of the electricity account/s in order to energise the newly constructed street lighting before the issue of the Occupation Certificate.

160. Compliance Certificate – Street Lighting – Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

161. Compliance Certificate – External Landscaping Works – Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

162. Public Domain Works-as-Executed Plans – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council’s Assets Register, Works-as-Executed Plans certified by a Registered Surveyor shall be submitted to Council for review, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

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The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

163. Compliance Certificate – External Works – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

164. Garbage services. Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.

165. Waste Storage Area. The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily manoeuvred to the collection point.

OPERATIONAL REQUIREMENTS

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

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

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

168. Management of Waste Areas. Staff or contractors are to be employed to:

- Take the waste containers from the waste storage rooms to the containers emptying point for servicing and return the containers to the waste storage rooms after servicing.
- Clean and maintain the waste storage and handling facilities.

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- 169. Waste Signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
- 170. Storage and disposal of wastes.** Garbage and recycling bins must always be stored on-site between collections.
- 171. Maintenance of Waste Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
- 172.** “All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors. The material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access”
- 173.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- 174. Plant Establishment Period/ Maintenance Period.** The trees within the public domain will incur a 24 month maintenance period to ensure the successful establishment of the plant material. If any trees within this period die, they are to be replaced immediately.
- 175. Clean water only to stormwater system -** Only clean unpolluted water is permitted to enter Council's stormwater drainage system and the operation of the premises shall be conducted in a manner that does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.
- 176. Standards of air impurities not to be exceeded -** Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

ADVISORY CONDITIONS

1. Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences.

Please note that the proposal must not incorporate provision for permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.